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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Wednesday, April 1, 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:

In this quiet moment, O Lord, lift us above self and duty into the light of Thy presence. Open our eyes to the simple beauty all around us and to the loveliness men hide from us. May Thy spirit of peace and illumination so enlighten our minds that all life may glow with new meaning and new purpose. Keep before us a vision of a world made new and make us Thy servants in bringing it about. May Thy light and truth guide us in our times so that this Nation may be strong in truth and righteousness, to the glory of Thy holy name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 31, 1970, be dispensed with.

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.

FEDERAL HOUSING ADMINISTRATION AND VETERANS' ADMINISTRATION EXEMPTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 746, S. 3313.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. S. 3313, to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 3, after the word "on", strike out "July 1, 1970," and insert "March 31, 1971,"; so as to make the bill read:

S. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 28 of the District of Columbia Code is amended by adding thereto the following new section:

"§ 28–3307. Federal Housing Administration and Veterans' Administration exemption

"Any mortgage or loan insured or guaranteed under the National Housing Act or chapter 37 of title 38, United States Code, the interest rate of which is subject to regulation by an officer or agency of the Federal Government, is exempt from the provisions of this chapter."

SEC. 2. Effective on March 31, 1971, section 28–3307 of the District of Columbia Code, as added by section 1 of this Act, is repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, was 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. 91–750), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

S. 3313 is a temporary measure intended to permit mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District of Columbia interest and usury laws. This temporary exemption would expire on March 31, 1971.

NEED FOR THE LEGISLATION

High interest rates on home mortgages reported by the Federal Home Loan Bank Board to be at an effective rate of 8.43 percent nationally in February 1970, have eliminated their availability in the District of Columbia where an 8 percent usury ceiling exists on such mortgages.

S. 3313 would permit a rate of interest to be charged on FHA and VA mortgages prescribed for those loans by the Secretary of the Department of Housing and Urban Development. That rate is currently 8½ percent. Maryland and Virginia have both enacted comparable legislation within recent months.

COMMITTEE AMENDMENT

As submitted by the District of Columbia government last fall, S. 3313 provided for a suspension of the 8-percent interest ceiling on FHA and VA mortgages until July 1, 1970. In view of the probability that interest rates on these mortgages will continue to exceed 8 percent beyond the July 1, 1970 date, your committee has amended the bill by striking the "July 1, 1970," date and inserting in place thereof the date "March 31, 1971." Thus the temporary exemption of FHA and VA mortgages from the 8-percent interest rate ceiling will expire on March 31, 1971, under the bill as reported.

HISTORY OF LEGISLATION

Senator Tydings introduced S. 3313 on January 20, 1970, at the request of the District of Columbia government. During public hearings held February 12, 1970, by the full committee, the bill was endorsed by the Deputy Mayor-Commissioner of the District, the Vice Chairman of the District of Columbia City Council, the Mayor's special assistant for housing; the Washington Board of Realtors; the Mortgage Bankers Association of the District of Columbia; the Washington Real Estate Brokers Association; and the District of Columbia Chamber of Commerce.

The bill was reported by the committee March 18, 1970.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from Ohio (Mr. YOUNG) is now recognized for not to exceed 15 minutes.

BRING THE BOYS HOME FROM WEST GERMANY

Mr. YOUNG of Ohio. Mr. President, it is a fact that the current financial difficulties involving the American people here in the United States can be directly attributed in large part to the maintenance of huge military forces with their dependents in Western Europe.

Now we learn that the West German Government is proposing to cut back its 326,000 manned ground forces—all of them committed to NATO—from 12 divisions to eight. In other words, the West German total force committed to NATO will then be 220,000. This startling proposal has not caused the least bit of response or expression of outrage from any official of the Nixon administration.

We should withdraw all of our Armed Forces from West Germany this year and then give top consideration to our own needs here in the United States with money that has been saved thereby.

We have supported the German people and the West German Government economically and militarily for more than a quarter of a century since the end of World War II.

It is most unfortunate and absolutely uncalled for that the United States continues to maintain 320,000 men of our

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Armed Forces with nearly 290,000 dependents in Western Europe. It seems that our top military brass and the leaders of the military-industrial complex, against which President Eisenhower warned in his farewell speech to the American people, do not choose to realize that World War II has ended. Obviously, if there were any danger of aggression against Western Europe at this time, it would be an insane policy to permit dependents of our soldiers to be with them.

Hundreds of thousands of men of our Armed Forces are living like "squawmen" with their wives and children. The fact is that noncommissioned officers and all of our officers from captain through field grade up to general grade assigned to Western Europe are living high on the hog with their families and servants, and enjoying trips to European resorts in their Mercedes and other European automobiles, which some sell at handsome profits when returning to the United States. They and their families never had it so good.

It is astonishing to relate, or mirabile dictu as Julius Caesar would write it, the facts are that in West Germany 72 generals and admirals are enjoying the abundant life with their families. That is a lot of generals for 220,000 American soldiers stationed in West Germany. It is noteworthy that 14 are living in Heidelberg; 17 in Stuttgart; nine in Weisbaden; and others in cities such as Frankfurt, Augsburg, Bad Godesburg, and Wurzburg, which could hardly be considered hardship posts.

Obviously our presence in Europe with a professional army of career soldiers, three-fifths of the total number being volunteers who have renewed time after time their period of service, is proof that this is a form of foreign aid to the super-rich West German Government. If there were any fear of invasion from the Soviet Union, surely we would not permit their dependents in West Europe.

We Americans have supported the Government of West Germany economically and militarily since the cold war era and since the death of Stalin. There is no reason whatever for us to continue this sort of foreign aid to prosperous West Germany.

West Germany is the third wealthiest nation in the entire world. However, considering the prorata wealth per person in West Germany, it can be truly said that the West German Republic is the most prosperous nation in the world. Germans as a rule do not buy on credit. We do. The West German Government has no staggering national debt. We have that. The West German Republic has provided for its people's security from the cradle to the grave. We hope for that in this country, but do not have it. Nor are there terrible slums in West German cities such as we have in many of our cities, including the Capital of our country.

Their unemployment rate is nonexistent. Ours approaches 5 percent. In fact, the West German Government imports laboring men from Spain, Italy, Yugoslavia and Turkey by the hundreds of thousands to serve the booming industry. Surplus German money is being invested in other countries, particularly by West Germans investing in real estate in Italy and Spain.

Those who live in the West German Republic have become prosperous capitalists. They become more prosperous day after day due in large part to our presence and the spending of American dollars which has made the German mark the most stable currency in the world along with the currency of Switzerland.

Why should the West German Government even think of rebuilding their armed forces? We Americans provide the bulk of their national defense free of charge. They do not draft their young men into the armed forces as we do for 2 years' service. Furthermore, the so-called selective service in the West German Republic for 18 months is very selective indeed. Regarding our other NATO allies, the United Kingdom has no conscription whatever and other European countries have some selective conscription, but ranging in periods from 11 months to 18 months, whereas we compel our youth to serve for at least 2 years.

Americans should know that the West German Government inflicts a landing fee of $20—sometimes more—for every American plane landing men of our Armed Forces or landing supplies for our Armed Forces at any German airport. In other words, they extort tribute from us and swindle us for protecting them.

Following World War II, there was a bitter cold war raging with the Soviet Union and there was, for a period of years, a threat of aggression which required the presence of our Armed Forces to deter the Russians. Stalin was then dictator of the Soviet Union. The threat of military aggression by the Communists in Europe has all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles. The Russians are veering toward capitalism. The Soviet Union is no longer a have-not nation as it was following World War II for a number of years. Its leaders now appear principally dedicated to the objective of raising the standard of living of their people and producing hundreds of thousands of automobiles and building apartment houses throughout their vast area.

Mr. President, at the very best our troops in Germany and in the NATO countries must be considered as a token force rather than an effective striking force. We can improve our military and financial situation greatly by bringing most of our Armed Forces and their dependents home. By our Operation Airlift we have proven we can airlift a combat-ready division to West Germany from the continental United States and have men ready in the field in a matter of hours. Furthermore, it is the nuclear umbrella of the United States that provides the real protection for Europe, not these large numbers of ground troops in West Germany and elsewhere in Europe.

Were our forces reduced, the current NATO pleas of poverty and shortage of manpower would no longer be heard, and Germany, in particular, would apply some of her burgeoning profits and prosperous manpower to her own military defense, as she should.

It is unfortunate that Americans are psychologically unable to deal properly with Europeans, and particularly with Germans. Americans are inherently too understanding, too generous, and too decent to negotiate with them on equal terms. In European eyes, the words describing those qualities are translated as "guillible," "naive," "stupid," and "weak." There probably is some truth to the saying that, "The best way to deal with a German Government official is to stand on his toes until he apologizes." Winston Churchill said it better, "The German is always at your throat or at your feet."

Now, Chancellor Brandt states he is about to visit our President, with a view to holding American forces in Europe without the desired financial support from Germany. I suggest that an effective way for our President to deal with Mr. Brandt when he comes to Washington might be along the following lines:

Let him make his opening demands.

Suggest that Germany bear a major part of the cost.

Listen to his horrified refusal and plea of poverty.

Then, direct the Secretary of Defense to move 100,000 troops to a post in the United States immediately, and that the remaining divisions would be returned by the end of this year.

Then, it appears to me, our President should state that we propose to leave in West Germany only a group of headquarters officers and a battalion or so of ground forces "to show the flag," as they say.

Then finally to explain to the German Chancellor that we understand his plea of being unable to bear the cost of German defense, since we too are unable to pay the cost of that defense. The object of the withdrawal of our troops is to reduce our forces to the point where the Germans can afford to pay for them. By that, we mean the full cost of their maintenance in Europe, to include pay, clothing, subsistence, housing, transportation, facilities, and native labor. And the cost must, due to our reduced circumstances, be paid in deutsche marks—not by buying U.S. bonds or material. From that standpoint, we could probably then negotiate a fair settlement.

Mr. President, the reduction in U.S. Armed Forces in Western Europe might very well induce the leaders of the Soviet Union to make similar reduction in their military forces in Eastern and Central Europe. Such action on our part would produce a significant easing of world tensions and go far toward helping to promote a peaceful settlement in Europe. It could well be one of the most important steps toward world peace made in this decade.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanious consent that there be a brief quorum call without prejudicing the rights of the able Senator from Indiana (Mr. HARTKE) under the previous order.

The VICE PRESIDENT. Without ob-

jection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Ohio be recognized without prejudicing the rights of the able Senator from Indiana (Mr. HARTKE) under the previous order.

The VICE PRESIDENT. Without objection, it is so ordered.

REGARDING CARSWELL

Mr. YOUNG of Ohio. Mr. President, we have heard in the Senate comments by some who advocate the confirmation of Judge Carswell to the Supreme Court, that mediocrity is a desirable trait. Mediocrity, these proponents claim, would help provide balance on a Supreme Court too heavily weighted with judicial brilliance.

James C. Paradise, a highly respected lawyer in Cincinnati, in my home State of Ohio, addressed himself to the subject of mediocrity in a very amusing poem. Mr. Paradise has expressed a serious concern. We all might do well to consider this message conveyed in a humorous way by my constituent James C. Paradise.

The poem reads:

When I went to the Bar as a very young man,
Said I to myself, said I,
I'll be just as dull as I possibly can,
Said I to myself, said I,
I'll climb to the heights of success at the bar,
By leaving no doubt that I'm just below par,
And avoiding the stigma of being a star,
Said I to myself, said I.

When I got to the Bench as a Federal judge,
Said I to myself, said I,
I'll not be a student of law—that's a drudge,
Said I to myself, said I,
I'll write my opinions without style or wit,
When they are reversed it won't faze me a bit,
For that is the way I will prove that I'm fit,
Said I to myself, said I.

I'll establish a record for Nixon to see,
Said I to myself, said I,
Of utterly clear mediocrity,
Said I to myself, said I,
With Mitchell and Thurmond I'll play on the team,
You'll not hear me saying "I have a dream,"
And that's how I'll get on the court that's supreme,
Said I to myself, said I.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized for not to exceed 10 minutes pending the arrival of the distinguished Senator from Indiana (Mr. HARTKE).

The VICE PRESIDENT. Without objection, it is so ordered.

AN INTERVIEW WITH THE PHYSICIAN TO MEMBERS OF CONGRESS

Mr. MANSFIELD. Mr. President, it was my good fortune to read in the current issue of U.S. News & World Report, an article entitled "Interview With Physician to Congress."

I have an extremely high regard for the individual interviewed in that article—Dr. R. J. Pearson, the Physician to the Congress. I think Dr. Pearson is an outstanding individual. He has attained the rank of admiral in the U.S. Navy. He is a man of great integrity, steadfast dedication, and deep devotion. He is a man who has excelled immensely in his present position.

I think that the Congress is extremely fortunate to have a man of such outstanding caliber heading up the health corps which looks after the needs of this body. In saying that, I am confident that I speak—at least—for every Member on this side of the Capitol and certainly for all Congressmen who have had need of the services of Dr. Pearson.

Mr. President, I commend the remarks of Dr. Pearson to all of my colleagues and ask unanimous consent to have the text of the interview printed in the RECORD.

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

INTERVIEW WITH PHYSICIAN TO CONGRESS: HOW TO STAY HEALTHY

For members of Congress, life in Washington is often a test of strength and stamina. How do they keep fit? Can private citizens profit from the advice Congressmen get from their attending physician? Dr. R. J. Pearson, a rear admiral in the Navy Medical Corps, discusses the subject in an interview held in the conference room of "U.S. News & World Report."

Q. Dr. Pearson, in general, are members of Congress healthy people?

A. I think you would be surprised to find a group in their age bracket as healthy and vigorous as members of Congress really are. They've got many minor ailments, and some that would seem to be major. Yet they go on in spite of this and perform rather miraculously, actually.

Q. What is the average age in Congress?

A. Average age of members of the 91st Congress is 53.

Q. Is this average going up or down?

A. I think it is going up over the years. And the older members are staying in office longer, according to the younger members. Average age of the 90th Congress was 52.1.

Q. Have you found any occupational disease for Congressmen?

A. I think the one occupational disease is overeating—and its resultant obesity.

Q. Is that dangerous?

A. Yes. I don't think you can equate it on an exact ratio, but certainly the increased weight represents one of the factors that make members more susceptible to heart attacks.

Q. Do many Senators and Representatives have heart attacks?

A. I can't give you figures on this. But there are a number. Almost none of them have kept it quiet, incidentally. I would remind you that two recent Presidents—Eisenhower and Johnson—also had heart attacks.

Q. Do many Congressmen try to keep their weight down with diets?

A. Well, they've got a lot of my diet booklets. I wouldn't say how many follow them. A popular thing now is a quick-weight-loss, all-protein diet. They can lose weight on this in a hurry.

Q. What other health problems do members of Congress have?

A. In short-term problems, we have two that are very high on our list. I've never seen as much respiratory disease as we've had this year.

Q. Flu?

A. We have not identified it. At least, so far as I know, we haven't had any member direly ill. But it's been a respiratory ailment that's lasted a couple or three weeks. It's been pretty rough on a lot of people on Capitol Hill.

Bone and joint problems also are very common among members. They get sprains. Many of them have been physically active—athletes—before coming to Congress. They turn up with swollen joints here, there and yonder.

And we're discovering that among the older population of the United States, including members of Congress, gout is a very common disease. Contrary to common belief, gout is not, so far as I know, related to alcoholic intake and not greatly related to overeating. It's a common disease due to an inherent defect in the patient's ability to metabolize protein.

Q. Did you say many members of Congress have gout?

A. Yes. That's a pretty common disability on Capitol Hill. I hesitate to say this because of the public's image of what a gouty patient is. But that's a mistaken image.

Q. Is there anything to the idea that gout is a disease of geniuses?

A. There are studies to indicate that people with elevated uric acids and gout have an increased cerebral capacity.

Q. Dr. Pearson, as the physician of Congress, do you think Congressmen ought to retire at a certain age?

A. I used to think that. But you know, if you were to take all those people who have passed 75 and say they'd have to retire, you'd lose a great many good brains and good service to the nation.

There ought to be some means whereby those who are no longer their active mental selves could be asked to retire. I've had the question asked of me several times. Just the other day, one of the senior members asked me how he was physically—was he all right to run again? And I said: "Well, I answered that for you two years ago when you asked me that question."

"Yes," this member replied, "but I just want to make sure that, if something makes me appear not to be my usual competent self, there will be an outside agency that will remind me of it—because once we are really incompetent, then we lose our desire to retire."

I think the idea of a mandatory retirement age, such as many big corporations have, is worthwhile. But I would still maintain that it won't work well in Congress. Some people are senile at 60, and some are not at 85. Determining one from the other in advance is pretty difficult.

Q. Is the age structure of Congress such that, one of these days, you're going to have quite a few members dying in office or retiring suddenly?

A. I don't think you could deny that is a possibility. The leadership is pretty advanced in age. Yet, I have no solution. Those members of advanced age have such vast experience and wisdom—they truly do—that to try to find some way of legislating them out and somebody else in who had equal abilities would be very difficult.

Q. Should physical fitness be a qualification for a seat in Congress?

A. I don't think it's practical. Many members come to mind who would not meet the usual standards. One is Representative Charles E. Bennett of Florida. He has had several fractures of his lower extremities. At the time of his last fracture, he called me from North Carolina and asked if I could make arrangements to get him into Walter Reed General Hospital immediately and meet him at the plane. He didn't want to miss a roll call in the House. And he didn't. He made

the roll call the very next day—hasn't missed one.

There are many other members who are handicapped physically but have overcome these handicaps. We've got a lot of injured war veterans in Congress. So, I don't think workable physical qualifications can be set up. As for mental standards, I don't know any way that might work.

There is no question that senility and similar problems need to be handled—in any walk of life. When one employer is involved with the hire-and-fire capacity, it's pretty easy—he makes the decision as to a certain individual. But in Congress it's a question of what a member's constituency thinks about it. If a member continues to be effective in the eyes of his constituency, there is no way to remove him.

Q. Do many members come to you for a checkup before deciding to run for reelection?

A. It's the exception when they ask my advice on whether to run or not. But there are a few. We try to encourage all the members to come by for an annual, executive-type physical examination. More and more of them are coming. We average 20 to 25 physicals a week in our office.

Q. Would it be a good idea to require such physical checkups as a prerequisite for office in Congress?

A. It's certainly worth some consideration. My own reaction is that members of Congress are a little difficult to regiment, and it would probably not be a very workable thing.

I'm sure you've read some recent articles that made the point that you really don't get a great return, in practical medical information, out of annual physical checkups. There's a certain amount of truth in that. But our advantage in the Capitol's medical office is that, once we got a baseline of records on a member, we have an opportunity to see him every day or two. If we happen to overlook something today, we've got a chance to pick it up the next day or the day after that.

Q. Do Congressmen push themselves too hard?

A. I've hesitated to feel that this had much to do with heart attacks. Some of the older members of Congress who really push themselves quite hard—working 16, 18 hours a day—get up to their 80th birthday and they're still pretty fit. I know the claim has been made that nervous tension increases the risk of heart attacks. It's hard to be certain.

SOME RULES FOR KEEPING FIT

Q. What advice do you give a Congressman to keep in top physical condition?

A. I suggest they work shorter hours, more regular hours, arrange to go back home and make speeches and attend to their constituency on a more regular schedule—and not quite so frequently—and that they take more week-ends off for relaxation.

They should make hard and fast rules restricting their social obligations at night—reducing the number of cocktail parties and banquets—so they'd spend a few nights at home resting. They should get more exercise and take a regular vacation every year.

Q. What sort of exercise?

A. Walking, swimming, tennis—if they've kept in shape. To go out and take up a vigorous sport all of a sudden is not wise. There are men in the field of cardiology who are exercising all their patients who've had heart attacks. Actually, I think many people are healthier after they've had their heart attack than they were before, because they're taking better care of themselves. A lot of them have quit smoking, begun to exercise and watch their diet. People who have had the so-called "young man's coronary," if they survive it, often live to a perfectly normal—and even exceed normal—life expectancy.

Q. Is drinking a problem among Congressmen?

A. It's difficult to see how they could drink to excess and carry on the duties they have to. I can answer it frankly: No, drinking isn't a problem. I'm sure a fair amount of alcohol is consumed by the members, but I seriously doubt that they drink as much, as a body, as any similar group of 535 other people.

Q. How about smoking?

A. That's one of the biggest problems that we've been unable to conquer, because people who do react favorably to stress have to have some outlet. I think smoking represents this outlet for a great many people.

Q. In medical terms, do members of Congress look any different to you than a similar cross section of other Americans?

A. It is hard to separate their purely physical characteristics from their personalities. But they are different from the general run of people.

In the first place, they're driven to work harder, by something within them that makes them put in more hours than most people.

They tolerate inconvenience better than most people. Think of all the traveling they do on week-ends. Many of them in the House of Representatives will, on Thursday afternoon, fly back home, make speeches Thursday night, Friday, Saturday, Sunday, then get on the airplane Monday morning and come back to Washington—having slept only four or five hours a night. It's a difficult job. They earn their pay.

WHEN A CONGRESSMAN IS SICK

Q. Are Congressmen aggressive personalities?

A. I think so. It takes something unusual in a man's constitution to tolerate their working schedules. And I think, as a matter of fact, they tolerate illness better.

We've had one or two Congressmen who had heart attacks—and knew it—but, because it was a busy period in their campaign, they just couldn't allow themselves to be sick. So they sat around the house a few days and then went back to campaigning.

Q. Do you recommend that?

A. No, I don't. Yet, the mere fact that they could do it shows that their tolerance to disease is probably better than most of us.

Q. You had a tuberculosis scare at the Capitol recently—

A. We became aware of several cases of tuberculosis on Capitol Hill. It turned out that a couple of those affected were in food handling, so this led to testing the food handlers. And they came up with quite a high incidence of positive skin tests. Then the decision was made that everybody on the Hill should be checked.

The Public Health Service performed skin tests and chest X rays on approximately 13,600 persons, including well over half the membership of the House and Senate. Among all those tested, 23.5 per cent were discovered to have positive skin reactions. All the legislators were given a clean bill of health. Only four people were discovered who might possibly have tuberculosis. They were referred to their own physicians. This was a surprisingly low incidence of active tuberculosis.

Q. Were you fearful of an outbreak of tuberculosis among members of Congress?

A. No, I wasn't. But we wanted to make sure. Most all of the members of Congress have had a chest X ray within the last one or two years, and this picks up virtually all tuberculosis.

There is a drug called Isoniazid which is used for treatment and prevention of tuberculosis. So, if you've got a positive skin reaction, you can take this one pill daily for a year's time and avoid getting tuberculosis. Our exhaustive series of tests convinced us that there was no serious exposure to tuberculosis on Capitol Hill.

Q. In a year's time, how many patients do you see?

A. We have in the neighborhood of 40,000 to 45,000 visits a year, counting all the people who come into our first-aid rooms. In my central office, my associates and I see between 1,200 and 1,300 patients a month.

Q. How many people do you consider as patients, for whom you are responsible?

A. The 535 members of Congress and all the pages. Since the pages are away from home and have no doctor here, we think we can look after them on an outpatient basis. Then there are the officials of the House and Senate. So I suppose you might say altogether there are around 700 individuals who are our primary patients.

Q. Do you have emergency equipment near the legislative chambers, in case anyone is stricken on the floor?

A. Yes. One of the things we did was to get some resuscitative equipment that could monitor the heartbeat and be used for electrical shock to defibrillate ineffective heart rhythms.

Fibrillation is a fine tremorlike movement in muscles of the heart which is not compatible with effective contraction.

Atrial—upper chamber—fibrillation is not normally very serious and can be controlled. Ventricular—lower, large chamber—fibrillation causes death within minutes if not reversed, since no effective pumping action can occur while fibrillation is present.

Because many of the patients who have so-called "cardiac arrests" can be given electrical shock and revived, along with mouth-to-mouth resuscitation, we installed this equipment near the House and near the Senate floors—one machine each, as well as one in my office.

We have instituted a training program for all the Capitol Hill policemen and doorkeepers in the House and Senate. So if a Congressman or Senator—or anybody, for that matter—is stricken, there will be somebody nearby to help. Our team can get there in less than two minutes with all the necessary equipment, including a doctor.

Q. Have you saved any lives?

A. Yes, we have. Not any among the members of Congress, but we have saved some of the Capitol Hill people.

PLANNING FOR EMERGENCIES

Q. Are you prepared to cope with disasters—such as that when Puerto Ricans shot up the House in 1954, and wounded five Representatives?

A. Yes, we have some plans. These plans are reviewed each time there is a joint session of Congress, when everyone meets in the House chamber and the President comes over.

At the last inaugural, we had standby emergency vehicles equipped with cardiac-resuscitation gear. There was a surgical operating team in a standby capacity at one of my rooms at the Capitol, and exit routes for people to be taken to hospitals if necessary.

Q. Do you get uneasy when you see all these VIP's gathered together?

A. I do. The inaugural probably represents a time when everybody of importance in the incoming and outgoing Government is all gathered in one spot. When you feel the responsibility of these people—if they get sick or hurt—it is rather frightening.

Q. Do you have any feeling that members of Congress are being provided with a lot of medical frills?

A. I really don't. I think what we are furnishing them are necessities.

Perhaps we overtreat them a little. For example, if one of them gets a cold—a little laryngitis—we push a lot harder for them

than we would for ourselves or somebody in our family, because they need to talk and they've got to get back to carrying on their vocal activities.

I'm sure I'm guilty of dispensing antibiotics more than the average doctor does, just for this reason. If it's a reasonably safe thing to do, then I'll give it a little sooner than I would on another type of patient.

Q. How do Congressmen feel about your medical service?

A. I just spoke to someone today—it was a congressional wife—who said she felt Congressmen were much too sensitive about having things done for their own benefit and their own health. And I think she's right.

I always like to point out the fact that it looks as though Congressmen are getting a lot of extra care, but the fact that each of them does have a constituency of close to half a million people makes their time, as well as their health, of extreme importance to the public.

CAMBODIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials dealing with the situation as it is developing in Cambodia especially. The first editorial entitled "Widening War," was published this morning in the Baltimore Sun, and the second editorial entitled "It's Cambodia's Problem," was published this morning in the Washington Post.

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

[From the Baltimore (Md.) Sun, April 1, 1970]

WIDENING WAR

Events in Southeast Asia, as might have been expected, are not following the plan most Americans had hoped they would follow. That is, the United States through President Nixon had laid out an orderly scheme, labeled Vietnamization, in which the level of the war in South Vietnam would drop, South Vietnamese troops would take over an increasing share of the combat duties and American forces would gradually be withdrawn. While this was in progress it was hoped that events in Laos and Cambodia would continue in the unsettled but indecisive manner of recent years.

This general plan, which seemed to offer to the United States a way to withdraw from a costly, inconclusive war with a minimum loss in prestige, has been successful here at home to the extent that it has quieted the intense debate over the war which was so disruptive domestically during 1968 and 1969. But the plan has been upset by North Vietnam, which pursues its own objectives in Vietnam and also in Laos and Cambodia.

There is little doubt that the North Vietnamese-Viet Cong have been badly hurt militarily in South Vietnam by the American forces and the South Vietnamese army. The level of the war in South Vietnam has declined. But North Vietnam was able to widen the war in Laos and now, in the immediate aftermath of the ouster of Prince Sihanouk, it is making some sort of threats against the new conservative government in Cambodia.

The United States thus must consider what help, if any, to give to the Cambodian government—if it asks for help—and what it may or should do in Laos. The big question, of course, is whether American troops should be sent in to either country to support our position in South Vietnam. Hence the uncertainties in Laos and Cambodia inevitably raise questions as to the next withdrawal of American troops from South Vietnam. General Abrams, the American commander in South Vietnam, wants to delay the next round of withdrawals for the time being; Secretary Laird is reported to be intent on proceeding with the administration's withdrawal schedule.

Our experience in South Vietnam during the past five years suggests the folly of risking a repeat performance in Laos or Cambodia. There is nothing in sight as to possible gains that might offset the direct costs in lives and money, not to mention the new strains an expanded war would impose on the American public. We can blame North Vietnam for our renewed troubles, but the question of what the United States should do is our problem. It may suit the interest of North Vietnam, and other governments, to see the United States further involved, but it is difficult to see how this could be in our national interest. The drift toward a widening was in ominous. Surely we have learned, at the least, to recognize the danger signals.

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

IT'S CAMBODIA'S PROBLEM

In two weeks the new rulers in Phnom Penh have moved Cambodia appreciably closer to a double disaster that Prince Sihanouk successfully avoided for the best part of two decades. Even when a generous allowance is made for characteristic Cambodian shadowplay, the impression is that the Lon Nol government is drawing the country toward civil war and involvement in the larger Vietnam struggle. Sihanouk's policy of devious maneuver seems to have been abandoned for a forced confrontation with the Vietnamese Communists, who long have used Cambodian soil to support their own war. The trouble is that Cambodia's own modest army is no match for the intruders. Precisely there lies the danger of a wider war.

Already South Vietnamese forces have stepped up their collaboration with Cambodian army elements. That was perhaps to be expected. But the American role is something else again. Over the weekend, an American adviser to a South Vietnamese unit was photographed in Cambodia, having crossed to arrange military support. At the same time the White House acknowledged publicly, apparently for the first time, that American military commanders can permit troops under hostile fire to cross the Cambodian (or Laotian) border for reasons of "self-defense." The new Prime Minister, Lon Nol, followed by declaring that Cambodia might seek military aid from "friendly countries," including the United States, if the situation continued to deteriorate. He did not note that it is his own regime's decision to force a confrontation with the Vietnamese Communists that has brought about the deterioration he laments.

It is a fragile moment. If the leaders in Phnom Penh choose to pursue policies which pull Cambodia into the Vietnam whirlpool, that is their privilege. But their choice establishes no requirement on the United States to render its support. Actually, the only formal obligation on the United States is to consult with its fellow members of the Southeast Asia Treaty Organization to see whether collective action is warranted. Barring such consultation *and* agreement—and they are at best highly unlikely—Washington has no obligation to Phnom Penh. In view of the sorry results of past unilateral intervention in Southeast Asia, a strong case can be made to stay clear of Cambodia entirely.

To lengthen the leash which has limited American military action is virtually to guarantee that pressures and demands will mount to lengthen that leash yet more. Any forthcoming requests from Phnom Penh for military assistance must be received with a beady eye on the likelihood of future requests for more aid, and then possibly for direct support. It should hardly be necessary to point out that the United States has been down that road. If the Nixon Doctrine of a lower profile means anything at all, the country will not, in Cambodia, go down that road again.

THE SECOND SESSION OF THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, a little over 2 months ago—on January 19 to be exact—the second session of the 91st Congress began. It might be timely at this point to review briefly whether the Senate has tended this year and to reflect on where it will have to go in the days ahead in order to make possible congressional adjournment by Labor Day.

Thus far this year, the Senate has met for a total of 48 days; it has had 100 rollcall votes; it has approved over 7,200 nominations; it has passed 115 measures and it has acted on a sizable number of other legislative items of significance.

To go on, the Senate reached its 300th hour in session last Tuesday. This was the same day it had its 100th rollcall vote—a feat not achieved until October 9, 1969, during the first session. By comparison, the Senate is more than 3½ months ahead of last year's schedule, when 300 hours were not logged until July 14.

Some of the major measures we have passed include the following:

ARMED FORCES

Measures designed to provide improvements in various programs of the armed services and for their personnel.

CRIME

The Senate, overwhelmingly, registered its approval of a comprehensive, integrated program to deal with the menace of organized crime in the United States. At the request of the President, it also approved a bill to provide additional protection for the White House and foreign embassy personnel. Congress, as a whole, is in a position now to endorse a strong package of legislative proposals to curb crime in the Nation's Capital as a result of recent action taken by the House of Representatives in approving an omnibus District of Columbia crime bill. This bill, of course, encompasses proposals similar in nature to a number of crime bills the Senate passed last year, and the Senate has already asked for a conference with the House to iron out the differences in approach. The Senate also voted, 82 to 0, in favor of the Controlled Dangerous Substances Act which authorizes Federal regulation and control of the traffic in drugs. This bill provides tools to help manage the drug abuse problem and criminal traffic in drugs on the national, State, and international levels.

ECONOMY

The Senate approved independent agency status for the Bureau of Federal Credit Unions and has moved to authorize the minting of silver dollars to commemorate the late President of the United States, Dwight David Eisenhower.

EDUCATION

During this session, the Congress has expressed its clear concern with the quality of education, not only through the careful consideration it gave this year to appropriations for education

but by approving an Elementary and Secondary Education amendments bill which is now in the form of a conference report authorizing some $25 billion for 3 years for various educational programs. This item should be acted upon by the Senate this week.

ENVIRONMENT

Serious attention has been paid to the Nation's national resources and environment through Senate approval of the Missouri River Basin authorization, acquisition of additional lands for the Point Reyes National Seashore, the Saline Water Conversion Program authorization, and the conference report on Federal Water Pollution Control Amendments.

FEDERAL EMPLOYEES

The Senate has improved the Foreign Service Retirement and Disability System and passed a Job Evaluation Policy Act, both measures of which have been signed into public law.

FOREIGN RELATIONS

A concurrent resolution adopted by the Senate placed Congress on record in support of humane treatment for U.S. prisoners of war and called world attention to the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention on the treatment of prisoners of war. In addition, the Senate has given its advice and consent to the ratification of four treaties—the Intellectual and Industrial Property Conventions, a Northwest Atlantic Fisheries Convention Protocol, and the Privileges and Immunities Convention of the United Nations.

GENERAL GOVERNMENT

The Senate has expressed its awareness of the problems of population growth by approving the establishment of a Commission on Population Growth and the American Future. It has also approved measures to improve the operations of the postal service, and approve a bill designed to place the railroad retirement supplemental annuity program on a permanent and financially sound basis.

HUNGER AND HEALTH

The Senate acted upon, with dispatch, an emergency assistance measure to provide nutritious meals to needy children. Also passed was an improved and expanded school lunch and child nutrition program. Other significant measures related to health which received final Senate approval this year are community mental health centers amendments, an extension of medical library assistance, public health training, a migrant health services bill, and the Public Health Cigarette Smoking Act.

JUDICIAL

A Newspaper Preservation Act and amendments to the Immigration and Nationality Act also met with the Senate's approval this year.

The Senate has shown a clear awareness that appointments to the Supreme Court are of the utmost importance to the Nation's welfare and, in this connection, the nomination of George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States has been the subject of debate by the Senate beginning on March 13 of this year. A final decision on the nomination should be reached—hopefully—next week.

TRANSPORTATION AND COMMERCE

A major Airport and Airways Development Act has met with the Senate's approval and is now in conference. Early in the session the Senate provided for a Federal commitment of $10 billion in funds over a period of 12 years for urban mass transportation programs. And, in an emergency situation, Congress promptly acted to avert a nationwide railroad strike. Last Thursday, it might be added, the Senate passed the Federal Low-Emission Vehicle Procurement Act, as well as amendments to the International Travel Act.

VETERANS

A greatly improved veterans education bill received final congressional approval just a short time ago. This bill provides much-needed increased allowances for veterans under the GI bill.

VOTING RIGHTS

This session the Senate has agreed to a 5-year extension of the Voting Rights Act of 1965, a ban on literacy tests and similar exclusionary voting devices, limited residence requirements for voting, and acted favorably on a proposal that at age 18, a citizen be permitted to vote in Federal, State, and local elections. Granting 18-year-old citizens the right to vote, may I say, will, in my view, correct a long overdue injustice. If the House concurs in the Senate action, this unimpeachable right of young Americans will be converted into a reality.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at the conclusion of my remarks a brief summary and description of major and general legislation passed by the Senate through March 26 of this year.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

THE SCHEDULE IMMEDIATELY AHEAD

Mr. MANSFIELD. Mr. President, in addition to completing action in the near future on the elementary and secondary education conference report and the Carswell nomination, the Senate has pending a number of measures to act upon, such as the stockpile disposal bills, the Hill-Burton hospital construction bill, rural telephone financing, and unemployment compensation. There is work to be done already on the calendar. I might add that the Senate committees are also at work developing additional legislation which will be advanced to the Senate calendar in the near future. The Appropriations Committees of both Houses are exerting every effort to avoid an appropriations logjam as occurred last year. It is expected that the first appropriations bill will be scheduled for House floor consideration the week of April 13 and the last one the week of June 15.

Mr. President, I believe the Senate has produced a most creditable record of legislative accomplishment thus far this year. Without the unfailing cooperation of the Senators on both sides of the aisle, for which the Democratic leadership is deeply appreciative, certainly we could not have had such a productive 2 months. I know that the Senate wishes to make the 91st Congress one responsive to the people's needs. What it has done to date this year underscores that intent. With the continued assistance of the committee chairmen and the entire membership, I have every confidence that the Nation's legislative business will be dispatched in the Senate in a timely and responsible way.

EXHIBIT 1

SENATE LEGISLATIVE ACTIVITY

(91st Congress, 2d session, by Senate Democratic Policy Committee)

Days in session	48
Hours in session	318:58
Total measures passed	115
Public laws	24
Treaties	4
Confirmations	7,245

Symbols: P/H—Passed House; P/S—Passed Senate

Following is a brief summary of major Senate activity:

AGRICULTURE

Dairy products donation

Amends the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in nonprofit school lunch and other non-profit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. S. 2595. P/S 2/10/70.

Egg Products Inspection Act

Prohibits the distribution of unwholesome shell eggs or their use in food products and makes mandatory continuous inspection of egg product processing plants; applies regulatory provisions to intrastate as well as interstate and foreign commerce; provides for specific exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibits States from imposing requirements conflicting with the act or certain other Federal laws; requires imports to meet the same requirements as domestic products; makes the cost of inspection, with certain exceptions, a Federal Government expense, at an estimated cost of about $5 million annually; and prescribes penalties for violations under the act. S. 2116. P/S 2/2/70.

Emergency assistance to provide nutritious meals to needy children

Amended the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935, to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school breakfast program under the Child Nutrition Act of 1966. Public Law 91-207.

International animal quarantine station

Authorizes the Secretary of Agriculture to establish an international animal quarantine station within the territory of the United States through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; however, in this connection,

adequate measures must be taken to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests. S. 2306. P/S 1/30/70. P/H amended 3/4/70.

School lunch and child nutrition amendments

Improves and revises the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966, with the objectives of providing better child feeding operations and reaching all children, particularly those from poor economic areas whose need is greatest. Among the provisions of the bill are those to require that State revenues represent a percentage of the local School Lunch Act matching requirements (beginning at 4 percent and rising to 10 percent); authorize the Secretary of Agriculture to permit funds appropriated for any program under the acts to be used by the States for any other such programs; authorize the use of up to 1 percent of School Lunch and Child Nutrition Act funds for nutritional training and education and studies of food service requirements and the use of up to 1 percent of the funds available for apportionment to States for special developmental projects; authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide a formula for apportionment of such funds to States and payment of program operating costs, require each State to submit an annual school lunch plan by the start of the 1972–73 school year; authorize direct distribution of foods to schools and service institutions participating in food service programs; limit to 20 cents the cost of reduced price meals in public schools and prescribe the eligibility of public school children for free meals; provide for a National Advisory Council on Child Nutrition; and authorize $25 million, $50 million, and $75 million for fiscal years 1971, 1972 and 1973, respectively, for school breakfast programs and a formula for apportionment of such funds to States and payment of program operating costs. H.R. 515. P/H 3/20/69. P/S amended 2/24/70.

Tomato promotion through paid advertising

Amends the Agricultural Adjustment Act to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/30/70.

APPROPRIATIONS—1970

Continuing resolution

Continued appropriations through February 28, 1970. Public Law 91–193.

Foreign Aid

Appropriated a total of $2,502,413,000 for foreign assistance and related agencies. Public Law 91–194.

Labor-HEW

Appropriated a total of $19,747,153,200 for the Department of Labor and Health, Education, and Welfare, and related agencies. HR 13111. President vetoed 1/26/70.

Labor-HEW

Appropriated a total of $19,381,920,200 for the Departments of Labor and Health, Education, and Welfare, and related agencies. HR 15931. Public Law 91–204.

CONGRESS

Library of Congress—James Madison Memorial Building

Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building and provided that nothing in the Act shall be construed to authorize the use of the building for general office building purpose. Public Law 91–214.

CRIME

Controlled Dangerous Substances Act

Authorizes Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the International, national and State levels and repeals essentially all of the existing narcotic and dangerous drug laws. The bill vests authority for control of the enumerated substances with the Attorney General and requires that he seek advice from the Secretary of Health, Education, and Welfare and from the newly-established Scientific Advisory Committee concerning certain matters; establishes criteria for the control and classification of drugs into several schedules based largely on the degree of their abuse potential, known effect, harmfulness and level of accepted medical use; provides requirements for registration of persons involved in the manufacture, distribution, and dispensing of controlled drugs; controls and restrictions importation and exportation of controlled dangerous substances; designates offenses and penalties for unlawful manufacture, distribution, dispensing, possession with intent to manufacture, distribute, or dispense, importation, exportation, and simple possession of controlled dangerous substances, and eliminates mandatory minimum penalties for all violations except for a newly-created and defined class of professional criminals involved mainly in the distribution, sale and importation of controled dangerous substances; vests enforcement personnel of the Bureau of Narcotics and Dangerous Drugs with broader enforcement powers; provides, under certain conditions, for "no knock" search warrants for felonious violations; authorizes the appointment of a Committee on Marihuana to conduct a study on all aspects of marihuana use and also establishes a Committee on Nongovernmental Drug Abuse Prevention; authorizes the appropriation of sums necessary to carry out the Act; and specifies the date the act shall take effect. S. 3246. P/S 1/28/70.

Executive protective service

Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories, and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive Protective Service may consist of up to 850 members. Public Law 91–217.

Organized Crime Control Act

Embodies a comprehensive, integrated program designed to deal with the menace of organized crime in the United States. Establishes, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unifies and expands existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; deals with recalcitrant witnesses; creates a new false declaration provision applicable in grand jury and court proceedings; authorizes the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorizes, subject to constitutional safeguards, the taking of depositions in criminal cases; provides a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contains special findings dealing with the effect of such gambling on interstate commerce, makes it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," as defined, or to engage in the operation of such a business, and provides penalties for violations, as well as providing electronic surveillance in aid of enforcement of these prohibited "business" activities; establishes, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; makes unlawful certain "racketeering activity" and provides penalties for violations, and provides for increased sentencing (up to 30 years) for defined dangerous adult special offenders. S. 30. P/S 1/23/70.

DEFENSE

Marine Corps Band

Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Naval flight officers' command

Amended title 10, United States Code, to permit naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Savings deposit program for certain uniformed services members

Removed the $10,000 limit on deposits which may be made to the Uniform Services Savings deposit program in the case of any member of the uniformed services who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards

Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a permanent grade higher than those being considered for promotion, in order to make a greater number of officers eligible to serve on such boards. Public Law 91–199.

Transportation to home ports

Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

DISTRICT OF COLUMBIA

Anatomical gift act

Provides in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. S. 2999. P/S 3/26/70.

ECONOMY AND FINANCE

Credit unions—Independent agency status

Elevated the Bureau of Federal Credit Unions (currently in the Department of Health, Education and Welfare) to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration," and provided for an Administrator to be the chief executive officer of the Administration and to function in close and constant cooperation with a newly created National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions, the Administrator and Board members to be ap-

pointed by the President by and with the advice and consent of the Senate. Public Law 91-206.

Eisenhower dollar

Authorizes the minting of not to exceed 150 million silver dollars, of 40% silver content, to be minted only as uncirculated coins and proof coins and sold at a premium price, and authorizes the simultaneous minting of cupro-nickel dollars, expected to circulate as a medium of exchange, all bearing the likeness of the late President of the United States, Dwight David Eisenhower. S.J. Res. 158. P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70.

Federal National Mortgage Association

Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

EDUCATION

Elementary and secondary education amendments

Authorizes approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amends the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extends and amends impacted areas programs legislation; amends the Adult Education Act; enacts a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extends and revises provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; creates, as an independent act, the "Education of the Handicapped Act"; amends and extends vocational education programs; and makes miscellaneous amendments to various education laws. HR 514. Conference report is pending business in the Senate.

FEDERAL EMPLOYEES

Foreign service retirement adjustments

Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1969 (Public Law 91-93). Public Law 91-201.

Job Evaluation Policy Act

Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to submit to the President and Congress within one year an interim report and to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91-216.

GENERAL GOVERNMENT

Commission on Population Growth and the American Future

Established a commission to be called the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91-213.

Mountain Standard Time Zone

Authorizes the Secretary of Transportation to place El Paso and Hudspeth Counties, Texas, in the mountain standard time zone. H.R. 14289. Public Law 91- .

Postal service

Makes technical changes in the references to certain provisions of law relating to the postal service which are codified in the United States Code; made no substantive changes in law. S. 3396. P/S 3/4/70.

Use of personal checks to pay postal services

Permits the acceptance of checks and nonpostal money orders in payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

Voting Rights Act extension

Extends the Voting Rights Act of 1965 for 5 years; extends the suspension of literacy tests and of other tests and devices to all states; limits residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowers the voting age to 18 in Federal, State and local elections. H.R. 4249. P/H 12/11/69; P/S amended 3/13/70.

HEALTH

Air pollution interstate compact between Ohio and West Virginia

Gives Congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia and grants consent to the Commonwealth of Pennsylvania and the State of Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Community mental health centers amendments

Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorized for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972 and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively, and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-211.

Medical Library Assistance Extension Act

Extended for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects, and authorized for funding these programs $63 million for fiscal years 1971 through 1973. Public Law 91-212.

Migrant health services

Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973. Public Law 91-209.

Public Health Cigarette Smoking Act

Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning; The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. H.R. 6543. Public Law 91- .

Public health training

Amended the Public Health Services Act to extend for three additional fiscal years the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; to extend through fiscal year 1973 project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million and $16 million for fiscal years 1971, 1972, and 1973, respectively; to extend for two fiscal years project grants for traineeships for professional health personnel and authorized therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91-208.

INTERNATIONAL

American prisoners of war in Southeast Asia

Placed the Congress on record in support of humane treatment for United States prisoners of war and focuses world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention on the treatment of prisoners of war. H. Con. Res. 454. P/H 12/15/69. P/S 2/18/70.

Arbitral awards

Implements the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which was approved by the Senate on October 4, 1968, creating a new new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. S. 3274. P/S 2/17/70.

TREATIES

Convention on the Privileges and Immunities of the United Nations

Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, officials of the United Nations, and experts on missions for the United Nations; for the most part, these privileges and immunities have already been conferred upon the United Nations through the International Organizations Immunities Act of 1945 and the Headquarters Agreement of 1947. Ex. J(91st, 1st). Resolution of ratification agreed to 3/19/70.

Intellectual and Industrial Property Conventions

Both of the following refer to patents and copyrights: (1) The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organiza-

tions and the promotion of the protection of intellectual property on a worldwide basis, and (2) the Paris Convention for the Protection of Industrial Property revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A(91st, 1st). Resolution of ratification agreed to 2/28/70.

Protocol to the Northwest Atlantic Fisheries Convention

Provides for the removal of the Convention's current restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I(91st, 1st). Resolution of ratification agreed to 3/19/70.

Water Pollution Research—Fifth International Conference

Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, Calif., from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

JUDICIAL

Immigration and Nationality Act Amendments

Facilitated the entry into the United States of certain classes of nonimmigrant aliens and altered the provisions of the Act regarding the applicability of the two-year foreign residence requirement for aliens in the United States as exchange visitors. S. 2593. Public Law 91– .

Newspaper Preservation Act

Exempts from the antitrust laws price fixing, profit pooling, and market division by competing newspapers if one newspaper "is in probable danger of failure" or "appears unlikely to remain or become a financially sound publication." S. 1520. P/S 1/30/70.

LABOR

Railway dispute

Prevented a nation-wide strike on all the railroads in the United States scheduled to occur at midnight, March 3, 1970, and provided for the 37-day period beginning with the enactment of this legislation (until April 11, 1970), strikes and lockouts occurring as a result of this dispute are prohibited. Public Law 97–203.

Railroad retirement

Provided for a tax on railroad employers to cover the costs of the supplemental program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91–215.

MEMORIALS AND TRIBUTES

Commendation of heroism of airline pilots

Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Everett McKinley Dirksen Federal Office Buildings

Provides for naming several Federal office buildings in Chicago, Illinois, in memory of the late Everett McKinley Dirksen, who served as a Member of Congress from Illinois from 1933 to 1969. S. 3253. P/S 2/4/70.

Tribute to Gen. Omar N. Bradley and Allied World War II Victory in Europe

Expressed the sense of Congress that, on the occasion of the 25th anniversary of V–E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. P/H 5/19/69. P/S 2/10/70.

PROCLAMATIONS

Clean Waters for America Week

Authorizes the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week." S.J. Res. 172. P/S 2/17/70.

International Clergy Week

Authorized and directed the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States." Public Law 91–192.

International Petroleum Exposition

Authorizes and requests the President to invite by proclamation or otherwise the States and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Mineral Industry Week

Authorized and requested the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week." Public Law 91–195.

RESOURCE BUILDUP

Federal Water Pollution Control Act Amendments

Amended the Federal Water Polution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser for a vessel and $8 million for an on-shore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The bill also includes provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. H.R. 4148. Public Law 91– .

Missouri River Basin

Authorized appropriations of $32 million for fiscal years 1971 and 1972 (including $13,828,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehensive plan for the Missouri River Basin project. Public Law 91–218.

Point Reyes National Seashore, Calif.

Authorized the appropriation of an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. H.R. 3786. Public Law 91– .

Saline Water Conversion Program

Authorized an appropriation of $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. H.R. 15700. Public Law 91– .

Yuma Mesa Irrigation District, Ariz.

Amends Public Law 394, 84th Congress, to authorize for the Yuma Mesa Irrigation District, Gila Project, Arizona, "irrigation works and facilities" to be constructed in addition to drainage facilities and to authorize the existing repayment contract to be amended accordingly. S. 2882. P/S 3/18/70.

TAXATION

Discriminatory State taxation of interstate carriers

Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property by (a) amending the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

TRANSPORTATION AND COMMERCE

Accessibility for public facilities to physically handicapped

Provided that buildings and structures which must be used by the general public such as subway stations and surface stations constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the physically handicapped. Public Law 91–205.

Airport and Airways Development Act

Provides for the expansion and improvement of the Nation's airport and airway systems; repeals the Federal Airport Act; re-enacts and expands the Federal-aid Airport system plan covering 10 years of development; establishes a Presidential Aviation Advisory Commission to be chaired by the Secretary of Transportation. Authorizes expenditures of $150 million for planning grants, at $15 million each year; $270 million for air carrier and reliever airport development for each of 10 fiscal years beginning in fiscal year 1971, and $30 million for non-air carrier airport development for each of such fiscal years, and, beginning in fiscal year 1971, contract authority up to $300 million each year and $250 million for air navigation facilities for each of 10 fiscal years; imposes new or increased user taxes as follows: 6 cents a gallon tax on gasoline and other fuels used in non-commercial aviation; 7.5 percent on gross amounts of domestic airline passenger fares; 5 percent tax on air freight waybills; $3 tax per person using

international travel facilities; 2 cents a pound tax on civil aircraft capable of carrying more than 4 adults, and 3½ cents a pound if the aircraft is turbine engine powered. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. H.R. 14465. P/H 11/6/69, P/S amended 2/26/70. In conference.

Federal Low-Emission Vehicle Procurement Act

Channels and augments the motor vehicle procurement expenditures of the Federal Government in such a way as to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants; seeks to achieve this stimulation by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorities annual appropriations of $50 million to carry out the provisions of this Act. S. 3072. P/S 3/26/70.

International Travel Act amendment

Amends the International Travel Act of 1961 in order to improve the balance of payments by further promoting travel to the United States; provides Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and sets the Federal share of the cost of any relevant program at 75 percent of its cost; establishes in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); creates a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies; and authorizes appropriations of $15 million for each of fiscal years 1971, 1972 and 1973. S. 1289. P/S 3/26/70.

Shipper's recovery of a reasonable attorney's fee

Puts the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim. S. 1653. P/S 1/26/70.

Urban Mass Transportation Assistance Act

Provides a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorizes the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all authorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals before July 1, 1972 through 1982. Changes use of the discretionary fund from $12.5 million to 1.5 percent of the aggregate amount of funds authorized to be obligated, except that an additional 6 percent may be used if it shall not prejudice or delay pending projects of other States, but in such case no State shall receive more than 25 percent of the grant funds made available by the exception, and authorizes a new program of 1-year loans to States and local public bodies, and agencies thereof, for the acquisition of real property reasonably expected to be needed and used for urban mass transportation purposes within a reasonable period. S. 3154. P/S 2/3/70.

VETERANS

Veterans Education and Training Amendments Act

Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veteran Administration's counseling services to advise veterans of their entitlements and assist them in gaining employment. H.R. 11959. Public Law 91-219.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Chair recognizes the Senator from Indiana for not to exceed 30 minutes.

SENATE RESOLUTION 382—RESOLUTION TO EXPRESS THE SENSE OF THE SENATE THAT THE PRESIDENT IMPLEMENT MAJORITY REPORT OF CABINET TASK FORCE ON OIL IMPORT CONTROL

Mr. HARTKE. Mr. President, my distinguished colleagues in the Senate, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Rhode Island (Mr. PELL), the Senator from New Hampshire (Mr. McINTYRE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Minnesota (Mr. MONDALE), and the Senator from Michigan (Mr. HART), join me in submitting a resolution designed to express the sense of the Senate that the President implement the majority report of the Cabinet Task Force on Oil Import Control.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 382), which reads as follows, was referred to the Committee on Finance:

S. RES. 382

Resolved, That it is the sense of the Senate that the President should implement the recommendations set forth in the majority report of the Cabinet Task Force on Oil Import Control, submitted to the President on February 2, 1970.

Mr. HARTKE. Mr. President, my colleagues and I submit today a resolution urging President Nixon to end the present inefficient, costly, and unnecessary oil import quota system and substitute in its place a tariff system fully responsive to the requirements of national security and of the domestic oil industry. The proposed tariff system would so adequately protect the interest of the oil industry that if present U.S. Government policies had not anesthesized the oil industry from the rigors of competition, it would be considered unduly solicitous of the interest of one industry.

The Cabinet task force report offers the first real opportunity for the American consumer to escape the fleecing to which he has so long been subjected. It is the first comprehensive and in-depth study of Government policy that has existed in 10 years. Its recommendation to replace the present quota system with a tariff system is based on extensive and lengthy testimony from industry spokesmen, economists, and governmental officials. The task force majority recommendations are both cautious and conservative. They propose a most gradual lowering of oil tariff from $1.45 to $1 per barrel over a 5-year period. During this period there would be constant review and supervision. I therefore strongly urge that the majority opinion of the Cabinet Task Force be implemented as soon as possible.

The cost of present governmental policies favoring the oil industry are in unjustifiable burden on other industries and on the American public. The cost of the import quota system to the country is $5 billion a year, a per capita cost of $24 a person. For some States, the per capita cost is even greater.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a table showing the cost of the current import quota program.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARTKE. Mr. President, these figures reveal that the average American family of four pays over $100 a year to guard the domestic oil industry from the slightest suspicion of competition.

The U.S. Treasury loses some $600 million in revenue through the import system by giving the difference between the domestic and world price of oil, about $1.25 per barrel to refineries in the form of import tickets instead of to the Federal Treasury in the form of tariff revenues.

NATIONAL SECURITY—REALITY OR RATIONALE?

Those who favor the quota system do so in terms of national security, a phrase they are quick to use but reluctant to define. Indeed, national security is the only legal excuse for this program. But anyone who wishes to learn will quickly appreciate that, while national security was the rationalization for this program when President Eisenhower implemented it on March 10, 1959, it was not the real motivation for his action. Presidential Assistant Sherman Adams makes this explicity clear in his memoir, "Firsthand Report":

> The imposing of import quotas on oil was primarily an economic decision brought on by an economic emergency, but the action of the President was based upon security considerations, in accordance with the law.

Thus 11 years ago we embarked on a disastrously costly program that mixes defense considerations with protectionism. Should anyone doubt that this is the case, he should examine some of the provisions of our present program. He will find an incomprehensible array of provisions rationalized in the name of na-

tional security, but he will never find a definition of that elusive phrase. It is time that we realistically and objectively appraise our national security needs in regard to oil. National security does not mean that we should rely exclusively on domestic sources for our oil supply. This is clearly impossible. Right now we import yearly 19 percent of the oil we use. By 1980, even with the domestic price of oil maintained at its present level, $1.25 above the world price, we shall have to import 27 percent of our petroleum requirements. Thus it is abundantly clear that the question is not, Are we to rely on imported oil to some extent, but, rather, from what sources and how much imported oil should we use?

The task force majority report offers the first intelligent answers to these questions. It demonstrates that we need not pay so high a price for security as we now do so blindly. Implementation of a $1.45 tariff on oil from the Middle East, with the provision that such Middle East imports not exceed 10 percent of domestic demand, plus a $1.25 tariff on Latin American oil, would be the first phase of a tariff system which, over the course of the next 5 years, would allow the lowering of the tariff to about $1. Under this system, the domestic price of oil would decline and the United States would be protected against serious problems from the interruption of oil supplies. The report shows this to be true even if we make the most rigid and unlikely assumptions.

For example, assuming that the domestic oil industry should be protected to the extent that it is able to charge a wellhead price of $2.50 per barrel, and assuming that in 1980 the United States could be deprived of oil from the Eastern Hemisphere and from Latin America for a period of 1 year, we would still be able, with the cooperation of Canada, to satisfy 92 percent of the combined needs of both countries without rationing. Should rationing be used, we would be able to satisfy more than 100 percent of the requirements of both Canada and ourselves. This is so even assuming the improbable circumstance that all Latin American oil would be unavailable to the United States.

In the light of the evidence, can anyone argue that we are not in a position to liberalize our import controls, channel the difference in the price of domestic and world oil to the Treasury rather than to refineries, and lighten the burden of oil protectionism on the American consumer?

OIL FROM THAT HOSTILE COUNTRY TO THE NORTH

Mr. President, if our legitimate concern is insuring that most of our oil comes from safe sources, there can be no possible justification for the bizarre manner in which this country restricts the entry of oil from Canada. Canadian oil enters the United States from a safe overland route; there is a pipeline between this country and our neighbor to the north that brings oil into the Midwest. Yet until a few weeks ago the United States was engaged in the highly questionable practice of negotiating secret agreements with Ottawa to restrict the flow of oil from Canada to this country. The reason for this action was not security purposes, but rather to prevent the very accessible Canadian oil from disturbing the all too "cozy" U.S. market.

Now these secret agreements have stopped, but the situation is only more irrational. In the name of national security, President Nixon on March 10, the 11th anniversary of the mandatory oil import program, ordered a cutback of some 150,000 barrels a day in Canadian oil imports. This was the President's first concrete change in the mandatory oil import program since his Cabinet Task Force recommended the liberalization of import controls. Apparently President Nixon does not see the absurdity of limiting oil imports from Canada on the basis of national security.

Even when President Eisenhower instituted this program in 1959, he judged that import restrictions should not apply to our good friend and neighbor to the north. On what conceivable grounds could President Nixon reach the exact opposite conclusion? Does he believe, as one witness to the Senate Subcommittee on Antitrust and Monopoly did, that we cannot have confidence in our relations with Canada? Does he seriously agree with the argument presented by this man:

> I know that while our international relations are very friendly with Canada today, tomorrow perhaps we may not be. We have different ideas. They recognize *Red China*, they recognize *Cuba*. They might for political reasons decide that we should not have this oil.

I find this argument curiously unimpressive.

What can be the President's reason for maintaining the high cost of oil to the American consumer?

Surely it is not for any security reasons, for, as I stated, Canadian oil comes by pipeline into the Midwest. By contrast, of the total east coast supply of petroleum products, 68 percent is moved by tanker and only 32 percent by pipeline. If the President were truly concerned with national security needs, he would be more worried about the oil that moves in tankers vulnerable to submarine attack than about oil coming by safe pipeline from the friendly nation of Canada.

This leaves us with only one unfortunate conclusion about the real reason for the President's action. While he may have justified it on national security grounds, as in fact he legally must, the true motivation for his action was to protect the domestic oil industry from the fresh breeze of competition. In so doing, he is perpetrating the high cost of oil for which the consumers and industries that use oil must pay.

THE MEXICAN LAUGH-IN

If the U.S. Government's reasoning for its oil policy with Canada is tortured, our oil policy with Mexico is comical. Since there is no pipeline between Mexico and the United States, we allow the Mexican Government-owned oil company, Petroleos Mexicanos, to ship 30,000 barrels of crude oil a day by tanker into Brownsville, Tex., where oil is unloaded into tank trucks which then proceed to drive over the Gateway Bridge into Mexico. Once there, they make a U-turn and drive back into the United States. By this laughable charade, this oil qualifies as a quota-exempt overland import. By such elaborate means we try to escape from the rigid absurdity of our oil policy with our two friendly neighbors, Canada and Mexico.

The irony of our present system is that it fails to help during an emergency. Although we pay dearly for the program in the form of inflated oil prices and foregone Treasury revenue, it was of little help during the Arab-Israel crisis of 1967.

According to Admiral Latter, the former Director of the Office of Oil and Gas, when U.S. production increased in an attempt to compensate for the shortage of Mideast oil, "the unexpectedly large production overload existing facilities—to gather, treat, store, and move the oil." In addition, as Edward H. Schaffer writes in his book "The Oil Import Program of the United States":

> Refining was strained to capacity. Serious bottlenecks occurred because these complementary facilities failed to expand in line with crude capacity.
>
> *At least part of the blame for this failure can be attributed to the import program.* Because this program reinforced the domestic control system, it helped block entry into refining. Surplus capacity in refining, hence, was kept at a minimum and so was capacity in the other facilities necessary to bring the crude from the well to the refinery. *In this area, the program may have actually reduced the ability of the nation to deal with an emergency.*
>
> It is also interesting to note that the huge oil reserves of Western Canada were not utilized in the emergency because of what Admiral Latter termed "limited . . . transportation facilities." But it was U.S. policy which was primarily responsible for these limited transportation facilities. The U.S. opposed the Alberta-Montreal pipeline, which would have given Europe and the U.S. East Coast an alternative source of oil. It also, through its informal country quota system, limited pipeline facilities connecting the Alberta fields to Billings, Montana, and to permit the Interprovincial line to double its capacity and to go directly into the Chicago area. (Emphasis added.)

This is the highest insult to rationality in the realm of political economy. We have a program costing consumers and industries billions of dollars each year, depriving the Treasury of potential tariff revenue, and sheltering an inefficient domestic oil industry characterized by overinvestment, overcapacity, and its attendant resource misallocation; when the Arab-Israel war of 1967 occurs and provides an excellent test of the quota system, we learn much to our shame and embarrassment that the quota control system was of little help in meeting the emergency. As Edward H. Shaffer concludes:

> It thus seems that factors other than the import program were mainly responsible for the relative ease in overcoming the oil crisis. The program's contribution appears to have been minimal.

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

Mr. HARTKE. I am happy to yield.

Mr. HANSEN. If I understood the dis-

tinguished Senator from Indiana correctly, I believe he quoted Admiral Latter as saying that the import quota program was of little assistance in meeting the emergency that was brought about by the 6-day war. Did I understand my distinguished friend correctly?

Mr. HARTKE. That is right. At that time, we seemed to go about our business as usual.

Mr. HANSEN. When the Senator says we went about our business as usual, does he mean to imply that there was no serious disruption in the supplies of oil that were available to the United States?

Mr. HARTKE. From the Middle East there was some disruption, yes.

Mr. HANSEN. But insofar as our domestic requirements were concerned, there was no serious disruption?

Mr. HARTKE. There was no shortage of oil. There was no problem in the United States at that time.

Mr. HANSEN. Is this equally true of the NATO countries, our Western European friends, who had depended upon other outside sources for their energy requirements?

Mr. HARTKE. My primary concern is the effect of the present quota system on American industries and the American consumer and not its effect upon European countries.

Mr. HANSEN. I repeat my question, and make it more specific than before: Was there any serious disruption at that time, insofar as the countries of England, France, and Western Germany were concerned?

Mr. HARTKE. There is no question that many of the western European countries do depend on the Middle East for their oil, especially England. There is no question that this has always been true. But that has nothing whatsoever to do with our quota system.

Mr. HANSEN. I was not asking the Senator to relate it to the quota system. I just wanted his opinion as to the ability of those countries to survive that crisis. My question is, Did they survive the crisis?

Mr. HARTKE. That very point is made later in my statement: When the Middle East crisis occurred, some of the western European countries did suffer oil shortage but we were able to provide less than 10 percent of their needs.

Mr. HANSEN. My question—and I will ask it one more time of my valued friend—is this: Did the western European countries survive the 6-day war crisis insofar as energy requirements were concerned?

Mr. HARTKE. They survived it. Does the Senator mean to ask whether or not their energy needs were met? The answer is no, they were not. But the point is that we are not able to provide, under our system, more than 10 percent of their interim needs. I am not sure what point the Senator is trying to make. Is he trying to say that the quota system did, in effect, provide substantial relief for western European countries during the 6-day war?

Mr. HANSEN. I was trying to ask my distinguished friend if, during the 6-day war, the United States was able to satisfy its energy demands for oil and natural gas—period—without going beyond that.

Mr. HARTKE. In the United States?

Mr. HANSEN. My first question was, Did we survive the 6-day war without any appreciable ill effect because of the absence of supplies from the Middle East? Does the Senator know the answer to that question?

Mr. HARTKE. In the United States we survived very well.

Mr. HANSEN. And where did the sources of supply come from during that period of time? Does the Senator know the answer to that question?

Mr. HARTKE. I shall go into that later in my statement. We came through that war very well. I do not believe a justifiable argument can be made that we really utilized any unusual sources of supply, or that we really needed to depend upon the Middle East for our oil needs during that war.

Mr. HANSEN. I quite agree with my good friend. I would ask him further: Does he know where the major source of our supply was during that period of cutoff of Middle Eastern oil or where it came from? Does he know where the United States got its oil while the Arab and Israel nations were involved in the 6-day war? Does the Senator know where the oil that fueled our industry, our military, and our transportation came from during that time?

Mr. HARTKE. We went to our usual sources here in the Western Hemisphere and in the United States. But that was a very short period of time. We suffered no severe difficulties in the United States during that period.

Mr. HANSEN. I completely agree that we did not, and I would suggest to my good friend that the reason we did not was the very fact that the mandatory oil import program had given encouragement to a domestic oil industry that was able to rise to the demands of that occasion and to come forward with supplies; and I would further point out that, in my opinion, that situation could not today be duplicated, because there has been a deterioration, for a number of reasons, in our domestic capacity to produce the extra amount of oil and gas necessary in case of an emergency.

My point is, for precisely, I suspect, opposite reasons from those to which my good friend from Indiana alludes, that I think while the mandatory oil import program provided significant reserve capacity only 3 years ago, at the time of the 6-day war, there is a real question now whether we could repeat that performance, our oil production per well having dropped from around 15 or 14 barrels a day to 12 barrels a day.

Mr. HARTKE. If the Senator is discussing something other than the quota system, and to discuss this point in my speech the point remains that our oil supply from the Middle East, according to information from official Government sources, was so small that it did not affect our needs.

As the Senator has indicated, we had no serious problem during the crisis. The Cabinet Task Force report does not contend that we really needed the quota system during that period to help us. The Interior Department specifically reports—and I might read this to the Senator—that during this oil shortage—I am reading from the Interior Department report entitled "Middle East Petroleum Emergency of 1967":

> Because the United States imports only comparatively small quantities of oil from Arab sources (2.3 percent of total domestic supply in 1968), the denial of Arab oil had virtually no impact on domestic supply levels.

Mr. HANSEN. I could not agree more with my distinguished friend, and he makes the very point that I want to make, and that I hope will be understood by all who propose to junk the program that has served the Nation so well, for precisely the reasons that the Senator points out: The fact that we did not have any appreciable oil imports from the Middle East not only enabled the United States to meet all of our domestic requirements from domestic U.S. resources during that 6-day period, but it may interest the Senator to know that we exported from our reserve capacity in this country enough oil to fill the gap that was created by the shutoff of the supply from the Arab nations to Western European countries.

My point is that we did survive that 6-day war, and I hope we shall be able to survive whatever other emergency could come about; and we shall be able to as long as we give sufficient encouragement to our domestic producers in this country to encourage them to provide the oil and gas that we need. If we were to implement the recommendations proposed by a majority of the task force, and thereby increase our dependency upon Arab nations, so that we would not be talking about 3 or 4 percent of what we use in this country, but might be talking about 15 percent or even more than that, maybe 30 percent, then I say we would be in for serious trouble, because we would have built up a dependency upon sources of supply coming from nations which oftentimes are unstable, which oftentimes may be involved in wars, a supply which could be shut off at any time. It would take only one Arab terrorist to blow up a major oil pipeline over there. It would not need to be the policy of any particular Arab government at all. Just one terrorist could blow up an oil-supply pipeline and shut off the supply that would virtually bring our Nation to a complete standstill, a complete halt. No city—for example, Washington, D.C., or New York—could survive 72 hours, could not survive 48 hours, if every train, every truck, every ship that brought supplies to that city were to be halted. That is how critical is our oil supply and how critical is our dependency upon energy in this country.

It is far too grave, in my judgment, to risk the chance that we are going to look to an Arab nation or to any other nation on earth to supply us with something that is so critically essential to our needs here.

Mr. HARTKE. Let me say to the Senator from Wyoming, in the first place, that the task force makes no such assumption that we are going to depend upon Mideast oil to the extent of 20 or 30 percent.

Mr. HANSEN. Does the Senator know from where the task force says this oil will come?

Mr. HARTKE. The task force recommends that there be a 10-percent limitation on oil from the Middle East.

Mr. HANSEN. What would 10 percent be? How critical would that be?

Mr. HARTKE. So far as the task force is concerned, the fact remains that they propose to have a liberalization of imports which would not injure, first, the domestic industry, and at the same time would provide for our national security.

I do not think we ought to get carried away into a conflict as to who represents our national interest and who represents the interest of the Western Europe countries. In the first place, the Western Europe countries are now benefiting as a result of their having lower prices for their oil than we have. They are benefiting from that as a result of the fact that they do not have such a quota system.

The Senator from Wyoming wants us to say that while they are taking the benefits, the U.S. Government, the U.S. taxpayer, the U.S. consumer should take the position to make sure that, in his opinion, we would try to alleviate any dangers which might occur as a result of a sudden shutoff of mideast oil for western Europe, when they will not take a stand to protect themselves.

Also, it was demonstrated during the 6-day war that definitely we do not have the capacity to provide substantially for the interim requirements of the Western European countries in the event of such a catastrophe.

I do think it is high time that we give some attention to the people in the United States who are paying the increase in prices, which is estimated to be in the neighborhood of $5 billion a year, a cost of $27 for each person in the United States. This is a pretty high price to pay for some nebulous security of Western Europe countries which, in the first place, have our military protection and our nuclear umbrella shield but refuse to take economic steps to protect themselves.

Also, the task force takes the position of not completely eliminating all the protection for the oil industry. To the contrary, as I said in my opening remarks, the task force itself takes the position for a tariff which, in the absence of the quota system, would seem to be very generous and, in fact, overly generous and protectionist in its attitude.

What I am arguing is that this position, which is not an extreme one, which is very well reasoned, which is backed up by good testimony, which comes from the administration itself—all I am asking is that they implement their own recommendation. It may seem peculiar that I would recommend the President's policy, but I think it is right. I think the President's Cabinet's policy, the task force policy, is right and good. I am saying to the Senate, "Let us go about the business of taking this good report and putting it into effect for America and the consumer and the users of these products."

Mr. HANSEN. I say to my distinguished friend that, first of all, I will attempt to say what I think and believe. I do appreciate the Senator's helpfulness in this regard, but I would hope that I may be able to articulate what I think will best serve the national interest. In this respect, I have no misgivings at all about the cheapness of national security if, indeed, we can buy it for $27 per person. I should think that would be the finest investment we could possibly make.

The VICE PRESIDENT. The time of the Senator from Indiana has expired.

Mr. HANSEN. Mr. President, I ask unanimous consent, because I have taken so much of the Senator's time, that he be permitted to continue for 15 minutes.

The VICE PRESIDENT. Without objection, the Senator from Indiana is recognized for an additional 15 minutes.

Mr. HANSEN. If I may trespass one more moment upon the Senator's time, I would like to say this: If we try to equate national security in terms of a $27 investment—and I will take the Senator's figure; I do not know whether it is correct, but I am willing to take it—if we can buy national security for $27 a person in this country, and if we compare that with a national budget that for defense purposes now approximates $80 billion, I say this is the greatest bargain we have ever bought.

I hope we will have sense enough to recognize that with 2 trillion barrels of oil in place, in this country, out to the 200-meter isobath off the coast where we now lease to American companies the right to drill for oil, if we can develop these resources, which are estimated to be not less than 2 trillion barrels of oil and in the same territory, gas reserves estimated to be not less than 1,227 trillion cubic feet of gas, I say that by the time we have started to use them up we will have oil shale. More barrels of oil are to be found in the oil shales of Colorado, Wyoming, and Utah than there is oil in place throughout all the planet earth, according to geologists. Furthermore, we have uranium reserves, we have coal reserves, and we have tar sands.

If we can start to give the sort of encouragement to American industry that will assure the technology, the manufacturing equipment, the distribution of supplies, and, most important, the people—people who cannot be put in mothballs or in cold storage, people who can make this industry work and produce the gas and oil we need—if we can do that, I say we will have bought the biggest bargain this country has ever been offered.

I apologize for taking the Senator's time. I appreciate his patience in hearing some of my questions.

Mr. HARTKE. I am delighted to hear from the Senator from Wyoming.

The problem of the security of the United States was thoroughly and adequately considered by the President's Cabinet task force. I am sure that the majority of the task force took into consideration, as indicated in its report, the security of the United States. The President's Cabinet is not interested in doing anything to undermine the security of the Nation and certainly would not make any recommendation which would in the slightest iota seriously jeopardize the security of the United States.

But arguments that are made simply on the basis that everything can be justified in the terms of national security, no matter what the price, are seriously open to question—not alone in the administration, but also seriously open to question on the floor of the Senate. The President has indicated that he is going to evaluate the national security in terms of what it really means, whether or not we do use our national resources, whether we use our national tax money in the development of national security, whether on balance it is the best use of it.

If those assumptions are true—and the Senator from Wyoming has indicated that he has no serious disagreement with them—when we talk about $27 a person, we are talking about every man, woman, and child in the United States, and that is a tremendous price to pay for 200 million people. The population is over 200 million now, I understand. The price of this program would really amount to $27 per person.

Mr. HANSEN. If it were $30, it would be approximately $6 billion.

Mr. HARTKE. Roughly, it is in the neighborhood of $5 billion a year.

Mr. HANSEN. This would not give any credit for the contribution that the domestic industry makes in the way of taxes, in the way of employment, in the way of jobs. Am I correct about that?

Mr. HARTKE. A saving could be effectuated as a result of transferring from the present quota system to a tariff system, and this transfer would not be a fast-moving, direct cutoff. As I have indicated, the task force makes the point that it intends to provide for an orderly transition from a quota system to a protectionist tariff system. There are probably individuals who would find fault with a task force which advocated a tariff system. All I am saying today is that the recommendation made by the President's Cabinet task force provides for an orderly, efficient, saving for the U.S. Government and for the consumers, and it also protects U.S. national security. So I see no reason why it should not be put into effect.

Mr. HANSEN. The policy of gradualism in this country is like cutting off the dog's tail an inch at a time, but that does not lessen the pain. I do not see how we can agrue that it will not be a serious matter just because there will be gradualism. The ultimate objective will be to kill the domestic oil industry. That is precisely what is projected.

I say that the American people would do well to look at the end objective and not be deluded into thinking that it will not hurt too bad because it will come about gradually, that we will be doing it today, then tomorrow, and then on a third day. Let us look now at the facts that we will be faced with ultimately. If this task force majority report is implemented, I think it will result in a far greater dependency upon foreign sources of supply than is now the case. I do not want to depend upon Mexico, even though Mexico is a good neighbor of ours. I am old enough to remember that not too many decades ago, Mexico expropriated our oil properties there. I know what happened in Peru, and I know what is happening today in Libya. We all know that the Arab States are getting together to organize so that the price of oil can be put up, as they say, where it should be.

If we think for a moment that our

friends in the Arab states will let us buy cheap oil from them and sell it in this country, and take off an extra tax bite to add to it, we are fooling ourselves, because everything that is happening indicates to me that that is precisely what they will not let happen.

Mr. HARTKE. I might say to the distinguished Senator from Wyoming that the oil industry will not be put out of business as a result of implementing the recommendations of the President's Cabinet Task Force on Oil Imports. It will provide for changes in procedure. It will save the consumers of the United States billions in dollars. It will provide additional tax revenues for the United States and it will provide for a system of protectionism which, under normal circumstances, and for any other industry, might seem overly generous, overly protectionist, or might seem to be against the American doctrine of free trade; it would provide a system in which the domestic oil industry could continue to support itself and could continue as a viable, existing industry in the United States.

I did not speak about exploration, but the point is that if exploration is needed, we have all kinds of policies for exploration. If the Senator from Wyoming wanted to provide for a new system of exploration of shale, there is no question that if he could provide a workable, feasible, and good plan, a direct appropriation to that effect, or direct assistance, would be another matter entirely. That is not within the scope of the President's task force.

Mr. HANSEN. We do not have to explore for it; we know where it is and how thick it is. We know what the potential is. Does the Senator know what will bring it into use? It is simply a matter of economics.

Mr. HARTKE. That is, raising the price of oil.

Mr. HANSEN. The governing control is whether the 367,000 stripper wells in this country, which today provide 15 percent of domestic requirements, will stay in business. These marginal wells will be put out of business and go out of production. They will take with them a five-and-a-half-billion-barrel reserve, if the price of crude in this country is reduced by only 30 cents a barrel. We will shut off and phase out—not phase out but blank out—the production from 367,000 stripper wells. That means 15 percent of the supply of crude that comes from the domestic industry in this country. Does the Senator think that that is serious?

Mr. HARTKE. What the Senator is alluding to is different from what I shall say, that not alone should we have the quota system but that we should also raise the price of oil.

Mr. HANSEN. That is the cheapest bargain we have today with everything else going up in the price of living. The price has stayed low.

Mr. HARTKE. The price of oil could be reduced as much as 5 or 6 cents a gallon if the President's task force report were to be put into effect. The Senator from Wyoming is really not arguing with me; he is arguing with the President's task force report.

Mr. HANSEN. The Senator is quite right. I could not disagree with them more. The Senator has never spoken a truer word. I think they are wrong.

Mr. HARTKE. All I am saying is that here is a study done on the highest level, done with the best interests of the United States at heart, and, considering all the domestic problems which we face today, it tries to stop the overcharge which is at present occurring as a result of the quota system, and to replace it with a system of tariffs which, as I said before and now repeat, would be considered adequate protection from foreign imports by almost any other industry in the United States.

Mr. HANSEN. The Senator speaks about an overcharge. Is he able to identify one industrialized country that has cheaper gasoline and fuel oil costs than we have in the United States?

Mr. HARTKE. The price of oil is considerably below——

Mr. HANSEN. Can the Senator identify one country?

Mr. HARTKE. The price of what, now?

Mr. HANSEN. Can the Senator name one industrialized country in which gasoline and oil are cheaper than in the United States?

Mr. HARTKE. I think we can provide that information for the Senator.

Mr. HANSEN. Name one country. I would be happy to have the name of one.

Mr. HARTKE. We can provide more than that for the Senator. The point is, if the Senator wants to exclude local taxes, State taxes, and Federal taxes on the gasoline we have today, the price will be much higher in other countries than here. But that has nothing whatsoever to do with the price of gasoline. In effect, all I am saying is that we can still have gasoline 5 or 6 cents a gallon cheaper. Some people think we do not need so many automobiles here. I do not know whether that is true, but the point is—it is spoken of in connection with pollution—the fact remains, the automobiles are here, and we are using them.

I am talking about the high cost of living as it is today. What a blessing it would be, what an aid it would be, if we could take the President's own Cabinet task force report and implement the President's own program, the program which he is advocating at the highest level in this country, and save 5 to 6 cents on a gallon of gasoline, reduce the price of oil for people who heat their homes with oil, and at the same time provide additional revenue for the Treasury, which is so hard pressed. These are arguments made by the task force, and I think we should put them into effect.

Mr. HANSEN. By the same argument the Senator makes, I would suggest that one of the things we should do, in order to reduce the high cost of living, is to buy nothing but foreign-made automobiles. They are cheaper than those made in the State of the distinguished Senator from Indiana. But I hope we will not do that, because I am delighted that the good, hardworking citizens of Indiana, of Michigan, and other States, are able to pay the prices they have to pay because of the income they receive. I also sincerely hope that we will not jeopardize the jobs of 1,200,000 oil workers whose jobs are dependent upon the vitality of our domestic oil industry.

If we do that, then all I can say is that we will soon find that the great American market, which has supported the highest standard of living in the world, will have fallen apart. It will become suddenly nonexistent if we repeatedly destroy American jobs.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I thank my good friend, the Senator from Indiana. He has been very kind.

Mr. HARTKE. Mr. President, during the oil shortage, excess oil production was used for European needs, for the loss of Mideast oil was not as serious a problem for the United States. As the Interior Department's report "Middle East Petroleum Emergency of 1967" states:

> Because the United States imports only comparatively small quantities of oil from Arab sources (2.3 percent of total domestic supply in 1968), the denial of Arab oil had *virtually no impact on domestic supply levels.* (Emphasis added.)

The oil that we did provide Europe amounted to less than 10 percent of her supply requirements. In terms of the aggregate cost of our quota system for a 10-year period, each barrel of oil we supplied Europe cost over $300. That is to say American consumers paid the oil industry over $300 in inflated oil prices over the 10-year period of 1959 to 1969 for each barrel of oil that we supplied Europe. This levy on the American taxpayer and consumer resulted in meeting less than 10 percent of Europe's minimal requirements. Yet, the fatuous policy of import quotas continues.

The consumer of America has a right to ask why he is being charged $5 billion annually for a system that is of no help to the United States and provides for an inadequate supply of oil to Europe during an emergency. The consumers of America also have the right to ask why they must pay bloated oil prices to provide marginal aid to Europe in time of crisis. Should not Europe herself provide for her oil needs in anticipation of an interruption in her supply of oil? Not only would this be more equitable, but it would be much more economical. Dr. M. A. Adelman, professor of economics at the Massachusetts Institute of Technology, estimates that Europe could store 2.2 billion barrels, a 6-month supply that would have met her needs during the 1967 Arab-Israeli war, for $770 million; $770 million is less than one-sixth of the annual cost to the American consumer of the quota system, or about the same amount as the residents of New York and California alone pay per year for our oil protectionism. The conclusion is evident: The American consumer must not continue to provide excess capacity for Europe's sake while Europe could provide much more adequate protection at less than one-sixth the cost to the United States.

GOVERNMENT PAYOUT

One aspect of the present quota system is a particular outrage to the American taxpayer. I refer to the import ticket program run by the Interior Department. Under this system, domestic refineries are given import "tickets" or rights to import oil at the world price of $2 a barrel. Such a certificate to import is in reality a "gift" from the Government to these refineries that is worth the difference between the world and domestic price of oil—about $1.25 a barrel. By not using a tariff system to restrict imports, the U.S. Treasury loses some $600 million a year in potential revenue. A ticket system is not needed to protect against unrestricted imports, for a tariff structure would do the exact same thing. But we seem to delight in adding insult to injury. Not content to force consumers to pay billions for oil protectionism, we go on to have them make up the $600 million tax loss to the Treasury that the ticket system causes. If the Treasury does not get revenue from tariffs, it is forced to take it out of the taxpayer's pocket. Under the ticket system, this is exactly what happens.

There is no reason why this should be the case. Even if we kept the domestic market as insulated from competition as it currently is, we need not lose $600 million doing it. Under the present ticket allocation system, all refineries, even those which historically never treated foreign oil, are given government created largess in the form of the import tickets. Many refineries never do treat foreign oil in fact, but they rather sell the tickets to another refinery to cash in on this Federal beneficence.

The task force studied this ticket system, and the majority reports recognized the foolishness of depriving the Federal Government of the value of being able to bring oil into the high price domestic oil market. By liberalizing imports and instituting tariff systems as has been described, we enable the Treasury to collect some half a billion dollars in revenue at the same time as we give the consumer some long overdue relief from the burden of high oil prices in this inflationary period.

The Antitrust Division of the Justice Department also recognizes the need for an end to the expensive quota scheme. As it reported to the task force:

> These costs would not appear to be necessary to the attainment of any reasonable security goal . . . The benefits achieved . . . do not seem to warrant the costs involved. The Import quotas themselves do nothing to preserve this nation's domestic oil reserves. Reserve 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 design to provide this country with sufficient emergency oil reserves . . . (The import program) 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 the pressures of the world oil prices, the program intensifies the effects of the existing lack of competitive vigor in various domestic oil markets.

The Antitrust Department rightfully concludes that "improvement in competitive conditions by change in the present system of controls—would—be of significant benefit to the Nation's interest in low-cost energy supplies, efficiently produced and distributed both in normal and in emergency periods."

There is no reason not to implement the recommendations of the majority report. It should be clearly understood that implementation of the task force recommendation would not leave the petroleum industry unprotected. The domestic market would be shielded by a tariff structure that would fall to the still very considerable figure of $1 per barrel by 1975. In addition, imports from the petroleum-rich Mideast would be limited to 10 percent of domestic demand. This constriction placed on the domestic industry's largest foreign competition, combined with a dollar per barrel tariff plus the natural protective barrier against foreign oil afforded by transportation costs to the United States, provides more insulation against foreign competition than any industry in a truly "free enterprise" economy would dare request.

In discussing U.S. Government relationships with the oil industry, it should not be forgotten that the oil import system is not the only example of the Government providing special favors and unique service to this industry. A depletion allowance which even after the tax reform bill of 1969, far exceeds actual depreciation, intangible drilling writeoff which far exceeds actual cost, foreign tax credit, which allows a substantial reduction in U.S. taxes, all working synergetically results in substantial tax saving for the domestic oil industry.

Surely in light of all this protection, some modification of the quota system can be fully justified.

ALASKA OIL

I think that no statement would be complete without a discussion of Alaskan oil. There is yet another cogent reason why now, more than ever before, we should liberalize import restrictions. The recent discovery of oil in Alaska's North Slope is estimated to contain some 30 to 40 billion barrels of recoverable reserves of oil. This is the largest single find in America since the east Texas strike 40 years ago. The huge quantities of Alaskan oil were not known to have existed in 1959 when the current mandatory oil import program began. It radically undercuts the 1959 reasoning for such a policy. Huge domestic reserves of petroleum in Alaska completely change U.S. national security requirements. We must implement the majority recommendation if we are to develop and use Alaskan oil economically. We also need to investigate the Jones Act and make sure that the domestic freight rate disadvantage it imposes does not mean that sizable volumes of Alaskan oil will move in cheaper foreign bottoms to Japanese or European markets, instead of the 48 continental States.

Mr. President, a man buys insurance to prevent undue harm from foreseeable emergencies. He pays no more than necessary for the protection he has judged advisable. When the United States buys insurance in the form of protectionism for the domestic oil industry to guard against interruptions in our supply of oil for reasons of national security, we should do so for emergencies that are reasonable to anticipate, and pay no more than necessary for this insurance.

Clearly, we are forcing consumers, other industries, and the U.S. Treasury to pay far more than necessary for insurance against the loss of oil supplies. The task force majority report makes this painfully evident, as do the glaring inconsistencies and special deals in our current oil policies.

No other commodity except oil has been restricted from entry into the United States on the grounds of national security. The present regulation of imports restricts this entry in a thoroughly unjustifiable fashion. It should never have been implemented in this form in 1959. It should never have been allowed to survive these past 11 years. It must not be permitted to continue. We must change it now. The Senate resolution I now offer seeks to end this injustice to the American public.

EXHIBIT 1

TABLE. —ESTIMATES OF THE TOTAL AND PER CAPITA CONSUMER COSTS IN 1969 OF THE IMPORT PROGRAM

State	Total State cost (millions)	Per capita cost
District I:		
Connecticut	$88	$29
Delaware	19	35
District of Columbia	17	21
Florida	153	25
Georgia	113	25
Maine	40	41
Maryland	96	25
Massachusetts	190	35
New Hampshire	27	39
New Jersey	230	32
New York	429	24
North Carolina	134	26
Pennsylvania	295	25
Rhode Island	29	32
South Carolina	63	24
Vermont	19	45
Virginia	119	26
West Virginia	36	20
District II:		
Illinois	245	22
Indiana	139	27
Iowa	83	30
Kansas	58	25
Kentucky	65	20
Michigan	209	24
Minnesota	105	29
Missouri	117	25
Nebraska	43	29
North Dakota	25	39
Ohio	227	21
Oklahoma	58	23
South Dakota	22	33
Tennessee	83	21
Wisconsin	114	27
District III:		
Alabama	67	19
Arkansas	43	22
Louisiana	72	19
Mississippi	47	20
New Mexico	27	27
Texas	256	23
District IV:		
Colorado	47	23
Idaho	27	38
Montana	22	32
Utah	27	26
Wyoming	18	57
District V:		
Alaska	9	33
Arizona	32	19
California	328	17
Hawaii	9	11
Nevada	13	27
Oregon	50	25
Washington	72	22
Total United States	4,849	24

Source: From the Cabinet Task Force on Oil Import Control

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

The VICE PRESIDENT. The clerk will call the roll.

The assistant 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 VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is the Senate now in the period for the transaction of routine morning business with statements limited to 3 minutes?

The VICE PRESIDENT. Under the previous order, the Senate will now proceed to the transaction of routine morning business with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

SUPREME COURT DECISION ON COURTROOM DECORUM

Mr. BYRD of West Virginia. Mr. President, as Members of this body are aware, I have criticized the Supreme Court on several occasions in recent years for decisions it has made which, in my opinion, have unduly tipped the scales of justice in favor of those who break the law. It is with a sense of satisfaction and gratitude, therefore, that I commend the Court today for its unanimous decision on yesterday upholding the power of trial judges to deal uncompromisingly with defendants in their courtrooms who would destroy the judicial process upon which our society depends. I hope we may have turned a corner in dealing with hoodlums and criminals, as well as revolutionaries who seek to wreck our constitutional system.

Yesterday's ruling was particularly heartening in that it was a unanimous decision. Its immediate effect will be to strengthen the hand of the law throughout our country. It should be an unmistakable warning to all who think they can defy the fundamental authority upon which our Nation rests and get away with it.

There has been a definite pattern in the wave of recent hooliganism and defiance which we have witnessed in our courts in parts of the country. Unchallenged and uncorrected such defiance could have led to a breakdown in court procedures throughout the land.

Nothing less than the integrity of our judicial system was at stake. The sickening circus that took place at the trial of the "Chicago 7," for example, so mocked our system of justice that one wondered if the system could rise to the challenge that was presented.

I believe that yesterday's Supreme Court decision proves our system can meet the challenge it faces. Criminal defendants as well as judges know now that the phrase "contempt of court" means exactly what it says, and that vicious and unruly persons on trial can be gagged and shackled or banished to a prison cell to cool off as long as is necessary, but their trial can go forward.

Among the many decisions that have been termed "landmark"—and we have had more than enough in the other direction in the last few years—this decision of Tuesday, too, is a landmark ruling that can bolster the authority of courts in the urgent task they face of restoring an orderly and lawful society in America. It is elemental to say it, but it must be said again and again: respect for the law and for the courts is fundamental to the continuance of the American system of constitutional government.

Those who have attempted to defy the courts—and I include attorneys in this category as well as criminal defendants—have deliberately set out to undermine the basic authority of government. Demeaning a court, vilifying a judge has no other object than the detruction of authority. The end product, if such tactics were to succeed, would inevitably be anarchy.

Tuesday's ruling, then, should serve notice on the revolutionaries and the militants whose hope it is to bring about anarchy and chaos in America. It is notable, I think, Mr. President, that the Supreme Court rejected the argument that the sixth amendment's guarantee of a defendant's right to face his accusers gives him any right to disrupt a court of law. Many of our basic rights—the right of free speech, the right of peaceful assembly—have been stretched much too far to provide havens for hoodlums, sanctuaries for criminals, and protection to those who would destroy our constitutional system and our Republic. The Bill of Rights was not written to provide constitutional cover for those who would destroy constitutional processes. The Bill of Rights is not a mechanism for American self-destruction.

It is not an edifying sight to see a defendant bound and gagged in a courtroom. It repels us, instead, for such a thing does not seem to square with our concepts of fairplay and justice. But neither does an accused person screaming obscenities at a judge square with orderly and civilized procedures. The achievement of justice, not the obstruction of justice, is the principle that must guide us. No defendant in an American court who comports himself in a decent and civilized manner need have any fear that his rights will be infringed, just as no person who abides by the law need have any fear of police brutality.

This decision of the Supreme Court, Mr. President—for which all Americans can be thankful—should go a long way toward helping to restore the proper functioning of our courts.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 12 o'clock noon today.

There being no objection, at 11:30 a.m., the Senate recessed subject to the call of the Chair.

At 11:54 a.m. the Senate was called to order by the Presiding Officer (Mr. GOLDWATER).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IT COULDN'T BE DONE

Mr. JAVITS. Mr. President, I commend to the attention of my colleagues the presentation on April 2, 7:30 to 8:30 p.m., on NBC–TV, a television program saluting the American spirit and know-how that made possible the building of projects considered hitherto impossible called "It Couldn't Be Done." The long lines division of the Bell System has underwritten the costs of this video project, 4 years in the planning, 8 months in production, and involving 60,000 miles of travel all over the United States.

The program salutes the men and women who made possible the building of the Golden Gate Bridge, Hoover Dam, Holland Tunnel, Mt. Rushmore Memorial, Stone Mountain Memorial, Alaska Highway, Erie Canal, World Trade Center, Brooklyn Bridge, Empire State Building, George Washington Bridge, and others.

In the light of the current national self-criticism and self-doubt, a televisual reminder of American know-how—still the greatest in the world, as witness the two moon landings—can perhaps through its dramatic impact be helpful, too.

I ask unanimous consent to have printed in the RECORD a letter on this topic from Mrs. Walter Vanney Magee, president of the General Federation of Women's Clubs, a feature from the New York Sunday News written by the dean of radio and television critics, Ben Gross, plus another article by Mr. Gross dealing with the making available gratis of 16-millimeter prints to educational, patriotic, civic, and religious groups desiring to see this program.

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

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, D.C., October 28, 1969.

Mr. H. I. ROMNES,
Chairman of the Board, Americal Telephone & Telegraph Co., Inc., New York, N.Y.

DEAR MR. ROMNES: I want to tell you how pleased I was to learn—at this time of such national self-criticism and self-doubt—that your Long Lines Department plans to present in the spring a one-hour color television program saluting the American working man who took seriously the values that have made America great.

This exciting, televisual accolade to the tireless architects and engineers and dedi-

cated workers who translated the challenging blueprints into such awesome realities as the Panama Canal, Golden Gate Bridge, Alcan Highway, Holland Tunnel, Mount Rushmore Memorial and many others deserves the widest possible audience.

Your two, well-received programs dedicated to the "Discover America" theme successfully demonstrated how much there is to see in this country of ours. The program you plan for the spring as it has been described to me should go far to remind our citizens—surfeited with violence, rioting and tiresome put-downs of the American way of life—that the same American know-how that built "impassible projects" can also help fashion bridges between men's minds and men's hearts everywhere.

With all good wishes.

Sincerely,

Mrs. WALTER VARNEY MAGEE,
President.

[From the New York Sunday News, TV Week, Nov. 9-15, 1969]

AMERICANS SAY IT CAN BE DONE

(By Ben Gross)

"American TV viewers are fed up with scenes of violence, rioting, college rebellions and racial turmoil. They are becoming resentful of the many put-downs of our way of life, which are seen on television almost every day. I can tell you that there is a great hunger for programs that stress affirmative values . . . programs that remind us of what made this country great."

Dan E. Hutchins, director of advertising of the Long Distance Division of the Bell System, said this to me as we dined in that posh eatery, the Forum of the 12 Caesars. He was there to explain why his organization will sponsor an NBC-TV special, "It Couldn't Be Done," April 2, from 7:30 to 8:30 p.m.

"One doesn't ordinarily discuss a television feature so far in advance of its showing," he explained. "No, not even if it means another plug for the show. But in this instance, I feel it is proper to do so, because its theme is such a timely one. It fits right in with the mood of today.

"And when I say this, I'm not using the words idly. Several recent public opinion surveys prove that the average American is sick and tired of those misguided persons who find virtue in every country but their own.

UNAPPROACHED RECORD

"No; don't misunderstand me. I don't deny that, just as every other people, we have defects. We certainly have—many of them. But we should also remember that in most fields, no other country can approach our record of achievement.

"Americans have a genius for triumphing over seemingly impossible odds. Our history is filled with deeds that many persons once believed were impossible to achieve. Foremost among these, of course, is our placement of astronauts on the moon.

"Our special deals with this very topic. This is why it is titled 'It Couldn't Be Done.' It highlights such notable achievements as the construction of the Panama Canal and—yes—the winning of the World Series by the Mets. The building of Boulder Dam, with the Colorado River seeping through the overhead cracks, and the erection of the Golden Gate Bridge, against the impossible odds of rain, storm and tides, will be among the other feats recalled."

Also such daring ventures will be celebrated, as the carving of those Mount Rushmore sculptures, the construction of the Holland Tunnel and the Empire State Building and the redesigning of Niagara Falls. The concluding section of the program will deal with the challenges facing us during the next 50 years.

Lee Marvin of movie fame has been signed as the narrator of the special, which is being brought to the home screens by Lee Mendelson, the Emmy Award-winning producer. Among the individual segments of the hour will be the songs of workingmen at the sites of their great achievements.

Too, a vocal combination will be flown in a helicopter over Boulder Dam and the Golden Gate Bridge singing, "If I Had a Hammer."

Hutchins (or "Hutch," as he is known to his associates) is a dynamic executive who for years has traveled in every section of the United States. It is through first-hand observation that he has become a fervent believer in the viewpoint expressed by this forthcoming special.

As proof that imaginative daring, despite the assorted cynics and nay-sayers, is still alive in this country, Hutchins cites two more instances.

ALASKA TO RUSSIA

"At the University of California, there is a professor, one T. Y. Lin. He has started a movement to build a bridge from Point Barrow, Alaska, to Russian territory as a physical and philosophical symbol of friendship," he told me. "His idea is to have each American and each Russian contribute a dollar to pay for this.

"Also, there is an imaginative sculptor, Korczak Zialkowski. Assisted by his five boys, he is creating, with almost fanatical devotion, the magnificent Crazy Horse Indian Memorial near Custer, South Dakota. Our producer, Lee Mendelson, called him one day to discuss this special and his great monument, which will be more gigantic than Mount Rushmore.

"Well, the sculptor's wife answered the phone. But much to Lee's surprise, although this program, which will feature Zialkowski's work, is being sponsored by the telephone company, she told him: 'I'm sorry, but my husband never talks on the phone!' "

Hutchins during our conversation proved to be a storehouse of human interest items concerning Alexander Graham Bell's invention.

"Did you know," he asked me, "that we have a man in New York and in Hollywood whose job it is to advise TV and movie producers on the proper use of telephones? Yes, that's right. One of the mistakes they look out for is that some actors dial only four or five times instead of seven. That's the correct number of digits.

MOON'S AREA CODE

"And if anyone should ask you—but I doubt that anyone will—what is the longest party line call on record, you'll be right if you say it was President Nixon's call to the astronauts on the moon. . . . This reminds me that at the next international meeting of the organization that deals with communication codes, one of the problems to be discussed is whether an area code should be assigned to the moon."

"Has the telephone had any effect on TV?" I asked.

"Not only on TV but on the movies and the theater," Hutchins said. "Think of all the thousands of playwrights who have used the telephone to develop their plots. Such television series as Name of the Game, Ironside and Perry Mason, to name only three, have often resorted to this.

ESTABLISHES STATUS

"Also, don't forget that in TV drama, as sometimes in real life, the phone is used to establish a person's status. There is an instrument known as 'the call director' that has 12 buttons. Place it on a man's desk . . . and you know immediately that he's a big shot executive."

"What's the most unusual request received by your Long Distance division?" I wanted to know.

"Well, out in the Midwest there was a character who wanted to establish an endurance record for being buried alive underground. So he asked that a phone be installed in his coffin. He said he wanted 'to keep in touch' with the world above."

"Sounds wacky to me," I remarked.

"Oh, I don't know." He laughed. "Remember our slogan: 'It's the next best thing to being there,' " said Don E. Hutchins.

TV SHOW WILL DISTRIBUTE 16-MILLIMETER FILMS TO SCHOOLS

(By Ben Gross)

There's more to educational TV than the programs one sees on Channel 13. Some of the items on the commercial networks and the stations are also learning-oriented and devote themselves to bringing useful information to millions of viewers. Consider, for example, the Lee Marvin special, "It Couldn't Be Done," set for April 2 on NBC-TV.

This is the program, three years in the plannning and eight months in production, that will show how great Americans, convinced that "it could be done," completed such "impossible" projects as the Golden Gate Bridge, the Mt. Rushmore Memorial and the Holland Tunnel.

Because of the upbeat nature of the show—a contrast to so much that is depressing and discouraging these days—schools, civic, patriotic and religious groups who have faith in this country's future are expressing unusual interest in the telecast.

RECOMMENDED

In response to this, Dan E. (Hutch) Hutchins, advertising director of the sponsor, the Long Lines Division of the Bell System, makes this announcement: "We are making 16-mm color prints of the special available to schools and other institutions or organizations throughout the country. All they have to do is to contact the local Bell System company and request a showing."

In tribute to the educational and inspirational qualities of the program, the National Education Association has recommended it to its two million teacher-members and the General Federation of Women's Clubs has accorded it a similar accolade.

Hutchins also informs this column that because the special seeks to cover some 46 states in one hour, the usual commercials will be eliminated. Instead, the program, which will feature the famed Fifth Dimension, has added three additional "impossible" projects—the building of the Washington Monument, the Mt. Washington cog railway and the Wright Brothers Museum in Kitty Hawk, N.C.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 31, 1970, the President had approved and signed the act (S. 858) to amend the Agricultural Adjustment Act of 1938 with respect to wheat.

REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT 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 Banking and Currency:

To the Congress of the United States:

I submit herewith the Second Annual Report on National Housing Goals, as required by Section 1603 of the Housing and Urban Development Act of 1968.

In the past year, this Administration has undertaken an extensive analysis of our housing goals and the prospects for meeting them. This analysis suggests that the construction and rehabilitation of 26 million housing units in a decade—including 6 million for families with low and moderate income—should meet the Nation's needs, and is consistent with other urgent claims on our productive resources. This volume of housing can be produced if we follow appropriate policies.

In line with the statutory requirement, the attached report presents a revised production plan to achieve the housing goals. Such planning is helpful in providing a guideline by which to measure our progress toward meeting the Nation's increasingly urgent housing needs. It should be emphasized, however, that projects eight years into the future must be considered flexible, regardless of the apparent precision of the planning schedule.

The record of the past year makes clear that continuing efforts on many fronts are required to provide a decent home and suitable living environment for every American family. The Administration, the Congress, private industry and labor must cooperate closely in removing the obstacles and making the commitments necessary to meet our housing objective within the framework of sustainable economic growth.

RICHARD NIXON.

THE WHITE HOUSE, *April 1, 1970.*

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, April 1, 1970, he had signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 13448. An Act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the United States Public Health Service Hospital at New Orleans, Louisiana, for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana, may be located; and

H.R. 14289. An Act to permit El Paso and Hudspeth Counties, Texas, to be placed in the mountain standard time zone.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON ADJUSTMENTS OF CONTRACTS BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the adjustments of certain contracts by that Administration, during the calendar year 1969; to the Committee on Aeronautical and Space Sciences.

REPORT ON AGRICULTURAL CONSERVATION PROGRAM

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the Agricultural Conservation Program for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF DEPARTMENT OF COMMERCE UNDER FAIR PACKAGING AND LABELING ACT

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of that Department, for the fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

REPORT ON MUTUAL DEFENSE ASSISTANCE CONTROL ACT OF 1951

A letter from the Assistant Secretary for Economic Affairs, Department of State, transmitting, pursuant to law, a report on the Mutual Defense Assistance Control Act of 1951, for the year 1969 (with an accompanying report); to the Committee on Foreign Relations.

RESEARCH PROPOSAL FROM THE STATE UNIVERSITY OF NEW YORK

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a research proposal from the State University of New York entitled "Evaluation of Natural River Environments" (with an accompanying proposal); to the Committee on Interior and Insular Affairs.

REPORT ON PROPOSED AMENDMENTS TO THE RULES OF CIVIL PROCEDURE FOR THE U.S. DISTRICT COURTS ADOPTED BY THE SUPREME COURT

A letter from the Chief Justice of the United States, transmitting, pursuant to law, proposed amendments to the Rules of Civil Procedure for the U.S. District Courts, adopted by the Supreme Court, and a report of the Judicial Conference of the United States (with accompanying papers); to the Committee on the Judiciary.

REPORT ON PROPOSED AMENDMENTS TO THE FEDERAL RULES OF APPELLATE PROCEDURE ADOPTED BY THE SUPREME COURT

A letter from the Chief Justice of the United States, transmitting, pursuant to law, proposed amendments to the Federal Rules of Appellate Procedure, adopted by the Supreme Court, and a report of the Judicial Conference of the United States (with accompanying papers); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

H.R. 16612. An act to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970 (Rept. No. 91-753).

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of nominations was submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia:

Stanley J. Anderson, of the District of Columbia, Henry S. Robinson, Jr., of the District of Columbia, and Carlton W. Veazey, of the District of Columbia, to be members of the District of Columbia Council.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. GORE:

S. 3659. A bill to provide an income tax credit for certain political contributions; to provide for public financing of presidential and senatorial election campaigns; and to revise the Federal election laws; to the Committee on Finance.

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

By Mr. HOLLINGS (by request):

S. 3660. A bill to provide for a uniform system for the apportionment of estate taxes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PACKWOOD:

S. 3661. A bill for the relief of Miss Marvin Louise Danlag Obregon; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3662. A bill for the relief of Rosalind B. Marimont; and

S. 3663. A bill for the relief of Helen M. Costello; to the Committee on the Judiciary.

S. 3664. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on Banking and Currency.

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

By Mr. NELSON:

S. 3665. A bill to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; to the Committee on Public Works.

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

By Mr. MURPHY:

S.J. Res. 188. Joint resolution to authorize the President to proclaim the period from October 25, 1970, through October 31, 1970, as "International Toastmistress Clubs Week"; to the Committee on the Judiciary.

(The remarks of Mr. MURPHY when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3659—INTRODUCTION OF ELECTION FINANCING AND REFORM ACT OF 1970

Mr. GORE. Mr. President, an election ought to be a time of serious discussion, a time when ideas are brought forth and debated—not for the sound they make but for their meaning, not for their marketability but their merit, not for their packaging but their content. Because the most vital single action of a self-governing society is the election of public officials.

Unless the will of the people can be determined and maintained in elections there can be no government of, by, and for the people. Unless the elective process is surrounded by effective safeguards,

there can be no real assurance that the will of the electorate will emerge.

The right of a free franchise is one of our highest privileges, a mark of a free man. It is a duty, too, one that must be exercised personally, and that without coercion whether by a system of fines against those who fail to exercise their privilege or by an undue influence from any direction.

But we have a long way to go yet to make our voting system as free and unhampered and as equitable as all of us would wish it to be and to free it from the undue influence of money which is now throttling it. The country has not thrown proper safeguards around financial influence in Federal elections and until a way to do this is evolved the other ills must be considered secondary. Money is the root of much political evil in our country and the Senate has on many occasions considered ways to lessen that influence. Through the years we have been moving nearer to a solution, slowly but surely. Yet the threat of corruption by money in politics is greater than ever before. This makes imperative a solution.

The cost of campaigns has mushroomed, the practices of vested interests have become a threat to popular government, the influence of TV and other expanding communications media—and the advertising industry—has skyrocketed and there is now widespread and justifiable public concern over the threat to popular government arising from the improper influence of money in elections. A book entitled "The Selling of the President" is now a popular handbook for the image sellers.

The concentration of dollars poured out at election times serves to thwart the will of the American people both directly and subtly. Not many people would sell their votes directly, but the influence exerted by merchandising and image-making does not come directly, and in this new form no one is immune to it—either in the purchase of soapflakes or in the choice of candidates for high office.

The need for remedial legislation in the field of Federal elections is imperative. There is something profoundly wrong about a system by which the election of a Senator, in many States, costs a million dollars—the conservative estimate of what is needed to unseat an incumbent in a middle size industrial State. Is this government by, for, and of the people or by the size of the purse?

Public confidence in government—and in the integrity of the people's representatives who make up that government—is the bedrock upon which the foundation of our system rests. Government is no more secure than public confidence in its institution. Moreover, representative government cannot be truly representative unless the electorate has an opportunity to choose among candidates on the basis of their qualifications without improper, or undue, influences which impede a free choice.

Elections are public business. Indeed there is no aspect of public business which more directly affects the quality of government and the public welfare. Yet, our present system for financing election compaigns makes a mockery of free democratic processes. Money in elections, both as to source and as to amount threatens to undermine public confidence in those who are elected, and thus in the institution of government itself.

It is impossible to finance a modern mass media statewide campaign with $10 contributions from public spirited citizens, to say nothing of the enormous financial requirements of a national campaign for the presidency. Dependence must be placed on large contributions and all too often these come from wealthy individuals or from organized groups who hope that their generosity will be remembered by the candidate after he is elected. Large contributions may well come without strings. It is, I believe, the only kind most candidates for high office would accept.

But it is asking a lot of human nature to assume that the big contributor stands entirely on the same footing with other constituents when matters in which he is interested come up for decision by elected officials. Even the absence of impure motives on the part of the giver, the receiver, or both, cannot entirely erase the influence of large campaign contributions.

The candidate who elects not to seek or accept this kind of money is at a disadvantage, to put it mildly. Modern campaigning with the tremendous cost of indispensible exposure on television has vastly increased the advantage of the candidate with an adequately financed campaign. Simply stated, money can and does buy, in an effective sense, many elections without in any way violating our archaic election laws and without buying a single vote. What is acquired by mass, and frequently misleading, propaganda is a favorable voter inclination based upon false or artificial premises.

Since election to public office is public business of the highest order, election to Federal office, at least, ought to be publicly financed. In no other way can the stench of money in politics be completely eliminated from the elective process.

This is not a new idea. As early as 1907, President Theodore Roosevelt called for a Government subsidy to finance Federal elections. His suggestion has been echoed by political scientists and Presidents as well. President Kennedy established a Presidential Commission to go into the matter of election financing and subsequently submitted recommendations to the Congress to tighten up existing laws, to provide for more effective public disclosure of what was spent and where it came from, and to encourage a wider base for contributions of moderate size.

Senators will recall that in 1966 a limited public financing law was passed but it was not satisfactory and early in 1967, before it could be put into effect, its provisions were made inoperative. Later that year, the Senate Finance Committee approved another measure which I thought was much better, and I strongly supported that bill. But no action was taken by the Senate during the 90th Congress.

It is substantially that same bill which I am introducing today. It is well explained in Senate Report No. 714, 90th Congress.

There is one major change, and this relates to the effective date. The tax and public financing provisions of the bill I have introduced today do not become effective until 1975. All incumbent Senators, then, would be subject to reelection under existing law. Thereafter, the new law would apply to all.

Frankly, I view this bill as only a first step. Eventually I hope that all stages of the Federal elective process, primaries and conventions as well as the general election, will be publicly financed under regulations which will limit spending to the amounts reasonably necessary to inform the electorate and with rigid controls over the expenditure of the money. Offering the candidate a choice between public and private financing is intended only for a transition period, perhaps of 10 years. I believe that the overwhelming majority of candidates for the Senate would choose public financing if they had a choice. But I have sought to provide an option to lessen the fears of those who think that public financing might not work. My ultimate goal is to free completely from private money influence—either from the candidate's own fortune or from contributors—election to Federal office—President, Vice President, Senator, or Congressman.

With campaign costs continuing to skyrocket, with campaigns turning into advertising circuses, with no effective control whatever over how much is spent, where it comes from, or what it is spent for, our system of government is placed in great peril. We are rapidly approaching, if we have not already arrived at, a condition in which only the rich or the subsidized can successfully compete for the honor and opportunity of high Federal elective office.

Fortunately for me, personally, a record of public service operates as stored up good will to withstand an anticipated financial storm, but I am thinking of the foreclosure of equal opportunity for other men without means to achieve public favor.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred.

The bill (S. 3659) to provide an income tax credit for certain political contributions; to provide for public financing of presidential and senatorial election campaigns; and to revise the Federal election laws, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

S. 3664—INTRODUCTION OF DISTINGUISHED LAW ENFORCEMENT SERVICE ACT

Mr. TYDINGS. Mr. President, in these times of burgeoning crime rates and increasing social turbulence, the work of our police has become evermore complicated, delicate, and important. We expect our police to be sensitive to the problems of the poor, the young, and the members of our racial and ethnic minorities. We ask them to respond with stoic restraint when confronted with an avalanche of verbal and physical provocations designed to produce the very opposite reaction. We call upon them to be experts on the law, students of behavioral and social sciences, guardians of civil liberties, street-corner diplomats, marriage counselors, as well as energetic and efficient crime fighters. And in fulfilling these multiple tasks we expect them to display the Promethean qualities of wisdom, patience, and strength.

We find no task too difficult, too dangerous, or too discomforting for a policeman. They are on call 24 hours, every day of the year, no matter how inclement the weather. In maintaining order, they are continuously exposed to the seamy side of life. We ask them to care for inebriates, resolve family altercations, detect and control immoral behavior, rescue lost babies, direct and control traffic and in general lend a helping hand whatever the problem.

Primarily we ask our police to serve as our front line of defense against crime—to defend from criminal intrusion our persons and our property, our safety on our sidewalks, and the security of our homes. In performing this crucial law enforcement function, the police are required to patrol the beat, assemble the clues and tirelessly investigate, energetically chase and skillfully apprehend those who commit crime. Indeed, so long as the root causes of crime continue to exist, we increasingly shall call upon our police to stem the torrent of crime that sometimes seems to engulf us.

Mr. President, never before has the task of the police been so fraught with peril. The target of derision and physical assault, our police are increasingly catching the brunt of the politics of confrontation and violence. Moreover, in our ghettos, they are often looked upon and treated as an occupying force. And as the incidence of crime increases, so do the chances that a policeman will be injured in his attempt to capture an assailant.

We must not forget that more than 500 policemen were murdered by criminals during the 1960's. Hundreds more have lost their lives while on the line of duty. Moreover, today the chances are about 1 to 8 that a policeman will be assaulted while on duty.

Mr. President, although society charges its police with an aggregate of responsibilities of the most sensitive, complex, and dangerous nature, society declines to give them the necessary backing to do their jobs. Everyone knows that our police are notoriously underpaid, considerably undertrained, poorly equipped, and little appreciated. Indeed, we have made police work so unattractive that no large police force in the Nation can fill its ranks. Time and again our national advisory commissions on crime have told us that if we intend to put safety back on our streets, this must change.

To make our police forces equal to the tremendous tasks that society assigns them—in brief to make them true professionals—I suggest that we must achieve at least six goals. First, we must provide much better police training and education. Second, we should elevate the rate of compensation, especially for policemen who have attained additional levels of education or who work in areas of high crime incidence. Third, we should improve retirement, injury, and death benefits and add law enforcement to the selective service list of essential occupations. Fourth, we must provide policemen with law enforcement tools and weaponry that are as technologically advanced as anything imagined by Ian Fleming. Fifth, police should be relieved from time-consuming, essentially non-law-enforcement functions, such as caring for alcoholics. Finally, society must show a greater appreciation for the risks and discomforts that policemen take for the safety of their communities.

The Federal Government has already taken an important step toward reaching these goals. In 1968, it passed the Omnibus Crime Control and Safe Streets Act. This important legislation establishes, among other things, an Institute to develop new law enforcement methods and a program under with Federal money is provided to help policemen improve their education and training. I am proud of the role that I played in the writing and passage of this legislation.

At the beginning of this Congress, I introduced a package of 11 separate pieces of legislation, S. 962 to S. 973, that are designed to additionally improve our police in the manner which I have outlined above. I call upon my Senate colleagues to move forward in their consideration of these important law enforcement measures.

Mr. President, I now introduce for appropriate referral a bill to establish national awards for outstanding service by State and local law enforcement officials. The awards, which would be given by the President, would represent a token of national respect and appreciation for police officers who heroically put their lives on the line to protect the communities in which they serve, or who otherwise serve in an outstanding manner. I ask unanimous consent that the bill be printed in the RECORD at this point.

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

The bill (S. 3664) to establish the President's Award for Distinguished Law Enforcement Service, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3664

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 "Distinguished Law Enforcement Service Act."

SEC. 2. There is hereby established an honorary award for the recognition of outstanding service by police officers of State, county or local governments. The Award shall be known as the President's Award for Distinguished Law Enforcement Service and shall consist of a gold medal suspended on a ribbon of appropriate material and color, and accompanying appurtenances. Each medal shall be suitably inscribed and an appropriate citation shall accompany each award.

SEC. 3. The President's Award for Distinguished Law Enforcement Service shall be presented by the President, in the name of the President and the Congress of the United States, to law enforcement officers:

(a) for extraordinary valor in the line of law enforcement duty;

(b) for outstanding character and service in the line of law enforcement duty; or

(c) for exceptional contribution in the field of law enforcement or correctional research or administration.

SEC. 4. The Attorney General shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing this function, the Attorney General shall review recommendations submitted to him by State, county, or local government officials, and shall decide which of them, if any, warrant presentation to the President. The Attorney General shall transmit to the President the names of those persons determined by the Attorney General to merit the award, together with the reasons therefor. Recipients of the award shall be selected by the President.

SEC. 5. There shall not be awarded in any one calendar year in excess of twelve such medals: four for extraordinary valor, four for outstanding character and service, and four for exceptional contribution.

SEC. 6. The Department of Justice shall list in its annual budget request a sum of money equal to that necessary to carry out the provisions of this Act.

S. 3665—INTRODUCTION OF THE PACKAGING POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, it is time to begin to make the concerted nationwide effort necessary to find a better solution to the solid waste problems resulting from discarded packaging materials. It is time to cut down the quantity of packaging which becomes solid wastes. It is time to make provisions that packaging will be amenable to solid waste disposal and be degradable. It is time to relieve the financial burden on local governments for this overburdened solid waste programs.

With these thoughts in mind, I am today introducing the Packaging Pollution Control Act of 1970. This bill contains three basic provisions to relieve the stress which packaging wastes place upon the consumer and the quality of his environment. First of all, this bill would direct the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to establish and put into effect not later than June 30, 1971, a schedule of national packaging charges. These charges would be scaled to reflect the level of adverse environment effects which each type of packaging represents, and would encourage the packaging industry to use materials and construction which would be reused, returned, or recycled, or would be degradable if discarded into the environment.

Second, the funds that are generated by these national packaging charges would be returned to local governments in the form of grants for the construction of solid waste facilities. Seventy-five percent of the funds collected in any fiscal year would be returned to local governments according to population. The remaining 25 percent of the funds would be returned to local governments where the Secretary of Health, Education, and Welfare finds the greatest need, innovative solid waste programs, regional or intermunicipal systems, or programs which help to recycle wastes back into the economy.

Finally, the bill directs the Secretary of Health, Education, and Welfare to develop and publish national packaging standards that will insure that all packaging is either returned, reused, or recycled into the economy, or else be of such composition and construction as to be degradable.

On January 19, 1970, I brought to the attention of the Senate an environmental agenda for the 1970's. The basis for this agenda was the realization that the restoration of our environment and the establishment of quality of life on a par with quantity of life as a goal for our Nation will require much more than rhetorical gestures and cries of alarm. As we are only just now beginning to understand, the environment of man is a vastly interrelated and sophisticated system. The stresses that man places upon one aspect of the environment may effectuate changes which are not readily apparent. These changes may surface at some later time in another component of the environmental system to threaten man's health and welfare.

The lessons that we have had to endure in order to get a small glimmer of the complexity of ecological and environmental interchange have been costly. We carry the mark of uncontrolled use of persistent pesticides in our bodies today. Algal blooms document the fertilization of our rivers, lakes, and ponds through the use of phosphate-based detergents. Our air, our landscape, and our waters bear the scars of environmental infections caused by the seemingly unrelated actions of another day and of another place.

Therefore, we must develop a program which will take us from alarm and rhetoric to positive action. At the same time, we must maintain a concept of the whole environment as we focus on the individual parts of immediate specific interest. This view of the environment in its totality is what I have described as an ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.

The environmental agenda for the 1970's, which I outlined early in the session, is a recognition of the whole environment and an ecological ethic as a framework within which we must begin to take specific action to control environmental degradation. Since the beginning of this year, I have introduced 13 legislative proposals focusing on individual items within the structure of the environmental agenda for the 1970's.

Today I am responding to another item on the Environmental Agenda for the 1970's and introducing proposed legislation to meet the challenge that discarded packaging is presently making upon this country's solid waste management systems. This bill is entitled "The Packaging Pollution Control Act of 1970" and establishes economic incentives for the return, reuse, and recycling of packaging into the economy before it is discarded. A second provision of this legislation provides for the development of national packaging standards. These standards will become effective throughout the country not later than June 30, 1974. In addition, the Packaging Pollution Control Act will give financial assistance to local governments for solid waste management programs.

In the last decade there has been a vast change in this country in the production and consumption of packaging. These changes, which have already resulted in greatly increased economic costs to the American public and which have contributed to the Nation's burden of solid wastes, are expected to continue to soar in the coming years.

In 1958, every person in the United States produced 404 pounds a year of discarded packaging. Eight years later this amount had risen over 25 percent to 525 pounds of packaging that each person discarded in a year, and by 1976 it is estimated that this figure will be 661 pounds per year of packaging—paper, glass, metals, wood, plastics, and textiles—for every man, woman, and child in this country.

The total amount of packaging consumption in the United States rose from 70,800,000,000 pounds in 1958 to 103,400,000,000 in 1966 and will be 147,000,000,000 pounds by 1976. These astronomical amounts of solid waste due to packaging become particularly significant when it is realized that only 10 percent of the total amount is presently being recycled back into the economy. Thus, in 1966, 90 percent of those 103,400,000,000 pounds of packaging wastes wound up in the Nation's trashcan, or on her highways, or in her streams and waterways, or on her beaches, or blowing in the wind. A total of 93,600,000,000 pounds of packaging trash was dumped upon the beleaguered solid waste management systems of local government.

The problem of the rising amounts of solid waste due to packaging which is discarded and never recovered or reused is more than an esthetic problem of litter, although scattered trash can be an expensive public proposition, contribute to sanitary and health problems, and be a festering public sign of environmental decay. Rather, these discarded packaging wastes are an intolerable drain upon the natural and economic resources of this country and as a critical component of solid wastes are a major factor in our present state of environmental deterioration.

In 1966 almost 3½ percent of this Nation's entire gross national product was spent on all aspects of packaging. That is $25 billion of our country's productive wealth for packaging. Of this amount, $16.2 billion represented packaging raw materials. With 90 percent of the packaging produced in the United States being discarded and not recycled, that means that in 1966 we tossed approximately $14.6 billion out the window and away. But with our discarded packaging and other solid wastes there is no longer any "away" where we can merely toss our packages after we have removed the contents. And so public moneys must be expended to collect the valuable resources which have been tossed aside and attempts made to find a means of disposal so that we do not choke on this mountain of packaging trash.

Thus in 1966, in addition to the loss of $14.5 billion in discarded packaging materials, the American public had to pay another $419 million for local governments to collect and dispose of the material. It would be expected that with the expenditure of $15 billion for the production, use, discard, collection, and disposal of packaging, the American public could expect some monumental and striking results. The only monuments we see, however, are the mountains of materials of such permanence that they may still be standing hundreds of years from now.

We must view with bitter irony the possibility that the pyramid for our affluent and productive age may prove to be a massive pile of indestructable bottles, cans, and plastic containers paid for by the collective sweat of the public brow. It may be that the signature of our culture will be the immortal aluminum can.

Future estimated costs indicate that the price tag which the public will have to pay for packaging wastes will escalate greatly in the next several years. The $15 billion that was paid in 1966, the last year for which figures are available, is expected to jump to $21,327,000,000 by 1976—$20.7 billion in unreturned, unrecycled packaging materials, and $600 million in the costs of collection and disposal.

Not only are the economic costs borne by the public for packaging solid wastes going to continue to rise dramatically, but the adverse effects upon environmental quality as a result of these wastes are also going to increase. In other words, the costs increase at the same time the environmental quality decreases.

The problems of mounting economic costs and increased difficulty of disposing of discarded packaging and other solid wastes is not merely a matter of concern for our major urban centers. It is presently an issue in all our communities, particularly as they look to the future. The lead editorial of the Stevens Point Daily Journal on Friday, February 27, 1970, indicates the concerned thought which this newspaper in a Wisconsin community of around 25,000 has given to the problem of solid waste management. The editorial points out:

> It is becoming increasingly obvious that we cannot find places to throw it (solid waste) away, to pile it up and leave it, or to bury it. But we keep trying.

The editorial goes on to point out that on a recent survey of a one-mile stretch of a two-lane highway in Kansas the following debris was collected:

Two bed springs, 770 paper cups, 730 cigarette packages, 590 beer cans, 130 soda bottles, 110 whisky bottles, 90 oil cans, 90 beer cartons, 50 livestock feed bags, 30 cartons, 26 magazines, 20 highway maps, 10 coffee cans, 10 shirts, 10 tires, 10 burlap bags, four bumpers, four shoes, and 274 miscellaneous items.

This laundry list of litter is a graphic reminder of environmental decay which can be observed in all sections of the country. However, litter is just the most vivid public tip of the packaging solid waste iceberg. We must continue to focus our attention upon the major portion of packaging solid wastes—the packaging which does find its way into the trash can and is subject to collection and disposal.

After pointing out the tremendous economic and administrative burdens which the collection and disposal of all solid wastes presently place upon this Nation's communities, the Stevens Point Daily Journal looked at the prospects for the future:

> Solid trash discarded now averages 5.3 pounds for every citizen in the country every

day of the year. It is expected to reach an average of eight pounds per day by the end of the decade at the present rate of growth. And the cost of disposal nationally is rising geometrically as land available for disposal continues to shrink and accelerates in value.

Do we believe it costs too much to undertake a concerted effort to find a better solution than to dump discarded wastes back onto or into the land? It may cost much more not to.

I am certain that inaction will be too expensive. I believe that past experience, as well as present trends within the packaging industry, assure that future costs and degradation of environmental quality will vastly increase and demand a concerted effort to find a better solution now.

As an example of the packaging solid waste problems that we face, the use of glass containers has been growing steadily from 20,200,000,000 units in 1958 to 29,400,000,000 units in 1966. And now even with the introduction of competition from plastic and metal containers, this growth is expected to continue. Of particular importance is the estimate that glass containers used for beverages will more than double in the period from 1966 to 1976. This will be due primarily to the increase in nonreturnable beverage containers. Whereas returnable bottles represented over 60 percent of the fillings of the beverage industry in 1957, in the next 6 years they will only represent 20 percent of the fillings.

On the other hand, those one-way, no-deposit, no-return containers will capture 80 percent of the market, increasing 127 percent during the same period. This means that instead of the 25,600,000,000 nonreturnable bottles and metal cans that we had to try and dispose of in 1958 we will be inundated by the disposal problem of 58,100,000,000 nonreturnable glass beverage bottles and cans in 1976. And it is glass and metal packaging wastes that are the most resistant to disposal. Thus we increase the packaging units that cause us the most solid waste and environmental problems.

A returnable glass container will make about 19 trips to the market during its useful life, and most likely will be removed at the bottling plant and recycled and made into a new bottle without ever having to be collected and disposed of by local government's solid waste systems. On the other hand, the nonreturnable can or bottle is purposely and expressly designed to be used one time and then discarded in the name of convenience.

Who derives the benefits of nonreturnable containers? The bottle manufacturer and the can manufacturer who can make and sell about 19 units to replace one unit of a returnable container. Who bears the cost? The consumer who must pay, and pay, and pay, and pay. The consumer must pay an additional price for a nonreturnable can or bottle. The consumer will pay again when he throws that expensive bottle or can away. Then he must pay again to have the container collected and fed into his local government's disposal mechanism. And when that persistent container does not degrade but lives on to foul environmental quality, the consumer must pay again. The four-time loser of packaging is the American consumer. In my view, I do not believe that to be a public convenience.

In addition to the increase of nonreturnable glass and metal beverage containers, the future is going to see increased use of plastics, which hold a special horror for the waste disposal plant operator because they can foul his equipment and operations and may cause special problems of toxicity when they are incinerated. There will be many untested new materials introduced and a greater proliferation of packaging constructed of differing materials. This, of course, adds to the difficulties of separation and salvage of these valuable resources. And it will continue to be the American consumer who pays the added cost for this new and increased use of packaging. He will pay more at the store, in his local tax bill, and in a lower quality of environment.

In a recent meeting of the international section of the New York Board of Trade, the chairman of the board and president of the American Can Co., Mr. William F. May, indicated the difficult problem that industry faces in any efforts to voluntarily control polluting activities in a profit-oriented economy.

In his speech, Mr. May recognized the tremendous losses in unrecycled natural resources that are a present component of this country's industrial manufacturing:

We are profligate in our use of limited resources. We use once and throw away minerals and metals that are not inexhaustible in their source and supply. The answer, based on our current research and science, is that these minerals and metals must be re-cycled and re-used, if we are to conserve them for future generations.

According to Mr. May, the major factor which keeps industry from voluntarily spending the money and taking the actions necessary to end this waste and halt environmental deterioration which results from manufacturing is the high level of business competition and the quest for profit. He said:

There isn't a chief executive alive who is going to spend the stockholders' money for this purpose without some reward, some return on investment, or at least some assurance of equity with his competition.

As a result, May concluded:

I now believe that we must think in terms of a federal approach to our environment, a centralized authority. Much as we all avoid and abhor increases in central authority or government, the pressures of population and the pressures of this problem bring us to where we must accept centralized authority and guidance in this area.

Present production and practices of the packaging industry emphasize the need for control of packaging wastes at the national level. The facts and figures point up Mr. May's contention that industry cannot or will not voluntarily exercise environmental control.

As I stated earlier, the time for concerted nationwide action is now. We must cut down the quantity and improve the quality of packaging which becomes solid wastes. We must relieve the financial burdens on municipal solid waste programs. The Packaging Pollution Control Act of 1970 is an effective coordinated plan to achieve these ends.

A section-by-section analysis of the Packaging Pollution Control Act of 1970 follows:

Section 1 is the short title of the act—the Packaging Pollution Control Act of 1970.

Section 2 amends the Solid Waste Disposal Act to add a new clause (2) to subsection (b) of section 202, thereby adding an additional declaration of purpose to the act.

Section 3 amends section 203 of the Solid Waste Disposal Act to add definitions which are essential for the purposes of this act.

Section 4 amends the Solid Waste Disposal Act to redesignate sections 204, 205, 206, and 207 as sections 206, 207, 208, and 209, respectively, and adds two new sections as follow:

A new section 204 which directs the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to prescribe regulations as are necessary to establish and put into effect not later than June 30, 1971, a schedule of national packaging disposal charges for all packaging manufactured or imported into the United States that may result in solid waste or lowered environmental quality. In determining the schedule of charges, the Secretary will consider whether the packaging is made from virgin or secondary materials, the quantity of solid wastes which result from a particular type of packaging, the ultimate costs of disposal of this packaging, the possible toxic or health problems which may result from this packaging, and the likelihood that the packaging under consideration will be returned, reused, or recycled into the economy. Thus the less a particular package lowers environmental quality, the less the charge that is applied.

The remainder of this section establishes a fund in the Treasury for the deposit of revenues collected by the Secretary of the Treasury, which funds will be available without further appropriation to the Secretary of Health, Education, and Welfare for use under the new section 205, and establishes an action for enforcement of regulations established under this section and the new section 210 and provides for a civil penalty of between $1,000 and $5,000 for each day of violation.

A new section 205 which directs the Secretary of Health, Education, and Welfare to distribute the amounts collected in the packaging pollution trust fund each year in the form of grants to State, municipal, interstate, and intermunicipal agencies for the construction, completion, or improvement of solid waste disposal and resource recovery facilities. The grants under this section must be consistent with other sections of the Solid Waste Disposal Act, particularly with regard to interstate and interlocal cooperation and coordinated planning.

Section 205 also apportions allocation of these grants to local agencies so that 75 percent of the funds collected in any fiscal year are apportioned among the States in the proportion which the population of a State bears to the total popula-

tion of all the States. The remaining 25 percent of the funds will be allocated to the local agencies on a priority basis where the Secretary of Health, Education, and Welfare finds the greatest need, innovative and improved methods of solid waste management, regional or intermunicipal systems, or programs which recover resources or recycle useful materials back into the economy. Nothing in section 205 limits the authority to make grants under any other section of the Solid Waste Disposal Act.

Section 5 removes the provision in subsection (d) of the redesignated section 206 which limits any construction grant made under the Solid Waste Disposal Act to two-thirds of costs.

Section 6 redesignates the last three sections of the Solid Waste Disposal Act as sections 211, 212, and 213, respectively, and adds the following new section:

A new section 210 which directs the Secretary of Health, Education, and Welfare to establish, by regulation, national packaging standards which reflect disposability, and the effects upon solid waste management, public health, welfare, and environmental quality of all types and classes of packaging. These standards will be designated to insure that all packaging will be returned, reused, or recycled into the economy, or will be made of such composition and construction as to be degradable.

The standards, and such rules and regulations as are necessary to carry out the policy of this section, will be published by June 30, 1973, and will be made effective by June 30, 1974. After June 30, 1974, the standards, rules and regulations of this section will become a factor in the consideration of the packaging disposal charges under section 204 and, in addition, violations of these standards, rules, and regulations will be subject to the same action and penalties outlined in section 204 for violations of that section.

In carrying out the purposes of section 210, the Secretary of Health, Education, and Welfare is authorized to make grants and contracts.

Mr. President, I ask unanimous consent that the Packaging Pollution Control Act be printed in the RECORD at the end of these remarks.

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

The bill (S. 3665) to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3665

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 "Packaging Pollution Control Act of 1970".

SEC. 2. Subsection (b) of section 202 of the Solid Waste Disposal Act is amended by striking out clause (2) and inserting in lieu thereof the following:

"(2) to provide economic incentives and regulatory mechanisms to bring changes in packaging production and practices which will reduce the quantity and improve the disposability of solid wastes from this source; and

"(3) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, and conduct of solid-waste disposal programs."

SEC. 3. Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

"(7) The term 'packaging' means any material, wrapping, or container which covers, surrounds, holds, protects, or contains any item or substance for commercial sale which is not an integral constituent of the item or substance for sale, and any other similar items or materials determined by the Secretary, consistent with the policy and purposes of this Act.

"(8) The term 'disposability' means the handling of packaging after a user has discarded it.

"(9) The term 'municipality' means a city, town, borough, county, parish, district or other public governing body created by or pursuant to State law and having jurisdiction over the disposal of solid wastes."

SEC. 4. The Solid Waste Disposal Act is amended by redesignating sections 204, 205, 206, and 207 as sections 206, 207, 208, and 209, respectively, and by inserting after section 203 the following new sections:

"PACKAGING DISPOSAL CHARGES

"SEC. 204. (a) In furtherance of the purpose of this Act, the Secretary and the Secretary of the Treasury shall prescribe such regulations as are necessary to establish and put into effect not later than June 30, 1971, a schedule of national packaging disposal charges for all packaging manufactured or imported into the United States, which results, or may result, in solid waste or adverse environmental effects. In determining such charges the Secretary shall consider whether the packaging is made from virgin or secondary materials, the quantity of solid wastes which result from such packaging, the ultimate costs of disposal of such packaging, the toxicity and health effects of such packaging, the degradability of such packaging, and the likelihood that such packaging will be returned, reused, or recycled into the economy.

"(b) The purpose of such packaging disposal charges shall be to create economic incentives for the development of degradable packaging and the return, reuse, and recycling of packaging into the economy, to reduce the public costs of packaging and other solid waste disposal, to reduce the quantity of solid wastes, and to minimize the adverse effects upon the public health, welfare and environmental quality caused by the disposal of packaging.

"(c) Revenues collected by the Secretary of the Treasury pursuant to such packaging disposal charges shall be deposited in a Packaging Pollution Trust Fund (hereinafter referred to as the 'Fund') in the Treasury to be available without further appropriation to the Secretary for use as prescribed in section 205.

"(d) Any person who violates any regulation established pursuant to this section or section 210 shall be subject to a civil penalty of not less than $1,000 not more than $5,000 for each violation. Each day of such violation shall constitute a separate offense. Such penalties may be compromised by the Secretary, when deemed in the public interest.

"(e) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction to restrain violations of regulations established pursuant to this section or section 210.

"USE OF FUND

"SEC. 205. (a) In accordance with such terms and conditions as he may prescribe the Secretary shall distribute amounts received in the Fund in each fiscal year in the form of grants to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal and resource recovery facilities, including completion and improvement of existing facilities, which grants are consistent with and reflect other sections of this Act, in particular, section 207 and subsection (c) of section 208.

"(b) Of the funds made available each fiscal year for making grants under this section—

"(1) seventy five per centum shall be apportioned among the States in the proportion which the population of each State bears to the total population of the States; and

"(2) twenty-five per centum shall be allocated on a priority basis determined by the Secretary in accordance with the purpose of this Act and in such a manner as to reflect consideration of—

(a) the greatest need;

(b) innovative and improved methods of solid waste management;

(c) regional or intermunicipal systems; or

(d) the recovery of resources or recycling of useful materials.

"(c) Nothing in this section shall be construed as superseding or limiting any other section or provision in this Act."

SEC. 5. Section 206 of the Solid Waste Disposal Act, as redesignated by this Act, is amended by striking out subsection (d).

SEC. 6. The Solid Waste Disposal Act is further amended by redesignating the last three sections in such Act as sections 211 through 213, respectively, and by inserting after section 209, as redesignated by this Act, the following new section:

"NATIONAL PACKAGING STANDARDS

"SEC. 210. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility, establish standards of disposability, and of effects upon solid waste management and the public health, welfare, and environmental quality which must be met by all packaging, according to procedures prescribed herein.

"(b) The standards shall be designed to insure that all packaging will be returned, reused, or recycled into the economy, or will be of such composition and construction as to be degradable when discarded and/or subject to handling by public solid waste disposal systems.

"(c) The Secretary shall, on or before June 30, 1973, publish such standards and rules and regulations as are necessary to carry out the policy of this section, which standards, rules, and regulations shall be made effective not later than June 30, 1974.

"(d) Standards, rules, and regulations prescribed pursuant to subsection (c) of this section shall, after June 30, 1974, become another consideration in the determination of charges under section 204 of this Act.

"(e) Nothing in this section shall be construed as superseding or limiting any other section or provision in this Act.

"(f) In carrying out the purposes of this section, the Secretary is authorized to make grants and contracts.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section and section 204."

ADDITIONAL COSPONSORS OF BILLS

S. 3410

Mr. BAKER. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE) and myself, I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Delaware (Mr. BOGGS), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOPER), the Senator from Kansas (Mr. DOLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. HUGHES), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Virginia (Mr. SPONG), the Senator from Alaska (Mr. STEVENS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 3410, to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of the bill (S. 3541) to amend the Omnibus Crime Control and Safe Streets Act of 1968. The bill would authorize the appropriation of funds for fiscal year 1971 and beyond for the grant-in-aid program administered by the Law Enforcement Assistance Administration under title I of the act. It would also make a number of significant changes in the grant procedure.

I did not join as a cosponsor when the bill was introduced on March 3 by the Senator from Nebraska (Mr. HRUSKA), the Senator from Mississippi (Mr. EASTLAND), and 22 other Senators, because I had some reservations about several provisions of the bill and did not want to delay introduction while I reviewed the matter in further detail. I have since had an opportunity to do this and also to discuss the matter at some length with officials of the Justice Department and the Law Enforcement Assistance Administration.

As a new and expanding program it will obviously encounter some problems, and experience may well indicate the desirability of making some changes in the original 1968 act. One of the provisions of the bill would eliminate some of the matching fund requirements of the basic act. I seriously question the wisdom of this feature of the bill and am not at all convinced that we should alter this concept of the original act.

I also have some questions about language in the bill to grant an "open-end" authority for appropriations, and to empower the Law Enforcement Assistance Administration to waive the requirements that designated percentages of planning and action funds granted to a State be passed on to local units therein. Although such waiver authority may be desirable in some cases, I do not believe that the standards now in the bill to limit the exercise of that authority are sufficient.

Despite some of my reservations about the pending bill, however, I do want to express my continued support of the work of the Law Enforcement Assistance Administration by cosponsoring S. 3541. I am confident that the deficiencies I mentioned, as well as any others, can be remedied in the course of the processing of the bill by the Subcommittee on Criminal Law and Procedures.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

S. 3643

Mr. BAKER. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3643, to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., Memorial Fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 188—INTRODUCTION OF A JOINT RESOLUTION PROCLAIMING OCTOBER 25, 1970, THROUGH OCTOBER 31, 1970, AS INTERNATIONAL TOASTMISTRESS CLUBS WEEK

Mr. MURPHY. Mr. President, I am sending to the desk a joint resolution that would authorize the President to designate the last week of October 1970, as International Toastmistress Clubs Week.

There are some 20,000 members of International Toastmistress Clubs here in the United States and 20 foreign countries. The main objective of the clubs is to assist fellow members in developing proficiency in communication and leadership skills so that they may take an active part as leaders in their own communities and thus build a better world.

At a time when better communications and leadership are needed both in the United States and in the world, the International Toastmistress Clubs are to be commended for providing the opportunity for American women to grow and develop in these important areas. At this important juncture in the history of this Nation and the history of the world, we need leadership, we need, in the words of the President in a letter he wrote to the International Toastmistress Clubs last year, "doers." I ask unanimous consent that the full text of the President's letter to this fine organization be printed at this point in the RECORD.

I share the President's great admiration and respect for this fine group. I join the President in his salute to "the public spirit" of the International Toastmistress Clubs. It is most appropriate that Congress recognize the work of the International Toastmistress Clubs by enacting the resolution which I am introducing today.

The PRESIDING OFFICER (Mr. SCHWEIKER). The joint resolution will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The joint resolution (S.J. Res. 188) to authorize the President to proclaim the period from October 25, 1970, through October 31, 1970, as "International Toastmistress Clubs Week," introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter submitted by Mr. MURPHY is as follows:

THE WHITE HOUSE,
Washington, D.C., June 14, 1969.

At a time in our nation's history when it is more important than ever to use the fullest talents of all our citizens, International Toastmistress Clubs perform a most valuable public service.

I am well aware of the American woman's potential to achieve since I have been blessed with three dynamic doers in my own family. It is therefore most encouraging to observe the increasing success of your commitment to develop the woman's ability and confidence to direct her creative spirit toward the good of society.

Your particular emphasis on communication, leadership training, and skill in organizational techniques is most gratifying. For never has the woman's role in business and professional life brought greater promise to her community and her country than today. And never has your "can-do" attitude earned such grateful admiration for you in this nation and throughout the world.

I wholeheartedly salute the public spirit of your membership, and I welcome your continued cooperation and support, as together we seek to "Build a Better World."

RICHARD NIXON.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 176

Mr. MURPHY. Mr. President, on February 26, I introduced Senate Joint Resolution 176, which authorizes the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week." I would now like to ask unanimous consent that, at the next printing, the following names of my colleagues be added as cosponsors: Mr. ALLEN, Mr. ALLOTT, Mr. BENNETT, Mr. CANNON, Mr. COOPER, Mr. CURTIS, Mr. EASTLAND, Mr. FANNIN, Mr. GOLDWATER, Mr. HOLLAND, Mr. HRUSKA, Mr. MILLER, Mr. MUNDT, Mr. PACKWOOD, Mr. PROUTY, Mr. RANDOLPH, Mr. SCHWEIKER, Mrs. SMITH of Maine, Mr. STEVENS, Mr. THURMOND, Mr. YOUNG of Ohio, and Mr. YOUNG of North Dakota.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection it is so ordered.

SENATE RESOLUTION 382—RESOLUTION SUBMITTED EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT IMPLEMENT THE MAJORITY REPORT OF THE CABINET TASK FORCE ON OIL IMPORT CONTROL

Mr. HARTKE (for himself, Mr. PROXMIRE, Mr. PELL, Mr. MCINTYRE, Mr. WIL-

LIAMS of New Jersey, Mr. MONDALE, and Mr. HART) submitted a resolution (S. Res. 382) expressing the sense of the Senate that the President implement the majority report of the Cabinet Task Force on Oil Import Control, which was referred to the Committee on Finance.

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

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—AMENDMENT

AMENDMENT NO. 575

Mr. WILLIAMS of Delaware (for himself and Mr. SCOTT) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program, which was ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATION OF ANDREW W. BOGUE

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 8, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Andrew W. Bogue, of South Dakota, to be U.S. district judge for the district of South Dakota, vice Axel J. Beck, retired.

At the indicated place and time 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 HEARING ON NOMINATION OF JAMES L. OAKES

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 8, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

James L. Oakes, of Vermont, to be U.S. district judge, district of Vermont, vice Ernest W. Gibson, deceased.

At the indicated place and time 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 CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

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

William B. Henderson, of Kentucky, to be U.S. marshal for the western district of Kentucky for the term of 4 years, vice Harry M. Miller, retired.

D. Dwayne Keyes, of California, to be U.S. attorney for the eastern district of California for the term of 4 years, vice John P. Hyland.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, April 8, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON THE GENOCIDE CONVENTION

Mr. CHURCH. Mr. President, as chairman of a special subcommittee of the Committee on Foreign Relations to consider the Genocide Convention, I wish to announce that the subcommittee will hold hearings on April 24 and 27, 1970.

The subcommittee will entertain requests to be heard which are submitted on or before April 6. Inasmuch as the convention was the subject of lengthy and detailed hearings in 1950, the subcommittee intends to limit its inquiry into the legal and constitutional implications of the convention.

The members of the subcommittee, in addition to the chairman, are Senators SYMINGTON, PELL, COOPER, and JAVITS.

Persons interested in offering testimony are requested to write to Mr. Arthur M. Kuhl, chief clerk, Committee on Foreign Relations.

ADDITIONAL STATEMENTS OF SENATORS

ARIZONA AND HAWAII STUDENT EXCHANGE

Mr. GOLDWATER. Mr. President, the States of Hawaii and Arizona are embarking on a most unusual and interesting program which I am sure will be very productive. Through private efforts, Operation Opportunity raised over $8,000 to make this program possible. What it involves is 20 fifth-grade students from Hawaii spending 2 weeks on the Navajo Indian Reservation. A little later, 20 Navajo and Hopi fifth-grade students will arrive in Hawaii to spend 2 weeks in that delightful place.

The Fifth Legislature of the State of Hawaii has passed a senate resolution relative to this program, and two accompanying newspaper stories more fully explain it. I ask unanimous consent that the resolution and the newspaper articles be printed in the RECORD.

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

THE SENATE, THE FIFTH LEGISLATURE OF THE STATE OF HAWAII,
Honolulu, Hawaii, March 20, 1970.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR BARRY: I wanted to write this letter to you to be sure that you were aware of the landmark program which involves our two States of Hawaii and Arizona. It is the first student exchange program between children from Hawaii and children of American Indian ancestry from Arizona. This program came about through private efforts and was named, "Operation Opportunity." More than $8,000 was raised from the community to make this exchange possible.

On March 18th, 20 fifth grade students from Maile, Waianae and Nanakuli left Hawaii to spend two weeks as exchange students in Steamboat Rock, Arizona, which is located within a Navajo Reservation. On April 23rd, 20 Navajo and Hopi Indian fifth grade students will arrive in Hawaii to spend two weeks as exchange students in Waianae, Hawaii.

We have great hopes that these exchange visits will result in a valuable cultural educational experience for the students directly involved as well as for their teachers, their friends, their parents and the members of their respective communities.

I am enclosing a copy of the Hawaii Senate Resolution on the Exchange Program as well as newspaper clippings. I know that the students and those who have devoted so much time and effort to this program would be extremely pleased and very thrilled if an entry about this could be made in the Congressional Record.

Sincerely,

Senator EUREKA FORBES.

SENATE RESOLUTION

A Resolution congratulating the Leeward Cultural Exchange and KHVH-TV for their roles in establishing a student exchange program for Waianae

Whereas, on March 18, 1970, twenty fifth grade students from Waianae, Mali and Nanakuli will leave Hawaii to spend two weeks as exchange students in Steamboat Rock, Arizona, which is located within a Navajo Indiana reservation; and

Whereas, on April 23, 1970, twenty Navajo and Hopi Indian fifth grade students will arrive in Hawaii to spend two weeks as exchange students in Waianae; and

Whereas, this exchange is the first exchange ever made between children from Hawaii and children of American Indian ancestry; and

Whereas, these visits will result in valuable cultural and educational experiences not only for the children involved, but also for the parents of the children involved and other adults in the community; and

Whereas, the Leeward Cultural Exchange was formed for the purpose of promoting and developing this student exchange, and KHVH-TV led the fund drive for this exchange program under the name of "Operation Opportunity"; and

Whereas, more than $8,000 was raised from the community in order to make this exchange economically possible; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the Leeward Cultural Exchange and KHVH-TV be and they hereby are congratulated for their roles in establishing a student exchange program in Waianae; and

Be it further resolved that certified copies of this Resolution be transmitted to Edward J. McGrath, President of the Leeward Cultural Exchange, and Lawrence S. Berger, President of KHVH-TV.

NAVAJO LAND BECKONS LEEWARD YOUNGSTERS

Twenty Leeward Oahu fifth graders will leave next week to spend two weeks living and going to school in a little Navajo Indian settlement named Steamboat Rock, Arizona.

The trip, which will be countered in April by a visit of 20 Navajo youngsters to Leeward, was dreamed up by two federal Teacher Corps volunteers and was made possible by enthusiastic community support.

The idea started last year when Edward J. McGrath and Craig Thompson joined the Teacher Corps together.

Teacher Corps is a federally funded program that sends non-education college graduates to various areas to help local teachers innovate new out-of-the-classroom programs.

McGrath was sent to Leeward and Thompson was sent to the Arizona Navajo Reservation, the two threw around the idea of a cultural exchange and decided to sound out their respective communities on the idea.

"Everyone was really enthusiastic about the idea," McGrath said. "Both the Leeward and Navajo people have very definite and unique cultural features and both are very proud of them."

So the Leeward Cultural Exchange was formed and an appeal for funds locally brought an immediate community response that resulted in the donation of the $3,401 necessary for the Leeward youngsters to make the trip.

KHVH-TV led the fund drive under the name "Operation Opportunity."

The group will leave a week from Wednesday at 11:30 a.m. on Continental Airlines flight 766. The public is invited to see them off.

Steamboat Rock is in Northeastern Arizona, about 160 miles northeast of Flagstaff. It is in the center of the Navajo Reservation and sits on the outskirts of the Hopi Reservation, which is surrounded by Navajo land.

The Leeward students will stay at Toyei Boarding School, which is just outside Steamboat Rock. The boarding school houses both Navajo and Hopi children, who live there during the school week and go home on weekends.

Activities include visits to the hogans (mud dwellings) of Navajo families, visits to such scenic and cultural attractions as the Grand Canyon, and a visit to Disneyland on the way home.

WAIANAE KIDS READY FOR A SWAP WITH THE INDIANS

(By Bob Krauss)

Mrs. Roy Yamada out in palm-shaded Waianae is knitting a pair of woolen mittens for her fifth-grade son, Derek.

Mrs. Elizabeth Saragosa at Maili (where the temperature averages 75 degrees) bought a pair of flannel pajamas last week for her 10-year-old son, Jeffrey.

Mrs. Herbert Amina in tropical Nanakuli, mother of 10-year-old Brian Amina, is shopping for a warm jacket.

These cold weather activities popped up on the sun-splashed Waianae Coast yesterday where 20 mothers are preparing their kids for a trip to Arizona. There they will spend two weeks on the Navajo Reservation.

Last night the temperature in Navajoland was below freezing.

That's not the only problem facing Waianae mothers.

"I have twins," said Mrs. Raymond Rodrigues. "My daughter, Ramy, was chosen to make the trip but her sister, Raelene, isn't going. They've never been separated before. I don't know how they'll take it."

A fifth-grader from Makaha, who has never been away from Hawaii, is concerned about visiting the reservation because of snakes.

"Don't worry," her teacher told her. "You wouldn't stop swimming in the ocean just because of the sharks out there, would you?"

The trip to Arizona begins a week from tomorrow and marks the beginning of the first cultural exchange ever attempted between kids from Hawaii and American Indians.

For more than a month the Waianae Coast community has been raising funds to meet the budget of $8,401.65.

"We now have $8,000 cash in hand with pledges for the rest," said Edward McGrath, president of the Leeward Cultural Exchange, sponsoring organization. "We are still taking donations.

"Any money we get beyond our own budget will be used to help the Indian kids come to Hawaii."

McGrath said the Leeward children are hoping to accept an invitation to visit a session of the State Legislature this week. Meanwhile, they are practicing Hawaiian songs and dances after school every Monday and Wednesday.

"We had a picnic in Makaha on Sunday," McGrath said. "The kids performed for their parents."

Robert Moore, principal of Waianae Elementary School, said the significance of the cultural exchange is that it will be a carefully planned and supervised educational experience.

"This isn't like sending another baseball team to Disneyland," said Moore. "The object of this trip is education. Our kids have been having two classes a week since Jan. 28 in Hawaiian language, dance, music, arts and crafts, history.

"They've heard Navajo speakers, seen movies about the Navajo Reservation so they'll have some idea of what to expect. I'm hoping this will turn out to be a pilot program for other exchanges in the future."

The kids put on a car wash in Waianae two weeks ago to help raise money for the trip. They made $100. Donations have come in from all over the State.

Movie actor Richard Boone collected over $800 by passing a calabash in Waikiki night clubs.

On the reservation, McGrath said, the kids will visit Navajo hogans (mud houses), attend class with Navajo fifth-graders, perform hulas, tour the Grand Canyon, go on a hayride, see Indian dances and ride horses. They will spend a day at Disneyland on the way home.

A group of Navajo fifth-graders will arrive in Hawaii April 23 for the second half of the exchange.

McGrath said Leeward parents are now signing up to house the children during the two-week stay. They will go swimming and fishing, attend a luau, tour the Island and attend school with the Leeward youngsters, McGrath said.

Donations can be mailed to Leeward Cultural Exchange, P.O. Box 1017, Waianae, Hawaii 96792.

THE ENVIRONMENTAL CRISIS

Mr. GRIFFIN. Mr. President, on April 22, several hundred colleges and universities across the country will be conducting so-called teach-ins on the environmental crisis.

Last month the University of Michigan held a similar event, under the auspices of ENACT, which stands for Environmental Action for Survival. Many regarded it as a prototype or kickoff toward the national day of teach-ins scheduled for April 22. Most observers have pronounced it a success.

Recently, the Detroit News asked a young journalism student at the university, 21-year-old Christina Golembiewski, to write of her impressions of the event. Her article was published Thursday, March 19, 1970.

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:

ARE YOU GONNA LET CHRISTINA SEE HER GRANDCHILDREN?

(By Christina Golembiewski)

When I was younger, I noticed that more and more slimy green seaweeds were tangling around my legs in Lake St. Clair off Metropolitan Beach. No one wanted to go there. Not anymore.

It got harder to find a clean place to swim.

We wound up with Dad driving out to Kensington Park, but that meant 45 minutes or an hour bumper-to-bumper in 85-degree heat. This is relaxation?

So we went swimming a lot less often.

And we lived in Michigan—the Water Wonderland.

You couldn't just hop in the car and go for a drive or a picnic on a nice Sunday afternoon anymore, because everybody else had the same idea. The roads were jammed and when you got to the park, so was the lot.

Then the argument would start:

"See, I told you we shouldn't have come. Everybody and his brother is here."

And we lived in Detroit—the Motor City.

The way we're going, pretty soon we're going to produce so many cars that there will be one big coast-to-coast traffic jam. And people may go back to walking again.

Healthier, certainly. Quicker? Maybe.

On my first trip out East, I was excited about seeing New York City until I got there. Never was I so disillusioned. The smells and constant noise slammed my senses the second I crossed the bridge into Manhattan and gave me a headache. I couldn't wait to get out.

The first time I drove past the Pittsburgh steel mills at night, I was impressed—the glowing red furnaces seemed a romantic sight.

Last month, I drove past the steel mills in Gary, Ind. I wasn't impressed this time. I was disgusted.

I've learned a little more now. Those huge furnaces mean air pollution.

The kids in Gary grow up thinking the sky comes in two colors. Black at night and yellow-gray in the daytime.

I've just been to Chicago, too. You couldn't tell by looking how tall the new Hancock Building is. The top half never came out of the gray haze.

I thought I'd get a good view of Chicago from the top of a hotel. The "Clouds Room" they call it, and the name is appropriate. A solid gray cloud was all I saw. There may have been a city beneath it, I couldn't tell.

Last week, I stood on a mall at the University of Michigan with hundreds of other young people listening to a scientist speak.

He told us not to be surprised if some morning sixty thousand people dropped dead in Los Angeles from air pollution.

And did you know that almost every animal in the Chicago Zoo has lung cancer?

I'm a U-M student now. I went to our Teach-In on the Environment that ended last Saturday.

I stood on the campus diag listening to that scientist and squinting in the sunshine.

I caught myself wondering how long it will be before one of those ominous predictions came true and even the sun in Ann Arbor is blotted out by pollution.

Happy to still have something to be squinting in, I also noticed I was shoulder to shoulder in a sea of people. I realized I'm lucky to be living at a time when standing shoulder to shoulder is still voluntary, not compulsory.

But as the saying goes, "The population bomb is everybody's baby." And I wonder about just how crowded conditions will be by the time my kids are going to college.

"We have met the enemy and he is us," says Pogo in the comic strip. He could have been talking about you and me and our environmental problems.

It's not just air pollution I'm concerned about. It's suddenly clear to all of us that there are all kinds of pollution—air, water and land. Each one of us contributes to all.

Our car exhaust fumes, our throw-away beer and soft drink cans. Garbage and empty paper cartons. The list is endless.

These are things we've become so used to and find so convenient to use and throw away.

We're a consumer economy. Buy, throw away.

But where do the throw-aways go?

After Michigan's teach-in, I can see that "band-aid" partial solutions aren't enough.

It's taken years for us to link together all the little hints in our daily lives about what may be coming.

I took a course in ecology last semester. I began to see the interdependence of everything in the world. But the balance of nature is being upset by man and his new technology.

Technology and nature are near collision. One morning, I sat bolt upright in class and realized it's only a matter of time.

I decided, phooey, I'm not going to sit here and watch it happen. My kids will be in trouble if we all ignore the obvious warnings.

I hope to see that the world doesn't end that soon. I'd like to see some grandchildren.

I heard of a new group being formed on campus. They call it "Environmental Action for Survival (ENACT)." As a journalism student, I decided I ought to help.

I'm sick of hearing about campus activists only in negative terms. Here were students dedicated to a cause, working long hours unflinchingly.

They got no pay except the satisfaction of contributing to the worthiest cause in the world—saving the earth.

The massive teach-in was organized by students themselves in less than six months' time. Sixty thousand dollars was raised only from contributions and the selling of student-designed buttons, posters, and bumper stickers.

It attracted national interest. I'm glad to see that our work paid off big.

The teach-in involved state and national figures from all walks of life. Everyone from Arthur Godfrey to Ralph Nader.

Best of all was the kind of audience the teach-in attracted. Not only were students and faculty present, but local townspeople as well.

I was happy to see old people at teach-in events. Young families with kids. Hippies and "straights." Moderates and militants.

This is the one issue everyone has a stake in.

Sure, there were disagreements. Everyone has an opinion on what kind of tactics are to be used to improve our environment.

The more revolutionary say teach-ins are too much talk, not enough action.

Representatives of industry and government who spoke at the teach-in were often booed and hissed. I felt he same way about them—sometimes.

It seemed hypocritical that people like the president of Dow Chemical Corp., or Walter Reuther of the UAW, or the board chairman of Consolidated Edison Co. should be up on stage talking about saving the earth when they were among the biggest polluters.

But the very fact that they saw this event as important enough to come and voice interest in helping to change things is encouraging to me.

When Ralph Nader spoke to us, he said: "If an individual cannot relieve himself in a Detroit river I don't see why corporations should be allowed to." He got resounding applause.

But after people applaud, are they going to do something? Or are they going to just forget about it?

Television and newspapers, the mass media are very important.

We need their coverage and interest. But we need more informed writers to educate people about the basic facts on the environments.

Sensational-headline — campus-prank-on-the-front-page-approach must go.

Teach-ins are much more than sledgehammering a car to death or dumping pop cans on the cola company's front lawn.

Sen. Edmund Muskie, of Maine, also spoke. He asked that Americans try to remove the poisons of hate and fear from their minds, as well as pollution from their environment.

This is going to take much more time and millions more people.

A thousand kids at U-M, no matter how dedicated, aren't going to make it.

What we need now is the teach-out.

A do-it-yourself project multiplied by millions.

Action on everybody's part. You could organize a group interested in neighborhood problems, or join a national organization of conservationists.

It'll mean convincing all my friends and neighbors that they must act, too.

It'll mean talking these supermarkets into stocking returnable bottles again.

It'll mean stopping the buying of beer in cans and detergents that contain phosphates.

It'll mean writing letters to senators and congressmen to tell them we want help.

It'll mean learning as must as I can about the real facts of the issues.

As an ENACT spokesman said:

"We are at the point now where we talk about 'the environment' at cocktail parties. But are we willing to change our life style?"

The population bomb is still ticking.

I don't want to wait for someone else to decide that our environment is in a state of national emergency.

By the time a glass of milk tastes sour, it's too late to save it.

I want to make sure my c'.ildren have clean air and water and pure food. I want them to be free from lung cancer, emphysema, and new disseases we don't even know the names of.

Great-grandchildren would be nice, too.

All I am asking—like it says on the ENACT button—is to give earth a chance.

THE ENVIRONMENT

Mr. CRANSTON. Mr. President, this month's edition of Progressive magazine was devoted entirely to the topic "The Crisis of Survival." Included were articles by a number of the leading spokesmen of the current, crucial struggle to awaken national concern for our degenerating environment.

It is quite fitting in a magazine which was founded by a great Senator from Wisconsin, Robert M. LaFollette, Sr., that a major and eloquent plea for an awakening to the environmental crisis is made by another great statesman from Wisconsin, the distinguished junior Senator (Mr. NELSON).

Senator NELSON has been in the forefront of the environmental movement and as the father of the environmental teach-in will serve as a springboard for greater national awareness. Over 1,000 universities and colleges along with 2,500 high schools will take overt action on April 22 throughout our country.

I ask unanimous consent that Senator NELSON'S article be printed in the RECORD.

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

THE "NEW CITIZENSHIP" FOR SURVIVAL

(An interview with Senator GAYLORD A. NELSON)

(EDITOR'S NOTE.—Senator Gaylord A. Nelson, Wisconsin Democrat, was a leading spokesman for conservation and environmental protection long before the cause became fashionable. Now in his second Senate term, he has sponsored dozens of bills designed to combat pollution and to protect and expand the nation's natural resources. He is cosponsor with Representative Paul N. McCloskey, Jr., California Republican, of the National Teach-In on the Crisis of the Environment to be held on April 22. The following interview with Senator Nelson was conducted by The Progressive's Washington editor, Erwin Knoll.)

You have referred to the 1960s as a time of "a great awakening" to the environmental crisis. Why has this awakening come now, after years of indifference and neglect?

Before the 1960s it was still possible for people to delude themselves that the environment was not a problem—that space was virtually limitless, at least in the United States; that the rivers and lakes were abundant and the resources more than plentiful. There were those who warned that reckless disregard for the environment would spell disaster, but they were ignored.

By the 1960s, however, with prosperity and the population boom reaching an unparalleled peak, it became rapidly apparent that the landscape was in trouble. Expansion and construction were in full swing, industry was enjoying massive growth and success, and life was more comfortable for most Americans. Bulldozers were rumbling and tearing away at the landscape to make space for the suburban developments sprawling concentrically out from the core cities. Tentacles of concrete stretched and criss-crossed in all directions to make room for the ever-growing number of automobiles.

We began to see graphically in the 1960s that the rivers, streams, and lakes—even the oceans—would not exist much longer if society continued to look upon them as bottomless receptacles for sewage and wastes. We also began to see the gathering of clouds of poisonous gases formed by the fumes of millions of automobiles and from countless smokestacks spread across the countryside, until it was almost impossible to find fresh, clean air anywhere.

The 1960s were a time when the environmental crisis facing mankind was no longer something that could be considered the problem of future generations. It was the survival problem of this generation, here and now.

We live in a time when causes seem to capture the public interest, only to be eclipsed by new causes. Do you suppose the new concern about the environment might just be a passing fad?

I think it will last because it is a matter of survival. The seriousness of the situation is understood, especially among the youth of the nation, who see a very questionable future for themselves and a frightening legacy for their children. In Washington, the Legislative Reference Service, the research arm of Congress, is handling an average of 150 constitutent requests a day on environmental questions. In communities all across the nation, citizen-environmental groups are forming to advise local governments on environmental problems. Some 571 communities in seven northeastern states have formed such groups. Many of the citizen and conservation groups are taking action. Often they are initiating environmental court suits and winning the cases.

The President, in his State of the Union address and in subsequent messages to Congress, has placed the prestige of his office squarely behind the movement for a livable environment. He said in the State of the Union address, "The great question of the Seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?"

I believe we will be required to make our peace with nature and repair the damages. The youth of the nation, who inherit the mess a progress-driven society has made, are going to see to it that changes are made. When I

first suggested last September the idea for a national teach-in on the environment, I was amazed at the response and the interest that came from universities all over the nation, from high schools and grade schools, from conservation organizations and community and civic groups of all kinds, liberal and conservative, radical and reactionary. The teach-in will mark the first high point of focusing attention on the problem. From there the movement will be a political action one. Within the next two years no political candidate will be able to run for office without first articulating his position on environmental matters.

You can also be certain that, if the established institutions of the society—political, economic, and social—do not meet the challenge, the youth of the nation, and very likely of the world, will reject the system for one that understands that survival and the quality of life are more important than progress or quantity.

How much do you think it will cost to do the things that have to be done?

It will take vast Federal expenditures just to begin an environmental clean-up program. At least $20 billion to $25 billion a year over present expenditures is essential. Even if you estimate the investment to be $275 billion by the year 2000, there is no reason to consider that a staggering sum when you remember it is equivalent to this country's defense expenditures for the next four years, not to mention the billions spent on space adventure. Until this nation makes the same kind of commitment to environmental preservation that it made in building the most massive defense machine in history or in sending men to the moon, the battle cannot be won.

What will that kind of Federal spending buy us?

It will buy us a beginning. Before the environmental crisis is even close to being resolved, everyone will be involved in paying part of the cost. Since the automobile internal combustion engine is the major contributor to air pollution—an estimated sixty per cent nationwide—a pollution-free engine will have to be developed. This wil be an expensive research and retooling dilemma for the automobile industry, and in the end it is likely that future cars will be more expensive and have less power.

The nation's insatiable demand for electricity is another example. The power companies are arguing that they will not be able to keep up with the demands for increased power within the next ten years, unless they can build nuclear power plants. Each multi-million dollar nuclear power plant needs millions of gallons of water daily to cool the machinery. But when that water is ejected into a lake or river at increased temperatures, it upsets the ecology system, speeds up the growth of oxygen-stealing algae, and kills fish. Construction of the necessary cooling equipment to expel the used water at the proper temperatures will make each plant much more expensive and will probably increase electric bills for users. In the long run, many Americans may have to get used to living without many of the electronic frills to which we all have become so accustomed.

What about the sums that will have to be spent by state and local governments and the private sector? Do you have even a rough estimate of the amount at stake here?

No. I don't think anyone has made a study. If we do what we want to do—establish air and water quality standards for industry, for example, that become progressively more stringent as we develop more sophisticated waste and air pollution treatment equipment and insist that everyone comply—I don't think anyone has attempted to estimate what it would really cost to do this. It would, of course, be a cost that would continue to increase indefinitely until we have developed perfect equipment. But that cost must be measured against the cost we will pay if we don't do something. The best estimate we can get of the economic damage done by air pollution now is $10 billion to $12 billion a year. Well, obviously it isn't going to cost $10 billion to $12 billion indefinitely to stop air pollution.

The governmental expenditures you have talked about—whether Federal, state, or local—will, of course, ultimately be borne by the taxpayers. And the costs to the private sector will surely be passed on to the consumer. Doesn't industry, which has been the major contributor to environmental pollution, have a responsibility to absorb costs without passing them on to the public?

I assume that some costs will be absorbed, but the fact of the matter is that whatever adds to the cost of production adds to the cost of the product. If you are looking at it as a consumer, you have to decide how much you are going to pay if you don't accept some higher product costs. You are going to pay a tremendous amount of money, and it is going to be much more if you allow the environment to deteriorate than if you stop it.

Take water, for example. In the big metropolitan areas, we will have to use the same water then, fifteen, or twenty times because we will be using the total national supply by the year 1980 and twice the total national supply by the year 2000. So let's assume that we don't do anything about stopping water pollution. The cost will be there in any event, because we will have to clean up all the water before we use it, and if you return it to the source dirty, then the next user will have to pull it out dirty and launder it. The point is, it doesn't matter what it costs to stop pollution, it will cost us several times as much not to stop. There is no way to avoid the cost. It is cheaper to pay the cost to stop pollution than to allow pollution to continue.

Is money all it will take to restore the environment?

It will take much more than money. Restoring our environment and establishing quality on a par with quantity as a goal of American life will require a reshaping of our values, sweeping changes in the performance and goals of our institutions, national standards of quality for the goods we produce, a humanizing and redirection of our technology, and greatly increased attention to the problem of our expanding population.

Perhaps, most of all it will require on the part of the people a new assertion of environmental rights and the evolution of an ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.

The ecological ethic must be debated and evolved by individuals and institutions on the terms of man's interdependence with nature. American acceptance of the ecological ethic will involve nothing less than achieving a transition from the consumer society to a society of "new citizenship"—a society that concerns itself as much with the well-being of present and future generations as it does with bigness and abundance. It is an ethic whose yardstick for progress should be: Is it good for people? There is a great need and growing support for the introduction of new values in our society—where bigger is not necessarily better—where slower can be faster—where less can be more.

What are the most urgent steps we must take now if we are to preserve our environment?

The immediate step must be a move against municipal and industrial pollution of the air and water. Coupled with that we must move to rid America in the 1970s of the massive pollution from five of the most heavily used products of the affluent age in which we live. With firm Federal action, these five problems can be solved, and their solution can have an important impact on the crisis. The areas are: the internal combustion automobile engine, hard pesticides, detergent pollution, aircraft pollution, and non-returnable containers.

First, how do you propose to stop municipalities and industries from polluting the nation's air and water?

It can be done only by establishing a national air and water quality policy and commitment that will make use of the best techniques we have for restoring the rivers and preserving the air, and that will require municipalties and industries to comply. Any national air and water quality policy must also dramatically expand our present program of research and development of ways to neutralize, dispose of, and recycle all wastes and then require all governmental units and all industries and municipalities to comply with the highest state of the art in treating their wastes. We must also require that as new, more efficient pollution control equipment is developed, it be installed as a matter of course.

How would you cope with the problem of the internal combustion engine, in view of the power of the automobile industry and the major role that industry plays in our economy?

I have already introduced legislation—the Low Emission Vehicle Act—to phase out the internal combustion automobile engine by January 1, 1978, unless the motor can meet national emission standards by that time. This is a vital step toward cleaning up the environment, because automobile engine exhaust is such a significant part of the nation's air pollution problem. In many metropolitan areas, exhaust fumes from internal combustion engines are causing up to ninety per cent of air pollution. Medical scientists are becoming concerned about the quality of life and health in the larger cities of America.

The automobile industry is powerful and plays a significant role in the American economy and way of life. The Federal Government has a responsibility, however, to make money available to assist industry in finding a clean engine and in making the retooling changes that will be necessary to put it into production. It is a problem that will require sacrifices from everyone, but the crisis is so real and so serious that we can do no less.

You propose that we eliminate "hard pesticides." Is this feasbile, in view of the urgent need for pest control?

I have introduced a package of eight bills in the Senate to prohibit the interstate sale and shipment of eight pesticides in the chlorinated hydrocarbon family—aldrin, chlordane, DDT/TDE, dieldrin, endrin, heptachlor, lindane, and toxaphene. The bills call for a total ban on these pesticides by June 30, 1972.

Because of the grave, worldwide environmental dangers from these long-lasting, poisonous compounds, this step was proposed as a national goal seven years ago by the President's Science Advisory Committee. There is growing agreement that the persistent pesticides are expendable because of less persistent substitutes and the development of other means of pest control.

The long-term toxicity of chlorinated hydrocarbon pesticides presents a deadly threat to fish, wildlife, and the entire complex web of life. Evidence of environmental damage caused by hard pesticides has been found in nearly every part of the globe. Yet no significant action has been taken to stop pesticide pollution.

Hasn't the present Administration taken action against DDT? There was an announcement that the Department of Agriculture would eliminate all nonessential uses of DDT by the end of this year.

The Agriculture Department's plan to cancel certain uses of DDT never even got off the ground before the pesticide industry ini-

tiated a complex series of appeals that could delay final action for years. Under the Agriculture Department's regulations, manufacturers who appeal a cancellation order can continue to produce and sell pesticides until the appeal is resolved.

It looks as if Agriculture has again played right into the hands of the pesticide industry by failing to use its statutory authority to suspend certain uses of DDT before starting the cancellation proceedings. If the Department is serious about protecting the quality of our environment from pesticide poisoning, it should move without further delay and immediately suspend all nonessential uses of DDT.

The pesticides industry's continued unwillingness to initiate or accept reform, coupled with the Agriculture Department's historic hesitancy to improve pesticide regulations, makes it mandatory that Congress set a deadline on banning the persistent pesticides.

What do you plan to do about detergent pollution?

We need to set strict antipollution standards on detergents, including a ban on their phosphorous "builders" that have contributed so much to the pollution of our lakes all across the nation.

Detergents are one of the major pollution problems in the country today. Six years ago I sponsored legislation which prompted an industry changeover to a new ingredient which cut the massive mountains of foam detergents were causing on our waters. Now, another important step is needed: elimination of the detergents' polyphosphate "builders" that pass through sewage treatment systems into our lakes and rivers, stimulating the growth of oxygen-robbing algae.

At recent House committee hearings, scientists testified that nonpolluting substitutes for these detergents are now within reach. Industry, however, continues to resist such a move. Congress must act to require the substitution and, in addition, set national standards on the water eutrophication (aging) ability, biodegradability, toxicity, and health effects of detergents.

In our "throw-away' society, elimination of non-returnable containers may well be the most dfficult of the problems you have mentioned. What would you do about bottles, jars, cans?

It has only been in recent years that the no-deposit, no-return craze has become so popular. A few years ago, young boys made money by collecting discarded beer and soda bottles and receiving a refund for their efforts. Then non-returnable cans came into extensive use, and the virtually non-destructible aluminum can was developed. Now, the beverage industry has gone almost exclusively to the aluminum can, adding to the acute problem of solid waste disposal. It has been estimated that each year Americans discard forty-eight billion cans and twenty-eight billion bottles. Most of them clutter the roads and highways and sink to the bottoms of rivers, lakes, and streams where it is feared they may last forever.

In the comprehensive solid waste management legislation that has already been introduced in Congress, provisions should be made for standards which will require reusable or degradable consumer product containers as soon as this proves technically feasible. In addition, our solid waste control program should be financed in part by effluent charges paid by industry for packaging that will not degrade or cannot be reused. In the long run, the answer to the nation's solid waste problem must be a massive effort to turn our wastes into valuable new products that can be recycled into the economy.

You have often referred to the population explosion as an aspect of the overall problem that requires immediate action. There are many well-meaning generalizations on how to go about this. What direction do you propose?

It is unmistakably clear that unless something is done about the population explosion, we will be faced with an unprecedented catastrophe of over-crowding, famines, pestilence, and war. If we are to help significantly in the worldwide fight to curb the population explosion, there must be developed a simple and safe method that can be made available to populations on a massive scale.

The statistics are staggering. It took until 1850 for the world population to reach one billion. By 1930, eighty years later, that figure had doubled, and by the year 2000, the world population is expected to reach six to eight billion. Some ecologists see that population level as the "crash point," beyond which the natural environment will not be able to cleanse and restore itself from the massive pressure of exploitation and pollution.

At last year's Boston meeting of the American Association for the Advancement of Science, there was general agreement that the world's optimum population limit has already been passed. Measured in terms of our past performance in protecting our environment, the United States is already overpopulated. If we cannot manage the wastes produced by 200 million people, it will be a catastrophe when we reach 300 million, as predicted, within the next thirty years.

You have proposed a Constitutional amendment that states: "Every person has the inalienable right to a decent environment. The United States and every state shall guarantee this right." Apart from its value as a statement of national purpose, how would this help to advance the cause of conservation and environmental reform?

The Constitutional amendment was proposed because I believe the environment crisis is the greatest single threat to our pursuit of the inalienable rights of life, liberty, and the pursuit of happiness. The tragedy is that the citizen has few clear legal or constitutional avenues to protect the sensitivities and the well-being of himself, his family, or his community from environmental assault.

For too frequently, the citizen finds himself left with no remedy in the fact of the pollution of a lake which belongs to the public or the poisoning of air which he must breathe or the shattering din which is imposed upon him. Our Anglo-Saxon common law tradition has focused protection on economic or personal injury. We are learning now, however, that environmental damages can be just as severe. If this amendment passes the Congress and is ratified by the states, it will lay the groundwork for further definition in the statutes at the Federal and state levels and by the courts, making environmental reform the right and goal of all Americans.

You said, earlier in this interview, that President Nixon "has placed the prestige of his office squarely behind the movement for a livable environment." Some of us fear that the Administration's "commitment" may amount to much motion but little movement. How do you assess the President's program and performance to this point?

The President's environmental message was wide-ranging. It said many of the important things that need to be said and overlooked others. I think the great significance of the speech was that it gave visibility—Presidential recognition—to the fact that this is one of the greatest problems confronting mankind. The President said it was the most serious problem next to peace. I think it is more important than that; I think it is the most important problem facing the world, because it is a question of survival. All the other issues we are concerned about—war, poverty—all of these becomes irrelevant unless this particular issue is satisfactorily resolved. The consequence of the President's statement is simply to escalate the campaign.

Nobody—neither the President nor the political and industrial leadership in this country—has stated clearly what it would be necessary to do in terms of allocation of resources to solve the environmental crisis. They are beginning to recognize the problem. They endorse a clean environment, but they are not addressing themselves to the questions of how much it will cost and what changes in attitudes toward our present institutions will be necessary.

It is my own view that we must be prepared to make the same financial and emotional commitments to a resolution of this problem that we have been willing to make toward the expiration of space and the development of weapons systems. In other words, we will have to allocate from the private sector, from the states and the Federal Government, thirty, forty, fifty billions of dollars per year to meet this problem. That would mean in my judgment, that we will have to aim toward a substantial reduction of the arms race and start using for the environmental resources that are now going into unproductive and really unnecessary military weapons systems. Until we are prepared to make that kind of commitment—as a people and as a goverment—we cannot solve this problem.

What signs do you see, either in Congress or in the Administration, of an effective willingness to make this kind of a commitment?

Well, the first step in meeting any kind of problem is to gain recognition that the problem exists. Once you gain the recognition—the understanding and the education which permits people to see the nature and dimension of the problem—then you are able to say, "All right, the solution is this. And here's what it will cost." So the first step is the educational process, and we're in that first step now. The real test will come when we begin to understand what the cost will be and what we will have to give up and what changes we will have to make in our social, political, and economic instiutions.

When that time arrives, we will see whether the people are really prepared to make the kind of allocation of resources to this problem that is necessary. We haven't reached that test phase yet, and I don't think most people realize the dimensions of the problem. They just know that the environment is deteriorating, that they don't like it, and that we've got to do something about it. But they haven't really gotten down to thinking about what it is going to cost and what we will have to do.

At this point, everyone seems to be getting into the ecological act. How should the movement be organized politically to keep individuals and organizations from running all over each other in the pursuit of common goals?

I think it is a good thing to have them running all over each other and competing for recognition and doing something about the issue. This will encourage the two political parties to compete at the local, state, and national levels to prove to the country that they are concerned about the issue and willing to do something about it. But that's really not enough. What we need—and I think we will achieve it—are nonpartisan environmental political action organizations at the local, state, and national levels all over this country—organizations in which the only concern is where do the candidates for city council, legislature, Congress, and the Presidency stand on the environment questions.

These will be the kinds of organizations that have no political, philosophical, or ideological positions except on the environmental question. Such organizations can house under one umbrella conservatives and liberals and people of all political stripes dedicated to just this one issue. Once you get political organizations of this kind built into the system, we will be able to maintain and sustain the constant public pressure that is

necessary to move political institutions to do something about the problem.

It seems to me you are suggesting that this environmental issue can serve as the vehicle for creating a genuine new politics in America.

I thing it will, and I think it is doing that right now. There is no issue on any campus in America that is drawing the crowds of students and townspeople that the environmental issue is drawing at this time. The issue is there, and the activity will continue to increase all across the nation concerning this issue.

Is it fair to conclude, then, that you are optimistic about our chances of reversing present trends toward ecological disaster?

Well, I am tremendously encouraged by the dramatically escalating concern of the people of this country over environmental deterioration—a concern that has just begun to find its expression in the past two years, and especially in the past year. If it can maintain its momentum, I see some reason for optimism. But the difficult and expensive decisions are still to be faced, and I think it's too early to say how we will face them.

RURAL AMERICA ASKS RELIEF FOR FREIGHT CAR SHORTAGE

Mr. HRUSKA. Mr. President, on March 24, a special subcommittee of the Committee on Commerce dealing with freight car shortages began hearings on S. 3223, a bill to amend the Interstate Commerce Act. The bill would require the Interstate Commerce Commission to implement an effective per diem formula for determining boxcar use charges between railroads.

The bill was cosponsored by the Senator from Washington (Mr. MAGNUSON), myself, and 20 other Senators, and was introduced to provide legislative relief for the annual freight car shortage which is plaguing the West and the Midwest. It was felt that the ICC was not going to provide effective relief, especially in light of the new time-mileage rate system it proposes to enforce.

This new rate system was challenged by 20 railroads and 21 States, but the Supreme Court of the United States has now given the ICC the green light to prescribe this new rate system. In all likelihood, this system will make even less likely the prompt return of freight cars to the midwestern and western railroads which own them.

This rate system, in my opinion, would be a travesty with a twofold effect. The lower time rate will be an inducement to the offending railroads to hold cars while using them for additional loads. The mileage factor makes it almost uneconomical for an offending railroad to move an empty car to the owning railroad; this will induce them to hold cars until loads can be found going in that direction.

Mr. President, the chronic and growing shortage of freight cars in the Midwest to ship the annual grain harvest from the farm to the marketplace must be ended. We can no longer tolerate the economic losses that it entails to our farmers and our grain industries in rural America. We demand an equal opportunity for our agricultural community to compete with the rest of the Nation for growth and prosperity.

When I hear of the vast numbers of freight cars that remain idle for up to 6 months while serving as storage space for eastern industries, I am outraged at the inequities of railroad service in our Nation.

It is time for Congress to act, and S. 3223 is one solution.

Because of the great interest expressed by the people of Nebraska who are vitally affected by the inadequacy of railroad service, and the widespread concern over the effect of a continuing freight car shortage in the Midwest and the West, I ask unanimous consent that the text of my testimony on the bill be printed in the RECORD.

Also, Mr. President, on March 25, Secretary of Agriculture Clifford Hardin testified before the subcommittee. I have great respect for and confidence in Secretary Hardin's judgment. He shares with many of us in Congress a deep concern for the future of rural America and a great desire to solve the problems that are inhibiting economic growth and prosperity in the rural sector.

Secretary Hardin and I have been in close consultation about the grain shipment and storage crisis that faces rural America during every fall harvest. The Secretary has assured me that the Department is acting to the best of its ability to relieve the situation. I discussed the Department's efforts in my testimony. Similarly, Secretary Hardin discusses the various causes of the annual grain crisis, and describes the efforts of the Department to help overcome some of these causes.

Knowing that Senators would be interested in Secretary Hardin's views, I ask unanimous consent that the text of his testimony be included in the RECORD also.

There being no objection, the testimony of Senator HRUSKA and of Secretary Hardin was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HRUSKA BEFORE THE SPECIAL SUBCOMMITTEE ON FREIGHT CAR SHORTAGES OF THE SENATE COMMERCE COMMITTEE ON S. 3223

Mr. Chairman, it is a privilege for me to appear before your Subcommittee today to discuss S. 3223, which I co-sponsored, and its relationship to one of the most serious problems faced by Midwest agriculture. That problem is the chronic shortage of freight cars to ship the annual grain harvest from the farm to the marketplace.

During the harvest of 1969, the mounting piles of grain in the streets of Nebraska towns awaiting freight cars for shipment was the dramatic result of this shortage.

Reports reaching my office, discussions with other Senators from Midwest states and consultation with the concerned government agencies convinced me that the crisis in 1969 was the worst in our history. At the peak of the crisis, an estimated 30 to 50 million bushels of grain were piled up in midwestern producing areas. Streets, school yards, and recreation areas all became temporary grain storage locations.

In the Nebraska community of Swanton, three enormous piles containing more than 300,000 bushels of milo were to be seen. One was a block from the center of town, another was near a school playground, and another was at the elevator, where trucks were waiting in line to unload more.

In Firth, Nebraska, more than 220,000 bushels of grain were placed on the ground.

At Columbus, 100,000 bushels of corn were piled in front of the grandstand at Agricultural Park. The Rising City Farmers Cooperative had 200,000 bushels of corn and more than a half-million bushels of milo in outside storage. The grain pile was a block and a half long and a block wide.

This annual grain crisis results in loss of income for everyone involved. I was informed by the Nebraska grain industry and farm groups that millions of dollars would be lost before the crisis ended. Spoilage, additional storage costs, interest on money borrowed, and broken purchase contracts were some of the causes of the expected losses. Estimates of spoilage caused by storing grain on the ground ran as high as five to ten percent.

Millers and bakers felt the pinch because they ran short of flour, and the railroads lost needed seasonal revenue.

When we talk about losses of income to our farmers and our related grain industries in the Midwest, it is more than just a temporary setback. Rural America is in the midst of its greatest struggle for survival. Its people are migrating to the cities. Its economic growth rate is nominal. Its public facilities are inadequate. Its economic opportunities are limited. We must reverse this trend, Mr. Chairman. And the only way to do it is to strengthen its economy and give it equal opportunity to compete. We can no longer tolerate the perennial economic crisis caused by boxcar shortage.

Mr. Chairman, there are many causes of this grain-on-the ground crisis. The harvests of all crops, milo, corn and wheat, are reaching new highs. The Commodity Credit Corporation has considerable quantities of resealed grain in storage in the Midwest, which has affected the availability of storage space. Also, corn is being harvested sooner and requires considerably more drying than it required in earlier years. This places a greater burden on the elevators which have insufficient storage space or drying equipment for this new demand.

I have been in close and continuous contact with the Secretary of Agriculture on these aspects of the problem. Secretary Hardin has assured me that the Department is acting to relieve the situation to the best of its ability. It has ordered the clearing of a portion of its stored resealed grain from the government storage bins to make more space available for next year's harvest. It has restored, at my urging, its farm storage facility loan program to a level that will more adequately meet the on-the-farm storage and drying needs of the producers. It has brought the problem before the Rural Affairs Council to be studied and to have solutions developed. These efforts are laudable.

However, Mr. Chairman, little effective or lasting effort has been made by the appropriate government agencies to remedy the most significant cause of this recurring grain crisis—the shortage of freight cars during the harvest season. It is my opinion that only the Congress can now offer the needed relief. S. 3223 is one possible solution.

What are the facts about freight car availability?

Mr. Chairman, during the peak of the grain crisis, from late October through early December, the freight cars available in Nebraska were running from one-third to one-half the number available in 1968.

As of last month, the car shortage was still being felt in Nebraska. Early in February, it was reported that the Burlington Railroad was still over 2,800 cars short in Nebraska with more than 4 million bushels of grain on the ground waiting for cars. At the same time, the Union Pacific was reported to be short about 900 cars, with slightly more than a million bushels of grain on the ground awaiting shipment.

The crux of the problem is revealed in a study done by the Union Pacific Railroad. It showed that on October 1, 1969, the Union

Pacific had about 2,900 less cars on its lines than it owned, while the Burlington had about 4,500 cars less than it owned. At the same time, the Penn Central had on its lines over 34,000 more cars than it owned. This is dramatic evidence, Mr. Chairman, of where all the freight cars have gone.

According to reports, western and midwestern railroads usually are running with only 70 to 85 percent of the narrow-door cars owned by them on their lines, while eastern and southern railroads have a possession rate that far exceeds 100 percent.

At a meeting in Kansas City under the aegis of the Kansas City Board of Trade, midwestern railroad officials agreed that with 100 percent possession of the cars owned by them, they would be far more capable of handling the Midwest grain needing shipment.

Efforts to remedy the boxcar shortage during the grain harvest are, of course, made each year by the Interstate Commerce Commission and the Association of American Railroads. Both issue car distribution orders. Those of the ICC are mandatory and those of the AAR are voluntary.

The ICC orders call for weekly delivery of stated quantities of plain, serviceable boxcars to the Midwest carriers. According to the ICC, the total aid to Nebraska railroads by use of such directives during the 1969 harvest period, from all sources, was about 16,000 empty boxcars. Of these, the ICC claims that about 12,000 were furnished empty as a direct result of Commission orders.

I have no reason to dispute this fact, Mr. Chairman, and I want to express my appreciation to the ICC for the issuance of the orders and its efforts to obtain compliance. Regrettably however, according to Nebraska grain representatives, there was widespread noncompliance by the offending railroads and the number of cars that were received by western railroads was inadequate.

Early in December, a representative of the grain industry informed me that the Penn Central was returning fewer than 50 percent of the required number of cars under its various ICC directors. Apparently, Mr. Chairman, the eastern railroads do not believe that the penalties for violation of the directives will be imposed, or else feel that the penalties are less expensive than the profits to be obtained by continued use of the boxcars.

Moreover, Mr. Chairman, these directives, whether from the AAR or the ICC, pose a situation of too little and too late. The first distribution order of the ICC was issued on October 15, but relief, according to Nebraska sources, was not even noticeable until late in December. Thousands of boxcars may have been directed to the railroads serving Nebraska and Kansas, but how many actually ended up there and how many were actually used for grain shipment, remains a matter of speculation. The grain industry, the farmers and elevators demanding shipment of their grain would, I am confident, be very skeptical about the effectiveness of car distribution orders to solve this annual crisis.

Another significant fact, Mr. Chairman, is that the plain boxcar supply has been rapidly shrinking over the past ten years. That supply has decreased from about 508,000 boxcars in 1965 to about 386,000 in 1969. This is an astonishing decline of about 26 percent. Moreover, as of October 1969, only about 47 percent of the available supply, or about 185,000 cars, was suitable for grain loading.

Besides a decline in new cars, boxcar availability is reduced by the lack of repairs on existing equipment. When the cars are no longer operative they are taken out of service, or are modified to make them usable for other types of cargo. This results in fewer and fewer plain boxcars suitable for grain loading and forces shippers to rely more and more on covered hopper cars.

Covered hopper cars are more economical to operate because they carry from 65 to 100 percent more grain than a plain boxcar. Carrier ownership of these cars is limited, however, amounting to about 120,000 cars. Also, a sufficient number of new covered hoppers is not being constructed to meet the growing need.

Moreover, serious problems are faced in some parts of the Midwest with covered hoppers. They are found to be too large for some of the branch line tracks, and require special loading equipment that many of the small country elevators do not have. Therefore, a continuing adequate supply of plain boxcars is essential as well as more covered hoppers.

Another factor to be considered, Mr. Chairman, is the increasingly poor rate of freight car utilization. In an age when every other form of transportation is improving in efficiency and shipment time, the railroads are not. In 1966, the average number of days per freight car load was about 19 days. In 1968, the average increased to over 21 days. In 1969, it was about 22 days.

Faced, on the one hand, with a diminishing supply of freight cars and a lessening rate of utilization, and, on the other hand, with greatly increased demands for grain loadings during the harvest periods in the Midwest, it can be readily seen that the crisis is deepening.

Can the reasons for the inadequacy of freight car supply be pinpointed? I think a number can be, Mr. Chairman.

First, I am informed that the car service rules to compel the return of freight cars to their owners have not been vigorously enforced. This nonenforcement has been attributed to the inaction of both the AAR and the ICC. However, laying the blame is not as important as recognizing that noncompliance exists.

Second, the ICC had failed until just recently—after S. 3223 was introduced—to propose incentive per diem rates to encourage the return of boxcars from the east and south to their owners or to encourage the maintenance of an adequate boxcar fleet. This failure contributed heavily to the crisis we face today.

Finally, the ICC has promulgated a new basic per diem formula involving mileage as well as time charges, which will in all likelihood make even less likely the return of freight cars to the midwest and western railroads which own them.

In fact, Penn Central Chairman Stuart Saunders has been quoted as saying that the new ruling will save the Penn Central $16 million a year. This means that the incentive for the Penn Central to return freight cars will be even less than it is now.

This new rate system of the ICC was challenged by 20 railroads and 21 states, on the grounds that it does not encourage movement of freight cars to the West to carry western grain and timber to market. Now the United States Supreme Court has given the ICC the green light to make this new rate system effective.

In my opinion, this time-mileage system is a travesty and ignores the present inadequacy of national freight car supply, the need to encourage the construction of new cars and the importance of improving the utilization of the present supply.

Briefly, the effect of this time-mileage system is two-fold. The lower time rate is an inducement to the offending railroads to hold cars while using them for additional loads. The mileage factor makes it almost uneconomical for an offending railroad to move an empty car to the owning railroad; this will induce them to hold cars until loads can be found going that direction.

It is time for the Congress to act, Mr. Chairman. The Congress must clearly establish a basic policy for the Interstate Commerce Commission of setting per diem rates in a manner which would be equitable to all railroads, would encourage the needed investment in freight cars, and would induce an improved utilization of cars between railroads.

S. 3223 is a technical bill, based upon four and one-half years of study by a task force of the Association of American Railroads. It may need some revision, and I am sure the committee and the full Senate will give it the closest kind of review. But, the important thing to remember, Mr. Chairman, is that some immediate and effective action is required if the annual boxcar crisis is to be avoided.

The problems I have described of the grain loading crisis in the Midwest are real, and must be faced realistically. All this time, legislation, even if extraordinary in remedy, is needed to meet the compounded problems faced by the railroads, by the shippers, and by the producers. The public interest demands such a remedy.

STATEMENT OF THE HONORABLE CLIFFORD M. HARDIN, SECRETARY OF AGRICULTURE, BEFORE THE SUBCOMMITTEE OF THE SENATE COMMITTEE ON COMMERCE, U.S. SENATE, MARCH 25, 1970

Mr. Chairman and Members of the Committee: The continuously growing shortage of railroad boxcars presents a serious threat to the economy of this Nation. It's especially bad for the agricultural sector. That's why I appreciate the opportunity to discuss this matter with your Committee today.

Many distinguished members of both houses of the Congress are deeply concerned about the critical situation regarding railroad movement of agricultural commodities.

The problem is simple. It involves a severe shortage of ordinary boxcars suitable for bulk movement of farm commodities from country points, especially during the harvest period.

The answer to the problem is complex: It involves money for equipment, changing railcar usage patterns, rising costs, and distribution of available equipment into agricultural areas at times of peak harvest demand.

The number of plain boxcars in use has declined annually for the past 11 years or more.

Between Jan. 1, 1959 and Jan. 1, 1970, this decline was a sharp 42.7 percent.

On Jan. 1, 1959, American railroads had 674,792 such boxcars; by Jan. 1 this year, this total had dropped to 386,499. Of these boxcars, the total of narrow-door boxcars suitable for grain hauling had declined to 180,574 as of the first of this year. Meanwhile, it is true, the number of covered-hopper cars—the kind suitable for unit trains and bulk hauls between major terminals—increased from 58,383 on Jan. 1, 1959, to 125,867 on Jan. 1, 1970. However, these hopper cars are used for many purposes other than the transportation of grain and similarly-handled agricultural products. They have by no means met the current needs of the grain industry.

In addition to the shortage of ordinary boxcars, there is also a critical shortage of mechanical refrigerated cars for the movement of perishable agricultural products.

While the boxcar shortage has grown increasingly acute since 1959, the population of the United States has increased by more than 27 million persons. The need for adequate movement of the basic agricultural raw materials into the food production areas of our Nation increases daily.

Complicating matters even more are two strictly agricultural problems. One is the matter of greatly increased crop volumes which must be moved and the particularly sharp increase in fall-harvested crops.

Wheat production during the 1959–70 period has expanded from around 1 billion bushels annually to about 1½ billion; corn production has grown from around 3.6 bil-

lion bushels to around 4.5 billion; grain sorghum from 555 million bushels to more than 700 million; and soybean production has nearly doubled—to the point where it now exceeds 1 billion bushels annually. Furthermore, the percentage of the corn and grain sorghum crops moved off the farm has increased substantially.

For these four crops alone, the jump in annual output in 11 years has been nearly 2 billion bushels. An ordinary boxcar hauls around 2,000 bushels of grain. So the problem is clearly magnified. Instead of 288,293 fewer boxcars, we need many, many more. Of course, all of us know that we don't need a million more boxcars to move the extra 2 billion bushels increase in productivity. Much of the extra production is fed to livestock on farms, and much is moved by truck and barge lines. But the great bulk moves by rail. And need for suitable boxcars is the crux of the entire problem.

Complicating factors are present in this transportation problem.

Corn production patterns have changed in the last few years. In prior years, ear corn from the fields was stored for long periods in on-farm cribs. With the advent of picker-shellers, corn is now harvested in a relatively short time. There has been a marked increase in marketing of corn off the farm. The picker-sheller corn harvest requires immediate drying before moving into commercial markets. This has placed an additional heavy burden on the carriers.

Soaring production from our fields has also led to increased pressures to move agricultural products into export. These exports are essential to the health of our Nation's economy. They provide us with a major share of our favorable balance of payments in international trade.

Yet, today we are losing export markets. We are losing them because grain cannot be delivered to port when it is needed. For instance, we could have sold much more grain sorghum for export this year had it been possible to achieve timely deliveries.

Then there is the very personal matter of individual farmers losing grain because they have to pile it on the ground at harvest time. Merchants refuse to buy grain at country points because they cannot move it to markets, and because they cannot afford to pay current interest rates on money to carry grain inventories.

The Department has long been mindful of the steadily worsening railcar shortage, and we have done everything within our authority to help alleviate the problem.

Commodity Credit Corporation each year has carefully planned and accomplished the reconcentration of CCC-owned grain as far in advance of harvest season as possible in order that its grain would not compete with farmers' grain for the use of boxcars at peak periods. Last year, for example, the CCC movement was substantially complete by Oct. 1, thus avoiding the critical car shortage of the last quarter. Similarly, shipments have been moved this year as rapidly as cars could be obtained, and we hope to again see CCC grain out of the way before harvest.

USDA took the lead in the development of origin-sampling techniques utilizing automatic samplers at country origins. We hope to encourage the acceptance of origin grades throughout the industry. When this practice is adopted and accepted by the industry, the need for intermediate inspection of grain should be sharply reduced. This will reduce the traditional delay of cars at inspection points.

The Department recently reviewed its farm storage and drying equipment loan program and made changes which should encourage the expansion of on-farm storage and drying systems. This should help substantially to relieve the transportation burden at peak harvest periods. In some 20 years of operation, more than a billion bushels of farm storage facilities have been constructed under this program.

Finally, in considering the total U.S. agricultural picture—the sharply expanding need for transportation facilities and the failure of railroad carriers to provide suitable equipment—you can come to only one conclusion.

There is a disasterous breakdown in the agricultural rail transportation system.

What can be done about this crisis?

Many efforts are being made to change the rules, regulations, and procedures in order to achieve better car utilization and distribution. These efforts are helpful and should be encouraged, but generally they strive towards greater use of a totally inadequate fleet of cars.

We favor ICC Order 252 which provides incentive per diem in emergencies and earmarks funds for the purchase of plain boxcars.

We favor the mandatory return of boxcars to western railroads.

We believe the problem can be solved on a long-term basis only when some method is developed to promote the construction of more boxcars.

COUNCIL OF SOCIAL ADVISERS

Mr. MONDALE. Mr. President, I am pleased to see that a great deal of interest has been expressed this year in my bill to establish a Council of Social Advisers. The Special Subcommittee on Evaluation and Planning of Social Programs has completed hearings on the Full Opportunity Act, S. 5. On March 22, 1970, the Washington Sunday Star published a penetrating analysis by Carl T. Rowan on the problems at which the bill is aimed.

As Mr. Rowan said:

We know "how many people were raped, stabbed or murdered" but not "how many Americans go to bed hungry at night . . ." And "we have proved that we can put men on the moon" but the President "tells us that we haven't the faintest notion of the most efficient way to teach the Nation's disadvantaged children." . . .

Mr. President, I ask unanimous consent that this excellent article be printed in the RECORD.

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

[From the Washington (D.C.) Sunday Star, March 22, 1970]

WE NEED A WAY TO DETERMINE PRIORITIES

(By Carl T. Rowan)

The FBI purports to tell us precisely how many people were raped, robbed or murdered in the U.S. last year. But no one has the faintest idea how many Americans are so angry and alienated that they would participate in or support the bombings and guerrilla activities that are on the rise in this society.

The Agriculture Department can tell us exactly how many pounds of beef, bushels of corn or gallons of milk were produced in America last year. But no one knows precisely how many Americans go to bed hungry at night, or how many of our school children suffer from malnutrition.

We have become remarkably skillful at transplanting hearts or kidneys or performing other medical miracles. But no one seems to have the remotest idea how to provide adequate, reasonably priced medical care for all Americans, or to rectify a situation where 13 countries have lower infant mortality rates than ours, the richest society in the world.

We have proved that we can put men on the moon, and we claim the ability to hurl one missile thousands of miles bearing deadly warheads aimed at three or four separate targets. But President Nixon tells us that we haven't the faintest notion of the most efficient way to teach the nation's disadvantaged children—and might want to stop spending more money until we find out.

We are highly sophisticated at bugging telephones and electronic eavesdropping, but we are woeful failures at rehabilitating the criminals who are caught that way.

These are some of the grim contradictions of a society that is beset by some frightening human problems because it is so technically advanced and socially backward.

Now, when so many people are talking about what our national priorities ought to be once the Vietnam war is over, is the time for us to take an honest look at the makings of that dilemma.

This is not to say that we are certain to get a huge monetary windfall from Vietnam. The Defense establishment and other traditional money-grabbers have already staked out claims to most of the funds now being poured into that war.

But what worries some congressmen and other Americans is that, even if we got a windfall of billions of dollars we would lack an adequate system for allocating it wisely to social needs.

Joseph A. Califano Jr., a Washington attorney who used to be President Johnson's special assistant dealing largely with social problems, put it bluntly:

"The basis of recommendations by an American cabinet officer on whether to begin, eliminate or expand vast social programs more clearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate, sophisticated data with which the Secretary of Defense supports a major new weapons system."

An illustration of this occurred when Johnson asked Califano how many able-bodied Americans were living off the welfare dole. It took the Department of Health, Education and Welfare days to provide an answer although it had been battered for years with allegations that the welfare rolls were a haven for millions of lazy no-goodniks.

HEW produced a surprising report that fewer than 500,000 of the almost 10 million people on welfare could be classed as "able-bodied."

It is this kind of data that is vital as Congress decides whether to approve a guaranteed annual wage and other vast reforms in the welfare system.

Senator Walter F. Mondale, D., Minn., has been arguing for three years that this country cannot afford to make social, economic and educational policies on the basis of old myths and shibboleths, or the prejudices and predilections of whatever White House aide manages to get the most memos to the President.

Mondale is sponsoring a bill that would create a Council of Social Advisors to the President. It would be generally akin to the Council of Economic Advisors or the National Security Council, except that its realm would be social priorities. It would prepare an annual report on the social state of the nation, ensuring that the essential statistics, studies, social indicators are available for the establishment of sane national priorities.

Some witnesses maintain that these social indicators would be the catalysts that prompt and provoke the programs needed to deal with problems like divorce, racial tension, population growth, drug abuse.

The cynics and defeatists may say that it is not really possible to develop reliable, effective social indicators. But wisdom seems to lie with the Senate subcommittee witness who said: "How stupid it would be not to make the effort."

RESOLUTION IN SUPPORT OF U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY

Mr. CASE. Mr. President, I am happy to ask unanimous consent to have printed in the RECORD a resolution adopted by the trustees of the Essex County Bar Association in support of the U.S. attorney for the District of New Jersey.

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

ESSEX COUNTY BAR ASSOCIATION,
Newark, N.J., March 23, 1970.

Hon. CLIFFORD P. CASE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: The Trustees of the Essex County Bar Association have asked me to forward to you a copy of the following Resolution adopted at their meeting of March 10, 1970:

Whereas certain statements have been made in the Congress of the United States reflecting on the integrity and ability of the United States Attorney for the District of New Jersey to fulfill the requirements of his office; and

Whereas the basis for said statement has been reviewed by the Trustees of the Essex County Bar Association:

Now, therefore, be it resolved that the Trustees of the Essex County Bar Association reject any attack on the integrity and loyalty of the United States Attorney for the District of New Jersey and affirm their belief in his ability to carry out properly the functions of his office.

It is further resolved that a copy of this resolution be sent to a Congressman and a United States Senator for the purpose that it be spread upon the records of the House of Congress and the Senate.

Sincerely,

BILL KIRCHNER,
Secretary.

VIETNAM AND DOMESTIC NEEDS

Mr. MONDALE. Mr. President, an early end to the war in Vietnam is and will remain a top priority national goal.

If and when it is attained, we hope that the resources that are freed can be turned to the urgent domestic needs which have accumulated to crisis proportions while the fighting has gone on. In addition, we are exploring other areas in which military spending can be reduced, at least to avoid preemption of the "peace dividend" by the Defense Department, and possibly to find more funds for pressing nonmilitary needs.

Surely a reordering of priorities along these lines is in the national interest. We must, however, also recognize the problems of transition it will entail, particularly for those States and communities which have a heavy economic dependence on defense and aerospace business. In the interest of overcoming those problems, and also to facilitate the most rapid possible transfer of resources, we should be moving now on a national program of planning for economic conversion.

The junior Senator from South Dakota (Mr. MCGOVERN) has long been a leading advocate of action in this field. He is the author of S. 1285, the Economic Conversion Act, which aims to develop practical alternatives for communities, resources, and manpower affected by Defense cutbacks.

Last Sunday, the Washington Post, along with a number of other newspapers, published an article written by Senator MCGOVERN in which he describes the depth and breadth of the conversion issue and outlines the steps needed to deal with it. I ask unanimous consent that the article, entitled "After Vietnam, Economic Pains of Peace," be printed in the RECORD.

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

[From the Washington Post, Mar. 15, 1970]

AFTER VIETNAM, ECONOMIC PAINS OF PEACE

(By Senator GEORGE MCGOVERN)

For all of our deep national longing, the end of the Vietnam war will not be an unmixed blessing.

For many Americans it can mean economic disaster. For all of us it may be at best the termination of a national tragedy, coupled with the waste of an opportunity to find new, more hopeful national directions.

The dominant expectation about the war's end is probably twofold. The killing and mutilation of American youth will be stopped, and some $20 to $30 billion annually will be freed to meet accumulated needs at home. At last we will have the wherewithal to improve our schools, to tackle such enormously complex problems as transportation and housing and such costly ones as hunger and poverty, to cope with the crime and violence which have become characteristic of life in America, and to end the despoilation—and perhaps begin the reclamation—of our environment.

But there is another side.

An early consequence of peace will be a reduction of some 800,000, and possibly more, in military manpower, bringing the total down at least to prewar levels. These persons, along with thousands of civilians working for defense agencies on assignments related to Vietnam, will have to be absorbed by the rest of the economy. The elimination of jobs is expected to occur on a scale approaching two million, including shrinkage in the private job market as a result of reductions in Vietnam orders.

CONCENTRATED CUTS

The least skilled and the most recently hired, probably many among racial minorities, will be the first to go and the last to find new jobs. The gloomiest outlook is suggested by a poverty program official in Connecticut who says that "if the layoff is not properly handled by federal and state agencies—and right now nothing is being done, at any level—then you are going to see blood flowing in the streets."

But there will be trauma among highly skilled technicians and scientists as well. The cancellation of the $3 billion Manned Orbiting Laboratory last June found top-flight technicians leaving McDonnell-Douglas' plant in Huntington Beach, Calif., with no place to go and with little prospect for comparable work in their areas of specialty. Vietnam employs thousands like them.

Because defense firms tend to be concentrated in a few states and localities, the economic impact will be concentrated as well. Some 37.4 per cent of California's manufacturing workers are employed in defense-related industries. That state can expect to lose about 130,000 jobs when the war is over, and it can expect about 80,000 returning servicemen to be added to its job market at the same time.

Moreover, there is unevenness of military work by occupation. More than half of the nation's research-and-development engineers are working on behalf of the Pentagon, directly or indirectly. Some of the largest universities—including the Massachusetts Institute of Technology, Johns Hopkins University, Stanford University, the California Institute of Technology and the University of Michigan—are concentration points of Pentagon work in the universities. Indeed, two of these, M.I.T. and Johns Hopkins, are listed among the 100 largest military-industrial contractors by the Department of Defense.

RIPPLE EFFECT

The Arms Control and Disarmament Agency has documented the ripple effects these cutbacks are likely to have. Its study of a layoff of 6,800 Martin Co. workers in Denver in 1963 disclosed that the economic expansion of the entire state was slowed and the expansion in Denver virtually came to a halt. The recovery took two full years.

We can be quite sure, then, that there will be a painful adjustment for many Americans. Its breadth and depth depend upon a variable which continues to elude a consensus among forecasters—the state of the total economy and the dynamism of nonmilitary sectors. In a level economy, the drop in military demands could easily stimulate a recession. If it were to coincide with a general slowdown, which many economists are predicting for 1970, the results could be serious indeed.

Apart from these less welcome concomitants of peace, we must recognize that the manpower, the technology and even the money involved in the war effort will not be turned quickly to peaceful priorities. The unemployed strategists from the Pentagon will certainly require some redirection before they can make meaningful contributions in other capacities. Unless some serious effort is made to locate appropriate uses, facilities which have been built up as needed by the war may be idled when they could be made useful in important domestic tasks. The Congress could doubtless find ways to dispose of $30 billion, but without careful preparation and assessment of alternative uses, much of it would doubtless be wasted or used less effectively than it should. Hence, peace can mean lost opportunities as well as economic difficulty.

In the face of these prospects, defense contractors appear to be little concerned. Their assumption seems to be that an end to the war will bring a successful rush by the Pentagon to claim the great bulk of the "peace dividend" to flesh out military wish lists developed during the Vietnam years. Their prognosis is that new cold war orders will come quickly to replace declining hot war demands.

REASONS TO RESIST

The events of 1969 may have given them pause, depending upon their judgments as to the probable longevity of Congressional demands for more careful scrutiny of military spending and for more persuasive justifications for new weapons systems. Certainly they must take into account the fact that after reducing military money requests an average of only 0.4 per cent a year in the previous 10 years, Congress squeezed 7.5 per cent, or $5.6 billion, out of the Pentagon budget for fiscal 1970, much of it through the effort of traditional allies of the armed services.

But the contractors have other reasons to resist conversion. Those whose sole or major customer is the Pentagon would, in terms of their sales capabilities, be most attuned to seeking new government business in the civilian sector rather than in private markets. But they know, particularly after recent closings of privately run Job Corps camps, that contracts in the social area carry greater risk and that budgets are more closely scrutinized. Firms specializing in problem-solving know that civilian problems tend to be infinitely more complex than such questions as whether it will take four or five bombs to achieve a desired target kill probability.

At this point the public is faced with a choice. If the reliance of the armament industry on expanded defense orders is well placed, the war is unlikely to free vast sums for domestic problems after all. We will simply shift from one kind of defense spending to another. If the industry's reliance is misplaced, the damage done by an end to the Vietnam war will be compounded by slackened overall defense outlays.

It is against this background that 35 of us in the Senate and some 50 members of the House have offered the Economic Conversion Act. In the conviction that no government agency can or should accumulate enough knowledge about each of the thousands of military contractors to formulate specific conversion plans, we have proposed that the contractors themselves develop alternative uses for the facilities and manpower. The bill would require conversion planning as a condition of contract fulfillment.

In addition, it would establish a National Economic Conversion Commission, made up of agency heads and of public members, to define further federal contributions to the conversion effort and to make specific recommendations to the President and the Congress. The commission should work extensively with arms manufacturers and defense personnel to help determine, under its estimates of future public spending patterns, the nonmilitary areas to which specific resources might be most readily transferable.

Our proposal aims to ease the transition from war to peace. I readily confess to another motive. I think we should go as far as we can toward freeing the vast constituency of the Pentagon from its economic dependence upon arms spending, because in the process we can diminish pork barrel pressures and elevate rational assessments of need in the debate over defense spending.

The importance of the plan extends, therefore, to both practical operation and national priorities. It can minimize the harm and maximize the advantages of military cutbacks. At the same time, it can help make possible the cuts that should be made, and it can serve as convincing evidence that wise business planners are those who exert their enterprise toward making our society a better place to live.

THE CARSWELL NOMINATION

Mr. GURNEY. Mr. President, about 2 months ago, the Georgetown University Law School invited me to state for the record my views on the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court. My article appeared in the February 18, 1970, edition of the Georgetown Law Weekly. 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:

REMARKS OF SENATOR EDWARD J. GURNEY

In commenting on his judicial record the New York Times had this to say about Judge G. Harrold Carswell:

"These opinions reveal a jurist who hesitates to use judicial power unless the need is clear and demanding; who finds few controversies that cannot be settled by invoking some settled precedent, and who rarely finds the need for reference to the social conflict outside the courtroom that brought his cases before him."

The Times writer no doubt thought of this characterization as a rebuke of Harrold Carswell and as a damning criticism of his judicial attitudes. I think the criticism is not only fair and accurate, but I also think it is a highly laudatory statement!

For too many years, our Supreme Court justices, almost to a man, have acted without the judicial restraint which in years past was the universally accepted hallmark of a great jurist. Similarly, our high court has too often sought to interpret the law, not with reference to the constitution, congressional intent or precedent, but by measuring the enactment against the individual justices' own private notions of wisdom or virtue. In support of this proposition, and as a clear statement of the dangers inherent in such a course, I refer to Mr. Justice Frankfurter (AFL v. American Sash Co. 335 U.S. at 555):

"But there is reason for judicial restraint in matters of policy deeper than the value of experiment: it is founded on a recognition of the gulf of difference between sustaining and nullifying legislation. This difference is theoretical in that the function of legislating is for legislatures who have also taken oaths to support the Constitution, while the function of courts, when legislation is challenged, is merely to make sure that the legislature has exercised an allowable judgment, and not to exercise their own judgment, whether a policy is within or without 'the vague contours' of due process. Theory is reinforced by the notorious fact that lawyers predominate in American legislatures. In practice also the difference is wide. In the day-to-day working of our democracy it is vital that the power of the non-democratic organ of our Government be exercised with rigorous self-restraint. Because the powers exercised by this Court are inherently oligarchic, Jefferson all of his life thought of the Court as 'an irresponsible body' and 'independent of the nation itself.' "

CRITICISM OF THE COURT—BY THE COURT

One of the popular myths of the American liberal is that all criticism of the Warren Court necessarily originates with rustic bumpkins, racists or fascists. If one raises his voice against the Warren Court, so the myth goes, the speaker is automatically suspect of lacking compassion, intelligence or decency. The most effective means I know of dispelling this myth is to turn to United States reports and listen to the language of dissent.

Mr. Justice Whittaker in Mapp v. Ohio, 367 U.S. 643 (1961):

". . . The Court, in my opinion has forgotten the sense of judicial restraint which, with due regard for stare decisions, is one element that should enter into deciding whether a past decision of this Court should be overruled. . . . The action of the Court finds no support in the rule that decision of constitutional issues should be avoided wherever possible. . . . The unwisdom of overruling Wolf without full-dress argument is aggravated by the circumstance that that decision is a comparatively recent one (1949) to which three members of the present majority have at one time or another expressly subscribed, one to be sure with explicit misgivings. I would think that our obligation to the States on whom we impose this new rule as well as the obligation of orderly adherence to our own processes would demand that we seek that aid which adequate briefing and argument lends to the determination of an important issue. It certainly has never been a postulate of judicial power that merely altered disposition, or subsequent membership on the Court, is sufficient warrant for overturning a deliberately decided rule of constitutional law."

Mr. Justice Steward in Escobedo v. Illinois, 378v. 478 (1964):

"The Court says that what happened during this investigation 'affected' the trial. I had always supposed that the whole purpose of a police investigation of a murder was to 'affect' the trial of the murderer, and that it would be an incompetent, unsuccessful, or corrupt investigation which would not do so. . . . Supported by no stronger authority than its own rhetoric, the Court today converts a routine police investigation of an unsolved murder into a distorted analogue of a judicial trial. It imports into this investigation constitutional concepts historically applicable only after the onset of formal prosecutorial proceedings. By doing so, I think the Court perverts those precious constitutional guarantees, and frustrates the vital interests of society in preserving the legitimate and proper function of honest and purposeful police investigation."

Mr. Justice Black in Hamm v. Rock Hill 379 U.S. 306, (1964):

"Nothing in the language or history of the 1964 Act makes the Court's reading into it of a purpose to interfere with state laws 'inevitable' or even supportable, nor in any way justifies the Court's off-hand assertion that it is carrying out the 'legislative purpose.' For I do not find one paragraph, one sentence, one clause, or one word in the 1964 Act on which the most strained efforts of the most fertile imagination could support such a conclusion. And in what is perhaps the most extensive and careful legislative history ever compiled, dealing with one of the most thoroughly discussed and debated bills ever passed by Congress, a history including millions and millions of words written in tens of thousands of pages contained in volumes weighing well over half a hundred pounds, in which every conceivable aspect and application of the 1964 Act were discussed ad infinitum, not even once did a single sponsor, proponent or opponent of the Act intimate a hope or express fear that the Act was intended to have the effect which the Court gives it today."

Mr. Justice Harlan in Baker v. Carr. 369 U.S. 186 (1962):

"The Court today reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only five years ago. . . Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power demands a detailed analysis of the role of this Court in our constitutional scheme. . . In effect, today's decision empowers the courts of the country to devise what should constitute the proper composition of the legislatures of the fifty States. If state courts should for one reason or another find themselves unable to discharge this task, the duty of doing so is put on the federal courts or on this Court. . . There is nothing judicially more unseemly, no more self-defeating than for this Court to make in terrorem pronouncements, to indulge in merely empty rhetoric, sounding a word of promise to the ear, sure to be disappointing to the hope. . . To find such a political conception legally enforceable in the broad and unspecific guarantee of equal protection is to rewrite the Constitution. . ."

These are strong words and all the stronger because of their source. I could go on with this recitation but I think the point is made: there is a body of valid and very telling criticism of the Warren Court from very eminent and responsible commentators, including the present membership of the Supreme Court. The best summation of the criticism that I know is contained in the address of Professor Alexander M. Bichel, Chancellor Kent Professor of Law and Legal History at the Yale Law School who was last year's Holmes lecturer at my alma mater, the Harvard Law School. Professor Bichel gave the following analysis:

'The Warren Court has come under professional criticism for erratic subjectivity of judgment, for analytical laxness, for what amounts to intellectual incoherence in many opinions and for imagining too much history . . . The charges against the Warren Court can be made out, irrefutably and amply.'

Professor Bichel has expanded his Holmes lectures into a book entitled "The Warren Court and the Idea of Progress" which will be

published shortly by Harpers and Row. I commend it to all thoughtful students of the law.

CIVIL RIGHTS AND CARSWELL

There has been a great deal of criticism of Judge Carswell by my colleagues in the Senate. Most of it has been, in my judgment, petty and unfair. The one serious accusation raised against him has been the 1948 speech he made while standing for the Georgia legislature. Carswell met this criticism full on and dealt with it honestly and effectively. He repudiated the racist statements he expressed in 1948, fully and completely. Frankly, I think he deserves to be praised for the forthright disavowal of those absurd and reprehensible statements of yesteryear. Carswell has grown up with the nation and he has matured on this score in much the same fashion that the nation has matured. Dr. Thomas W. Matthews, the well known physician and philanthropist, and the founder of a very successful black self help organization, wrote to the NAACP asking that organization to reassess its opposition to Carswell. Here is what Matthews said:

"To deny Judge Carswell the chance to repudiate a past position that we all abhor is to deny the black underprivileged as a group the hope that is implied in the principle of redemption. The cry from the street that all America must hear is the cry for a second chance."

NOT WELL KNOWN, ERGO MEDIOCRE?

I resent the notion that seems to be prevalent in certain quarters, and which has found wide acceptance in newspapers and the media, that because Judge Carswell is not well known outside of judicial circles, he therefore must be "mediocre." Judge Carswell is not a mediocre talent by any objective standard; he has a first-rate legal mind and enjoys an outstanding reputation with his colleagues of the bench and bar.

Anonymity is a role which jurists cultivate in our system, and properly so. Judges by temperament and inclination, carefully seek to avoid headlines, it seems to me. As a matter of fact, more often than not, we are suspicious of a judge or jurist, particularly in the lower courts, who garners a great deal of attention from the press. A judge's function is not one which lends itself to publicity. If he discharges his duties properly, he is not a celebrity or a personality. "Sobriety" is the virtue we associate with judges, not "publicity." With this in mnid, I think it is cruel and unfair to suggest that lack of notoriety equates with mediocrity.

Some of the giants of American jurisprudence were unknown to the public as jurists when they came to the bench: John Marshall comes immediately to mind. Marshall served his country as a diplomat, as a state legislator, member of Congress, and he served briefly as Secretary of State. But as a jurist, none ever heard of him until President Adams appointed him to the court in 1801. I think the same can be said of Oliver Wendell Holmes: he had a famous father of course, and he was the author of The Common Law in 1881, but I don't really believe his name was a household word (no pun intended) prior to his selection by President Theodore Roosevelt in 1902. Harlan Fiske Stone was a great jurist, widely known to judicial circles prior to his elevation to Chief Justice, but again the public at large knew little concerning him before his appointment.

Other of our recent Chief Justices were well known politicians—Taft, Hughes, Vincent, Warren—and had a built-in familiarity to the American public, but they were well known for their political activities and not for their judicial experience when they came to the bench.

FISHING EXPEDITION

I think that every senator has a right to carefully scrutinize all candidates for the Supreme Court; as a matter of fact, it is a senator's duty to acquaint himself with a prospective justice's background and credentials in order that he may discharge his duty to advise and consent to such a nomination. If there are legitimate questions, they should be raised and resolved. But, I cannot sit by and quietly listen to attacks on Judge Carswell when no substantial basis for those attacks has been offered. I resent fishing expeditions and challenges to character and integrity based on unsubstantiated feelings or assumptions. Most especially, I resent the idea that Judge Carswell is somehow unqualified because he is not well known to the public at large. It is most unfair, it demeans the Senate and adds nothing of value to the legitimate discussion of Judge Carswell's merits and credentials.

When I recommended Judge Carswell to President Nixon, I felt confident that he could and would serve his country with distinction on the nation's highest court. My confidence remains unshaken.

CONCLUSION

President Nixon has set about to reshape the Supreme Court with his appointive power. He has the right to do that under the Constitution and he has a duty to do it because of the promises he made to the American people during his successful election campaign in 1968. He has so far sent to the Senate jurists with wide experience on the bench, men whose views on the judicial process are known and certain. In this way, he hopes to restore to the High Court the dignity and objectivity that once marked its deliberations and by doing so restore it to the esteem it once enjoyed with the American people. As I see it, the Court went astray in recent years, at least partly because too many of the justices appointed to it had little or no experience in the judiciary, state or local, prior to their appointment. Warren, Fortas, White, Douglas and Black fall into that category. (Justice Black served briefly as a Justice of the Peace in Alabama, as I recall, in his youth). The Burger appointment and now the Carswell appointment offers very real and substantial encouragement to many of us, in public and private life, who have been worried about the direction of the Court in recent years. The Warren Court has made its record and is now part of history; frankly, I find that record is a poor one and I think the country is very much the worse for it. It is now our turn at bat and our record is yet to be made. I think it will be a commendable record and I look for Harrold Carswell to play an influential role in its making.

Mr. GURNEY. Mr. President, I would like the record to show some of the letters and telegrams in support of G. Harrold Carswell which have come across my desk in the last 24 hours. I ask unanimous consent to include the following items in today's RECORD:

First. A wire to President Nixon endorsing Judge Carswell signed by 11 of his colleagues and brother-judges on the Fifth Circuit Court of Appeals;

Second. A telegram from six judges of the U.S. district court in and for the southern district of Florida enthusiastically urging the confirmation of Judge Carswell;

Third. A petition signed by 79 Tallahassee attorneys who have practiced before Judge Carswell and who endorse his candidacy;

Fourth. A wire from Arthur L. Hart, past president of the Indiana Bar Association, urging the confirmation of Judge Carswell;

Fifth. A telegram from Mr. Benton E. Gates, also past president of the Indiana bar and past chairman of its house of delegates, urging his nomination;

Sixth. Finally, a very revealing letter addressed to Judge Carswell, with a copy to me, by Charles Friend, director of the Rehabilitation and Liquidation Department of the State of Florida, commenting on his experience as a practicing attorney in Judge Carswell's court.

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

PRESIDENT NIXON: As colleagues of Judge Harrold Carswell on the United States Court of Appeals for the Fifth Circuit, we hereby express our complete confidence in him as a nominee for associate justice of the Supreme Court from the standpoint of integrity, fairness and ability.

Warren L. Jones, Walter P. Gewin, Griffin B. Bell, Homer Thornberry, James P. Coleman, Robert A. Ainsworth, Jr., David W. Dyer, Bryan Simpson, Lewis R. Morgan, Charles Clark, Joe M. Ingraham.

MARCH 27, 1970.

Senator EDWARD J. GURNEY,
Senate Office Bldg.,
Washington D.C.:

The judges of the United States District Court in and for the Southern District of Florida consisting of Judges Charles B. Fulton, Emett C. Choate, W. O. Mehrtens, C. Clyde Atkins, Ted Cabot, and Joe Eaton have complete confidence in the integrity and professional ability of Judge Carswell. In our opinion he is well qualified to sit upon the Supreme Court of the United States. We enthusiastically urge his confirmation.

PETITION OF TALLAHASSEE ATTORNEYS

To the Senators of the Fifty States:

The lawyer who practices before a judge for any period of time sees that judge in every conceivable legal light. From the case calling for the utmost logical acumen to the case calling for human understanding and compassion. A lawyer gets to know the judge as perhaps no other human being can. He is, in this sense, in the best and fairest position to judge the bench.

As Tallahassee lawyers who have practiced before Judge G. Harrold Carswell, we know him to be eminently qualified, eminently fair, and a truly great credit to the federal bench and to American jurisprudence. We recommend him wholeheartedly to the body of the Senate trusting that in its experience and mature judgment, it will confirm him to its highest court.

(From 79 Tallahassee Attorneys).

This document contains only the names of those lawyers who could be reached in their offices when it was circulated. Numerous others wanted to sign, but because of the press of time to send this document to all the Senators, it could not be recirculated.

VINCENNES, IND., *March 24, 1970.*

Senator ED GURNEY,
Senate Office Bldg.,
Washington, D.C.:

I recommend the confirmation of Judge Carswell as justice of the supreme court of the United States. In my opinion he is qualified. For information only, I am the immediate past president of the Indiana State bar association and deeply interested in the administration of justice.

ARTHUR L. HART.

COLUMBIA CITY, IND., *March 24, 1970.*

Senator EDWARD J. GURNEY,
Senate Office Bldg.,
Washington, D.C.:

I support and urge the confirmation of George Harrold Carswell as Justice of the

Supreme Court of the United States. Believe he is as well or better qualified for this position than some of the judges now serving on the Supreme Court. I do not believe the Indiana Senators opposing this nomination speak for the majority of the people of Indiana in this matter. After practicing law for more than forty years, being a past president of Indiana State bar and past chairman of its house of delegates, I feel I am qualified to pass on a Justice's qualifications.

I feel Justice Carswell should be confirmed.

BENTON E. GATES.

STATE OF FLORIDA REHABILITATION AND LIQUIDATION DEPARTMENT,
Tallahassee, Fla., March 30, 1970.

Hon. G. HARROLD CARSWELL,
Judge, Fifth Circuit Court of Appeals,
Tallahassee, Fla.

DEAR JUDGE CARSWELL: I saw in the March 29 (Easter Sunday) Tallahassee Democrat an article to the effect that 79 Tallahassee lawyers who have practiced before you had earlier sent a letter recommending to the members of the Senate your confirmation. I have not seen the letter and did not know of its existence until March 29. Probably contacting me for my signature to the letter was inadvertently but understandably overlooked, because for almost a year I have been out of the private practice of law and have been employed by the state.

The article quotes the letter. I wish to add my signature to it, if only by reference, as expressing my wholehearted personal views.

The article states the letter was sought to be limited to those who have actually appeared before you at least once. I practiced before you regularly for ten years in Tallahassee, from 1959 to 1969. There may be a few, but not too many, lawyers, aside from U.S. Attorneys and their staffs, who have tried, or actively participated in the trial of more cases than I have before you. These few I estimate to be a very small minority. Approximately the same breakdown would be true of the many hearings on various issues that are necessary beforehand in each case, regardless of whether that case eventually goes to trial. For every case that I tried there were probably two others that, for one reason or another, did not come to trial.

It is sometimes said that persons prejudiced against one minority group are frequently prejudiced against others. In this area of very few Catholics or Jews, it may be worth noting that as perhaps the only Roman Catholic trial lawyer (and with a surname often considered Jewish) in private practice for a part of that ten years, and as one of only two or three Roman Catholics for much of the balance of the ten years, I can make the statement without reservation that such considerations had no place in your treatment of me, on or off the bench.

Sincerely,

CHARLES FRIEND.

Mr. GURNEY. Mr. President, I would like to request unanimous consent to include in today's RECORD several items concerning the Carswell nomination.

First. Two editorials from the Jacksonville Florida Times-Union from March 26 and March 28, 1970; the first is entitled "Neo-McCarthyism and Carswell" and the second "Keelhauling an Honorable Career";

Second. An article which appeared in the Miami Herald for March 26, 1970, over the signature of Malcolm Johnson, editor of the Tallahassee Democrat entitled "Somebody Forgot To Mention Judge Carswell's Supporters";

Third. An article from the Birmingham News entitled "Goldberg and Carswell," which appeared March 26, 1970.

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

[From the Florida Times-Union, Mar. 28 1970]

KEELHAULING AN HONORABLE CAREER

The "definitive" word has now come in on the confirmation of Judge G. Harrold Carswell to the U.S. Supreme Court.

It came from no less than the senior senator from Maryland, Joseph Tydings. He released the news to the press that an associate municipal judge of Opa Locka opposed the nomination.

This was coupled with the devastating news that one of the judges of the municipal court in Miami was also opposed. The clincher to this announcement seemed to lie in the portentous bit of background that both were former assistant U.S. attorneys.

No doubt, Senator Tydings and his staff are overworked in their round-the-clock vigil to see that justice is done—and presumably if justice is to be done, Judge Carswell is entitled to some miniscule portion of it—so perhaps they won't feel hurt if a gentle reminder is given of some of the support the judge has received.

"We are concerned," said Senators Tydings, Birch Bayh, Philip Hart and Edward Kennedy, "that Judge Carswell's record indicates that he is insensitive to human rights and that he has allowed his insensitivity to invade the judicial process."

Lest anybody conclude that the aforementioned gentlemen are insensitive to Judge Carswell's right to a fair hearing and are allowing this insensitivity to invade the senatorial process, we would be so bold as to suggest that there is some testimony that tends to offset that of the distinguished associate municipal Judge of Opa Locka and perhaps Tydings et al. would wish to point this out.

The Fifth Circuit Court of Appeals is on the second tier of the federal judiciary, the level just below that of the U.S. Supreme Court.

Sen. Tydings himself mentioned some of its members as "eminent constitutional lawyers . . . who have demonstrated that they are judicious men, able to give any man a fair and impartial hearing." Two of those he mentioned are Judge Byran Simpson and Judge Robert A. Ainsworth.

Both of these judges sent the Senate Judiciary Committee strong letters of support on behalf of Carswell's nomination as did their colleagues, Warren Jones, Homer Thornberry, David Dyer and Griffin Bell. And there are hosts of other judges who have sent in letters of support.

And if Judge Carswell is so "insensitive to human rights" (the liberal code phrase for "not far enough to the left to suit us") why has the Senate unanimously confirmed him three times—as U.S. attorney, district judge and appellate court judge?

Further, it seems passing strange that a judge so insensitive would have been assigned so often while a district court judge to sit as a visiting judge on the Fifth Circuit Court.

And, it seems most insensitive of Senator Tydings not to acknowledge this fact since our own source is the record of the testimony before the Senate Subcommittee on Improvements in Judicial Machinery on May 28 and 29, 1968. The chairman of that subcommittee is Senator Tydings of Maryland.

The statistics in the record show that from fiscal 1960–61 through fiscal 1966–67, during all of which time the Chief Judge of the Fifth Judicial Circuit was Elbert Tuttle, a man of impeccable liberal and civil rights credentials, who assigned Judge Carswell to sit as visiting judge longer than any other district judge in the Fifth Circuit.

He sat on three-judge panels—composed of two Fifth Circuit judges and himself—for 8½ weeks during those years. Two other judges sat for eight weeks during that period. None of the other 34 district judges assigned to that duty even approached this length of assignment on the appellate court.

Is it a practice to single out "mediocre" or "insensitive" judges to help decide cases on a higher bench—and to do so consistently?

The answer to that question is "no" and Senator Tydings well knows that this is the answer.

The effect of the distorted and one-sided picture of Carswell being presented is to defame and vilify the man before the entire world and to do so unjustly.

Perhaps we can draw a parallel which will bring it closer to home to some senators—especially Senator Tydings.

Back in 1950, a composite photo was used in the campaign against Sen. Millard Tydings—father of the present senator—purporting to show the elder Tydings in friendly conversation with Communist Earl Browder. It was part of a back-alley campaign that helped to defeat the elder Tydings.

The campaign against Carswell is not of the same nature. But in its own way, it is just as vicious.

A composite word picture is being drawn of him, attempting to plant in the public mind the idea that he is a mediocre judge on the one hand and a racist on the other.

There is plenty of evidence that he is neither but we hear little about it from the opposition.

It is one thing to defeat Carswell's nomination. It is another thing to impugn an honorable career.

Let the record show that there are many persons—some of them uniquely qualified to judge in this instance—who believe G. Harrold Carswell to be a decent, sensitive human being of outstanding integrity, a man who has devoted his entire life to public service, and a highly qualified judge.

[From the Florida Times-Union, Mar. 26, 1970]

NEO-MCCARTHYISM AND CARSWELL

One of the most salient factors bearing upon the career of Judge G. Harrold Carswell, nominee to the Supreme Court of the United States, has been overlooked completely.

The smear and innuendo continue. The condescending deprecation continues with descriptions of his career as "pedestrian" and "mediocre."

But what did his fellow judges think of him even when there was no thought of his being nominated for the Supreme Court? That is a real criterion upon which to judge the worth and ability of the man.

They thought enough of him to elect him as their representative to the Judicial Conference of the United States from the Fifth Circuit on April 18, 1968.

The conference is composed basically of the chief judges of each of the 11 judicial circuits plus one representative elected by the circuit and district judges in each circuit and is presided over by the Chief Justice of the Supreme Court.

The conference itself might be called the "Cabinet" of the judiciary—one of the three distinct branches of the federal government. It is the governing body of the United States courts.

Carswell was one of two judges nominated for the post and his opponent was also a respected judge. The vote was 33 to 24 in favor of Carswell.

This is hardly the type of position to which the judges would want to send somebody who was "mediocre" or "pedestrian."

And it certainly stands as a far more persuasive testament to his competence than the statements of Ivy League law school deans or even the nine members of the Florida State University Law school faculty—five of whom have taught at FSU less than a year, one just short of two years and two more for four years. There is only one full

professor in that group, five associate professors, two assistant professors and the librarian. Not a single one of them is even a member of the Florida Bar, according to Sen. Edward Gurney.

On the other hand, Carswell has been strongly endorsed by FSU Law School Dean Joshua Morse and former dean, Mason Ladd who is now in a teaching position.

Last July the Senate approved without dissent the elevation of Carswell to the Fifth Circuit Court of Appeals bench but now some of the senators purport to have discovered that he is racially biased and/or incompetent.

What disturbs us most about some of the opposition is its utter lack of rudimentary fairness or perspective. The most trivial things are blown out of all proportion and innuendo is often stated as fact.

For instance, if we were to say that Senator Frank Church inserted into the record a letter from Moscow urging him to oppose Carswell, we would be factually correct. But, standing by itself, the statement would be utterly unfair because the fact that the letter came from Moscow, Idaho certainly clarifies the picture. We liken some of the tactics used to discredit Carswell to such an incomplete and misleading statement.

Creeping into this entire picture is a new McCarthyism being practiced by some of those who most decried the tactics of the now-deceased senator Joseph R. McCarthy. The term—coined by Washington Post cartoonist Herblock—was defined in an unfriendly biography of McCarthy by Richard Rovere as "a synonym for the hatefulness of baseless defamation of mudslinging."

The charge of "racist" is hurled freely about by some of those who 15 years ago decried any imputation of sympathy with the Communists to anybody—even if it was based on evidence much less tenuous than that which attempts to paint Carswell as a racist.

Some of the ultraliberals who painted membership in subversive organizations during the Twenties and Thirties as harmless youthful flirtations with Communism in keeping with an intellectual fad of the times, now see dark racist conspiracies in almost every move of Carswell's.

Their pious pleas for fairness toward the political Left in those days, go unheeded today when they face the political Right.

There is a double standard applied and it is applied by some on both sides in the Senate—depending upon the political philosophy of the nominee.

In this case, let Sen. Jacob Javits of New York hearken back to the transcript of his defense of the nomination of Constance Baker Motley to the U.S. District Court against unsubstantiated allegations and then let him contrast his own words then and his readiness now to draw sweeping conclusions without giving weight to the pro-Carswell testimony.

Some found Carswell to be evasive before the Judiciary Committee or refused to believe his contention that his part in the private club purchase of the former Tallahassee Municipal Golf course was not based on racism.

Yet, some of these same senators warmly praised the performance of Abe Fortas before the judiciary committee in 1965. They said nothing about evasiveness.

Here is a passage from the Fortas hearing transcript as printed in the Congressional Record:

Chairman: "Did you have any connection with the Southern Conference of Human Welfare?"

Fortas: "Mr. Chairman, I probably did in the early New Deal days. I am a little vague as to whether I was—I am a little vague as to whether I was a member of the Southern Conference, but I remember in the early New Deal days I, like a number of other southerners, thought it was a fine organization, dedicated to bringing the South out of the depths of the depression."

Chairman: "When did you quit the Southern Conference of Human Welfare?"

Fortas: "As I say, Senator, I am not sure I was ever a member of it. I am just giving you an attitude that I had along with many other southerners in those days."

Chairman: "You do not know whether you were a member or not?"

Fortas: "That is correct."

Now the question arises as to what kind of pillory would be applied to Carswell if he had answered any question in that manner?

We do not ask those senators who truthfully and honestly do not believe Carswell should sit upon the Court to go against their own consciences to vote for him. We rather ask that all of the senators put each bit of testimony pro and con into a proper perspective and refrain from political buzzardry in their consideration of the nomination.

Weigh the statements of those attorneys and others who said they received or observed fair and impartial treatment by Carswell as against those who said they did not.

Consider whether Carswell as a District Judge did what a judge in this position is charged to do—conscientiously and consistently follow the law rather than make it. We believe he did. That may not be the "brilliant" course but it is the correct course for a district judge.

Take the reversals of Carswell's opinions and examine them. See how many were due to changes in higher court rulings after Carswell made his own decisions.

Consider the case load of the court and the amount of territory served by Carswell—alone for most of the time he was a district judge.

Take it all into consideration—the bitter and the sweet—and make a determination based on the entire record.

There are indications that the smear campaign has been more effective than even those who did the smearing dared to hope. If so, this plea—even though it would hardly be heeded anyway—comes too late.

If so, with the nomination dies a little more of the integrity of those senators who bowed to pressure rather than to conviction. We believe there are more than a few of those.

Let those who decided to sacrifice Carswell on the altar of political expediency—and this does not include all of his opponents but certainly does include some—live with the knowledge.

To those who held to the courage of their real convictions in the face of the liberal avalanche, whether they opposed Carswell and thus rode the crest or stood by him and were crushed, our admiration and respect. Would that the Senate contained more like them.

[From the Miami (Fla.) Herald, Mar. 26, 1970]

SOMEBODY FORGOT TO MENTION JUDGE CARSWELL'S SUPPORTERS

(By Malcolm Johnson)

TALLAHASSEE.—Judge Harrold Carswell, it seems, is taking a worse beating from the news reports than he is in the official documents filed for and against his nomination to the U.S. Supreme Court.

The 567-page printed record on the Senate Judiciary Committee hearings on his nomination, just received here, provides a powerful refutation of the accusations of bigotry and mediocrity which are being used against him.

Much of it has not heretofore been revealed to his hometown editor who probably has watched the daily reports as closely as anyone.

For example, we have been regaled this last week or so by the supposedly scornful fact that two members of the U.S. Fifth Circuit Court of Appeals have not endorsed his elevation from their bench to the Supreme Court.

Now, mind you, they have not opposed his appointment. They have only not endorsed him. (And retired Judge Tuttle, who praised him highly then withdrew his offer to testify in his behalf, to this day hasn't opposed him, either.)

But have you heard, or have you read, what other members of the Fifth Circuit Court have said about him in official letters now a part of the printed record of the Senate?

Judge Homer Thornberry (who was nominated by President Johnson for this very Supreme Court seat, but it didn't become vacant by elevation or resignation of Justice Abe Fortas in time for a Democrat to get it) had this to say about Carswell:

". . . A man of impeccable character . . . his volume and quality of opinions is extremely high . . . has the compassion which is so important in a judge."

Judge Bryan Simpson, who was held up by civil rights lawyers as the kind of southern judge President Nixon should have chosen, wrote to the Senate:

"More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an open-minded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices."

Judge Griffin Bell, a former campaign worker for President Kennedy whose own name was mentioned for this vacancy:

"Judge Carswell will take a standard of excellence to the Supreme Court . . .

Judge David W. Dyer: ". . . Great judicial talent and vigor."

Judge Robert Ainsworth: ". . . A person of the highest integrity, a capable and experienced judge, an excellent writer and scholar . . ."

Judge Warren Jones: ". . . Eminently qualified in every way—personality, integrity, legal learning and judicial temperament."

Most of these statements have been in the record since January, not recently gathered to offset criticism.

There are similar testimonials from a couple of dozen other Florida state and federal district judges in the record, but our newspaper received a news report from Washington about only a partial list of them (without quotation) only after calling news services in Washington and citing pages in the Congressional Record where they could be found.

And on the matter of antiracial views, the printed record of the committee contains numerous letters and telegrams disputing contentions of a few northern civil rights lawyers who said Judge Carswell was rude to them when they came to his court as volunteers, mostly with little or no legal experience.

Foremost among them is this letter from Charles F. Wilson of Pensacola:

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court," he said, "there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions.

"I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Why such statements in the record have been overlooked by Washington news reporters while they are daily picking up any little

crumb from the opposition is hard to explain to the public.

It could be that the organized forces opposing Judge Carswell are more alert to press agentry than the loose coalition in the senate that is supporting him.

The press agent offers fresh news, while the Record brings it stale to the attention of news gatherers upon whom there is great pressure to start every day off new with the abundance of news you know is going to develop that day.

That, really, could be a better explanation than the common assumption that our Washington reporters are just naturally more anxious to report something bad about a man—especially if he is a conservative, than something complimentary. But it isn't a very good explanation, at that.

[From the Birmingham News, Mar. 26, 1970]

GOLDBERG AND CARSWELL

We hadn't intended commenting again so soon on the Carswell nomination. He will or won't be confirmed by the Senate for reasons having little to do with his qualifications, and there is not much anyone can say which is going to have much influence with the so-called "liberals"—who are anything but—who have decided that the President of the United States has no right to appoint a conservative, strict constructionist judge to the court.

We hadn't, as we said, intended to comment again—but it is impossible to let pass without note the judgment by former Supreme Court Justice Arthur Goldberg that Carswell is "not fit" to serve on the high court.

This is Arthur Goldberg, whose nomination to the Supreme Court by President John Kennedy was confirmed by the U.S. Senate—including many of the same men who now oppose Carswell—without a dissenting vote, despite the fact that Goldberg had not had one day of judicial experience and despite the fact that his whole career had been devoted to serving as lawyer for a special interest—organized labor, specifically the United Steel Workers and the AFL–CIO. (These are the same senators who accused Judge J. Clement Haynsworth of "conflict of interest.")

Many of these same senators, it might be added, were in the Senate when the other of President Kennedy's Supreme Court nominees, Byron "Whizzer" White, was confirmed—again, without a dissenting vote. Like Goldberg, White, then an assistant to Attorney General Robert Kennedy in the Justice Department, had not a single day of judicial experience.

Even more of the senators who opposed Haynsworth and now oppose Carswell had come to the Senate by the time President Lyndon Johnson made his first appointment to the Supreme Court—Abe Fortas. Like Goldberg and White, Fortas had a reputation as a lawyer, but had no judicial experience whatsoever. He was better known as a political associate of the President. Like the other two, Fortas was confirmed by voice vote, with no dissenting vote recorded.

President Johnson's second appointee, Thurgood Marshall was serving on the federal bench at the time of his appointment, so it cannot be said that he had no judicial experience. But before his appointment to the bench (and previously to the post of U.S. solicitor general), he, like Goldberg, had made his reputation primarily in the representation of one special interest—civil rights groups. The only opposition to his confirmation was dismissed as motivated by Southern racism and was trampled down.

Without any comment at all on their performance on the Supreme Court, the point is that each was the appointee of a "liberal" president, and that while each had factors presumably weighing against nomination for service on the highest court in the land (lack of judicial experience or close identification with special interests), all were routinely approved.

And now here comes Goldberg to say that Judge Carswell is "not fit."

We wondered what our reaction had been to Goldberg's own nomination, and checked the files.

"The obvious thing to say of President Kennedy's appointment of Arthur J. Goldberg to the Supreme Court is that here is another case of political reward," The Birmingham News said editorially on August 30, 1962. "Mr. Goldberg has no previous judicial experience. He is known exclusively as an attorney dealing with labor union matters.

"Yet if this yardstick is to be the major criterion in measuring capacities of promise of judges, one could conclude only that the American judicial system is rife with incompetency. The opposite is the case . . .

"Presidents, of either party, *do* name on basis of politics. But they also have shown a considerable feeling for what lies within a man. There are exceptions, but agree or disagree with judicial histories or opinions, the overwhelming majority of Supreme Court justices have been men who served well, thoughtfully, and contributed to creation of a spirit of justice."

It seems to us that President Richard Nixon is entitled to the same presumption of good faith and careful consideration of qualifications of Supreme Court nominees that President John F. Kennedy was entitled to (and got). It seems to us that G. Harrold Carswell (and Clement Haynsworth before him) is entitled to the same benefit of the doubt that Whizzer White, Abe Fortas, Thurgood Marshall and—yes—Arthur Goldberg got.

The anti-Carswell (really, anti-Nixon or anti-strict contructionist) forces' desperate effort to block him not only smears a man who, if confirmed, inevitably will carry with him to the high court some of the stain of doubt, not only cheapens and further erodes public confidence in one of the basic foundation stones of our system of government—it is directly opposite to the treatment which "liberal" nominees of at least equally questionable qualification received.

Has Goldberg forgotten? Have the senators who voted to confirm him forgotten? Or has their sense of fair play been blunted by pettiness and "liberal" dogmatism?

INFLATION

Mr. MONDALE. Mr. President, I have become increasingly alarmed by the boasts of the current administration that the battle against inflation has been won and that the possibilities of a recession are nonexistent. Surely the facts indicate that such optimism is not warranted. Last month the cost of living index took another leap—consumer prices are rising at an annual rate of 6.3 percent.

This disturbing disparity between hopeful claims and stark reality lends greater urgency to the need to fundamentally reevaluate present economic policy. It is time we realized that a satisfactory answer to the problem of inflation does not, and cannot, require more jobless men on the streets or the sacrifice of homes and small business through exhorbitant and inequitable rates of interest.

Mr. President, the doubts which I have expressed in the administration's assessment of, and responses to, our grave economic crisis are not shared by me alone. An editorial published recently in the New York Times squarely addresses itself to these issues. I ask unanimous consent that it be printed in the RECORD.

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

FAILURES OF ECONOMIC POLICY

The cost of living index took another big jump last month. Nationally, consumer prices were rising at an annual rate of 6.3 per cent; in New York City the climb was at a 9.6 per cent rate.

Assertions by spokesmen for the Nixon Administration that inflation is slowing still sound more like political propaganda than fact. A few days ago House Republican Leader Gerald R. Ford emerged from a White House meeting with the cheery declaration that inflation had been "defeated" and that the chances of a recession were "nil." The only real enlightenment provide by the Ford statement is that the Nixon Administration has decided that the political dangers of recession are greater than those of inflation. President Nixon made that even clearer in his recent news conference.

In this election year, the Republicans have decided to attack a potential recession before there is any evidence that inflation has been checked. Less than two months after the President vetoed the Health, Education and Welfare bill on grounds that it would increase outlays by $1.5 billion, the Nixon Administration has released an extra $1.5 billion in construction funds. More importantly, the President and his key aides have been stepping up their insistence that the Federal Reserve increase the money supply, and Chairman Arthur F. Burns has indicated that the Fed is already doing that.

It begins to appear that those skeptics, especially in the business world, who refused to believe that the Administration would carry its anti-inflation campaign to the point causing a significant downturn, were right. If that were all there is to economic policy, much could be said for such an approach; unemployment may well be more costly than inflation, economically as well as politically. But the problem of policy cannot validly be put in such simplistic terms.

The Nixon Administration does indeed seem to regard inflation and recession as two ends of a seesaw, and it strives vainly to find the right balance. But the essential job which the Administration refuses to face up to is the necessity of improving the trade-off between inflation and recession—that is, improving the underlying structure of the American economy.

The President backs off from taking even those first steps to improve the economic structure urged by his own top economic advisers. A prime case is Mr. Nixon's rejection of the report of his own task force on oil import quotas, which showed that oil quotas are costing consumers $5 billion a year. Not only was this report thrust aside, but the White House has now moved to restrict by law the flow of crude oil from Canada, a move that flagrantly disregards the national security basis for any import quotas, which is their only legal justification.

Other recent examples of the Nixon Administration's tendency to aggravate rather than attack structural problems can be found in its expanded program of subsidies and tax breaks for the merchant marine and its support for protectionism against competition on textile imports. At the same time that it yields to powerful pressure groups, the Administration declines to make any effort to develop an effective incomes policy to restrain prices and wages.

If the Administration continues to accommodate its every economic move to the specific political presures that reach it, the nation's hope of simultaneously achieving economic growth, high employment and price stability will be doomed.

DR. ROBERT J. ANDERSON, DISTINGUISHED PUBLIC SERVANT

Mr. HRUSKA. Mr. President, as a member of the Agriculture Appropriations Subcommittee for over 12 years, I have had an opportunity to become acquainted with quite a number of dedicated men at the Department of Agriculture who have devoted their careers to the advancement of American agriculture. They represent an impressive array of education, experience, and expertise, and have pursued their distinguished careers as public servants through administrations of both political parties. One of these outstanding men is Dr. Robert J. Anderson, who is presently the Associate Administrator of the Agricultural Research Service.

Dr. Anderson and I have become acquainted over the years as a result of his efforts and leadership in the area of livestock disease control. Recently, we have worked together to establish a U.S. international livestock quarantine station. We have been pursuing this goal together since 1968 when it became apparent that to import new livestock breeds into the country without exposing American livestock to new foreign diseases such a station was essential. During the past session of the Senate, I introduced a bill, S. 2306, to authorize the Secretary of Agriculture to establish a quarantine station. That bill has now been passed by both Houses of the Congress and is awaiting only agreement of the Senate on one technical amendment made by the House.

Let the record show that Dr. Anderson deserves the highest praise for his foresight and imagination, as well as his intimate knowledge of American livestock, in developing this idea, and fullest credit for his perseverance and statesmanship in bringing the idea to fruition.

Regrettably, Dr. Anderson is retiring today, April 1, 1970.

He is completing 35 years of dedicated service in the Federal Government, during which he has demonstrated unusual skill in administering programs devised to increase the efficiency of agriculture by controlling or eradicating agricultural pests and diseases. At the same time, he has vigorously stressed the importance of using pest control methods that create the least possible hazard to man and his environment.

Through his efforts to promote the productiveness and safety of American agriculture, Dr. Anderson has contributed significantly to the well-being of millions of farmers and consumers in this Nation and in many other countries throughout the world.

Dr. Anderson's greatest contribution through the Department of Agriculture has been the steadiness of his leadership in meeting the complex requirements of changing times. He has displayed sound judgment in times of stress. He has established and maintained understanding and cooperation among the farflung organization of field personnel operating regulatory programs, as well as representatives of agriculture, industry, and the general public.

His outstanding accomplishments and leadership qualities are recognized as characteristic of his public service career. The impact of his unusual ability is illustrated by the comments made by others.

Dr. M. R. Clarkson, executive vice president, American Veterinary Medical Association, has pointed out that Dr. Anderson is recognized throughout North America and in other parts of the world as an outstanding administrator, with enviable personal traits.

Dr. George C. Poppensiek, dean of the New York State Veterinary College, Cornell University, stated that during the years he served as Chairman of the National Academy of Sciences Advisory Committee on Foot-and-Mouth Disease he appreciated the incisive way Dr. Anderson explained policies of USDA. He said that few people possess the mature judgment and diplomatic awareness that Dr. Anderson displayed so excellently. In his work with the Academy's Committee on Animal Health, Dr. Poppensiek commented that he had found it refreshing to work with a person who has Dr. Anderson's "enviable ability to cut through the superfluous and reach the nub of the problem so incisively."

During the past few years of his career, Dr. Anderson has taken a leading part in coordinating Federal efforts to assure the safe and effective use of pesticides. He has also served as Chairman of the USDA Food Safety Work Group, responsible for evaluating problems relating to food contamination from such sources as: microorganisms, including bacteria, viruses, and mycotoxins; drugs, chemicals and antibiotics; and other environmental contamination from agricultural sources.

Highlights of his accomplishments in eradicating pests and diseases are as follows:

Under Dr. Anderson's direction, for the first time man-reared insects, sterilized by atomic radiation, were released to eradicate insect populations by the resulting failure of natural reproduction. In cooperation with the States involved, Dr. Anderson administered the program that eradicated screw-worms from the Southwest and suppressed screw-worm populations in the Southwest. Prior to this program, screw-worms had been costing American livestock producers an estimated 100 million a year.

Dr. Anderson has provided leadership for the cooperative Federal-State hog cholera eradication program instigated in 1962. Incidence of the disease has been greatly reduced, and the goal for eradication is set for 1972. Dr. Anderson has been Chairman of the Secretary's National Hog Cholera Eradication Advisory Committee since its formation in 1962. In this position he has been one of the principal directors of the eradication program.

Dr. Anderson directed the successful campaign against vesicular exanthema, a serious disease of swine. The disease reached epidemic proportions in 1952 with a million hogs infected or exposed in 43 States. The disease was eradicated and no case has been reported since August 1959.

Dr. Anderson played a major role in the administration of the foot-and-mouth disease eradication campaign in Mexico, serving throughout the program from 1947 to 1952. If foot-and-mouth disease had not been eradicated in Mexico and had spread to the United States, our Nation's supply of livestock products could have been reduced by one-fourth. The people who worked with him in Mexico give Dr. Anderson much of the credit for the success of the campaign.

The ability and tact Dr. Anderson demonstrated in working with representative members of the Mexican Government and livestock industry during the campaign created a lasting respect that is largely responsible for the unusually good relationship that exists today between the Department and Mexican officials. The good will is important in continuing cooperative efforts of the two countries in plant and livestock pest and disease control programs.

He has continued to work in the best interests of the livestock industry in helping to find ways to import breeding stock safely into the United States to improve breeds of animals without endangering the country through the introduction of foreign diseases.

Dr. Anderson received his doctorate in veterinary medicine from Texas A. & M. University, College Station, Tex., in 1935. He was employed by USDA that same year and continued his work in the Department, with the exception of military service from 1941 to 1946, until his retirement today. He is returning now to his native State to make his home in Marshall, Tex.

Mr. President, there is no question but that Dr. Anderson has earned and well deserves the rest and recreation that he desires. We hope, however, that because of his great interest in agriculture and livestock that his sound judgment and great knowledge will be available to advise those interested in American livestock. Nevertheless, he will unquestionably be missed in Washington by those of us who have known him and his work.

FARM PROGRAM PROPOSALS

Mr. HARRIS. Mr. President, on Monday of last week the Secretary of Agriculture, Mr. Hardin, testified before the Senate Agriculture Committee on new farm program proposals. At that time he presented to the committee the administration's so-called set-aside proposal, and openly rejected for the first time the "coalition farm bill" which has the support of 32 major farm groups.

Mr. Tony Dechant, president of the National Farmers Union had the following comments on the Secretary's testimony:

> The Nixon Administration's proposals to lower price support loan rates and weaken supply management under a so-called "set-aside" plan, add up to only one thing, and that is lower farm income. We object. Farmers desperately need higher income. This is no time to cut farm income.

I agree with Mr. Dechant. This is no time to be considering farm programs which would have the effect of lowering already depressed farm prices. Farmers are caught in a worsening cost-price squeeze, and without the adoption of the

coalition farm bill, which will raise farm income by $1.3 to $1.4 billion per year, this cost-price squeeze could bring about economic disaster in the agriculture industry.

Mr. President, I ask that the full text of Mr. Dechant's remarks entitled "Nixon Administration Would Fleece the Farmer" be made a part of the RECORD at this point.

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

FARMERS UNION SAYS THE NIXON ADMINISTRATION WOULD FLEECE THE FARMER

WASHINGTON, D.C., March 25.—"When the endless debating about the farm program is finished, the farmer is going to find that while he was listening, his pocket has been picked," the national president of the Farmers Union Tony Dechant, said here today.

"The Nixon Administration's proposals to lower price support loan rates and weaken supply management under a so-called 'set-aside' plan, add up to only one thing," said Dechant. "That is lower farm income. We object. Farmers desperately need higher income. This is no time to cut farm income."

Dechant was critical of the proposal of Secretary of Agriculture Clifford Hardin made to the Senate Agriculture Committee on Monday. "We are extremely disappointed that the Secretary rejects the Coalition Farm Bill," said Dechant. "It has the support of 32 grassroots general farm, commodity and cooperative organizations. Not a single farm organization supports the Administration's proposal. It is shocking that the Nixon Administration—while talking about the need to improve farm income—is actually planning to fleece the farmer."

Hardin proposed to the Senate committee that loan rates for wheat and feed grains be lowered. "These are two segments of the farm economy most urgently in need of price improvement," said Dechant. He said that Hardin's "set aside" plan for retirement of farm acreage from production will virtually throw out the window supply management on a commodity-by-commodity basis. He said, "It could bring chaos in the market place. We have learned through experience that supply management must be approached on a commodity-by-commodity basis. It would be reckless to adopt a wholly untried plan to replace something we know works."

"The Farmers Union convention delegates," Dechant continued, "called this month on the Congress to approve the farm bill supported by the Coalition of Farm Organizations. They did so because the simple fact is that when support levels go down, as has been proposed by the Administration, prices to farmers go down. The set-aside plan is very similar to the 'sliding scale' and massive 'soil bank' recommendations made 15 years ago by Secretary of Agriculture Ezra Taft Benson. The Congress wisely rejected it."

Dechant disputed Hardin's statement that the Coalition Farm Bill would cost an additional $1½ billion. "The true figure is between $600 and $700 million," he said. "And it would increase farm income by twice that amount."

CANADIAN OIL IMPORTS

Mr. MONDALE. Mr. President, the President's recent proclamation putting a quota on Canadian oil imports, ostensibly in the interest of national security, has been met with a great many objections. Last week, a bipartisan group of 25 Senators from Northern States wrote to the President and asked that he defer the quota and seek a freer exchange of petroleum with Canada.

The Minneapolis Tribune commented on this latest blow to consumers in an editorial of March 13. The Tribune pointed out that the curb on Canadian imports and the failure to liberalize oil imports, as proposed by a Presidential task force, meant that "the Nixon administration is more concerned for the welfare of the Nation's oil producers than it is for consumers."

The Austin, Minn., Daily Herald, on March 16, 1970, observed:

> It will be hard for Minnesota to live with the President's latest mistake . . . For Minnesota the President's move is an ill wind that blows none of us any good.

The President's proclamation was issued on March 10 and was retroactive to March 1. Unfortunately, there was no notice or hearing afforded on the substance of the proclamation and the quota level it established. The proposed regulations to influence the proclamation were published on March 11 and comments were required by March 20.

As reported in Platt's Oilgram on March 24, 1970:

> Nearly all of 25 refiners that commented . . . registered protests.

These included a charge that the proclamation is "little more than a continuation of the tired, discredited policy of special privilege," and a challenge of the "legal validity" of the order. Other comments were that the new controls were "arbitrary, unfair and unreasonable," "discriminatory," "inequitable," and that they "will result in supply and transportation problems."

These comments underscore the view that a grave error was made in restricting oil imports from our good friends and strong allies across the border .

Mr. President, I ask unanimous consent that the editorials and article be printed in the RECORD.

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

[From the Austin (Minn.) Daily Herald, Mar. 16, 1970]

CANADIAN CRUDE LIMITED

Crude oil imports have for some time been limited, and perhaps rightly so. This is because oil firms are careful not to bring in enough of it so they undermine the domestic market. The imported oil is, of course, purchased by much less than domestic can be sold for at a profit. So the prices coincide, and nobody is too disadvantaged.

President Nixon's decision to reduce Canadian crude oil imports drastically alters the situation. He probably wasn't aware that this act was a serious blow to Minnesota.

We feel it incumbent to support Sen. Walter Mondale's vigorous protest and that of Gerald M. Everett, executive director of the Northwest Petroleum Assn.

As Sen. Mondale and Everett point out, it will be hard for Minnesota to live with the President's latest mistake. All three Minnesota refineries—Continental Oil at Wrenshall, Great Northern Refining Co. at Pine Bend and Northwestern Refining Co. at St. Paul Park rely heavily on Canadian crude oil.

"There is no other place to go, and domestic crude oil is not available in sufficient quantity to wad a shotgun," Everett says.

For Minnesota, the President's move is an ill wind that blows none of us any good.

[From the Minneapolis (Minn.) Tribune, Mar. 13, 1970]

OIL AND NATIONAL SECURITY

The curb on oil imports from Canada and the foot-dragging over a task force recommendation that a system of tariffs be substituted for the present import quotas point in only one direction: The Nixon administration is more concerned for the welfare of the nation's oil producers than it is for consumers.

Current laws permit presidential restrictions on oil imports only for protection of national security. The idea is to limit dependence on foreign sources of oil that might be cut off in event of war. The task force majority, however, found that imports could be increased substantially, with a new tariff system, without endangering U.S. military and economic strength. The current quota system—a bonanza to domestic producers—costs consumers an estimated $5 billion a year in higher prices than they would pay if the quotas were removed.

The report was released without President Nixon's endorsement. With an eye obviously on Senate races in several oil-producing states this year, he said only that the matter needs further study. The task force has studied it for a year.

The decision to curb imports of Canadian oil also was made "in the interest of Canadian and U.S. security," according to a State Department official. There is no indication, however, that the Canadian government agrees with this assessment. Nor did the task force report agree; it suggested Canada was a relatively secure source of oil. We suggest, too, that we let the Canadians determine whether their exports to this country put a strain on their oil reserves.

Canadian exports provide a major source of oil for Minnesota's refineries. Limiting such exports would have a serious effect on the state's economy, and bring a sharp rise in cost of oil products to consumers. We hope Gov. LeVander will join Minnesota's Sen. Mondale in protesting the President's action.

[From Platt's Oilgram, Mar. 24, 1970]

CANADIAN "QUOTA" RULES DRAW MOSTLY PROTESTS

WASHINGTON, March 23.—Nearly all of 25 refiners that commented on Oil Import Administration's proposed new rules for Canadian crude and unfinished oil import "quotas" for Dists. 1–4 registered protests on Presidential proclamation clamping quantitative controls and/or proposed method of making allocations.

Comments received by March 20 deadline ranged from "illegal" to "discriminatory" and "unreasonable" (see 3/23 Platt's Oilgram News).

Union Oil of California said proposed quota rules were "unfair, illogical and confusing" and "should be rejected out of hand," Union said:

"It is with dismay that we find, after the massive national effort of 1969 to understand and improve the country's oil imports policies, that the very first major proposal to emerge in 1970 is little more than a continuation of the tired, discredited policy of special privilege."

Ashland Oil & Refining questioned "the legal validity" of both Presidential proclamation limiting imports to 395,000 b/d and OIA's rules for setting quotas among historic importers and newcomers (see 3/11 Oilgram).

It said quota limitations "are so arbitrary, unfair and unreasonable as to present grave issues as to compliance with constitutional due-process standards." It reserved "all legal rights and remedies" with respect to proclamation, which, it said, should be "rescinded" and regulations, which should be "recalled."

Failing such abrogation, Ashland urged "most strongly" that:

Effective quota date be postponed to May 1 (instead of March 30) and deadline for comments to April 10 (instead of March 20).

Retroactive features of both proclamation and regulations be eliminated.

Due to "shortages of inland waterway barges and domestic pipe line capacity," permissible level of Canadian crude and unfinished oil imports be increased to 560,000 b/d, from 395,000 b/d.

Controls be extended to product imports.

Dists. 1 and 5 be specifically excluded from scope of proposed restrictions.

Following are other comments:

Mobil said lack of advance notice on proposed "interim" regulation and its retroactive feature "will result in supply and transportation problems for the industry."

Also, proposed base period (12 months ending Sept. 30, 1969) discriminates against Mobil, which was "one of only two companies" whose Canadian crude imports declined in this base period, compared to immediately preceding year "as a result of our voluntary compliance with government requests." Mobil's imports dropped to 9.1% of industry total in base period from 11.7% in immediately preceding 12 months.

Besides, proposed rules are "inequitable" to historic importers which are at same time new importers in Chicago area. In addition to its East Chicago refinery, Mobil has under construction "a major grassroots refining project" at Joliet, Ill., "undertaken after many discussions with government authorities and in full expectations that Canadian crude would provide a substantial input."

Clark Oil & Refining objected that rules discriminate in favor of historical importers and proposed that new rules "ration the crude on the basis of refinery inputs." It said:

"During the base period (for calculating allocations), when we were ready, willing and able to import Canadian crude, we were prevented from so doing by governmental action. Now, ironically, because of this prior obstruction, we are precluded from qualifying as a historical importer."

Gulf regretted issuance of quota limitations and suggested that restrictions not be extended beyond "temporary period." If Gulf is restricted to 17,000 b/d, it'll have to reduce runs in its Toledo, Ohio, refinery.

Murphy Oil said it is "unalterably opposed" to any restrictions, even if imposed on temporary basis.

Phillips supported quota proposal, but objected to method of allocation favoring historical importers. It suggested instead allocations based on refinery inputs, with provision for exchange of unused quotas, which it said, can be implemented without changing March 10 Presidential proclamation.

Cities Service "reluctantly" accepted restrictions, if these "are a temporary expedient for the purpose of permitting a viable long-term resolution of a North American oil import policy being negotiated with Canada."

However, it objected to making permissible imports available mostly to historical importers and especially to making remainder of permissible quantity available to newcomers on basis of "equal shares."

It proposed that quotas be redistributed on basis of "capability and desire" of refiners to process Canadian crude. It estimated that under new rule, Cities will receive 5,700 b/d to 6,700 b/d quota, whereas it had made arrangements to receive 23,300 b/d Canadian crude.

Shell agreed that quotas are necessary but feared that method of allocation "will be unpredictable and inequitable." It proposed that historical importers get their quotas as proposed, but that remainder of maximum allowable be given to all eligible applicants, including historicals, and not to newcomers alone.

Indiana Standard was "disturbed by the inequitable plan that is now being proposed and by the manner in which it apparently will be imposed upon the industry without benefit of a public hearing." It said "fundamental inequity" of historical quotas for overseas imports is now being applied to Canadian crude.

Sun said it "has been hurt twice"—once, by voluntarily cooperating with the Canadian and U.S. governments' wishes, "when other companies did not, and now, a second time, by the historical level of imports being used as the basis for determining future allocations.

"Should we conclude that to disregard the desires of the U.S. government is the route to special privileges over competitors?" Sun asked.

Texaco said it had "strictly observed" informal (1967) agreement between U.S. and Canada. However, it will file applications under new rules to import Canadian crude for its three refineries near the Canadian border.

"This course of action is chosen because we are marketers in the areas served by refiners which will use Canadian crude oil and our failure to do likewise would place the company at a competitive marketing disadvantage."

TIROS DAY IN NEW JERSEY

Mr. CASE. Mr. President, by proclamation of the Governor, today is TIROS Day in New Jersey.

We in New Jersey are proud of the contributions made in our State to this and other aspects of the space program.

I ask unanimous consent that the text of the Governor's proclamation and a summary of the achievements of the TIROS, ESSA, and ITOS satellites, prepared by RCA, be printed in the RECORD.

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

PROCLAMATION

Whereas, April 1, 1970, is the tenth anniversary of the launch of TIROS I, the world's first weather satellite, and

Whereas, TIROS I introduced a new and revolutionary dimension to the observation of the earth's weather, and

Whereas, TIROS I led to the Environmental Survey Satellites and ITOS Improved TIROS Operational Satellites which routinely observe the weather from space orbits, and

Whereas, these satellites now chart the weather globally every 12 hours, providing information to help prevent the loss of lives and destruction of property due to adverse weather, and

Whereas, all 20 TIROS, ESSA, and ITOS satellites launched by NASA achieved orbit and met or surpassed their mission goals, making the series the world's most successful space program, and

Whereas, these satellites have returned over 1,300,000 TV views of the earth's weather and have accumulated a useful life of space of over 35 years, and

Whereas, all 20 TIROC, ESSA, and ITOS satellites were designed and developed in Mercer County, New Jersey, by the RCA Astro-Electronics Division,

Now, therefore, be it resolved that I, William T. Cahill, as Governor of the State of New Jersey, do hereby declare April 1, 1970 as TIROS Day in New Jersey and urge the citizens of New Jersey, and the nation, to join me in paying tribute to this beneficial space program, its sponsors, the NASA Goddard Space Flight Center and the Environmental Science Services Administration of the U.S. Department of Commerce and its builder in New Jersey, the RCA Astro-Electronics Division.

TIROS-ESSA-ITOS SUMMARY

The TIROS meteorological satellites will complete a decade of space operations on April 1, 1970. As of March, 1970, 20 consecutive successful launchings and orbital operations have been achieved by the 10 TIROS R&D satellites and 9 ESSA satellites (which are now part of the national operational system) and one ITOS space bus.

During this decade, this program has performed an outstanding service in providing vital meteorological observations of this planet's weather for use both in research and for routine operational daily weather forecasts on a global basis.

Prior to the innovation of this system in April, 1960, there was only a limited view of this planet's weather. With the TIROS, ESSA and ITOS satellites in orbit, observations of the earth's weather system are performed on a global basis daily; prior to this, only 20% of this planet's weather was observed daily by conventional earth-based means.

Another important aspect of TIROS, ESSA and ITOS satellites is the demonstration and application of unmanned satellites for peaceful purposes. TIROS, ESSA and ITOS satellites have routinely provided weather data for use, not only to the USA, but to countries throughout the world. This program has been cited by many dignitaries of the USA as well as members of the International community as to the contribution of the TIROS, ESSA and ITOS program of the benefit of mankind.

A special camera, called Automatic Picture Transmission System, was developed to provide satellite weather data directly to simple one-man-operated ground stations located anywhere in the world. This particular system has been operational with the ESSA satellite since 1966 and the ITOS launched on January 23, 1970. Over 400 stations, located in 60 countries throughout the planet, are receiving their own satellite weather data for their local use. This service has been provided by the USA as part of its international commitment to the UN's WMO. This is a splendid example of the international peaceful use of outer space for all mankind.

There are many other aspects of the program which are worth noting.

1. All hurricanes and typhoons are now observed and tracked by satellites.

2. Advanced warning of major storms is provided to the international community by the USA; hence, providing added time for protection of lives and property.

3. Underdeveloped countries can now share in the use of satellites.

4. Major international flights from New York and San Francisco utilize satellite weather data.

5. A number of U.S. Navy ships receive satellite weather data at sea.

6. Satellites have been utilized for sea ice reconnaissance to aid shipping in the Gulf of St. Lawrence.

7. All U.S. manned satellite-Mercury, Gemini, Apollo—have used TIROS weather data for the launch and recovery operations.

8. USA's most successful unmanned satellite:

a. 20 out of 20 launch and orbital successes.

b. Over 1,250,000 television pictures from space.

RURAL DEVELOPMENT TO BACK BURNER

Mr. MONDALE. Mr. President, the subject of rural development is of ma-

jor importance to those of us who are dismayed with the continuing rural to urban population shift.

True, the migration has lessened in recent years, and we must credit much of this slowdown to the active efforts of Secretary Orville Freeman and his Agriculture Department's emphasis on rural development.

Now we find a reversal of emphasis by the current administration. As I said to the Senate on February 10, when I inserted a letter to President Nixon which 16 Senators signed and which expressed increasing concern about his administration's record on rural development, the President is responding to the problem with rhetoric.

Since that date—and I must add that the President has not responded to our letter—his Task Force on Rural Development has issued its report, entitled "A New Life for the Country."

I shall have more to say about this report at a later date, but I do wish to call the Senate's attention to an article on its release, written by Roy Parker, Jr., writing for the Raleigh, N.C., News and Observer.

Mr. Parker's column again clearly and vividly portrays the situation here regarding any program of rural development. It is on the back burner.

I ask unanimous consent that the column be printed in the RECORD.

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

[From the News and Observer, March 15, 1970]

RURAL DEVELOPMENT GETS BACK-BURNER TREATMENT

(By Roy Parker Jr.)

WASHINGTON.—Vice President Agnew was taking aim at God-knows-who in his gallery of shadow targets, saying: "Today we have a dangerous delusion—words masquerading as decisions, activity masquerading as progress, and non-productive dissent masquerading as constructive debate."

That phrase about nonproductive dissent might be applied to some of the vice president's own diatribes. But the first two certainly describe the administration's record on rural development.

The total absence of any real movement toward meeting goals, promises, and platforms pledged as far back as the summer of 1968 was emphasized again this week.

The White House press office hastily assembled the regular press corps and got Secretary of Agriculture Clifford Hardin to come over to release the 49-page report of a "task force on rural development," set up in September.

The report, said Hardin, had as its major recommendation: "Explore the feasibility of using investment tax credits for attracting industry to nonmetropolitan growth areas."

It also called for creation of a "rural development credit bank," and urged industries to "launch a campaign to establish jobs and new plant locations in countryside America."

Under questioning, Secretary Hardin had to admit that this was the fourth task force report delivered to the White House on the same subject since 1966, that it had been discussed only once in the cabinet-level Rural Affairs Council, and that the report "merely points the direction and it is left to Congress, the administration, and others, to determine what the timetable will be."

Press Secretary Ronald Ziegler was asked if the President had seen the report.

"Yes . . . and of course, will review it with great interest." The President "would compliment the task force," but as to any opinion on its recommendations, "no."

Was there any plan to send a special presidential message on rural development to Congress this year? There is no plan at this time for such a message."

That was that, and that is apparently going to be that for at least the next nine months.

In sum, the administration has pushed rural revitalization to the back burner, despite a constant rhetorical drumfire that goes back to the GOP platform of 1968.

Secretary Hardin told a Midwest audience only last week: "Public policies in the seventies will also be directed toward a rebirth of opportunity and economic growth in rural America. The administration has resolved to . . . reallocate growth so that a major share of population increase takes place in rural areas."

A week earlier, the secretary had discussed rural revitalization at breakfast with North Carolina Gov. Robert Scott. "They didn't seem to have any real idea where they were going," Scott commented afterwards.

The sideshow at the White House on Tuesday illuminated Scott's remark as nothing else could.

Any real push to begin revitalizing rural areas is no farther along than it was in 1966, when the White House conference "To Secure These Rights" adjourned with a long list of recommendations about what needed to be done.

Many of the proposals have been embodied in legislative proposals. A bill granting the rural areas tax incentives which the task force said should be explored was introduced 13 months ago by Sens. Fred Harris, D-Okla., and James Pearson, R-Kan. So far, Secretary Hardin's department has not been allowed to even comment on it.

A long range study of the need for balanced population growth, another recommendation in the Nixon task force report, was proposed in a bipartisan resolution passed in 1967 and against last year in the Senate.

The whole range of revitalization thrusts which would be necessary to make the countryside an acceptable alternative to the cities was exhaustively outlined in September, 1967, in the report "The People Left Behind," issued by the President's National Advisory Committee on Rural Poverty. Ironically, University of North Carolina Vice President Ed Bishop, who headed that task force's study, was on the Nixon task force and made the same recommendations.

So the words continue to masquerade as decisions, and flurries of activity—hasty White House news conferences in order to forestall leaks of 60-day-old reports—masquerade as progress.

MILITARY EQUIPMENT FOR FOREIGN GOVERNMENTS

Mr. HARRIS. Mr. President, last week I spoke against what I considered to be an ill-advised proposal to loan three submarines to Taiwan. Since that time, more information has come to light on Defense Department practices in providing military equipment to foreign governments, indicating to me that the Congress must direct much closer scrutiny to this matter.

A particular problem exists with respect to materiel that has been declared surplus by the Pentagon. Unlike military assistance grants or military credit sales, this materiel can be disposed of abroad by sale or gift without congressional authorization or limitation. The only current requirement is that such transactions be reported when the Defense Department comes to the Congress for its annual appropriation. This after-the-fact informational requirement is hardly a control, and even within the executive branch the Department of State has had a great deal of difficulty in establishing interagency mechanisms which would insure that such surplus transactions are in the national interest and that they are compatible with our overall foreign policy. Since it has been estimated that $3.4 billion dollars worth of surplus equipment has been given away in the past 19 years, this is no small scale operation. It must be brought under close control, just as the Congress did with military credit sales in 1968.

Mr. John W. Finney of the New York Times recently wrote a very important article outlining many of the problems in this area, giving particular attention to the $157 million worth of material given to Nationalist China alone last year. Since the details of these transactions were discovered only after the fact by the perceptive questioning of Representative CONTE of Massachusetts, emphasis is given to the need for better control mechanisms. In the Senate, the subcommittee headed by the distinguished senior Senator from Missouri (Mr. SYMINGTON) has been probing the details of such transactions, but the State Department has not yet seen fit to declassify information provided in its hearings last fall. I strongly support the efforts of this subcommittee, and hope that its work will result in the Congress being able to exert more effective control over the nature and limits of U.S. commitments and military support activities abroad.

I ask unanimous consent that this article by Mr. Finney be printed in the RECORD so that it may be more widely available.

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

[From the New York Times, Mar. 29, 1970]

TAIWAN GIVEN MANY ARMS IN SECRET BY UNITED STATES IN 1969

(By John W. Finney)

WASHINGTON.—The United States secretly presented Nationalist China last year with fighter planes, cargo planes, destroyers, antiaircraft missiles, tanks and rifles reportedly worth $157-million.

Except for approximately $1-million paid for four destroyers, the Government of President Chiang Kai-shek in Taiwan received the weapons free out of stocks that had been declared surplus by the Defense Department.

Such large-scale use of "surplus" weapons as an indirect form of military assistance is a relatively new development and is raising unresolved policy questions within the State Department and Congress.

With the reduction of the United States military forces and withdrawal of troops from South Vietnam, billions of dollars' worth of weapons are being declared surplus by the military services. A study by the staff of the Senate Foreign Relations Committee suggests that the total may come to $10-billion, although State Department officials believe this estimate is too high.

The Defense Department never announced, either publicly or to Congress, the transfer

of the weapons to Taiwan, and the gift would probably have gone unnoticed if some questions had not been raised in a recent meeting of a House appropriations subcommittee by Representative Silvio O. Conte, Republican of Massachusetts.

At a closed-door hearing, Representative Otto E. Passman, Democrat of Louisiana, the subcommittee chairman, was once again raising the possibility of providing $54-million so the Government in Taiwan could buy a squadron of F-4 Phantom jet planes. A similar proposed grant in the military-assistance program was approved last year by the House, but blocked by the Senate.

As the debate in the foreign aid subcommittee warmed up, Lieut. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for military assistance and sales, broke in and was said to have observed: "I want you to know we have given them quite a bit." Then, under questioning by Mr. Conte, the details of the military goods supplied to the Chinese Nationalists were disclosed by General Warren.

During floor debate last week, when the House approved legislation lending three submarines to Taiwan, Mr. Conte listed some of the "military goodies" that were included in what he described as the "beautiful Christmas present" for the Chiang Government. In an interview, he listed additional items that had been included in the package.

ITEMS ARE LISTED

These included four 20-year-old destroyers that had been decommissioned by the Navy; equipment for a Nike Hercules missile battery that had been installed in Hawaii; more than 35 F-100 Super Saber jets, which are relatively old supersonic interceptors; more than 20 F-104 Starfighters, which are supersonic fighter planes still in use by the United States Air Force and the North Atlantic allies; more than 30 C-119 flying boxcars, which are 15-year-old troop and cargo transports; some 50 medium tanks, and about 120 Howitzers and thousands of M-14 rifles.

On the basis of the Warren testimony, Mr. Conte placed the total cost of the package at $157 million.

In response to inquiries, the Defense Department declined to confirm or deny the details of the package described by Mr. Conte. The explanation offered by a department spokesman was that the Pentagon normally does not discuss the transfer of arms to foreign allies and furthermore that the information gets to "the order of battle" of the Chinese Nationalist armed forces.

State Department officials, who were not so reluctant to discussion of the transaction, said the transfer had been worked out in negotiations last summer and fall. Confirming the general outlines of the package, these officials said the weapons were needed to modernize Taiwan's air defense and to replace obsolete ships in the navy.

SEOUL ALSO GOT ARMS

State Department officials described the transaction as part of a general program of using surplus arms to bolster the defenses of such "forward defense" countries as South Korea, Turkey and Taiwan. In recent months, for example, the Defense Department has transferred 790,000 used rifles, carbines and submachine guns to South Korea for use by its home defense reserve forces.

Within the last year or so, the Pentagon has embarked on a major program to use surplus weapons to supplement its military assistance program, which has been sharply reduced in recent years.

This was a principal justification offered by State Department officials for the major shipment of surplus arms to Nationalist China.

Since the end of World War II, Nationalist China, known formally as the Republic of China, has received $2.7 billion in military assistance from the United States, primarily in arms provided as grants. But in recent years, this direct military assistance has been drastically curtailed, falling from $117 million in fiscal 1968 to about $25 million in the current fiscal year, which ends June 30.

"One reason we provided the Republic of China with so much in such a short time," a State Department official explained, "is that grant assistance was dropping drastically but at the same time China, as an exposed forward-defense country, had unfulfilled military requirements."

The policy question now being raised by the Senate Foreign Relations Committee is what controls, either by the executive branch or by Congress, are being exercised over the Pentagon's use of its growing stockpile of surplus weapons as a form of foreign military assistance.

In other areas of military assistance, Congress and the executive branch have established tight controls over the Pentagon.

Direct military grant assistance, for example, is subject to annual authorizations and appropriations by Congress, which thus sets a limit on how much aid can be provided country by country.

In the area of military sales—an area in which the Pentagon used to have complete latitude with its own "revolving fund" to finance credit sales of arms—Congress in the last three years has imposed tight controls. Under legislation first enacted in 1968 and now up for renewal, the Pentagon must obtain Congressional authorization for credit sales and Congress in turn imposes an annual ceiling on the amount of the sales.

As a result of an investigation by the Senate Foreign Relations Committee three years ago, the executive branch also ordered tighter interdepartmental coordination over Pentagon sales of arms. Such sales are now subject to formal approval by the State Department.

But in the disposal of surplus arms abroad—through sale or gift—the Pentagon needs no Congressional authorization and faces no Congressional limitation. The only requirement is that the Defense Department report the surplus arms transactions annually when it appears before Congress for its military-assistance appropriations, but as one Foreign Relations Committee staff member observed: "The reporting usually comes considerably after the fact."

Within the executive branch, the Pentagon in principle has to obtain State Department clearance for the disposal abroad of any major item of surplus equipment. But State Department officials acknowledge that the controls over surplus equipment are not as tight as those that have been worked out for sales of military equipment.

SYMINGTON HELD HEARINGS

One of the current efforts within the State Department's Bureau of Politico-Military Affairs, therefore, is to establish tighter interagency controls over the disposal of surplus weapons. A corresponding effort to establish stricter Congressional controls is certain to be made by the Senate Foreign Relations Committee as it considers extension of the military sales legislation, already approved by the House.

A foreign relations subcommittee, headed by Senator Stuart Symington, Democrat of Missouri, got its first insight into the Pentagon's growing use of surplus weapons as a form of military assistance when it held still-secret hearings last fall into United States military arrangements with Nationalist China.

One of the operations discovered by the subcommittee was that Maj. Gen. Richard G. Ciccolella, chief of the United States Military Assistance Advisory Group in Taiwan, had sent a special team to South Vietnam with the mission of finding used or damaged equipment that could be turned over to the Nationalist Government.

The subcommittee also determined, according to Congressional sources, that General Ciccolella had arranged for establishment of a military equipment repair facility in Taiwan.

The repair facility, according to these Congressional sources, was proving profitable to the Nationalist Government in two respects. First, it was receiving money to repair equipment under contracts with the Defense Department. Second, it was receiving free equipment by taking over weapons that had been declared irreparable by the United States.

General Ciccolella had been scheduled to testify before the Symington subcommittee last fall, but his appearance was postponed when he was hospitalized with a back ailment. The general has now been reassigned to Fort Meade in Maryland, and the subcommittee plans to have him testify before closing the Taiwan phase of its investigation.

THE POPULATION CRISIS—I

Mr. TYDINGS. Mr. President, I am gratified to report that over the past 6 months there has been a sudden surge of interest in the Senate in the critical population problem confronting the Nation and the world. The legislation I introduced last year with 26 cosponsors to lay the foundation for a voluntary national family planning policy and to provide the resources for much-needed contraceptive research has an excellent chance of being enacted this year. In addition, a very healthy dialog is underway regarding what steps we as a nation must consider beyond family planning if we are to deal successfully with our overall population growth problem.

In response to the many requests my office receives on both the domestic and international dimensions of the population explosion, I shall attempt periodically to place in the RECORD magazine articles, monographs, and newspaper clippings that provide information and insight into this pressing problem. An emphasis will be placed on readibility and brevity, with occasional academic pieces sandwiched in for those who wish to approach the population problem in greater depth.

I would like to begin this series of background inserts with an explanation by Prof. Charles F. Westoff of Princeton University of an extremely interesting study he and several colleagues conducted to measure the incidence of unwanted births in the United States. Of perhaps greatest significance, this study indicated that a national family planning program, such as the one invisioned in S. 2108, would have had a dramatic impact on the amount of U.S. natural population increase—the difference between births and deaths which is the major determinant of U.S. population growth. Dr. Westoff reports:

> For the nine years from 1960 through 1968, we estimate that between 35 and 45 percent of the natural increase that occurred in the U.S. could be attributed to unwanted fertility.

In other words, a national family planning program with the capacity to pre-

vent all unwanted births would have gone far to substantially slow our population growth and reduce the financial burdens on communities forced to provide for increased services such as highways, school construction, and welfare.

Mr. President, I ask unanimous consent that Professor Westoff's discussion of his findings be printed in the RECORD.

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

PLANNED PARENTHOOD—THE EXTENT OF UNWANTED FERTILITY IN THE UNITED STATES

(Remarks by Charles F. Westoff, Ph. D. Office of Population Research, Princeton University, at annual meeting of Planned Parenthood-World Population, October 28, 1969)

The Planned Parenthood organization has set as one of its major objectives participation in the emerging national discussion on population policy for the United States. A national organization such as yours has a unique opportunity, indeed a responsibility, to carry on educational activities which will bring to the American public a clearer, more balanced picture of the nature of the problem and the effects of alternative population policies on this and future generations. Many of the issues involved are quite complex and there are quite a few potential dangers in uniformed action. This only reinforces the necessity for careful study and thoughtful discussion by citizens' groups such as yours, as well as by government officials and population scholars. Presumably this is the sort of thing which the Commission on Population Growth and the American Future, recommended by the President, will encourage.

It is my task to place this subject in the context of our knowledge of American fertility patterns. As a result of studies particularly in the last fifteen years, we know a good deal about the fertility patterns of American couples in all classes—their aspirations, the ways in which they seek to control their fertility, and the extent to which they succeed or fail. I do not mean that there are no significant questions about American fertility which remain unanswered, nor do I mean that our knowledge permits us to make definitive predictions about the future course of demographic events in the U.S. I do mean, however, that deliberations on appropriate population policy should be based on as accurate an assessment of the American fertility picture as our knowledge permits.

In the emerging discussion, as in other policy discussions, it becomes extremely important to define the nature and components of the problem accurately. For example, if we as a nation decide that our recent rates of population growth have been too high—or too low—in terms of accepted social or cultural objectives, then we must assess, as best we know how, what have been the elements making up the rate which we find socially objectionable. To oversimplify for clarity, if all of our growth were due to migration, then one set of remedial policies would ensue; if all of our growth were due to wanted babies born to couples who already practice modern contraception, then another set of policies would be indicated; while if all of our growth were accounted for by unwanted pregnancies among couples who practice no contraception or inadequate contraception, then a third, and quite different set of policies would be suggested. U.S. population growth in recent years has not been due to only one of these factors but to a mixture of all of them. In determining the directions for societal action, it is critically important to determine, as best we can, the proportions of U.S. population growth due to each of these factors.

At the behest of Planned Parenthood, Dr. Larry Bumpass and I have reanalyzed the data from the 1965 National Fertility Study in order to estimate one of the components of U.S. population growth—the extent of unwanted fertility in the United States. As you know, the 1965 study was based on a comprehensive survey of a representative national sample of married women in their childbearing years. The findings which I am about to present are based on our first report which deals with births which the respondents to the 1965 study stated were unwanted at any time either by the father, the mother or both. In our study, these births are classified as "excess fertility" and provide a basis for estimating the number of births that would not have occurred if the couples had had access to perfect contraception. In the next several months, Dr. Bumpass and I will extend the analysis to estimate the demographic effects of "timing failures"—births which the parents stated were wanted but which occurred before the parents desired them.

The findings of the first part of our analysis may be summarized as follows:

1. A substantial proportion of recent births to married couples was unwanted. Twenty-two percent of all births were unwanted by at least one spouse. As would be expected, the percent unwanted increased rapidly by birth order: 5 percent of first births, 35 percent of fourth births and more than half of sixth or higher order births were reported unwanted by at least one parent.

2. As would be expected, the incidence of unwanted births varies inversely with education and income. In terms of the government's standards defining poverty, near-poverty and non-poverty, the incidence of unwanted births is very much higher among the poor and near-poor: 17 percent of births to the non-poor were unwanted, compared to 26 percent among the near-poor and 42 percent among the poor. Two-thirds of all sixth or higher order births among the poor were unwanted.

3. For the six years from 1960 to 1965, these proportions in addition to an estimated fraction of illegitimate births yield an estimate of between 4.7 million and 5.9 million unwanted births in all socioeconomic groups or roughly between ¾ of a million and one million births a year. The lower estimate is based on the percentages unwanted by both parents, while the higher figure is based on the percentages unwanted by at least one parent.

4. In the same six years, the poor and near-poor had between 2.2 and 2.7 million unwanted births, while the non-poor had between 2.5 and 3.2 million wanted births. Of course, the number of women classified as non-poor was about four times greater than those classified as poor and near-poor; the fact that the absolute number of unwanted births in the former group is almost as high as among the non-poor simply reflects the much higher incidence of unwanted births among the poor and near-poor. The average annual number of unwanted births during those six years was between 370,000 and 445,000 among the poor and near-poor, and between 410,000 and 540,000 among the non-poor.

5. It seems clear that the prevention of unwanted fertility would have been a substantial impact on the U.S. birth rate over this six-year period. According to medium estimates, between one-fifth and one-quarter of all births would not have occurred, and between one-third and two-fifths of births to the poor and near-poor would have been prevented.

6. It seems clear also that even the achievement of Planned Parenthood's objective of a national program to provide effective contraception for the poor and near-poor would have had a far from insignificant demographic effect.

7. The impact of complete fertility control would have been even more dramatic on the amount of U.S. natural increase—the difference between births and deaths which is the major determinant of U.S. population growth. For the nine years from 1960 through 1968, we estimate that between 35 and 45 percent of the natural increase that occurred in the U.S. could be attributed to unwanted ferility.

8. We believe these estimates should be regarded as minimum estimates because the very nature of the questions involved in the survey required parents to characterize children already born as unwanted. It seems evident that many parents find this difficult and retroactively rationalize as "wanted" births that they originally would have preferred to avoid.

9. The conclusion is inescapable that the elimination of unwanted fertility would have had a marked impact not only on our birth rate and our rate of population growth, but also on the life situation of millions of American families in or near poverty.

Dr. Bumpass and I are continuing our research both in order to estimate how much additional demographic effect could be expected from reduction or elimination of timing failures, that is births occuring before they were wanted and to estimate the long-run demographic implications of eliminating unwanted fertility. Our preliminary estimates suggest that the prevention of unwanted fertility alone would take us a long way toward a zero rate of growth.

The work to date clearly demonstrates that the elimination of unwanted fertility would be a major element in any serious program to reduce U.S. population growth. Far from being insignificant, unwanted births appear to account for between one-third and one-half of U.S. population growth in recent years; the implication for the long-run growth rate is even greater. The policy implications of this finding are clear. A serious program to reduce U.S. population growth would begin with major social measures to reduce the incidence of unwanted fertility. The kind of measures might include:

(1) A massive expansion of research to develop more effective means of fertility control.

(2) Development of more efficient systems of distribution of contraceptive methods among all Americans, including those low-income couples who have not had access thus far to effective contraceptive instruction and care.

(3) The legalization of abortion on request as a back-up measure in cases of failed contraception, and appropriate policies to make abortion available to all who need it, regardless of socioeconomic status.

If the fertility patterns of the last decade continue, these three measures by themselves could reduce U.S. population growth considerably. They would not require any change in the number of children couples appear to want now thus not requiring governmental policies designed to change family-size norms which in theory might be much more difficult anyway. Since no one knows of any alternative measures which can hold out the promise of this much of a reduction in U.S. population growth, it seems apparent that a major program along these lines should become the first order of business among those interested in reducing the U.S. rate of population growth.

WORLD COURT OBJECTIONS TO THE GENOCIDE CONVENTION HAVE NO BASIS

Mr. PROXMIRE. Mr. President, in their rush to judgment, opponents of the

Genocide Convention have often oversimplified and misinterpreted this United Nations treaty.

In many instances those opposed to Senate ratifications have stated that this country's interests would be sacrificed if we were to sign the Convention. The Genocide Convention has been described as a sellout to the Communists, a potential danger to the security of the United States, and an encroachment upon the power of the Congress to determine domestic legislation.

An article in the Christian Crusade Weekly of March 22, 1970, entitled "The Genocide Convention" is a case in point. This article distorts many facts concerning the treaty. I would like to address myself today to two of the arguments of this article.

The article implies that Senate ratification of the Genocide Convention would mean "compulsory jurisdiction of the World Court" in genocide cases. This is an erroneous interpretation of the provisions of the treaty. The article quotes article VI of the Convention, which deals with the place of trial in genocide cases, and comments that "we cannot ignore the fact that such disputes are to be submitted to the World Court." Article VI makes no mention of the International Court of Justice, commonly referred to as the World Court.

Article VI does specifically state, however, that "Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

Nothing could be clearer. Genocide trials must take place at the present time in the "territory of which the act was committed" (subject to extradition treaties) simply because the international penal tribunal does not exist. The World Court is not empowered to decide guilt or innocence in genocide cases; its power is strictly limited to questions of interpretation only. Any implication to the contrary is obviously a distortion of the actual provisions of the Genocide Convention.

The paper also objects to Senate ratification of the treaty on the grounds that article V would give an "outside force the right to dictate legislation to the U.S. Congress." A careful reading of article V immediately shows that this contention is absolutely false.

Article V states that the contracting parties shall "undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention." This enabling legislation would have to be passed by the Congress of the United States and signed by the President before the treaty could take effect with respect to our country.

Article V makes it perfectly clear that the enacting legislation will not be "dictated" to the Congress by foreign powers. The paper's objections are without a trace of credence.

Mr. President, Senate ratification of the Genocide Convention is imperative if the United States is to take the moral leadership in the protection of human rights on an international basis. Let us recognize that objection such as those raised in this article are not valid. And let us further dedicate ourselves to secure the signature of this country on this vitally important United Nations treaty.

SCHOLARSHIPS IN LAW FOR AMERICAN INDIANS

Mr. HARRIS. Mr. President, one of the most exciting and most useful programs having to do with American Indians that I have come in contact with is the special scholarship program in law for American Indians, sponsored by the University of New Mexico School of Law.

This program, now in its fourth year, encourages American Indians to attend law school and assists them during their law school careers. Students taking part in this program are presently enrolled in 24 different universities.

Perhaps no training or field of education is of greater importance to American Indians who want to assist in the cause of the American Indian, Eskimo, and Aleut, than is preparation for a legal career. I am convinced that this program, therefore, will have great and far-reaching effect toward helping make real for native Americans the full promise of America.

In addition to its principal function of assisting more American Indians toward legal careers, this New Mexico program also regularly publishes a newsletter concerning congressional, governmental, legal, and other developments of importance to American Indians. I have found this newsletter to be highly worthwhile, informative, and useful.

So that other Senators may know of this impressive program and in order that the availability of this program to American Indians may become more widely known, I ask unanimous consent that the 1970 bulletin concerning it may be printed in full at this point in the RECORD.

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

THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW ANNOUNCES A SPECIAL SCHOLARSHIP PROGRAM IN LAW FOR AMERICAN INDIANS: 1970

DESCRIPTION OF THE PROGRAM

For the fourth year, the University of New Mexico School of Law will offer a Special Scholarship Program in Law for American Indians. The purpose of the program is to encourage American Indians to attend law school and to assist them during their law school career. Students selected will receive grants sufficient to defray expenses (including living expenses for themselves and their families) during the summer portion of the program and the first year of law school. It is anticipated that the scholarships will be renewed during a student's second and third year of law school.

Approximately 35 applicants will be selected to participate in the summer portion of the program which consists of a special eight-week session during which the students will receive an introduction to legal studies. Regular law school courses will be offered along with special courses designed to develop skills necessary for superior law school performance. Legal writing will be emphasized and a course on the current legal problems of particular interest to the Indian community will be given. Individual attention will be given each participant to assure that he is obtaining the maximum benefit from the program.

The summer session will commence on the 15th of June, 1970 and run through August 7, 1970. Participants will be expected to participate in regular classes and to attend regularly scheduled meetings with faculty and upperclassmen advisors. A special extracurricular program will be arranged to enrich the normal educational curriculum and to provide additional opportunities for each student's individual development.

During the academic year, those selected to continue may enroll as regular law students at the University of New Mexico School of Law or any other accredited law school to which the participant has been accepted. During subsequent summers, the students will be invited to work with agencies or law firms having an interest in Indian affairs.

Forty-one of the students who attended the summer program in one of the past three years are presently in law school as regular students. They are enrolled in 24 different universities: University of New Mexico, Arizona State University, UCLA, University of North Dakota, University of Tulsa, University of Washington, University of Iowa, University of California at Davis, Harvard, Yale, North Carolina Central University, Loyola of Los Angeles, University of Utah, McGeorge College of Law, Stanford, University of Chicago, University of Oklahoma, Notre Dame, University of Colorado, University of Denver, University of Montana, University of Tennessee, and the University of Arizona.

AMOUNTS OF GRANTS

For the summer session, single students receive a stipend of $500 for living expenses. Married students will receive $800 with additional allowances for married students with children. There will be no charge for books or tuition and a travel allowance will also be available.

For the academic year, the living expense stipend will be based upon need but will not exceed $2400 for a single student. Allowance for each dependent will not exceed $500. Thus, a married student with 3 children would be eligible for up to $4400 for living expenses during the academic year.

THE NEED FOR INDIAN LAWYERS

During hearings before the House of Representatives Subcommittee on Indian Affairs on the Indian Resources Development Act of 1967, the following colloquy occurred. Mr. Saylor was a Representative from Pennsylvania. Mr. Edmondson represented Oklahoma.

Mr. SAYLOR. You said the acceptance of this bill would depend upon the tribes and councils and ther leadership, and then you mentioned another group—who were they—who were going to advise these councils? I think you said the lawyers, is that not correct, that these lawyers were interested? How many Indian lawyers are there? I do not mean lawyers for Indians. I mean Indian lawyers.

Secretary UDALL. You mean Indian lawyers.

Mr. SAYLOR. Yes, how many Indian lawyers are there that the Department of the Interior has approved to contract to represent tribes?

Secretary UDALL. I wish we had more Indian lawyers.

Mr. SAYLOR. I know, but are there any?

Secretary UDALL. Young people from law school. There are several, I am sure, in Oklahoma. There are not enough. But there are some very able people and some very high-minded people representing the Indian tribes as Indian lawyers, in my judgment.

Mr. SAYLOR. The reason I ask that question, in the 19 years Chairman Aspinall and I have been on this committee, I do not think we have ever had the privilege of having any Indian appear who was a lawyer representing a tribe.

Mr. EDMONDSON. I think there have been several from Oklahoma appearing very ably before this committee. The most recent appearance by an Indian lawyer was when Earl Boyd Pierce appeared for the Cherokee Indians in behalf of legislation before this committee, which was passed by this subcommittee at this session.

Mr. SAYLOR. I am delighted to know we have one from Oklahoma.

Mr. EDMONDSON. If the gentleman would give me the time, I think I could cite some additional examples.

Mr. SAYLOR. You will have some time here. You can dig them up. I would like to spread those Indian lawyers out and have them go out and see these other tribes and try to get some of these young men in the Indian tribes to go to law school and represent their own people.

The following excerpts are from an article by Joel L. Fleishman, Associate Provost, Yale University, published in Idea Exchange, a monthly publication of Educational Associates, Inc. It describes the Special Scholarship Program in Law for American Indians as it operated during the summer of 1967—its first year. Basically the same program will be offered this summer on a somewhat extended basis.

Many Anglo and Spanish-speaking lawyers now attempt in good faith to represent American Indians in tribal and personal matters. The vast difference between cultures, however, makes meaningful representation often difficult and in many cases impossible. It is hardly surprising then, that there is a desperate need for Indian lawyers, for those individuals who not only have a critical skill but who also have the special understanding needed to deal effectively with the affairs of a people who have for too long been described as "forgotten Americans."

There is no mystery as to why so few Indians are lawyers. A culture of relative poverty and social and political disenfranchisement always works against educational and professional advancement. Today, for example, more than 350,000 Indians live in Arizona and New Mexico, but not a single Indian practices law in these states nor has an Indian in the memory of school officials ever graduated from the law schools of the respective state universities.

The Summer Pre-Law Session for American Indians, held at the University of New Mexico for eight weeks last summer, is a special attempt to break existing educational cycles and introduce more Indians into the legal profession.

The students were among the most interesting to gather at a law school in some time. In age they ranged from 19 to 38 with a median age of 29. Thirteen were married and 11 had children. Among them were teachers, school, community, and tribal officials and even a member of the Alaska State Legislature. Their tribal affiliations suggest a rich galaxy of places and traditions: Navajo, Sioux, Jicarilla Apache, Cochiti Pueblo, San Juan Pueblo, Comanche, Pawnee, Eskimo, Ponca, Isleta Pueblo, Laguna Pueblo, Santa Domingo Pueblo, Taos Pueblo, Hopi and Zuni.

If the students came from a wide variety of backgrounds they all shared at least three characteristics which were the major criteria for selection: a proven financial need, an ability to complete law school, and above all, an interest in Indian affairs usually manifested by prior participation in them.

I was pleased to find in my talks with the chosen participants that most of them saw the Pre-Law Session as the crucial means whereby they might finally pursue their goal. Given their family and income responsibilities, the leap directly into law school would have been too risky.

In a brief article it is difficult to convey the enthusiasm of the students and teachers who have been a part of the New Mexico program. But it exists to a remarkable degree.

The students have been hard-working and committed, and the faculty is thrilled with the way in which their charges have been able to pick up and work with legal concepts.

REQUIREMENTS AND SELECTION

Any American Indian who has completed at least three years of college may apply. There is no prescribed undergraduate program and students may apply no matter what their college major has been. Individuals who have graduated from college within the past 10 years are encouraged to apply. Since most law schools require a college degree for admission, only those who have completed college will be eligible to enter law school in the fall of 1970.

If at all possible, the applicant should arrange to take Law School Admission Test. Information about the Law School Admission Test can be obtained at most college placement offices, by contacting this law school, or any other law school, by writing to Law School Admission Test, Educational Testing Service, Box 944, Princeton, N.J. 08540. While all applicants are urged to take the Law School Admission Test prior to the summer program, the fact that they did not will not prejudice their application. For those not able to take the test prior to the beginning of the summer program the test will be given in July and arrangements will be made for the persons in the program to take that test.

Selection for the summer session will be based upon the applicant's college record, his apparent aptitude for law and his interest in the program. Recommendations from those who know the applicant and who are familiar with his work will be given considerable weight.

PROCEDURE FOR APPLYING

Those wishing to apply for the Summer Program should write for an application form. Fill in the form and mail it immediately to Assistant Dean Geer at the address below. Transcripts of all college work should also be sent immediately to the address below. If an applicant has taken the Law School Admission Test, he should arrange to have a copy of his score sent to Assistant Dean Geer as well.

Although there is no deadline for applications, it is to the applicant's advantage to file early, as decisions will be made as soon as possible and enrollment is limited.

SENATOR TYDINGS AWARDED 1970 BROTHERHOOD CITATION OF THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

Mr. McGOVERN. Mr. President, I would like to bring to the attention of the Senate the annual citation of the National Conference of Christians and Jews presented to our colleague Senator JOSEPH D. TYDINGS on March 5. This leading human rights organization, dedicated to intergroup understanding and cooperation, presents its brotherhood citation each year. Prior recipients of this citation include President Harry S. Truman, President Dwight D. Eisenhower, President John F. Kennedy, President Lyndon B. Johnson, Cardinal Patrick O'Boyle, and District of Columbia Mayor Walter Washington.

The award of this citation to Senator TYDINGS recognizes his national leadership in the cause of equal rights and human dignity.

I think the text of the citation speaks for itself, and I ask unanimous consent that it be presented in full in the RECORD.

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

THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS DEDICATED TO THE PROMOTION OF INTERGROUP UNDERSTANDING AND COOPERATION, JUSTICE AND EQUALITY OF OPPORTUNITY FOR ALL CITES THE HONORABLE JOSEPH D. TYDINGS, UNITED STATES SENATOR FROM MARYLAND

For the depth and strength of his conviction that the principle of equal justice under law must be extended to all persons,

For his effective leadership in helping to secure the enactment of significant civil rights legislation, particularly the Voting Rights Act of 1965, and the Civil Rights Act of 1968,

For his ceaseless efforts to restructure and reform our Administration of Justice system,

For his leadership in securing congressional support for District of Columbia government programs designed to overcome problems occasioned by race and poverty,

For his foresight, courage, personal example and leadership, the National Conference of Christians and Jews presents The National Brotherhood Citation to the Honorable Joseph D. Tydings

ROBERT D. MURPHY,
OSCAR S. STRAUS II,
WILLIAM F. MAY,
National Co-Chairmen,
STERLING W. BROWN,
President.

JUSTICE WITH DIGNITY AND ORDER

Mr. DOLE. Mr. President, the U.S. Supreme Court's decision yesterday concerning a trial judge's powers to maintain decorum and order in court is a significant and much-needed reaffirmation of a fundamental principle of government.

These turbulent times have seen an unprecedented upheaval within almost every institution of society. Recently there has been an effort to create tumult within the judicial system by those whose tactics of disruption and confrontation had brought them before the courts. Whether such disruption springs from political, social, or personal beliefs, its effect on the courts is the same. Mr. Justice Black stated the case most perceptively in his opinion:

> It would degrade our country and our judicial system to permit our courts to be bullied, insulted, and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes.

Ours is a government of laws, not of men, and any interference with the orderly processes by which justice is administrated cannot but jeopardize the security of each citizen's rights.

The Supreme Court has been criticized recently for its attitude toward defendants in criminal proceedings. Many of its decisions have seemed to show a greater concern for those who are accused of crimes than for those who are victims of crimes, but the Court has served unmistakable notice that it will tolerate no erosion of the judge's authority to conduct a decorous and fair trial of all cases before him. Those who would convert

the halls of justice into circus arenas can be assured that their causes will be impartially considered, but they must know also that conduct unbefiting the courtroom will be met sternly with the full weight of judicial authority and power.

PROPOSED BASIC INCOME AND INCENTIVE ACT

Mr. HARRIS. Mr. President, some weeks ago I introduced S. 3433, the National Basic Income and Incentive Act, which would federalize the outdated welfare system in America, making it more humane, and providing important incentives for work and training. The bill would relieve the States of this heavy financial burden, leaving them more of their own funds to take care of other needs.

I have received favorable comments on this bill from a great many knowledgeable organizations and individuals. Recently, I received favorable letters and statements concerning the National Basic Income and Incentive Act from three of the Nation's most outstanding Governors, Gov. Kenneth M. Curtis, of Maine, Gov. John Dempsey, of Connecticut, and Gov. Warren E. Hearnes, of Missouri. I ask unanimous consent that copies of their letters and statements may be printed at this point in the RECORD.

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

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, March 4, 1970.

Hon. FRED R. HARRIS,
United States Senate,
Washington, D.C.

DEAR FRED: Thank you for your note of February 19 and the copy of your remarks relative to the National Basic Income and Incentive Act you have proposed in the Congress.

As I have observed many times, the time is clearly here when Federal assumption of human welfare program cost must be undertaken.

I know your proposal will receive most serious consideration as the best method for accomplishing this is explored.

Sincerely,

JOHN DEMPSEY,
Governor.

EXECUTIVE OFFICE,
Jefferson City, Mo., March 11, 1970.

Hon. FRED R. HARRIS,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR HARRIS: This is in response to your letter of February 19 in which you ask for my comments concerning the National Basic Income and Incentive Act (S. 3433) which you introduced in the Senate on February 10.

After reviewing the summary of the provisions of this bill and your remarks on the floor of the Senate when the bill was introduced, I strongly support the objective of this legislation. It is my belief, which I have expressed on many occasions, that the states would benefit more from a complete Federal takeover of the public welfare system rather than a plan for Federal revenue sharing.

If Missouri is relieved of the cost of the welfare system by July 1, 1973, as your bill proposes, the substantial savings in state funds would go a long way toward more adequate funding of other essential state programs.

Although your bill may provide for Federal assumption of the cost of the Title XIX medical assistance program, I fail to find this in the summary of the provisions of the bill. Neither do I find any reference to day care provisions for working mothers or the funding of this program. Any plan for full federal financing of the welfare system should certainly include these two programs.

I recognize that your bill would increase Federal expenditures substantially over the Administration's proposal now before the Congress, but it is much more desirable so far as Missouri is concerned, because it would relieve us of a heavy financial burden which we find increasingly difficult to assume.

Sincerely yours,

WARREN E. HEARNES.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, Maine, March 24, 1970.

Hon. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR FRED: Thank you for sending me a copy of your statement on the National Basic Income and Incentive Act. I found your statement, as well as the summary of the Act, most interesting and informative.

I was particularly pleased to see your strong criticism of two aspects of President Nixon's welfare reform proposal which I have found objectionable—the unfortunately low income maintenance figure and the mandatory work requirement. I believe that your bill is far more realistic and effective on both these points.

I also welcome your emphasis, reflected in the Basic Income and Incentive Act, on the need for a total federal assumption of the costs of welfare programs. Although I have supported the revenue sharing proposal embodied in the Intergovernmental Revenue Act sponsored by Senators Muskie and Goodell, I have made it clear that the federal government could provide the states with even more meaningful relief by totally assuming welfare responsibility. There is little doubt in my mind that money channeled to the states through revenue sharing would probably be consumed, at least in substantial part, by welfare costs. Under these circumstances, it seems much more sensible for the federal government to assume this responsibility directly.

I have enclosed for your information copies of statements I prepared on President Nixon's welfare and revenue sharing proposals, and on the revenue sharing bill sponsored by Senators Muskie and Goodell. I believe that the first statement, in part, includes several of the concerns and criticisms which you express in your Senate speech.

Thank you again for sending me a copy of your speech. I would very much like to see your proposal adopted by Congress.

Sincerely,

KENNETH M. CURTIS,
Governor.

A RESPONSE TO PRESIDENT NIXON'S WELFARE AND REVENUE SHARING PROPOSALS BY KENNETH M. CURTIS, GOVERNOR OF THE STATE OF MAINE, AUGUST 27, 1969

President Nixon recently sent to Congress a series of special messages outlining proposals for changes in the federal government's programs to combat poverty and aid the states generally. Because these proposals have such important implications for all Maine citizens, I feel that it is my responsibility, as Governor of the State of Maine, to evaluate the major items in the President's program, especially as they might affect persons in my own state.

I realize, of course, that the President's proposals, once they are put into legislative form and submitted to Congress, will be carefully studied and probably revised by the Congress. Until such legislation is submitted, and until Congress begins its work on the details of the bill, it is impossible to know the precise import of the President's suggestions. I can therefore comment only on the general purpose and impact of the President's proposals.

The need for major reform in our welfare programs at the federal and state levels is beyond question. To pursue these reforms at the state level I appointed, in December of 1967, a Task Force on Intergovernmental Welfare Programs which recommended major changes in our state welfare system. I presented these proposals to the 104th Legislature. Unfortunately, most of them were rejected, in part because the Legislature felt the state could not afford to adopt the reforms, in part because of hostility from some quarters toward increased benefits, particularly in the Aid to Families with Dependent Children program, and in part because of criticism of increased state participation in the Medicaid program to help the medically needy meet constantly rising medical costs. As a result of these decisions by the Legislature, the State of Maine will receive about eight million dollars less in federal assistance than would have been generated by the welfare programs I recommended in my budget to the Maine State Legislature.

This experience dramatizes the need for federal initiatives for welfare reform, particularly in the AFDC programs. As President Nixon correctly pointed out, AFDC, in its present form, is poorly designed to preserve family stability and restore recipients to productive lives. It encourages a jobless father, or one who is barely earning a living, to leave the home because his presence, under most circumstances, is a bar to government assistance, and state participation in the Aid to Dependent Children of Unemployed Fathers program has been poor. There are inadequate provisions for the care of children while a mother works. To the extent that President Nixon's proposals will remedy these defects in the AFDC programs, they deserve support.

For example, I approve of the request to provide child care for welfare recipients who are involved in training programs. I agree that the states should have greater control over the administration of job training programs to enhance the efficiency of these programs and their responsiveness to local occupational needs. I support the President's emphasis on the need to develop assistance and training programs that give people a strong incentive to work. Only a welfare system that promotes the self-sufficiency of those involved is operating effectively.

In any such system the element of financial stability is central. People cannot concentrate on job training if they are hungry or about to lose their homes. In his proposal to build a federal floor under family incomes, including those of the working poor, the President recognizes this fact. I have long supported such a proposal, as indicated by our Department of Health and Welfare proposal for an experimental minimum income maintenance program submitted to HEW about a year and a half ago. Such an income maintenance program, if its benefits are adequate, can offer a tremendous boost to people living in chronically depressed areas and to the entire economy of such an area. It can have a significant impact on the gross annual product of the state.

I also think the President has offered several worthy proposals to streamline cumbersome bookkeeping procedures and cut down administrative costs. Certification of income as a basis for federal payments, with spot checks to eliminate possible abuse, is a much better technique for determining eligibility

than costly investigations by welfare workers, though it is still too early to determine how the President's proposals would affect the number of caseworkers needed to implement welfare programs. Similarly, I support the proposal to give the states the option of allowing the federal government, through the technical skills of the Social Security Administration, to handle the payment of the state supplemental benefits on a reimbursable basis. The issuance of a single check by the federal government could, as the President indicated, spare the state heavy administrative burdens.

I also feel that the proposal for a national computerized job bank to match job seekers with job vacancies has great merit. In Maine we have already been experimenting with this plan in a very preliminary way, and our Employment Security Commission now has the computer capability to undertake a more comprehensive program. Even if the President's program is not accepted, we will continue the development of our program in Maine.

There are other elements of the President's program which raise, in my judgment, some very serious questions. Although I strongly support the implementation of effective work incentive programs, I doubt the practicality of the mandatory work requirement. Such a requirement would be extremely difficult to administer, particularly in areas of chronic unemployment. We should realize that there are some communities where jobs are just not available, particularly during periods of seasonal unemployment or in the aftermath of losing a key industry. The work requirement would also demand extreme sensitivity to an endless variety of special family circumstances which might make the requirement detrimental to family well-being. Only a system of free choice, related to an intelligent system of work incentives, can provide this sensitivity. I continue to believe that the vast majority of welfare recipients want to work and will work if our welfare system provides programs that make such work possible. That is why I strongly support funds for day care centers and more training programs, and that is why I believe retention of a certain percentage of earnings should be used as a strong incentive for movement into the labor market.

I do not believe that the level of federal income maintenance proposed by the President is nearly adequate, and I feel it is unfortunate that general assistance, now paid by the municipalities, remains uncovered. For example, there is still no program for married couples without children. I am also troubled by the President's failure to discuss the need for adequate medical care programs to supplement the income maintenance program, whether through Title XIX or a vigorous plan for providing private medical insurance at some favorable rate. I also believe that the amount of money proposed for training programs seriously underestimates the expense of these programs. Indeed, in view of the closing of the Job Corps Centers in Maine and throughout the country, I must seriously question the Administration's commitment to the training programs it emphasizes so heavily in the President's proposals.

I must make a similar observation about proposals for the reorganization of the Office of Economic Opportunity. Using OEO for the development of innovative poverty programs makes good sense. But we must be sure that this reorganization does not become a pretext for reducing the Administration's substantive commitment to direct federal aid for the war on poverty. The Nixon Administration's failure to fund our supplemental request for a statewide innovative Rural Youth Corps raises this possibility very sharply for Maine citizens.

I must express serious reservations about the President's revenue sharing proposals, though the need for such a program is undeniable. The amount of money made available to the states is simply not enough. President Nixon says the proposal would begin with $500 million the first year. Maine's share would be $5.1 million. Yet, as I mentioned earlier, the Maine Legislature recently rejected proposals that would have generated eight million dollars of federal money for welfare programs. In this single area alone the documented need for federal assistance is already far greater than the funds available to Maine under President Nixon's plan.

A much more adequate revenue-sharing plan is found in the Inter-Governmental Revenue Act which Senators Muskie and Goodell have recently introduced in Congress. Under this plan approximately $2.8 billion would be available for distribution to the states in fiscal 1970. Maine's share would be approximately $14,910,000. Moreover, the Muskie-Goodell plan appears to contain a much greater incentive for states to use the personal income tax as their principal source of revenue. The annual appropriation for the federal revenue-sharing trust fund would be determined by adding one percent of federal individual taxable income with 25 percent of state personal income tax collections, and dividing the sum by two. Under President Nixon's plan state tax effort does not figure in the determination of the total amount of federal money to be distributed. Also, under the Muskie-Goodell plan, the Internal Revenue Code would be amended to permit individuals to elect, in lieu of deductions, to take as full credit against their federal income tax liability an amount equal to 40 percent of their state and local income tax payments. This credit should also encourage greater use of the personal income revenue source.

Finally, I wish to emphasize the importance of developing formulas for the distribution of federal funds which contain an adequate state equalization factor—that is, a factor which makes the formula responsive to the comparative per capita personal income of the states and redresses some of the imbalances in wealth. Regardless of which revenue sharing plan the Congress finally adopts, the plan should reflect the special plight of poorer states such as Maine and their efforts to develop themselves economically.

Unfortunately, in his proposals for fiscal relief through welfare reform, President Nixon does not provide for such equalization. I have attached charts which related the ranking of the states by per capita income to the percent of per capita income they will receive through revenue sharing and fiscal relief under welfare reforms. They show, for example, that California, which ranks fifth in per capita personal income, ranks second in the percent of per capita income received through welfare reform. Maine, by contrast, ranks thirty-seventh in per capita personal income and thirty-sixth in the percent of per capita income received through welfare reform. These figures, and others like them, raise serious questions about the fairness of the welfare relief distribution formula.

In conclusion, I do wish to make it clear, despite the questions posed, that I regard President Nixon's welfare proposals as constructive and provocative. They deserve careful study and they will absorb much of our attention in the coming months. As our Commissioner of Health and Welfare put it, "the proposals, if implemented largely in their present forms, would require a complete rebuilding, reorientation, and redefinition of departments such as ours, and this would be a very dramatic and exciting prospect."

I am confident that, whatever the outcome of Congressional deliberations on the President's proposals, we will witness important changes in our country's welfare system. I have submitted these views in the hope that they might be of some value to the Congress as it faces this difficult task.

REPRESENTATIVE STATES SHOWN BY RANK IN TERMS OF THE PROPOSALS OF PRESIDENT NIXON ON REVENUE SHARING WELFARE RELIEF AND THE COMBINED TOTAL

REVENUE SHARING PER CAPITA

Revenue sharing rank	State	Amount	Personal income rank
1	Wyoming	$6.67	26
2	New York	6.46	3
3	Hawaii	6.17	15
4	Arizona	6.05	33
5	South Dakota	5.94	35
22	Maine	5.21	37
	Average	5.19	
	Median	4.99	
46	Texas	4.35	32
47	Alaska	4.33	4
48	Connecticut	4.33	2
49	Illinois	4.05	6
50	Ohio	3.89	16

PERCENTAGE OF PERSONAL INCOME

1	Mississippi	0.2615	51
2	Wyoming	.2124	28
3	New Mexico	.2084	42
4	Louisiana	.2080	43
5	Idaho	.2079	41
17	Maine	.1823	37
	Average	.16	
	Median	.1623	
46	Illinois	.1015	6
47	Connecticut	.1022	2
48	Alaska	.1050	4
49	Ohio	.1115	16
50	New Jersey	.1125	8

WELFARE RELIEF PER CAPITA

Welfare relief rank	State	Amount	Personal income rank
1	California	$9.34	5
2	Oklahoma	7.66	36
3	Colorado	6.35	21
4	Rhode Island	5.70	14
5	Massachusetts	5.54	10
37	Maine	2.04	37
	Average	3.08	
	Median	2.86	
46	Virginia	1.02	30
47	Indiana	.99	17
48	South Carolina	.82	48
49	North Dakota	.64	39
50	Mississippi	.38	51

PERCENTAGE OF PERSONAL INCOME

Welfare relief rank	State	Amount	Personal income rank
1	Oklahoma	0.2680	36
2	California	.2327	5
3	Louisiana	.1937	43
4	Colorado	.1883	21
5	Rhode Island	.1610	14
36	Maine	.0715	37
	Average	.09	
	Median	.0866	
46	South Carolina	.0349	48
47	Virginia	.0335	30
48	North Dakota	.0288	39
49	Indiana	.0288	17
50	Mississippi	.0187	51

TOTAL PER CAPITA

Total rank	State	Amount	Personal income rank
1	California	$15.19	5
2	Oklahoma	12.67	36
3	Colorado	12.01	21
4	Massachusetts	10.98	10
5	Louisiana	10.50	43
37	Maine	7.25	37
	Average	8.18	
	Median	7.95	
46	Indiana	5.76	48
47	Virginia	5.76	30
48	New Hampshire	5.69	25
49	Virginia	5.46	30
50	South Carolina	5.31	48

PERCENTAGE OF PERSONAL INCOME

1	Oklahoma	0.4430	36
2	Louisiana	.4017	43
3	California	.3785	5
4	Colorado	.3563	21
5	New Jersey	.3536	8
29	Maine	.2538	37
	Average	.26	
	Median	.26	
46	Delaware	.1927	9
47	Virginia	.1799	30
48	New Hampshire	.1743	25
49	Connecticut	.1725	2
50	Indiana	.1684	17

COMPARATIVE ANALYSIS OF PRESIDENT NIXON'S WELFARE REFORM AND REVENUE SHARING PROPOSALS ON STATE AND LOCAL GOVERNMENTS FOR THE FIRST FULL YEAR IN TERMS OF PER CAPITA IMPACT AND PERCENT OF PER CAPITA INCOME RECEIVED BY EACH STATE

Personal income rank [1]	State	Revenue sharing (millions)	Per capita revenue share [2]	Percent of per capita income of per capita share [3]	Fiscal relief under welfare reform (millions)	Per capita welfare relief	Percent of per capita income, per capita of welfare relief	Total (millions)	Per capita share of total	Percent of per capita income share of total
49	Alabama	$16.1	$4.51	0.1938	$11.9	$3.34	0.1432	$28.0	$7.85	0.3371
4	Alaska	1.2	4.33	.1050	1.0	3.66	.0888	2.2	8.00	.1938
33	Arizona	10.1	6.05	.2027	3.4	2.04	.0682	13.5	8.08	.2709
50	Arkansas	9.5	4.72	.2049	6.2	3.08	.1337	15.7	7.81	.3387
5	California	112.5	5.85	.1458	179.5	9.34	.2327	292.0	15.19	.3785
21	Colorado	11.6	5.66	.1680	13.0	6.35	.1883	24.6	12.01	.3563
2	Connecticut	12.8	4.33	.1022	8.8	2.97	.0702	21.6	7.30	.1725
9	Delaware	2.4	4.50	.1157	1.6	2.99	.0770	4.0	7.50	.1927
1	District of Columbia	3.4			4.1			7.5		
29	Florida	30.8	5.00	.1623	8.5	1.38	.0448	39.3	6.38	.2070
40	Georgia	20.8	4.53	.1652	12.5	2.72	.0993	33.3	7.26	.2646
15	Hawaii	4.8	6.17	.1756	3.3	4.24	.1207	8.1	10.41	.2962
41	Idaho	4.0	5.67	.2079	1.0	1.42	.0519	5.0	7.09	.2598
6	Illinois	44.5	4.05	.1015	49.6	4.52	.1131	94.1	8.57	.2146
17	Indiana	24.2	4.78	.1396	5.0	.99	.0288	29.2	5.76	.1684
20	Iowa	14.6	5.31	.1566	7.0	2.55	.0751	21.6	7.86	.2317
22	Kansas	12.1	5.25	.1576	6.6	2.87	.0860	18.7	8.12	.2436
45	Kentucky	14.8	4.88	.1893	10.6	3.28	.1273	25.4	8.27	.3166
43	Louisiana	20.3	5.44	.2080	18.9	5.06	.1937	39.2	10.50	.4017
37	Maine	5.1	5.21	.1823	2.0	2.04	.0715	7.1	7.25	.2538
11	Maryland	18.1	4.82	.1298	14.4	3.83	.1032	32.5	8.65	.3330
10	Massachusetts	29.6	5.44	.1434	30.1	5.54	.1458	59.7	10.98	.2892
13	Michigan	40.8	4.67	.1270	35.5	4.06	.1105	76.3	8.73	.2375
24	Minnesota	21.5	5.90	.1777	9.3	2.55	.0769	37.8	8.45	.2546
51	Mississippi	12.6	5.38	.2615	.9	.38	.0187	13.5	5.76	.2802
26	Missouri	20.4	4.41	.1369	18.3	3.95	.1227	38.7	8.36	.2596
34	Montana	3.9	5.63	.1929	1.4	2.02	.0692	5.3	7.65	.2621
27	Nebraska	6.6	4.59	.1426	3.4	2.37	.0735	10.0	6.96	.2161
7	Nevada	2.5	5.52	.1382	.9	1.98	.5098	3.4	7.51	.1980
25	New Hampshire	3.1	4.42	.1351	.9	1.28	.0392	4.0	5.69	.1743
8	New Jersey	31.1	4.39	.1125	25.2	3.56	.0911	56.3	7.95	.3536
42	New Mexico	5.7	5.62	.2084	3.2	3.15	.1170	8.9	8.77	.3254
3	New York	117.1	6.46	.1564	43.9	2.42	.0586	161.0	8.89	.2150
44	North Carolina	24.2	4.71	.1808	10.4	2.03	.0777	34.6	6.74	.2585
39	North Dakota	3.5	5.60	.1994	.4	.64	.0228	3.9	6.24	.2222
16	Ohio	41.2	3.89	.1115	32.0	3.02	.0866	73.2	6.91	.1981
36	Oklahoma	12.6	5.00	.1750	19.3	7.66	.2680	31.9	12.67	.4430
23	Oregon	10.4	5.18	.1558	6.1	3.04	.0914	16.5	8.22	.2472
18	Pennsylvania	53.3	4.55	.1335	43.2	3.69	.1082	96.5	8.24	.2417
14	Rhode Island	4.3	4.71	.1332	5.2	5.70	.1610	9.5	10.41	.2942
48	South Carolina	12.1	4.49	.1922	2.2	.82	.0349	14.3	5.31	.2271
35	South Dakota	3.9	5.94	.2036	1.2	1.83	.0626	5.1	7.76	.2662
46	Tennessee	18.1	4.55	.1783	8.6	2.16	.0847	26.7	6.72	.2630
32	Texas	47.7	4.35	.1441	25.1	2.29	.0858	72.8	6.63	.2299
38	Utah	5.7	5.51	.1962	2.9	2.80	.0998	8.6	8.82	.2960
31	Vermont	2.4	5.69	.1885	1.2	2.84	.0943	3.6	8.53	.2828
30	Virginia	20.4	4.44	.1455	4.7	1.02	.0335	25.1	5.46	.1790
12	Washington	16.2	4.95	.1345	13.6	4.15	.1129	29.8	9.09	.2474
47	West Virginia	9.0	4.99	.2001	4.5	2.49	.1000	13.5	7.48	.3001
19	Wisconsin	24.2	5.74	.1686	12.4	2.94	.0864	36.6	8.69	.2550
28	Wyoming	2.1	6.67	.2124	.9	2.86	.0910	3.0	9.52	.3034
	Average	19.6	5.19	.16	14.4	3.08	.09	35.2	8.18	.26
	Median	12.6	4.99	.16	6.6	2.86	.09	24.6	7.95	.26

[1] The States rank in the United States in its amount of per capita personal income.
[2] The per capita amount that each State will receive of the amount of shared revenue, welfare relief, and total.
[3] The percentage of the per capita amount that the shared income, welfare relief, and total are of the per capita personal income.

TESTIMONY OF GOV. KENNETH M. CURTIS OF MAINE CONCERNING THE INTERGOVERNMENTAL REVENUE ACT, SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, WASHINGTON, D.C., SEPTEMBER 25, 1969

It is a pleasure for me to be here today to testify in favor of the Intergovernmental Revenue Act or, as it is popularly known, the Muskie-Goodell Bill. I am sure it is no surprise that I, as the Governor of a state, should support a revenue sharing proposal that promises the states a significant increase in federal assistance. One level of government is usually quick to welcome financial aid from another. But I must emphasize that my support for the Intergovernmental Revenue Act does not in any way imply a reluctance on the part of Maine government to face up to its full responsibilities.

Our state legislature, as the result of bipartisan effort, recently enacted a personal and corporate income tax. This was a highly responsible action that reflected our determination in Maine to develop a revenue-system that would respond productively to a growing economy. With our state-local government revenue system relying principally on sales and property taxes that simply do not keep pace with economic growth, serious revenue gaps were forecast for state and local government in Maine unless the state turned to a major new tax. The income tax, personal and corporate, was the only viable alternative. It responds productively to economic growth. It permits the state to assume a larger share of the financing of important municipal services. It permits the state to confront gradually the problems of equalizing services between poorer and richer areas of the state.

But even Maine's adoption of an income tax will leave our state with serious financial problems if the federal government does not substantially increase its level of assistance. This is also sure to be the experience of other states which, like Maine, can foresee no end to the mounting pressures of education, welfare, health and public safety costs.

Indeed, these are the very pressures which highlight the need for and the fairness of federal revenue sharing. Many of the burdens on state and local government are the product of national prosperity which increases the demands for state and local services, such as education. The federal income tax effectively taps this increased prosperity for the federal treasury, while the states and cities are responsible for financing the demands and problems that emerge from this prosperity. Moreover, simply in terms of population trends, the school-age population and the elderly population have increased much more rapidly in recent years than the rest of the population. These are the age groups which, quite understandably, require the costliest state and local government services while contributing least to the tax base.

I do not wish to suggest that the federal government has been unaware of these facts or that it has ignored its obligation to aid the states. We are all aware of the rapid growth in federal grant-in-aid programs in an enormous variety of fields. Through these programs the federal government has been returning funds to the states at an accelerated rate—for example, an increase of more than 1200 percent from 1946 to 1966, or from 0.5 percent of the gross national product to a full 2 percent. But these grant-in-aid programs, for all their importance in specific areas, have had serious negative results. Fiscal freedom has been restricted because of the strong attraction of these programs for financially pressed states. Nonaided areas of state government have suffered, and state priorities have partially been determined by the scope of federal programs. These kinds of constraints have, I feel sure, a deadening effect on the vitality and creativity of state and local government. Such an impact is impossible to quantify, but I am sure it is real.

Moreover, the grant-in-aid programs have done very little to meet the problem of unequal wealth among the states. A poor state must undertake a greater degree of tax effort to produce matching funds. Even with this effort the poorer state, because of the basic limitation on resources, does not get the extra help it should. In other areas of federal expenditure, such as research grants for education, the awarding of contracts, and the siting of federal installations,

we see the same pattern of the rich getting richer and the poor getting poorer. Revenue sharing, with the proper distribution formula, can break this pattern and begin to equalize imbalances in state wealth. I should add, however, that I am assuming that the funds for revenue sharing will not be obtained at the expense of the existing grant-in-aid programs. These programs, despite the deficiencies I have mentioned, are extremely important, and some of these deficiencies would be corrected by a supplemental revenue-sharing program.

Turning now to the Intergovernmental Revenue Act itself, I would like to first indicate my approval of the formula for determining the amount of federal money to be distributed each year. By adding one percent of federal individual taxable income with 25 percent of state personal income tax collections, and dividing the sum by two, the formula results in a distribution fund that is large enough to be significant. This formula also gives greater incentive to the states to use the personal income tax as their principal source of revenue.

Both points are crucial and related. The needs of our states and cities will not be met by revenue sharing proposals that are symbolic gestures or a "step in the right direction." We need the actual, concrete resource of money and the abilities and materials that money will buy. To the extent that our states are encouraged to use the productive and equitable income tax, to that extent will they be able to supplement the federal assistance with the more effective use of their own resources. The provision for a tax credit against federal income tax liability equal to 40 percent of state and local income tax payments also serves as a powerful incentive for increased state use of the income tax. This proposal is particularly effective because, as several commentators have pointed out, the actual amount of the credit grows as state tax rates rise. In effect, 40 percent of the state tax is automatically paid by the federal government through a tax offset.

With respect to the formula for distribution of federal money to the states, I think the per capita formula of the Intergovernmental Revenue Act is basically sound. Population is a fairly good standard for judging a state's need for public services. Distribution on a per capita basis also has a built-in equalization factor, redistributing resources from high to low income states. This is so because residents of high income states pay more federal taxes per capita than do residents of low-income states.

The distribution formula's inclusion of two factors for tax effort is also important in this regard. Many studies have shown that poorer states, on the average, make a greater tax effort in terms of tax-to-income ratios than richer states. The formula of this bill is sensitive to the special tax efforts of these poorer states, and thus it again serves the important goal of equalization. Additionally, of course, the inclusion of tax effort factors in the formula rewards those states that are building sound revenue systems and protects against reductions in tax effort.

I must confess, however, that I am not entirely satisfied with the resolution of the equalization problem in this bill, though I realize that simplicity in the distribution formula is important for the enactment and administration of any revenue-sharing proposal. For example, Senator Javits, in the past, has sponsored a revenue sharing bill that sets aside 20 percent of the trust fund for an additional distribution to low income states, again on a population basis. I think this kind of proposal, with its emphasis on flexibility beyond the basic formula, merits serious consideration, particularly if the supplemental distribution is sensitive to the special plight of poorer rural states like Maine which serve a relatively small population over a large area. Such states must provide costly services for small groups of people living in remote areas. Education, highway, welfare, travel costs and many others are greatly increased by this special relationship between small population and large area. Although I have not thought this problem through in detail, I should think that a factor such as population per square mile might be built into a formula for this supplemental distribution. Such flexibility would, I believe, enhance the effectiveness and fairness of the revenue sharing proposal.

In the area of revenue distribution to local units of government, I think the application of the pass-through requirement only to cities and counties of more than 50,000 population is basically sound. The problems of our urban areas have played a large role in the drive for revenue sharing. The 50,000 requirement recognizes the special plight of these cities and assures them of a fair share of the state entitlement. The states remain free to supplement this required distribution and to aid their smaller units of government.

I feel confident that the states will do so. In the past, perhaps, Governors were not as sensitive to the needs of cities and local government as they should have been, but I think this attitude is changing. In Maine we are constantly increasing our level of assistance to local government, and this policy would certainly apply to the use of state funds under revenue-sharing. Indeed, in Maine, such a policy would be particularly important. Because of Maine's population distribution and the terms of the pass-through requirement to local government, state government in Maine would get 92.88 percent of the state's distribution, city and county government a mandatory 5.92 percent, and school districts a mandatory 1.19 percent. In no other state does state government receive such a large percentage of the state entitlement. Yet, even without the mandatory pass-through of larger sums to cities and counties in Maine, there is no question that our local units of government would derive substantial benefits from the money received by state government.

I also note a provision of the bill that empowers the state to prohibit cities and counties from spending the revenue sharing money for a purpose that conflicts in whole or in part with a State's plan dealing with the utilization and development of its human or physical resources. We are in the process of developing a comprehensive plan for our state which will serve as a guide for development in these important areas. Coordination with local government will be important for successful implementation of this plan, and this provision will further that goal.

So far, in discussing the Intergovernmental Revenue Act, I have spoken mostly of money and financial needs. These subjects, important as they are, do not exhaust the significance of revenue sharing. We are also considering today a proposal which could deeply affect the way in which people relate to government in this country. If effective government power is remote from the people, if decisions and priorities flow principally from a federal government that is inevitably complex and impersonal, participation in the issues and responsibilities of government will suffer. But if power and initiative lodge in state and local government, individuals will respond positively to displays of effectiveness by institutions they can observe, influence and understand. Federalism, at least in part, implies this concern for the preservation of effective units of state and local government. Revenue sharing, viewed in its full significance, is an important technique of federalism.

But revenue sharing, I must quickly add, will not in itself preserve the vitality of state and local government. These units must respond to the availability of new funds by shaping state and local governments that can deliver services more efficiently. They must develop systems of analysis that establish priorities. They must develop plans to guide their growth. In Maine we are doing all these things. A special session of the Legislature will soon consider proposals for sweeping reforms of state government. Our state planning office is actively working on a state comprehensive plan. Program budgeting is gradually becoming a reality. Maine will be ready for the new money when it comes.

This fact is important, not simply because it reflects well on Maine, but because it reflects the continuing efforts of state and local governments throughout the country to improve themselves. There will be those in the Congress who argue that turning federal money over to the states and local government without strings is simply inviting these traditionally inept institutions to do their worst. This is nonsense. The so-called tradition, if it ever existed, is now ancient history. Since World War II, state and local governments have been making almost heroic efforts to meet the demands made upon them. Reapportionment has facilitated the process. The pace of reform has been accelerating. It is about time we lay to rest the outworn cliche that state and local governments have been unwilling to exert themselves to solve their own problems.

Finally, I must anticipate another argument that is sure to be heard in the Congress against the Intergovernmental Revenue Act. The argument will be simple. The proposal is too expensive. The federal government, even with the annual automatic growth in federal revenues, cannot afford it. Here, in this argument, is the real threat to meaningful revenue sharing. It can only be met if the Congress exhibits the same capacity for self-analysis it would demand of the states. Federal commitments must be re-examined; federal priorities must be reassessed. Without this analysis, and without the courage to pursue the new paths such an analysis will reveal, the Congress will not resist the lure of the status quo and the Intergovernmental Revenue Act will just be another good idea.

I am hopeful for more. I hope my statement has helped this important effort.

DEDICATION OF ADDITIONS TO HADASSAH–HEBREW UNIVERSITY MEDICAL CENTER, JERUSALEM

Mr. PELL. Mr. President, several weeks ago, a ceremony was held in Jerusalem marking the dedication of three new wings added to the Hadassah-Hebrew University Medical Center.

The dedication of these new wings, to house a department of public health and social medicine, a physicians residence for overseas doctors, and additional space for the Hadassah-Henrietta School of Nursing, should be a source of pride to the members of Hadassah, the Women's Zionist Organization of America, which sponsored the project.

The dedication should also be an occasion for pride on the part of all Americans, for these desperately needed medical facilities were financed by the American people through a grant of $1 million under the Foreign Assistance Act of 1967.

I personally am deeply gratified at the completion of this project, because I had the great pleasure of sponsoring the amendment to the 1967 act that provided the construction funds for these additions.

In these times of extreme tension among peoples in the Middle East, the Hadassah-Hebrew University Medical

Center is symbolic of the great good that can be accomplished when peoples rise above divisive national disputes in the interests of serving mankind. The Medical Center, the largest center of healing, teaching, and medical research in the Middle East, serves Jews and Arabs alike, as well as patients who come from countries in Africa, Asia, and Europe. The gift of these new facilities by the American people is thus not only an expression of friendship to the people of Israel, but in a larger sense an expression of our desire to relieve suffering wherever it occurs.

I am delighted to have played a part in bringing to fulfillment the Hadassah organizations goal of expanded facilities for this center.

Mr. President, I congratulate Hadassah, its officers, and its 318,000 members on their dedicated efforts on behalf of constructive lifesaving efforts in the Middle East. Hadassah is continuing those efforts, and I was deeply gratified that the Congress approved my amendment to the most recent Foreign Assistance Act providing $5 million for additional medical facilities at the Hadassah Center.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of brief remarks delivered at the recent dedication ceremonies by Mrs. Faye Schenk, national president of Hadassah; Mrs. Charlotte Jacobson, national chairman of the Hadassah Medical Organization Committee; the Honorable Walworth Barbour, U.S. Ambassador to Israel; the Honorable Pinhas Sapir, Israel's Minister of Finance; Mrs. Vera Tsur, chairman of the Hadassah Council in Israel; and Prof. Sidney L. Kark, head of the Department of Public Health and Social Medicine; and Prof. Kalman J. Mann, director-general of the Hadassah Medical Organization.

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

MRS. FAYE SCHENK, NATIONAL PRESIDENT OF HADASSAH, THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA

The clasped hands—the meaningful symbol of United States aid and concern for smaller underdeveloped and developing nations of the world—is a perfect characterization! Please note the symbol—see what it is—also see what it is not! You do not see a disparity in the size of the hands—one larger, stronger than the other—as it might well be if it were depicting the donor as the dispenser of largesse to the other, the weak and cowering recipient. Not at all! The hands are of equal size denoting mutual exchange, the proffering of aid, of encouragement leading to self-help, to self-sufficiency, and, in turn, to the help of others.

I am reminded of the words spoken by Prime Minister Golda Meir to President Nixon at the White House dinner tendered to her during her recent visit to the United States—and I quote very freely: "I have come," she said, "The leader of a tiny country to the largest, most affluent country in the world, and as I talked with the President of this rich and powerful nation, I felt all the while that I was talking to a friend who listened and who cared."

Indeed the Government and the people of the United States have cared and continue to care and these areas which we dedicate today are only a small but to Hadassah a very important and significant part of the tangible, visible evidence of that great sense of caring, a caring which helped build this sturdy little land of Israel—a caring which has helped make the United States the great nation it is. A worthy inheritor of the legacy of its founding fathers dedicated to the support of the democratic rights of men and nations and to the betterment of the human condition wherever man has his being.

Mr. Barbour, to you, as the much beloved Ambassador of the United States to Israel, I, as President of Hadassah, the Women's Zionist Organization of America, say to you: I am more than proud and privileged, I am humbly grateful that these two nations—the United States of America and Israel, so beloved by the 318,000 members of Hadassah—stand in mutual accord and not only figuratively, but literally clasp hands and join hearts on these premises today as we dedicate these gifts of the American Government to Hadassah and to the weal of mankind.

This business in which we are engaged together we believe to be the most effective means to peace and today when peace is the most complicated and most essential business on earth, may we say that we would like to engage in more of this kind of good business together.

MRS. CHARLOTTE JACOBSON, NATIONAL CHAIRMAN OF THE HADASSAH MEDICAL ORGANIZATION COMMITTEE, WHO PRESIDED

There is no event which can bring more satisfaction to the members of Hadassah than one dedicating new buildings to serve the people of Israel. It represents the physical evidence of plans fulfilled, years of hard labor and perseverance rewarded, and faith triumphant.

In this case, our gratification is intensified because the funds for these buildings were given to Hadassah by the United States Government thru the agency for International Development program. This is not the first grant that Hadassah has been privileged to receive from the U.S. Government, and certainly our expectations are great that it will not be the last. While we have always been proud of the high regard for our medical activities as expressed by many American statesmen, it is nevertheless a great tribute to our work that in 1966 the United States Congress voted the equivalent in Israel currency of one million dollars to help us carry out essential areas of development.

A Medical Center exists to study, understand and cure the common enemy of man everywhere—disease—and to enhance the common good for all men everywhere—good health. Indeed, in one of his messages to a Hadassah National Convention, John F. Kennedy wrote: "Not only Israel but the entire free world benefits from projects such as the Hadassah-Hebrew University Medical Center." Only last year, when Mr. Robert H. Finch, U.S. Secretary of Health, Education and Welfare, was in Israel, he wrote us that "The Medical Center near Jerusalem, for which Hadassah can take so much credit, was a particular highlight of my trip. Its physical plant alone represents a breakthrough of major proportions, and its approach to the delivery of a total package of health, training and services will figure directly in our future planning here at HEW. We can learn much from our friends in Israel, and I intend to see that the opportunity is not wasted."

HIS EXCELLENCY, MR. WALWORTH BARBOUR, THE U.S. AMBASSADOR TO ISRAEL

I have participated in a number of dedications here in the Hadassah-Hebrew University Medical Center in Jerusalem. It has invariably been a pleasure to do so, as they have been historic occasions commemorative of the so-well expressed clasped hands symbol, which signifies the solidity and activities of the aid program, and of Israel's willingness and ability to cooperate and aid itself with a minimum of our help. On this occasion, particularly, the American Government has participated directly through the Congress in making possible these additions to this magnificent plant. The use of these monies and the fact that the Congress appropriated them is an indication of several things, not the least of which is the general recognition of the important role Hadassah has played in world medicine, not only in Israel, but throughout the world, scientifically and otherwise. I congratulate Hadassah. I sincerely support the action of Congress in making these monies available.

THE ISRAEL MINISTER OF FINANCE, MR. PINHAS SAPIR

I am really indebted to you, my dear ladies and friends of Hadassah, for the chance you give me—in a world so troubled with anxiety and worry—to get together with all of you representing both sides of the ocean, on this happy occasion. I must congratulate you most heartily upon the successful carrying-out of new projects at this Hadassah-Hebrew University Medical Center in Jerusalem through the international cooperation of the United States and Israel.

Fifty years of pioneering in the health field in this land are an asset and credit to the great Hadassah movement in the United States. I wish to say to the dedicated members of Hadassah in America and to the devoted physicians, nurses and general staff of Hadassah Medical Organization in Israel: the work you have carried out has justly won acclaim in the United States as well as many other far-flung continents. It is thus no surprise that the American Government and people have sought to associate themselves in so generous a way with the further development of your humanitarian work on behalf of patients of all races and creeds.

By their infinite devotion to these holy tasks, the leaders and members of Hadassah have created the closest personal links between the Jewish communities of the United States and of Israel and also between the leading medical institutions of both countries. Thus, you have attracted valuable support from U.S. public funds for the expansion of medical service, training and research activities at Hadassah in Jerusalem.

As a movement, you have always remained loyal to Jerusalem, and shared the fortunes of its residents in times of peace and emergency alike. You are now on the threshold of great expansion at the Ein Karem Center and of reconstruction at your impressive Medical Center on magnificent Mount Scopus—the purpose of which is to bring the blessing of health to tens of thousands of Arabs and Jews from East and West Jerusalem and, indeed, from all over the country, and even—as was the case throughout the history of Hadassah—from neighboring countries.

It is a real privilege for me to bring to you on this occasion the warm greetings of the Government of Israel and to express the hope that you may reach the fulfillment of your dreams and projects within a lasting peace—both for Jerusalem, the city of peace, and for the Middle East as a whole.

MRS. VERA TSUR, CHAIRMAN OF THE HADASSAH COUNCIL IN ISRAEL

It is no coincidence that Hadassah pioneered in the setting up of a country-wide network of maternity, child health and school hygiene services. The concern for the welfare of the family is deeply rooted in Jewish tradition and was always a pivotal factor in the structure of Jewish community life. An abiding concern for the physical and

spiritual well-being of the family has preserved the unity and the survival of our people throughout the centuries and has guarded it against the trials and tribulations to which it has been exposed. Inspired by this tradition, Hadassah, from its inception, placed the emphasis not only on treating and curing the sick but emphasized the prevention of disease by entering into the problems of the family—its living conditions and environment—through its public health program and later focused in its Family and Community Health Center and Department of Social Medicine.

As an Israeli mother whose family has benefited from Hadassah's blessed facilities, may I, on behalf of the motherhood of this country, express deep gratitude to Hadassah and to the American Government for the generations to come.

PROF. SIDNEY L. KARK, HEAD OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL MEDICINE

I am very honoured to speak on behalf of those who have received accommodation as a result of this very fine gift of the U.S. Government to Hadassah.

What is social medicine? The social medicine developed at this school has included three important related elements:

Firstly—Epidemiology which is its basic science;

Secondly—Studies of the health care system; and

Thirdly—The practice of community medicine, which itself includes several elements, namely family practice, family nursing, care of the chronic sick at home and maternal and child health care in a community.

I would like to refer to something that has happened since we moved to the Medical Center to our new wing. In the last academic year we have had twelve United States medical students, mostly in their senior year of studies, undertaking a clerkship in community medicine in our department for periods ranging between six weeks and three months. This clerkship in community medicine was recognized by their various faculties in the U.S. and it has apparently stimulated so much interest that we have had a number of enquiries from students in the United States who wish to come and spend a period of three and sometimes more months in a community medicine clerkship.

What will the transfer of our department to the Medical Center mean for social medicine and its various fields, like the practice of medicine in the community—a transfer which has been made possible by the U.S. Government funding and the imagination of Hadassah itself, for which we are very grateful? It is my hope that this will lead to a gradual coming together of the community health activities of Hadassah and its hospital and basic sciences of the Medical School. It is true that the social medicine aspect is at present but a tiny part of the totality that exists here in Ein Karem, but this is a reflection of the state of medicine at the present time where all emphasis is on the hospital and the basic sciences integrating the clinical sciences in the hospital.

The advent of social medicine into the University Medical itself adds a third dimension. While only a small beginning, I am sure that it will in time develop the same relationship with the basic sciences as has been developed by the clinical departments of the hospital and any association with these clinical departments will broaden the scope of the University Medical Center to include more advanced teaching and research in a much needed field of community medicine. Through this research and through the practice which is growing in the community, the medical center will be enabled to provide a scientific foundation on which policy decisions by government and other agencies can be made.

We cannot in Israel afford petrifaction in our health center system and must seek new ways. As in other fields of medicine, these new ways can be helped by suitably supported research.

PROF. KALMAN J. MANN, DIRECTOR-GENERAL OF THE HADASSAH MEDICAL ORGANIZATION

Our work in the field of Public Health and Social Medicine is the end result of a long road of growth and development that has its beginning in this country over 3,000 years ago, when there were enunciated here the earliest laws for the promotion of health by the initiation of a weekly day of rest; for the prevention of physical disease by the introduction of laws governing personal hygiene and the isolation of infectious cases; for the elimination of Social Pathology by the formulation of inter-human patterns of behavior.

This road continued its westward course throughout the 19th century with the development of Medical Sciences and a deeper understanding of infectious diseases. It broadened in the twentieth century to include the psychological and social causes of community ill-health in addition to those of physical origin, and in 1918, with the help of Hadassah, it made the return journey from the United States to its starting point—to Israel—where it changed the image of health of Man and Environment.

Yet, Hadassah's contribution to health extends far and beyond the field of Public Health. As you stroll around the Medical Center, you will perceive that the area for Public Health which we are now dedicating is less than one percent of the area housing the totality of our medical work; that the subjects of our care are not only social groups and environment, but also 400,000 individuals who are being taken care of annually in the Outpatient departments, Dental Clinics, Student Health Services, Emergency Room, Traumatic Unit and Hospital wards.

You will note that the subjects of our care reflect the demographic structure of Israel's population, including Christians, Moslems, and Jews; children and adults, friends and enemies, whether stricken by God or human hand.

And interwoven within this mass of suffering humanity you will find our 2,000 undergraduate subjects training in the Schools of Medicine, Dentistry, Nursing, Occupational Therapy, Public Health and others, so that they are able, once qualified, to undertake the responsibility for Israel's health.

While wandering through the hive of activity, you will meet its 2,400 workers, adding the third dimension of Research to that of Service and Teaching; extending the fruits of their labour to medical institutions in Jerusalem, in Israel and beyond to African and Asian countries; enriching Man's health and the pool of his scientific knowledge.

Today we are dedicating the physical facilities for Public Health, which were given to us by the American people. Is not the totality of this center a tribute to the greatness of the American people and to the Jewish community within them which made that greatness available to us?

Today we pay homage to the United States for being the source from which we draw our knowledge and know-how in the field of Public Health.

Should we not recognize the enormous benefits that have accrued to Mankind through this partnership of the American people, the American Jewish Community and Israel?

Let us deepen and strengthen this partnership so that, together, we can bring health to Man and his environment and Peace to a war-torn region and its people.

CHET HUNTLEY'S "PERSPECTIVE"

Mr. GRIFFIN. Mr. President, on two successive programs this week the distinguished broadcaster, Chet Huntley of NBC News, focused attention on major labor-management upheavals in and out of Government which place the public safety in jeopardy.

Mr. President, the thoughtful and thought-provoking essays by Mr. Huntley are worthy of the Senate's close attention. I ask unanimous consent that the text of the two broadcasts be printed in the RECORD.

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

CHET HUNTLEY'S PERSPECTIVE ON THE NEWS

(NBC radio, March 30, 1970)

Here's how it goes with us New Yorkers at the moment. We are just now extricating ourselves from the postal strike, trying to cope and get caught up with the flood of mail which poured into offices last week. We are in the midst of a crippling walk out by air controllers who direct traffic into and out of the three major airports which serve the metropolitan area. Another newspaper strike is pending. A tug boat strike has been going on for about ten weeks. The deadline for the present contract between the Teamsters Union and the trucking companies expires tomorrow night, and we are braced for a shutdown of truck traffic. A shutdown of all rail service is a distant possibility within the next few days. New York may be slightly extraordinary but the same thing goes on, in one degree or another, in most of the major population centers of the country.

Government is currently involved in no less than three of these threatened or actual work stoppages, all of them involving vital public services: the air controllers walk out, the postal strike and the imminent railroad strike. It cannot be said that the government's record is far superior to that of private indusry in the handling of labor complaints. One is compelled to wince at the rhetoric which invariably accompanies one of these national or regional emergencies involving the closing down of critical services. Public officials, politicians and hosts of observers begin dusting off the old frayed platitudes concerning the forgotten man in these giant work stoppages . . . the fellow identified as John Q. Public. It is discovered over and over again that no one is representing the public in these industrial quails or that no one is representing him very well.

The public's apparent willingness to accept inconvenience and worse because of work stoppages continues to be a source of amazement. Year after year, any suggestion that the public welfare and the public interest be protected by new labor legislation is shot down before it can get started. During the strike there is an output of handwringing in the daily editorials, a demand for change, and then the whole business is forgotten when the emergency finally ends and the public has been sufficiently brutalized once again.

The non-union, non-management middle class of this country is obviously the great majority. In spite of all the assertions to the contrary it is still the great silent and mute majority. It may be true that it is in no hurry to go anywhere on an airplane, it is looking for nothing important through the mails, expects nothing to be delivered by truck, and could care nothing about the newspaper or tug boat. That's the way it looks.

CHET HUNTLEY'S PERSPECTIVE ON THE NEWS

(NBC radio, Tuesday, March 31, 1970)

This is not the ideal time to be reading the spate of excellent books appearing in recent months and which dwell on the incredible collapse of British and French diplomacy in government in the period just prior to the war.

There are such titles as "The History of the Cold War", "On Borrowed Time" and

William Shirer's ponderous but significant volume on "The Fall of France."

The collapse of France in 1940, because of the accumulated sickness and divisions up to the previous ten years or so has now been applied—documented in spite of the French habit of closing its archives to scholars.

But all of these and other recent books pose the gnawing question whether we Americans are pursuing the same disastrous path.

For years and for some 170 odd governments, between 1918 and 1940, the institutions of French government failed increasingly to function. Taxes were not assessed or collected when they should have been. Appropriations were not passed, decisions were not made. The French republic was despised by the remnants of the French monarchy, by the new fascists and by the Communists. The poor despised the rich, labor despised management and vice versa. Paris was characterized by strikes and riots. We have no evidence that the United States military is going or has gone to seed as did the once glorious French army. That is a difference. But we have an uncomfortable number of the other dislocations which caused the French nation to crumble before the German attack in less than 30 days.

And the Vietnam war continues to alienate a large section of the American people. It is all too obvious that the black population in this country feels itself isolated and the same applies to the Indians and to the Spanish Americans. There is a large number of white poor which is outside the mainstream of the society.

And finally American labor is employing its raw and unrestrained economic power to achieve gains which do not appear to be tempered with any thought whatsoever of the longer range economic consequences.

It might be said that never, even in the period of the "robber barons", the industrial monopolies and prior to antitrust laws and the Wagner Act, did American business and industry employ naked power the way labor uses it today. For in most instances business did have some competition here and there and it was sometimes restrained by the fear of pricing itself out of the market.

How much of 1939 France is there in this country?

ADDRESS BY SENATOR SPARKMAN ON SERIOUS CONDITION OF CONSTRUCTION INDUSTRY

Mr. MONDALE. Mr. President, there is no more tragic example of the disastrous effects wrought by inflation or the inequities of present responses to this problem than the situation in the construction industry today. Certainly the state of the economy calls for restraint, but the burden must be spread evenly and embraced by all. The housing market, already depressed, has been required to tighten its belt while others remain loose. Current data suggests that housing starts in February and March will be lower than the alarming 1.2 million figure of January. It appears that discriminatory control is producing discriminatory collapse.

The distinguished senior Senator from Alabama recently delivered a comprehensive speech on these crucial issues before the National Housing Conference. In his comments, Senator SPARKMAN presented a searching analysis of the serious condition of the construction industry and the causes of that condition. He examined the threat posed by the housing crisis to nationwide social and economic goals, and has raised many important questions concerning the long-range impact of current policies. At a time when national priorities are widely being discussed, I recommend that Senator SPARKMAN's thoughtful remarks be given careful consideration and ask unanimous consent that they be printed in the RECORD.

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

ADDRESS BY HON. JOHN SPARKMAN BEFORE THE 39TH ANNUAL CONVENTION OF THE NATIONAL HOUSING CONFERENCE, WASHINGTON, D.C.

I am pleased to be with you to help the National Housing Conference celebrate its thirty-ninth birthday.

It seems that, every year about this time when your Convention is being held, we have a new crisis. This year I think that the home-building crisis is one of the worst we have witnessed in a long time.

Housing starts for January dropped to a low of 1.2 million and, according to building permit data, housing starts for February and March will be even lower.

This is occurring at a time when vacancy rates are at one of the lowest in our history and when the demand for housing from new family formations and from families seeking better quarters is on a rising scale.

The big problem holding back construction is, as you probably know, the shortage of mortgage credit. And, behind this, is the giant-killer "inflation."

Until we conquer inflation, there is very little chance of getting long-term mortgage credit for housing purposes.

In fact, when one considers the extent to which inflation eats away into the value of the dollar, you wonder why anyone would make a long-term loan unless some adjustment is made for the depreciation of the investment over the life of a mortgage.

Behind inflation is the continuing high level of spending of the American people, including their government.

Inflation started when people began buying goods at a pace in excess of the supply and, in fact, bidding up the price of the limited supply.

The Federal Reserve Board tried to contain this by exercising strict monetary controls, but it did not work. The Fed reduced the supply of money in our economy and interest rates started their insidious rise. The result was that the strong industry borrower got the limited supply of capital and the weak borrower—home buyers, farmers and small businessmen—were squeezed out.

The Congress gave the President effective tools last year to help fight inflation but, so far, he has not used them. These were both voluntary and mandatory credit controls, which can be triggered by the President with a stroke of his pen.

The President and his Economic Advisers say they do not need these controls and keep telling us to be patient and everything will come out all right.

I hope the President is right, but I do not know how long we should wait. In fact, I am fearful now that, unless something is done soon, the housing industry will collapse completely for lack of credit.

Furthermore, if the tight money policy is continued much longer, we are being told that we may see both a recession and inflation at the same time.

I want to add quickly that I do not foresee a serious recession—our economy is too strong for that. We have a tremendous backlog of public works projects and both private and government resources which could be thrown into the breach if one develops to carry us through any threatening serious recession.

This slow-down in construction has serious economic consequences, but it has an even more serious impact in our efforts to raise the living standards of our people. It is occurring at a time when we can ill afford a further deterioration of our social standards and a breakdown in the stability of the home and the family, which is the backbone of our society.

Rather than weakening our social structure, we should be doing everything possible to strengthen it and give more weight to matters and programs which support our homes and communities.

These have been allowed to slip in recent years and we are already paying the price in social disorders, delinquencies, and a breakdown of family life.

To have housing in such a prostrate condition at a time when all other segments of our economy are booming, when capital goods and new plant and equipment are being turned out at ever-increasing levels, and when we see luxury living and widespread affluence all around us, it is obvious that our priorities are out of order and our economy is on a lopsided course.

Like a ship that has shifted its cargo, it will not long remain afloat unless it gets back on an even keel.

I am sure you are well aware of these points. You know what is happening in your own community. Vast shifts in population from rural areas to the cities and from inner cities to the suburbs have brought about overcrowding, dislocations and changing community goals that have created a community crisis which goes hand in hand with the housing crisis.

We cannot solve this broader community crisis until we have solved the housing crisis and, as we all know, our progress in solving either has been practically nil in the last year.

As you well know, the 1968 Housing Act not only restated the 1949 rhetoric of a decent home and suitable living environment, but added a statistical dimension to it—26 million housing units in 10 years.

This called for a yearly schedule which I believe for 1969 was 1.7 million units, and 2.0 million for 1970.

We missed the first year's goal by a rather substantial number which I attribute solely to the shortage of mortgage credit.

Early in the year when the outlook was good with a January annual rate of nearly 1.9 million, we ran into a snag on the supply of lumber. Prices rocketed to sky-high levels and, until we could identify the problem and do something about it, housing production was severely curtailed.

However, no sooner was this issue resolved until the mortgage credit shortage began to show its ugly head. In fact, there are many who say that the lumber shortage was never solved—it just disappeared when the shortage of morgtage credit caused a real cutback.

Nevertheless, we conducted a thorough study of the subject and held hearings.

After our hearings, I introduced a bill entitled "The National Timber Supply Act," which has as its purpose the plowing back of proceeds from the sale of lumber by the U.S. Forest Service for intensive management of our forests to increase their growth.

This can be done without disturbing in any way the use of our forests for conservation and recreation. In fact, with good management, we will not only increase the timber yield well above our needs, but will improve the forests as our greatest natural resource for recreational purposes.

I am convinced that if we do not carry out the purposes of this legislation, that once we have solved the mortgage credit crisis, housing will again be frustrated by a lumber shortage and skyrocketing lumber prices.

I was terribly disappointed by the actions taken in the House which refused to give a rule to take up the lumber bill.

I could not understand the opposition to

it by some of the urban-oriented people who are pressing so hard for more housing. I hope that these people come forward now and work out some new language to get the bill through when it is next brought up.

Speaking of housing starts, I suppose you have read that the Administration's goal for 1970 is 1.4 million units. Part of the justification for such a low number is a recognition of about 450,00 mobile homes to be delivered to sites during the year.

Secretary Romney was asked during our hearings last week how he justified this, but I do not think he gave a very good answer.

Part of the reason for our committee's approving F.H.A. insurance of mobile home financing last year was the expectation that such a program would result in improving the quality of the units and the mobile home sites. However, because of the low interest ceiling on the F.H.A. Title I loans, so far there has been no F.H.A. mobile home financing.

I believe we need to exert further influence over this great phenomenon to support good quality units and to improve their environment. Until that is done, I question whether we should include the count of these units in the 1968 goals objectives of 26 million units in 10 years.

One very serious concern in connection with meeting our commitment to housing is the utterly shocking, constantly rising mortgage interest rates.

The latest F.H.A. ceiling increase to 8½ percent was authorized by Secretary Romney apparently to attract more mortgage credit and to reduce discount points. I am not sure it did either.

You may recall soon after the ceiling increase, the FNMA auction price fell to a low of 94 which was very little different than the price for an F.H.A. loan a few weeks earlier at 7½%.

These prices have significance in several respects. In the first place, I believe such high interest rates force out of the market most of the moderate income families whom we are committed to help through the FHA and VA. It also places a further burden on the interest subsidy programs. During our hearings one witness reported that since the passage of the 1968 Housing Act, the number of families benefiting from these programs would be reduced by 40 percent, due to the rise in interest rates.

In addition to the rising interest rates, I believe the results of the auction raise serious question about the entire procedure involving discounts. Many of you know of my deep abhorrence of the discount practice. Because of this, I voted with the majority of the members of the Interest Rate Commission to recommend the abolition of discount points in connection with FHA and VA mortgages, along with a package deal involving the removal of the ceiling as an alternative to the present procedure.

I believe that recent developments further justify my original feeling that, no matter how high the interest rate ceilings, some lenders will insist on excessive discount points.

Another observation I would make involves the FNMA auction process. We will never know, but I wonder whether the drop in price of the FHA 8½ percent mortgage would have been nearly so sharp under a different system. I am also curious as to what extent the domination of the FHA secondary mortgage market by the new FNMA pushes down the price and, in fact, may have been a strong consideration in Secretary Romney's decision to raise the FHA ceiling a full percent.

You may know that I introduced a bill last year, S. 2958, which would authorize FNMA to buy and sell conventional mortgages. Concurrent with this has been strong pressure to broaden the authority of the Federal Home Loan Banks to buy and sell mortgages.

We just finished hearings on this subject last week and should move soon to mark up a bill.

At the end of the hearings we received from the Administration amendments to the two bills which would establish new secondary market facilities—one within the Federal National Mortgage Association, and the other under the Federal Home Loan Bank Board.

I also received a proposal which I introduced which would authorize appropriations up to $250 million to the Federal Home Loan Bank Board for the purpose of adjusting the effective rate of interest the Banks charge to the savings and loan associations for long and short term loans.

We have several important decisions to make, but I hope that we can move right ahead with these bills.

With housing in crisis condition, anything we do should be done promptly. I am assuming that the Administration will fully support the early passage of the bill and its immediate funding.

Speaking of priorities and the budget, the big cry today is that we must reorder our national priorities to provide more Federal assistance for socially-oriented programs. The trouble is, of course, that everyone has his own order of priorities and, to get a consensus on a rearrangement, is no simple matter.

The common targets for reductions are the Defense budget, highway construction and the ever poorer and beaten down foreign aid program.

There is less unanimity on the beneficiaries of the shift in priorities, but you will note that health, education and manpower are presently the big winners. The budget proposed for these programs for fiscal year 1971 is $23.1 billion. This is $4.6 billion above the fiscal year 1969 budget of $18.5 billion.

The Housing Department budget proposed for fiscal year 1971 is $3.0 billion, compared with $2.3 billion for fiscal year 1969.

The Defense budget grew to its maximum in fiscal year 1969 to a total of $81.2 billion. The Budget estimate for fiscal year 1971 is $73.4 billion, which is a reduction of $7.7 billion from the peak of the 1969 figure.

In other words, housing has inched forward by $700 million in two years, sharing some of the reduction in the Defense budget of $7.7 billion.

The Foreign Aid program is the easiest one to attack because it has very few voting constituents.

It is the most misunderstood program we have. Some claim that the reason for this is the failure of the State Department to level fully with the American people on how the foreign aid is being spent—what part of it is real aid, what part is to help finance American trade, and what part is to provide military assistance to stabilize the political status quo.

I have been convinced that the World is becoming closer and closer to the "One World" that Wendell Willkie spoke about 25 years ago, and that all of us on this planet have a common stake in a peaceful, orderly and economically sound world-wide society.

Despite its unpopularity, many of us feel that the foreign aid program has done great work, such as helping Korea and Taiwan become self-sufficient with growth rates of 10 and 12 percent per year, or helping to develop the green revolution which, by means of improved seed and better fertilizers, have made many previously so-called starving peoples self-sufficient in food production. India, Pakistan, Tunisia are three examples.

I mention this because Members of Congress establish priorities when appropriation bills are passed. Every subject-matter Committee is deluged with requests for more Federal money. We in the Congress do the best we can to allocate our resources in the fairest and most equitable manner.

The proposed Housing budget for fiscal year 1971 is not at the level we wanted, and I will endeavor to increase some of the estimates but, knowing the great fear of an unbalanced budget and further inflation, I recognize that it will be an up-hill battle.

The newest program being studied in Washington is the development of an urban growth policy and the financing of new communities.

As many of you know, we already have legislation on the books to help finance new town development—Title X of the National Housing Act and Title IV of the 1968 Housing Act. These programs need expansion and strengthening to make them work.

The most important missing provision under existing law, for example, is the authority to assemble land for new town purposes. We need to examine proposals for this purpose and to consider whether the Federal government should provide financial support to the States for the assembling of land.

Many other features need to be considered. The National Committee on Urban Growth Policy suggested that the Federal government should help support the development of 100 cities of 100,000 population, and 10 larger cities in the next 30 years.

I believe that any new town legislation should include a provision to expand and strengthen existing renewal law for cities with emphasis on new towns in town. Also, such a bill should include new planning and development subsidies to encourage the orderly development of metropolitan areas and special aids for the expansion of small towns and rural areas, identified as accelerated growth areas, as well as authority to develop entire new communities.

We also need to develop a national policy on urban growth to assure more national patterns of future urban development in the United States.

I am hopeful that we can develop the necessary legislation on the subject in the next few months and, if possible, obtain Congressional approval of such a bill.

There are many other items about which I would like to talk with you, but I know you have other speakers.

I hope you have a good Convention, and I am sure that, when your meetings are over, Winnie Winlack and Nat Keith will bring your recommendations to me for legislative action in the year ahead.

THE PANAMA CANAL

Mr. MURPHY. Mr. President, for some time now, I have been interested in the issue surrounding the Panama Canal. In the January 2 issue of the Los Angeles Herald Examiner I read an interesting, informative, and intelligent article by Mr. Henry J. Tayor. Because of the importance of this issue to the Nation, 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:

CANAL HOTSPOT

(By Henry J. Tayor)

The on-off overnight ouster of Panama's ruling Brig. Gen. Omar Torrijos should warn us to stop allowing ourselves to be talked out of the secure U.S. zone protecting the Pamana Canal.

Our taxpayers have invested $5 billion in the Canal Zone. And as a spokesman for changing the zone's status to Panamanian, Sen. William J. Fullbright is, again, and as usual, muddledheaded in a situation involving the Reds.

Such worried men as Chief of Naval Operations Adm. Thomas H. Moorer could tell you about the canal's global strategic importance with their eyes shut. And as for Latin America, 80 per cent of Peru's and Chile's imports

and exports pass through it. The dependency is equivalent along the entire Pacific side of the continent.

The Republic of Panama is threatened by Communist guerrillas internally and on either side of its two frontiers. How can anyone ignore the fact that Panama (population 1.4 million) borders on chaotic Costa Rica and Colombia? Is it news that imported Red guerrillas are staging a horrible shooting war in nearby El Salvador? Are we blind to the Red-instigated eruptions in neighboring Guatemala and Honduras?

I dined with Nicaraguan President Anastasio Somoza Jr., who spelled out for me the Red attacks closing in on Panama. Except Nicaragua, our 10-mile-wide Canal Zone is the only zone of stability in the entire region.

Demagogues abound in Panama's faction-ridden political jungle. Their most popular sport is to give Uncle Sam a kick in the pants. Their tirades about "Yankee imperialism," "The Yankee dollar," etc., pressure-cook Panamanian emotions and serve as a distraction from many things that should be done.

Panama is blessed with an amazing amount of rich, arable land, but less than half of it is under cultivation. Panama's true need is for better agriculture, animal husbandry and light industry. Yet it's easy for nearly any politician to roar against the United States—and bite Panama's only feeding hand.

A sultan of Zanzibar once said that ruling there depended on the length of the ruler's sword. Does Sen. Fulbright or anyone else see any difference in Panama? It was enough for Brig. Gen. Torrijos merely to go to Mexico City to take in a horse race for two of his rivals to seize the government and declare Torrijos kaput. Then Torrijos flew back clandestinely the next day and his rivals were kaput. Torrijos himself overthrew President Arnulfo Arias as recently as October, 1968. Political stability in Panama is as tricky as walking on a banana peel.

Lord Bryce called the Panama Canal "the greatest liberty man ever took with nature." And Latin-American Communists see their takeover opportunity with the forebearance of a hungry shark.

Worried Adm. Moorer finds that Fidel Castro's guerrilla fleet is moving fighters and their arms into Panama. Their embarkation point is La Colma, Cuba—Soviet occupied.

The CIA, in turn, finds that air deliveries are from the Soviet air base at heavily-guarded San Julian, 90 miles southeast of Havana. The CIA also finds all deliveries growing steadily and that they are paid for by Soviet gold. The propaganda support comes—and at a new high pitch—from Castro's powerful Russian-built radio station on Cuba's Key Brenton peninsula.

Havana-based Costa Rican Julio Sunol is one of Latin America's most famous Communists. Bloody-fisted Sunol often presides in Moscow at the annual "Conference of the Peoples," the party's assembly of guerrilla revolutionary cadres. Castro has now reinstalled Sunol in Costa Rica, on Panama's border, as the operation's director.

The real question we face is not the surrender of U.S. control of the Canal versus Panamanian control. The real question is U.S. control versus Communist control. It should be debated in the Senate on that basis.

CLOSURE OF U.S. CONSULATE IN SALISBURY, RHODESIA

Mr. PELL. Mr. President, it has been my belief for many years that the United States should strive to maintain the most direct channels of communication possible with the governments of all nations. It has further been my belief that these direct channels of communication are all the more important when the government in question is one of which we do not approve.

It was in accordance with this belief that I strongly supported sending an envoy to Greece, and because of this same belief I now question the wisdom of closing down the U.S. consulate in Salisbury, Rhodesia.

In September of last year, the Senate adopted Senate Resolution 205, sponsored by the distinguished junior Senator from California (Mr. CRANSTON). That resolution stated the sense of the Senate that when the United States recognizes a government or exchanges diplomatic representatives with it, that action does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

Speaking in support of that resolution at that time, I noted that during the past 50 years there had been a growing inclination to utilize recognition or nonrecognition as a symbol of official approval or disapproval of a government. I urged that the United States return to the original concept of recognition: that when a government is in de facto control of a country, it should be accorded de jure recognition.

Mr. President, I think there is no question that the Government of Rhodesia is in control of that country. Accordingly, I believe it is in the best interests of this country to maintain direct communications with that government. The closing of our consulate in Salisbury deprives this country of that measure of communication without, I am sure, affecting the policies of that government one bit.

What is sauce for the goose, Mr. President, is sauce for the gander. Whether a rightwing government is involved, or a leftwing government is involved, the United States should follow a consistent policy in regard to diplomatic representation and recognition in pursuit of maintaining the most direct and open channels of communication possible.

THE NATURE CONSERVANCY

Mr. MATHIAS. Mr. President, the environment and protection of our natural resources has become one of the most frequent topics of discussion by politicians, government officials, and members of the private sector. While these discussions have been going on, a unique conservation group, the Nature Conservancy, has been fighting to preserve choice national sites. I commend to Senators who are interested in protection of our environment an excellent story published in the Wall Street Journal detailing the conservancy's efforts to save our Nation's forests, marshes, and islands.

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 FOR POSTERITY: A CONSERVATION GROUP PRESERVES CHOICE SITES BY AGGRESSIVE TACTICS—NATURE CONSERVANCY USES LOAN PROGRAMS TO SAVE FORESTS, ISLANDS, MARSHES—BARGAINING FOR A LUSH VALLEY

(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 the 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 descripition 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 behinds 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 at 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.

A CRITIC'S VIEW

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 $59 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 1970s 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.

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.

LOOKING TO BUSINESS

"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 satis-

fying 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; other tracts on the peninsula will become state and regional parks.) Then it's on to Gunston Hall, the restored mansion of George Mason, a close friend of Thomas Jefferson. Residential subdivisions had been planned near Gunston Hall before the Conservancy intervened.

Later, in the formal garden behind the re-brick mansion, Mr. Richards stops to savor the view: The 200-year-old hedge of English boxwood, the giant oaks, the uncluttered woods beyond.

"This will give you an idea why the Conservancy is here at Mason Neck," he says. "We're not just saving a bald eagle sanctuary. By God, this is part of this country's heritage, and it shouldn't be messed up."

PROPOSED TRANSFER OF BIOLOGICAL WARFARE FACILITY FROM DEPARTMENT OF DEFENSE

Mr. FULBRIGHT. Mr. President, suggestions and recommendations have been made for the transfer of the former biological warfare facility at Pine Bluff Arsenal in Arkansas from the Department of Defense to another Government agency.

It would be a great achievement if we could use the facilities formerly utilized for production of and research on biological weapons for peaceful and constructive purposes. I have joined other members of the Arkansas congressional delegation in urging that the installation be converted to use by the Department of Health, Education, and Welfare for research on disease prevention and cure or by the Department of Agriculture for research into biological pesticides. A further possibility, and one that could be of great value, would be research into the problems of pollution control.

Recently a task force of distinguished Arkansans appointed by Gov. Winthrop Rockefeller has made a report on this subject. One of the recommendations is that the arsenal could be turned into a national center to attack environmental problems. The task force's report states:

After discussions with operating officials at the Pine Bluff Arsenal, it is apparent that both staff and equipment, if properly utilized, can make a monumental contribution to solutions of ecological problems of our time.

In a recent column in the Washington Post, Joshua Lederberg made a very important point:

The United States could do a great deal to restore its historic reputation as a defender of human liberties and health if it reassigned our erstwhile biological warfare laboratories, as at Fort Detrick, to make them an international research center for virological peacefare.

Mr. President, I am hopeful that action will be taken to constructively utilize the personnel and facilities at Pine Bluff. This is a rare opportunity to make use of an already-existing installation and I do not believe the Government can afford to pass it up.

I ask unanimous consent that articles from the Arkansas Democrat and Arkansas Gazette pertaining to this matter be inserted in the RECORD.

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

[From the Arkansas Gazette, Jan. 24, 1970]

FULBRIGHT URGES PLAN FOR ARSENAL

WASHINGTON.—Senator J. William Fulbright (Dem., Ark.) suggested Friday that the government find some use for the facilities and personnel of the Pine Bluff, Ark., Arsenal, which has been a major producer of biological weapons. President Nixon has said he plans to discontinue production of such weapons.

The facility, Fulbright said, probably could be converted for use by the Health, Education and Welfare Department for research on the prevention and cure of disease. Or, he said, it might be utilized by the Agriculture Department for research into biological pesticides.

"It might find a very important role in research into problems of pollution control," Fulbright said.

Fulbright, declaring he strongly supports Mr. Nixon's plans in reference to biological weapons, said it now would be a greater achievement "if we could apply some of the funds and facilities which were formerly utilized for production of and research on biological weapons toward peaceful and constructive purposes."

"It would seem that many of those who have been employed at facilities where biological weaponry work has been carried out could transfer their labor and skills to nonmilitary projects."

Governor Rockefeller, Senator John L. McClellan (Dem., Ark.) and Representative David H. Pryor (Dem., Ark.) have been working on the situation and it was announced this week that the governor had appointed a 15-man task force to seek alternative activities for the Arsenal.

[From the Arkansas Democrat, Mar. 22, 1970]

AIDC DIRECTORS ARSENAL CONVERSION TO HELP U.S. IMAGE

(By Robert Shaw)

The head of the Arkansas Industrial Development Commission believes that conversion of the Pine Bluff Arsenal to peaceful uses would have international implications.

"This can prove to the world that we are not only stopping the development of the potential to kill biologically, but allowing a switch to the postures of helping save people through biology," says Adrian Williamson Jr., executive director of the AIDC.

The state is trying to pursuade the federal government to transfer the chemical-biological warfare facility to either the federal Agriculture, Interior or Health, Education and Welfare Department.

NATIONAL CENTER

Williamson believes the arsenal could be turned into a national center to attack environmental problems.

A blue-ribbon task force appointed by Governor Rockefeller made a study of the possible peaceful uses of the arsenal after President Nixon's decision last year to halt germ-warfare production.

"After discussions with operating officials at the Pine Bluff Arsenal, it is apparent that both staff and equipment, if properly utilized, can make a monumental contribution to solutions of ecological problems of our time," the task force report said.

The task force recommended that the President remove the biological laboratory from the Defense Department and transfer it to Interior, Agriculture or HEW. Under the recommendation, one of the three could be a "prime contractor to state and local governments, educational institutions and other groups on a fee or a contract basis for environmental research."

The task force also recommended that funds be made available immediately to keep the arsenal staff on the job until another federal agency takes full control.

53 PROFESSIONALS

The arsenal has 53 professionals with degrees in science.

Williamson said the state was now awaiting clarification of what the Defense Department planned to do with the arsenal, a facility he said as worth well in excess of $100 million.

The department has the alternatives of mothballing the facility or turning it over to another agency, he said.

"I hope they will go through a phasing-out program," he said. "You don't just flip a light switch and pull out overnight."

Williamson said he had been in contact with Dr. Lee Dubridge, Nixon's adviser who is coordinating interagency discussions on the arsenal.

The task force report devoted much attention to the arsenal's potential for use in agriculture.

The report said the laboratory could be used for research in the development of micro-organisms and parasites to control insects or to destroy pesticides.

TEST ANTIBIOTICS

The report also said the laboratory could carry out biological testing of antibiotics, food supplements and insecticides.

It said one example of the laboratory's possibilities was the development through a biological approach of high-protein food from fish.

SUPREME COURT COMMENDED FOR "DISRUPTION" RULING

Mr. GRIFFIN. Mr. President, since the Supreme Court has been so widely criticized for some of its decisions, it is a pleasure to take note of one that is being widely praised.

I refer to the Court's ruling yesterday which makes it clear that decorum, dignity, and order in the court rooms of the Nation can and should be maintained.

Mr. President, I ask unanimous consent that an editorial published in today's Washington News and an editorial and a column written by David Lawrence, published in today's Washington Star, be printed in the RECORD.

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

[From the Washington Daily News, Apr. 1, 1970]

RESPECT FOR THE LAW

Americans who hope to preserve our system of justice will applaud the U.S. Supreme Court's ruling that no defendant or group of defendants has a constitutional right to disrupt a court of law.

The ruling is especially apt at a time when a growing number of defendants and their lawyers seem determined to make a mockery of the judicial process.

The trial of seven men accused of inciting

a riot in Chicago during the 1968 Democratic Convention, the trial of the "D.C. Nine" here and now the trial of 13 Black Panthers accused of plotting to bomb public buildings in New York all have been marred by disruptive behavior that has no place in a courtroom.

In the New York trial, which resumes next week, defendants have used what one judge calls "vile, demeaning, vicious, base and threatening language . . . unparalleled in court history."

Yet there has been a presumption that a defendant had an absolute constitutional right under the Sixth Amendment "to be confronted with the witnesses against him" and therefore to be present at all times at his own trial.

In its decision this week, the Supreme Court acted on the case of an abusive armed robbery defendant in Illinois. But the principle surely would apply in these other cases.

"We explicitly hold today," said the high court, "that a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive and disrespectful of the court that his trial cannot be carried on with him in the courtroom."

In concurring with the majority opinion written by Justice Hugo L. Black, Justice William J. Brennan appropriately added:

"Due process does not require the presence of the defendant if his presence means there will be no orderly process at all."

Disruptive behavior in court is not a new tactic, of course, despite the recent developments. And most judges have dealt with it, either by barring the defendant, using contempt citations or even gagging the offenders—all of which was approved by the Supreme Court.

We hope this decision of the court will serve to permanently rescue our judicial process from the travesty with which it has been threatened.

[From the Washington Evening Star, Apr. 1, 1970]

FAIR TRIALS

In a historic decision, the Supreme Court without dissent ruled yesterday that "disruptive, contumacious, stubbornly defiant defendants" have no constitutional right to be present at their trials. The court specifically held that such defendants may be bound and gagged, cited for contempt or removed from the courtroom until they promise to conduct themselves "properly."

Although the court was handing down an opinion on a 14-year-old criminal case, it is clear that its ruling will have a crucial effect on the appeal of the trial of the "Chicago Seven," on the proceedings to be resumed Tuesday against 13 Black Panthers in Manhattan and on similar cases which appear likely to become a feature of litigation in a decade of political confrontation.

The court held that the accused cannot "be permitted by his disruptive conduct indefinitely to avoid being tried." The justices took the view that "it would degrade our country and our judicial system to permit our courts to be bullied, insulted and humiliated, and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes." This strikes us as both sound law and good common sense.

And yet the right of a defendant to be present during his trial is too deeply enshrined in our constitution to permit rejoicing in its abridgement. It appears in the Sixth Amendment, which guarantees the accused the right "to be confronted with the witnesses against him." It is reinforced in the Fourteenth Amendment, which guarantees "due process" and "equal protection" of the law.

The challenge and the dilemma faced by our courts, then, is this: Not only to hand down justice, but to appear to do so—not only to a majority more concerned with order than with freedom but to a minority convinced that justice is not to be had at the hands of institutions which are the creatures of a society they believe to be based on inequity and corruption.

The eight justices have given the lower courts the legal tools to enforce order at the bar of justice. But if the need for such tools is apparent, so, too, is the requirement that they be employed sparingly, intelligently and in moderation.

[From the Washington Evening Star, Apr. 1, 1970]

A MAJOR STEP TO ORDER IN COURTS

(By David Lawrence)

The Supreme Court has taken a major step to obtain "order in the courtroom" throughout America. No defendant hereafter can disrupt a trial without running the risk of being bound and gagged or even put out of the room altogether while the court hears testimony and decides his case.

This may appear to be an extreme punishment, but the high court says a defendant will not lose his right to a fair trial—he will merely be absent until he behaves himself.

The court was virtually unanimous in its opinion. While the case under consideration was not a recent one, the ruling does have a bearing on those spectacular episodes in Chicago and New York within the last few months where radicals have attempted to upset court procedures and may have been advised that they had a right to do so.

The Supreme Court says there are "at least three constitutionally permissible ways for a trial judge to handle an obstreperous defendant"—to bind and gag him, to cite him for contempt, or to take him out of the courtroom until he promises to conduct himself properly.

The theory behind the Supreme Court's decision is that a defendant has every right to be present at his trial and "to be "confronted with the witnesses against him," but no right to insult the judge or the jurors and otherwise disrupt the proceedings of the court.

Many citizens have for months felt the same way and wondered how long it would be before there would be a high court decision explicitly forbidding such forms of disorder. Now that it has come, unquestionably some of the defendants in pending cases will be dealt with sternly and will have to behave if they want to be present in court while arguments in their behalf are presented by their attorneys.

There have heretofore been doubts whether the Constitution permitted the barring of a defendant from the courtroom, and no such limitations as have just been imposed were ever put into effect and sustained by the Supreme Court. But Justice Black, who wrote the opinion, said:

"Although mindful that courts must indulge every reasonable presumption against the loss of constitutional rights, we explicitly hold today that a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom.

"Once lost, the right to be present can, of course, be reclaimed as soon as the defendant is willing to conduct himself consistently with the decorum and respect inherent in the concept of courts and judicial proceedings."

There have been disturbances in the courtroom before, but few defendants have gone as far as those "demonstrators" who in recent months have treated the judge on the bench with the same discourtesy as other public officials.

The question may well be asked whether individuals have the right to enter into any offices where public business is being conducted, and interrupt proceedings. Again and again, there have been threats made to halt the operations of government departments, though most of the "demonstrators" have stopped at the doors of the buildings. Occasionally they have entered, but have not gone to the extremes of seriously upsetting governmental processes. The new decision of the Supreme Court, however, indicates the possibility that interference with the day-by-day activities of the government of the United States in its various offices can hereafter be designated by law as a crime, with severe penalties.

The radicals who are behind the "demonstrations" and the disturbances in the courts and elsewhere have felt that their causes are advanced by the amount of violence they exhibit. The fact is that the people of America have become fed up with the extremists. They are anxious that police power be promptly used and judicial processes sternly applied, so that punishment will be meted out to those who damage private or public property and interfere with the exercise of the normal pursuits of American life today.

LAW AND ORDER ON THE CAMPUS

Mr. MURPHY. Mr. President, former San Francisco Chief of Police Thomas J. Cahill in the March 1970, issue of the FBI Law Enforcement Bulletin, authored a timely article entitled "Law and Order on the Campus."

All of us have endured the well-publicized revolutionary rhetoric of campus troublemakers. These radical elements on our campuses in no way represent the vast majority of our college students. They would like us to believe they do, and as a result of the obsession of the media over them, many citizens of the country receive the impression that they do represent the youth of the country.

Society has problems, but as many students of history know, the Nation has been able to correct problems in the past and I am confident that we will do so in the future. In remedying the ills of our society, we want no part of the radical's solutions which would destroy our institutions, our way of living, so that can usher in their better way. This is nonsense and we have put up with it all too long.

Mr. President, law enforcement officers are not perfect. They are human beings and they make mistakes. But for the most part the abuse of law enforcement officers is insignificant and provoked by a handful of revolutionaries loose on some of our campuses. Former Chief Cahill said what I have said many times:

> The college campus is not sacrosanct; the laws of the State of California must be enforced in the same manner on or off the campus.

In his concluding paragraph, he says:

> We must work together to help solve the social problems facing our affluent society, the problems that are reflected on the campus. Let us expose the militant or revolutionary for what he is—a criminal—not a

martyr. I know that we can, in a lawful and professional manner, preclude this threat from growing by the impartial and lawful enforcement of existing laws. I honestly feel that we will prevail.

Mr. President, I ask unanimous consent that this outstanding address which places the issue of campus violence in perspective and fills in the half of the picture we do not often see, be printed in the RECORD.

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

LAW AND ORDER ON THE CAMPUS

(By Thomas J. Cahill, former Chief of Police, San Francisco, Calif.)

The theme of your conference, "Revolution and Response," is quite appropriate and timely today. In the April 1969, issue of the FBI Law Enforcement Bulletin, J. Edgar Hoover stated:

"The Nation is experiencing daily the progressive revolutionary steps of anarchy—coercion, intimidation, violence, and unlawful takeover—defiance of authority is becoming the norm. We must establish a united resistance against the criminal forces destroying the structure of our society, or we face chaos."

During the past year, we have seen almost every major college campus in the United States faced with some type of student revolt. We have seen the armed takeover of a college building, and we have seen a whole college occupied by militants desiring a confrontation with the establishment represented by the police. We have seen a wave of terror on our college campuses—a wave punctuated by bombs and beatings. We have seen teachers and students vilifying and fighting the police who were called to the campus by the administration in an attempt to keep the college open. We have seen campus turmoil used for political purposes. We have even seen alleged community leaders using this turmoil to their own benefit, and we have seen students attempting to gain an education, deprived of that education by small groups of militants and revolutionaries.

You will recall that during the 5-month period from November 1968, through March 1969, the officers of my department spent many days on the campus of San Francisco State College; these were not idyllic days of normal educational atcivity on a college campus, but at times were days of violent confrontation—confrontation not of our choosing.

In 1967, I was asked by the Assembly Committee on High Education why I did not order my men onto the campus of San Francisco State College during a talkeover of the administration building.

In 1968, I was castigated by members of the Legislature, alleged community leaders, and certain members of the news media for sending my police onto the campus.

Just what is the role of law enforcement and what is our involvement on the college campus today?

Why has the seat of intellect and learning become the place of violent confrontation?

Why is it sometimes necessary for hundreds of police officers to be on a college campus so students can go to school?

These questions are not easily answered, but I feel that when an organization such as yours devotes your conference to these most pressing problems, then the solutions will be shortly forthcoming.

Law enforcement's involvement on the campus is quite simple. It is our sworn duty to enforce the law; it is the role of the police to ensure that everyone can exercise his guaranteed constitutional rights. Violations of the law and violations of rights cannot be tolerated. Proper police action must be taken immediately if violations occur. Intimidation of teachers and of students who wish to continue their educations cannot be condoned.

NOT SACROSANCT

If any law is violated on the college campus, it must be investigated as would any other crime. The college campus is not sacrosanct; the laws of the State of California must be enforced in the same manner on or off the campus.

You can certainly appreciate the fact that if an assault occurs on a college campus, its location does not alter the fact that it is a violation of the law. And, ladies and gentlemen, let me assure you, if there is a violation of the law, there will be an arrest whenever possible.

The role of law enforcement is no different on the campus from what it would be in any other part of the community. We have a responsibility to all of the community, and today we must of necessity be apprised of the conditions on the campus that might lead to more confrontations. Police must be sensitive to campus conditions and the feelings of the whole academic community. We must be in constant liaison with the administration, faculty, and students; we must develop intelligence on what the militants and revolutionaries are planning for the campus. This must be done without usurping the autonomy of the campuses. We do not intend to interfere with the academic processes.

I feel that we have done this well at San Francisco State College. A chronological resume of incidents at the campus might be edifying to you.

On November 6, 1967, members of the Black Students Union broke into the offices of the student newspaper and assaulted members of the staff. Fortunately, a young reporter had the presence of mind to take photos of the males, and we were able to make nine felony arrests.

On December 6, 1967, four hundred to five hundred persons, some students and some nonstudents, broke into the administration building and occupied it for almost 2 hours. The mob was led by a teacher who was subsequently fired. Entry into the administration building was gained by smashing the glass in the locked front door.

While this activity was occurring in the administration building, another move on the campus attacked newspaper and television photographers who were attempting to photograph the looting of the campus bookstore. This incident resulted in 12 arrests.

On May 21, 1968, a sit-in was staged in the administration building which resulted in 21 arrests.

And on May 24, 1968, another sit-in was staged in the administration building which resulted in another 33 arrests.

In early November 1968, an English instructor at San Francisco State College, who was also the Minister of Education of the Black Panther Party, addressed an assemblage at the school. He urged students to bring guns onto the campus. The turmoil that ensued lasted 5 months, and resulted in 681 arrests, running the gamut from refusing to disperse and blocking the sidewalk to assault with a deadly weapon and possession of a bomb.

The total number of persons involved in these arrests was 613, only 320 of whom were actually students of San Francisco State College. This means that 48 percent of those persons arrested had no business on the campus—unless confrontation has become a business. Out of the 613 arrested, 190 had some prior criminal record.

The recapitulation of the arrests by race, sex, and age is as follows:

Caucasian	496
Negro	83
Oriental	34

Percent:	Male	Female
81.5	321	175
13.5	72	11
5.0	26	8

The ages of those arrested run from 14 to 48 with approximately 70 percent of the total in the 18 to 24 age group.

But the statistic that is most frightening is the fact that we had a total of 10 bombing incidents during the 5 months of turmoil. We were fortunate enough to find four of these devices before they exploded, but, unfortunately, six of these were detonated before they could be found. Miraculously there was no loss of life, but one of the perpetrators was maimed when the bomb exploded as he was placing it in a hallway filled with lockers. The bomb was set to explode at 8 a.m. which is the busiest time of the school day in that particular area. There is no doubt that if the bomb had not exploded prematurely, many students would have been seriously injured if not killed.

I am sure that everyone here is quite familiar with the militant and revolutionary organizations that are the catalytic agents in some of our campus unrest—organizations such as the Students for a Democratic Society, the Black Students Union, the Black Panther Party, the Progressive Labor Party, the Third World Liberation Front, the Radical Students Union, ad infinitum.

But, who and what is a militant?

He is a sometimes self-described revolutionary or possibly a socially conscious individual working for a better society. But in actuality, what is this militant—the militant who is a firebomb thrower, the militant who plants a bomb in the administration building or the school cafeteria, or who sends a bomb through the mail to a college president which, when opened, maims a young secretary for life.

Should this person be dignified by calling him a militant? I don't think so. I personally feel that he should be identified for what he really is, *a criminal*. He is a criminal because his acts are criminal acts. Invariably, when he is caught committing these acts, he is disclaimed by the militant group he represents as an "agent provocateur," or as a victim of the racist, oppressive society that is perpetuated at the college by the school president or the Governor of the State.

But the fact remains that the individual was caught committing a criminal act and must answer for his actions in a criminal court as would any other criminal.

I do not mean to imply that the freshman student who is arrested for sitting-in at the administration building is truly a criminal. He may be violating the law, but I believe that many of the young people arrested honestly feel that they are helping to bring about change by their actions. I feel that each of these individuals should be judged accordingly; and if this act is a first offense, I would be inclined to recommend leniency. I do not want to give a false impression that I think that any of the persons who are perpetrators of violence should be given any consideration, but rather I would be inclined to deal with these persons in the strictest manner possible under the law.

The literature of the militant and the underground newspapers abound in articles calling for revolution and the violent overthrow of the government; they expound on guerrilla warfare and how to make bombs. This literature, if you can call it that, attacks obscenely every facet of American life. Yet, the courts have ruled that this is freedom of speech and of the press.

Pamphlets are distributed on campuses telling in minute detail how to injure and maim police officers. The home addresses of police officers are published in an attempt to intimidate them and subject their families to harassment. The militants have launched a semantic attack against the police by call-

ing them animal names and obscene hyphenated terms.

But in spite of all of these attacks on law enforcement, your police officers are dealing with the problems in a lawful and professional manner. We have approached the problem as we would any other police problem. The rights of the militant are not violated under any circumstances; if a demonstration or rally is held in a lawful and peaceful manner, then there is no necessity for any police action. If there is a violation of the law, then the police must take action and make arrests.

No police department in the United States has a better record than the San Francisco Police Department for the handling of demonstrations or campus disorders. Our approach to all of these problems is fair and patient. But if the law is violated by one person or 500 persons, we will make arrests in a lawful and professional manner with an eye toward court prosecution. We do not intend to make an arrest that will be dismissed for lack of evidence at a later date. At the present time, we are nearing the end of all the trials that arose out of the turmoil and disorder at San Francisco State College, and I am proud to state that our conviction rate is approximately 80 percent.

I think that we must admit that militancy and revolution on the campuses are a very real threat to the academic processes. I personally feel that student unrest will be with us for a long time to come, but I am not pessimistic. I believe that we in professional police service and you in the academic profession working together can help restore to the campus an environment of intellect, learning, and good will.

We must work together to help solve the social problems facing our affluent society, the problems that are reflected on the campus. Let us expose the militant or revolutionary for what he is—a criminal—not a martyr. I know that we can, in a lawful and professional manner, preclude this threat from growing by the impartial and lawful enforcement of existing laws. I honestly feel that we will prevail.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

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

VENDOR ROBBED INSIDE SHRINE

Two bandits robbed a man Monday afternoon as he was servicing vending machines inside the National Shrine of the Immaculate Conception, police said.

John A. Sica, of Hyattsville, told police two youths about 14, one displaying a dark object, approached him as he was emptying the machines in the Shrine, 4th Street and Michigan Avenue NE, about 3:20 p.m.

"Give me all the money" demanded the armed youth, according to the report. Sica said he handed the pair a bag containing approximately $100 in quarters, and the youths fled east on Michigan Avenue.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

Hot Shoppe, restaurant, on Georgia Avenue NW, was held up about 10:15 p.m. Monday by two men who passed the clerk a note saying, "This is a holdup. Give me all the money or I'll shoot." The clerk gave the pair a handful of bills, which they grabbed as they fled from the restaurant to their car.

Eulogio Morocho, of Washington, was robbed and beaten about 11:45 p.m. Monday by four men who attacked him at 19th and N Streets NW. One of them struck him over the head with an unidentified object, knocked him to the ground, and beat him in the head and body. Following the assault, the men took the bills from his pocket and headed east in the 1800 block of N Street.

George A. Skiados, of Washington, was held up at 12:20 a.m. yesterday near his home in the 2500 block of L Street NW, by two men, one brandishing a revolver. While the gunman held Skiados at bay, the other man removed the cash from his pockets. The pair fled into the 2500 block of Pennsylvania Avenue.

Elvan Irene Manning, of 3510 Brothers Pl. SE, was held up about 4:50 p.m. Monday at the rear of her home by two youths. Pointing a small gun at her, one of them demanded, "Give me your purse," and the pair escaped with the bag containing money and personal papers.

Nathaniel Williams, of Washington, was held up about 2:20 a.m. Saturday in the parking lot at 1357 Savannah St., SE, by a man who said, "Hold it." A second man approached, displaying a sawed-off shotgun, and ordered, "Give me what you got and keep your hands up." Searching Williams, the pair removed his wallet and keys, then fled from the scene.

J. T. Valentine, of Washington, an employee of the Federal Aviation Administration, was held up about 6:40 p.m. Monday near his home in the 3600 block of Carpenter Street SE. Three young men approached him from behind and one of them wielding a handgun, said, "This is a stickup." The gunman reached into Valentine's pocket and removed his wallet containing a large amount of money, credit and identification cards.

Michigan Park Cleaners, 1911 Michigan Ave. NE, was held up by two young men who entered the shop about 3:40 p.m. Monday and asked the manager if they could get two items cleaned in an hour. The manager replied, "No, it will take longer than that," and the pair left. In about five minutes, they re-entered the shop and one of them pointed a gun at the manager demanding, "Give me the money, all of it." After obtaining the cash, the pair fled on foot.

Haywood Arthur Jones, of Washington, was held up while he was delivering his papers at 11th and Savannah Streets SE by three 15-year-olds. One of them held a knife on Jones while the others took about $4.50 in change from him, then ran down the street.

Curtis Matthews, of Washington was held up about 1:30 p.m. Monday while he was making a delivery in the 2700 block of Sherman Avenue NW, by a youth displaying a gun who forced him to turn over his money, then fled on foot.

Clifton Bush, of Washington, was held up about 6:45 p.m. Monday by two youths who followed him as he returned from a store in the rear of the 400 block of P Street NW. One of them drew a handgun and forced Bush into an alley in the 1600 block of 7th Street where the youths demanded his money.

Brian J. McKierwan, of Alexandria, was held up at about 2 a.m. yesterday by a man who approached him in the parking lot at 1404 I St. NW. The man told McKierwan he wanted to get his car out of the lot but, since the lot had closed, he asked McKierwan to accompany him down the street to pick up his car keys. In the 1100 block of K Street, the man pulled out a knife and warned, "You do one thing and I'll cut your throat, buddy." Taking McKierwan's wallet containing his money, Pentagon pass, credit cards and also his watch, the armed man fled on foot.

Miles Long sandwich shop, 3010 Georgia Ave. NW, was held up about 12:05 a.m. yesterday by a youth who tossed a paper bag on the counter and ordered the clerk to "fill it up." She placed the money from the cash register into the sack which the youth grabbed.

Denise M. Couturier, of Washington, a student at Marquette University, was held up about 9:30 p.m. Monday while she was walking north in the 5600 block of Chevy Chase Parkway NW. by two young men. One of them pointed a knife at her and threatened, "Hold on now. Hand over your purse. If you scream, I will kill you." Taking her pocketbook containing her money, school identification and papers, the pair escaped.

Howard Johnson, of Washington, was held up by a man armed with a revolver who approached him while he was delivering juice in the 200 block of 5th Street NW. After asking for some juice, the gunman said, "This is a holdup. Give me all your money." Taking the bills and change from Johnson's pocket, the man ran east in the 300 block of U Street.

James Brisbine, of Takoma Park, a driver for the Good Humor Corp, was held up by two youths who approached him while he was vending at the rear of the 1200 block of G Street SE. One of t..em drew a pistol from his pocket, forced Brisbine to hand over the cash and ordered him to "drive off and not look back."

Hoazmani F. Palomino, of Washington, was robbed and beaten about 3:30 a.m. Monday by four men who attacked him in the 1600 block of Columbia Road NW., beat him in the face and took the bills from his sock.

Benjamin Carson, of Washington, a mail clerk at the Department of Agriculture, was held up about 3:10 p.m., Monday at 12th and C Streets SW. by two young men. One of them displayed a handgun and said, "Give me your wallet," then the pair fled with the money, running south on 12th Street.

John Lee Harper, of 526 59th St. N.E., and Ross Lewis Tyler, of Washington, were bound and robbed at Harper's apartment about 6:45 p.m. Monday. Harper answered a knock on his door and four youths forced their way inside. Holding a sawed-off shotgun on Harper, one youth ordered him to lie on the floor and empty his pockets. The four then tied up Harper and Tyler and ransacked the entire apartment. From Harper, the youths took a wallet, tape recorder, records and a blue car. Tyler was robbed of his money and car keys.

Mary L. Callaway, of 935 9th St. NE, was held up about 1:30 p.m. Monday at the rear of her home by three youths and a teen-aged girl. One of them pointed a pistol at Callaway and said, "Give us the purse." Taking the bag containing money and papers, the teen-agers fled on foot.

Dennis D. Hasting, of Washington, a student at Congress Heights Elementary School, was robbed about 1:20 p.m. Monday by a man who threatened. "I am going to beat you up if you don't give me the bag." Forcing the boy to give him the groceries, the man fled into the alley at the rear of the 500 block of Melton Street SE.

Rufus Cartledge, of Washington, a driver for the Palm Grove Cab Co., was held up by a passenger who hailed his taxi at New York Avenue and 12th Street NW and asked the driver to take him to 50th and Grant Streets NE. As the cab headed east in the 4600 block of Deane Avenue NE, the passenger said, "This is a stickup, I have a gun," and forced Cartledge to give him his money. The man

then jumped from the cab and fled south on 50th Street.

Ray's Jewelry store, 815 King St., Alexandria, was held up about 4:45 p.m. Monday by a man wielding a revolver who forced the proprietor into a rear room and escaped with a tray of diamond rings and some cash.

Weber's Market, 1235 W St. NW, was held up about 2:25 p.m. Monday by two youths armed with revolvers who told the owner to hand over the money while a third youth remained at the door as a lookout. Taking the money from the cash register, the trio ran from the store, heading north in the 2200 block of 13th Street NW.

Jack M. Cooper, of 2853 Ontario Rd. NW, was beaten and robbed by two men who attacked him after he parked his car behind his apartment building about 6:50 p.m. Friday. The men beat him in the face and body and escaped with a paper bag containing a large amount of money.

Rebecca E. Sawyer, 67, of Silver Spring, was robbed about 1:30 p.m. Monday while she was waiting for a bus in the 1600 block of Military Road NW. A man approached her and asked if she was waiting for the bus. When she replied yes, he asked how long the bus would be. She then turned and started to walk away, but the man struck her arm, forcing her to drop her pocketbook. "I want your purse," the man told her, then retrieved the bag and escaped in a car driven by another man.

Edward L. Kimes, of Arlington, was held up as he was getting out of his car at 18th Street and Jefferson Place NW about 1:50 p.m. yesterday. A man approached him, placed a hard object in his back and warned, "Don't turn around." The man took a watch and money, then fled into a nearby alley.

John P. Wholihan, of Arlington, an employee of Davis Memorial Goodwill, Inc., was robbed about 11:40 a.m. yesterday in the 1200 block of N Street NW. A young man approached Wholihan and warned, "I have a gun on you." He then asked how many envelopes he had. "Four" replied Wholihan and the man threatened, "If you turn around I'll kill you." He then took four white envelopes containing $464.83 in cash and $383.89 in checks.

Wonder Bread thrift store, 5119 Addison Rd., Beaver Heights, was robbed at 3:10 p.m. by two young men, one of whom was armed.

ASSAULTED

Barbara Mackall, of 4514 14th St. NW, was treated at Washington Hospital Center for injuries she suffered when she was beaten over the head with a lamp during a fight about 7:40 p.m. Monday with a man in her apartment.

Hazzie C. Singleton, a blind Washington resident, was treated at Washington Hospital Center for injuries he suffered when two persons attacked him. They yoked him from the rear about 9:15 a.m. Saturday as he was walking in the unit block of T Street NW and struggled with him briefly.

Felton E. Davis, of Washington was treated at Freedmen's Hospital for a gunshot wound in the leg he suffered when someone fired a shot at him while he was walking near his home in the unit block of V Street NE.

STOLEN

Two movie projectors and two typewriters were stolen between 5 p.m. Monday and 8 a.m. yesterday from Gonzaga High School, 19 I St. NW.

A television set, a $1,110 ring, a charm bracelet, a coin bracelet, two leather boxes, assorted charms, a set of cufflinks, and $12 in 50 cent pieces, with a total value of $2,084, were stolen from the apartment of P. S. Berla, 920 North Carolina Ave. SE, sometime between 11 a.m. Sunday and noon Monday.

A mink and lamb jacket, two dresses, a diamond ring, a ruby and diamond ring, a pair of shoes, a purse, a make-up case, a pair of gold earrings, a set of pearl earrings and miscellaneous women's clothing, with a total value of $1,885, were stolen from Anna Christ, of Johnstown, Pa., sometime between noon and 12:30 p.m. Friday when her car was broken into.

A typewriter was stolen sometime after 9:30 p.m. Monday from a room at Woodson Junior High School, 4101 Minnesota Ave. NE.

A 45-year-old clerk was raped, robbed, and beaten by a man who awakened her in her Northeast Washington apartment Monday night. The intruder entered the first-floor room through a window, beat the woman and then raped her. He took money from her pocketbook and fled. She was treated at D.C. General Hospital.

ARRESTED

John Robert Johnson, 28, of 1112 South Carolina Ave. SE, was arrested Monday at a pool hall in the 600 block of T Street NW and charged with violating the Uniform Narcotics Act and concealing a dangerous weapon, a gun. Police said they saw Johnson drop an object as they entered the pool hall. Retrieving the object, police identified it as a cigarette package containing an envelope full of a white powder, suspected narcotics. As Johnson scuffled with the arresting officer, a gun fell from his clothing, police said.

Jacob Louis Kramer, 61, of 1313 13th St. NW, was arrested yesterday morning on a charge of indecent publications.

STABBED

Joseph Earl Risper, of 127 E St. NW, was admitted to Rogers Memorial Hospital in serious condition with a stab wound in the chest. Risper was injured during a fight with a woman brandishing a knife in his apartment about 5:30 a.m. Saturday.

FIRE

A fire was started about 1:55 a.m. yesterday when gasoline was thrown on the pool tables at the pool and billiard hall, 15th and East Capitol Streets NE.

LEAGUE OF WOMEN VOTERS TO AID VOTELESS DISTRICT OF COLUMBIA RESIDENTS

Mr. NELSON. Mr. President, a 1966 series of articles in the New Republic magazine, began as follows:

> The District of Columbia is a lost colony, still surviving—barely—on the American continent. Its subjects (they are hardly citizens) can vote for none of their local leaders.

The above information is still sadly true in 1970, with the exception that District residents are now permitted to elect their local School Board. Citizens in Washington may vote for President and Vice President of the United States as well—for the first time in 1964, when 90 percent of the registered voters participated in the election.

The Mayor and City Council of Washington, D.C., are appointed by the President of the United States. The City Council now has five Republican, one independent, and three Democratic members, reflecting the appointments of a Republican President. Yet 81.8 percent of the District voters in the 1968 presidential election voted for the Democratic candidate.

Ultimately, Congress must approve all statutes and expenditures of funds for the District. In their book, "O Say Can You See," Leni and Philip Stern point out that Members of Congress "regularly set aside their deliberations on such matters—as questions of defense, foreign aid, and so forth—to decide for Washingtonians such questions as the size of rockfish that may be sold in the District of Columbia; whether Washingtonians should be required to leash their dogs in warm weather; whether kites may be flown or Good Humor ice cream sold in Washington."

These local measures must go through the long legislative route of the U.S. Congress, through the committees and onto the floors of both Houses, fitting into the calendar with major bills to appropriate funds for the Department of Defense and proposals to combat pollution.

The same local measures are then voted upon by 435 Congressmen and 100 Senators who are elected by, and responsible at election time to, people who live very far away. For the District of Columbia has also been denied voting representation in the Congress, and even a proposal for a nonvoting Delegate in the House is still under review. Eleven States with a total of 22 Senators and 18 Congressmen have smaller populations than the District of Columbia: Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming.

An article published recently in the Evening Star on the District of Columbia crime bill began as follows:

> Although its residents rarely boast about it, Washington has the largest and most powerful city council in the world, the 535 members of Congress. But it is a rare session when as many as 25 members of the House show up to conduct the District's business. Thursday was different. More than 50 members were sitting on the floor when the House session opened, waiting to take up the District's 439 page Omnibus Crime Bill.

The Sunday, March 22, article ends:

> The House voted 101 to 47 to sever Lorton from the District. Suddenly the aisles filled with representatives as the entire bill came up for a final vote. As if by magic, 294 members materialized to support the bill. Forty-seven voted against it. . . . The long session of the real city council of the District had ended.

Critical legislation concerning the District has passed both Houses of Congress with few Members on the floor and little or no debate. Members of Congress are concerned primarily with the interests of their constituents, with key legislative issues in which they have some expertise, with their committee assignments and with vital national legislation.

So, who represents the District of Columbia? Technically the 535 Members of Congress. In reality, a small handful of concerned Representatives and Senators who must painfully fit the concerns of the District into their already overburdened calendars.

Many of these men try to truly represent the views of the majority of the residents of the District. Yet, some who are most influential on some of the key committees dealing with Washington, D.C., take positions in direct conflict with the views of the residents of this city.

None of them can really be said to represent the citizens of the District because they are not elected by the residents and cannot be turned out of office

if they do not reflect local views. The majority of the Members of Congress simply have not the time to become well versed on the problems and needs of a city of 808,000 and are unable to responsibly legislate for the District.

As the Sterns point out in "O Say Can You See":

> Children's Hospital is one of the finest in the country. It might not be open the next time you visit Washington. Because it treats all charity patients who come before it for help, it has been on the brink of financial collapse.
>
> Congress was asked to come to the rescue with $110,000. Congress said no. On the other hand, (to give Congress its due), it did vote $10 *million* to give Washington . . . an aquarium.
>
> So the next time you visit Washington, its children may not have a hospital, but its fish will have a home.

"O Say Can You See" documents other evidences of the lack or responsiveness to the needs of this city. Published in 1968, the book states that Headstart funds had been provided for just 1,200 of the 30,000 children in the District of Columbia who are eligible. Only $1 per child for elementary school library books was appropriated; the national median is $3 per child. In 1964, the Ludlow School had only one washbasin for 260 children. In 1968, there were four washbasins.

These facts should deeply concern American citizens. More than 800,000 fellow Americans live on the only territory of the United States which is not permitted to elect local officials—as are citizens of the territories of Guam, Puerto Rico, and the Virgin Islands. The District has taxation without representation—in fiscal 1969, revenues raised by local taxes totalled $317.7 million. The Capital City of the center of democracy is denied the democratic process.

The last five Presidents of the United States have supported home rule for the District of Columbia. Ninety-five percent of the District's voting citizens supported self-government in a referendum. The Senate has passed home rule bills six times. But the District is still "a lost colony."

The fact is that citizens of the District will secure the rights of other Americans only when other Americans become active in support of measures to correct this injustice. They will remain second-class citizens until first-class citizens demand of their Congressmen and Senators that this travesty be righted.

Recognizing this, the National League of Women Voters has determined to bring this situation to the attention of the American public through a petition drive to begin on April 15 throughout the Nation. They will ask citizens in other States to petition the Congress to provide voting representation in Congress for residents of the District of Columbia.

I fully support this effort and commend the league for taking on this important task. The league was instrumental in securing for District residents the right to vote for President and Vice President of the United States. I hope that this current effort elicits the support of all Americans and has a similar success.

The District has a population larger than that of 11 States and is entitled to voting representation in both Houses of Congress, based on the population formula used in determining fair representation for other citizens in other areas of the country.

It is also imperative that we move forward to correct the wrong inflicted upon District of Columbia residents by denying them the right to elect their local government. Self-government has always been the major concern of District residents and I hope that national attention will be given by the league to the current efforts in Congress to provide the District of Columbia with home rule or steps leading to home rule.

In other areas of the country, citizens may vote for local, State and national officials based on simple requirements of age and residency. Residents of the District of Columbia, meeting these constitutional requirements, should be entitled to vote for their local government.

Home rule is not new to the District of Columbia. After the city was granted a charter in 1802, Washington's citizens practiced local self-government for three quarters of a century. In 1871, Congress abolished the three separate jurisdictions within the District—the city of Washington, the city of Georgetown, and the county of Washington. The new government, consisting of an appointed Governor and a legislative assembly composed of one appointed and one elected body was charged with providing the city with much needed improvements in sanitation and public works projects.

During this time following the Civil War, Washington was in the midst of the havoc caused by the war and an influx of citizens to the city and in the middle of its development into a major metropolis. The new government, with poor fiscal guidance and haste to deal with the needs of the city, brought about near bankruptcy.

In 1874, Congress withdrew the local franchise and established, as a temporary measure, a commission form of government. Essentially that same form of government existed in the District until President Johnson, through an Executive order, replaced the Commissioners with an appointed Mayor and City Council.

I hope that the League's drive will cause Congress to think again about this injustice, which we ignore daily. It is time that we corrected this situation and it is time that American citizens across the Nation asked us to do this.

1970 HOUSING AND URBAN DEVELOPMENT ACT

Mr. TOWER. Mr. President, today I join in support of the administration's 1970 Housing and Urban Development Act.

This measure is significant in many respects, but of major importance is its aim to consolidate and streamline the many programs now administered by HUD.

President Nixon very early recognized the strong need for a comprehensive reevaluation of the Nation's housing programs.[1] He urged the reorientation of those programs burdened with their shortcomings, and the elimination of duplication. This bill will provide a sharp and long-needed focus on this subject, and hopefully it will enable us to bring the diverse subject scope of HUD into more manageable proportions than in the past.

Many other important subjects are contained within the bill, some of which will undoubtedly require more study than others—both in committee and on the floor of the Senate. As the chairman of the committee, Senator SPARKMAN, has noted, there are some provisions which some of us on the committee will undoubtedly take exception to in their present form. There is much work ahead of us, but, of overall importance is that we direct prompt legislative attention to today's problem of adequately housing our people.

There exists currently an atmosphere of concern among those who must be looked to to build the housing we need and must have, a large part of which is caused by the innumerable delays and frustrations encountered in their attempts to convert legislative intent into progress and production. I hope that the final form of this legislation will make it more possible than ever before to expedite the implementation of our housing programs.

I look forward to again working closely with my good friend and colleague, the chairman of the Committee on Banking and Currency and its Subcommittee on Housing and Urban Affairs (Mr. SPARKMAN), on the subject of our mutual concern and interest. I would note that we are in the latter stages of reporting from committee an emergency mortgage credit bill urged by the administration, and we expect it to be ready soon. Some of the subjects in the mortgage credit bill are likewise covered in this measure, but it was deemed appropriate, as I have indicated, that we act with as much dispatch as possible to initiate some relief for the dire mortgage credit situation.

THE PILL

Mr. McGOVERN. Mr. President, there was no small measure of public vexation produced by Senator GAYLORD NELSON's recent investigation of whether users of oral contraceptives are being adequately warned of possible risks as well as benefits.

It is my view that we have been well served by the Wisconsin Senator's insistence that those who choose this method of contraception should be able to base their decision on "informed consent."

His hearings demonstrated that some two-thirds of the users of the pill were not advised of the known risks, even though medical witnesses were nearly unanimous in the view that the user should have such information as a matter of right.

When Senator NELSON announced the hearings last November he argued that

[1] President Nixon's response to National Association of Homebuilders' question published October 1968.

an information sheet on the pill should be included with each package, and he called for substantial additional research on oral contraceptives. Every witness testifying at the hearings agreed that the need for more research is crucial.

Where the question of warning is concerned, it is interesting to note that, on the last day of the hearings, Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, confirmed Senator NELSON's view on informed consent. He said:

I have come to the conclusion that the information being supplied to the patient in the case of the oral contraceptive is insufficient and that a re-evaluation of our present policies is in order. . . . The action we must take now, immediately in my opinion, is to help inform the 8½ million American women now taking oral contraceptives of the risks involved.

And Dr. Edwards then announced that an informational sheet would henceforth be included with each pill package.

The Washington Evening Star's distinguished medical writer, Judith Randal, recognized the importance of the issue involved in the pill hearings in a Washington Close-up column on March 13 entitled "Pill Raises Issue of Right To Know." It is significant that she saw a connection on this score between the pill and the pesticide DDT, particularly since it was also Senator NELSON who 5 years ago began introducing legislation to ban the use of the slow degrading pesticide because of its effects on the environment.

Mr. President, I ask unanimous consent that the column to which I have referred be printed in the RECORD.

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

"PILL" RAISES ISSUE OF RIGHT TO KNOW

(By Judith Randal)

Two weeks ago today, Sen. Gaylord Nelson, D-Wis., then conducting hearings on oral contraceptives, raised one of the most crucial issue confronting society in the 1970s.

By that time, Nelson had been charged with inciting the press to sensationalism, fostering scare headlines, and—by bringing to public attention what the scientific community already knew about possible risks from "the pill"—threatening efforts to contain the population explosion. But what no one else had said in so many words was that the real issue raised was the public's right to know.

Nelson saw the opportunity to bring this issue to the fore when Dr. Alan F. Guttmacher, president of Planned Parenthood-World Population, came to the witness table. After pointing out that other contraceptive measures, as well as pregnancy, also carry risks, Guttmacher indicated that the dangers of the pill would better have been aired behind closed doors.

"I have little faith in detailing the hazards of a drug . . . to a patient," he said, explaining that scientific data is too complicated for laymen to understand.

Nelson saw this as a "right-to-know" issue and decided to attack it head-on. Said he:

"We debated on the floor of the Senate at great length the anti-ballistic missile, which is an incredibly complicated mechanical device which probably nobody in the Congress could explain from a technical standpoint. Should that be discussed because it is complicated and the public really cannot understand it, or should it not?

". . . Do we have a right . . . to withhold knowledge developed by the Federal government itself through research and studies and conferences like (those held by) the National Institutes of Health, or should these matters be made a matter of public knowledge, counting, as it seems we always have to do, upon the ultimate good judgment of the public to come to a reasonable conclusion?"

Nelson, who is on record in favor of family planning and who is an advocate of zero population growth in this country and abroad, has touched a sensitive nerve. We are increasingly finding in our society that too little public advance consideration of possible results from scientific or technological progress may cause a dangerous, even catastrophic, overraction. The process goes about like this:

A scientific advance is made, and its manifest promise causes it to be oversold to the public. At the same time. research on what now seems a solved problem slows or grinds to a halt. The public adopts the new advance and uses it enthusiastically without really understanding its pluses and minuses.

In time, drawbacks begin to come to public attention. General revulsion sets in and, lacking possible benefits of continuing research, the public tunes out. At this point, the very real possibility exists that efforts to solve the problem will be abandoned for good.

What is even more serious, perhaps, is that changing attitudes in advanced countries like ours bring themselves to bear in other parts of the world that rely on us for technological inputs. The pill is one example, and DDT is another.

There is no question that DDT has been overused in the United States, where it is threatening the environment. Developed countries may well get along nicely without it, but if they decide to abandon it for more expensive forms of pest control, underdeveloped countries that cannot afford such options are likely to follow suit.

If this happens, countless deaths from malaria may occur in Southeast Asia and tropical Africa because of decisions made in the United States and Sweden.

This, of course, is written with 20–20 hindsight. Nevertheless, where both the pill and DDT are concerned, something very like what has happened could easily have been predicted—in the case of the pill because its hormonal components exert an influence on many body systems, in the case of DDT because its poisonous properties persist in the environment long after their initial purpose is served.

Which brings us back to the public's right to know. Had society at large been informed of the hazards of DDT that were known or suspected 10 years ago, perhaps laws regarding its use would be different from those on the books.

Similarly, if women had been told about the hazards in the pill of which the medical profession long has had inklings, two things might have happened. First, many women might have opted for other measures of birth control, which would have been further developed than they now are; and, second, research into safer and equally effective "pills" might have had top-priority attention, which to date it has not.

SENATOR MURPHY'S PROGRAMS USHERING IN "AN AGE OF ACCOUNTABILITY"

Mr. MURPHY. Mr. President, Monday's Washington Post contained an article entitled "An Age of Accountability Is Sought for U.S. Education."

I am pleased to be the author of a program, the dropout prevention program, which is helping to bring into education this "age of accountability."

The Nation is following with the greatest of interest the Texarkana project, under which private industry has subcontracted with the local school system to raise reading and math scores. The contract says they must perform in order to get paid. I have placed in the RECORD previously preliminary results which indicate the private contractor is performing.

Also, in connection with the Urban and Rural Education Act, which has been incorporated as a new part C to title I, the conference report on which the Senate is voting today, I have written requirements that will bring about "accountability." Those districts qualifying for the new part C program, which provides a 30 percent add-on to certain identified urban and rural school districts, will have to spell out specific objectives and will be held accountable for meeting those objectives.

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:

AN "AGE OF ACCOUNTABILITY" IS SOUGHT FOR U.S. EDUCATION

(By Eric Wentworth)

If the Nixon administration has its way, the 1970s will become the "Age of Accountability in American education.

It will be an era in which:

Private "learning companies" will be a stronger force in bringing about more effective schooling.

School systems all over the country will set new, more meaningful goals for students.

Schools will be rated on whether their students attain these goals—rather than just on the classrooms, equipment, textbooks and teachers they provide.

School programs will also be judged on relative cost-effectiveness.

A new professional, the "independent accomplishment auditor," will play a key role in these ratings.

Should all this come to pass, enthusiasts believe, U.S. Education Commissioner James E. Allen Jr.'s "right to read" goal will come within reach, disadvantaged youngsters will enjoy something closer to equal educational opportunities, and students generally will emerge from school better equipped for higher education, jobs and the business of living.

TABLES TURNED

Students have long been accountable, through tests and recitations, for what they have or haven't learned. The new approach turns the tables, and holds the schools and teachers accountable for the students' performance.

"We have, as a nation," President Nixon asserted in his March 3 message on education reform, "too long avoided thinking of the productivity of schools."

This new, businesslike approach has surfaced amid disenchantment among taxpayers, parents and students with the job that the public schools have been doing in ghetto and suburb alike.

"The people have a right," Allen said in a speech last week, "to be assured that the increasingly large investments in public education that will be called for will produce results. They can no longer be expected to be satisfied with definitions of school quality that focus primarily on such factors as per-pupil expenditures, pupil-teacher ratios and teacher salary levels."

The education community's reaction to

this new stress on accountability is predictably mixed.

"I've argued for this for a long time," says J. Lloyd Trump, associate secretary of the National Association of Secondary School Principals. "A lot of voices have been crying in the wilderness. Then, when something becomes political, it suddenly gets a lot of attention. I welcome it."

But Trump, among others, points out that teachers today must spend large amounts of time on nonteaching duties—clerical work and "baby-sitting." Called to account for how their students perform, they might feel all the more frustrated.

David Darland, associate executive secretary of the National Education Association's Commission on Teacher Education and Professional Standards, contends teachers have far too little say-so in school affairs. "It's a pure myth at the moment," he says, "to assume teachers can be accountable under current conditions."

Darland also fears that accountability will stress measurable skills such as reading at the expense of education's less tangible functions—helping youngsters find careers, teaching them how to "cope," and fostering creativity and enlightened relations with their fellow man.

"Hitler," he remarks, "was a good reader."

Leon Lessinger, prime mover in the accountability trend, concedes that the approach has limits. "But," he says, "the fact that many results of education are subjective and not subject to audit should not deter us from dealing precisely with those aspects of education that lend themselves to precise definition and assessment. Rather, it demands that we do make maximum use of these individual parts that tell us what the change in the whole has been."

Other promoters of the new trend believe students' behavior as well as their skills may prove measurable. Some, for example, see prospects for rating motivation.

In any event, Lessinger and others support Mr. Nixon's statement that with accountability, "Success should be measured not by some fixed national norm, but rather by the results achieved in relation to the actual situation of the particular school and the particular set of pupils."

SPECIFIC OBJECTIVES

As Lessinger sees it, school authorities, parents, other community members and the students themselves should have a voice in determining the goals to be set.

The Georgia State University professor, who served til January as associate U.S. education commissioner, favors specific, practical objectives rather than just scores on nationally-used tests.

He cites this example: "Given three days and the resources of the library, the student completing this program will be able to write a 300-to-500 word set of specifications for constructing a model airplane that another student could follow and build."

Lessinger developed the idea of "independent accomplishment auditors" during his U.S. Office of Education tenure, initially as a means of checking whether federal grants for bilingual education and dropout prevention programs were producing results.

Ten teams of auditors were trained by University of Utah educators in three-day regional conferences last year. Lessinger reports that 12 universities are eager to launch training programs.

As he conceives it, the independent auditor is a "third party" assessing school programs "without sentimental defensive, protectionist or financial influence."

The auditor discusses the school program's goals with those concerned, and agrees with them on the evidence for measuring success and the specific methods he will use to gather the evidence. He then sets about his work and, when the time comes, files a public report on what he has found.

Accountability has gained the most attention so far in the field of "performance contracts" whereby a private company signs up with a school system to run a learning program. The company guarantees the students will reach certain goals in a specified time period, and is paid fees scaled to how well they actually perform.

MOVE IN VIRGINIA

Just last week, Virginia officials disclosed their intent to hop aboard the "performance contracting" bandwagon if the State Board of Education approves. They hope to start several demonstration projects next fall to raise the reading and math skills of disadvantaged youngsters, particularly in schools that are desegregating.

Detroit has planned a performance-contracting program to improve reading and math for 3,700 ghetto youths in grades 9 through 12. Dallas has a proposal covering reading and math, vocational training and "achievement motivation." Both cities' programs are aimed at slashing school dropout rates.

Charles Blaschke, who formed a firm called Education Turnkey Systems, Inc., here last November, has worked on the Detroit and Dallas proposals as well as Virginia's preliminary planning. He reports plans are also in the works in other cities.

Under the "turnkey" approach Blaschke is promoting, successful programs run by private contractors would be taken over later by the school systems themselves. The contractor would still guarantee its program's effectiveness, if the school adopted specified managerial and teaching practices. The school, in turn, would also become accountable to its patrons for the program's continued success.

Blaschke, who studied uses of educational technology for the Defense Department in 1966–68, developed the only performance-contracting project to get underway so far—a dropout prevention effort in Texarkana, Ark.

He reports that the Texarkana students are scoring reading and math gains surpassing the guarantee of the contractor, Dorsett Educational Systems of Norman, Okla.

The San Diego School Board, meanwhile, approved this winter a $1.4-million contract with Educational Developmental Laboratories, a division of McGraw-Hill, which would guarantee to improve reading skills of an estimated 9,600 minority-group youngsters.

At least at the outset, the performance-contract bandwagon will have to depend on federal funds. But President Nixon's strong endorsement of accountability in his March 3 message left little doubt which way the Washington policy winds are blowing.

JOHN FRANK STEVENS: A TRULY GREAT AMERICAN

Mr. MONDALE. Mr. President, because of its strategic location near the headwaters of the Mississippi, Lake Superior, natural avenues to Canada, and the Mesabi Range, my great State of Minnesota was destined by nature to play a dramatic and important role in the development of the Pacific Northwest. Much of this was accomplished by the construction of the Great Northern Railway across the Rockies and Cascades to the Pacific, as well as the building of other railroads.

A key figure in the location and construction of the Great Northern Railway was John Frank Stevens, who, on December 11, 1889, in bitter cold weather, found Marias Pass in Montana on reconnaissance for the railroad.

Other significant and valuable services which Mr. Stevens rendered my State included the development of the transportation system for open mining of iron ore in the Mesabi Range. It was this experience that qualified him to accept leadership in the design of the Panama Canal and the launching of that vital project on the road to success. It was his designing and construction of this vital waterway that was largely responsible for his lasting fame.

Mr. Stevens' important part in the building of United States and Canadian railroads; his heading of a special mission for the rehabilitation of Russian, Siberian, and Manchurian railroads; his work on the Panama Canal, and other outstanding achievements probably make him the greatest construction engineer our country has ever produced.

In the fall of 1969, about 100 prominent men and women throughout the United States—National and State Government officials, Army and Navy officers, educators, historians, engineers, physicians, authors, and business executives—organized a national committee to sponsor the election in 1970 of John F. Stevens to the Hall of Fame for Great Americans at New York University.

In view of this worthy effort on the part of such distinguished Americans, the winter, 1969, issue of Minnesota History, published quarterly by the Minnesota Historical Society, features a timely and scholarly article entitled "John Frank Stevens—Great Northern Engineer" by Ralph W. and Muriel E. Hidy. The cover of this magazine reproduces a photograph of Mr. Stevens looking at a heroic statute of himself at Marias Pass as he was dressed when he found the pass more than 80 years ago. Standing beside Mr. Stevens is his grandson, John F. Stevens III, in the uniform of a military cadet.

As I believe this article by Dr. and Mrs. Hidy will be of great interest to many people throughout the country, particularly in those areas where Mr. Stevens lived, worked, and contributed so greatly, 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:

JOHN FRANK STEVENS: GREAT NORTHERN ENGINEER

(By Ralph W. Hidy and Muriel E. Hidy)

Eighty years ago—in December 1889—an event took place in northwestern Montana that was to be important not only for the explorer-engineer involved but also for the history of the Minnesota corporation for which he was working. John Frank Stevens, on engineering reconnaissance for the Great Northern Railway Company, established the feasibility of Marias Pass for a railroad. Though significant, this journey was only one of Stevens' many contributions to the development of the Great Northern.

At the time of Stevens' exploration, the company's directors were preparing to build an extension from the railroad's line in Montana to the Pacific Coast. The major antecedent corporation, the St. Paul, Minneapolis and Manitoba Railway Company, had first stressed the south-north nature of its business. By 1883, however, it had edged west to Devils Lake in Dakota Territory and four years later, after reaching Minot, had made the long leap to Great Falls, Montana. An affiliate, the Montana Central Railway Company, built from that point to Helena and

Butte, Montana. In 1890, when the Great Northern leased to St. Paul, Minneapolis and Manitoba, the system included over three thousand miles of track, about half of which were in Minnesota.[1]

James J. Hill, president of the Great Northern, indicated the importance of careful location of a route through northern Montana toward the coast by selecting Elbridge H. Beckler as chief engineer of the Pacific Extension in 1889. Educated in Maine, Beckler had gained experience on several railroads. After employment in Minnesota with Hill's St. Paul, Minneapolis and Manitoba, he had worked in the Rocky Mountains for both the Canadian Pacific and Northern Pacific railways. He was then appointed chief engineer of the Montana Central. To this responsibility was now added the larger task of directing a group of engineers who were to explore, run preliminary lines, and make detailed surveys. When the contractors started their labors, Beckler and his engineers had the job of classifying work for the subcontractors and checking on the results.[2]

Searching for a location through the Rockies that would best meet the needs of his employer, Beckler sent skilled engineers to examine several routes. Of the two possibilities given the most attention, the northern route—that later chosen and used—was the one to which Stevens was assigned. Following his study of the Kootenai country in 1889, Beckler sent engineer Charles Frederick Beals Haskell to travel east from Flathead Lake and directed John Frank Stevens to go from Fort Assiniboine, a military reservation not far from the present Havre, Montana, west toward the summit of the Rockies.[3]

When chosen for the important role in the Pacific Extension survey. Stevens was known to Beckler as an experienced engineer. Born in West Gardiner, Maine, on April 25, 1853, Stevens was to have a varied and brilliant career during his ninety years. His achievements, including those connected with American railroads, earned him the John Fritz Medal, established in 1902 by the American Society of Civil Engineers and awarded annually by the United Engineers Trustees, Inc. to members of the engineering profession for "notable scientific or industrial achievement." [4] Stevens made himself a civil engineer by diligent study and hard work. He attended public schools and completed his formal education at a state normal school in Farmington, Maine. While employed as ax wielder and rod-and-instrument man in surveys for the city of Minneapolis in 1874–75, Stevens began to study surveying and other aspects of the field.[5]

During the following fourteen years he gradually won a reputation in the West as a location and construction engineer for railroads. While locating and/or supervising construction of substantial portions of the Canadian Pacific Railway (1882–86) from Winnipeg west to Shuswap Lake in British Columbia, Stevens, usually serving as division engineer, became well acquainted with railroad building in mountainous territory. From 1887 to 1889, he acted as principal assistant engineer of the Duluth, South Shore and Atlantic Railway Company, now part of the Soo Line, and "located and had entire charge of that line" from Sault Ste. Marie to Duluth.[6] His brief stint as assistant engineer of Daniel Chase Corbin's relatively small Spokane Falls and Northern Railway Company during part of its construction in 1889 gave Stevens additional experience with railroading in the Pacific Northwest. It probably also brought him again to the attention of Beckler.

By early December, 1889, not long after Stevens started work in Montana, Beckler forwarded to Hill a terse but encouraging report from the young engineer. At Fort Assiniboine, Stevens had been provided with a buckboard, driver, horse, and supplies. The message from the Piegan post office at the Blackfoot Agency read: "Line from Assinniboine to this point will not exceed 15,000 c.y. [cubic yards] per mile: distance 130 miles: nothing steeper than 1% grade." [7] Later that month Stevens completed his examination to the summit of the Rockies and reported to Beckler in Helena. He had set out from the agency with a mule team, snowshoes and a reluctant Flathead Indian. First he left the animals behind and then settled the exhausted Indian by a fire. Stevens walked alone on the deep snow, searching. He made a reconnaissance through Marias Pass on December 11, 1889, going far enough to observe that the course of water was west. On the summit he tramped all night to survive the 40-degree-below temperature.[8]

Stevens, while not a modest man, was an accurate one; he claimed no more than he had reason to claim. Some writers point out that Indians and other white men had known Marias Pass. Stevens would not disagree. He was the first, however, to explore the pass as a location engineer, to judge its practicability for a railroad, and to make the findings public.[9]

Marias Pass was selected as the route for the Great Northern. The story of the building of the Pacific Extension is to be recounted elsewhere. After visiting the area himself in 1890, Beckler wrote Hill that he was satisfied with this elevation of only "5,214 ft. which is lower than any pass I have heard of in the range crossed by a Railroad." On the basis of Stevens' successful reconnaissance, the running of preliminary survey lines, and comparison of this route with the alternatives considered, Hill made the decision. Careful attention had been given to his requirement of a route that promised short mileage, low grades, and other characteristics which would facilitate economical railroad operation and thus attract bulky freight. In the first annual report to Great Northern stockholders in the summer of 1890, Hill announced that "An extremely favorable pass over the main range of the Rocky Mountains has been found for this line, permitting a maximum grade, on the eastern approach, of 52.8 feet per mile, no tunnel being necessary." [10]

After his work in the Rockies, Stevens was sent to Waterville, Washington, to take charge of surveys in that state east of the Cascades, In June, 1890, Beckler forwarded to Hill a copy of Stevens' well-expressed report on the area between Grand Coulee, Washington, and the Columbia River. As Beckler explained, he sent it "both to show the character of work and also *the man*. The work is in good hands & I know of no one more competent than Mr. Stevens." [11]

Stevens next devoted himself largely to an exploration of the Cascades. The dense forest and lack of trails made this mountain work onerous. Equipped with surveys, including those of engineers working from the Pacific Coast, Stevens tramped miles, examining passes that did not satisfy him. Finally, he followed a creek (later named Nason) that emptied into the south end of Lake Wenatchee but proved to come from the west. Noting its relationship with a low crest in the mountains, he felt certain that he had found a feasible rail route over the Cascades. He sent Haskell to make the survey. The latter carved "Stevens Pass" on a cedar tree in the heavy forest, and thus the engineer's name was to be perpetuated in the Cascades.[12]

While engineering surveys were being made in the West, construction had been started from the existing line at Pacific Junction, four miles west of Havre, the supply center for the Great Northern's construction to the Pacific. Rails extended to Kalispell, Montana, by the end of 1891 and to Spokane, Washington, by the next summer. With the exception of a small portion of the line east of Albeni Falls, Idaho, on the Pend Oreille River, all the track to Spokane was laid from the east.

To hasten construction, work was then started from the Pacific Coast up the west side of the Cascade. In late 1891 Shepard, Henry and Company of St. Paul, a combination of contracting firms that included Shepard, Siems and Company (responsible for the eastern end of the road), signed the contract to build the western part from near Everett, Washington, at the mouth of the Snohomish River. The line ran on the left bank to the Skykomish River and up its south fork to Stevens Pass.[13]

It was on this part of the work that Stevens attracted Hill's attention. He used his imaginative skills to locate at the summit of the Cascades a part of the switchback system that was to serve as a temporary means of crossing the mountains until a tunnel could be built. Stevens' report through Beckler of a plan for the west side, with one curve of 13 degrees, shocked Hill. He went west at once. Impressed with Stevens' solution as a temporary expedient, Hill even raised the engineer's salary. This, however, was not without Stevens' initiative; in July, 1890, he had asked for a raise from $200 per month to $300. Hill's action—taken at a time when, at least in the opinion of some junior engineers, the Great Northern's president did not respect their profession—was remarkable. Conflict had arisen over the division of authority between engineers and contractors, and several of Beckler's assistants had resigned.[14]

By early January, 1893, tracks were joined at Scenic, Washington, near the summit of the Cascades, and Stevens had proved he could work with contractors under the most difficult circumstances. Late in 1892 hard rains had washed out some lines and bridges. Then early and heavy snow in the mountains made progress difficult, and subcontractors faced multiple problems. Beckler assured Hill that Stevens was pressing the work around the clock. This was not uncommon in building the Pacific Extension, but using a total of sixty men on night-and-day shifts at both ends of a troublesome cut indicated the size of forces demanded by those in charge.[15]

When Beckler left the railway on the completion of the Pacific Extension in 1893, he asked Hill to retain some of the young engineers. Stevens was appointed to the regular staff of the Great Northern as assistant chief engineer. Beckler himself must have been gratified by his election as the first honorary member of the Montana Society of Civil Engineers for supervising the location and construction of 826 miles of railroad in so short a time over such a favorable route. Stevens, with headquarters in Spokane, now set about making some needed improvements in the new line.[16]

When economic conditions demanded, Hill retrenched on several occasions by cutting out positions. The year 1894, with the problems of developing traffic in a new territory and the depression of the mid-nineties, was a particularly bad one in the railroad's history. The job of assistant chief engineer was dropped and with it the current holder.[17]

Stevens' short absence, however, was followed by long years of employment with the Great Northern. He returned as chief engineer in 1895 and, except for an absence of some months in 1898–99, served the railroad until mid-1903, having the additional duties of general manager in his last year. This was more consecutive time than the vigorous, creative, and restless Stevens worked for any other company in his long and productive career.[18]

The period of Stevens' service to the Great Northern was an opportune one for a forceful, often aggressive man. The depression was showing signs of lifting by 1895, and under Hill's leadership a strong board of

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directors was willing to support ambitious plans for expansion and improvement of the line.

There were few men above the rank of department heads on the railway's roster in those years. Until 1896 the able, legal-minded William P. Clough was the only vice-president. Then a succession of traffic men held the post of second vice-president. In 1899 a third vice-presidency was added, and J. J.'s eldest son, James N. Hill, was appointed. Three years later he became the ranking vice-president.[19]

The significance of the chief engineer's position is emphasized by the small number of officers managing the Great Northern's four thousand miles at the turn of the century. Responsibility for several departments, including traffic, operations, and that of the chief engineer, was held by the general manager of the railroad. In 1896 President Hill dropped the rank and the incumbent. This rank was reinstated in 1902, when Stevens was appointed to it.[20]

As chief engineer, Stevens organized a strong department to push forward a dramatically extensive program of construction, improvements, betterments, and sound maintenance. Strongly backed by top management with its expansive plans, Stevens was able to attract competent men and delegate responsibility to them, at the same time keeping tight control. He planned to upgrade such structures as stations, freight houses, and bridges and thus appointed an engineer of buildings and another of bridges. The brilliant Max Toltz filled the latter position. Resident engineers were located in St. Paul, Spokane, and Great Falls, and their number later increased. A. H. Hogeland became principal assistant engineer, a step towards his subsequent selection as chief engineer.[21]

The first important construction accomplished by Stevens as chief engineer was in the northern part of Minnesota, the state in which he built his longest total mileage. James J. Hill's two older sons, James N. and Louis W., consecutively vice-presidents of the Great Northern's affiliate, the Eastern Railway Company of Minnesota, encouraged their father to acquire railroad and iron ore-bearing land in the Mesabi Range in northeastern Minnesota for the Great Northern's stockholders. In 1897 Hill purchased an iron ore dock and a short railroad—the Duluth, Superior, and Western—which ran from Deer River, Minnesota, to Lake Superior. The next year he acquired a short logging railroad—the Duluth, Mississippi River and Northern—running from Swan River to Hibbing, Minnesota. Included in the agreements were thousands of acres in St. Louis and Itasca counties on which mining operations had already begun. Stevens' task was to bring these two rough rail lines up to Great Northern standards and to extend them.[22]

Even with the existing mileage, building some two hundred miles across northern Minnesota from Fosston, the terminus of the Great Northern lines from Crookston Junction, to Lake Superior was not easy. Drainage, grades, and rails were unsatisfactory on the existing lines. Dealing with black muck and hauling suitable foundation added to construction problems.

With his characteristic ability to push things through to prompt completion, while demanding high standards of engineering and construction, Stevens was successful in his assignment. Hill, anticipating heavy hauls of both wheat from the Red River to Lake Superior and ore shipments from the Mesabi Range to lakeside docks, demanded low grades. The chief engineer insisted that this requirement be met, especially on the main line. In fact, he considered that in his career with the Great Northern "One of the best pieces of work was getting 4/10 compensated line [*4/10 of 1 per cent grade*] from Superior to Carlton." Part of the existing line from Deer River east was rebuilt and utilized, and twenty-eight new miles were constructed from Cloquet to a junction with the existing Great Northern system at Nemadji River south of West Superior, Wisconsin. This cutoff lengthened the line but eliminated a 2 per cent grade. The Great Northern had secured a better approach to the lake and a lower maximum grade than any other railroad serving the Mesabi Range. In 1898 construction of about a hundred miles of track from Deer River to Fosston joined the road to Crookston.[23]

As chief engineer in the formative years of the railway's ore business, Stevens helped to set its standards of building on the Mesabi Range. His approach, although not unique, was effectively carried out, with emphasis on improved track to reduce cost of operations. The construction was of three types; short lines to serve a widening mining area, tracks for one-way traffic of ore cars, and spur tracks to new mines and enlarged open pits.

By 1901 rail construction had facilitated an effective pattern of ore movements. The Swan River-to-Hibbing line had been extended through Ellis to newly-opened mines at Virginia. Construction of another line from Ellis to Brookston on the main road and of double track from there to the enlarged dock capacity at Allouez Bay at Superior made possible the routing of the heavily loaded ore cars on this line while the empties traveled to Swan River and then north on the older route.[24]

During the years under review, engineering for several other new Minnesota lines shared Stevens' attention. The longest stretches were those from Halstad to Crookston Junction; Park Rapids to Cass Lake on the Fosston line, to complete a road inching north from Sauk Centre; and Fridley Junction (now Coon Creek) to Hinckley through Cambridge, to shorten the route from the Twin Cities to Lake Superior.[25]

While the first large-scale task of modernizing the Great Northern at the turn of the century was undertaken in Minnesota, the work was system-wide. The types of improvement were many: draining and ditching, raising track, widening embankments, improving alignments, reducing curves and grades, replacing trestles with earth fills and installing stone or brick culverts, placing of additional new ties, ballasting with gravel and broken stone, and replacing 60-pound-per-yard steel rails with 75-pound and heavier rails. Special attention was given to rebuilding wooden bridges and replacing others with steel structures. In some places there were substantial changes in line.[26]

Although less dramatic than large new construction successes or explorations, property improvements, betterments, and maintenance are nonetheless important. While some such activities were little more than good housekeeping, others had a marked impact on the railroad's functioning. They increased the longevity of plant, decreased the cost of operations, and enhanced comfort and safety.

Some of the line changes were more significant than others. The *Engineering News* was interested in the techniques used in sidehill construction near Fort Benton, Montana. Work started in this period was to lead to a major relocation of the line from Columbia Falls to Rexford and Jennings, all in Montana, and later to the removal of many miles explored by Haskell, together with the Haskell Pass Tunnel that carried his name. Some of the contracts signed indicate the size of the undertakings. In 1898 an agreement with A. Guthrie and Company, which on Shepard's retirement had become the Great Northern's chief contractor, covered 610 miles from Larimore, North Dakota, to Havre, Montana. The next year's contract completed the rebuilding from Havre to the mountains. Millions of cubic yards were moved.[27]

Construction of new lines in North Dakota and Montana also kept Stevens' engineers busy. In the first state some two hundred miles were added. Three new branches were started and five others extended. In Montana the system was increased an even greater number of miles, reaching mining, farming, and logging communities, shortening the distance between Great Falls and the line west, and stretching toward the boundary and Canadian coal. Stevens was again responsible for planning and also checking contractors for these lines.[28]

The Great Northern's acquisition of the Spokane Falls and Northern Railway in 1898 increased engineering responsibility for over two hundred existing miles and new construction in the Canadian boundary region. Earlier experience with the Spokane Falls and Northern had familiarized Stevens with part of its line stretching from Spokane north to two mining centers in British Columbia—Nelson and Rossland. He directed changes to improve the road and to integrate it into the Great Northern system. Decisions to build the railway to the booming mining camps and smelters led to some east-west building. Passes and grades rather than the United States-Canada boundary determined the location.[29]

In Washington and British Columbia the approximately 175 new miles added to the Great Northern by mid-1903 did not fully represent Stevens' contributions to the company there. Building in Spokane was welcomed. Short changes in line along the coast to improve plant were also significant. The line between New Westminster and Vancouver, British Columbia, and the new freight facilities and tunnel to improve service and the approach to Seattle were begun under Stevens' charge. The planning of the latter was a source of special pride to him.[30]

The first Cascade Tunnel, completed in 1900, was one of Stevens' major projects in improving the Pacific Extension. Temporarily, a switchback arrangement with three legs on the east of the Cascades and five on the west, with a grade of 4 per cent, served the light traffic. Operations over this ten miles of line were expensive. Trains had to be broken and two engines put on each part, the outlay in time and man and locomotive power was high, and heavy snow in winter complicated train movements. As early as 1896 Stevens reviewed the surveys of four years earlier and, after making a new one, planned the work that started in 1897.[31]

Tunnel building is fraught with effort, and this one was no exception. Yet, the completion of its two and one-half miles was accomplished in a little over three years. The work was marked by some innovations and a tremendous vigor in execution. First, Stevens employed no contractors. His own staff was responsible, with H. W. Edwards, the resident engineer, in charge. The difficulties to be surmounted were various. The crumbling nature of some of the material created dust and slides. In that land of snow and rain there was a great deal of water with which to contend. The explosives manufactured in the West challenged those who thawed them in winter. Prevailing winds, with blasting fumes and dust, added to ventilation problems. Six to eight hundred men were needed over these years. In spite of good boarding-houses at each end of the bore, labor turnover was high in this isolated location. Careful engineering, tight organization, and a flow of innovations from management and dedicated workers brought the work to successful conclusion. There was a great use of electric power, skilled ways of handling waste, and ingenuity in applying the thick cement lining.[32]

Important as Stevens had been as a reconnaissance and locating engineer, the demanding task of directing engineering work in a

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period of new construction and reconstruction should not be weighed lightly in assessing his contributions to the Great Northern. There were times when he was simultaneously checking and pushing almost two dozen significant projects. He directed construction of about a thousand miles of new railway. To admit that he attracted able assistants and worked under vigorous top management does not detract from Stevens' indisputably outstanding service to the railroad. The tasks called for a driver with technical skills and imagination; the railroad benefited by having such a man. It is not surprising that Stevens was to look back on "my connection with the Great Northern Ry. and Mr. Hill . . . as the most satisfactory of my long and diversified career as an engineer."[33]

A superior engineer and administrator was bound to have other offers. In 1903 Stevens left the Great Northern to become chief engineer, then a vice-president of the Chicago, Rock Island and Pacific Railway Company. From 1905 to 1907, he served as chief engineer of the Panama Canal and, briefly, as chairman of the Isthmian Canal Commission. He later became a vice-president of the New York, New Haven and Hartford Railroad Company.[34]

In 1909 Stevens came into consideration by Hill, by that time chairman of the board of the Great Northern. He needed an able, aggressive engineer and executive for a special task, the first move toward a connection with San Francisco, California. Many proposals had been made for a line to that important nodal point. Louis W. Hill, then president of the Great Northern, had concluded that his company should invest money in developing relatively untapped territory on the "west end," where it could have the long haul on such commodities as grain, livestock, and, most important, lumber.[35]

The younger Hill believed that the first requirement of the proposed extension to California was to move from the Columbia River up the valley of the Deschutes River to the high plateau of central Oregon. On the north bank of the Columbia the line of the Spokane, Portland and Seattle Railway Company, owned jointly by the Great Northern and Northern Pacific, was in operation and would provide the springboard for the jump southward. The Edward H. Harriman lines (Union Pacific and Southern Pacific), which enjoyed a virtual monopoly of traffic south of the Columbia, had a road along the south bank of that river and were already surveying a line along the Deschutes River. They could be expected to fight the invasion of the northern lines. To lead the campaign, chairman Hill needed a man who could promise completion of the southerly projection against strong opposition.[36]

At a conference in New York with Stevens, who was then willing to resign his vice-presidency of the New York, New Haven and Hartford, James J. Hill expressed his "firm determination" to extend a line south through central Oregon. He asked Stevens if it could be done and if he would undertake the task. Stevens replied that it could be done and that he would do it. Assured adequate financial support and accorded the post of president of the Spokane, Portland and Seattle as a base of operations, Stevens plunged into the job.[37]

Having satisfied himself by a sub rosa automobile trip that the Deschutes Valley offered the best route to the Oregon upland area, Stevens organized his plans. On September 6, 1909, he purchased the Nevada charter of the Oregon Trunk Line, whose prior surveys had already been validated in court. Next, he fortified the "paper railroad" in Washington by getting a charter for the Oregon Trunk Railway Company (empowered to build south to Klamath Falls, Oregon), had himself elected president, and transferred the rights of the old to the new firm. For chief engineer of the new company, Stevens chose his erstwhile lieutenant in Panama, Ralph Budd, who later became president of the Great Northern and the Burlington lines. For expertise in bridge building, he engaged Great Northern's Ralph Modjeski. Three different contractors took on the job of grading, pouring concrete, and laying some of the track from Celilo on the Columbia to Bend, Oregon. In order to pose a threat to the Union Pacific-Southern Pacific group that the Spokane, Portland and Seattle contemplated building a line to California from near the mouth of the Columbia, Stevens began a successful campaign to acquire several small companies with properties in and south of Portland.[38]

Initial surveying operations set the stage for conflict in the courts and on the Deschutes River, G. W. Boschke, chief engineer of the Oregon River and Navigation Company and builder of the seawall at Galveston, Texas, had charge of construction for Harriman's Deschutes Railway Company. His forces challenged the validity of some earlier surveys made by the original promoters of the Oregon Trunk Line. On August 24, 1909, a United States district court judge in Portland issued an order restraining the representatives of the Deschutes Railway from traversing that part of the first survey in controversy and left the way upon for a victory by Stevens and contractors.[39]

Harassment rather than overt conflict characterized the campaign of the Stevens and Boschke forces throughout most of the construction. One group purchased a farm across its rival's desired right of way; the other pre-empted a much-needed spring. Disappearance of supplies and losses by fire, as well as tampering with locomotive boxes and bearings on steam shovels, were attributed to the "enemy." On occasion, when the two forces were laboring in a narrow part of the canyon, blasting operations by one showered rocks on opponents. At only one place was there a threat of physical battle. For about eleven miles, in the narrowest part of the canyon, there was space for only one railroad. Here the Oregon Trunk had prior survey rights. Armed men of the two camps prepared to march on each other.[40]

Before a fight occurred, Judge Robert S. Lovett, new president of the Harriman lines, met James J. Hill in New York and the two reached a compromise. It was agreed that the Oregon Trunk would lay the track through the canyon, with perpetual trackage rights for the Deschutes Railway and joint operation of the contested segment. The Oregon Trunk also granted the Harriman company trackage rights over its rails from Metolius, Oregon, to Bend.[41]

In constructing the 156-mile Oregon Trunk to Bend, Stevens and his battalions not only carried out numerous routine railroad building tasks but performed several engineering feats of distinction. Contractors scratched out sixty miles of temporary roads to reach remote sections of projected line, did all the grading and much of the track-laying. Company employees ballasted the entire route with gravel and burnt reddish clay and laid most of the ninety-pound rail. Maximum curvature never exceeded 6 degrees, nor grades 1.3 per cent. Tracks traversed a total of one mile of wooden trestles, many iron culverts, one tunnel, and ten steel bridges, nine of which were built between Celilo and Bend. The one at Crooked River was the highest single-span bridge in America at the time. Until a giant bridge was thrown across the Columbia at a point between Celilo and Fallbridge, Washington, on the Spokane, Portland and Seattle, the steamer "Norma" ferried freight cars of supplies and materials across the river.[42]

Effective May 1, 1911, Stevens resigned as chief executive officer of the Spokane, Portland and Seattle, Oregon Trunk, and other affiliates. He had organized the campaign and fought the battle nearly to victory. To mark completion of the Celilo-to-Bend line, James J. Hill drove the golden spike on October 5, 1911. The first regular train moved over the new Columbia River bridge on January 4, 1912. Not until eleven years later did the Oregon Trunk agree with the Deschutes Railway to the joint use of the latter company's trackage between South Junction, Oregon, and Metolius. Only that shore mileage out of all that the Dechutes Company constructed remained in active use.[43]

After leaving the employment of the Spokane, Portland and Seattle and affiliated lines, Stevens continued an eventful and distinguished career.[44] For these accomplishments and his earlier work he received several honors. One mark of respect accorded few American citizens, especially during their lifetime, was the unveiling on July 21, 1925, of a statue in Stevens' honor at Summit, Montana, where the Great Northern crosses the continental divide of the Rockies through Marias Pass. Dedication of the Stevens statue was a special event of the Upper Missouri Historical Expedition, which was sponsored by the governors and historical societies of Minnesota, North Dakota, South Dakota, and Montana in cooperation with the Great Northern. At that time one of the railway's ablest chief engineers, Ralph Budd, was president.[45]

The president of the American Society of Civil Engineers, Robert Ridgway, spoke at the dedication of the Stevens statue, and the famed engineer himself participated in the event. The sculptured figure shows Stevens dressed in heavy winter clothes, and the site approximates the place where he walked that bitter night in December, 1889, to avoid freezing. The statue marks only one of the sites of Stevens' contributions to the Great Northern and to railroad engineering.[46]

FOOTNOTES

[1] St. Paul, Minnesota and Manitoba Railway Company, *Annual Report*, 7 (St. Paul, 1890). Mileage of the Great Northern system in 1890: Minnesota, 1,424.6; North Dakota, 997.9; Montana, 433.1; South Dakota, 193.4. See Great Northern Railway Company, *Annual Report*, 10 (St. Paul, 1890).

[2] J. H. Ellison, "Elbridge Harlow Beckler," in *Engineering News*, 60:305 (September 17, 1908). The authors read Beckler's correspondence with Hill from 1889 to 1893, in the records of the Great Northern Railway Company (hereafter cited as GN records).

[3] Daniel C. Haskell, ed., *On Reconnaissance for the Great Northern: Letters of C. F. B. Haskell, 1889–1891*, 3 (New York, 1948).

[4] American Society of Civil Engineers, *Proceedings*, society affairs vol. 48, p. 552 (September, 1922); Ralph Budd, "John Frank Stevens," speech in *Presentation of the John Fritz Gold Medal to John Frank Stevens*, 19–25 (New York, March 23, 1925); "A.S.M.E. Honors and Awards," in *Mechanical Engineering*, 60:758 (October, 1938); *Who Was Who in America*, 4:903 (Chicago, 1968).

[5] After making several surveys as chief engineer for the Sabine Pass and Northwestern Railway in Texas (1876–79), Stevens worked as assistant engineer for location and construction of the New Mexican and Durango extensions of the Denver and Rio Grande Railroad Company (1879–80). As assistant engineer of the Chicago, Milwaukee and St. Paul Railway Company (1880–81), he laid out the main line from central Iowa to Council Bluffs and from Sioux City to Manila, Iowa, plus the line northward from Yankton, South Dakota.

Stevens also helped build the Canadian Pacific Railroad. He served first as a contractor's engineer (1882) for the construction of 961 miles of line west of Winnipeg, Manitoba, and then as division engineer (1883–84) for the location of much of the main line in the Rocky Mountains and Gold Range in British Columbia. In 1885–86 he served as engineer of construction for much of the

mountain line he had located. Stevens then returned to the Milwaukee Line, supervising construction of road from Ottumwa, Iowa, to Excelsior Springs, Missouri, and from Sioux City to Manila, which he had earlier located. See *Who Was Who*, 4:903; Stevens, *Recollections*, 16; John Fahey, *Inland Empire: D. C. Corbin and Spokane*, 93, 238 (Seattle, 1965).

[6] J. F. Stevens memorandum, 1925, p. 2, GN records.

[7] Beckler to Hill, July 3, 1890, GN records.

[8] Stevens, *Recollections*, 24.

[9] Compare Stevens, *Recollections*, 25; George F. Brimlow, ed., "Marias Pass Explorer John F. Stevens," in *Montana Magazine of History*, 3:39–44 (Summer, 1953); W. C. Whipps, *Seventeenth Annual Report of the Water Department in Kalispell, Montana*, 58 (1930); and Ralph Budd, "Railway Routes Across the Rocky Mountains," in *Civil Engineering*, 10:222 (April, 1940).

[10] Beckler to Hill, July 3, 1890, GN records; E. H. Beckler, "Location of the Pacific Extension of the Great Northern," in *Railroad Gazette*, 25:744 (October 13, 1893); Great Northern, *Annual Report*, 1890, p. 13.

[11] Beckler to Hill, June 8, 1890, GN records.

[12] Haskell, ed., *On Reconnaissance*, 28; Stevens, *Recollections*, 29.

[13] "Railroad Construction," in *Railroad Gazette*, 23:868 (December 4, 1891), 24:11 (February 5, 1892).

[14] Stevens, *Recollections*, 32; Beckler to Hill, October 13, 1892, and Stevens to Hill, July 8, 1890, both in GN records; "The Great Northern Railway Tunnel Through the Cascade Mts.," in *Engineering News*, 29:456 (May 18, 1893).

[15] Beckler to Hill, October 28, 1892, GN records.

[16] "Society Proceedings," in *Engineering News*, 30:272 (October 5, 1893).

[17] Stevens, *Recollections*, 32.

[18] Stevens, *Recollections*, 32, 35; *Official Lists of Officers, Agents, and Stations of the Great Northern*, 1895–1903, GN records.

[19] Lists of directors and officers, in Great Northern, *Annual Reports*, 1895–1903.

[20] *Official Lists of Officers . . . of the Great Northern*, 1895–1903.

[21] *Official Lists of Officers . . . of the Great Northern*, 1895–1903.

[22] Joseph W. Thompson, "The Genesis of the Great Northern's Mesabi Ore Traffic," in *Journal of Economic History*, 16:551–557 (December, 1956); *James J. Hill's Statement Before the Committee on Investigation of United States Steel Corporation*, 3152–3247 (62 Congress, 2 session, House Hearings, no. 49, 1912); Interstate Commerce Commission, *Reports*, vol. 133, valuation docket no. 327, p. 263, 273 (Washington, 1928); Franklin A. King, "Logging Railroads of Northern Minnesota," in Railway and Locomotive Historical Society *Bulletin*, no. 93, p. 94–115, especially p. 101 (October, 1955).

[23] Stevens memorandum, 1925, p. 2; Great Northern, *Annual Reports*, 1898, p. 9–10, 15, 1900, p. 13. Track construction in northern Minnesota included: Crookston Junction to Fosston, 44.7 miles in 1888; Cloquet to Boylston, 27.5 miles in 1898; Fosston to Deer River, 98.6 miles in 1898; plus the purchased 85 miles from Deer River to Cloquet. See *Tracklaying Record of the Great Northern*, 1862–1969, GN records.

[24] Interviews by the authors with C. O. Hooker, the Great Northern's general manager of lines east, and E. F. Oviatt, superintendent of the Mesabi division, August, 1957. Construction on the Mesabi, 1899–1903, included: Hibbing to Virginia, 18.8 miles in 1899; Ellis to Brookston, 46.5 miles in 1901; Kelly Lake to Kinney-Hawkins mine, 10.4 miles in 1902; Kelly Lake to Flanders, 9.7 miles in 1903. See *Tracklaying Record of the Great Northern*, 1862–1969.

[25] Great Northern, *Annual Reports*, 1896, p. 7, 1898, p. 10, 1899, p. 10, 1900, p. 13; Interstate Commerce Commission, *Reports*, vol. 133, valuation docket no. 327, p. 259, 262, 299. Additional construction in Minnesota included: Halstad to Crookston Junction, 32.2 miles in 1896; Park Rapids to Cass Lake, 49 miles in 1897–98; Coon Creek (Fridley Junction) to Hinckley, 64.7 miles in 1899; Spring Park to St. Bonifacius, 8.2 miles in 1900. See *Tracklaying Record of the Great Northern*, 1862–1969.

[26] For examples, see Great Northern, *Annual Reports*, 1896, p. 7, 1897, p. 8, 1899, p. 15–18, 1900, p. 18–25, 1901, p. 4, 7–22, 902, p. 13–20.

[27] Geo[rge] H. Herrold, "The Construction of the Benton Cut on the Great Northern Railway, Montana," in *Engineering News*, 46:173 (September 12, 1901); "Railroad Construction," in *Railroad Gazette*, 30:300 (April 22, 1898), 31:619 (September 1, 1899).

[28] "Railroad Construction," in *Railroad Gazette*, 35:37 (January 9, 1903), 35.74 (January 23, 1903), 35:220 (March 20, 1903).

[29] Fahey, *Inland Empire*, 189–191; miscellaneous survey papers, GN records.

[30] "Railroad Construction," in *Railroad Gazette*, 31:33 (January 13, 1899), 31:869 (December 15, 1899); Stevens, *Recollections*, 34; Great Northern, *Annual Report*, 1904, p. 16.

[31] "The Great Northern Railway Tunnel Through the Cascade Mts.," in *Engineering News*, 29:456.

[32] John F. Stevens, "The Cascade Tunnel: Great Northern Ry.," in *Engineering News*, 45:23–26 (January 10, 1901); Willard Beahan, "Notes of Experience in Driving the Cascade Tunnel," in *Engineering News*, 45:154 (February 28, 1901).

[33] Stevens, *Recollections*, 26. For examples of projects, see "Railroad Construction," in *Railroad Gazette*, 31:619 (September 1, 1899).

[34] American Society of Civil Engineers, *Proceedings*, 48:552 (August, 1922).

[35] Louis W. Hill to G. B. Harris, president of the Chicago, Burlington and Quincy, August 11, 1909, and Louis W. Hill memorandum, April 11, 1909, both in GN records; "Competitive Railway Building in Central Oregon," in *Railroad Age Gazette*, 47:905 (November 12, 1909).

[36] "Competitive Railway Building . . .," in *Railroad Age Gazette*, 47:905.

[37] Stevens, *Recollections*, 60.

[38] "Corporate History of Oregon Trunk Railway Company," unpublished manuscript in GN records; Stevens, *Recollections*, 60; "Competitive Railway Building . . .," "Competitive Railway Building in the Des Chutes River Canyon," and "The Construction of the Oregon Trunk and the Des Chutes Railways in Central Oregon," all in *Railroad Age Gazette*, 47:905, 48:770 (March 18, 1910), 52: 684 (March 22, 1912); L. W. Hill, to J. J. Hill, March 3, 1906, GN records.

[39] "Competitive Railway Building . . .," in *Railroad Age Gazette*, 47:905.

[40] Frank Donovan, Jr., "Canyon War," in *Railroad Magazine*, 67:24 (October, 1956).

[41] "Corporate History of the Oregon Trunk Railway Company"; Donovan, in *Railroad Magazine*, 67:25.

[42] "The Construction of the Oregon Trunk . . ." and "Bridge Construction on the Oregon Trunk Railway," in *Railroad Age Gazette*, 52:680–685, 52:756–759 (March 29, 1912).

[43] C. R. Gray to W. F. Turner, August 9, 1923, and contract between the Deschutes and Oregon Trunk railways, July 10, 1923, both in GN records.

[44] In 1917 Stevens headed the American Railway Mission to Russia. He became chairman of the Corps of Railway Experts in Manchuria and president of the Inter-Allied Technical Board, which supervised the operation of the Siberian and Chinese Railway. In later years he acted as a consulting engineer and published a number of articles on his railroading experiences, including his organizational work on the Panama Canal. See American Society of Civil Engineers, *Proceedings*, 48:552, 51:67 (March, 1925); "John F. Stevens, 1853–1943," in *Civil Engineering*, 13:341 (July, 1943); and *Who Was Who*, 4:903.

[45] Stevens, a member of the American Society of Civil Engineers since 1888, was elected an honorary member in 1922 and become its president five years later. He earned honorary memberships in the North Carolina Society of Engineers, the engineers clubs of New York and Baltimore, and the Association of Chinese-American Engineers. Stevens received the LL.D. from Bates College in Lewiston, Maine, and the D.E. from the Universities of North Carolina and Michigan and the Polytechnic Institute in Brooklyn. The awarding of the John Fritz Gold Medal, the Gold Medal of the Franklin Institute in Philadelphia, and the Hoover Medal of the American Society of Civil Engineers placed him on the list of outstanding engineers in American history. See Stevens, *Recollections* ix; *Presentation of the John Fritz Gold Medal to John Frank Stevens*, 9; and Agnes C. Laut, *The Blazed Trail of the Old Frontier*, 223 (New York, 1926).

[46] *Editorial Comment on the Upper Missouri Historical Expedition of 1925* (St. Paul, 1925); American Society of Civil Engineers, *Transactions*, 51:309 (September, 1925).

RECOMMITTAL OF NOMINATION OF JUDGE CARSWELL

Mr. BROOKE. Mr. President, additional support for the recommittal of the nomination of Judge G. Harrold Carswell has recently come from the editor of the Christian Science Monitor. In a lead editorial last Thursday, entitled "Thinking Again on Judge Carswell," Mr. Erwin Canham reviewed a number of the questions which have come to light since the hearings were concluded, and urged that the nomination "should be taken out of the full Senate's hands and be put back where it can be studied as thoughtfully as such a major appointment must be." In another column entitled "Respect for the Court," Mr. Canham stressed the need for placing a sensitive man of higher caliber on the Court.

I concur in Mr. Canham's views, and ask unanimous consent that the text of these excellent remarks be printed in the RECORD.

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

THINKING AGAIN ON JUDGE CARSWELL

President Nixon has a number of strong and logical arguments to support his desire to have a "strict constructionist," a "conservative" and a "Southerner" appointed to the present vacancy on the Supreme Court. He has very few such arguments, however, to support the elevation of Judge G. Harrold Carswell to that high post. We therefore suggest that the President himself reconsider the Carswell nomination, and that the Senate recommit the nomination to its Judiciary Committee for further hearings on Judge Carswell's legal and personal fitness for so exalted an honor.

We agree that there is reason to believe that, in some ways, the present Supreme Court is overbalanced towards liberalism. Although during the past two decades the high court has rendered a number of admirable milestone decisions, nonetheless, there is evidence that court thinking has, at some points, gone too far and eroded national standards, notably in the areas of crime and pornography. A thoughtful conservative could be influential in restoring greater kilter to the balance.

But such a conservative must be in a posi-

tion to make an insightful and persuasive contribution to the nation's on-going legal thinking. We see nothing in Judge Carswell's record to lead us to believe that he is this kind of deemster. His judicial record is middling. His racial attitudes, while he has a perfect right to hold them, are not such as to inspire confidence that he will be of much help in extricating America from its deep racial dilemmas.

To this has now come the case of Judge Elbert Tuttle. A onetime chief judge of the Fifth Circuit Court of Appeals, and thus Judge Carswell's immediate superior, Judge Tuttle stated that he would testify on Judge Carswell's behalf. This offer was later withdrawn, but it appears that Judge Carswell did not inform the committee of this fact, leaving the latter to believe that Judge Tuttle's support remained behind him. As one national columnist rightly says, this involves "good faith, perhaps even deliberate deception."

Under such circumstances we do not see how either the President or the Senate can conceivably go ahead with the Carswell nomination. It should be taken out of the full Senate's hands and be put back where it can be studied as thoughtfully as such a major appointment must be.

RESPECT FOR THE COURT

(By Erwin D. Canham)

Surely President Nixon will have got the message by now: The country wants a person of judicial eminence to be appointed to the Supreme Court.

It is most extraordinary that, as now appears possible, the nomination of G. Harrold Carswell will follow that of Clement F. Haynsworth Jr. into the discard. Such a sequence does not seem to have happened before in American history.

No one should conclude that anti-Southern prejudice will have prevented the confirmation of these two jurists. There are Southern judges or legal scholars of equally conservative views who could readily be confirmed. Perhaps one of them will in the end.

The country simply cannot buy mediocrity. It has too much respect for the Supreme Court for that. Sen. Roman L. Hruska's ridiculous defense of mediocrity put the cap of absurdity on the position.

DAMAGING DETAILS

It is quite obvious that Attorney General John N. Mitchell's staff did a very poor job of research on the two nominees, but especially in the Carswell case. Damaging details keep coming to light, some of them so grave as to indicate serious disqualification. The political opposition has been hard hitting, but the major mistakes came from the candidates and their supporters.

Life magazine has consulted legal authorities and come up with nine jurists who would make better nominees. Their list could be greatly extended. Several of them are in the South, several are strict constructionists of the Constitution and political conservatives. But they are persons of legal stature. Probably any one of them could be confirmed in a breeze.

Life's list includes several men—and one woman—of great judicial distinction who are probably too liberal for the President, or a little over his reported age limit of 60. Most notable among them, probably the leading constitutional authority in the nation, is Prof. Paul Freund of Harvard. But he is 62, and a Democrat.

LEGAL CRAFTSMEN

Two men in Life's list are from the South: Frank Johnson Jr., who is U.S. district judge for southeastern Alabama, and Charles Alan Wright, professor of law at the University of Texas. Judge Johnson is 51 and a Republican. Professor Wright is 42 and a Republican. Both are widely admired legal craftsmen. Judge Johnson has presided over landmark cases which have brought constitutional enforcement to the South. Professor Johnson is a respected legal scholar, a member of the governing council of the American Law Institute.

Erwin Griswold, former dean of the Harvard Law School, whom President Nixon has kept on as Solicitor-General of the United States, is a relatively strict constructionist and a Republican. He may be regarded as a little too old. Over the limit, too, are such often-mentioned federal jurists as Judge Henry Friendly of New York or Judge William Hastie of Pennsylvania. They are very wise men, men of highest professional standing.

STRONG PILLAR

If the Supreme Court is unbalanced, and it has been so more than once in its history, it cannot be rectified by being downgraded. It must always remain a strong pillar in the tripartite edifice of government. Its justices should be selected with the utmost of care.

Mere legal brilliance or erudition is not the test. The criterion should be character welded to strong legal capacity and deep human compassion. The court is no place for weaklings. It has had its share of incompetents in the last three decades: men who could scarcely write a respectable opinion. But in general, the justices have been able men, and the court on which they sat made modern American history.

It was not senatorial jockeying—though there was plenty of that—but a kind of instinctive public awareness of the need for strength and character, which has dictated the apparent outcome in the current cases.

The nation respects the court. In an unspoken sort of way, it demands that the President and the Senate respect the court too. The message is salutary.

THE INCREASING SOVIET MISSILE THREAT

Mr. TOWER. Mr. President, on February 28, 1970, the St. Louis Globe-Democrat published an excellent editorial on the increasing Soviet missile threat. I found the following statement in the editorial to be particularly interesting:

> The rate at which Moscow has been forging ahead with nuclear missile piling suggests only one realistic conclusion: The Russian regime is determined to overshadow United States nuclear weaponry by a margin as massive as possible.

Mr. President, this is precisely what is occurring. The Soviets are on their way to becoming superior to the United States in strategic nuclear weaponry.

Last year, during the Safeguard debate, critics of the program scoffed at Secretary Laird's warning that the Soviet Union was rapidly moving to a position of nuclear superiority over the United States. We were told that the Soviet Union was only acting to achieve parity; and that, when parity was obtained, they would cease to deploy weapons and begin talking about disarmament.

No one scoffs at Secretary Laird's warning today, Mr. President, and I hope that no one will attempt to tell us that the Soviets desire only parity. Much as we would like to believe that the rulers of the Soviet Union are "just plain folks" who only want to keep up with the Joneses in nuclear missile power, the facts are otherwise.

So that every Senator can have the opportunity to examine the editorial, I ask unanimous consent that it be printed in the RECORD.

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

YAWNING STRATEGIC GAP

Defense Secretary Melvin Laird warned the Senate Armed Services and Appropriations Committees Friday that the driving pace at which the Soviet Union is expanding missile forces can reduce the United States to a second-rate strategic position by the mid-1970s.

He was forecasting a missile gap, which this time is far from a phony. It may already exist. Before the year ends it is almost a certainty, as the President has predicted, that Russia will have 236 more intercontinental ballistic missiles than America.

Quite obviously Laird was making his report to Congress in support and amplification of Mr. Nixon's program for expansion of the anti-ballistic missile defense, which is justified in the teeth of the USSR nuclear buildup—openly designed to achieve Red nuclear superiority.

The secretary also thinks the ABM extension, now asked of Congress, may help toward success of the SALT sessions to halt the arms race, the missile race in particular. Maybe. That prospect seems a shaky hope veneer.

The rate at which Moscow has been forging ahead with nuclear missile piling suggests only one realistic conclusion: The Russian regime is determined to overshadow the United States nuclear weaponry by a margin as massive as possible.

The Soviets have been overly bent on this goal for six years, possibly a decade. There is a certain naivete in considering it likely the Kremlin will cut back this aim, seek only nuclear parity or enter any ironclad agreement to ceiling missile output.

Moscow has not reduced its military budget a lot, while the United States has. In some categories Russia is probably ahead of us now in nuclear arms.

Laird is trotting out no scarecrow threat in forecasting that in a few years we are headed for a runner-up status in our strategic posture. No. 2 place in nuclear power—armament we have never used nor intend to use for other than ultimate defense—is critically dangerous and insupportable for the United States. This strategic leadership, perhaps alone, is all that has prevented nuclear war since the 1940s.

The Defense Department backs the Administration, as would be expected, in seeking more protection through the ABM. But, we submit, this is but part of the need.

Not only should we have more ABM installations to protect our retaliatory missile sites, the Administration should also develop a larger arsenal of IBMs and mobile missile platforms, such as the nuclear submarines.

One without the other is one-armed strategy.

Not only would USSR dominance in nuclear and arsenal delivery open the free world to the possibility of nuclear attack. But even if Russia wants no nuclear war, its possession of nuclear superiority would suggest missile blackmail that could isolate America and open the way to political extortion.

Russia is driving full-tilt toward a missile gap, in which it would have a signal aggressive advantage. Simultaneously it is spreading a network of its own ABMs throughout the Soviet Union.

Secretary Laird said the American intelligence had underestimated growth of Russian nuclear power—by more than 100 missiles a year. USSR land-based and sub missile strength has been revised upward by the Pentagon.

How Moscow purpose and nuclear achievement could have escaped Washington intelligence is hard to understand. In July of 1967, almost three years ago, an American

Security Council's study for the House Armed Services Committee, predicted that by 1971 a "massive megatonnage gap" would have developed meaning Moscow would have a heavy superiority in nuclear fire-power.

Both the ABM program and a new plan for stocking adequate strategic weapons should be adopted to keep the United States abreast or in advance of Russian atomic arsenals.

America dare not sink into a "second-rate strategic position," or we imperil the nation's defense, our peace and the peace of the world.

FAMILY FARM VERSUS CORPORATE AGRICULTURE

Mr. MONDALE. Mr. President, the Department of Agriculture recently released an Economic Research Service report on the Nation's 31,000 largest farms. This report, while based on 1964 census figures did conclude that the number of farms with sales of $100,000 or more probably reached 40,000 in 1969, and their gross sales accounted for at least one-third of total sales by all farms.

That farms are getting bigger is no surprise. What is of concern, however, is the threat of the large corporate farm on our small, rural community.

Recently the Senate Select Committee on Small Business issued a most interesting report on the impact of corporation farming on small business. This report reached a number of interesting conclusions and made a number of meaningful recommendations.

I was so impressed with this report that I made copies available to a number of concerned individuals in Minnesota and across the country. I called their attention to certain aspects of the report, especially the conclusion:

> The family farm community had more and better schools, churches, recreational facilities, civic organizations and public services.

Mr. President, as a result of my mailing, I have received several interesting articles, including two recent editorials on this subject. I ask unanimous consent that these editorials, from the Rochester, Minn., Post-Bulletin, and the Minnesota edition of the Farmer magazine be printed in the RECORD.

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

[From the Rochester Post-Bulletin, Mar. 10, 1970]

CORPORATION FARM IS REAL THREAT TO THE FAMILY FARMER

Posing a strictly theoretical question, what would be the consequences if one giant corporation controlled all the agricultural wealth of Dodge County?

The conclusion of most people who fear the growth of corporation farming is that it would sound the real death knell for the small towns in Dodge County or anywhere else if the trend toward large corporations getting into farm ownership and operation is allowed to continue.

Expanding on the Dodge County example, it is likely that the insurance man, implement dealer, fuel oil salesman, feed mill operator and others who deal directly with individual farmers would not stay in business long if there was only one farm source to sell their wares to.

Large company farms, as a general practice, buy equipemnt and production supplies discounted and direct from either wholesalers or the factory, bypassing retail and dealer establishments in nearby towns and cities. Also obtained direct are credit, insurance, legal assistance and other business services usually furnished locally to independent farmers.

The adverse effects that corporation farming would have on small towns is only one of numerous criticisms leveled at this new and growing type of "big-time farming" in a recent Senate unit report on the "Impact of Corporation Farming on Small Business."

It was pointed out that companies would "mine" both land and water to obtain rapid profits, then move on to new areas.

Testimony offered to the Senate unit also indicates that corporation farming has considerable impact on land prices and availability, making it more difficult for the independent farmer to acquire land. It was revealed that 27 real estate dealers know of standing offers by outside companies or investors to buy large tracts of Minnesota farm land.

The report states: "The standing offers are likely to result in purchases because they include a sizable premium over going market prices. Eleven real estate dealers reported a $25 per acre premium offered for land in large tracts. Three reported a premium of $50 an acre; five said the standing offer was $100 or more an acre over the going market price.

Fears are expressed also of how absentee farm owners would vote on a local school bond issue, or support good roads down every section line, or support the church building fund drive. One witness testified as follows on the social and moral implications:

"I see corporations appearing in agriculture that are not large enough to be socially responsible but are large enough to ignore the wishes of their communities. And I am afraid that we may emerge from this period of change having gotten the worst of both possible worlds, having traded effective and efficient small units of production which were not growing rapidly enough to keep pace with technological change, for larger corporate units of production which were not large enough and well financed enough to be socially responsible and financially flexible."

The biggest, and most correctable objection to corporation farming in our opinion, however, is that federal tax incentives encourage "tax loss farming." This aspect was deservedly hit hard at the recent Southeastern Minnesota Agri-Business Day program held in Rochester which focused on corporation farming. It was called a "tax haven for Wall Street capital."

Present federal tax laws enable the large corporation farm owner to write off farm losses against other income. The independent operator, earning a living entirely from farming, can make some use of capital gains and depreciation provisions, but normally has little or no taxable nonfarm income against which to offset farming losses. The tax loss advantage, therefore, accrues almost entirely to outside investors.

There are two courses generally open to stem the growth of corporate farming. One is strengthening the farmer, through such things as bargaining power and credit and better prices, so competition from nonfarm interest can be overcome. The other involves removing tax and other incentives encouraging nonfarm investors and adopting land use restrictions and other roadblocks to corporate entry into agriculture.

Minnesota Sen. Walter Mondale has long championed legislation to close tax loopholes that presently allow off-farm conglomerate corporations to compete unfairly with families who must make their living from the farm. We support him in his efforts.

Fortunately, corporation farming in Minnesota is still in its infancy, with only about 1 per cent of state farms classified as corporation-owned. Some of these are family-owned corporations, such as the Penz Farm Co. of Rochester, which is an entirely different situation than that of a large corporation entering the agriculture field primarily to gain a tax haven.

But the trend elsewhere around the nation, especially in such states as Florida and California, is toward "big business" getting into farming. Unless the federal tax incentives for corporation farming are removed, not only will the family farmer go under, but so will the small town merchants and the towns themselves. And that's not a pleasant prospect when the nation is concerned about stemming the flow of people to urban areas.

[From the Farmer (Minnesota), Mar. 21, 1970]

BONUS FOR BIGNESS

There's a bonus for bigness in farming today; one that allows nonfarm capital to move into agriculture; one that can have serious repercussions for all society if corporation farming growth is permitted to continue its present advantages.

The dangers are several. Among them are concentrations of food production in fewer and fewer hands until supply could be controlled and prices increased for all consumers. More family farmers, matched against conglomerates with multi-business revenues, could soon find competition tougher, give up and leave, throwing a heavier burden on urban areas at the very time government thrust is toward a better rural-urban balance. As they leave, schools, communities, businesses and rural life generally would deteriorate, particularly if corporation farms were absentee owned and their profits reinvested elsewhere.

A U.S. Senate Select Committee on Small Business, in a report distributed recently by Senator Walter Mondale, D-Minn., points up that last danger. "One of the social consenquences of a shift to corporation farming is accelerated farm-to-city migration," it states. But such need not be, if corporate carrots are removed. In the same report, a comparison of two California communities, alike except for size and ownership of farming operations, shows the family farm community to have more and better schools, churches, recreational facilities, civic organizations and public services than does the community surrounded by large, factory-type agriculture.

Advantages which have enticed this influx of nonfarm money into agriculture were spelled out by Phil Raup, U of Minnesota ag economist, at the second annual Southeastern Minnesota Agribusiness Day last month. One is in capital gains. "A farming corporation investor or landowner with nonfarm income will usually find it rewarding to convert as much farm income as possible into asset values, which can ultimately be taxed at the capital gains rate," he said. "This is especially attractive to individuals in high income tax brackets." Another enticement is in writing off soil and water conservation improvements as current expenses—up to 25% of gross income per year, carried forward annually until exhausted. Similar, but not so lenient opportunities exist for land clearing. Still another is in tax accounting. "Permission to use a cash instead of accrual basis is convenient for the small or medium-sized farm, but of very little value in terms of reduced taxes. But it is of definite monetary value to large farmers, especially very large non-operating owners."

To reduce these bonuses for bigness. Dr. Raup suggests several adjustments, among them reform of tax laws and practices, modernization and revitalization of agricultural cooperatives, strengthening of research and extension service programs to make sure current technology and management know-how get to medium-sized farm operators. Also, environmental controls should be made mandatory for agricultural pollutors, to assure that large-scale, concen-

trated livestock operations build in adequate waste disposal.

"How we change our tax laws, whether or not we can revitalize our cooperatives, what we do with our resources of agricultural research and extension, the imagination with which we innovate in the field of agricultural credit, and the speed with which we extend environmental protection and labor legislation to cover all of agriculture—these will be the determinants of policy toward corporations in farming."

BILINGUAL EDUCATION

Mr. MURPHY. Mr. President, as Senators know, I have been greatly interested in the bilingual education program, which I regard as one of the most promising educational programs in the country. Recently I wrote the conferees on the Labor-HEW appropriations bill urging that they retain the $25 million for the bilingual program as well as increase the funding of the dropout prevention program. Naturally, I am pleased that the compromise Labor-HEW appropriations bill which was signed into law follows my recommendations for the increased funding of the bilingual program.

I have been trying to follow the progress of the bilingual programs in my State as closely as possible. I notice in the Sunday, February 1, 1970, Sacramento Bee an article written by Ron Blubaugh with respect to Sacramento's first bilingual school. I ask unanimous consent that this article be printed in the RECORD.

Also, I have just received notification from the Department of Health, Education, and Welfare that 18 new school districts have been chosen to submit a plan for the implementation of bilingual education programs for the 1970–1971 school year. This, of course, is in addition to the communities now operating projects. I was coauthor of the bilingual education program, and I believe I was instrumental in helping to see that the Senate provided $25 million for this vital program. I ask unanimous consent that the letter I have received from HEW and the list of communities in California be printed in the RECORD.

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

SACRAMENTO'S FIRST BILINGUAL SCHOOL FINALLY MAKES ASSET OF "HANDICAP"

(By Ron Blubaugh)

With all the authority of an Army drill sergeant, a little kindergarten lad stood before his classmates at the Ethel Phillips School and barked:

"Simon dice toce la cabeza."

The 20 youngsters before him raised their hands and touched their heads. Then, continuing in Spanish, the little Negro "Simon" ordered his classmates to touch their mouths, feet, arms, shoulders, noses and legs. And the students did it, most of them without hesitation.

That, of course, is how the game "Simon Says" is played. Students play it regularly at Ethel Phillips in either English or Spanish. The children enjoy the game in both languages.

Other things also are done in two languages at Phillips—things like learning how to count, studying about the calendar, doing simple arithmetic problems. Over the next few years, students will be studying more complicated subjects—reading, history, science—in both Spanish and English.

Ethel Phillips is Sacramento's first bilingual school. Beginning this year with 210 youngsters in preschool, kindergarten and first-grade classes, all subjects are being taught in both Spanish and English. A grade will be added each year to the bilingual program until the current first graders are in the sixth grade. Then, all the students in the school will be in the two-language program.

BECOME SUBMERGED

In a bilingual program, students do a lot more than just study a second language. They become submerged in it. Teachers and students use two languages at will. Some of the instruction is in one language and some of it is in the other. Everything is taught in the two languages. When the student completes the program, he should have two "native" languages.

"Up until the present time, in California schools bilingual children were felt to be at a handicap," says Joseph Lynn, director of compensatory education for the Sacramento City Unified School District. "We feel these children have an advantage. We believe that bilingualism should be an asset to every person and not just to the Mexican-American."

As Lynn points out, California schools typically have approached the education of a youngster of Mexican descent as if he were handicapped. Educators commonly speak about the "language problem" of such a child. The problem is that the children do not know English and so the schools engage in a crash program of teaching English. Spanish is ignored.

The bilingual program operates on a different premise. It assumes that the child is not strong in either English or Spanish. But for the Spanish-speaking youngster, the school does not discard all he knows. It builds upon his Spanish background and uses it to help him learn.

For the Negro or Caucasian youngster, who comes to school knowing only English, the program works in a similar manner. English is not discarded. It is used. The difference is that the child get a new dimension.

IDEAL MIX

City school officials chose Ethel Phillips for the district's first bilingual program because it seemed to have an almost ideal racial mix. Located at 2930 21st Ave., the school is in a community that is about one-third Negro, one-third of Mexican background and one-third Anglo-Saxon Caucasian.

Dave Martinez, principal of Phillips, believes the bilingual instruction is important for the nation.

"I think all the political scientists realize our world is diminishing in size," he says. "Contacts with foreign countries are increasing. Adults in the future will need the ability to speak two languages. The nation needs people with that ability."

Richard P. Holland, director of the program, is convinced the children in the classes will meet the need.

"The children will eventually become bilingual and bicultural," he says.

After five months teachers at Phillips are salesman for the bilingual program.

"It is terrific, stupendous, amazing, challenging," reports first-grade teacher Mrs. Arleen Lotta.

Marcie Lewin, a Spanish-speaking teacher, agrees with Mrs. Lotta.

"I really like the program," she says. "It is exciting to hear the children speak both languages. We teach them the culture, also. They get to learn so much more."

Persons from outside the district are as enthusiastic as those within. John Espinosa, a student in Sacracento State College's Mexican-American Education Project, spend from six to nine hours a week at Phillips.

"I think it is doing a great deal," he says. "It works not only with Spanish but also with English. That truly makes it a bilingual program. In some cases elsewhere, I have seen the term 'bilingual' misused. It is not misused at Ethel Phillips.

"My only grievance about the program is that I am not able to spend more time there."

Bilingual instruction became possible in California only two years ago. The 1967 Legislature passed a law allowing the public schools to offer instruction in languages other than English. Prior to that time, students could study a foreign language but all other subjects—such as reading or history or mathematics—had to be taught in English.

The legislature made bilingual instruction legal, but it was the U.S. Congress which made it possible. In 1967, the Congress amended the Elementary and Secondary Education Act by adding a special section to provide money to school systems offering bilingual education programs.

LARGEST EFFORT

The Sacramento City Unified School District submitted a request for the funds in 1968 and got $95,000 to start the program last fall. Ethel Phillips has the district's largest effort. A smaller program—financed by the federal government and supervised by the City School District—is under way at Sacramento's Holy Angels Catholic School.

Throughout the state there are 26 school districts with bilingual education programs. Besides Sacramento, Northern California districts with such programs are located in Stockton, Marysville, St. Helena, Ukiah, Fresno and San Francisco. Most of these programs are Spanish-English, the exception being San Francisco which has a Chinese-English program.

Elsewhere, a few districts have smaller programs financed out of local funds. Elk Grove Unified is one of these. There even are several districts with individual teachers who voluntarily conduct bilingual programs. North Sacramento Elementary has such a teacher.

TOO FEW, TOO SMALL

Generally, however, bilingual programs continue to be few and those in existence are not nearly large enough to accommodate all the students who could use such instruction. In the city school system, for example, only 210 children currently are in the program. The district has 3,500 elementary grade students with Spanish surnames. Most of these students could benefit from the program, not to mention the thousands of Negro and Caucasian youngsters who also could benefit.

There is just not enough money. For the entire nation the federal government has only $7 million for the program.

Because of the general shortage of money for the effort, Sacramento school officials do not have any plans for seeking sufficient funds to help all the district's Spanish surname students. They do plan, however, to seek money to open a bilingual program at one other school, probably either Caroline Wenzel or Pony Express.

Spanish surname students in this proposed new program would be drawn from the Washington neighborhood. Caucasian and Negro students from throughout the district would be eligible to apply for admission to it.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 24, 1970.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: We are pleased to inform you that one or more communities in your State are among 57 chosen to submit

a plan for the implementation of a bilingual education program for the 1970–71 school year. Announcement of the approved plans will be made in June, 1970.

A list of the communities currently under consideration is enclosed. These communities are in addition to the 76 communities now operating projects funded under the Bilingual Education Program.

The Bilingual Education Program, authorized under the Elementary and Secondary Education Act of 1965, as amended, is designed to stimulate the development of new and imaginative programs, services, and activities which meet the special educational needs of children 3 to 18 years of age who have limited English-speaking ability and who come from environments where the dominant language is other than English. To be eligible, a school also must have a sufficiently high concentration of these children who are from low-income families.

All of the candidates were selected following review of their preliminary proposals, with recommendations of State educational agencies and outside experts in the field of bilingual education. Representatives from the local school systems will be invited to attend national workshops where application procedures and program requirements will be explained. Local school officials then will develop program plans with the help of Office of Education program officers, special consultants, and State educational agencies. A press release on the candidates for Bilingual Education grants will be issued within the next few days.

Sincerely yours,

B. ALDEN LILLYWHITE,
Acting Associate Commissioner for Elementary and Secondary Education.

CALIFORNIA

Auburn.—Area III County Superintendents Review and Control Board, OE 7–00380.
Language: Spanish.
Further information: Kenneth L. Lonergan, Chairman, County Superintendent Policy-Making and Control Board, 1230 High Street, Auburn, California, 95603.

Cucamonga.—Cucamonga School District, OE 7–00449.
Language: Spanish.
Further information: George O. Scott, District Superintendent, 8806 Archibald Avenue, Cucamonga, California, 91730.

El Monte.—Mountain View School District, OE 7–00419.
Language: Spanish.
Further information: Charles Kranz, District Superintendent, 2850 No. Mountain View Road, El Monte, California, 91732.

Escondido.—Escondido Union School District, OE 7–00383.
Language: Spanish.
Further information: James Slezak, Superintendent of Schools, 5th and Maple Streets, Escondido, California, 92025.

Fountain Valley.—Fountain Valley School District, OE 7–00431.
Language: Spanish.
Further information: Robert A. Sanchis, Assistant Superintendent of Schools, Fountain Valley School District, Number One Lighthouse Lane, Fountain Valley, California, 92708.

Gilroy.—Gilroy Unified School District, OE 7–00451.
Language: Spanish.
Further information: Robert Infelise, District Superintendent, 7663 Church Street, Gilroy, California 95020.

King City.—King City Joint Union High School, OE 7–00455.
Language: Spanish.
Further information: E. O. Fischer, Superintendent of Schools, 720 Broadway, King City, California 93930.

Los Angeles.—Los Angeles Unified School District, OE 7–00222.
Language: Spanish.
Further information: Robert E. Kelly, Superintendent, Los Angeles Unified School District, 450 North Grand Avenue, Los Angeles, California 90012.

Montebello.—Montebello Unified School District, OE 7–00441.
Language: Spanish.
Further information: A. Roland Walker, Superintendent of Schools, 123 South Montebello Boulevard, Montebello, California 90640.

Orange.—Orange Unified School District, OE 7–00504.
Language: Spanish.
Further information: Harold V. Kibby, Superintendent of Schools, 370 North Glassell Street, Orange, California 92666.

Pico Rivera.—El Rancho Unified School District, OE 7–00347.
Language: Spanish.
Further information: John P. Jones, Superintendent of Schools, 9333 Loch Lomond Drive, Pico Rivera, California 90660.

Riverside.—Office of the Riverside County Superintendent of Schools, OE 7–00358.
Language: Spanish.
Further information: Leonard Grindstaff, Superintendent of Schools, 4015 Lemon Street, Riverside, California 92502.

Riverside.—Office of the Riverside County Superintendent of Schools, OE 7–00359.
Language: Spanish.
Further information: Leonard Grindstaff, Superintendent of Schools, 4015 Lemon Street, Riverside, California 92502.

Rowland Heights.—Rowland School District, OE 7–00429.
Language: Spanish.
Further information: Forrest F. Dunbar, Coordinator of Government Projects, 1830 Nogales Street, Rowland Heights, California 91745.

San Bernardino.—San Bernardino County Superintendent of Schools Office, OE 7–00448.
Language: Spanish.
Further information: Roy C. Hill, County Superintendent of Schools, 172 West Third Street, San Bernardino, California 92403.

San Francisco.—San Francisco Unified School District, OE 7–00386.
Language: Spanish.
Further information: Robert E. Jenkins, Superintendent of Schools, 135 Van Ness Avenue, San Francisco, California 94102.

San Jose: Alum Rock Union Elementary School District, OE 7–00466.
Language: Spanish.
Further information: William J. Jefferds, Superintendent of Schools, 2930 Gay Avenue, San Jose, California 95127.

Visalia: Allensworth School District, OE 7–00452.
Language: Spanish.
Further information: Max Cochrane, Tulare County Superintendent of Schools, 202 County Civic Center, Visalia, California 93277.

NIXON VIETNAMIZATION POLICY JEOPARDIZES AMERICAN TROOPS

Mr. McGOVERN. Mr. President, in addition to previously mentioned deficiencies, there is, I fear, another danger in Mr. Nixon's Vietnamization policy—that is the very real danger it poses to American troops. We needlessly jeopardize our troops when we give them the political mission of propping up the Thieu-Ky regime and pacifying the Vietnamese countryside while they are also asked to hold widely dispersed military positions across Vietnam. At the same time, the President is withdrawing American maneuver battalions which are the real muscle of our forces in Vietnam.

I regard the administration's effort to continue extensive military operations while cutting combat troops as exceedingly risky. Do we not by such a policy make our troops vulnerable to concentrated attacks by the enemy? I fear it, and I see no reason to subject American forces to this needless danger.

The press carries news reports that General Westmoreland, the Army Chief of Staff, and other Army leaders fear that we cannot continue both the pacification and the present troop withdrawal schedule. They call for a 6-month delay in further troop reductions. They may be right. In any event, I am one longtime critic of our Vietnam involvement who does not want to jeopardize American troops needlessly. It is my concern over the senseless slaughter of young Americans, as well as young Vietnamese, that has motivated much of my opposition to our Vietnam policy from the beginning. There is a better alternative to both the Nixon plan and the Army effort to delay the Nixon plan. Let me plead again for the kind of disengagement I have recommended previously.

Let us stop our far-flung military operations in South Vietnam and consolidate our forces temporarily, in preparation for disengagement, in well-defended areas near the sea. Let us cease our tight embrace of General Thieu and urge the various political groupings in South Vietnam to begin talks leading to a broader, provisional government and a settlement of the war to be followed by elections. We and other friendly countries can offer asylum to any Vietnamese who might feel threatened by such a settlement. Let us call for an exchange of prisoners and then begin the rapid withdrawal of all American forces from their consolidated positions along the coast.

Such a policy of disengagement is spelled out in the resolution I introduced a year ago. It is the essential proposal I have made for years. It is, I believe, a policy which reduces the military danger to our forces while confronting the political realities of Southeast Asia.

I strongly urge the President to consider it as an alternative to the risky and costly policy he is now pursuing. A concomitant action might be to reconvene the Geneva Conference or reopen the negotiations in Paris. As I suggested on March 18, 1970, the Pathet Lao five-point settlement plan combined with the earlier settlement offers of the NLF and Hanoi can provide the beginning basis for discussions leading to a Geneva-type settlement of the entire Southeast Asian conflict.

I have previously warned President Nixon's Vietnamization policy is not a proper formula for ending the war since it commits us to support the continuance of the Thieu-Ky regime in Saigon—a regime so little supported by its own citizens that it requires American arms in order to stand. Our original intervention into the affairs of the people of Southeast Asia was such an obvious blunder that we ought to end it quickly rather than by a long, drawn-out extrication designed to postpone the day of reckoning and reality. Yet, the Nixon policy gives both Saigon and Hanoi a veto on American foreign policy by telling Saigon that our rate of withdrawal depends on their ability to take over, and by telling

Hanoi we will determine our military strategy depending on what they do.

The continuing costs of the war in the form of blood, inflation, and wasted resources are beyond any counterinterest in Vietnam. Far from ending these costs, the Nixon Vietnamization policy invites military pressure on Laos and Cambodia. It does so because so long as we are supplying our ally in South Vietnam by our control of the air and sea routes, Hanoi will continue to supply its ally in South Vietnam by the land routes and staging areas in Laos and Cambodia. As we seek to close off those routes and Hanoi struggles to keep them open, we set up the unstable military and political conditions which explain the recent troubles in Laos and the tumbling of President Sihanouk in Cambodia.

As columnist Joseph Kraft puts it:

> Vietnamization only creates conditions that work to widen the war. Wisdom lies not in holding tight to that policy, but in shifting to another before everybody comes to understand the Vietnamization line won't work.

In an earlier column, Mr. Joseph Alsop reported from Vietnam the incompatibility involved in pressing both the present withdrawal timetable and the present pacification effort.

I frequently disagree with Mr. Alsop's interpretations of the Vietnam issue—just as I have sometimes disagreed with Mr. Kraft—but the analysis in his column sounds a reasonable warning.

I ask unanimous consent that these two columns by Mr. Alsop and Mr. Kraft be printed at this point in the RECORD, along with a news article in yesterday's Washington Post reporting the Army's concern over proposed troop reductions, and an editorial in today's New York Times entitled "Cutting Into the Bone". I also ask unanimous consent that the text of my Vietnam disengagement resolution be printed in the RECORD.

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

[From the Washington Post, Nov. 30, 1969]

NIXON WOULD BE WISE TO HEED ABRAMS' CALL FOR PULLOUT PAUSE

(By Joseph Alsop)

BIEN HOA, SOUTH VIETNAM.—"A pause" in American troop withdrawals has been strongly recommended to President Nixon by Gen. Creighton Abrams and his staff. If the President is wise enough to take Gen. Abrams' advice, the opposition will no doubt claim that this implies a failure of the Vietnamization program.

But, as in most cases in this war, the opposition will be wrong. As one of the ablest U.S. commanders in Vietnam has remarked, "The problem is being rapidly cut down to Vietnam size.

"That started long ago, and that's why the troop withdrawals to date have caused no loss of momentum. But right now, a bit more time is needed, and that's why the President will be asking for bad trouble if he does not allow a pause."

Here in Bien Hoa, the headquarters of the Huge III Corps region around Saigon, you can see exactly what is meant by the foregoing analysis. Three main factors have been at work in III Corps. First a steadily improving South Vietnamese military effort, directed by Lt. Gen. Do Cao Tri; second, an economical but brilliant U.S. military effort, led by Lt. Gen. Julian Ewell; and, third, the vast new pacification effort managed in this corps area, on the American side, by a remarkable foreign service officer, Charles Whitehouse.

Because of the ever-mounting effect of these factors on the enemy's situation, large troop withdrawals from III Corps have already been made without any real loss of momentum. Because all three factors are still operating, further U.S. troop withdrawals from III Corps can already be envisioned.

But even in III Corps, President Nixon will be pushing his luck too far if he is overhasty. And it is very clear indeed that the President will be taking an appalling risk if he makes substantial troop withdrawals from the coastal provinces of Upper II Corps and Lower I Corps.

The process of "cutting the problem down to size" has got to go a lot further in that difficult area.

Cutting the problem down to size means two different things, which will be examined in more detail in two subsequent reports. In summary, it means, first of all, progressively eradicating the native Vietcong structure, which is Hanoi's asset in every province of South Vietnam.

This eradication has advanced enormously in III Corps in the last six months. The other tasks, meanwhile, is just the beginning here. The immense expansion of the territorial forces—the regional force companies and popular force platoons—has already crowded and eroded the Vietcong in a way that frightens their leaders greatly. This is fully documented.

Yet the territorial forces have still to be sharpened to the point where they can take over most of the burden of province defense, without continuing support from larger U.S. or ARVN units. This sharpening of the territorials is the second task on which Gen. Abrams has told his commanders that "success in 1970" will depend.

Meanwhile, President Nixon will be asking for trouble by refusing to heed Gen. Abrams, primarily because eradication of the native Vietcong structure is not nearly far enough advanced in the difficult Upper II Corps-Lower I Corps area. Vietnamization, in fact, has now reached three different stages in the three most important regions of South Vietnam.

It is moving forward steadily but it is only half-way down the road in the difficult area above-mentioned. It is two-thirds of the way down the road here in III Corps. And in IV Corps, all American ground forces have been pulled out, but nothing material has been achieved by Hanoi's hasty insertion of North Vietnamese big units. In IV Corps, therefore, the road's end is in sight.

In practical domestic-political terms, President Nixon must therefore choose between two risks. The first is the risk of a pause, or at least a marked deceleration of his troop withdrawals. The second is the risk of a local disaster, particularly in the difficult area already described.

The second risk is far greater because of the great numbers of people who will surely portray any local disaster as final proof of Vietnamization's failure. These people will be harder to answer than the critics of a mere pause. And this is why the President will be wise to heed Gen. Abrams.

[From the Washington Post, Mar. 31, 1970]

GENERAL DIPLOMATIC ACCORD NEEDED TO PREVENT ASIA WAR

(By Joseph Kraft)

You can't beat something with nothing even in Southeast Asia. So the myriad local forces working to widen the war there will win the day again unless there is developed an alternate course of events.

The obvious alternative is to move in the Geneva conference for a general diplomatic settlement covering Vietnam, Laos and Cambodia. And fortunately that approach is now being pushed in Washington.

Of the forces working to widen the war, the most important are the North Vietnamese. Their central political purpose is to create in South Vietnam a friendly regime, free of support by outside troops and disposed toward eventual unification. Hanoi is not making any progress in that direction at the Paris peace talks. Opinion in this country has ceased to generate irresistible pressure for peace. And Gen. Creighton Abrams' spoiler tactics impose on Communist military action in South Vietnam a cost Hanoi is not prepared to pay.

Instead the North Vietnamese have found cheaper ways to maintain military momentum and keep pressure on the United States. They moved thousands of troops into Laos and mounted a major attack there. More recently another cheap shot became available when a right-wing coup overthrew Prince Norodom Sihanouk in Cambodia. So the North Vietnamese, who had long used Cambodia as a base, went on the attack there too.

Hanoi's instinct for widening the war is shared with a vengeance by the regime of President Nguyen Van Thieu in Saigon. President Thieu's first interest is to try to deal the Communists a crushing military blow. His second is to keep American troops on the scene as long as possible. His third is to maintain the state of tension that justifies the repression he uses to keep the regime in power.

All three of these interests are served by military engagement with the North Vietnamese. And the best place for fighting the North Vietnamese is to hit them at their bases in Cambodia. Indeed the most prestigious military man in South Vietnam, Gen. Cao Van Vien, has long claimed he could win the war if he was allowed to take a bit of Cambodian territory.

So it was no surprise that the South Vietnamese stepped up their Cambodian border operations immediately after the coup in Pnom Penh ousted Prince Sihanouk. Indeed, suspicious persons pleased to believe that coup was arranged from the outside would do far better to direct their inquiries to the Saigon government than to the Central Intelligence Agency.

Not that all Americans are so opposed to a little widening of the war. Ambassador Ellsworth Bunker and some American military commanders on the spot conceive that their mission is to put in place a pro-American, anti-Communist regime. As part of that mission, they have long itched to cross over into Cambodia and hit the Communist bases there. They are not even particularly bothered by the prospect of slowing down the rate of American troop withdrawal from Vietnam, if that is necessary to help the Saigon government.

So it is natural, not surprising, that American forces aided South Vietnamese troops in some of their recent forays into Cambodia. And it is equally natural, not surprising that American officials in Saigon should be talking, in the light of recent events, about stretching out the schedule for winding down American force levels.

With all these forces promoting a wider and deeper war it takes some doing to contain the conflict. After all what led to the deep American involvement in the first place was these very same local conditions. American leaders did not, as sometimes alleged, want to get into the war. They were backed in by the thrust of events. They didn't have the wit and political courage to take the decisive steps necessary for staying out.

That is roughly the position of the Nixon administration at this time. Unless the President takes decisive steps to contain the war, the force of events will push him into a wider conflict.

Exactly what steps to take are not in

doubt. The central fact is that there is now serious military action in Vietnam, in Laos and in Cambodia. The Geneva conference, set up in 1954 and reconvened in 1962, offers a forum that covers all three countries. It should plainly be called again to seek a general regional settlement. The more so as it offers a way to move beyond the Paris peace talks that are now deadlocked, and subject to revival only if this country abandons its past position by sending a new, high-level negotiator.

Suggestions that this country follow the Geneva route have been pushed inside the State Department and the Defense Department at the assistant secretary level. They have apparently been blocked by a political consideration—namely that to go to Geneva is to deviate from the Vietnamization line to which the administration has wedded itself.

But Vietnamization only creates conditions that work to widen the war. Wisdom lies not in holding tight to that policy, but in shifting to another before everybody comes to understand the Vietnamization line won't work.

[From the Washington Post, Mar. 31, 1970]

ARMY FAVORS PULLOUT DELAY OF 6 MONTHS

(By Peter Braestrup)

Gen. William C. Westmoreland, Army Chief of Staff, and other Army leaders here favor a six-month delay in U.S. troop withdrawals from Vietnam.

Informed Pentagon sources said the slowdown is seen as necessary to enable U.S. troops now in Vietnam to help wind up pacification in key populated areas, notably four "tough" provinces south of Danang in the northern half of the country.

No White House decision on future troop withdrawals beyond April 15 has been made. Defense Secretary Melvin R. Laird has said that an announcement by President Nixon could be expected in April.

As of April 15 under a two-stage withdrawal already announced, authorized U.S. manpower in Vietnam will have declined 115,000 to reach 434,000—about the Vietnam troop level reached in early 1967.

Most important, from a military point of view, will be the April 15 drop-off in U.S. Army and Marine combat "maneuver battalions"—the armor and infantry—from 112 to 78 in 10 months.

CRUCIAL AREAS INVOLVED

Continuing this rate of withdrawal, Army sources said, will begin to cut into U.S. combat strength in crucial areas—south of the Demilitarized Zone, north of Saigon, and especially in the old Vietcong coastal strongholds south of Danang.

Qualified sources said Westmoreland had ordered a full staff study of the military risks involved in various withdrawal timetables. As yet, it was said, he has not had a "formal" request for a delay in troop pullouts from Gen. Creighton W. Abrams, U.S. commander in Vietnam. But Abrams' concern over continuing the present withdrawal rate this summer is no secret to Westmoreland, who is known to share his concern.

DIPLOMATIC TIMING

Pentagon sources emphasized that Army sentiment in favor of a delay in the pullout was not influenced by new North Vietnamese threats in Cambodia and Laos. However, several high-ranking Nixon administration officials are known to feel that a White House announcement of a big troop withdrawal now would be ill-timed diplomatically, serving only to encourage Hanoi to push harder.

With a six-month delay—until Oct. 15—in troop pullouts, Army leaders feel, the pacification of the Vietcong strongholds below Danang can be accomplished without shifting and thus dangerously "thinning out" U.S. forces south of the DMZ and north of Saigon. The April 15 withdrawals, in effect, turn over border area defenses to the South Vietnamese everywhere else.

The 120-mile coastal stretch south of Danang that preoccupies U.S. commanders includes portions of Quangngam, Quangtin, Quangngai, and Binhdinh provinces.

Deployed there to back up slow allied pacification efforts are elements of the U.S. 1st Marine Division, the Americal Division, and the 173d Airborne Brigade. The South Vietnamese have only the 14,000-man 2d ARVN Division plus militia units.

Two regular North Vietnamese Army divisions, the 2d and 3d, reportedly are in the neighboring mountains—the only such major enemy units still based so close to the populated coast.

While some Democrats in Congress have called for speedier withdrawals, Laird and other administration officials are known to believe that casualty rates, not withdrawal rates, evoke the greatest public concern.

So far in 1970, Pentagon officials noted, the number of Americans killed in action in Vietnam has averaged less than 100 per week—well below the 180 weekly average last year. But in the last two weeks death tolls have been higher—101 and 110 respectively—and recent flurries of action are expected to keep the weekly toll above 100.

[From the New York Times, Apr. 1, 1970]

"CUTTING INTO THE BONE"

President Nixon's Vietnamization program is approaching a critical test of credibility this month as the third phase of announced American troop withdrawals from Southeast Asia nears completion.

The White House has denied a report that the Pentagon is budgeting for substantial new withdrawals that would reduce American forces in Vietnam to 225,000 men by mid-1971. The remaining forces would consist largely of air, artillery and supply units, with only enough combat troops to provide protection for their bases.

Such a reduction would be consistent with repeated hints from Washington and Saigon over many months that the United States would bring home all of its ground combat forces from Vietnam by that time or earlier. When former Defense Secretary Clark Clifford last June called for withdrawal of all ground forces by the end of 1970, President Nixon said he hoped to beat that target. A new withdrawal announcement, promised for this month, should provide a clue to the prospects for fulfillment of such hopes.

The President announced the first cutback of 25,000 men last June. A further withdrawal of 35,000 men was announced in September, and in December Mr. Nixon said he would bring home an additional 50,000 men by April 15, lowering the ceiling to 434,000. The actual reduction to date has been 84,500 men, from a force level of 538,500 when the first cutback was announced to a current total of 454,000.

While the staged reductions so far have succeeded in dampening criticism of the war at home, they have not really significantly affected the miliary balance in Vietnam. The current level of American forces in the battle area is close to that which prevailed at the time of the enemy's Tet offensive in early 1968. Since that time, South Vietnamese forces have been substantially expanded—and improved, if official sources are to be believed.

So far, President Nixon has merely been cutting fat from what many believed was a bloated American military establishment in South Vietnam. The next withdrawal, a Pentagon source observed recently, "will start cutting into the bone."

Administration spokesmen have insisted privately that the process of Vietnamization is "irreversible." President Nixon told the American people last November that he had adopted a plan "for the complete withdrawal of all United States combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable."

But the President appeared to contradict himself when he also declared that the rate of American withdrawal would depend on the progress of peace talks in Paris, the ability of South Vietnamese troops to take over the burden of the fighting and the degree of restraint shown by enemy troops. At the moment there are grounds for doubt on all of all of these counts, especially in view of stepped-up enemy activity in neighboring Cambodia and Laos.

The question in the minds of many Americans as another decision on withdrawal approaches is whether this Administration will continue to fulfill its promise of "orderly scheduled" disengagement, even at the risk of "cutting into the bone." Or will the pace of withdrawal be allowed to lag—as Army leaders are reported to be urging—strengthening the belief of some critics that "Vietnamization" may be another way of saying that the war will go on in a continued—but futile—search for military victory?

S. CON. RES. 39

Whereas the war in Vietnam has resulted in the loss of more than 40,000 American lives, in some 250,000 American casualties, in the depletion of American resources to the extent of over $100 billion, and in inestimable destruction of Vietnamese life and property, and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human and spiritual resources upon urgent domestic needs, and

Whereas spokesmen for the present Administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal, and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support, and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it, and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate, and House of Representatives concurring, that it is the sense of the Congress of the United States, That all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangements for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

THE CHALLENGE AND CRISIS IN HOUSING

Mr. TOWER. Mr. President, the administration has outlined a series of measures to aid the depressed housing market. We are all concerned about the quality of life in America. A healthy, clean environment is certainly an important factor in the quality of our life.

Decent housing is equally important. Chairman Preston Martin, of the Federal Home Loan Bank Board, has just made a speech at the Westside Forum of Town Hall in Beverly Hills, Calif., which brings to focus the challenge this Nation faces in solving the housing crisis.

I ask unanimous consent that Chairman Martin's speech describing the problems ahead of us be printed in the RECORD.

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

THE CHALLENGE AND CRISIS IN HOUSING

(By Preston Martin)

It certainly is a pleasure to share some thoughts with you today in this particularly Californian "Town Hall," out in Suburbia! It's a particularly fine part of Suburbia, of course: my meaning is that perhaps only in Los Angeles would Town Hall the discussion forum be so far removed from Town Hall, the civic building. It's another sign of the Los Angeles lifestyle, a way of living which just goes on decade after decade, growing from the "votes" cast by the migrants who vote a very fundamental way in moving here and spending their years in this community. When West Berlin was a bit more in the news it used to be said that Germans "voted with ther feet" in leaving East Germany and joining the Berliners. The California plurality by that measure is a landslide.

Californians are as much or more concerned with the topical discussion of their "ecology," than most other Americans. Those who left their native States sought a different "ecology," the total environment of living and working. Many aspects of the ecological problem receive our attention: the pollution and wasting of the air, the ocean, the open space. With your kind attention I want to review another side of our national objective to improve our ecology, and that is the man-made part—housing and its role in all this.

Ecology has been defined as the study of population, its spatial distribution and physical environment. However, the word itself comes from the Greek *oikos*, or "home."

My point is that what we do about housing in this Nation in this decade will determine the quality of life in America as much or more than what we do about pollution and the waste of natural resources—it's all our environment. We will of course continue to crowd into our major urban areas, where attitudes toward upkeep and neighborhood cleanliness and a multitude of social attitudes will be formed in our youngsters. The extent to which we marshal our financial, physical and managerial resources to meet our housing goals is therefore most important in improving our ecology. President Nixon issued a policy statement on January 21, 1970 which dealt with "the crisis situation we are facing," which the President characterized as "a serious housing shortage which is of grave concern to our national well-being." The Presidential priority was stated as follows: "I pledge that this Administration will take every possible step to solve this most serious housing problem consistent with the overriding need to contain inflation. The housing of our people is and must be a top national priority."

It was only a few years ago that the New Economists were perceiving this Nation as almost absolutely affluent. I refer to the hypothesis that GNP growth would be so great that our national goals could be met, with billions to spare. What would we do with our output once poverty was eradicated and goals were reached? What ever happened to the discussion in the 1960's of the "fiscal dividend" which was supposed to flow into the Federal treasuries with constant tax rates and give us the problem of what to do with it all? I guess that the undue optimism which some of that discussion engendered is in the same mothballs as the idea that we could escalate our Vietnam commitment while greatly increasing domestic Federal spending. In the place of this "happy talk" there is a new realism; the perception that the age-old economic problem is forever with us—the allocation of scarce resources among unlimited wants. We shall devote much of our giant production in the 1970's to our ecology.[1] The cost of improvement in 16 goal areas was put at $355 billion in a National Planning Association study leaving a deficit of $146 billion. Obviously, some goals would have to give way during the planning period 1962 to 1975. The 16 areas were: consumer expenditures, savings; private plant, equipment; urban development; welfare; health; education; transport; defense; housing: research, development; natural resources; international aid; space; agriculture; manpower retraining; area redevelopment. Attainment of our housing goals of 26 million or more in new and converted units will require us to build and convert more housing in each year than we have built in any one year. This will mean 2.0 to 3.0 million units in many years compared to 1.4 million in 1969, plus perhaps 250,000 mobile homes used for year-round occupancy, and minus a small number out of the 1.4 million conventional units used as second homes.

Secretary Romney recently indicated that the Nation has already fallen 2.5 million units behind target in this tight money period. I believe most of us now realize that there are limits even to the "almost absolutely affluent society." Were we to conduct national referendums on national goals it might be possible to reach some sort of majority opinion as to measurable goals in education, welfare, housing, health services, defense, space exploration, and the other principal national goals. I firmly believe that when dollar signs were attached to these goals we would find that even this most productive and affluent society could not fund these without the most far-reaching constraints on consumer spending and upon some areas of business investment, not to mention the cutbacks in politically sensitive governmental programs. Thus we cannot escape the necessity of setting priorities—and housing will be one of the highest. In part this is because of housing's significance in social stability and productivity of the work force, but most importantly it is also because you cannot clean up our ecology while housing is inadequate for many of our families, especially in inner city. You cannot expect socially responsible behavior from the untended youngsters in the aging brownstone. If you clean up the rivers flowing by decaying, cold-water, walkup tenements, they will be polluted again.

The trouble with making housing a high priority national goal—simply stated—is not being able to crusade *against* it, as we are *against* smog, war, dirty rivers and lakes, and crime on the streets. You don't see many pickets in front of the White House demonstrating *for* something. You can't even demonstrate *for* motherhood anymore because of the "population explosion." Few would argue that no matter whatever we do to try to improve our cities, we will fail to build a decent urban society unless we develop a greater respect for our natural environment.

If we relegate the urgent need for adequate housing to a lesser priority within the environmental quest for clean air and water, education and health, we will not truly meet the present threat to our total ecology.

A great portion of the pollution in our environment today results directly or indirectly from inadequate and substandard housing. So it is vital to recognize the entire scope and complexity of what we call our "environment." It is, in the truest sense, composed of a set of interrelated and interacting factors which greatly influence each other and the entire system.

Of these, housing is the most pervasive and fundamental. How we plan, place and build it will have a vital impact on our total environment, from our air and water to vegetation and animal life to man himself. It is impossible to conceive of good housing beside rivers or ponds that would infect anyone who swam in them, or located in neighborhoods so poorly served by local governments that trash and filth, open sewers or seepage from septic tanks spread disease, or even downwind from a factory spewing ashes and noxious gases.

The place a man lives is more than just another commodity, service, or possession; it is a symbol of his status, an extension of his personality, a part of his identity, a determinant of many of the benefits—and disadvantages—of society that will come to him and his family: schooling, police protection, municipal services, neighborhood environment, access (or lack of access) to a hundred possibilities of life and culture.

Those of us charged with specific responsibilities for mortgage financing, housing and urban problems must mount an all-out war to enhance this environment. It is our responsibility not only to ourselves but to the 100 million children who will be born during the remainder of this century. In his report to Congress on population growth, President Nixon underscored the challenge of finding adequate housing for these 100 million Americans. If they are to be housed in new communities, as has been proposed by The National Commission on Urban Growth, the President points out that this would mean constructing a city the size of Tulsa, Dayton or Jersey City every month for the next 30 years.

Secretary Romney of the Department of Housing and Urban Development has weighed this awesome charge, indicating that at the very least there are today 11 million substandard and overcrowded housing units in our country. This is 16 percent of our total housing inventory. A decade ago our last census found 53 million occupied housing units in the United States, of which 13 million lacked toilets or plumbing facilities. What will the 1970 census tell us? We don't have the time to wait and see.

I know that any front page articles these days which put housing up in the front ranks of the priority parade are welcome news to me, if only because they call attention to this crisis. This priority parade is a little like Washington's political climate. If you don't like the Senator currently in the headlines just wait a few minutes and another will be up there.

So, in short, this Administration welcomes the challenge. The media have "discovered" smog, water pollution and all the rest of the ecological crises in the past few months. Why not housing?

The role of the Federal Home Loan Bank Board is essential since savings and loan associations finance, under normal conditions, about 45 percent of all home mortgage credit. They accounted for 53 percent of the increase in home mortgages during the first three quarters of 1969.

In recent weeks I have had the opportunity to testify before the House Banking and Currency Committee and the Senate Housing Subcommittee and present several key Administration proposals within our 1970 Housing Program. I will summarize them briefly.

The Administration has asked Congress for $250 million to stimulate the flow of funds into the depressed housing market. These subsidy funds would be designed to

[1] Goals, Priorities and Dollars, by Leonard A. Lecht. National Planning Association, Washington, D.C. 314 pages.

curb the steadily rising rates charged to member savings and loans for advances and I believe that every dollar spent in this way would generate as much as a $15 to $20 increase in mortgage lending—perhaps a total of $4.5 to $6 billion starting with the availability of funds and extending over the next few years.

We have also sought authorization for the Federal Home Loan Bank System to conduct a secondary market in conventional, FHA and VA mortgages held by institutions insured by the Federal Savings and Loan Insurance Corporation (FSLIC) and the Federal Deposit Insurance Corporation (FDIC). Mortgages have almost no secondary market today, having lost their place in investor portfolios to corporate bonds, governments, agency securities and common stocks. Some means must be developed to enable the mortgage lender to sell his mortgage originations when credit worthy demand exceeds the lender's capacity to finance. A "secondary," or resale market would be an important alternative to saver funds and borrowing. Likewise, mortgage lenders need to have a source for the purchase of mortgages when their flows of funds exceed the safe lending opportunities available to them. The Federal National Mortgage Association, FNMA, has a long record of providing added marketability to FHA and VA mortgages. Our Federal Home Loan Bank System proposes to do the same job for "conventional," uninsured mortgages, as well as providing a limited market for insured institutions in FHA and VA mortgages.

Again, as part of the Administration's total Housing Program, we will form a $200 million pool of FHA–VA mortgages and sell mortgage-backed bonds guaranteed by the Government National Mortgage Association, GNMA, against this pool.

Such action, I believe, will produce a maximum of housing credit with a minimum of budgetary expenditure. Our System has been using every means at its disposal to provide credit to the housing markets. Our advances to members were increased at a record rate of $4 billion last year, but it is unlikely that this contribution can be repeated this year. So, new "tools" are essential.

Our Board will use subsidy funds, when authorized to commit mortgage funds through lenders to mortgage borrowers at rates below our own cost of money. Although we borrow huge sums in the open market, even our interest rates have ranged above 8 percent in recent fundings. Our Bank System is now absorbing some of the costs involved in our raising of $1.0 billion or more in funds per month in recent months. Our System is absorbing these costs to keep rates on mortgages from rising even more rapidly than they have in 1969. However, the pressure of demand for funds in the real estate area continues to press upon a very inadequate supply, and so the pressure is very largely up, but little downward. If Congress authorizes funds, we will exert an important downward pressure on rates, beyond that which we have been financially able to do, lending even further below our money market costs to prevent tens of thousands of American families from being priced out of the new and converted housing market, for homes and apartments, because mortgage rates rise even further and faster.

Many of you are aware that the Government National Mortgage Association, "Ginny Mae," is developing a mortgage-backed security. The Federal Home Loan Bank Board will serve both as a packager for these securities and as a secondary mortgage market facility for conventional mortgages. Of course, these packages of mortgages and the marketing of mortgage-backed securities have to be available at yields which appeal to pension fund managers who are now inclined to be interested in stock market and real estate equities. However, long-term yields on mortgages and mortgage-backed securities can now be secured at or about 8 percent, which compares favorably to long-term yields on stock and real estate.

I have been asked to speak for 28 minutes, a challenge in timing equal to that of a pacesetter in a world record attempt at the mile.

So, in summary, let me say that our Board recognizes that nowhere in the United States is this housing crisis I have discussed so critical as it is here in California.

By the year 2000 estimates are that California will almost double its population to about 40 million people. Housing must expand at the same rate and my friend Charles Lemenager of the State's Department of Housing and Community Development has predicted that "a second California" will have to be built within the next 30 years.

Merely to keep up with California's population expansion would require a minimum of 225,000 new housing units a year, or 75,000 more than are now being built. This excludes meeting the existing backlog of say, 500,000 new homes and several hundred thousand needing rehabilitation.

Short- and long-term proposals, some of which I have discussed today, must become reality if we are to meet this crisis.

I note that Secretary Romney will speak to you on April 17 and I am sure that he will pose the challenge of housing the Nation and the complex of programs with impact upon this challenge through the leadership of the Department of Housing and Urban Development.

So, in conclusion, increased public attention reveals that our housing crisis "SOS" signals are getting increased reception, increased concern. With this reception and concern must come an unmatched response to the challenge from us all, local, State, and Federal Governments, facilitating private initiative.

Congress has set high goals for housing and I have described some of the new tools at hand. These goals are interdependent with antipollution objectives. A continued massive increase in our housing stock is essential in improving the quality of urban ecology in this country. Now, then, is the time for absorption and integration of these programs. Now is the time for application of a peculiarly American resource: contemporary managerial systems-oriented skills and "rationalizing" the administrative decisionmaking procedures to narrow the gap between promise and fulfillment.

The first Nation on the globe to reach a sustained high level of affluence widely distributed among its population will surely be the first Nation to have real impact in improving its ecology, manmade and natural. Only in this way can we really improve the quality of life in America and thereby cement the commitment of our people to the other goals and objectives of our society.

ENVIRONMENTAL ISSUES IN RURAL AREAS

Mr. McGOVERN. Mr. President, there can be no denying the intimate relationship between our current concern over the environment and the policies we have pursued in rural areas.

Economic attrition in agricultural sections has forced millions of Americans to seek opportunities in congested cities, where they have accelerated the pace of environmental deterioration there. Meanwhile the decline of the family farm system is aggravating environmental issues in rural areas as well. The unparalleled food abundance we have available to us today is due in no small measure to the family farmer's kinship with the soil; to his view of the land as a permanent entity to be respected rather than as passing asset worthy only of exploitation.

This attitude was expressed collectively a short time ago by an important nationwide farm organization, the National Farmers Union. At their convention in Denver last month, Farmers Union delegates hailed the growing crusade to save the environment, and said that:

> Family farmers, the historic custodians of Mother Earth, must take part in this crusade to save the human species from extinction.

Mr. President, I ask unanimous consent that the text of the statement be printed in the RECORD.

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

NATIONAL FARMERS UNION CONVENTION DEALS WITH FAMILY FARMERS AND THE ECOLOGY

DENVER.—The annual convention of the National Farmers Union meeting in Denver, March 11–14 declared that preserving the family farm system in America is the best way to control the pollution of our land and water. In a resolution designed to bridge the gap between urban and rural America the convention declared:

Food producers face the greatest crisis in the history of American agriculture. Speculators and concerns in search of tax write-offs are scrambling for land. Multi-million dollar campaigns have been launched to eliminate family farmers. Inflation in an economy dominated by the industrial-military complex aggravate the situation. The problem is compounded by the nation's cheap food policy at the expense of the farmer. The cost of farms and ranches have been boosted to levels where young farmers cannot pay for them from operations. Our youth migrate to the cities to complicate problems there.

The nation's food supply is menaced and the problem is out of the hands of the family farmers. It has become the nation's problem. Corporate and conglomerate agriculture cannot insure our food supply and is destructive of democracy itself.

We hail the crusade led by science and the ecologists to save mankind from its own folly. Food and land is as necessary to mankind as air, water, and population control.

Family farmers, the historic custodians of Mother Earth, must take part in this crusade to save the human species from extinction. We call upon the ecologists and scientists, ministers and their followers, teachers and their students, and all people of good will, to join with rural America in preserving family agriculture. Agriculture is the foundation of American democracy. The nation's food supply must be conserved, preserved and guaranteed for all mankind.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 514.

Mr. JAVITS. Mr. President, before the Senator does that, the manager of the conference report with me, the Senator

from Rhode Island (Mr. PELL), is not in the Chamber; and, with the consent of the Senator from West Virginia, I should like to have a brief quorum call so that the Senator from Rhode Island may come to the Chamber before the conference report is laid before the Senate.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a quorum call, with the time to be charged equally against both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of the conference report on H.R. 514.

The PRESIDING OFFICER. The clerk will state the conference report.

The BILL CLERK. Report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Without objection, the Senate resumed consideration of the conference report.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a quorum call, with the time to be charged equally against both sides.

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

Mr. BYRD of West Virginia. Mr. Presdent, 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.

Under the previous order, the time limitation of 4 hours will now take effect on the conference report, with the time to be equally divided between the Senator from Mississippi (Mr. STENNIS) and the Senator from Rhode Island (Mr. PELL).

Mr. STENNIS. Mr. President, in putting together the unanimous-consent agreement for a time certain to vote today—I think it was last Wednesday—reference was made to a motion to be made by the Senator from Mississippi. I had in mind all the time that the motion would be made by the Senator from Connecticut (Mr. RIBICOFF). I failed to note, though, what the agreement said, so I now ask unanimous consent that the Senator from Connecticut (Mr. RIBICOFF) be permitted to make the motion rather than the Senator from Mississippi.

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

Mr. RIBICOFF. Mr. President, I move that the Senate recommit the conference report on H.R. 514 for the purpose of reconsidering amendment No. 463, as originally passed by the Senate dealing with uniform application of the laws relating to school segregation, and the language added thereto in section 2, subsections (a), (b), (c), and (d) of H.R. 514.

Mr. JAVITS. Mr. President, will the Senator from Connecticut yield for a parliamentary inquiry?

Mr. RIBICOFF. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from New York will state it.

Mr. JAVITS. If this matter is recommitted as moved, does that confine the conferees solely to the reconsideration of the particular amendment which the Senator has moved with respect thereto?

The PRESIDING OFFICER (Mr. HOLLINGS). The Chair would rule that it does not so confine. It would be a recommittal, and the conferees could consider de novo the conference report.

Mr. JAVITS. Will the Senator from Connecticut yield for another parliamentary inquiry?

Mr. RIBICOFF. I yield.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from New York will state it.

Mr. JAVITS. Does it constitute instructions to the conferees to negotiate on no other matter except No. 463?

The PRESIDING OFFICER. It does not. The conferees could even ignore the instructions.

Mr. JAVITS. Even if they were instructions?

The PRESIDING OFFICER. Yes. That is the parliamentary ruling.

Mr. JAVITS. Therefore, is a motion of this character in accordance with the rules of the Senate?

The PRESIDING OFFICER. It certainly is permissible; yes.

Mr. JAVITS. For whatever it means?

The PRESIDING OFFICER. Yes, sir.

Mr. JAVITS. As defined, I gather, what it means. I thank the Chair and I thank the Senator from Connecticut.

Mr. STENNIS. I want to assure the Senator that none of us had any purpose to try to let it mean anything except what it says, insofar as our interest is concerned and our debate is concerned on amendment No. 463. We understood that the rest of the matters would be open to the conferees, as they certainly should be.

Mr. JAVITS. The only reason I made this clear to the Senator is that I am sure—I am positive of it—that he would want the Senate to understand just what we are doing. The issue will be joined.

I know that the Senator is dissatisfied with the disposition of the amendment. I know that the Senator from Mississippi is dissatisfied. Probably other Members are, but I do not think the Senate should labor under any impression that all we will do is go back to conference and wrestle around about the Stennis amendment and then bring something back. We had a terrific fight about many parts of the bill, which we will develop in debate here. It seems to me very important that the issue should be before the Senate.

If we send this back, no matter what the Senator says in the motion, everything is open, including money and time and conditions and everything else. And I can assure the Senate that it will be availed of. And if we do not send it back, that will be the end of it.

I did not wish to be put in this position. It is very important that we make our point to the Senate that this motion is meaningless. We would be just sending it back. No matter what we write in here, it does not restrict the House conferees from opening every question in the report.

Mr. RIBICOFF. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, later in the debate I will ask for a considerably longer period of time from the Senator from Mississippi. I appreciate the hard work put into this matter by the conferees. I do not question their bona fides. They tried to hold the Stennis amendment. Yet, what came out of the conference was much worse than what went in. In many ways, what was achieved was a tragic failure, because we are now placed in the position of assuring a segregated society not only in the South, but also in the North.

Since the time of the passage of the Stennis amendment and the work of the conferees, there was a long, full statement from the President of the United States as to how he viewed the entire problem of segregation in education, both de jure and de facto.

The President made recommendations as to the utilization of substantial sums of money—$500 million one year, to be supplemented the following year by $1 billion—to help segregated schools.

The conferees, it would seem to me, in view of the President's statement, would want to consider not only the Stennis amendment, but also the possibility of desegregation at a much faster pace with the scheduled expenditure of $1.5 billion for schools that are now segregated. To me, those are important steps not to be taken in a pro forma manner.

I thank the conferees for their hard work. But it is important for the Senate to understand the changes that the conferees have made and their encouragement of segregated education and a segregated society.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield me 1 minute?

Mr. PELL. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, are these instructions amendable?

The PRESIDING OFFICER. The instructions are amendable.

Mr. JAVITS. That is, such parts as deal with amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I thank the Chair.

Mr. STENNIS. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 20 minutes.

Mr. STENNIS. Mr. President, I wish to reiterate what has been said here and previously in the debate—that this motion and this debate is by no means an attack upon the conferees. They have had a very difficult bill, and they have worked on it at great length. And they have worked hard in the conference.

So, we have no criticism of them. We fully appreciate their efforts. Nevertheless, Mr. President, the fact remains that the bill left here with amendment No. 463 in it, which very clearly provided for a policy to be applied throughout the Nation with reference to the integration of schools insofar as the use of HEW money was concerned. And that one policy would be applied North, South, East, and West and would be applied regardless of the origin or cause of segregation.

The amendment used the words "de jure" and "de facto." It also had a clause that it would apply uniformly regardless of the cause or origin of the segregation. And, by the way, that last clause was expressly put before the Senate on a motion to strike. But it was retained in the amendment by a rather striking vote in favor of retaining the language. Also, there was directly submitted to the Senate the question of the terms "de jure" and "de facto" being used in the amendment. That amendment to the amendment was agreed to by a very large majority.

The amendment as a whole then passed the Senate by a vote of 56 to 36. And it stated, as I have said, that single policy.

When the amendment came back to the Senate Chambers, even though it retained the language as subsection (a) of the original Senate amendment, it now has section (b) and section (c) in it. I refer particularly to section (b) which is almost a total reversal of the language passed by the Senate. And that is what we are called upon to agree to.

Those of us who have worked on this matter all these months, and really much longer than many months, are greatly concerned for several reasons that I will enumerate more at length. We are concerned that there has been a diminution of section (a) as passed by the Senate.

More than that, we are concerned that there has been extraordinary confusion injected into a matter that was already confusing.

If this language does remain in the bill, if it is the wisdom of the Senate to retain this language and it becomes law, even though it is just policy, it will compound the confusion that is already rampant on this troublesome subject.

Mr. President, I quote none other than the Chief Justice of the United States when I refer to this confusion. He said just a few days ago in a special statement on one of the decisions that was handed down that this confusion was rampant and that he personally favored making clear-cut decisions and having the cases decided by the Court as they came in and settle several areas of confusion in this field.

Although it is commendable, it is an extraordinary thing for a Chief Justice of the United States to come out and comment upon the confusion. And he was talking about the court decisions and putting himself on record as saying the matter ought to be cleared up.

Mr. JAVITS. Mr. President, will the Senator yield there?

Mr. STENNIS. I yield.

Mr. JAVITS. Mr. President, what is puzzling me is that when Chief Justice Burger said it was confusing, he had not seen this conference report. All he had before him was the Stennis amendment and the cases.

If we were supremely successful—and we cannot be, I can assure the Senate—and if the Senate were to recommit, the most we could come back with would be the Stennis amendment. If it was confusing then, it would be confusing now.

What are we accomplishing? The Senator from Mississippi would try, I am sure, to contribute anything that he could. But even if we were to bring back the Stennis amendment—which I know we cannot do and which the Senator from Mississippi knows we cannot do—we would still have the same situation that Chief Justice Burger complained about.

We say we will do the best we can and let the Supreme Court begin to lay down guidelines. That is fine with us and, as I have said many times, no matter how it affects my State or that region, we will plead for it. We are not trying to get out of this in any way.

Mr. STENNIS. New elements have been brought into this matter that I will refer to later and I will ask the Senator if he will consider those elements at that time.

Mr. President, the purpose of the original amendment is to require that there be one national policy on desegregation applying equally throughout the Nation.

The proposition now before you in the conference report is different from what the Senate passed. It is true that the proposal in the conference report proposes that there shall be a single policy, but it is further set out in paragraph (b) that there shall be two policies. Paragraph (b) provides one policy for what is described, or classified, as de jure segregation, and another for what is described, or classified, as de facto segregation.

In the original amendment adopted by the Senate on February 18, the Senate spoke clearly, firmly, and plainly. The Senate said there should be one policy, uniformly enforced throughout the Nation and that policy should be that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race whether de jure or de facto should be the same in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. That language is clear. The intent of that language is clear. Simply stated, it says the national policy is to deal with segregation under the same rules wherever and whenever it occurs.

After the Senate adopted the original amendment, and after the Senate and House conferees modified that amendment, the President made a lengthy policy statement on school desegregation in which he also to some extent declared that the national policy should be divided into two parts—one policy dealing with de jure segregation and another policy dealing with de facto segregation.

The Nation now has three major school desegregation policy statements before it—none of which wholly agrees with the other.

The Senate has laid down one policy, the Senate-House conferees another, and the President still another.

The result is a high state of confusion which leaves every public official from Cabinet rank down to the public school superintendent in doubt about what the law provides as to school desegregation.

There is even wide disagreement among Senators as to what the conference committee language provides. For example, the chairman of the Senate subcommittee, the Senator from Rhode Island (Mr. PELL) stated at page 8892 in the RECORD of March 24:

> What this means is, that in desegregation activities they will now recognize areas in the South where there is de facto segregation, where it does not come from the past history of events. They will also search in the North more vigilantly and look for areas where there has been collusion among the electorate, the school boards, or the governmental bodies to try gerrymandering the school districts. I think that will be the effect of paragraph (b).

On the other hand the Senator from New York (Mr. JAVITS), who was also one of the conferees, said at page 8900 of the RECORD of that same day:

> The courts can no longer assume, as I see the meaning of this policy statement, that because there was at one time a dual school system, then it follows as a matter of law—we lawyers use the words "ipso facto"—that the segregated system is the result of that dual school system.

In other words, the Senator from New York was recognizing just what he said and that because it had been in an area where there was a dual system that it would not follow as a matter of law, or ipso facto, that the segregated system is the result of that dual system, whereas the Senator from Rhode Island—and I am not critical of him—put in an addendum to his thoughts and said, "Where it does not come from the past history of events."

That points out a very significant point. I think the Senator from New York has a far more reasonable and logical explanation than under this idea where it does not come from the past history of events. In the South, we have been condemned wholesale, presumed guilty without proof, and there has been an assumption that just because a school

was in a State that had laws on segregation, that that was it and it must be dealt with and the way to do it is to take it apart and tear it down to the extent of closing the schools.

The Senator from New York put a more favorable reading on this language, as I understand him, when according to his quotation, he said:

> The courts can no longer assume, as I see the meaning of this policy statement, that because there was at one time a dual school system, then it follows as a matter of law—we lawyers use the words "ipso facto"—that the segregated system is the result of the dual school system.

I am using this example to show there is a conflict in the thoughts of the conferees about this important point.

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

Mr. STENNIS. I yield.

Mr. JAVITS. We will yield ourselves time so as not to intrude on the Senator.

Mr. PELL. I yield to the Senator from New York.

Mr. JAVITS. I do not think it is really true, that there is any conflict between the Senator from Rhode Island and myself or among the conferees, because the Senator from Rhode Island was very careful when the Senator questioned him, to point out that he is not a lawyer. I did not interrupt because I thought the Senator from Mississippi, who is a very able lawyer and judge, had a right to have a free shot at the chairman of the Senate conferees and that the distinguished chairman should explain his intent in, let us say, layman's language.

But I do not believe, in all fairness to the Senator from Rhode Island, because this was so hotly debated in conference, that there was any substantial difference as to what this meant. The courts could disregard it because it is a policy statement. I am too much of a lawyer to assume that any act was vain and to assume that when the Senate acted on the Stennis amendment, and if the Senate votes affirmatively on this conference report, something will not be accomplished. I have made the concession required of me by the facts.

As I see what the Senate has done, if the courts pay any attention to it in a policy statement, this is what we have done. Frankly, it is beyond me how the intent of the section of the bill referred to, as indicated in the debate in February, has in any way been changed by our compromise. I thought our compromise was essentially a semantic compromise with the other body, rather than a legal compromise. I think we accomplished everything that could be accomplished as the law stands now or as the law may develop.

Will the Senator yield to me for 1 additional minute so that I will not intrude on the time of the Senator from Mississippi?

Mr. PELL. I yield.

Mr. JAVITS. We do have a slightly different theory about this and it is an intellectual difference but a very important one. I do not believe the Senate can make a statement of policy except within the law, if it is on legislation. I do not see what else we can do. That is why I think our compromise lies irretrievably before the Senate. So I made the concession which was required.

I suspect that the proponents of the Stennis amendment, because it is a policy statement, think somehow we can make law. I do not think so. I think the most we can do is follow the law as it is on legislation because of Justice Burger's promise—and I think it is a great thing—to extend the parameters of our situation. When they are extended that would be the policy of HEW and the United States but I do not see how in a policy statement like this we can make law. That is really the essence of the difference of view which obtains between us.

Mr. STENNIS. The Senator from Mississippi's purpose in the policy statement was to try to influence the law, influence the courts, perhaps, and influence the executive branch in carrying it out.

Mr. JAVITS. That, I think, the Senator has done.

Mr. STENNIS. I appreciate the Senator's remarks.

Perhaps both Senators are saying the same thing in a different way, but as I read their statements, one (Senator PELL) is saying de facto in the South will not be recognized as lawful if it arose from de jure conditions, while the Senator from New York says the courts are estopped from assuming de facto segregation is caused from a dual school system imposed by law.

The point is that when the amendment is modified by the conference committee and statements in the RECORD concerning the modification language are considered together, it is extremely difficult and I think, as a matter of fact, impossible to clearly determine what the language was intended to provide.

It is impossible for me to determine from the RECORD and from the amendment language, for instance: First, if de facto segregation per se is considered to be legal in the South; second, if so, is de facto segregation caused from de jure conditions recognized as not unlawful; and, third, if so, at what point does illegal de jure segregation cease to be de jure and become de facto?

There is also conflict between the Senate conference proposal and the current practice of the Justice Department and the President's message.

I do not say that critically of the President. Of course, he is trying to perform his duties as best he can. Of course, the Attorney General is trying to perform his duties as best he can. But I tell Members of the Senate that the school boards do not have a chance to deal with the President of the United States and the Attorney General of the United States. They have to deal with people from HEW, and other Federal agencies who go out through the districts and exercise this surveillance and make these personal demands and make all kinds of arguments day after day after day. Some of it—not all of it, but some of it—amounts to harassment. I know what I am talking about in those fields. They have little regard for the distinctions we make here, and frequently they have virtually no regard for what they have been told by the head of their department, the Cabinet officer.

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

Mr. STENNIS. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. A problem enters my mind, and perhaps the Senator from Mississippi can shed some light on it. We have before us an education bill. We do not have before us a civil rights bill which we are seeking to enforce and through which we are seeking to impose penalties. Were we considering a civil rights bill, it occurs to the junior Senator from Nebraska that cause would be important; that intent would be important; that the intent of people in obeying a law would be important. Therefore, in considering the whole matter of distinction between de jure segregation and de facto segregation, were this a bill dealing with the enforcement of civil rights, this, no doubt, would be a proper place to discuss it.

However, this is an education bill. I assume the objective of it is to extend benefits and aids to education and to improve education. I would also assume that the beneficiaries are the students.

From the standpoint of extending aid to schools, improving schools, and the education of students, I have a hard time drawing a distinction between de facto and de jure segregation. Regardless of what the cause happens to be, regardless of whether the cause grew up in the last 10 years or in the last 100 years, it is a fact and a situation that affects the operation of schools.

I would like to ask the Senator whether I have stated a problem that merits consideration.

Mr. STENNIS. I certainly think the Senator has, and he has stated it right down at the level of life where it is, where it is found. It is not theory and it is not academic. The purpose of the bill is to aid in the education of children.

Mr. CURTIS. When children are waiting for a school bus or entering a school, it seems to me how a situation arose is entirely irrelevant so far as improving education and the Federal Government's extending aids or benefits to education are concerned.

When we have before us a law on civil rights or a subject in which we are trying to enforce something or to correct a situation that has been brought about by what the courts have held as being unlawful, that is one thing; but today we have before us, not a bill seeking to enforce any law per se, but, rather, to improve education; and certainly we should not use schoolchildren in that situation.

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

Mr. STENNIS. Mr. President, I yield myself 15 more minutes.

The Senator has stated the case in a very practical way. We are dealing here with just a statement of policy, hoping it will have influence on HEW in applying these guidelines. We want them to wipe out the distinctions that have been made. I think the Senator has stated it so well and practically that I could not

add to what he has said or improve upon it.

Mr. CURTIS. I thank the Senator.

Mr. STENNIS. The subcommittee chairman in explaining the conference proposal said at page 8892 of the March 24 RECORD:

> Let me give the Senator an example of what I am talking about. If a suburb had been built up outside of Atlanta and it was a recent suburb, starting in the mid-fifties, there would be no grounds for HEW to move into that area, because the dual school system would have ended long before that suburb had even been built; and the segregation that occurred there, regrettable as it would be, would be the result of living patterns.

The facts are the Justice Department at this moment is prosecuting a case against the entire State of Georgia which certainly includes the city of Atlanta in which the Justice Department seeks a desegregation order against the entire State.

Unless the Justice Department has evidence that there is discrimination in every school in Georgia, then that Department is acting contrary to the provisions of this amendment as explained by the chairman of the subcommittee who said:

> De facto situations are not illegal in the South.

The Justice Department is also acting contrary to the explanation by the Senator from New York who said:

> There is no presumption of discrimination simply because there was once de jure segregation.

If this amendment is adopted as proposed by the conference committee will the Justice Department then be prevented from proceeding against the entire State of Georgia or any other State?

It appears to me, as I understand the explanation of the Senator from New York, that the Justice Department would be required to cease prosecution of this case against the entire State and would be required, if the case is to be continued, to proceed against individual school districts in which it has evidence of actual discrimination.

This goes back again to the proposition, Who has the burden of proof? The way they have been going so far, they have said that in the South the place where the segregation was found was proof enough.

It is still not clear to me, however, in view of the statement by the Chairman of the Senate subcommittee whether any de facto segregation in the State of Georgia would be recognized as not unlawful.

This confusion is compounded by the fact that the President in his policy statement of March 24 said:

> De facto segregation which exists in many areas both North and South is undesirable, but is not generally held to violate the Constitution.

There is the question again, now. Who has the burden of proof? Is there a presumption against us? If so, how much proof does it take to rebut that presumption?

Does the Senator wish me to yield?

Mr. PELL. If the Senator will yield.

Mr. STENNIS. I am glad to yield to the Senator from Rhode Island.

Mr. PELL. As I read the amendment, which we believe is an improvement on the original language, it would mean, to my mind, that, regrettable as it might be, the current proceedings against the whole State of Georgia could not continue, it would have to be handled on a school district basis. But, again, I am not a lawyer, and I would think this is a matter that the Attorney General or the Secretary of Health, Education, and Welfare would have to decide, and of course it would have to be thrashed out in the courts.

Mr. STENNIS. I thank the Senator for his fine sentiments, and continue, now, with the key point that I wanted to raise.

I appreciate the Senator's concern and desire to be fair but he leaves unanswered the vital question, "At what point and under what circumstances will segregated conditions in the South that meet the test of de facto segregation in the North be recognized as de facto segregation even though that segregation arose in a jurisdiction that required segregation by law?"

That ends my question. We use these terms and we argue about them, and different ideas are held by different Senators, but what we want to know is, at what point, now, will these segregation conditions in the South that meet the test of de facto segregation in the North be recognized as being legal in the South?

It is not at all clear to me when, if ever, that would occur under the provisions of the conference proposal.

It seems to me the Senate is as guilty of inadequate explanation and incomplete action as the Supreme Court was when it ruled all school districts should operate under a unitary school system but refused to define unitary.

I appreciate the fact that advocates of the conference language wish to give the South equal treatment but the central question is: Does the modified language do that?

On the basis of the amendment language and the apparently conflicting statements as to what the amendment means, I am unable to say that it does.

If by straining some explanations to the extreme and disregarding others, it might be possible to conclude the intent is to give fair treatment to the South at some point in time and under some conditions. Even so, it is impossible to determine from the record made here when and under what conditions that fair treatment would be available to the South.

It is argued that fair treatment will be given when the dual school system has been disestablished but the committee proposal gives no indication of the time when, nor the circumstances under which, the dual system can be determined to have been disestablished.

I have talked with the officials in HEW—this was not Mr. Finch, but men who were under him—about the situation and what it would be as time goes on, assuming all these court orders are taken care of and obeyed—and we are obeying them in the South. We have, by the way, a much higher percentage of integration in our schools than is found in many of the States of the North and the East.

I asked them what would be the situation, and they said, "We will continue to keep you under surveillance.

Under surveillance. In other words, it is going to be a police matter—for years and years, even after the court has dismissed these cases—whereas in other parts of the country they are not even touching the schools, not trying to do anything about it, in spite of the evidence that is bulging in their own files of massive segregation, in school after school after school, in State after State after State. But in the South, there is altogether a different policy, altogether a different rule, and altogether a different practice.

I believe that under this amended amendment, there will tend to continue to be just about the same pattern that we have found heretofore, in spite of the sweeping vote here in the Senate in favor of the original amendment.

Mr. President, I know it is no child's play to oppose a conference report such as this. I know it is an uphill battle, and I know that there is great weight in favor of the conference report. It is true that the termination of consideration of a bill has to come sometime, if we are going to have a law on the subject.

I have no desire whatsoever to delay this matter. In fact, whatever good can be found in this original amendment, or the part of it that is left, or anything that the conferees could bring out on second thought, I want to get the benefit of. If we do agree to the motion, asking the conferees to look further into these matters—and I shall emphasize in a moment the points I think they should consider—there will be no disposition by any of us who are sponsoring this amendment to try to delay a final vote on the conference report when it comes back, assuming that it is not extraordinarily out of line with the present one. I would certainly take the lead in asking that we have a consent agreement here to vote on it, with a very reasonable time for both sides to make points that they might wish, but with a very limited debate, because I know things have to come to an end.

There is clear conflict here between what the President says is the national policy and what the Federal Government is now doing in the South.

I see nothing in the conference committee proposal that resolves this conflict. On the contrary the confusion is compounded.

For 16 years the national policy on school desegregation has been confused and uncertain.

The President said 2 days before he issued the March 24 policy statement: "The law at all levels is confused."

Mr. President, that is the No. 1 citizen of the United States, the No. 1 man in our system of government.

The Secretary of Health, Education, and Welfare, Mr. Robert Finch, said on March 2, as reported by the Washington

Post: "The Nixon administration is confused by what the courts have said."

I did not say that. That is what Mr. Finch has said, and he has dealt with this problem a long time. He has worked hard on it. He said on March 2—and I repeat it for emphasis—as reported by the Washington Post: "The Nixon administration is confused by what the courts have said."

But that is not all. Chief Justice Burger said in the opinion in Northcross et al. against Board of Education of the Memphis, Tennessee, City Schools, handed down March 19, 1970:

> The time has come to clear up what seems to be a confusion—genuine or simulated—concerning this court's prior mandates.

He was not talking about some other court. He was talking about the Supreme Court of the United States. So here we have the Chief Justice of the United States pointing his finger at his own courts. We have the Secretary of Health, Education, and Welfare pointing his finger at his own administration, which he says has been confused by what the courts have said. We have the President of the United States, just before he made the other statement—and he said that he wrote part of that statement, the statement of March 24, 2 days before he said what I have quoted—saying: "The law at all levels is confused."

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

Mr. STENNIS. I yield myself 3 additional minutes.

Mr. President, the Senate is about to pass on a national school desegregation policy.

The policy laid down should not only be sound, but also, it must be set out without conflict, contradiction, or confusion.

It would be a great disservice for the Senate to leave the record in the state of uncertainty that now prevails about what Congress did and did not provide and/or intend in the policy about to be adopted.

The three national policies that appear to be near agreement, but which have sharp differences, must be resolved so that they are in agreement and accord. I believe this can be done.

It can be done by rejecting the conference committee report without prejudice, and with the simple request that the conferees reconsider the proposal submitted in the light of the President's message.

I believe the matter can be resolved without lengthy debate either in conference or on the floor. However, unless these three policies are made compatible and set forth in clear and easy to understand language, the strife and discord that have marked desegregation of public schools for 16 years will continue and the issue will linger in Congress for months and years to come.

The Senate now has the opportunity to act decisively. It has a clear duty to do so.

Unless it does, the unbridled confusion will continue unchecked. The debate will continue over what is the national policy and public officials at every level will have to search through volumes of speeches, records, and other official documents seeking some guidance in the conduct of their daily work.

There is no need for such a situation to exist. The problem can be quickly solved by a clear, concise conference committee report and appropriate language in this bill that recognizes the differences and resolves the misunderstandings between the three policies now before the Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The time not to be applied to both sides?

Mr. PELL. The time to be applied equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, will the Senator from Mississippi yield me 10 minutes?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. HOLLINGS. Mr. President, following the remarks of the distinguished Senator from Mississippi, and the colloquy with the Senator from New York, there is a great deal of talk about confusion. In trying to bring this issue into perspective, there was obviously no confusion when the Senate spoke with the Stennis amendment asking for uniformity of application of the law. It so happens that we started with the separate-but-equal doctrine. We were asked to come back and find out if segregation, in and of itself, was unequal. Then came the distinguished Senator from Georgia discussing the application of the law toward schools in the South when they started applying all the guidelines and all the pressures in such a fashion as to discriminate against the public school systems of the South and allow continued discrimination in the North in their school systems. The Senator from Georgia proposed in the appropriations measures that the guidelines and the assignment of HEW agents be assigned equally over the entire Nation.

Then we finally wrote it into the Elementary and Secondary Education Act. To interrupt my thought here, I would ask the distinguished Senator from New York if he refers to the New York school system as a de jure or a de facto school system?

Mr. JAVITS. I consider it a de jure school system, but I do not think that is what the Senator means. I think what he means is, where there is a heavy concentration of black students in an individual school, what do I consider to be the origin of that condition; Is that right?

Mr. HOLLINGS. Yes. The Senator from New York goes into the origin. In other words, he comes back to the situation as it existed in 1954 at the time the Brown decision was made.

Mr. JAVITS. No, I do not.

Mr. HOLLINGS. The Senator does not? He comes up here with a New York law, last year, which created a freedom of choice plan——

Mr. JAVITS. No——

Mr. HOLLINGS. And, in fact, I think both the New York Times and the CBS news media said that segregation had increased under the law in New York; Is that not correct?

Mr. JAVITS. The Senator is asking me, have I stopped beating my wife. I cannot answer that question. I will answer it in my own time. The Senator says we have freedom of choice in New York, and so forth. None of that is true. I will answer that in my own time.

Mr. HOLLINGS. The Senator does not believe New York has a freedom of choice plan?

Mr. JAVITS. I do not.

Mr. HOLLINGS. Did we not discuss right here on the floor that freedom of choice plan? Did not all the States like Mississippi, South Carolina, Louisiana, and all the rest, adopt that New York law? I believe the distinguished Senator from New York said that he disapproved of the New York freedom of choice law. Is that not right?

Mr. JAVITS. New York's is not a freedom of choice law. As I say, if the Senator wishes me to go into this whole thing—I happened to be on my way elsewhere, but I will do it—I will come back and do it.

Mr. HOLLINGS. I would appreciate it. When we abolished all the laws in South Carolina after the Brown decision, we operated de facto without any compulsion of law for a 16-year period. Does the Senator consider that still to be a de jure school system? Especially when New York comes under the law and then passes a law with respect to freedom of choice in the assignment of pupils, and when the New York Times and the CBS news media both report an increase in segregation under that law? Or does the Senator consider that to be de facto and permissive segregation, where South Carolina has had no law for 16 years? Does the Senator consider that still de jure under the edicts of the HEW guidelines? That is what I am trying to get at.

Mr. JAVITS. I know what the Senator is trying to get at. He happens to be completely wrong.

Mr. HOLLINGS. The Senator disagrees?

Mr. JAVITS. I certainly do.

Mr. HOLLINGS. The Senator disagrees? He considers New York de facto?

Mr. JAVITS. Does the Senator want me to answer his question or not?

Mr. HOLLINGS. Yes.

Mr. JAVITS. Then let the Senator stop long enough for me to answer.

Mr. HOLLINGS. I would be delighted.

Mr. JAVITS. I will do it on my own time. Which does the Senator prefer?

Mr. HOLLINGS. To answer the question: Is New York de facto or de jure, in the Senator's opinion?

Mr. JAVITS. In other words, am I still beating my wife?

Mr. HOLLINGS. The Senator said one is de facto and one is de jure. I want to know which one New York is.

Mr. JAVITS. Just answer yes or no, right?

Mr. HOLLINGS. Answer de jure or de facto.

Mr. JAVITS. I am sorry. Do I answer the way I think best, or do I answer yes or no? Which does the Senator prefer?

Mr. HOLLINGS. How does the Senator wish to do it? I should like to have an answer.

Mr. JAVITS. If the Senator will just give me the opportunity, I will reply.

New York has a de jure school system. It does not have a freedom of choice or pupil placement plan. Wherever there is a concentration of black students, it is the result of residential patterns which is called alternatively by the people who argue as the Senator from South Carolina does, de facto segregation or racial imbalance, depending upon what law he is writing. In my judgment, the only law passed by New York that has any effect upon this matter is the law with relation to busing, the busing of students for whatever reason. The legislature of the State of New York has held that busing may be ordered to correct racial imbalance only by an elected school board and not by an appointed school board. I have said that I consider that to be a very unwise distinction. I believe that that law is wrong, that school districts should be permitted to order busing for educational reasons, however that may have been constituted by election or appointment. That is the whole situation, as I understand it, for New York.

Mr. HOLLINGS. If the Senator disagrees with the New York law in that distinction, having been afforded the opportunity now to get equality of policy on uniformity of application, I cannot understand why the Senator does not jump at that opportunity rather than becloud it with section 2(b) of the conference report. The Senate wrote in the Stennis amendment, at the suggestion of the Senator from New York, whether de jure or de facto, but then we came around and created separate classes of school children, whether de facto school children or whether de jure school children. I do not see why the Senator from New York says that is so confusing. I would think that would not be objectionable and that the Senator from New York would support us in that.

Mr. JAVITS. The Senator from New York did not put in de facto or de jure. The Senator from Connecticut did. I opposed it and I voted against it. I do not believe the conference report is a bit confusing. I believe it straightened out the confusion which existed in the Stennis amendment. I thoroughly favor the compromise which was developed by the report and I will, in my own time—I hope the Senator will understand and forgive me, but I am on my way elsewhere—but I will explain precisely why.

Mr. HOLLINGS. Does not the Senator agree that section 2(b) does create two classes——

Mr. JAVITS. Not at all.

Mr. HOLLINGS. Two classes: a de jure class and a de facto class?

Mr. JAVITS. He does not.

Mr. HOLLINGS. He does not think so. Well, I do not know how he reads the English language.

The RECORD will show that the Senator from New York has left the Chamber.

What disturbs me is that in the name of eliminating discrimination, they discriminate. That is really what it gets down to. Where the U.S. Senate has an opportunity to establish a policy, they do it in this conscience-ridden section with the Senator from Connecticut leading the way and saying that, whether de jure or de facto, we should have uniformity of application of the laws as a guideline.

When we afforded them this opportunity, they opposed it and imposed further discrimination by creating two classes in section 2(b) and the President of the United States who said that he is going to bring us together also comes up with two classes.

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

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 additional minutes.

Mr. HOLLINGS. The section—and I would refer the Senator from Rhode Island to that section of the President's message—says that "there is a fundamental distinction between so-called 'de-jure' and 'de facto' segregation."

When he says a "fundamental distinction," he means that there is a separation. And when he says there is a separation, he is saying separate but equal.

I can see former Chief Justice Vinson looking down over that bench in December 1952, after we had argued the same case of Briggs against Elliott, cited by the President of the United States, for a full 3-year period—separate but equal.

I happen to be a graduate of the separate but equal school. And at the time I graduated, they burned the school down.

This conference committee now resurrects the separate but equal doctrine, all in the name of separate but equal under the law.

Any time we ask them a question, they say they are confused. Any time we ask them what kind of a system they have, they say it is like "a beating-your-wife" type of question and all those kinds of things.

Is it not a fact that he has created the separate but equal question? But more specifically, where in the Supreme Court of the United States does it say de jure segregation should be treated differently from de facto?

Can the Senator from Rhode Island, the leader of the conference report and the bill, give me the names of the decisions? I have not been able to find them. Wherein is the decision? I am trying to get de aequitate. I am trying to integrate de jure and de facto and get at the equity principles and get to the one school they talk about under the equitable principles.

Where in the decisions does it say anything about the de jure school system? Everyone accepts it. It is a political decision.

Mr. PELL. Mr. President, my understanding is—and I think it was in the Brown case—that the Supreme Court had ruled segregation wrong. And discriminatory segregations means it is the result of conscious intent, which is de jure segregation.

The Supreme Court has not ruled that de facto is legal or illegal, however, lower courts have held that a fact pattern of de facto segregation was not a basis for an affirmative ruling under the Brown case.

Mr. HOLLINGS. The President's message says, "I am advised that these provisions cannot constitutionally be applied to de jure segregation."

I wonder where he got that advice. Why could they not be applied?

Mr. PELL. Mr. President, I am not certain where he got the advice. Perhaps the Senator from South Carolina is plugged in closer to the administration than I am.

Mr. HOLLINGS. I do not think that either one of us is plugged in.

The Senator had an opportunity to speak on the Stennis amendment. It is a very important subject.

This was the argument in the old days about second-class citizenship. It started out with the man sitting in the back of the bus, the poor black soldier who returned from fighting for the flag and came back and was put in the back of the bus.

We have been told that segregation in and of itself was discrimination and that it was bad and that it was unconstitutional. And we go right to the fundamentals of the 14th amendment, that no one shall be denied.

Now it comes to the Stennis amendment to bring about uniformity of application, and they get into all the confusion and all the legalistic arguments and 19 legal size pages of the President's message saying, "Segregation in the North is de facto because it was prior to the 1954 Brown case. But in the South it is de jure because prior to 1954 they had the separate-but-equal schools. So we will apply the laws one way to the South, carte blanche, and another way in the North, even though it is undesirable." And the fellow bringing us together is the fellow who is making the distinction.

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

Mr. PELL. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PELL. Mr. President, when the Senator says that it is wrong in the South and right in the North, I do not think that is what anyone is saying, including the President. He is saying that wherever discriminatory segregation occurs, that has been ruled illegal. But as I understand it, segregation, which is not discriminatory has not been ruled illegal.

I realize that we are treading on rather sensitive ground here, but we at-

tempt to simplify it in layman's terms, so that we and the public could fully understand it.

Mr. HOLLINGS. They understand it all too clearly. I think they all see it. There are many salutary statements in the President's message. For example:

> If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; . . .

Further on the President stated that demands that racial balance "be established as a matter of right, misinterpret the law and misstate the priorities." But not as to the South.

They say, "Southland, you are de jure and have one type of segregation and those laws will apply to you. But in the North, there is de facto segregation, and the laws will not apply to them."

I do not see why we all of a sudden take on the responsibility of the President. Why do we take on the responsibility of the lawyers and the court? Why not take on our own responsibilities? This is the way I understand the Senator from Connecticut and the Senator from Mississippi wanted to go. They said categorically, "Let us make it clear when we pass the law and apply guidelines that we do it uniformly."

No sooner had we spoken than the President of the United States came in and took off in every direction. We had not been able to get a statement from him on schools. But he then made a 19-page statement and ruined the entire effect of the Stennis amendment by creating two classes of people in the name of discrimination by discriminating in the entire message.

I do not think the Senator from Rhode Island and the distinguished members of the committee would really take away the thrust of the meaning of what the Senate had in mind by the legalistic arguments and confusion over the court decisions and what the President has said.

We spoke pretty clearly. We said, "Whether de jure or de facto, let us have uniform application of the law." What is wrong with that?

The House has passed the Whitten proposal. It should not be too difficult to hold the line.

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

Mr. HOLLINGS. Mr. President, I yield the floor.

Mr. PELL. Mr. President, as we recommence our discussion of the report of the conferees on H.R. 514, I think it incumbent upon me to relate, once again, the action of the members of the conference with regard to that portion of the bill termed the Stennis amendment.

I regret that we must spend such a great deal of time on this one portion of an excellent and far-reaching bill. For we have before us a major education measure, one that will have an impact on the children of our Nation for many years to come. One cannot pick up a newspaper without finding at least one article about the state of our schools and the educational programs offered. The bill enacted by the Senate in February sought to treat many of those ills. Innovative programs were adopted, new directions charted, yet all of this has been lost in a detailed discussion which many believe has been made moot by that very act of discussion. Now we are asked to recommit this conference report in order to insure that one portion of the bill is brought back completely unchanged, at the same time opening up the whole bill to more amendments and change. The old adage, throw out the baby with the bath water is perhaps overused, but to my mind is most applicable in this instance.

The Senate passed bill contained many provisions not found in the House counterpart. In truth, and I do not mean to crow about this, the bill you have before you is in fact the Senate bill with some modifications. The managers on the part of the House listened to our explanation of the Senate bill, saw the value of the many new sections, and adopted them. When discussion came to the contents of the Stennis amendment, the conference was in danger of falling apart. On at least three different occasions we became bogged down and had to turn to other points of difference, for the positions of the two Houses were diametrically opposed. The Senate conferees were insistent upon the Stennis amendment intact. The House conferees were completely against adoption of that amendment in any form. I shall not bore you with the various combinations of language which were put forward; however, the Senate should be aware that as late as the vote before final adoption of the compromise now before you, the House conferees turned down the language of the original Stennis amendment in lieu of subsection (a) of the conference report. I truly believe that the reported language is the best which could have been brought back to the Senate.

Much has been said about the recent Presidential message on school desegregation. Both sides to this discussion claim support for their approach can be found in that message. I should, therefore, like to quote two paragraphs:

> To summarize: There is a Constitutional mandate that dual school system and other forms of de jure segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of segregation which best suit the needs of their own localities.
>
> De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials may if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

Now let us consider subsection (b) of the revised Stennis amendment, wherein it states that—

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

I cannot see how any other construction can be placed on those two sections of language except they are nearly identical.

It would almost seem that we had been prescient in predicting the gist of the President's message. To now ask that we return to conference in light of the President's message is meaningless, for that message reinforced the value and the strength of the compromise that we brought back from conference.

We have before us a strange problem. We are asked in an education bill, through the adoption of a "statement of policy," to amend by indirection, the Civil Rights Act of 1964. Let there be no mistake as to the present state of the law both by statute and by court decision. So-called de facto segregation has not yet been found to be discriminatory, therefore, the only type of segregation to which the criteria and guidelines can run is de jure segregation. It is this fact which subsection (b) tries to make clear. Personally, I regret that there is presently such a distinction, and would support legislation to do away with it. However, I do not believe that enactment of even the original Stennis language would accomplish that end.

We have attempted to bring to the Senate a workable compromise, one which recognizes the intent of the Senate as manifested by its original adoption of the Stennis amendment, one which recognizes the law as it now stands, and one which could be agreed upon by the conferees from both the Senate and the House. It is my hope that the Senate will accept our good faith offer, and defeat the motion which would send this bill back to conference.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. ALLEN. Mr. President, the issue before the Senate is a simple one. The motion of the distinguished Senator from Connecticut (Mr. RIBICOFF) asks that the Senate conferees be requested respectfully to go back into conference and to explore the possibilities of coming up with an agreement with the other body more in line with the provisions of the Stennis amendment which the Senate, in an all too rare display of statesmanship, passed in February by an overwhelming vote of 56 to 36.

No one questions the good faith, or the sincere efforts, or hard work of the Senate conferees, but since the conference report which they have brought back to the Senate is 180 degrees removed from the direction in which the Stennis amendment sought to proceed, it would seem they could come back with a report more in line with the provisions of the original Stennis amendment.

The Stennis amendment provides for uniform application and enforcement of Federal guidelines and criteria with respect to segregation, and desegregation of the public schools of this country; whereas the conference report sets up two separate and distinct policies, two separate and distinct rules, one rule

with regard to de jure segregation and another rule with regard to de facto segregation, de jure segregation being the type segregation that is supposed to have been provided by law or by official policy, and de facto segregation is said to be segregation that has come about by fortuitous patterns of residence. The effect of the conference report is to freeze into law the present policy of HEW which does, in effect, have one policy for de facto segregation and another for de jure segregation. So the conference report is much worse than no provision at all because it would provide by statute what at the present time is only the policy of HEW. So that the conference report, by providing two separate policies, makes a recommendation that is just exactly the opposite of what the Senate voted.

It is the function of the conference committee to seek to reach an agreement with the other body, with respect to the bill before them, that is in line with the provisions of the Stennis amendment.

If the Stennis amendment called for one uniform policy, that means one policy, by its very name, coming from the Latin word "unus" for one. It is a uniform policy—one policy. However, the conference committee seeks to provide two separate policies.

I wonder how members of the conference committee, by their efforts and by their report, can reconcile their standing for desegregation of the public schools of the South and maintaining segregation in areas outside of the South. That is exactly what is done by the conference report. They freeze into law the segregation that exists outside the South by protecting de facto segregation.

The Supreme Court has had 16 years to rule that de facto segregation is unconstitutional. They have said that segregation that comes about as a result of official policy, which is de jure segregation, is unconstitutional. They have never yet said that de facto segregation is unconstitutional.

So the conference report, which the motion to recommit would send back for further study, freezes the existing segregation that exists in schools outside the South.

Mr. President, let us assume this set of facts: The conference report protects, fosters, encourages segregation in the North. It exists in many areas of the North, in the big cities of the North, in much greater degree than it does in the South. But the desegregation that exists in the North is being fostered and protected by the provisions of the conference report. The southern schools are trying, and making a great effort, in good faith, to desegregate their school systems as required by the Supreme Court mandate. The President pointed out that in the last year alone black students attending schools that have been properly desegregated increased from 600,000 to 1.2 million. That desegregation took place in the South, not the North.

I have a report here from the board of regents of the State of New York, saying that segregation is in a dramatic rise in the State of New York. Desegregation is the order of the day in the South, whereas segregation, amazingly, is the order of the day in areas outside of the South. So the conference report freezes that segregation into law—not just policy.

Suppose the so-called segregated schools of the South completely desegregated so that there was not a single school in the South that did not come up to the standards of a desegregated school as set by the court. Assume that thereafter those schools went through the process of resegregation so that they would come under the provisions of the de facto policy which is protected by the conference report and which is protected by the President's statement. He said he is not seeking to do, and the executive branch will not seek to do, anything to disturb de facto segregation. Let us assume that on resegregation, then—segregation resulting not from law but from the resegregation of schools—they come under the protection of de facto segregation so that we will then have segregation protected in the North and in the South. Will there then be any desegregation or any integration at all?

I do not believe the distinguished Senators who support the conference report would want to see that. They say segregation is bad and we ought to eliminate it. Yes, eliminate it in the South, says the conference report; keep it in the North. Well, if desegregation is good for the South, it ought to be good for the North.

I am wondering how the distinguished Senators who made the conference report on behalf of the Senate will be able to tell their constituents that they want to see desegregation in the South, but they want to see segregation in the North. How does that stack up with their stand on segregation generally and their statement that segregation is bad and that it is unequal?

After the conference report was drafted and submitted to the Senate, the President came out with his 19-page statement of executive policy. It would occur to the junior Senator from Alabama that the conference committee should take this bill back and study it in light of the President's statement. There is much good in the President's report. Since he is stating what the policy of the executive department is, in many respects the report could be worked into the provisions of the conference report. The President says he is for neighborhood schools. That is good. The President says it is the policy of the executive department to oppose transportation from normal geographic school zones over to others. The President says in his statement that desegregation does not require any set or special ratio between the races in the schools in order to accomplish integration as contemplated by the Supreme Court mandate. All these things are good.

The President suggests appropriating or spending half a billion dollars this year and a billion dollars next fiscal year for improving racially impacted schools, improving their quality, and improving schools that are being desegregated.

As to building up the racially impacted schools, that would seem to the junior Senator from Alabama to be an extension of the separate but equal doctrine, so that in effect, the North, under the provisions of the President's message and under the provisions of the conference report, would be returning, so far as the North itself is concerned, to the separate but equal doctrine.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. Mr. President, on behalf of the Senator from Mississippi, I yield myself an additional 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. ALLEN. So, Mr. President, it seems only fair to the junior Senator from Alabama that the motion to recommit be agreed to and that the bill be sent back to the conference, in order that an effort may be made to come nearer to the Senate provision for one uniform policy, instead of the two policies that are provided by the conference report. I hope that the motion to recommit will be agreed to.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, on behalf of the Senator from Mississippi, I yield myself 15 minutes.

Mr. President, several weeks ago, when the Senate adopted the so-called Stennis amendment, the Senate, for the first time in several years, faced the facts of life in public education. The Senate acknowledged the fact that for far too long, one region of the country had been bludgeoned by the Federal bureaucracy and the Federal courts.

The Senate acknowledged the fact that for too long monumental hypocrisy had been demonstrated by the Congress in dealing with public education.

The Senate acknowledged the fact that for far too long, the Congress has not been acting in the best interest of the children of this country. Indeed, the Senate faced these facts and many others. We did so by adopting the so-called Stennis amendment.

The Stennis amendment says that it is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964, and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of public school segregation by race, whether de jure or de facto.

Under it, the Department of Health, Education, and Welfare now has the right to set guidelines and rules which will apply uniformly throughout the country.

But now comes this so-called compromise measure. It is a compromise only if you agree that it enhances the interests of those in this body who have had instant solutions to the very difficult problems experienced by the South. It is a compromise only if you agree that it promotes the interests of those Members of this body who have reveled at the sight of a veritable army of Federal agents operating in the South under the direc-

tion of HEW and the Office of Education.

It is a compromise only if you concur with the interests of those Members of this body who find it easy to legislate when another Senator's State is involved, and unpalatable when his own State would be affected. It is a compromise in the sense that it furthers the interests of those Members of this body who do not want the educational chaos of the South spread to the North.

Mr. President, this so-called compromise amendment is an affront to the Senate as a legislative body. On February 18 of this year, the Senate clearly and unequivocally adopted the Stennis amendment. By this action, the Senate declared legislatively that no longer would the Senate allow unequal application of school guidelines and court decisions.

Now comes the proposed compromise amendment. In short, Mr. President, this proposal is a smoke screen, a maneuver. Its advocates are using this devious tool to avoid taking their own medicine.

Both the Stennis amendment and section 2(a) of the conference substitute declare that HEW guidelines, promulgated to deal with conditions of racial segregation in public schools, whether de jure or de facto, shall be applied uniformly in all regions of the United States. This is fair, just, and equitable. It recognizes that racial segregation is not confined to a single State, that racial segregation is not confined to a single region, but that in reality, racial segregation spans the length and breadth of the entire country. It recognizes that de jure and de facto are matters of semantics, and that semantics have no place in this delicate issue. It declares that racial segregation is racial segregation regardless of the adjectives used to describe it.

But then the conference committee, in section 2(b), reverses both itself and the legislative declaration of the Senate. Section 2(b) provides for one policy to deal with de jure segregation and some other policy, yet to be spelled out, to deal with de facto segregation.

What is this talk of "de jure" and "de facto"? Mr. President, this is nothing more than a perpetuation of the artificial distinctions which some Members of the Congress would draw between the situation which exists in their States and the situation which exists in the South. This is nothing more than a perpetuation of the hypocrisy of some Members of the Congress.

If allowed to stand, what will be the effect of this language? Who determines what constitutes "de jure" segregation and what constitutes "de facto" segregation? What States and regions of the country will be affected by this so-called national policy?

One needs neither the wisdom of Solomon nor the logic of Socrates to predict the end result. The handwriting is on the wall.

There is no de jure segregation; there has been no de jure segregation since the 1954 U.S. Supreme Court decision of Brown against Board of Education which said that de jure segregation was unlawful. However, bureaucrats in the Department of Health, Education, and Welfare, and I dare say some of our more zealous judges on the Federal bench, will disregard this decision as they have done in the past. By HEW edict and bureaucratic maneuvering, de jure segregation will be found to exist in the South. There will be no basis in fact, in law or in logic, but you may be assured that this will not have any bearing on the matter.

I would point out, Mr. President, at this point, that the same decision that outlawed segregation in the Southern States outlawed segregation in the District of Columbia. At that time, the ratio of population in the District of Columbia was about 50 percent black and about 50 percent white. What is it today? It is 95 percent black and 5 percent white. So if you want to draw an analogy of elleged de jure segregation in the South, we have de jure segregation in the District of Columbia, because its segregation was ended and outlawed at the same time it was in every Southern State.

I repeat, the fact that there will be no basis for the finding will not have any bearing on the matter. It has not in the past, and it will not in the future. Curiously enough, Mr. President, de facto segregation will be found to exist in the North. Of course, this will be "looked into" and declared reprehensible, but little, if anything, will be done. This is in keeping with the long-standing tradition of "socking it to the South" while winking at the North.

Students in my State of Georgia will continue to be herded about like cattle. They will continue to be bused many miles to schools which they do not want to attend and which their parents do not choose for them to attend. Teachers will continue to be transplanted against their will in schools many miles from their homes. This will be done despite the fact that in most instances neighborhood schools are open and easily within walking distance.

In my judgment, this is unthinkable. Indeed, Mr. President, it is unconscionable in light of the fact that desegregation equally invidious and equal in proportion exists in the North. Again, Mr. President, I ask why this talk and language of "de jure" and "de facto"? Very few, if any, of my colleagues in this body can declare in good conscience that segregation does not exist in their home States. Very few, if any, of my colleagues in this body can declare in good conscience that the segregation which exists in many portions of their home States is lesser in degree than the segregation which exists in the southern States. In fact, my colleagues from outside of the South, nobly acknowledge that segregation spans the length and breadth of our country. However, their segregation is a unique and curious animal. It is, in their terms, de facto segregation—an innocent and benign breed which is unlike that which exists in Georgia. They maintain that since this is the case, their de facto segregation cannot be shackled with the same guidelines and policies which have been thrust upon their neighbors to the South.

Make no mistake about it, Mr. President, while this logic is somewhat amusing, this is no laughing matter. Many of my colleagues from outside the South decry the progress of desegregation in the Southern States. Yet, according to the Department of Health, Education, and Welfare, desegregation in the Southern States has virtually doubled, rising from 20 percent in the past school year to almost 40 percent at the present time.

On the other hand, last year's enrollment figures for Chicago show 8.9 percent desegregation; for Gary, Ind., 10.5 percent; for St. Louis, Mo., 6.3 percent; for New York City, 20.8 percent; and for the Nation's Capital, 0.9 percent. Mr. President, I dare say that if such blatant instances of segregation existed in the South, a great cry would go up from Congress, and the Federal Government would use every resource at its disposal, short of calling out Federal troops, to beat the offending school district into submission.

Many Members of this body from outside the South react with righteous indignation at the mere suggestion that their States are by no means perfect and that racial discrimination in public education flourishes in places other than the South. Great alarm is expressed and the label "de facto" is hung on their school situation. I submit that it is an exercise in futility to compare Atlanta or Macon, Ga., with Chicago, Ill.; New York City; Gary, Ind., or practically any other city, and arrive at the conclusion that public school segregation is caused by housing patterns in northern cities and by other factors in southern cities. I reiterate that segregation is segregation regardless of the labels or adjectives one uses.

Scorn and ridicule have been heaped on school officials and residents of Georgia. On the other hand, when confronted with the same problems in other regions of the country, the Federal Government has observed a policy of benign neglect. Now comes the conference committee's substitute for the Stennis amendment. It embraces the vague and as yet undefined terms, "de jure" and "de facto." This measure proposes to resurrect and revive the now-extinct concept of de jure segregation. By contrast, this measure erects a sacred cow—de facto segregation. In all honesty, I do not believe that any Member of this body entertains any illusion as to the rationale behind or the ultimate effects of such legislative gymnastics. If this measure is adopted, the people of Georgia should brace themselves for another volley of school guidelines and another human wave attack by HEW bureaucrats and another round of disruptive court decisions. On the other hand, school officials, parents and students outside the South can breathe easier, for they can seek refuge behind the protective barrier erected for them by this so-called compromise measure.

I oppose the conference substitute for the Stennis amendment because I am concerned with public education in my State. Many of my colleagues from outside the South will support this substitute measure because they, too, are concerned with public education in their States. I oppose it because I do not want to continue the chaos and turmoil in

Georgia's public schools. They will support it because they do not want this chaos to invade their States' public schools. My point is, if we are going to have a law and have it interpreted by the Government and the courts as meaning a certain thing, then that law and that meaning ought to be carried into every single State of this Nation, and not just to a selected few.

Sixteen years ago, the Supreme Court unequivocally declared that so-called "dual" school systems were inherently unequal, that one school system could not be established for one group while a separate school system was established for another group.

Today, the Senate confronts the conference committee substitute for the Stennis amendment. This substitute or compromise measure would perpetuate the long-standing practice of establishing one body of laws for one region of the country and establishing another body of laws for other regions of the country. It would go further. It would compound the evils of dual laws with dual systems of enforcement. I ask the Senate, is not the remedy as mischievous as the ill which it purportedly seeks to cure? In the field of public school guidelines, is not the doctrine of "separate but equal" inherently unequal? Is not the Senate talking out of both sides of its mouth?

Mr. President, a month ago, the Senate renounced just such hypocrisy in a show of courage and in a sense of fundamental fairness. Today, the courage and sense of fair play of the Senate is again put to the challenge. I hope that the Senate will stand by its vote on the Stennis amendment and, in the words of the President, "be true to our national conscience."

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent—as it will be brief—that the time be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, I will cooperate for a few minutes, but we are about to run out of time. I do not object, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum, the time for the quorum call now to be charged to the side of the proponents.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 10 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, we have heard a great deal of argument about the conference report on the so-called Stennis amendment. What we have failed to hear is argument which is directed to the compromise made by the conferees. From listening to Senators who argue against what we have done, one would think that we were back in the argument on the amendment when it was voted by the Senate in the first place. But we are well over that particular bridge.

We now have the Senate version of the Stennis amendment. The conferees were sent to do their utmost to retain it. I respectfully submit that we have retained it in large part and in substance, and that we have brought back a very creditable version of the Senate's purpose. Yet to hear the proponents of the Stennis amendment, one would think that what we should have accomplished was to adopt the Stennis amendment all over again. That is all they argue for.

But we cannot argue against it. We were the conferees, and that is water over the dam.

We must then debate two questions: First, does the amendment essentially accomplish what was the will of the Senate, as close as it can be brought back here? Second, can we do any better? Third, if we did take the whole issue back to conference, what would we lose in the process?

The last is the extremely important point. I should like to point out to Senators who are deeply concerned with the fact that this is an education bill of great importance to the States and communities that we compromised the duration of the bill from 4 years to 3. The House insisted on 2 years, so the duration could easily be cut back again to 2 years.

We will not get anything on the Stennis amendment unless we give in another direction, and that might make Senators far more unhappy.

Also, the cost was cut from $35 billion to $24 billion by other changes made. There is lots of latitude to cut the amount far below that, if the House conferees were to have their way.

A very important issue which is involved is the issue of comparability of services by schools which get the benefit of funds to buttress the education of children from poor families. This definition ended up satisfactory to the Senate's intention, which was that comparability should be brought about as soon as possible in order to raise the level of schools heavily impacted with children of poor families. There, too, the House was stubborn. I cannot assure the Senate that if we take it back, we will do nearly as well.

Also, with respect to the consolidation idea, that is the idea of consolidating various titles of aid in the elementary and secondary education field, with grants to the States to be made in a lump sum, the House insisted on a massive consolidation which, in our judgment, completely blotted it out.

As to the essential purpose of aid to children of poor families, we were able, by hard bargaining—we took a case in respect of this compromise on the conference report—to work out a modest consolidation and we consolidated only four titles into two titles in the bill. One of these we considered important and the other we did not consider of vital importance. Counseling, which is title VI of the National Defense Education Act, was consolidated into title III of the Elementary and Secondary Education Act, which is supplementary education centers. The Senate bill had previously consolidated section 12 of the Arts and Humanities Act and title III of the National Defense Education Act, both provisions dealing with equipment. If we take the matter back, we will have a new struggle on the question of consolidation.

Also the question of loans forgiveness on loans to college students would be again under consideration. This is a grave problem for us.

That is the way to cover the field in the biggest way. Depending on Government appropriations, we limited the number of students who can enjoy the benefits markedly. In order to do that, we had to insist that a good deal of the loans on forgiveness had to be surrendered.

The House took the opposite position. There were smaller numbers who would be benefited by student loans but broader forgiveness was in there because it depended on Government appropriations. We did well on that in sustaining the Senate's position. We will materially limit the opportunity for student loans, if we go back to that particular arrangement, yet that is exactly what is likely to be done.

So, there are powerful reasons why four members of the conference committee, who had voted for the Stennis amendment, signed the conference report because they realized in an education bill that the questions which relate to education should preponderate. And they did. I cannot assure the Senate, as the senior conferee on the Republican side, that we can bring back a conference report this way.

The Chair has already ruled in respect of the motion to recommit by the Senator from Connecticut (Mr. RIBICOFF) that the instructions therein contained—namely, to negotiate to retain more of the Stennis amendment—is something which we cannot be instructed on. The whole conference report would be open and every question would be newly at issue.

The Senate is taking its chances on what we can bring back, whether we can bring back anything which will be different or allegedly better than the Stennis amendment.

As to the Stennis amendment itself, I really think that the proponents of that amendment are going to the well once too often. I think we have kept our pledge.

I remind the Senate that I was probably the most single ardent opponent of

the Stennis amendment. Nevertheless, as the ranking minority member of the conference, I made a pledge that I would fight for the amendment as if it were my own. And I did. And I believe we have kept the pledge.

There is not only no confusion in what has come out of the conference, but what has come out of the conference is much better than what went to conference. It is much more meaningful. It gives more support to the position sought to be put forward by the Senator from Mississippi and his colleagues.

It is a fact that we are makers of law, and policy must necessarily be connected with law—either law now or in the future. And in seeking the uniform application of the law—as we are not passing a law, but are dealing only with a policy declaration—the most we can do is to see that the present law is uniformly applied and that as a law it will be uniformly applied.

All of these things are done. And I, as a lawyer, have stated so.

The Senator from Mississippi read my statement. And I stand by it. The fundamental objective of the situation sought to be accomplished by the Stennis amendment is that all would be treated the same. That has now been accomplished. And that has not been challenged.

I respectfully submit that the statement of the Senator from Rhode Island (Mr. PELL) must be read with my own. He said when he began that he was not trying to interpret this as a lawyer. He is a layman and nothing he said is inconsistent with the interpretation put on the policy declaration—namely, that both de jure and de facto segregation, as we call racial imbalance here—that whatever the law may be, it should be applied uniformly.

I cannot see how more can be done. In addition, we retain the amendment which calls for higher appropriations to the enforcement agencies, the HEW and the Department of Justice, in order to enable them to redeem that pledge.

We cannot make law when law does not exist. And we cannot make of the Stennis amendment a provision of the law because it was a policy declaration that passed the Senate.

We cannot write in it beyond what it says.

We can leave it out or bring it back as it was. I do not know what they expect of the conferees. We can bring it back as it is and the House will not agree to it if it takes all summer and next winter.

We could strike it out, and I think the House would agree to that. We could agree with the House in short order then. But I doubt that that would be very satisfactory to the proponents.

One thing is of critical importance. And that is the President's statement of policy on school segregation. I did not read it at the time of the conference, and I had not been briefed on it. And I am sure that the Senator from Rhode Island had not read it. And I do not know of any member of the conference that did. But as we rewrote this provision, we might as well have read it, because we followed it almost to the letter. It is almost prescient that we said in almost the very same words what the President's detailed, careful, and balanced analysis of the situation said and the policy statement which resulted.

I beg the Senate to listen to these particular provisions appearing on page 14 of the President's statement on elementary and secondary education.

He said:

> *De facto* racial separation, resulting genuinely from housing patterns, exists in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

That is precisely what we said in this provision which is now included in the conference report:

And to make that crystal clear, I would like to read to the Senate, immediately following that statement by the President, what the Senate conferees had to say on the subject, and let the Senate decide:

> SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

Mr. President, that is precisely what the President said, almost word for word. We anticipated it without being briefed in advance when we wrote the conference report.

The third provision of this particular section says:

> (c) Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

All that says is do not let down on the enforcement of this law. The Senator from Mississippi argued precisely that in so many words when he argued for the Stennis amendment. What we did was to put it in words and not leave it open to question.

The last part that relates to beefing up the Justice and the Department of Health, Education, and Welfare appropriations was not changed at all. It is the Senate provision as the Senator from Massachusetts (Mr. BROOKE) proposed it.

I respectfully submit that if we had had the President's statement in hand, we could not have written the provision any better.

The provision is now precise; it deals in every way with uniform application of the present law and it deals with the application of what the law may be. It fits in exactly, for example, with the statement of the Senator from Mississippi (Mr. STENNIS) about the present state of the law in the courts.

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

Mr. PELL. I yield 2 additional minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. The Senator said the courts are confused. The President said in his statement that there are many conflicting lower court decisions and that he is going to wait for the Supreme Court. Nothing that we say affects that or changes it. We say that whatever the law is now will be applied uniformly; that whatever the law will be so far as the education bill remains the law will be applied uniformly. I do not see anything more we could do with the Stennis amendment.

It seems to me we brought back an excellent version of that amendment, more precise and exactly in accordance with our powers and specific on the question of uniformity.

Finally, I submit that a very marked amount of success has been attained by the proponents of the amendment, an amendment which I depreciate and deplore and which I do not think is good for the country. However, I had my duty as a conferee, which was to bring the entire matter back as it passed the Senate. I cannot conceive the other body considering it. What else could the conferees do except run the risk that these balances, with all the time, money, and conditions in the bill dealing with education, a bill of vital interest to every community in the United States, might go down the drain because we have upset the balance.

We are seeking the impossible in respect to the Stennis amendment. I hope very much the majority of the Senate will be so advised and that the motion to recommit will be rejected and the conference report approved.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the position stated by the able senior Senator from New York (Mr. JAVITS) is substantially a sound one. Whereas he voted against the Stennis amendment in the Senate, I voted for the Stennis amendment in the Senate. I served as did the Senator from New York and other Members of this body, as a conferee on the Senate panel with the House conferees. There were only three Senators; the Senator from Texas (Mr. YARBOROUGH), the Senator from Rhode Island (Mr. PELL), and the Senator from West Virginia (Mr. RANDOLPH), who now speaks, who continued throughout the conference to support the Stennis proposal as embraced in our Senate passed bill. We continued during the conference not only to uphold the position taken by the Stennis amendment as passed, but we continued to so vote. But our viewpoint did not prevail. We, however, signed the conference report in an effort to report a realistic and fair measure that em-

bodied the principles of the Senate version.

It is important for me, as an original active supporter of the amendment of the Senator from Mississippi (Mr. STENNIS), to state to my colleagues that I carefully reviewed my support of the amendment in the Senate and which continued in the conference as we approach the decision today. I think it would be a futile gesture for me to vote to recommit this matter to conference. I have conferred informally with House and Senate conferees in whom I have confidence and I see no advantage to a continuance of the effort in conference for the purpose of the Stennis amendment, which I have earnestly endorsed. It will do no good to carry the matter back to conference, for either acceptance in conference or further action in the House. Additionally, the broad provisions of this legislation are as important to the strengthening of our educational system that they must not be delayed.

So it is with some reluctance, but I think it is a correct interpretation of the situation, that I shall vote against recommittal.

Mr. PELL. Mr. President, I would like to confirm what the Senator from West Virginia has said. I do not recall the exact number of Senators who signed the report. I believe it might have been more than three. However, that is a matter of record and can be ascertained. Nevertheless, I felt exactly the same way. We did our best. If we were to return to conference now, I do not think we would do any better. It is for this reason that I very much hope the conference report will be accepted.

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

Mr. PELL. I yield.

Mr. STENNIS. The Senator understands there has never been any attack on the conferees; but, instead, there has been an expression of appreciation.

Mr. PELL. Yes; and I am most appreciative.

Mr. STENNIS. The Senator was very considerate of me. But at the same time did not the Senator think until right at the last there would be a different addition to the amendment than occurred?

Mr. PELL. The Senator is correct.

Mr. STENNIS. And a milder one.

Mr. PELL. Exactly. I tried out some language on the Senator from Mississippi which I thought pretty well cut the difference, and I asked him if it was acceptable. The Senator said it was not. But in my capacity as manager of the bill, I took it upon myself to get that language through and it was like barking up a tree to get that language accepted. I am not sure, but I do not think we got a single House vote.

Mr. STENNIS. I do not question the Senator. But this is so different than the measure voted on in the Senate, the Senator knew, did he not, that the Senate could take a firm stand in conference to let the House conferees take it back to the House to pass upon?

Mr. PELL. Perhaps, we could have left it at a point of difference, but I felt as manager, after discussion with colleagues on the conference, that we should do what we could, as the Senator from Mississippi knows much better than I, as Members of this body to come out with something. We did have an entire bill to consider.

As I pointed out to the Senator the other day, as in the situation when he was the manager of the Defense bill, and did a sterling job trying to get our amendments accepted, we realized that if we could come back with one-half a loaf or a quarter of a loaf loss it was encumbent upon us to come back with a complete action, just as the Senator came back in connection with the Defense bill.

Mr. JAVITS. Mr. President, will the Senator yield to me for a correction?

Mr. PELL. I yield.

Mr. JAVITS. I am informed by the Parliamentarian—I checked my recollection—that we could not bring this amendment back in disagreement. The rules would not permit us to bring it back. It was of such a nature we had to come back with an affirmative and positive resolution of it or we had no conference report.

Mr. PELL. I thank the Senator from New York. I was not aware of that. I guess neither he nor I were aware of this parliamentary situation.

Mr. President, I suggest the absence of a quorum, the time to be equally charged to both sides.

Mr. STENNIS. If the Senator will permit me, I would substitute that we ask unanimous consent that we have a quorum call without it being charged to either side, so that we may have a conference.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask that the time be charged to my side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

Mr. EASTLAND. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 952.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, which was to strike out all after the enacting clause, and insert:

That (a) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia.

(b) The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under section 133 as amended by this Act.

(c) The existing district judgeship for the district of Kansas, the existing district judgeship for the eastern district of Pennsylvania and the existing district judgeship for the eastern district of Wisconsin created by section 5 of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes," approved March 18, 1966 (80 Stat. 78), and amended by the Act of September 23, 1967 (81 Stat. 228), shall be permanent judgeships and the present incumbents of such judgeships shall henceforth hold their offices under section 133 of title 28, United States Code, as amended by this Act. The Act of September 23, 1967 (81 Stat. 228), and section 5 of the Act of March 18, 1966 (80 Stat. 78), are hereby repealed.

(d) In order that the table contained in section 133 of title 28 of the United States Code will reflect the changes made by this Act in the number of permanent district judgeships for said district and combinations of districts, such table is amended to read as follows with respect to these districts:

District	*Judges*
Alabama:	
Northern	4
Middle	2
Southern	2
Arizona	5
* * * * *	
California:	
Northern	11
* * * * *	
Central	16
Southern	5
Colorado	4
* * * * *	
Florida:	
* * * * *	

District	Judges
Southern	7
Georgia:	
Northern	6
* * * * *	
Southern	2
* * * * *	
Illinois:	
Northern	13
* * * * *	
Kansas	4
Kentucky:	
Eastern	2
Western	3
* * * * *	
Louisiana:	
Eastern	10
Western	4
* * * * *	
Maryland	6
* * * * *	
Michigan:	
Eastern	10
* * * * *	
Missouri:	
Eastern	3
* * * * *	
New Jersey	9
New Mexico	3
* * * * *	
New York:	
Southern	27
Eastern	9
* * * * *	
Ohio:	
Northern	8
Southern	5
* * * * *	
Pennsylvania:	
Eastern	19
* * * * *	
Western	10
Puerto Rico	3
* * * * *	
South Carolina	5
* * * * *	
Tennessee:	
Western	3
* * * * *	
Texas:	
Northern	6
Southern	8
Eastern	3
Western	5
* * * * *	
Virginia:	
Eastern	6
* * * * *	
Wisconsin:	
Eastern	3

SEC. 2. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in said district shall not be filled.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in said district shall not be filled.

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in said district shall not be filled.

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.

(b) In order to reflect and implement the changes made by subsection (a) of this section, section 24 of the Revised Organic Act of the Virgin Islands is amended to read as follows:

"SEC. 24. (a) The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of eight years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

"(b) The judge of the district court who is senior in continuous service and under seventy years of age shall be the chief judge of the court and shall have power to appoint officers of the court when and as provided in section 756 of title 28, United States Code. The division of the business of the court among the judges shall be made as prescribed in section 137 of that title.

"(c) The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply."

SEC. 4. (a) Section 128(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

"Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland."

(b) Section 128(b) of title 28, United States Code, is hereby amended to read as follows:

"WESTERN DISTRICT

"(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

"Court for the Western District shall be held at Bellingham, Seattle, and Tacoma."

SEC. 5. Section 92 of title 28, United States Code, is hereby amended to read as follows:

"§ 92. Idaho

"Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

"Court shall be held at Boise, Coeur d' Alene, Moscow, and Pocatello."

SEC. 6. Section 118(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

"Court for the Eastern District shall be held at Allentown, Easton, Reading, and Philadelphia."

SEC. 7. The second sentence of section 117 of title 28, United States Code, is amended to read as follows:

"Court shall be held at Coquille, Eugene, Klamath Falls, Medford, Pendleton, and Portland."

SEC. 8. Section 93(a) of title 28, United States Code, is amended by striking out "Court for the Western Division shall be held at Freeport." and inserting in lieu thereof "Court for the Western Division shall be held at Freeport and Rockford.".

SEC. 9. The third sentence of section 94(b) of title 28, United States Code, is amended to read as follows:

"Court for the Indianapolis Division shall be held at Indianapolis and Richmond.".

SEC. 10. The second paragraph of subsection (c) of section 89 of title 28, United States Code, is amended by inserting "Fort Lauderdale," immediately after "shall be held at".

SEC. 11. Section 102(b)(1) of title 28, United States Code, is hereby amended by striking out at the end thereof "and Lansing" and inserting in lieu thereof "Lansing and Traverse City".

SEC. 12. (a) Paragraph 1 of section 123(c) of title 28, United States Code, is amended by inserting "Haywood," immediately after "Hardin,".

(b) Paragraph (2) of such section is amended by striking out "Haywood,".

SEC. 13. (a) Paragraph (5) of section 124 (c) of title 28, United States Code, is amended to read as follows:

"(5) The Marshall Division comprises the counties of Camp, Cass, Harrison, Marion, Morris, Panola, Shelby, and Upshur.

"Court for the Marshall Division shall be held at Marshall."

(b) Paragraph (1) of such section is amended by striking out "Panola," and "Shelby,".

SEC. 15. Section 41 of the Act of March 2, 1917 (ch. 145, 39 Stat. 965), as amended (48 U.S.C. 863), be and hereby is repealed.

SEC. 15. Section 753 of title 28, United States Code, is hereby amended as follows:

(a) The first sentence of subsection (e) is amended by striking and eliminating the words "at not less than $3,000 nor more than $7,630 per annum".

(b) A new subsection (g) is added to read as follows:

"(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section in insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court will best serve the needs of such district court."

SEC. 16. (a) Chapter 51 of title 28, United States Code, is amended by adding after section 795 thereof the following new section:

§ 796. Reporting of court proceedings

"The Court of Claims is authorized to contract for the reporting of all proceedings

had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies."

(b) The analysis of chapter 51 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"796. Reporting of court proceedings."

Mr. EASTLAND. Mr. President, I move that the Senate disagree to the amendment of the House and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. MCCLELLAN, Mr. TYDINGS, Mr. HRUSKA, and Mr. SCOTT conferees on the part of the Senate.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. 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. MONDALE. 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. MONDALE. Mr. President, I ask the Senator from Rhode Island if he would yield me 10 minutes.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I rise in support of the elementary and secondary education conference report. At the outset I would like to read a telegram from the Leadership Conference on Civil Rights signed by Clarence Mitchell, as follows:

> A crucial civil rights vote comes this Wednesday on the elementary secondary education conference report (H.R. 514). Urge you to be present to vote for the conference report and against any attempt to restore the Stennis amendment.

This is the position of the Leadership Conference on Civil Rights which has worked so significantly not only in this issue but all issues affecting human rights that have come before the Congress in the recent years.

Mr. President, some of the remarks I shall make will be in reference to a speech shortly to be delivered by the distinguished Senator from Connecticut (Mr. RIBICOFF). Although that speech is yet to be delivered the Senator was kind enough to give me a copy which I have read. I shall make some comments on it and on some of the other issues that bear upon the vote that will take place shortly.

The motion which is now pending to recommit the conference report—which will be accompanied by suggestions to the conference about changes that should be made—raises almost precisely the same issues that were debated when the original Stennis amendment was proposed. This proposal would declare a national policy to eliminate racial isolation—a policy which I strongly favor—but no remedy. Indeed, existing provisions in law prohibit several of the remedies available. Thus, this proposal imperils the elimination of official discrimination wherever found, while doing nothing to strike at racial isolation. It imposes a new responsibility upon the HEW Office for Civil Rights to treat all forms of segregation the same, whether they arise from official discrimination or not. Since many forms of segregation, however undesirable, are not now illegal, and since present law prohibits the Office of Civil Rights from requiring busing to overcome racial imbalance, the Office for Civil Rights would be required to pursue a policy which has never been defined and for which remedies have not been developed.

This new proposal, like the original Stennis amendment, would do nothing to eliminate racial isolation. It would only arm those who wish further to paralyze the Office for Civil Rights with the powerful argument to slow down their activities to eliminate official discrimination wherever it is found. It would, as the New York Times observed, "convert Northern guilt into segregationist glee." Coupled with the firing of Mr. Panetta—because he enforced the law—and the President's timid policy statement on desegregation the other day, the adoption of this proposal might destroy any further functioning of any kind by HEW.

Mr. President, I think it is terribly important that we understand the vital nature of the Office for Civil Rights in the enforcement of the law of the land prohibiting official discrimination. This office has been the principal force behind progress toward the elimination of official discrimination where it has been found.

Contrary to some reports, the HEW school desegregation program is not irrelevant. It is true that the Justice Department is assuming a greater burden than in the past in relation to desegregation efforts. However, HEW is now involved in 65 percent of the 436 southern and border school districts not in compliance, while the Justice Department is involved in only 35 percent. And HEW is involved in activities in the North as well as the South. To eliminate and imperil the functions of this effort strikes a fundamental, vital, and irreparable blow against those forces which wish to eliminate official discrimination in the country.

One of the key arguments for those who wish to take this step, as the Senator from Connecticut will say, is that official discrimination—de jure discrimination—is virtually at an end."

In fact, there is still a profound, pervasive, national problem of official discrimination in this country. Despite all of the efforts that have taken place thus far, and despite the impressive progress under title VI of the Civil Rights Act of 1964 and court decisions, the latest figures available show that 1.2 million out of 3 million black students in the 17 Southern and border States still attend totally segregated schools.

Moreover, de jure segregation is not found solely in the South. It is a national problem. There have been lawsuits brought by the Department of Justice, HEW enforcement proceedings brought by the Office of Civil Rights, and State proceedings in State courts and in school districts relating to de jure segregation throughout this land.

For example, Pasadena, Calif.; Waterbury, Conn.; Indianapolis, Ind.; South Holland, Ill.; Madison, Ill.; Tulsa, Okla., and East St. Louis, Ill., are cities in which the Justice Department has filed desegregation suits.

HEW is active in desegregation efforts involving 48 localities in the following 16 States: Arizona, California, Colorado, Connecticut, Illinois, Kansas, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Utah, and Wisconsin.

Twenty of these 48 cases have proceeded to the stage of review by the General Counsel's office in HEW, where a determination is made about the probable existence of discrimination, present or future, including six cases which have been settled or in which enforcement proceedings have begun.

Ferndale, Mich., and Wichita, Kans., are examples of northern and western cases where enforcement proceedings have begun.

In addition, HEW has chosen 500 target districts in northern and western States for further review and action. These are districts which include at least one school with a minority group enrollment of 50 percent or higher.

Yet, we continue to hear, throughout this debate, that all we are talking about is punishing the South, that our definition of segregation is such that it is simply a regional policy which we wish to pursue.

In fact, we are opposed to official discrimination wherever it is found. Law suits and enforcement proceedings have been brought throughout this country, and I think we are going to find more and not less of this in the future.

It is not a regional problem. It is not a regional policy. The policy of eliminating official discrimination, if effectively pursued, as it must be, is a national policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. I yield to the Senator 5 additional minutes.

Mr. MONDALE. As I said earlier, official discrimination remains a national problem. It is not virtually ended. A great deal remains to be done. The Office for Civil Rights and title VI enforcement are fundamental and indispensable parts of any solution, and it is terribly important that they remain important, functioning

parts of this Nation's efforts to eliminate discrimination.

Let me say one other thing, because this seems to get lost: We are not talking about social theories here. We are not talking about what we would rather do or rather not do. We are talking about pursuing the decisions of the U.S. Supreme Court—issued over the past 16 years—which define and which prohibit official discrimination wherever found. This is the de jure-de facto distinction, and it is not just a figment of some northern strategist's imagination. It is the settled law of the land. When we pursue a policy that eliminates the effectiveness of the executive arm, which has been charged with the responsibility of enforcing the law of the land, we are saying that that particular law is one which does not appeal to us.

If we believe in justice, if we believe in a nation which pursues and supports the law of the land, then we must pursue an enforcement policy that supports the laws as determined by the U.S. Supreme Court and as found in our Constitution. That is precisely why the proposal to restore the Stennis amendment through recommital of the conference report holds such great peril for this Nation's future commitment and policy toward the elimination of discrimination.

Mr. President, we do have a profound responsibility, in my opinion, to deal with the problem of racial isolation found throughout this land. It is, as the Senator from Connecticut rightly points out, a national scandal. It is a problem which, for the children who must suffer from it, may be indistinguishable from the problem arising through official policies of discrimination. That is why I fought so hard for—and that is why I am so pleased that the Senate established—the Select Committee on Equal Educational Opportunity.

I have spent the last month intensively studying the literature dealing with the problem of racial isolation. I have talked with many of the experts in this country and others who have dealt with the problems of racial isolation. If one wants to face a problem that causes him to be humble, he should spend some time seeking to focus on that issue. It is one of the most difficult, profound, and heartbreaking problems in America today. It is a national problem. But more than that, it is a problem we are going to have to eliminate if we want to reform a system which literally mangles and destroys millions of American children before they have ever had a chance.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. I yield 3 additional minutes to the Senator.

Mr. MONDALE. That is the task which this committee and the Senate and a decent Nation have before them. It is as complicated as anything can be. But if we are against racial isolation, if we are against unfairness in the schools, we must have a real policy based upon knowledge of what works and what does not work, a policy which incorporates the best thinking on this problem, and a policy which puts us on a strong, sound course which will attract the support of the people of this Nation.

I think it would be wrong at this time, when we seek to pursue that policy, to say, "Yes, we have a problem with racial isolation; but until we can solve that, let us go slow or go backward on the elimination of official discrimination."

In a sense, the policy which others would have us declare is at war with the remedy that has been proposed.

Finally, Mr. President, permit me to comment on the timeliness of this proposal. We had months of hearings before the Senate Education Subcommittee. The committee held months of executive sessions on this bill. We had nearly 2 weeks of debate on the floor of the Senate. We had nearly 2 weeks of conference. At any time we could have been presented with the proposal which is now suggested that the conferees adopt. At no time were we presented with the proposal now suggested. It seems to me that there is a problem of timeliness.

If the Senate is ever going to conclude its business, there should be a time when, in reason and in terms of the practicability of the operation of the Senate and of Congress, an issue must be closed. The Senate conferees tried very hard—and I think that has been acknowledged by those who support the Stennis amendment—to sustain the position of the Senate in conference.

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

Mr. PELL. I yield 1 additional minute to the Senator from Minnesota.

Mr. MONDALE. It is no secret that I, personally, strongly opposed the Stennis amendment during the Senate debate. But I tried to be true to the principles we must comply with in the conference. For 2 weeks we tried to sustain the Stennis amendment. We were unable to do it. The House simply would not accept a principle which would involve the dismantling or the diminution of the effectiveness of the title VI school desegregation program.

Therefore, and for these reasons, I respectfully request my colleagues to join with me in supporting the conference report.

Mr. ALLEN. Mr. President, will the Senator yield, and will the Senator from Rhode Island yield me 3 minutes?

Mr. PELL. I promised to yield 15 minutes to the Senator from Mississippi.

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

Mr. PELL. I yield.

Mr. ALLEN. I wanted to ask the Senator from Rhode Island if he would yield 3 minutes of his time.

Mr. PELL. I had already promised to yield 15 minutes to the Senator from Mississippi, and I imagine the Senator from Alabama will be speaking on his time.

Mr. STENNIS. I had promised to yield to the Senator from Kentucky, and I yield to him at this time.

Mr. COOPER. Mr. President, I appreciate very much the courtesy of the Senator from Alabama, Senator ALLEN. I have been in a meeting to which I must return. I know every Senator has the same problem, and I should not ask for special privilege, so I am particularly grateful to the Senator.

Mr. President, I voted for the amendment of the distinguished Senator from Mississippi, Senator STENNIS, when it was before the Senate during the consideration of H.R. 514, and I shall vote today for the motion of the Senator from Connecticut to recommit. Briefly, I should like to explain my reasons for so doing.

I voted for the amendment of the Senator from Mississippi because I believed it had opened an inquiry in Congress and in the country which might lead toward a solution of some of the difficult problems concerning school desegregation.

The amendment of the Senator from Mississippi, as amended by the Senate—section 2 of H.R. 514—and section 2 of the conference report are only statement of the policy of Congress. Nevertheless, each reflects and expresses a viewpoint of importance, and the intention of the Congress which would provide to the Department of Health, Education, and Welfare guidelines for reliance in the exercise of its duty. Each would also submit to the courts, for such importance as they might deem fit, the viewpoints of Congress upon questions which have not yet been determined by the Supreme Court.

I think it will be agreed that the holdings of the courts thus far that the courts have jurisdiction and, therefore, HEW has responsibility, in all cases of de jure segregation; that it also will be agreed that the courts' holdings are that the court has no jurisdiction and therefore HEW no responsibility, in situations of de facto segregation.

I think it is correct that in those States whose governments had formerly provided by law for a dual school system—a segregated system—the courts will take jurisdiction in situations—situations which would be termed de facto in States where dual school systems had not been ordered by law. Further, the Federal courts have not yet ultimately decided upon the requirements for busing.

The debate on section 2 of H.R. 514, as passed by the Senate, recognized that Congress could not restrict the Supreme Court in whatever decisions it might render with respect to school desegregation, when the decision was rendered under the 14th amendment.

But the Stennis amendment—broad in its purpose—proposed that Congress should establish a policy, a goal of equal treatment throughout the Nation. I believe we are called upon to make a study of these problems and provide to the Department of Health, Education, and Welfare rational guidelines, and to the Supreme Court its judgment of ways that educational quality may be achieved in this country, and without derogation of the mandate of the Brown case and the cases that followed in its wake. It is my position that the mandate of the Brown case should not be diminished and could not be by our act.

The Senate, as a result of the debate, and its appeal to fairness, adopted the Stennis amendment. It adopted also the Mondale-Javits resolution, Senate Resolution 359, establishing a Select Com-

mittee on Equal Educational Opportunity to study and report to the Senate on or before August 1, 1970, and finally not later than January 31, 1971, on the very issues we are discussing. Funds for the committee were provided in Senate Resolution 366.

Section 2, as reported by the conference, is well drawn and I consider it very clear in its meaning. The difficulty I find with it is that it accepts and writes into H.R. 415—even though as an expression of a policy—the very conditions—the status quo—as thus far developed and expressed by the Department of Health, Education, and Welfare—conditions which the Senate agreed should be made rational and improved.

I do not object to its statement of law, which is a correct one at present, but if the work of the select committee is required, and is to be of value, and if it is the purpose of the Senate to help develop a more uniform application of law throughout the Nation, without derogating the constitutional requirement of the equal protection of the laws in school desegregation, I do not believe that the Senate should adopt the language reported by the conference, which in essence describes and frees the existing situation, and contradicts the expressed position of the Mondale-Javits amendment to seek the best and most rational means of effecting both a clearer statement of law by the courts as to issues connected with the desegregation of schools and guidelines for HEW, fair to the entire Nation.

Mr. PELL. Mr. President (Mr. SCHWEIKER), I yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. ALLEN. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. I yield 3 minutes to the Senator from Alabama.

Mr. ALLEN. I wish to inquire of the distinguished Senator from Minnesota (Mr. MONDALE), since de facto segregation has not been ruled to be unconstitutional, and since the conference report in section 2(b) protects de facto segregation from the provisions of the Stennis amendment, if all de jure segregated schools in the country did become desegregated so that they complied with the mandate of the Supreme Court, and after such compliance through no official action but through fortuitous patterns of residence, the desegregated schools became segregated again and claimed the benefits of de facto segregation, is it not possible that in this country we would have all segregated schools and no integrated schools? Is that what the distinguished Senator from Minnesota is seeking to accomplish?

Mr. MONDALE. As I mentioned in my remarks earlier, I would favor that part of the Ribicoff proposal which declares a national policy to overcome racial isolation. I think that racial isolation is a curse. I think that to separate people on the basis of color or religion is a disastrous policy for this country to follow. But what I do not agree to is pursuing a policy which does nothing about racial isolation but which will only have the effect of diminishing the effectiveness of title 6 as it seeks to enforce the law of the land prohibiting racial discrimination wherever it is found. I feel strongly about the issue of racial isolation, as I think the Senator from Alabama knows, which is why I fought so hard for the creation of an Equal Education Committee to deal with not illegal phenomena but undesirable phenomena in American life; namely, a racially isolated and unequal education system in the country. That is what I seek to deal with.

Mr. ALLEN. The Senator still has not answered, though, as to how we would obtain segregation if the segregated schools first moved into a position of being desegregated, then returned to the position of being segregated, and then to eliminate segregation we are not willing to apply uniform rules at this time.

Mr. MONDALE. The first point is, I personally do not think we have a choice in upholding the law of the land as it applies to racial discrimination. That is point No. 1. We have to eliminate it wherever it is found. It is found in the North and in the South. We must devise a policy, which is why I called for the creation of this committee to deal with racial isolation and to seek its elimination.

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

Mr. ALLEN. I thank the distinguished Senator. Perhaps at a later date he will see fit to answer the question of the Senator from Alabama.

Mr. MONDALE. I tried very hard to——

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. MONDALE. I have tried very hard, time and again, to reply fully and adequately to the profound questions of my Senator friend from Alabama. It seems that I am still not capable of doing so, so let me try again.

Mr. ALLEN. I thank the distinguished Senator from Minnesota.

Mr. PELL. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont (Mr. PROUTY), the ranking member of the Subcommittee on Education.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, I wish to reiterate the position of the Senate conferees as summarized in the memorandum prepared for the Senator from Pennsylvania (Mr. SCOTT). To the best of our ability, we sought to uphold the will of the Senate as expressed by the Stennis amendment. Time and again we tried to make it clear how strongly the Senate felt on this question. We asked the House conferees to seek some form of compromise that would not destroy its intent and of several proposals suggested, and this was the only one that came close to the language or intent of the Senate.

While we all knew that this language might not be acceptable, we did feel it was the best that could be devised and that literally no other room for compromise was left to us. To the best of my knowledge, each Senator present when the vote to compromise was taken recognized that the House would rather jeopardize the whole bill than accept any other language. In the belief that the highest priority must be attached to passage of the education bill, I believe we made the correct decision.

Nevertheless, I recognize that we have done substantially what the Senator from Mississippi (Mr. STENNIS) did not want in creating two policies that pertain to school desegregation. We have, however, made it clear with regard to both policies that they will be uniformly enforced in all areas of the country. This at least recognizes the wishes of Senator STENNIS that in the future equal enforcement and effort must be made to end segregation.

Since the conference voted to accept this compromise, there has been some clarification from the President himself that makes a part of this discussion somewhat academic. The President has noted that there are two forms of segregation and, further, that they cannot be treated alike. But he, too, has stated that for each type, we must treat all parts of the country alike and this is certainly in accord with one of the major tenets of the Stennis amendment.

I understand that the purpose of the motion to recommit the bill to conference is to establish a clearer policy with regard to the confusion between the two types of segregation. This I believe is unnecessary in view of the lengthy debate already devoted to the subject that has exposed a wide variety of the ramifications of present and future policy.

It would be difficult, if not impossible, for the Senate and House conferees to go beyond the debate that has already taken place. As those of us who were in the conference know, the House conferees are not at this time willing to go beyond support of policies of equal effort and enforcement across the Nation.

But it is time for the courts and the administration to examine specific situations and make recommendations for solution of remaining problems. Only through examination of particular problems and circumstances can reasonable and equitable progress be made. The intent of the Senate and the President are now known. It is time for the courts and the administration to work out the specific means of implementing the policies that exist or are evolved. The proposal to return to conference for reconsideration of section 2

would most likely produce no more than a reaffirmation of the President's message and could jeopardize once again the education bill itself.

For this reason, I shall vote against a motion to recommit, and I urge Senators to do the same.

I yield back the remainder of my time.

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time of the quorum call to be divided equally between both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield 28 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 28 minutes.

Mr. RIBICOFF. Mr. President, the Senate-House conferees on the Elementary and Secondary Education Act have missed a great opportunity to adopt a policy opposing segregation no matter what its origin and no matter where it is found.

This is a tragic failure, for it marks another step toward the division of our society into two camps, one white and one black.

This is a national problem that demands a national solution. Unfortunately, the conferees have not met this challenge.

I appreciate the long hours and the good faith efforts by the Senate conferees supporting our earlier call for a national policy of desegregation. Opposition by the House conferees, however, has led to a provision that puts us in a worse position than ever before.

The House conferees agreed to retain the full text of our amendment designed to deal with the critical problem of race and segregation facing this country. Once again, however, the House has clung to the fiction that segregation in the South is evil while that in the North is benign.

Language has been added stating that there will be one policy for de jure segregation and another policy "as may be provided pursuant to law" for de facto segregation.

No policy is provided now. Thus, we can continue to salve our consciences by pointing a long finger at the South while ducking the problem in the North.

Our unwillingness to deal with this problem now, will haunt the cause of civil rights for years to come.

We have all worked hard to see segregation end in the South. But, by refusing to move now with equal vigor against the tremendous segregation in the North, we may win the battle and lose the war. We have talked so long about the difficulties of dealing with de facto segregation that we may have convinced blacks as well as whites not to bother.

Moreover, we may also find that, rather than ending segregation in the South, our insistence on handling de facto segregation separately may simply encourage segregation everywhere.

Obviously, we must end immediately all State inspired and State supported segregation, no matter what name we give it and no matter where it occurs.

But to continue to confine our enforcement policies to de jure situations alone is to confine our commitment to an integrated society to an increasingly small and irrelevant role in American life.

Truly de jure segregation as we have defined it is virtually at an end. Over 90 percent of all school districts in the South, for instance, have adopted approved plans for desegregation. And yet, segregation continues to exist and is increasing throughout this country.

This is not a new phenomenon. For years we have witnessed the development of two residentially segregated societies in cities throughout the North. In the last few years these same residential patterns have begun to appear in the major cities of the South. We call this de facto segregation, but it is segregation nonetheless.

In many southern cities we are presently dealing with de facto segregation by labeling it de jure. We presume in the South that dual schools inevitably reflect State imposed segregation. In the North, we rest comfortably with the presumption that segregation occurred by happenstance without our personal involvement.

We cannot continue this charade. Soon we will have to recognize that the segregation we find in major cities in the South is no different from that in the North. Those willing to ignore de facto segregation are in effect supporting segregation on a national basis, South as well as North.

The Supreme Court has not yet chosen to deal with the question of de facto segregation in our society.

The President told us last week that his administration will not act. De facto segregation will be allowed to exist in the South as well as in the North.

This is a popular decision politically. It assures northern whites in their secluded suburbs that nothing will disturb them. The problem of race is someone else's problem.

The Congress must make its choice. Shall we join in this posture of official acquiescence or has the time come to demonstrate a commitment to end racial isolation nationally?

Shall we tell the South that if they will just segregate their society as well as their schools, the way we do in the North, we can all segregate together? Or, will we call upon all Americans as a country to move against segregation everywhere?

Discussion of integration in the North always evokes nods of understanding, words of encouragement, and the promise of further study.

In the meantime, discrimination continues and our educational system collapses.

"The problem is too complex in the North. We must move slowly and carefully," we are told.

These same arguments were unacceptable when presented by the South. The South's motives are evil, the North's pure.

We cannot move fast enough to integrate the South. But the process slows to a halt once we look toward the North.

We have had enough discussion of integration as a goal for someone else. No one has yet explained to me why a child in a segregated school in the South is irreparably harmed while a child in the North is not.

A child in the third grade who goes to an all-black or all-white school—whether in Mississippi or New York City—has not the slightest idea that there is a difference between de jure and de facto segregation.

If segregation is bad in Alabama, it is bad in Connecticut.

It is time to see integrated, quality education as a national goal—not simply as a penalty imposed on the South for losing the Civil War.

Arguments are offered why we cannot make our policy clear at this time. None of them is compelling.

Some maintain that, while they oppose de facto segregation, nothing can be accomplished until the Supreme Court has spoken.

We have come full circle. The Supreme Court once was expected to tackle political questions only when it was clear that the political process was unable or completely unwilling to act. The argument now seems to be that Congress will not act until the Supreme Court has taken a position.

Nothing in this area requires us to wait for the Supreme Court to act. We can declare de facto segregation unlawful, at least for the purpose of receiving Federal funds. We do not need someone else to supply us with our courage.

Some have justified their unwillingness to adopt a policy statement opposing de facto segregation by arguing that we don't know how to attack this problem. Yet no one hesitates to support the attempts to end school segregation in southern cities that for all purposes look exactly like Chicago, Ill., and Rochester, N.Y. If we can end segregation in Atlanta, Ga., we can end it in Philadelphia, Pa.

Moreover, we have established a select committee specifically designed to tell us how to implement a policy of equal opportunity in education everywhere. What is needed now is a policy statement by the Congress that all forms of segregation are to end wherever they exist.

Others have argued that applying a policy opposing segregation in the North and the South will inevitably lead only to a slowdown in the South. Why is the reverse result not equally possible? Why would an evenhanded policy not increase integration in the North?

The South is presently proceeding under integration orders isued by the Supreme Court pursuant to the 14th amendment. Congress is powerless to change these decisions.

In addition, the language of the conferees has specifically noted that nothing in the amendment is to be construed to "diminish the obligation of responsible officials to enforce and comply with

guidelines and criteria in order to eliminate discrimination."

Some opposition to a national policy of integration at this time is based on legislative obstacles that exist prohibiting attempts at overcoming "racial imbalance." Again, the operating assumption seems to be that we are impotent to repeal prohibitions we ourselves enacted.

I disagree. If language in the Civil Rights Act of 1964, the Elementary and Secondary Education Act, or appropriations bills must be modified to allow us effectively to move against all forms of segregation, we should be prepared to introduce such legislation and work for its passage. But this does not prevent us now from making our policy clear.

Some have argued that a slowdown in the South will result because we will stretch our already thin resources across the Nation. However, the Senate passed a resolution overwhelmingly agreeing that additional manpower and financial resources would be provided.

The language of the conference report supports this view. The report instructs the Departments of Justice and Health, Education, and Welfare to "request such additional funds as may be necessary to apply the policies set forth in this section throughout the United States."

Unfortunately, since the language of the conferees does not require any substantially increased activities in the North, this reference to additional money is now basically gratuitous.

I urge, therefore, that the conferees be given another chance to set forth a national policy for ending segregation. The wording should not be difficult.

A number of possibilities exist. The conferees could simply delete subsection (b) of section 2. De facto segregation would not then be singled out for separate treatment. Subsection (c) would still make it clear that the thrust of the amendment is not to slow down integration in the South, but to speed up in the North.

If the actual wording of subsection (a), the Stennis amendment, is to be changed, subsection (a) could read:

> It is the policy of the United States that racial isolation in schools be ended throughout the nation, regardless of whether or not that racial isolation is caused by laws or other actions which, presently or in the past, required or promoted the racial separation of children in school.

Subsection (b) could then be worked as a specific call for new guidelines as follows:

> The guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and Section 182 of the Elementary and Secondary Education Amendment of 1966 shall be modified to apply to conditions of segregation by race, whether *de jure* or *de facto*, in the schools of the local educational agencies of any state and shall be applied uniformly in all regions of the United States, whatever the origin or cause of such segregation.

Another possibility would be to add new language stating simply that no Federal assistance would be provided to any school system until that system had established that all feasible efforts were being made to end segregation promptly, no matter what its form or what its origin.

In any case, subsection (c) and (d) should remain.

There may be other possibilities but I cannot believe that we do not know how to draft language clearly stating that both de jure and de facto segregation in this country are intolerable and should be brought to an end.

We must be realistic as we look at the problems we confront. In some situations, perhaps in the South as well as the North, true de facto situations will exist that are not amenable to immediate measures of redress. We have been too willing to assume, in the North, however, that supposedly de facto situations are totally independent of State action.

In city after city, school lines have been drawn to encourage the separation of the races, to encourage the development of residentially segregated housing patterns, and to encourage the improvement of some schools at the expense of others. In cities like Los Angeles and Chicago, schools are built and lines are drawn to maximize the separation of the races.

You can call this de jure segregation or label it de facto segregation. In either event it represents the same insidious attempt at racial segregation.

We are also too willing to suppose that de facto segregation in the North inevitably cannot be overcome without massive busing. In numerous cities, district lines could easily be redrawn, suburbs encouraged to participate in programs with the central cities, and schools built in locations designed to distribute the population evenly throughout the city.

In some cases, no doubt, we will not be able to end segregation in the immediate future. Nonetheless, we cannot abandon children in these areas to the miserable schools they presently attend. We cannot continue to ignore schools such as those in Washington, D.C., simply because they are not integrated and the possibilities for substantial integration in the next year or two are limited.

Our objective must be to provide the best education we can for all children, black or white, North or South.

The President has recognized this in his message and wisely recommended that an additional $500 million be spent in the next year on schools in racially impacted areas. I supported such additional funding earlier and I continue to feel that it is of critical importance now.

We must also insure that States and cities are not allowed to discriminate in their own allocation of funds. Each school must receive its fair share, and receive it immediately. The conferees, unfortunately, only require that "average" expenditures for schools generally be equal. And even this is put off until 1973. I hope both these decisions will be reversed when the conferees consider this bill again.

I also agree that financial assistance should be provided to all schools for the additional expenses involved in desegregation. As the courts have held, cost is no longer a valid reason for continued denial of human rights.

But money for central city schools is not sufficient. We cannot simply consign black people forever to our rotting central cities, throw a few more dollars into their educational process, and wash our hands of their problems.

We must renew our commitment to long-range programs designed to truly integrate our society.

The problem of desegregating our society is a national one. It involves more than just our schools. In fact, segregation in our schools only reflects the segregation in our society. As a people we have no national policy at the present time to attack this problem, and we will not have one until we involve whites and white communities in the North.

The President's message briefly mentioned the need for "a free and open society."

I support this general goal and the President's discussion of the need for equal opportunity for jobs and housing. But the President has provided no program or money to meet this goal.

Guaranteeing the freedom and mobility the President mentioned is not easy. But simply talking about it is not enough.

It is clear that we cannot solve the problems of our central cities without involving the suburbs. It is there that new jobs are being created and new land made available for housing. But we continue to foreclose the "new" America developing in the suburbs to Americans simply on the basis of the color of their skin. We will continue to harbor the cancer of racism throughout this society until we change our policies.

We must begin to pursue a policy of true integration in the North as well as the South. I supported Senator STENNIS' amendment because it offers us the challenge to proceed together to solve this problem. I continue to support this amendment because it focusses our attention as a Nation on the need to develop a truly open society. But I will also happily support other language I have discussed designed to end segregation across this country.

As a result of our recent debates here in this Chamber, we have begun to consider throughout this country the entire problem of education, race, and society. The work of the Senate-House conferees, however, has blunted the thrust of this discussion.

If we remain unwilling to view the problem of integration as a national problem, we may find we have encouraged a national acceptance of segregation. I urge the Senate, therefore, to recommit this conference report to allow the conferees to make it clear that we support integration as a national goal.

It is time for discussion to end and action to begin. For the blacks in the North as well as the South have no more patience with the good game we talk, since they are the victims of the game we actually play.

Mr. President, I am certainly sorry to see the Senate conferees yield the way they have to the House conferees, and yield in such a way as to destroy every good that came from the debate and the Stennis amendment. May I say it would have been much better for this Nation, as well as the Congress, if the conferees

had completely deleted the Stennis amendment, instead of enacting subsection (b).

The conferees should have another opportunity to go back and correct the mischief that they achieved in this conference report. The conference report will be here to haunt this Congress and haunt this Nation for many years to come, because the conferees have definitely taken a long step toward a dual, separate society. Those who believe in the cause of civil rights, believing they have acted for civil rights, have done exactly the opposite. They have made segregation now and in the future a national policy for the United States.

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

Mr. RIBICOFF. I yield.

Mr. STENNIS. Mr. President, I think the Senator from Connecticut has made another speech that will live and will be a landmark as well as a guideline for future developments in this troublesome field. I commend him again.

If the Senator will allow me to ask him a question, it has been argued that the motion to refer it back to the conference committee opens up and jeopardizes all else in the bill. Technically, everything will be open, but the way the Senator's motion is worded makes it unmistakably clear, does it not, what we are voting on here, and that is the only motion that has been made?

I wish the Senator would explain that for Senators who have just come in.

Mr. RIBICOFF. That is essentially correct. While it is true that there is no way, once the conference report is recommitted, to prevent the conferees from going into other matters in the conference report, that certainly is not the intention of this recommittal motion. All I have in mind is to take another look at section 2 and to alter section 2 to comport with the objectives of the Senate. The debate was a thorough one; it lasted 1 day, and then went over a recess and we took another full day debating it. The Senate acted unmistakably by a vote of 56 to 36.

As we have seen during this debate, while the motives of those of us who voted for this measure might have differed, there was no question that what we were trying to do was establish a uniform policy. It was a great opportunity, it seemed to me, to take away some of the deep-seated differences between the North and the South. For 100 years now, we have had this feeling of separation between the North and the South. May I say to the Senator from Mississippi that I have been amazed recently. I have been visited by many people and have had voluminous correspondence. People conclude their letters and conversations with me by saying that what I sought to accomplish is correct, but it must be wrong because I supported an amendment offered by the Senator from Mississippi. It was tragic to see them immediately dismiss the value of the amendment simply because it was offered by a Senator from Mississippi.

Mr. President, all 100 of us who serve in this body from North, South, East, and West have come to deeply respect the integrity of the Senator from Mississippi and his commitment to our Nation and its laws, its objectives, and its purposes. Even though we might not vote the same way on every issue, I do not think that any Member of this body would question his sincerity.

One can only imagine the depth of the division in this Nation when criticism is leveled at an amendment because it happens to be offered by a southerner. If I were from a Southern State, I would never apologize for being from the South, just as I do not apologize for being from the State of Connecticut. But it is a tragic turn of events when those who live in the North seek to establish their good faith by questioning the good faith of the distinguished Senator from Mississippi.

I have been proud to be associated with the Senator from Mississippi in this fight, because I believe that what the Senator from Mississippi has tried to achieve is basically sound, and good for the unity of the United States of America.

Mr. STENNIS. Mr. President, I certainly do thank the Senator from Connecticut, and I say again that his contribution here will be of lasting importance. It has been extraordinary, and very wholesome, and his influence has been felt throughout the Nation.

I believe the Senator's time has almost expired. I ask unanimous consent to have printed in the RECORD certain figures. The Senator from Minnesota cited certain comparative figures, as I understood, between the North and the South, with the impression that there is very little integration in the South. There is not time to answer him by stating these figures; but the first time I got into figures on this subject was occasioned by a statement made in the annual report of the Civil Rights Commission. That is certainly not a segregationist booklet, but it led me to the comparison about how much segregation there was in the North as compared with the South. So I ask unanimous consent that these figures be printed in the RECORD at this point.

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

STATISTICS FURNISHED BY MR. STENNIS

In the 17 southern and border States, according to HEW 1968 school survey figures, 86% of the Negro students are in districts covered by Court Order or HEW voluntary 441–B monitored plans (3,078,561 out of 3,579,107) and 67.3% of all students (white, Negro, and other minority groups) are under Court Order or voluntary 441–B monitored plans (9,446,481 out of 14,773,802). In the southern and border States, there are 405 Court Order districts and 1,056 voluntary plan HEW 441–B districts.

By comparison, in the 32 northern and western States relatively nothing has been done. There are no HEW 441–B monitored plan districts; the Department of Justice has been involved in, or initiated, only 7 school desegregation cases; and the HEW has initiated only 2 administrative proceedings, the last one within the last 60 days. In the 32 northern and western States, the 2 HEW cases and the 7 Department of Justice suits involved districts where there are only 86,725 Negro students or 3.2% of the total Negro student enrollment of 2,703,056.

Only 1% of the total student enrollment in these 32 States (302,861 out of 28,579,766) will be affected by the action taken by HEW and the Department of Justice.

This in the face of the fact that conditions of racial segregation in the North and West today are much worse than in the southern and border States and on the basis of the relatively few school surveys that have been made, (48) the HEW field staff reportedly is finding more than 50% of these districts in substantial violation of the Civil Rights Act of 1964.

In Mississippi as of now, federal funds have been cut off to 30 school districts containing 30,500 Negro students. The remaining 118 districts contained 223,784 Negro students. Of these 223,784 students, 50.4% attend either majority white schools in HEW monitored "voluntary plan" districts or school districts which have been integrated under Court Order, based upon HEW-approved plans.

This compares with an average of 27.6% for the 32 Northern and Western States. The percentage of Illinois is 13.6%—22.5% in California, 32.3% in New York, 20.6% in Michigan, 27.3% in Nebraska, 27.7% in Ohio, 27.5% in Pennsylvania and 30% in Indiana.

The PRESIDING OFFICER. All time yielded to the Senator from Connecticut has expired.

Mr. PELL. Mr. President, I yield 4 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, as usual, I commend the Senator from Connecticut for espousing a proposition with which I wholeheartedly agree—the elimination of racial discrimination wherever found in this country. Unfortunately, I believe that the remedy endorsed in the Senator's speech would do just the opposite. It would impede the elimination of official discrimination by impairing the potential effectiveness of the title VI office.

I favor a policy to eliminate racial isolation and assure equality of educational opportunity throughout this Nation, and that is why I have supported the creation of a permanent Committee on Equal Educational Opportunity.

But what it is proposed be done here has nothing to do with racial isolation. It is designed to further dismantle and impair the effectiveness of an already seriously crippled title VI office.

This action is proposed to be taken on several grounds. One I must challenge immediately and fully, and that is the statement that de jure segregation is virtually at an end. I must respectfully and totally disagree. Despite what we have heard, and despite the impressive progress under title VI and court decisions, the latest figures available show that 1.2 million of the 3 million black students in the 17 Southern and border States still attend totally segregated schools.

The second part is that all we seek to do by this conference report is continue apologetically to point a finger at the South, ignoring the fact that increasingly actions by the Justice Department, private actions, and actions by HEW are being brought in school districts throughout this country. I earlier referred to seven lawsuits being brought in the North and the West by the Department of Justice. I cited a list of 16 States in which HEW activities are now being undertaken, and I have indicated, through several specific references, the fact that

this is a national problem; it is not found just in the South.

Finally, I wish to point out that this is not just a matter of official policy. It is not just a question of whether we would prefer or not prefer to take a certain step. When we talk about eliminating de jure segregation, and when we talk about the functioning of the title VI office to eliminate such discrimination, we are talking about nothing less than enforcing the law of the land as declared for the past 16 years.

To say that the title VI office should be dismantled, to say that it should be weakened in this way, is simply to say that this is one law, this is one objective—namely, the elimination of official discrimination—that does not rate very high in the priorities of the Senate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. Mr. President, I hope the Senate will resoundingly reject the motion to recommit the conference report.

Mr. PELL. Mr. President, I yield an additional minute to the Senator from Minnesota.

Mr. MONDALE. No; I have finished.

Mr. PELL. I yield whatever time he wishes to the Senator from New York.

Mr. JAVITS. Mr. President, I, too, have listened with very great interest to the presentation of the Senator from Connecticut. I think it is fair to say that the speech of the Senator from Connecticut touched off the vote which resulted in the adoption of the Stennis amendment; therefore what he says in developing his theme is very important.

Mr. President, I think we now begin to see what he is after. I did not see it when we argued on the Stennis amendment myself, though others apparently did; but I think I begin to see it now.

The idea, Mr. President, as I see it, is to set a goal for the country—to wit, to eliminate all racial imbalance, because that is all de facto segregation is—which is unattainable, at the same time that we seek to eliminate the vestiges of de jure segregation, but to slow up anything that cannot be done consistent with that national pattern, until that national pattern is attained.

Mr. President, this is impossible, and the Senator admits it is impossible. But we see the true purpose.

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

Mr. JAVITS. I yield.

Mr. RIBICOFF. Does the Senator, then, believe that this is a goal that we should not seek, as a nation, to attain?

Mr. JAVITS. Not at all. I think it is a goal which we should as a nation seek to attain. But I do not believe that it should be set as a goal in such a way as to cripple the effort to do something we can do something about; and I say that is the result of the effort to try to put it all on the same basis. I do not believe it deserves to be on the same basis, and I shall explain why. I do not think it can be on the same basis or should be.

The fact is that under the Constitution now, de jure segregation—to wit, segregation which is the heritage of a dual school system enforced by State law—is unlawful. We have not yet eliminated it. We have a right to try to eliminate that, at the same time that we move to raise our national sights to deal with other problems—to wit, segregation attributable to racial patterns, and so forth—knowing full well that it will take a long time to change the latter; and insofar as the latter is being used as an excuse for unlawful segregation under the Constitution, it is reachable under the Constitution today.

When Senator RIBICOFF says—I think this is the gravamen of his complaint—that, in city after city, lines have been drawn to encourage the separation of the races, to encourage the development of residentially segregated housing patterns, and to encourage the improvement of some schools at the expense of others, he states, in my judgment, the nondemurrable cause of action under the laws that exist today. The amendment we have brought in, this policy, will require the Department of Justice to go after those practices just as hard in the North as they do in the South, and I am all for it.

In short, Mr. President, there is no use, in my judgment, in trying to pass an education bill which will make the criterion of seeking desegregation to be an unobtainable one and therefore put the pace of any efforts at the pace of all efforts.

Another thing which is a matter of good faith: The Senate has written into this—and it has gone in the conference, and nobody challenges this—the statement—and I read now from the bill passed by the Senate, page 153, lines 22 to 25—that money under this bill cannot be used to require "the assignment or transportation of students or teachers in order to overcome racial imbalance or alter racial composition."

That is another way of saying "to correct de facto segregation."

So here is one policy, and now what is contended for is that the Stennis amendment seeks to put into effect another policy—to wit, the policy of everything going together, and the money in this bill to be used for the purpose of making that happen.

I respectfully submit to every Senator's conscience what would happen to us if we had come in with these appropriations and tried to strike out that section. We would have been beaten here not 56 to 36, or whatever the vote was on the Stennis amendment. We would have been beaten here probably 82 to 10.

So let us be honest with ourselves. If we are not going to be guilty of hypocrisy, let us understand ourselves, that we are trying to fix a goal we can attain. That is the way we view it in the Stennis amendment, and that is the way the President sees it. Indeed, we might have been prescient in having written this provision as we did, in the light of exactly what the President said, almost in the same words, in terms of meeting this problem.

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

Mr. JAVITS. I yield.

Mr. MONDALE. Is the Senator from New York saying that while we should have a national policy to deal with racial isolation, the remedy that is proposed in the Stennis amendment does nothing about seeking that policy, that indeed many of the provisions embedded in the education act prohibit any method?

Mr. JAVITS. Exactly.

Mr. MONDALE. But, on the other hand, would provide a powerful argument to further limit the effectiveness of the title VI office.

May I further ask the Senator whether it is not the case with respect to the title VI office that enforcement of policy is still the key weapon in enforcing the law of the land in eliminating official discrimination.

Mr. JAVITS. That is exactly what it is, and that is what we have brought in in this conference report.

Mr. MONDALE. So that in a sense the objective declared, dealing with racial isolation, is at war with the remedy that is being supported?

Mr. JAVITS. That is exactly right, in this provision, which, as I say, we would have been shellacked if we had ever tried to strike it from this bill.

(At this point Mr. GRIFFIN assumed the chair.)

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCHWEIKER. I thank the Senator from Rhode Island for yielding to me.

Mr. President, I was one of those who served as a member of the conference committee, and I should like to say to the Senator from Mississippi and the Senator from Connecticut that the Senator from Rhode Island and the Senator from New York, the ranking leadership, fought extremely hard to keep the Senate position in conference.

I have had the privilege of serving on four conferences in the last several months, and I do not think any conferees fought harder to maintain the Senate's position than did the Senators from New York and Rhode Island.

Unfortunately, we could not move the House to accept the Senate amendment, so this was a compromise.

I think it is only fair to point out that there are certain elements that the Senator from Mississippi and the Senator from Connecticut won even in the compromise.

First, they got the uniformity principle established across the board. Whether you are talking de facto segregation or de jure, it is a uniform policy in the North and in the South. I think this needed doing. I think the compromise version says it.

Second, I think it is the first time in legislative record that we actually pinpoint de facto segregation. I do not recall any similar debate in which we actually have pinpointed it in this way and have enunciated it as something to be concerned about. So they have gained a second point—de facto segregation is a matter of record.

Third, I think it also points out a problem that no doubt has been occurring in some Southern States, as the Senator

from Mississippi has well pointed out—that is, that some of the judges have interpreted de facto to be de jure, and vice versa; and they have issued some rulings on the basis that de facto and de jure are the same. To the extent that this is not being followed in the North, it is an unfair policy.

I think that one thing their suggestion and the compromise produces is that from now on if the courts are going to look at a case in the North or in the South, they are going to have to distinguish between de facto and de jure, so that each is treated equally, instead of one way in the South and another way in the North.

I think that these are three things that are in the conference version that were not there before the amendment of the Senator from Mississippi and the Senator from Connecticut prevailed.

The other point I should like to make is that, by an odd coincidence, because our conference worked actually prior to President Nixon's message——

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

Mr. PELL. I yield a half minute to the Senator from Pennsylvania.

Mr. SCHWEIKER. I want to close with the thought that although our conference worked independently of President Nixon's message, the formula we actually came to was the very thing that the President proposed as his way of solving the de facto-de jure problem. I think that is important to remember.

Also, if we would have to go back to conference, I honestly am at a loss to know where we would go, because the House wanted to kick all the amendment out. We fought that. There is little room to negotiate between the two positions. I think they have achieved something, and this is the best we could do.

Mr. PELL. I thank the Senator from Pennsylvania. I can assure the Senate, as he just did, that we did our very best to retain the Stennis language.

It would almost seem as if we had a vision, because we in a sense brought forth the gist of the President's message before it was sent up by our recognition of the fact that there are different types of school segregation and that they must be treated equally throughout the Nation. Until the law is changed this will be the case.

The compromise language did, we felt, express the will of the Senate in light of applicable law. It in truth embodies the most that could have been brought back from conference, and I urge the Senate to sustain our action by defeating the motion to recommit.

PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN IN THE CONSOLIDATED PROGRAM OF SUPPLEMENTARY CENTERS AND SERVICES AND GUIDANCE AND COUNSELING

A question has been raised with respect to the phrase, "if authorized by law, in other elementary and secondary schools", which appears in clause (i) of subparagraph (B) in section 305(b)(1).

The question raised was: How would this phrase affect the participation of nonpublic school children in guidance and counseling programs? This phrase must be read with two other provisions of the consolidation language. Section 304 (b)(2)(B) provides that all applications for assistance under the consolidated programs must, to the extent consistent with the number of children enrolled in nonpublic schools in the area to be served whose educational needs are of the type provided by the programs and projects, make provision for the participation of such children.

Moreover, section 305(b)(9) provides that funds under the consolidated program may not be commingled with State funds. Therefore, the phrase "if authorized by law" does not indicate that participation of nonpublic school children must be permitted by State law. That phrase simply means that the law must be taken into consideration in making services available to children in schools other than public schools. It was the intent of the conferees that nonpublic school children participate in guidance and counseling programs to the same extent that they participate in title III programs under present law.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWEIKER). All time is yielded back.

The suggestion has been made of the absence of a quorum, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from New York will state it.

Mr. JAVITS. As I understand the purport of the motion, if the motion carries, the conferees remain on the job and are directed to go back into conference without instructions; is that correct?

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair would state that the report would be recommitted to the same conferees but there are some instructions to the conferees in this motion.

Mr. JAVITS. Mr. President, would the Chair state what those instructions are?

The PRESIDING OFFICER. The clerk will read the instructions.

The LEGISLATIVE CLERK. The Senator from Mississippi moves that the Senate recommit the conference report on H.R. 514 for the purpose of reconsidering amendment No. 463 as originally passed upon by the Senate dealing with the uniform application of laws relating to school segregation and language added thereto now appearing as section 2 of subsections (a), (b), (c) and (d) of H.R. 514.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. RIBICOFF. Mr. President, may I interject there, first, that the clerk misstated. The mover of the motion to recommit was the Senator from Connecticut not the Senator from Mississippi.

The PRESIDING OFFICER. It was moved by the Senator from Connecticut and the RECORD will so show.

Mr. JAVITS. Mr. President, my parliamentary inquiry is, Are the conferees bound to negotiate only upon that matter, or are they bound at all?

The PRESIDING OFFICER. The Chair will state that under this motion the whole conference report would actually be open for reconsideration.

Mr. JAVITS. Any action?

The PRESIDING OFFICER. Any action.

Mr. JAVITS. I thank the Chair.

Mr. MURPHY. Mr. President, was the answer to the Senator from New York that the conferees are not bound? Is that what the question was?

The PRESIDING OFFICER. The Chair will state that the conferees are not bound by the instructions.

Mr. MURPHY. I thank the Senator.

The PRESIDING OFFICER. The yeas and nays have been ordered——

Mr. STENNIS. Mr. President, a point of order. The time for voting has arrived.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut to recommit with instructions the conference report.

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. NELSON (when his name was called). On this vote I have a pair with the junior Senator from Louisiana (Mr. LONG). If he were present, 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 senior Senator from Georgia (Mr. RUSSELL). If he were present, he would vote "yea." I have already voted in the affirmative. I withdraw my vote and state that if I were at liberty to vote in this instance, I would vote "nay."

Mr. FULBRIGHT (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Massachusetts (Mr. KENNEDY). I have already voted in the affirmative. I withdraw my vote and state that if I were at liberty to vote, I would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. YARBOROUGH (after having voted in the affirmative). On this vote I have a pair with the junior Senator from New Mexico (Mr. MONTOYA). If he were present, he would vote "nay." I withdraw my vote and state that if I were at liberty to vote, I would vote "yea."

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the

Senator from Washington, Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), 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 Connecticut (Mr. DODD), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), and the Senator from Alabama (Mr. SPARKMAN) are absent on official business.

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from Indiana (Mr. BAYH). If present and voting, the Senator from Alabama would vote "yea" and the Senator from Indiana would vote "nay".

On this vote, the Senator from North Carolina (Mr. JORDAN) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Illinois would vote "nay".

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Alaska (Mr. GRAVEL) would each vote "nay".

On this vote, the Senator from Utah (Mr. MOSS) is paired with the Senator from Hawaii (Mr. FONG). If present and voting, the Senator from Utah would vote "nay" and the Senator from Hawaii would vote "yea".

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from South Carolina (Mr. THURMOND) are absent on official business to attend the Interparliamentary Union meeting at Monaco.

The Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

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

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay".

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from North Carolina (Mr. JORDAN). If present and voting, the Senator from Illinois would vote "nay" and the Senator from North Carolina would vote "yea".

On this vote, the Senator from Pennsylvania (Mr. SCOTT) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from South Carolina would vote "yea".

On this vote, the Senator from Hawaii (Mr. FONG) is paired with the Senator from Utah (Mr. MOSS). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Utah would vote "nay".

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

The result was announced—yeas 32, nays 43, as follows:

[No. 110 Leg.]

YEAS—32

Aiken	Curtis	Hruska
Allen	Dole	McClellan
Baker	Eastland	Murphy
Bellmon	Ellender	Ribicoff
Bennett	Ervin	Spong
Bible	Fannin	Stennis
Byrd, Va.	Gore	Talmadge
Byrd, W. Va.	Gurney	Tower
Cannon	Hansen	Williams, Del.
Cooper	Holland	Young, N. Dak.
Cotton	Hollings	

NAYS—43

Allott	Hughes	Pell
Boggs	Inouye	Prouty
Brooke	Jackson	Proxmire
Burdick	Javits	Randolph
Case	Mathias	Saxbe
Church	McGee	Schweiker
Cook	McGovern	Smith, Maine
Cranston	McIntyre	Smith, Ill.
Dominick	Metcalf	Stevens
Eagleton	Miller	Symington
Goodell	Mondale	Tydings
Griffin	Muskie	Williams, N.J.
Harris	Packwood	Young, Ohio
Hart	Pastore	
Hartke	Pearson	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Fulbright, for.
Mansfield, against.
Nelson, against.
Yarborough, for.

NOT VOTING—21

Anderson	Jordan, N.C.	Moss
Bayh	Jordan, Idaho	Mundt
Dodd	Kennedy	Percy
Fong	Long	Russell
Goldwater	Magnuson	Scott
Gravel	McCarthy	Sparkman
Hatfield	Montoya	Thurmond

So Mr. RIBICOFF's motion to recommit with instructions was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on agreeing to the conference report.

The yeas and nays were ordered.

PROGRAM

Mr. GRIFFIN. Mr. President, will the majority leader yield very briefly?

Mr. MANSFIELD. Yes, indeed.

Mr. GRIFFIN. Mr. President, I take this time to inquire of the majority leader if he can inform us of the program for the rest of today and the rest of the week, if possible.

Mr. MANSFIELD. Mr. President, it is anticipated that when the Senate disposes of the pending business, there very likely will be no business to conduct for the remainder of the day unless Senators wish to speak.

The PRESIDING OFFICER. Will the Senator suspend, so that there may be order in the Senate?

The Senator may proceed.

Mr. MANSFIELD. Mr. President, it is intended to come in at 11 o'clock tomorrow morning.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

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

PROGRAM

Mr. MANSFIELD. Mr. President, it is the intention of the joint leadership, with the concurrence of the Senate, to take up some stockpile bills on which there will be some debate and some voting.

Following the disposal of the stockpile bills—of which there are some 16 or 17 in number—it is anticipated that we will turn to the Hill-Burton Medical Construction Act, if possible.

Very likely that will be followed by the Rural Electrification Act, as amended, dealing with establishing a telephone bank.

Whether we can finish all that business this week remains to be seen.

We will have a vote on the motion to recommit the Carswell nomination on Monday. I do not know whether the nomination will be recommitted. The outcome of that vote is still in great doubt.

On Tuesday, we will proceed to the consideration of the resolution offered by Senators BROOKE and COOPER.

If, however, there is a final vote on the Carswell nomination on Wednesday, all of the legislation mentioned which has not been completed at that time would be considered after the nomination is disposed of.

Mr. GRIFFIN. I thank the majority leader.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Under the unanimous consent agreement, 1 hour of debate remains on the adoption of the conference report now before the Senate.

Mr. YARBOROUGH. Mr. President, with this $25 billion measure, Congress will assure continuing Federal support to the elementary and secondary education of the Nation's children.

I am proud to be a cosponsor of this bill.

Although there were over 100 substantive differences between the House and Senate versions, and over 1,000 minor ones, the conferees on both sides handled with dispatch the task of adjusting them. We have brought back to our respective houses a good bill, one that will serve well to meet education needs.

MAJOR COMPROMISES—FORWARD FUNDING

A major modification in the Senate measure was made when we adjusted the duration of the extension. What emerged is a 3-year authorization, with an additional year available if the Congress does not act in time to permit advance funding the final year.

It is important to stress that with

this version, we intend major education programs to be appropriated for a year in advance. Many educational programs have suffered from insufficient lead time. Educators and administrators who do not know what to expect from Congress in terms of budget support cannot afford to spend a lot of time organizing and planning a course or program whose chances of being funded are slight, or unknown.

Forward funding in education has heretofore been carried out only under title I of the Elementary and Secondary Act. Now, it is provided for under all titles, and I urge the Appropriations Committee to follow through on the intent of the bill.

The authorization levels of the Senate measure were accepted by the House. They apply to the first 3 years of our bill, with the third year sums also applying to the contingency year.

INCREASE IN LOW-INCOME FACTOR

The House accepted the Senate change in title I allotments, raising to $4000 the family income counted in determining numbers of children for title I grants. This change is effective in fiscal year 1973, and brings the income factor into line with changes in poverty-level income.

CONSOLIDATION

A third area of difference was in the consolidation of programs sought by the administration and carried in the House bill.

The Senate rejected consolidation, because we know that categorical programs are established in order to give identity and separate funding to the activities we are trying to stimulate. Lumping educational activities into one authorization often means that one loses out to others, in proportions Congress did not intend.

The conference agreement consolidates only a part of those titles sought for consolidation by the administration. Title III of the Elementary and Secondary Education Act is grouped with title V-A of the National Defense Education Act, and that is all. This means the supplementary education centers and guidance and counselling programs will be merged.

The agreement is wise to leave out of the consolidation title II of ESEA, the school library section. School libraries are so central to high quality elementary and secondary education that they deserve the emphasis of continued separate funding.

EXPANSION OF ADULT BASIC EDUCATION

A fourth disagreement that deserves mention is the Senate amendment enlarging adult basic education to permit courses at the high school level. I am delighted that the House accepted the Senate amendment to this effect. It will enable adult basic education courses to go beyond the elementary subjects, and enable many thousands of adults to gain the equivalent of a high school education.

BILINGUAL EDUCATION

It is also a pleasure to point out that the House accepted the authorization level in the Senate bill for bilingual education. This means $80 million for fiscal year 1971, $100 million for 1972, and $135 million for 1973. These sums are a meaningful estimate of what should be invested in education in the home language of the 1.7 million Spanish-speaking children in the southwest alone.

LEARNING DISABILITIES

I am also pleased that the House conferees accepted my bill to add a categorical program for children with learning disabilities. This authorization is also separate, to give educators an opportunity to establish the identity of this specialty within the school system.

The amendment corresponds to my bill, S. 1190.

This is an outstanding piece of legislation, for which the Senator from Rhode Island (Mr. PELL) and others on the Education Subcommittee, deserve our thanks. But passing this conference report is not enough. The Senate, and Congress must see that it is adequately financed. We must not pursue a course of false promises to the children, parents, teachers, and school administrators of America.

They are counting on Congress to support education in the manner this legislation outlines. That will be our next task in meeting the national interest in quality education.

Mr. PELL. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), 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 Connecticut (Mr. DODD), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), and the Senator from Alabama (Mr. SPARKMAN), are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Louisiana (Mr. LONG), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from South Carolina (Mr. THURMOND) are absent on official business to attend the Interparliamentary Union meeting at Monaco.

The Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

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

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), and the Senator from Illinois (Mr. PERCY) would each vote "yea".

On this vote, the Senator from Pennsylvania (Mr. SCOTT) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 74, nays 4, as follows:

[No. 111 Leg.]

YEAS—74

Aiken	Fannin	Nelson
Allen	Fulbright	Packwood
Allott	Goodell	Pastore
Baker	Gore	Pearson
Bellmon	Griffin	Pell
Bennett	Gurney	Prouty
Bible	Hansen	Proxmire
Boggs	Harris	Randolph
Brooke	Hart	Ribicoff
Burdick	Hartke	Saxbe
Byrd, Va.	Hruska	Schweiker
Byrd, W. Va.	Inouye	Smith, Maine
Cannon	Jackson	Smith, Ill.
Case	Javits	Spong
Church	Mansfield	Stevens
Cook	Mathias	Symington
Cooper	McClellan	Talmadge
Cotton	McGee	Tower
Cranston	McGovern	Tydings
Curtis	McIntyre	Williams, N.J.
Dole	Metcalf	Williams, Del.
Dominick	Miller	Yarborough
Eagleton	Mondale	Young, N. Dak.
Ellender	Murphy	Young, Ohio
Ervin	Muskie	

NAYS—4

Eastland	Hollings	Stennis
Holland		

NOT VOTING—22

Anderson	Jordan, N.C.	Mundt
Bayh	Jordan, Idaho	Percy
Dodd	Kennedy	Russell
Fong	Long	Scott
Goldwater	Magnuson	Sparkman
Gravel	McCarthy	Thurmond
Hatfield	Montoya	
Hughes	Moss	

So the report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISPOSAL OF CORUNDUM

Mr. MANSFIELD. Mr. President, there will be no further voting tonight.

I ask unanimous consent that the Senate turn to the consideration of Calendar No. 715, S. 3083. I do this so that the bill will be the pending business tomorrow.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3083)

to authorize the disposal of corundum from national stockpile.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of Senators, the leadership intends to call up the stockpile bills in sequence. There will be yea-and-nay votes on some of those bills tomorrow.

CIVIL DISORDER

Mr. ALLOTT. Mr. President, Messrs. Rowland Evans and Robert Novak, in a column in Monday's Washington Post, have pointed to some interesting aspects of violence in America.

The columnists contend that, with alarming steadiness and insufficient notice, some new forms of violence are appearing. Some of the violence is organized. Some is spontaneous. All of it is an intolerable threat to community life in all regions of the country.

For example, violence directed against the Government is growing rapidly. In the 12 months ending June 1969, there were 46 bomb threats directed against Federal buildings and 14 actual arson or bombing incidents. But in just 9 months since June 1969, there have been 164 threats to bomb Federal buildings and 13 actual bombing and arson attacks.

Further, Evans and Novak reported that there have been 30 arson attempts on campuses since January of this year, and enough of these have been successful to cause half a million dollars in damage. The Evans and Novak column is disturbing and deserves our reflective consideration.

One of the worst things about the newest form of violence—the random, cowardly, terroristic attacks involving high explosives—is the feeling of helpless frustration and rage it engenders in the general public.

Thus, I welcome the administration's request for broadened powers useful for attacking the bombers. The President has spoken out forcefully about the bombing incidents. He has said:

> The anarchic and criminal elements who perpetrate such acts deserve no more patience or indulgence.

To effect the necessary crackdown, the President is asking for stiffer penalties for the illegal transport or use of explosives. I hope the President's proposals will receive the prompt attention of the Senate.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

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

ADMINISTRATION AIDES DELUDE SELVES ABOUT HAVING CURBED CIVIC DISORDER

(By Rowland Evans and Robert Novak)

Events within one 24-hour span last week, largely unnoticed in the national press, reflect a rising tide of organized and spontaneous violence that law enforcement officials can no longer contain.

In Fort Wayne, Ind., more than 100 Negroes in a roller-skating rink began throwing rocks at passing cars. They were calmed by police only after injuring four motorists. In Plaquemines, La., some 100 black demonstrators attacked police and were controlled only with tear gas. In Tampa, Fla., a few Negroes unsuccessfully attempted to ambush a police car in an orange grove.

That rate of violence for a single day, not unusual, fairly demonstrates the rising crescendo of disorder. The rumble at the Fort Wayne skating rink showed no evidence of planning but rather fell into the category of increasingly frequent racial mini-riots (20 recorded in 17 states so far this year).

But the Plaquemines and Tampa disturbances were anything but spontaneous. They were part of the carefully planned, small-scale guerrilla activity that has become a nightmarish reality. Although they often do not make front page headlines (as they did not in those two instances), these guerrilla capers are becoming a daily fare nationwide.

Thus, the high Nixon administration officials who publicly congratulate themselves on having curbed civic disorders in America are deluding themselves. It has merely gone underground. The combination of the bombing campaign by the Weathermen faction of SDS and black guerrilla operations in the ghetto, so far unconnected, adds up to a much more difficult law enforcement problem than the full-scale ghetto riot last experienced at Easter, 1968.

The truth is that leftwing terrorists, particularly the Weathermen, have managed to go underground with remarkable ease. Their size, whereabouts, and immediate intentions are shielded. With Stokely Carmichael back home urging black militants to go underground, their activities too may soon be more difficult to trace than the relatively open terrorist tactics of the Black Panthers.

There is reason to believe that this growing terrorism has an increasingly serious hard core of intention. Thus, several young radicals who joined the recent expedition to Cuba to help harvest Fidel Castro's sugar crop were interested in more than agricultural pursuits. They were secretly given guerrilla training by veterans of the Cuban revolution.

Nor can some of these youthful radicals be dismissed as fanatics with wild dreams of revolution. The bombs that exploded on March 6 in New York and killed their Weatherman makers were intended for a specific target—troubled Columbia University.

The death of black militant Ralph Featherstone in his car at Bel Air, Md., points up the developing nature of guerrilla operations. Although black militants and others—including some white liberals who steadfastly refuse to accept contrary evidence—still claim that Featherstone probably was assasinated by white racists, the physical evidence shows that Featherstone was carrying the bomb and that it was almost certainly intended to disrupt the scheduled trial in Bel Air of H. Rap Brown.

The apparent plan was to plant the bomb in an empty Bel Air building and blame it on white racists. This was no brainstorm of Featherstone's. White radicals with access to the Establishment were fully aware of the scheme.

The backdrop to the rise in bombings is the depressingly steady rise in violence on high school and college campuses, much of it still spontaneous but more and more carefully planned. Since September, 1969, there have been 400 reported disorders in the nation's high schools (compared with only 300 in the entire 1968–69 school year). Since Jan. 1 alone, more than 30 cases of arson or attempted arson have been found on college campuses with total damage exceeding $500,000.

Thus it seems a fair conclusion that the Far Left is not much exaggerating when it boasts that a revolution of sorts has already started. Nor can this conclusion be obscured by the refusal of administration officials to admit that conditions are worsening or by well-meaning attempts by some liberals to excuse these manifestations of guerrilla activity as a natural result of bitter and understandable frustration.

THE SUPREME COURT RULING ON OBSTREPEROUS DEFENDANTS

Mr. ALLOTT. Mr. President, yesterday the Supreme Court handed down a dedecision that is timely, moderate, and unquestionably wise.

Speaking without dissenting opinion, the Court ruled that an obstreperous defendant can be bound, gagged, jailed for contempt of court, or expelled from the courtroom if he acts in a manner that prevents the orderly conduct of his trial.

This decision grew out of a 1956 trial of an accused bank robber who had announced his intention to not allow his trial to make progress. But the relevance of this decision to current events is too obvious to be missed.

Yesterday's decision is very bad news indeed for those who expected their obstreperousness to win them immunity from trial and punishment.

It has become clear that some radicals are as allergic to trials as they are enamored with criminal violence. Further, it has become clear that these radicals have come to believe in their immunity from punishment for even the most flagrant and dangerous violations of the law.

This dangerous belief in immunity stemmed from several sources. One was their experience on certain college campuses where administrative poltroonery has made campus violence one of the most risk-free occupations in America.

A second source of the radicals' belief in immunity from punishment is their assumption that none of America's institutions have the will or the ability to defend themselves from determined attempts at disruption.

These radicals apparently believed that they could escape trial and punishment simply by refusing to come to trial, or by making a noisy shambles of the trial once it began.

The unanimous opinion of the Court, delivered by the senior Justice, Hugo L. Black, has shattered that hope for immunity. Clearly, the Supreme Court has no intention of honoring spurious attempts to find constitutional sanction from courtroom disruptions.

The Court's words deserve citing:

> It is essential to the proper administration of criminal justice that dignity, order and decorum be the hallmarks of all court proceedings in our country. The flagrant disregard in the courtroom of elementary standards of proper conduct should not and cannot be tolerated.
>
> We believe trial judges confronted with disruptive, contumacious, stubbornly defiant defendants must be given sufficient discretion to meet the circumstances of each case. No one formula for maintaining the appropriate courtroom atmosphere will be best in all situations. We think there are at least three constitutionally permissible ways for a

trial judge to handle an obstreperous defendant like Allen:

1. Bind and gag him, thereby keeping him present.
2. Cite him for contempt.
3. Take him out of the court room until he promises to conduct himself properly.

Mr. President, as the Court said yesterday, no one relishes the use of these techniques. But we must recognize that the oldest radical technique is to force civilized men to compromise their commitment to gentle and reasonable behavior.

It is unfortunate when radicals succeed in forcing us to adopt severe measures. But it would be more unfortunate were our society incapable of the sort of stern measures which must be used when violent radicalism is abroad in the land.

THE URGENT NEED FOR CONSTRUCTIVE WASTE DISPOSAL

Mr. ALLOTT. Mr. President, Governor Reagan of California was recently presented with a barrel of waste materials. This would not have been noteworthy, and certainly not pleasant, were it not for the fact that it was presented in the form of a small cube of material useful for roadbuilding. The barrel of waste had been reduced to the cube that was gloriously small, and useful in the bargain.

What Governor Reagan held in his hand was evidence of a creative response to a growing problem. This is the problem of solid waste disposal, a problem which must be solved if we are to improve our environment.

It is easy to understand why the Governor of California was pleased by the evidence that solid waste can be reduced in volume and even made useful.

Every year the average Californian generates 1,800 pounds of rubbish, and every year it costs California more than half a billion dollars to dispose of it.

If the solid waste discarded in California in 1 year were gathered it could form a solid ribbon 100 feet wide, 30 feet tall, and long enough to extend the length of California from Mexico to the Oregon border.

Of course, the problem of solid wastes is not unique to California. It is an enormous problem for our entire consumer economy. There may come a time when the problem of solid waste is no longer looked upon as the "third pollution." It may be considered as dangerous as air and water pollution. A few facts will demonstrate why.

Five years ago Congress reported:

> Inefficient and improper methods of disposal of solid wastes result in scenic blights, create serious hazards to the public health, including pollution of air and water resources, accident hazards, and increases in the rodent and insect vectors of disease, have an adverse effect on land values, create public nuisances, otherwise interfere with community life and development; . . . that the failure or inability to salvage and reuse such materials economically results in the unnecessary waste and depletion of our natural resources.

That was said in 1965, and the solid waste problem has been getting steadily worse.

According to one estimate, between now and the end of the century America will discard 19 billion tons of solid refuse—enough to cover Rhode Island with a pile many feet deep.

On average every man, woman, and child in America generates 5.3 pounds of solid waste a day and the solid waste growth rate is faster than the population growth rate. By 1980 the average American will generate 8 pounds of solid waste a day, or approximately a ton and a half a year.

In 1969 Americans threw away 7½ million television sets, 7 million cars and trucks, 50 billion cans, 30 billion glass containers and 4 million tons of plastics. In all we discarded 3.6 billion tons of solid waste.

This discarding costs money. The Federal Bureau of Solid Waste Management estimates that local governments spend $1.5 billion annually on waste collection and disposal, and industry spends the same for that purpose. This $3 billion yearly will rise to over $5 billion by 1980.

What happens to our solid waste? Eighty-five percent is disposed of by open dumping. The dumping of garbage involved 7,000 square miles of America—more square miles than the combined areas of Connecticut and Rhode Island.

Between 8 and 10 percent of our solid waste is burned in incinerators. But a recent study by the Public Health Service indicates that 75 percent of these incinerators are producing unsatisfactory levels of air pollution.

There are 12,000 apartment incinerators in New York City. These pollute the air. As one person puts it, New Yorkers "literally inhale a portion of their own garbage." But if the garbage were not being burned, the solid waste disposal problem would just be that much worse.

Although there is slight comfort in the fact, it is true that many of our solid waste problems stem from improvements and conveniences. Let me give an example.

The 7 million cars we junk each year would not be such a problem if the steel industry were not using new and better furnaces. These oxygen-enriched open hearth furnaces make better steel, but they use less scrap steel for flux. Thus the value of the junked automobile is so low that many persons just abandon them on the streets. Last year 50,000 cars were abandoned in the streets of New York City alone. Well over half a million were abandoned nationwide. This has led the President to ask his Council on Environmental Quality to recommend some system to promote the prompt scrapping of all junk automobiles.

Bounty payments might be the basis of such a system. Another possibility would be a system whereby the original purchaser of a car purchases a voucher which accompanies the car through all changes of ownership and is redeemable for the original fee when the car is turned in for junking.

However, there is more to solving the junk automobile problem than just adding to the owner's incentive to turn in a wornout car. According to a recent report prepared for the Office of Science and Technology:

> In 1966 it was estimated that about 6 million scrap cars were processed and sold to the steel and other metal working industries for reuse, nearly equalling the number of cars being junked. This was the first time that the utilization of automobile hulks equalled the scrapping rate. Large, high capital cost auto shredding plants constructed in the large urban centers have only in recent years processed more automobile hulks from the accumulated backlog of cars in the urban centers than were currently being junked in those areas. At the same time, however, more scrapped automobiles were being added to the accumulation of junked cars, estimated at 10 to 20 million scattered in wrecking yards throughout the United States, particularly in areas where operation of the high-cost shredding plants is economically impractical. This pattern of scrap automobile accumulation threatens to continue.

In the agricultural field improved methods have created a waste disposal problem. Cattlemen have discovered that livestock grows much faster if it is confined in feedlots where the animals do not burn up energy wandering. But confined herds present a problem of concentrated waste. New regulations affecting disposal of such waste might also affect—unfavorably—the price of pot roast. And those who demand Government action against pollution will blame the Government for any rise in the price of beef.

If we are to cure our solid waste problems without aggravating other problems, we must make progress in three areas.

First. We need better disposal systems.

Second. We need ways to reduce the volume of waste we dispose, or at least to slow the growth in that volume.

Third. We need to give special attention to reducing disposal problems by increasing our ability to recycle materials.

Concerning better disposal systems, much imaginative work is being done concerning the use of solid waste in land-fill programs. One of the most interesting schemes concerns the use of the solid waste that results from cleaning waste water.

Sludge is the solid matter removed from domestic and industrial waste water. The cleaner we make our water, the more sludge we are going to have. Chicago alone must dispose of 1,000 tons a day. It buries half of it in deep holes at a cost of $60 a ton. The rest it sells to citrus growers and fertilizer companies for $12 a ton. This is not a profitmaking operation.

Vincent W. Bacon, general superintendent of the Chicago Sanitary District, would like to try piping liquid sludge to strip mines and marginal farmland 60 miles southwest of Chicago.

First the sludge would be treated to remove odor and health hazards. Then it would be pumped to the land that the sludge will enrich. Mr. Bacon estimates that the cost of the pipe and pumping equipment and everything else would only make the disposal cost to the city $20 a ton—or one-third of what it now costs to bury the sludge without any social benefit.

The great advantage of land-fill programs for waste other than sludge is that these programs do not involve burning.

Refuse disposal through burning contributes only 3 percent of our air pollutant emissions, but that amounts to 5 million tons of pollutants.

In disposing of solid waste, we should burn as little as possible and we should burn it as well as possible.

We need better incinerators and tougher regulations concerning all forms of burning.

We should investigate the so-called fusion torch method of coping with waste.

Bernard J. Eastlund and William C. Gough, two scientists for the Atomic Energy Commission, think the fusion torch process may be a way of coping with solid waste problems while also warding off some mineral shortages. It would involve turning fiercely hot plasma—a thin gas derived from controlled thermonuclear reactions—on waste products. The effect would be to "vaporize" the products, reducing them to electrified particles of their constituent elements. Then, it is hoped, these elements could be collected and separated and reused.

A recent article in The New York Times of March 15 gave this example of a possible use of the fusion torch:

> An automobile subjected to a fusion torch, for example, could be made to disappear as an entity and instead there would become available the iron, zinc, lead, tin and other elements from which it was originally made. Since all substances ordinarily used by man are ultimately derived from the 92 basic elements found naturally on earth, there would at most be no more than 92 different substances that would have to be separated from even the most complex mixture of trash, garbage, sewage, etc.
>
> While essentially simple in concept, the fusion torch poses many intricate technical problems for the engineers who may ultimately be asked to implement it. And it presupposes, of course, that the still knotty problem of generating fusion power will be solved.
>
> Nevertheless it is a fascinating example of the possibilities sophisticated and advanced scientific concepts may have for solving the increasingly urgent problems of man's environment. As such it is particularly appealing to the growing number of socially-minded scientists and science students who see in this—as one Columbia professor put it—a "case of science doing something that doesn't hurt you, but actually solves some of our problems."

There are other things we can work toward before the development of anything as exotic as a fusion torch.

Household grinding machines might enable us to shunt all waste—except bottles and cans—into the sewer system.

Home "compactors" might enable solid wastes to be reduced in size before collection.

Certainly new technology will enable us to dispose of solid wastes in less damaging ways. But the most urgent task is to slow the growth in the volume of solid wastes. The best way to do this is by perfecting methods of recycling materials so that instead of becoming wastes, they are returned to the production process as materials.

As the President said in his environment message to Congress:

> A great deal of our space research has been directed toward creating self-sustaining environments, in which people can live for long periods of time by re-processing, recycling and re-using the same materials. We need to apply this kind of thinking more consciously and more broadly to our patterns of use and disposal of materials here on earth.

Accordingly the President has ordered "a redirection of research under the Solid Waste Disposal Act to place greater emphasis on techniques for recycling materials, and on development and use of packaging and other materials which will degrade after use—that is, which will become temporary rather than permanent wastes."

Of course many industries are already moving in this direction. Consider the problem facing the Rubber Manufacturers Association.

There are an estimated 3 million tons of waste rubber discarded in the United States every year. Most of this rubber—2 million tons—is in the 200 million vehicular tires we discard annually. That is approximately one used tire for every American man, woman, and child.

The problem is that progress is destroying the market for old tires while the sale of new tires continues to increase.

Not very long ago substantial numbers of old tires were used to make recapped tires.

Today about 41 million tires are recapped or otherwise recycled. But this total is not growing and the number of discarded tires is constantly growing. This means that upward of 160 million tires are disposal problems.

There are many reasons for lag in the recapping business. The price of new tires, relative to recaps, is going down. And there is an increasing interest in automobile safety and in the new tire materials that make for safer travel.

Lower prices and improved technology are good things. But they are causing problems in the used tire market, with the result that in some places you literally cannot give away used tires. The dealers do not want to store them or cart them away.

So what is to be done with the 200 million old tires? Some are being burned in the open air. This produces a hideous amount—and kind—of air pollution. Some old tires are used in land-fill projects. But there is far more solid waste in America than there are land-fill projects to accommodate it. Some old tires are even dumped offshore to form spawning grounds for fish. This is a legitimate use for a few—but only a very few—old tires.

At the heart of the problem is that fact that normal rubber tires are nonbiodegradable: they will take a terribly long time to decompose and return to the natural environment. To make matters more complex, some of the new materials that go into our improved tires—such as polyesters—will never decompose.

In the face of this mounting disposal problem, American rubber producers are trying to accept the idea of "ultimate responsibility" for their products.

There was a time when industry believed that the problem of a wornout product was simply a problem for those who wore it out. But increasingly there are those in industry arguing that such an attitude is not good citizenship—and it may not be good business.

American rubber manufacturers are trying to find profitable ways to take the lead in disposing of old tires.

Research is now being done on the destructive distillation of tires by a carbonization process. In layman's language, this involves exposing old tires to extremely high temperatures—ranging from 500° to 900° C.—to get useful residues of gases, oils, and solid distillates. Such processes can vastly reduce the sheer bulk of nonusable tire wastes, and they might yield marketable substances.

It is not yet clear how such destructive distillation would be organized on a large scale. It might be done by a consortium of tire manufacturers, or by franchises. In any case, there would be costs. There would have to be a bounty paid for old tires. There would be substantial costs in transporting old tires to processing plants. There would be significant capital costs for distillation plants. And there would be costs involved in marketing the distillates.

Unfortunately, tests conducted thus far are not encouraging. It now seems doubtful that the market for distillate petrochemicals will be large. This might make it impossible for the industry to take up the burden of mass disposal through destructive distillation.

Meanwhile research continues into other uses for rubber wastes. It is possible to shred tires and put them into roadway materials, producing pavement with improved qualities of durability and adhesiveness. There are surely other imaginative ways of using wastes.

One thing is clear. In the tire industry, as elsewhere, recycling requires planning and new knowledge. The public has a stake in the success of these efforts, and perhaps there should be some Government incentives.

High priority should be given to research into both metallurgical and nonmetallurgical uses of autoscrap. For example, it is possible that shredded scrap can be used as core material in lightweight concrete building blocks.

Special attention must be given to the annual discard of 80 billion cans and glass bottles and the 4 million tons of plastics.

The time may come when we regret the appearance of the rustproof can. And the time may come when manufacturers will simply be forbidden to use bottles that spare us the inconvenience of returning them to the store. We must begin returning such containers for recycling or other reuse.

The producers are willing to try. The Reynolds Aluminum Co. estimates that scrapped aluminum cans are worth $200 a ton. In various parts of the country firms are paying bounties for returned bottles and cans.

Mr. President, I am pleased to note that the Adolph Coors Co., a large and distinguished brewing firm with headquarters in Golden, Colo., has a pioneering aluminum recycling program.

Just 6 weeks ago the Coors Co. announced a cash-for-cans program to encourage persons to collect and return to the company used aluminum beer cans.

The response—from individuals and civic groups—has been astonishing and

gratifying. In just 6 weeks over two and a half million cans have been turned in, and these 112,000 pounds of cans have been started back into the recycling program.

The Coors people are paying a dime a pound for aluminum cans—including those that did not originally contain their own fine product. They expect that by the end of the year this program, which combines good business with good citizenship, will result in the collection of more than 50 million cans involving two and a half million pounds of aluminum.

If the collection drive lives up to predictions—and they hope it will—the Coors people will cheerfully spend a quarter of a million dollars on this antilitter campaign this year.

There are numerous possible methods of encouraging citizen participation in such antilitter campaigns.

Someone had suggested a bounty system that would take advantage of public enthusiasm for lotteries. It would pay perhaps $10 for every five-hundredth bottle or can turned in at a central collection depot.

The recycling industries could pay the lions' share of such bounty payments. But there is a social stake in a general cleanup and perhaps governments would want to supplement the payments to raise them above the level justified by the market worth of the recycled materials.

This should be just one part of a general reexamination of packaging policies. Our aim should be a reduction in the use of materials that are neither reusable nor degradable. Every citizen can do his part by being a public spirited purchaser. And the Federal Government can play a special role.

Federal purchases account for 6 percent of the Nation's packaging sales. Thus, if the Government is a conscientious customer, it can exert a strong and beneficial influence on industry.

Mr. President, the worst thing about our current disposal of solid waste products is that the whole business is itself so very wasteful. As a wise man with an agile tongue once said:

Willful waste brings woeful want.

It is never too soon to put an end to waste, and it is increasingly important for us to adopt policies that will dispose of waste products in an orderly manner that enhances rather than threatens our environment.

THE HEALTH TRAINING IMPROVEMENT ACT OF 1970

Mr. HARRIS. Mr. President, the distinguished Senior Senator from Texas (Mr. YARBOROUGH) is to be congratulated for the legislation which he has been offering to meet the health crisis facing this Nation. I think the Health Training Improvement Act of 1970—S. 3586—which he recently introduced, is a most worthy proposal, and I ask unanimous consent that at the next printing of that bill I may be added as a cosponsor of it.

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

Mr. HARRIS. If we are to meet the manpower shortages of the health professions, new training programs must be developed and old programs improved. Statistics showing a shortage of 50,000 doctors and 150,000 allied health professionals attest to this fact.

Title I of the act would be helpful in meeting the health manpower shortage. It amends title VII of the Public Health Service Act by establishing eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, podiatry for institutional grants under section 771 thereof.

Title II of the act provides for programs to recruit and to train allied health personnel. Grants for construction of teaching facilities, for improvement of present facilities, and grants for full utilization of educational talent for the allied health professions would be estabished under title II. Loans for students, as well as other worthwhile programs, would also be established under title II if this legislation is enacted.

Particularly interesting is the provision in section 202 of title II for special project grants to establish programs to reach groups such as the economically deprived and veterans with training and experience in the health fields. The distinguished Junior Senator from California (Mr. CRANSTON), chairman of the Subcommittee on Veterans of the Committee on Labor and Public Welfare, stated with regard to this provision:

> 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.

By offering training for the economically deprived, we not only improve the health manpower shortage, but we also provide a means for those who are unemployed or underemployed to earn a decent wage.

Mr. President, because of the many desirable features of the Health Training Improvement Act of 1970, I am hopeful that the Senate will take prompt and favorable action on the bill.

JUSTICE AND ORDER IN COURTS OF LAW

Mr. RANDOLPH. Mr. President, yesterday, the Supreme Court of the United States, in a historic ruling held that the constitutional guarantees of the sixth amendment require defendants in criminal action to conduct themselves in a proper manner.

I applaud this unanimous Court decision for reasserting the concept that with rights come obligations and responsibilities. Persons accused of crimes must be fairly tried. And, in order to protect the rights of all defendants, judges must have the authority and the power to maintain order and decorum in the courtroom.

This decision will not restrict the ability of defendants to receive a fair and impartial trial. In fact, it strengthens their rights. The unanimity with which the Court acted underscores the importance of orderly courtroom procedures to the ability of our judicial system to administer justice fairly and impartially.

I ask unanimous consent to include in the RECORD editorials of today from the Evening Star and the Washington Daily News commending the Court for its decision. The titles themselves are indicative of the views which most people have of the decision. The Star editorial is entitled "Fair Trials," and the News editorial, "Respect for the Law."

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

[From the Washington (D.C.) Evening Star, Apr. 1, 1970]

FAIR TRIALS

In a historic decision, the Supreme Court without dissent ruled yesterday that "disruptive, contumacious, stubbornly defiant defendants" have no constitutional right to be present at their trials. The court specifically held that such defendants may be bound and gagged, cited for contempt or removed from the courtroom until they promise to conduct themselves "properly."

Although the court was handing down an opinion on a 14-year-old criminal case, it is clear that its ruling will have a crucial effect on the appeal of the trial of the "Chicago Seven," on the proceedings to be resumed Tuesday against 13 Black Panthers in Manhattan and on similar cases which appear likely to become a feature of litigation in a decade of political confrontation.

The court held that the accused cannot "be permitted by his disruptive conduct indefinitely to avoid being tried." The justices took the view that "it would degrade our country and our judicial system to permit our courts to be bullied, insulted and humiliated, and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes." This strikes us as both sound law and good common sense.

And yet the right of a defendant to be present during his trial is too deeply enshrined in our constitution to permit rejoicing in its abridgement. It appears in the Sixth Amendment, which guarantees the accused the right "to be confronted with the witnesses against him." It is reinforced in the Fourteenth Amendment, which guarantees "due process" and "equal protection" of the law.

The challenge and the dilemma faced by our courts, then, is this: Not only to hand down justice, but to appear to do so—not only to a majority more concerned with order than with freedom but to a minority convinced that justice is not to be had at the hands of institutions which are the creatures of a society they believe to be based on inequity and corruption.

The eight justices have given the lower courts the legal tools to enforce order at the bar of justice. But if the need for such tools is apparent, so, too, is the requirement that they be employed sparingly, intelligently and in moderation.

[From the Washington (D.C.) Daily News, Apr. 1, 1970]

RESPECT FOR THE LAW

Americans who hope to preserve our system of justice will applaud the U.S. Supreme Court's ruling that no defendant or group of defendants has a constitutional right to disrupt a court of law.

The ruling is especially apt at a time when a growing number of defendants and their lawyers seem determined to make a mockery of the judicial process.

The trial of seven men accused of inciting

a riot in Chicago during the 1968 Democratic Convention, the trial of the "D.C. Nine" here and now the trial of 13 Black Panthers accused of plotting to bomb public buildings in New York all have been marred by disruptive behavior that has no place in a courtroom.

In the New York trial, which resumes next week, defendants have used what one judge calls "vile, demeaning, vicious, base and threatening language . . . unparalleled in court history."

Yet there has been a presumption that a defendant had an absolute constitutional right under the Sixth Amendment "to be confronted with the witnesses against him" and therefore to be present at all times at his own trial.

In its decision this week, the Supreme Court acted on the case of an abusive armed robbery defendant in Illinois. But the principle surely would apply in these other cases.

"We explicitly hold today," said the high court, "that a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive and disrespectful of the court that his trial cannot be carried on with him in the courtroom."

In concurring with the majority opinion written by Justice Hugo L. Black, Justice William J. Brennan appropriately added:

"Due process does not require the presence of the defendant if his presence means there will be no orderly process at all."

Disruptive behavior in court is not a new tactic, of course, despite the recent developments. And most judges have dealt with it, either by barring the defendant, using contempt citations or even gagging the offenders—all of which was approved by the Supreme Court.

We hope this decision of the court will serve to permanently rescue our judicial process from the travesty with which it has been threatened.

LOANS TO CERTAIN INDIAN TRIBES

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 227.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate the amendments of the House of Representatives to the bill (S. 227) to provide for loans to Indian tribes and tribal corporations, and for other purposes, which are on page 1, line 5, after "338(c)" insert ", and to make and insure loans as provided in sections 308 and 309,".

On page 1, line 7, after "1988(c)" insert ", 1928, 1929".

On page 2, line 1, after "Interior", insert ", or within a community in Alaska incorporated by the Secretary pursuant to the Indian Reorganization Act,".

On page 2, lines 1 and 2, strike out "or its members", and insert "or the corporation or the members of either".

On page 2, line 8, after "made", insert "or insured".

On page 2, line 12, after "made", insert "or insured".

On page 2, line 25, after "made", insert "or insured".

Mr. BURDICK. Mr. President, on September 12, the Senate passed S. 227, which provides needed authority for the Farmers Home Administration to make loans to tribes to enable them to purchase lands within their reservations necessary to promote the economic welfare of Indian groups.

The House amendments expand the bill so that, in addition to making direct loans from its direct loan account, the Farmers Home Administration may insure loans to tribes made by commercial lending institutions. This will serve the double purpose of conserving the Federal loan account and opening up a broader source of credit. The Department of Agriculture has endorsed this amendment.

A further amendment also specifies that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations.

Mr. President, as the author of S. 227, these amendments are perfectly satisfactory to me. Therefore, I move that the Senate concur in the amendments of the House to S. 227.

Mr. ALLOTT. Mr. President, S. 227 as passed by the Senate, is a bill which authorizes the mortgaging of Indian lands and authorizes the Farmers Home Administration to make loans from the direct loan account to Indian tribes or tribal corporations, for the purpose of acquiring lands within an Indian reservation. I favor the basic concept of the legislation and feel that it will be useful in helping the tribes to consolidate their land holdings within a reservation into more manageable units.

When the bill was considered by the House, two amendments were adopted. The first amendment expanded the bill so that in addition to direct loans, the Farmers Home Administration may also insure loans made by commercial lending institutions. This would make available to the tribes additional sources of funds, and in my opinion constitutes an improvement over the Senate version.

The second amendment expands the coverage of the bill to the eight Indian Reorganization Act corporations in Alaska. On the face of it, this is a logical extension of the purposes of the bill; however, as I read the language of the bill, and specifically section 2, the Secretary of the Interior could take in trust title to lands purchased by the eight Indian Reorganization Act corporations in Alaska, without regard to whether the lands so purchased were within a reservation. The question of taking title to Indian lands outside the boundaries of a reservation has been a troublesome matter over which the Senate Interior Committee has struggled for some time.

I have no objection to including the Alaska Indians under the terms of the bill, but in light of the underlying concepts being considered in the pending legislation to settle the Alaska native land claims relating to the absence of reservations, it would appear that we may be undoing some of the important things to be accomplished by the native land claim settlement legislation. The acceptance of title in trust to lands acquired under FHA loans, would, it seems to me, be contrary to the philosophy of the proposed legislative settlement recommended by the Department of Interior, and other legislation on this subject.

The language of section 2 is permissive and discretionary. Therefore, in consideration of the "no reservation" philosophy of the Alaska natives claims settlement legislation, we assume and understand that the Secretary will not accept title in trust for the Alaska Indian corporations covered under this bill, at least until the ultimate disposition of the settlement legislation is determined. In other words, if the settlement legislation should fail to become law, then the Secretary may wish to reassess the advisability of accepting title to such acquired lands in trust.

It is my understanding that the sponsor of the bill, the Senator from North Dakota (Mr. BURDICK) concurs in this; and with this understanding it will not be necessary to hold a joint House and Senate conference on the bill.

I would like to solicit now the remarks of the distinguished Senator from North Dakota, who has been handed a copy of the statement I have just made, and learn whether he concurs in these remarks.

Mr. BURDICK. Yes, I find myself in substantial agreement with what the Senator has said. We can reassess our position after we have handled the Indian claims measure now before the Senate.

Mr. ALLOTT. I thank the Senator. He says "in substantial agreement." I presume he means that he is in accord with the position I have announced.

Mr. President, while I am anxious to accommodate the general purpose of the bill which the Senator from North Dakota introduced, I am concerned about the implications that could arise, particularly under section 2, if the bill is not taken in the context in which this legislative history is being made. As a matter of fact, if we could not agree on this legislative history, I would think that we should not accept the bill, but that it should go back to conference.

With the assurance that the Senator from North Dakota has made—and he has been interested in Indian problems a long time, together with his senior colleague—I am perfectly satisfied with the situation, provided that it is well recognized that, without any dispute, this is the legislative history covering the bill.

Mr. BURDICK. It will be so recognized.

Mr. ALLOTT. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. S. 3083, a bill to authorize the disposal of corundum from the national stockpile.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

Mr. President, is the Senate in legislative session or is it in executive session?

The PRESIDING OFFICER. In legislative session.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to

come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 2, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1970:

DEPARTMENT OF THE INTERIOR

Fred J. Russell, of California, to the Under Secretary of the Interior, vice Russell E. Train.

U.S. AIR FORCE

The following officers for appointment in the Air Force Reserve to the grade indicated, under the provisions of chapters 35 and 837, title 10 of the United States Code:

To be major general

Brig. Gen. Homer I. Lewis, [redacted] FV, Air Force Reserve.

Brig. Gen. James L Murray, [redacted] FV, Air Force Reserve

Brig. Gen. Wendell B. Sell, [redacted] FV, Air Force Reserve.

Brig. Gen. Frank H. Spink, Jr., [redacted] FV, Air Force Reserve

To be brigadier general

Col. Stuart G. Haynsworth [redacted] FV, Air Force Reserve.

Col. Robert H. Hutchinson, [redacted] FV, Air Force Reserve.

Col. Ralph M. Lain [redacted] FV, Air Force Reserve.

Col. Vorley M. Rexroad, [redacted] FV, Air Force Reserve.

Col. Benton C. Tolley, Jr. [redacted] FV, Air Force Reserve.

Col. David Waxman, [redacted] FV, Air Force Reserve.

Col. Alfred J. Wood, Jr. [redacted] FV, Air Force Reserve.

U.S. MARINE CORPS

Lt. Col. Albert F. Schoepper, U.S. Marine Corps, for appointment to the grade of colonel.

Capt. Dale L. Harpham, U.S. Marine Corps, for appointment to the grade of major.

EXTENSIONS OF REMARKS

THE SUZUKI FAMILY OF HAWAII—CONTRIBUTORS TO THE AMERICAN HERITAGE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MATSUNAGA. Mr. Speaker, the 100th anniversary of the arrival of the first group of Japanese immigrants in Hawaii was recently observed in the Island State. During the centennial celebration many tributes were paid to the struggles and achievements of those early pioneers and to their descendants who have so enriched the history of Hawaii and the Nation.

The Suzuki family of Kahuku, to which I wish to pay tribute today, is one such family that from its humble immigrant beginnings over a half century ago has contributed fully and significantly to the development of the 50th State.

Honolulu Advertiser staff writer, Mary Cooke related the Suzuki family saga in a recent feature article for the Honolulu Sunday Star-Bulletin & Advertiser. In her excellent article she traced the odyssey of Tokujiro and Kimino Suzuki from the small farming village of Niigata in northern Japan to a remote camp at Kahuku on the north coast of the Island of Oahu.

In their new homeland, Tokujiro and Kimino were blessed with five stalwart sons, who, with their immigrant father, worked on the Kahuku Plantation.

It was recently announced that the Kahuku Plantation, established in 1890, will be closed down by the end of 1971. The closing of the plantation will end a lifelong career for each of the Suzuki brothers—King, Maxie, Masao, and Buster—who have worked there since they were teenaged boys.

Masao, and the fifth Suzuki brother, Hiroshi, were both members of the famed 442d Regimental Combat Team and served with distinction in combat during World War II. Hiroshi lost his life during the war as a result of tuberculosis contracted at Anzio.

It is evident from the newspaper article that the Suzuki family roots at Kahuku are deep, and that the family is deeply devoted to the community which they have helped to build.

It is also evident in the successes which they have achieved that members of the third generation of Suzukis have inherited the sterling qualities of their Issei and Nisei forbears.

Of the 19 grandchildren of Tokujiro and Kimino Suzuki, 11 are college-educated or are attending college; two are teachers; three hold management or supervisory jobs. Others include a civil engineer, a draftsman, a medical secretary, a real estate agent, a shipfitter, a movie electrician, and a secretary.

The story of the Suzuki family is indeed an inspiring one for all Americans, and one which I would like to share with my colleagues in Congress and others. I therefore take pleasure in submitting for inclusion in the CONGRESSIONAL RECORD the article, "Family Odyssey: Siberia to North Oahu—The Suzukis of Kahuku," from the Honolulu Sunday Star-Bulletin & Advertiser of March 22, 1970, at this point:

FAMILY ODYSSEY: SIBERIA TO NORTH OAHU—THE SUZUKIS OF KAHUKU

(By Mary Cooke)

FROM 1904 TO 1905

During the Russian-Japanese war, troops from Japan invaded Siberia. Among them was Tokujiro Suzuki, a young farmer.

The Japanese were so small and they fought so fiercely that a Russian soldier shouted to his comrades: "They're children! What will we do when they send the fathers?"

After the war, Tokujiro Suzuki returned to Niigata in northern Japan where his wife, Kimino, had given birth to their first son.

IN 1910

In a remote camp on the north coast of Oahu, a second son, Kenkichi, was born to the Suzukis. He has lived all his life at Kahuku where everyone knows him as "King."

"After the Russian war my parents came to Hawaii," said King who is now 60 years old. "They left their first son in Niigata because they planned to go back to Japan after my father had made 'quick money' in the Islands.

IN 1925

Tokujiro and Kimino Suzuki, still at Kahuku, got letters from relatives in Japan. They urged the couple to return and work on the family farm in Niigata.

"Next time!" said Tokujiro.

He was working as a rigger and maintenance man at the Kahuku RCA transmitting station. His job was to keep the antenna poles in condition.

Daily, as he clung to the tall steel masts, painting or chipping rust from them, he looked down on his wooden shack and three and a half acres of sandy soil on which he had planted rows of tomatoes, squash, cucumbers, mustard greens and sweet potatoes.

His farm lay about 200 yards from the old Oahu Railroad tracks, and by now he had five sons, two of whom were old enough to pick vegetables and carry them up to the train stop.

"My mother made wooden frames to fit our backs," said King. "They were like pack saddles, with straps that fitted under our arms.

"On the days my father sent vegetables to Honolulu, we all got up early in the morning to pick them. Every trip we made up to the railway tracks, my brother Buster and I each carried about 50 or 75 pounds of produce."

The Suzukis raised chickens, caught fish and occasionally they bought beef from a peddler. To cook, and to boil water in her wash tub, Kimino burned bundles of guava wood which her sons carried down from the hills behind Kahuku.

At night, the family slept on mats covered with futons. The children had pillows stuffed with rice straw; the parents held to the Japanese custom of resting their heads on wooden blocks. Their house was almost without furniture, but King remembers that his mother had a treadle sewing machine.

"Until we were grown, she made overalls and shirts of heavy cotton material for all of us," he said.

Once a month, a big truck arrived at Kahuku. The driver and his helpers pitched a tent and set up a "magic lantern" machine. The Suzukis trooped over, each clutching a dime in his hand.

That night they saw a shoot-em-up cowboy movie, a Mary Pickford romance or a Charlie Chaplin comedy. Until the movie man arrived again, they had no recreation except fishing on the lonely north shore of Oahu.

IN 1927

King and his brother Masao, 8th grade graduates of the (then) only school at Kahuku, were sent to the Lahainaluna, Maui, vocational high school to learn carpentry. Each boy took $5 for his entrance fee. They earned their room and board.

"Every morning before school we picked 'haloe koa' to feed the school dairy herd," King said. "Afternoons, all the boys in carpentry class made desks and benches to supply the public schools on Maui and Molokai. If Lahainaluna School got other orders for furniture, we worked on those, too."

IN 1929

Tokujiro Suzuki left the RCA station and became a pump tender at Kahuku Plantation. King came home from Lahainaluna and started work in the cane fields, and two years later Masao also got a plantation job.

IN 1970

"As long as I can remember, all of us have worked at Kahuku," said Masao. He might