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Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Friday, December 11, 1970*

The House met at 12 o'clock noon.

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

Make every effort to supplement your faith with virtue, and virtue with knowledge, and knowledge with self-control, and self-control with steadfastness, and steadfastness with godliness, and godliness with brotherly affection.—II Peter 1: 5, 6.

"God bless our native land!
Firm may she ever stand, through storm and night:
When the wild tempests rave,
Ruler of wind and wave,
Do Thou our country save
By Thy great might!
For her our prayer shall rise
To Thee above the skies, on Thee we wait;
Thou who art ever nigh,
Guarding with watchful eye,
To Thee aloud we cry, God save the state!
Not for this land alone,
But be Thy mercies shown from shore to shore;
And may the nations see
That men should brothers be,
And form one family the wide world o'er."

Amen.

CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 402]

Abbitt	Caffery	Devine
Abernethy	Camp	Diggs
Adair	Carey	Dingell
Addabbo	Carney	Donohue
Ashbrook	Celler	Dowdy
Ashley	Chappell	Edmondson
Aspinall	Chisholm	Edwards, La.
Beall, Md.	Clancy	Eshleman
Bell, Calif.	Clark	Evans, Colo.
Bingham	Clay	Fallon
Blackburn	Cohelan	Farbstein
Blanton	Collier	Feighan
Bolling	Collins, Ill.	Fish
Bow	Colmer	Fisher
Brasco	Conable	Ford, William D.
Bray	Cowger	Fraser
Brock	Cramer	Fulton, Tenn.
Brooks	Crane	Fuqua
Broomfield	Cunningham	Gallagher
Broyhill, Va.	Daddario	Gaydos
Burton, Utah	Davis, Ga.	Gettys
Button	Dent	Giaimo
Gilbert	McKneally	Roudebush
Gray	Macdonald, Mass.	Rousselot
Green, Pa.	Madden	St Germain
Hagan	Mann	Sandman
Hall	May	Saylor
Halpern	Meeds	Scheuer
Hansen, Idaho	Meskill	Schneebeli
Hansen, Wash.	Mizell	Shipley
Harrington	Mollohan	Slack
Harvey	Morgan	Smith, N.Y.
Hawkins	Morton	Snyder
Hays	Moss	Stafford
Hébert	Murphy, Ill.	Staggers
Heckler, Mass.	Murphy, N.Y.	Steed
Holifield	Nix	Steele
Hosmer	O'Konski	Stephens
Hungate	O'Neill, Mass.	Stokes
Ichord	Ottinger	Taft
Jacobs	Pepper	Teague, Tex.
Jarman	Philbin	Van Deerlin
Jonas	Pike	Waggonner
Jones, N.C.	Pollock	Ware
Karth	Powell	Watson
Kee	Price, Tex.	Weicker
King	Pryor, Ark.	Whalley
Kluczynski	Pucinski	Whitehurst
Koch	Purcell	Wiggins
Kuykendall	Quie	Williams
Landrum	Randall	Wilson, Charles H.
Langen	Rees	Wold
Latta	Reid, N.Y.	Wolff
Long, La.	Reifel	Wright
Lujan	Reuss	Wyatt
Lukens	Rivers	Wydler
McCarthy	Roberts	Wylie
McClory	Rooney, N.Y.	Yates
McCulloch	Rosenthal	Zion
McDade	Rostenkowski	

The SPEAKER. On this rollcall, 254 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8663. An act to amend the act of September 20, 1968 (Public Law 90–502), to provide relief to certain officers of the Supply Corps and Civil Engineer Corps of the Navy;

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto; and

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

The message also announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 19333. An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19333) entitled "An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BENNETT, Mr. TOWER, and Mr. PACKWOOD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 4536. An act to amend the Small Business Act.

The message also announced that the Senate agreed to the action of the House on its amendment No. 6 to a bill of the Senate of the following title:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) entitled "An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) entitled "An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2162) entitled "An act to provide for special packaging to protect children from serious personal

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injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HART, Mr. MOSS, Mr. PEARSON, and Mr. GOODELL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4262. An act to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown, and

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

CONFERENCE REPORT ON H.R. 18515, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. 91–1729)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 18, 19, 26, 29, 30, 32, 33, 34, 37, 40, 41, 55, 56, 58, 60, 64, 65, and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 11, 15, 20, 22, 23, 24, 36, 42, 43, 47, 48, 49, 51, 54, and 61, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,600,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,212,500"; and the Senate agree to the same.

Amendment numbered 5: That the Houes recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$28,003,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$107,753,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$58,720,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$379,516,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$106,502,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$89,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,938,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$230,383,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$193,479,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$105,807,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$275,934,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$141,100,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,769,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$570,390,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,750,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,215,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$33,650,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$76,435,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$34,067,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,097,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,323,400,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 8, 25, 59, 62 and 66.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
W. R. HULL, Jr.,
BOB CASEY,
GEORGE MAHON,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN STENNIS,
ALAN BIBLE,
ROBERT C. BYRD,
SPESSARD L. HOLLAND,
NORRIS COTTON,
CLIFFORD P. CASE
(except as to amendment No. 1),
HIRAM L. FONG,
J. CALEB BOGGS,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF LABOR

Manpower Administration

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of appropriating $1,504,794,000 for "Manpower training activities" instead of $744,494,000 as

proposed by the House and $1,546,694,000 as proposed by the Senate, and inserting provisos as proposed by the Senate. In addition to the amount included in the House bill under this heading, that bill also included $760,100,000 for manpower training programs under the heading "Economic opportunity programs." The Senate bill transferred the appropriation for these activities to the Department of Labor. The motion which will be offered by the managers on the part of the House will provide for this transfer to the Department of Labor. Thus on a comparable basis the House bill included $1,504,594,000 for the proposed consolidation of manpower training activities. The increase of $200,000 included in the proposed motion is to start a "Jobs for Veterans" program to increase the number of jobs for Vietnam veterans.

Amendment No. 2: Inserts language to make funds appropriated for "Manpower Administration, salaries and expenses" available until June 30, 1972, as proposed by the Senate.

Labor-management relations

Amendment No. 3: Appropriates $16,600,000 instead of $16,500,000 as proposed by the House and $16,700,000 as proposed by the Senate. The increase of $100,000 over the appropriation proposed by the House is composed of an additional $50,000 for the program against organized crime and an additional $50,000 for the research program to furnish data on the construction industry needed in formulating public policy.

Wage and labor standards

Amendments Nos. 4 and 5: Appropriate $45,212,500 for "Wage and Labor Standards Administration, salaries and expenses" instead of $45,000,000 as proposed by the House and $45,531,000 as proposed by the Senate, and provide that $28,003,000 of this appropriation shall be for activities of the Wage and Hour Division instead of $27,953,000 as proposed by the House and $28,159,000 as proposed by the Senate. The conferees are agreed that $162,500 of the increase over the amount provided by the House shall be for safety activities and $50,000 shall be for additional compliance activities under the Age Discrimination in Employment Act.

Office of the Secretary

Amendments Nos. 6 and 7: Appropriate $9,812,000 for "Salaries and expenses" as proposed by the Senate instead of $9,752,000 as proposed by the House and provide that $674,000 of this appropriation shall be for the President's Committee on Employment of the Handicapped as proposed by the Senate instead of $614,000 as proposed by the House.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which will have the effect of appropriating $89,549,000 for "Food and drug control" as proposed by the House instead of $90,399,000 as proposed by the Senate and insert language proposed by the Senate to provide that $1,000,000 of this appropriation shall be available only for carrying out certain product injury control programs.

Environmental Health Service

Amendments Nos. 9 and 10: Appropriate $107,753,000 for "Air pollution control" instead of $106,003,000 as proposed by the House and $110,503,000 as proposed by the Senate and provide that $27,900,000 of this appropriation shall be for carrying out section 104 of the Clean Air Act as proposed by the House instead of $28,900,000 as proposed by the Senate. The conferees are agreed that $1,250,000 of the increase over the amount proposed by the House will be for providing increased assistance to State and local control agencies and that $500,000 of the increase over the amount proposed by the House will be for manpower training.

Amendments Nos. 11 and 12: Appropriate $58,720,000 for "Environmental control" instead of $52,580,000 as proposed by the House and $62,000,000 as proposed by the Senate and insert citation to the Federal Coal Mine Health and Safety Act of 1969. The conferees are agreed that of the amount above the appropriation proposed by the House $5,140,000 is to implement the Federal Coal Mine Health and Safety Act, $500,000 is for training grants primarily in the field of solid waste disposal techniques, and $500,000 is for the water hygiene program.

Health Services and Mental Health Administration

Amendment No. 13: Appropriates $379,516,000 for "Mental health" instead of $368,516,000 as proposed by the House and $390,516,000 as proposed by the Senate. The conferees are agreed that $10,000,000 of the increase over the amount proposed by the House shall be for staffing grants to community mental health centers and $1,000,000 shall be for hospital improvement grants. The budget request for staffing grants was $60,100,000 which fell $19,228,000 short of being sufficient to finance 100 percent of approved applications on hand June 30, 1970. The House added $20,000,000 to the budget in order to cover this shortage. The additional $10,000,000 added in the Conference Report will be available to finance applications approved during the period June 30, 1970 to June 30, 1971. This will be sufficient to finance all but a small percentage of applications that can be approved by June 30, 1971, according to the Department's current estimates.

The managers on the part of the House agree with the language in the report of the Senate Committee on Appropriations with regard to a study on the causes of violent behavior resulting in death or critical injury to others, including the direction that $500,000 of this appropriation be devoted to the first year operations of such a study, in keeping with the clearly expressed intent of Congress last year.

Amendment No. 14: Appropriates $247,178,000 for "Comprehensive health planning and services" as proposed by the House instead of $250,000,000 as proposed by the Senate.

Amendment No. 15: Appropriates $255,659,000 for "Maternal and child health" as proposed by the Senate instead of $255,339,000 as proposed by the House.

Amendments Nos. 16 and 17: Appropriate $106,502,000 for "Regional medical programs" instead of $96,502,000 as proposed by the House and $115,000,000 as proposed by the Senate and provide that $89,500,000 of this appropriation shall be available for grants pursuant to Title IX of the Public Health Service Act instead of $79,500,000 as proposed by the House and $97,998,000 as proposed by the Senate.

Amendments Nos. 18 and 19: Delete language proposed by the Senate to earmark funds in the appropriation for "Regional medical programs." However, the conferees are agreed that of the amount appropriated in excess of the amount proposed by the House; $3,000,000 shall be for research and demonstration projects on early care for suspected coronary patients; $2,000,000 shall be for research, training and demonstration projects in the field of kidney disease; and $5,000,000 shall be for construction of a regional cancer center in the northwestern part of the United States.

Amendments Nos. 20 and 21: Appropriate $43,938,000 for "Communicable diseases" instead of $41,938,000 as proposed by the House and $50,000,000 as proposed by the Senate and insert legal citation.

Amendments Nos. 22, 23, and 24: Appropriate $196,521,000 for "Medical facilities construction" as proposed by the Senate instead of $181,521,000 as proposed by the House; provide that of the amount appropriated $5,000,000 shall be for grants and $10,000,000 shall be for loans for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 as proposed by the Senate; and update a legal citation.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides authority to the Secretary of Health, Education, and Welfare to issue commitments for direct loans to public agencies in accordance with section 627 of the Public Health Service Act, but not to exceed $30,000,000 at any given time.

Amendment No. 26; Deletes paragraph proposed by the Senate which would provide $8,703,078 for specified hospitals and related facilities without regard to the allotments and priority provisions of the Public Health Service Act.

National Institutes of Health

Amendment No. 27: Appropriates $230,383,000 for "National Cancer Institute" instead of $227,383,000 as proposed by the House and $235,383,000 as proposed by the Senate. The conferees are agreed that $3,000,000 of this appropriation shall be for the development of a cancer center at the Mary Hitchcock Memorial Hospital at Hanover, New Hampshire.

Amendment No. 28: Appropriates $193,479,000 for "National Heart and Lung Institute" instead of $178,479,000 as proposed by the House and $203,479,000 as proposed by the Senate.

Amendment No. 29: Appropriates $35,257,000 for "National Institute of Dental Research" as proposed by the House instead of $36,257,000 as proposed by the Senate.

Amendment No. 30: Appropriates $138,339,000 for "National Institute of Arthritis and Metabolic Diseases" as proposed by the House instead of $140,339,000 as proposed by the Senate.

Amendment No. 31: Appropriates $105,807,000 for "National Institute of Neurological Diseases and Stroke" instead of $100,807,000 as proposed by the House and $115,807,000 as proposed by the Senate.

Amendment No. 32: Appropriates $102,249,000 for "National Institute of Allergy and Infectious Diseases" as proposed by the House instead of $102,749,000 as proposed by the Senate.

Amendment No. 33: Appropriates $166,072,000 for "National Institute of General Medical Sciences" as proposed by the House instead of $171,072,000 as proposed by the Senate.

Amendment No. 34: Appropriates $20,620,000 for "National Institute of Environmental Health Sciences" as proposed by the House instead of $21,620,000 as proposed by the Senate.

Amendment No. 35: Appropriates $275,934,000 for "Health manpower" instead of $260,934,000 as proposed by the House and $332,650,000 as proposed by the Senate. The conferees are agreed that the increase of $15,000,000 over the appropriation proposed by the House shall be applied as follows: $8,000,000 for institutional support of medical, dental, and related disciplines; $500,000 for institutional support of nursing; $500,000 for institutional support of public health; $1,000,000 for traineeships; $3,000,000 for direct loans to students of medicine, dentistry, and related disciplines; $1,500,000 for direct loans to students of nursing; and $500,000 for scholarships for

students of medicine, dentistry, and related disciplines.

Amendment No. 36: Appropriates $11,014,000 for "Dental health" as proposed by the Senate instead of $10,954,000 as proposed by the House.

Amendment No. 37: Appropriates $66,201,000 for "Research resources" as proposed by the House instead of $66,801,000 as proposed by the Senate.

Amendment No. 38: Appropriates $141,100,000 for "Construction of health educational, research, and library facilities" instead of $126,100,000 as proposed by the House and $150,000,000 as proposed by the Senate. The conferees are agreed that the $15,000,000 over the amount proposed by the House shall be applied as follows: $13,500,000 for medical and dental schools and $1,500,000 for nursing schools.

Amendment No. 39: Appropriates $20,769,000 for "National Library of Medicine" instead of $19,769,000 as proposed by the House and $22,233,000 as proposed by the Senate. The conferees are agreed that the increase of $1,000,000 over the appropriation proposed by the House shall be divided equally between the regular programs of the Library and the Lister Hill National Center for Biomedical Communications.

Amendment No. 40: Deletes language and an appropriation of $15,000,000 proposed by the Senate to fund additional medical research activities of the National Institutes of Health in facilities at Fort Detrick. The conferees will expect the Department of Health, Education, and Welfare and particularly the National Institutes of Health to make a thorough study of the feasibility and desirability of this proposed new research program and be prepared to testify on this subject when hearings are held by the House and Senate Committees on Appropriations on the budget for 1972.

Office of Education

Amendment No. 41: Deletes language and appropriation of $70,400,000 to the Office of Education to carry out the Follow Through program as proposed by the Senate. It was agreed to consider this in connection with the appropriation "Economic opportunity program" (Senate Amendment No. 63).

Social and Rehabilitation Service

Amendment No. 42: Appropriates $98,000,000 for "Work incentives" as proposed by the Senate instead of $120,000,000 as proposed by the House.

Amendments Nos. 43, 44, 45, 46, 47, and 48: Update legal citations; appropriate $570,390,000 for "Rehabilitation services and facilities" instead of $566,640,000 as proposed by the House and $579,140,000 as proposed by the Senate; provide that $1,750,000 of this appropriation shall be for construction grants under section 12 instead of $3,500,000 as proposed by the Senate; and provide that $11,215,000 of this appropriation shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act instead of $8,000,000 as proposed by the House and $13,215,000 as proposed by the Senate. The conferees are agreed that $2,000,000 of the increase above the appropriation proposed by the House shall be for facilities and services for the mentally retarded and other developmentally disabled, and that $1,750,000 shall be for construction of rehabilitation facilities.

Amendment No. 49: Provides that certain funds under the appropriation "Rehabilitation services and facilities" shall remain available until June 30, 1973, as proposed by the Senate instead of June 30, 1972, as proposed by the House. This is in accordance with the relatively new Developmental Disabilities Services and Facilities Construction Act.

Amendments Nos. 50 and 51: Appropriate $33,650,000 for "Programs for the aging" instead of $32,000,000 as proposed by the House and $34,650,000 as proposed by the Senate; and provide that $1,650,000 of this appropriation shall be for a White House Conference on Aging as proposed by the Senate instead of $1,000,000 as proposed by the House. The conferees are agreed that $500,000 of the increase above the appropriation proposed by the House shall be for the Foster Grandparents Program, that $500,000 shall be for the Retired Senior Volunteer Program, and $650,000 shall be for the White House Conference on Aging.

Amendment No. 52: Appropriates $76,435,000 for "Research and training" instead of $75,435,000 as proposed by the House and $79,435,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House shall be for income maintenance experiments.

Amendment No. 53: Appropriates $34,067,000 for "Salaries and expenses" instead of $35,067,000 as proposed by the House and $33,000,000 as proposed by the Senate.

Special institutions

Amendment No. 54: Appropriates $1,517,000 for "American Printing House for the Blind" as proposed by the Senate instead of $1,557,000 as proposed by the House.

Amendments Nos. 55 and 56: Appropriate $2,432,000 for "Model Secondary School for the Deaf" as proposed by the House instead of $4,432,000 as proposed by the Senate; and provide that $250,000 of this appropriation shall be for construction as proposed by the House instead of $2,250,000 as proposed by the Senate. The conferees are agreed that it would be desirable for fiscal year 1972 to include the Model Secondary School for the Deaf in the Office of Education appropriation bill which is given priority with respect to timing over the regular Labor and Health, Education, and Welfare appropriation bill. This additional appropriation for construction will be considered at that time and should be available so that the work can proceed without delay. Planning will not be completed until late in fiscal year 1971 or early in fiscal year 1972. The decision to postpone this appropriation does not in any way reflect opposition of the conferees to this project.

Amendments Nos. 57 and 58: Appropriate $7,097,000 for "Gallaudet College" instead of $6,870,000 as proposed by the House and $7,225,000 as proposed by the Senate, and delete a provision proposed by the Senate that $128,000 of the appropriation shall be for initiating an adult education program. The increase over the appropriation proposed by the House is for general expenses of Gallaudet College. The conferees request that the Department make a thorough study of the need for an adult education program for deaf persons and be prepared to discuss this with the Committees when hearings are held on the budget for fiscal year 1972, and to present suggestions with regard to the level of financing such a program and how it could best be administered.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion which will have the effect of appropriating $5,917,000 for "Office of Child Development" as proposed by the House instead of $405,417,000 as proposed by the Senate. The Senate bill included $398,000,000 for "Head Start." The conferees agreed to consider this in connection with the appropriation "Economic opportunity program" (Senate Amendment No. 63). Thus on a comparable basis the conference agreement of $5,917,000 is the appropriation proposed by the House and is $1,500,000 less than the amount proposed by the Senate.

Departmental management

Amendment No. 60: Appropriates $7,927,000 from general funds and $947,000 from trust funds for "Office of Civil Rights" as proposed by the House instead of $8,874,000 from general funds and nothing from trust funds as proposed by the Senate.

Amendment No. 61: Strikes paragraph covering the appropriation to the Office of Child Development which is carried elsewhere in the bill (see Senate Amendment No. 59).

General provisions

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language making expenditures from funds appropriated for the National Technical Institute for the Deaf and the Model Secondary School for the Deaf subject to audit by the Secretary of Health, Education, and Welfare.

TITLE III—RELATED AGENCIES

Office of Economic Opportunity

Amendment No. 63: Appropriates $1,323,400,000 for "Economic opportunity program" instead of $2,046,200,000 as proposed by the House and $900,400,000 as proposed by the Senate.

The proposed appropriation in the House bill was for all programs budgeted under the Office of Economic Opportunity in the President's budget for fiscal year 1971. The Senate bill carried funds for manpower programs, authorized by the Economic Opportunity Act, under the appropriations for the Department of Labor and funds for Head Start and Follow Through under appropriations to the Department of Health, Education, and Welfare. The conferees agreed to include the appropriations for OEO manpower activities under the Department of Labor, but to continue funding Head Start and Follow Through under OEO. The conferees will expect this to be the last year that appropriations for the latter two programs will be to OEO, and that the 1972 budget for Head Start and Follow Through will be included under the Department of Health, Education, and Welfare in accordance with the intention expressed in Congressional testimony.

In view of the above a comparison of the amount in the Conference Report with the appropriation proposed by the House and the appropriation proposed by the Senate lacks comparability. On a comparable basis the amount of $1,323,400,000 is for activities proposed to be funded at the level of $1,286,100,000 in the House bill and $1,368,800,000 in the Senate bill. The conferees are agreed that $360,000,000 of this appropriation shall be for the Head Start program and that $69,000,000 shall be for the Follow Through program. The conferees also direct that the National Summer Youth Sports Program be funded from this appropriation at the level it was funded from the 1970 appropriation ($3,000,000), and that this appropriation fund the consumer credit training program for which a separate appropriation was requested (see Senate Amendment No. 67).

A majority of the managers on the part of the House are in agreement with the language contained in the report of the Senate Committee on Appropriations with regard to recent proposals to transfer the control over legal services programs to the regional directors of OEO.

Amendments Nos. 64 and 65: Delete language proposed by the Senate to earmark funds for the legal services program and special impact programs, and language authorizing the purchase of real property for training centers.

Corporation for Public Broadcasting

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of appropriating $23,000,000 for "Payment to the Corporation for Public Broadcasting" of

which $3,000,000 will be available only to the extent it is matched by an equal amount of contributions from non-Federal sources instead of $27,500,000 of which $5,000,000 would be available only to the extent it were matched proposed by the Senate.

National Credit Union Administration

Amendment No. 67: Deletes language and appropriation of $500,000 for expenses of the National Credit Union Administration with respect to consumer credit training proposed by the Senate. In accordance with the directions contained in this report in connection with Senate Amendment No. 63, this activity will be funded from the appropriation to "Economic opportunity program."

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 amount, the 1971 budget estimate, and the House and Senate bills follows:

	Amount
New budget (obligational) authority, fiscal year 1970 [1]	$16,517,638,485 (16,664,435,985)
Budget estimates of new (obligational) authority (as amended), fiscal year 1971	18,759,377,000
House Bill, fiscal year 1971	18,824,663,000
Senate Bill, fiscal year 1971 [2]	19,239,514,078
Conference agreement [2] [3]	18,969,392,500
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+2,451,754,015
Budget estimates of new (obligational) authority (as amended), fiscal year 1971	+210,015,500
House Bill, fiscal year 1971	+144,729,500
Senate Bill, fiscal year 1971	−270,121,578

[1] 1970 appropriations are adjusted to reflect the limitation contained in section 410 of Public Law 91-204. The amount carried in the Act is shown in parentheses directly under the reduced figure.

[2] In addition the Senate included $30,000,000 of contract authority for hospital construction which was agreed to in conference.

[3] Includes amounts in amendments reported in *technical* disagreement.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
W. R. HULL, Jr.,
BOB CASEY,
GEORGE MAHON,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 1117, TO ESTABLISH JOINT COMMITTEE ON THE ENVIRONMENT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is this?

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

Mr. GROSS. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, this has to do with the joint resolution on the Joint Committee on the Environment which the House passed some time ago and sent over to the Senate, which would create a joint committee with that other body on the problems of the environment.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. COLMER, SISK, and SMITH of California.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17755, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17755), making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT (H. REPT. 91-1730)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 15, 35, 37, 39, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 11, 13, 27, and 31; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,535,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$500,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

"For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $210,000,000, to remain available until expended"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$94,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,500,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$13,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$20,000,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$512,500"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,773,500"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$69,460,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,351,365,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,445,785,950"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,580,500"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, restore the matter stricken, amended to read as follows: "17,-

500,000, a part of the amount authorized to be appropriated for the fiscal year 1969"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, restore the matter stricken, amended to read as follows: "$14,000,000, a part of the amount authorized to be appropriated for the fiscal year 1969"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,935,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$18,000,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$950,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,325,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"SEC. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $250,000,000 in fiscal year 1971"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $8,500,000 for 'Highway Beautification' in fiscal year 1971, plus the additional amounts appropriated therefor"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$75,000,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$27,750,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,000,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $600,000,000 in fiscal year 1971"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 12, 14, 32, 44, and 45.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES
(except as to amendment No. 4),
TOM STEED
GEORGE H. MAHON,
SILVIO O. CONTE
(except as to amendment No. 4),
WILLIAM E. MINSHALL
(except as to amendment No. 4),
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

JOHN C. STENNIS,
WARREN G. MAGNUSON,
JOHN O. PASTORE
(excepting that I am opposed to the SST) item),
ALAN BIBLE,
CLIFFORD P. CASE
(except as to amendment No. 4),
MARGARET CHASE SMITH,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Amendment No. 1: Appropriates $17,535,000 for salaries and expenses instead of $17,230,000 as proposed by the House and $17,840,000 as proposed by the Senate.

Amendment No. 2: Deletes language proposed by the Senate.

The conferees are in agreement that the funds provided shall also be available for research into the meterological and environmental effects of aircraft flight in the atmosphere.

Amendment No. 3: Appropriates $500,000 for grants-in-aid for natural gas pipeline safety instead of $1,000,000 as proposed by the Senate.

Amendment No. 4: Appropriates $210,000,000 for civil supersonic aircraft development instead of $289,965,000 as proposed by the House.

The committee of conference is recommending $210,000,000 for continuing the development of the SST at the current or most economical rate, pending further review in the next session of Congress.

Coast Guard

Amendment No. 5: Deletes language as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the appropriation for operating expenses available for certain confidential investigative expenses.

Amendment No. 7: Appropriates $94,000,000 for acquisition, construction, and improvements instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 8: Appropriates $22,500,000 for research, development, test, and evaluation instead of $19,500,000 as proposed by the House and $23,000,000 as proposed by the Senate.

Amendment No. 9: Inserts language proposed by the Senate and earmarks $13,000,000 for the national data buoy development project instead of $13,500,000 as proposed by the Senate.

Amendment No. 10: Appropriates $20,000,000 for the oil pollution fund instead of $35,000,000 as proposed by the Senate.

Federal Aviation Administration

Amendment No. 11: Deletes reference to Federal Airport Act and inserts in lieu thereof Public Law 91-258 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the funds provided available for arms and ammunition.

Amendment No. 13: Appropriates $951,885,000 for operations as proposed by the Senate instead of $923,885,000 as proposed by the House.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $28,000,000 of the appropriation for operations shall be derived from the Airport and Airway Trust Fund for combating highjacking, sabotage and other activities endangering the security of civil aviation.

Amendment No. 15: Appropriates $45,000,000 for research and development as proposed by the House instead of $47,500,000 as proposed by the Senate.

Federal Highway Administration

Amendment No. 16: Appropriates $512,500 for the office of the Administrator, salaries and expenses, instead of $500,000 as proposed by the House and $525,000 as proposed by the Senate.

Amendment No. 17: Provides transfer of $14,773,500 from the appropriation for "Federal-aid-highways (trust fund)" instead of $14,721,000 as proposed by the House and $14,826,000 as proposed by the Senate.

Amendment No. 18: Provides $69,460,500 for Bureau of Public Roads, limitation on general expenses, instead of $68,488,000 as proposed by the House and $70,433,000 as proposed by the Senate.

Amendments Nos. 19 and 20: Appropriate $4,351,365,000 for Federal-aid-highways (trust fund) instead of $4,350,340,000 as proposed by the House and $4,352,390,000 as proposed by the Senate, and provide that $2,445,785,950 shall be derived from the fiscal year 1970 authorization instead of $2,444,-

760,950 as proposed by the House and $2,446,810,950 as proposed by the Senate.

Amendment No. 21: Appropriates $3,580,500 for motor carrier safety instead of $3,443,000 as proposed by the House and $3,718,000 as proposed by the Senate.

Amendment No. 22: Appropriates $17,500,000 for forest highways (liquidation of contract authorization) instead of $15,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 23: Appropriates $14,000,000 for public lands highways (liquidation of contract authorization) instead of $13,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

National Highway Safety Bureau

Amendment No. 24: Appropriates $42,935,000 for traffic and highway safety instead of $40,435,000 as proposed by the House and $47,601,000 as proposed by the Senate.

Federal Railroad Administration

Amendment No. 25: Appropriates $18,000,000 for high-speed ground transportation research and development instead of $21,688,000 as proposed by the Senate.

No part of the reduction is to be applied to the Office's demonstration programs.

Amendment No. 26: Appropriates $950,000 for railroad research instead of $900,000 as proposed by the House and $1,005,000 as proposed by the Senate.

Amendment No. 27: Inserts language proposed by the Senate earmarking not less than $230,000 for freight car utilization studies.

Urban Mass Transportation Administration

Amendment No. 28: Appropriates $3,325,000 for salaries and expenses instead of $3,200,000 as proposed by the House and $3,450,000 as proposed by the Senate. The conference agreement includes 21 positions in addition to those provided by the House.

Amendment No. 29: Appropriates $6,000,000 for research, development, and demonstration instead of $20,000,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

Civil Aeronautics Board

Amendment No. 30: Appropriates $50,000,000 for payments to air carriers instead of $27,327,000 as proposed by the House and $58,300,000 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 31: Inserts language proposed by the Senate earmarking $300,000 additional for the employment of car service agents.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment appropriating $3,216,668 (together with such amounts as may be necessary to pay interest) for payment of loan guaranties.

TITLE III—GENERAL PROVISIONS

Amendment No. 33: Restores House provision and limits commitments for grants-in-aid for airport development to $250,000,000 instead of $220,000,000 as proposed by the House.

Amendment No. 34: Restores House provision and limits obligations for highway beautification to $8,500,000, plus the additional amounts appropriated therefor instead of $5,500,000 as proposed by the House.

Under the conference agreement virtually all currently authorized obligational authority will have been provided. When an additional authorization is enacted, the Committees on Appropriations will consider any formal supplemental request for this program.

Amendment No. 35: Restores section number as proposed by the House.

Amendment No. 36: Limits obligations for State and community highway safety to $75,000,000 instead of $70,000,000 as proposed by the House and $80,000,000 as proposed by the Senate.

Amendment No. 37: Restores section number as proposed by the House.

Amendment No. 38: Limits obligations for Forest highways to $27,750,000 instead of $22,500,000 as proposed by the House and $33,000,000 as proposed by the Senate.

Amendment No. 39: Restores section number as proposed by the House.

Amendment No. 40: Limits obligations for Public lands highways to $13,000,000 instead of $10,000,000 as proposed by the House and $16,000,000 as proposed by the Senate.

Amendment No. 41: Restores the language proposed by the House placing a limitation on administrative expenses in connection with commitments for grants for Urban Mass Transportation, amended to provide for grants aggregating not more than $600,000,000 instead of $214,000,000 (plus the additional amounts appropriated therefor) as proposed by the House and no limitation as proposed by the Senate.

The conferees agree with the overall objectives of the program, but are of the opinion that the requirements of the UMTA program should be subject to annual appropriations review.

The additional amount provided over the House bill is considered to be realistic at this time inasmuch as the obligations will be made over only the last half of the current fiscal year. Program levels for future years, within the total authorized, will then be determined as the program progresses on the basis of demonstrated requirements.

Amendments Nos. 42 and 43: Restore section numbers as proposed by the House.

Amendments Nos. 44 and 45: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur with the Senate amendments which provide amended language prohibiting any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: Provided, that nothing in the section shall affect the availability of such funds to carry out this study.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the fiscal year 1970 total, the 1970 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1970	[1] $2,346,365,423
Budget estimates of new (obligational) authority fiscal year 1971 (as amended)	[2] 2,741,827,437
House bill, fiscal year 1971	[3] 2,579,579,937
Senate bill, fiscal year 1971	[3] 2,453,923,605
Conference agreement	[3 4] 2,608,134,605
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+261,769,182
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended)	[5] −133,692,832
House bill, fiscal year 1971	+$28,554,668
Senate bill, fiscal year 1971	+154,211,000

[1] Includes all appropriations for fiscal year 1970 and a $214,000,000 advance appropriation for fiscal year 1971.

[2] Includes $188,011,000 advance appropriation for fiscal year 1972.

[3] Includes $150,000,000 advance appropriation for fiscal year 1972.

[4] Includes $3,216,668 reported in technical disagreement.

[5] Includes $38,011,000 related to fiscal year 1972 budget estimate.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES (except as to amendment No. 4),
TOM STEED,
GEORGE MAHON,
SILVIO O. CONTE (except as to amendment No. 4),
WILLIAM E. MINSHALL (except as to amendment No. 4),
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 19333, SECURITIES INVESTOR PROTECTION ACT OF 1970

Mr. ECKHARDT. Mr. Speaker, on behalf of the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) I ask unanimous consent to take from the Speaker's table the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, MURPHY of New York, KEITH, and HARVEY.

EGG PRODUCTS INSPECTION ACT

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19888) to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19888

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 "Egg Products Inspection Act".

LEGISLATIVE FINDING

SEC. 2. Eggs and egg products are an important source of the Nation's total supply of food, and are used in food in various forms. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, not adulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this Act are either in interstate or foreign commerce, or substantially affect such commerce, and that regulation by the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, and cooperation by the States and other jurisdictions, as contemplated by this Act, are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of certain egg products, retrictions upon the disposition of certain qualities of eggs, and uniformity of standards for eggs, and otherwise regulate the processing and distribution of eggs and egg products as hereinafter prescribed to prevent the movement or sale for human food, of eggs and egg products which are adulterated or misbranded or otherwise in violation of this Act.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "adulterated" applies to any egg or egg product under one or more of the following circumstances—

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) if it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) if it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food Drug and Cosmetic Act; or

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(b) The term "capable of use as human food" shall apply to any egg or egg product, unless it is denatured, or otherwise identified, as required by regulations prescribed by the Secretary to deter its use as human food.

(c) The term "commerce" means interstate, foreign, or intrastate commerce.

(d) The term "container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) The term "immediate container" means any consumer package; or any other container in which egg products, not consumer packaged, are packed.

(2) The term "shipping container" means any container used in packaging a product packed in an immediate container.

(e) The term "egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

(f) The term "egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(g) The term "egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.

(1) The term "check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) The term "clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) The term "dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(4) The term "incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) The term "inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolk, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) The term "leaker" an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) The term "loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) The term "restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(h) The term "Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

(i) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(j) The term "inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of this Act.

(k) The term "inspector" means:

(1) any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this Act; or

(2) any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Secretary under section 7 of this Act.

(m) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(n) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

(o) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that egg products were inspected in accordance with this Act.

(p) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article under this Act.

(q) The term "official plant" means any plant, as determined by the Secretary, at which inspection of the processing of egg products is maintained by the Department of Agriculture under the authority of this Act.

(r) The term "official standards" means the standards of quality, grades, and weight classes for eggs, in effect upon the effective date of this Act, or as thereafter amended, under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.).

(s) The term "pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable micro-organisms by such processes as may be prescribed by regulations of the Secretary.

(t) The term "person" means any individual, partnership, corporation, association, or other business unit.

(u) The terms "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meaning for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(v) The term "plant" means any place of business where egg products are processed.

(w) The term "processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(x) The term "Secretary" means the Secretary of Agriculture or his delegate.

(y) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

(z) The term "United States" means the States.

INSPECTION, REINSPECTION, CONDEMNATION

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any egg product which is capable of use as human food and is misbranded or adulterated, the Secretary shall, whenever processing operations are being conducted, cause continuous inspection to be made, in accordance with the regulations promulgated under this Act, of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 15 of this Act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of paragraph (a)(1) of section 15 of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations.

(b) The Secretary, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(c) Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided,* That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 11 of this Act, as he deems appopriate (and in the case of shell egg packers, packing eggs for the ultimate consumer, at least once each calendar quarter) to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 8 of this Act, except that the Secretary of Health, Education, and Welfare shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than plants processing egg products. Representatives of said Secretaries shall be afforded access to all such places of business for purposes of making the inspections provided for in this Act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. (a) Each official plant shall be operated in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the Secretary to effectuate the purposes of this Act, including requirements for segregation and disposition of restricted eggs.

(b) The Secretary shall refuse to render inspection to any plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

PASTEURIZATION AND LABELING OF EGG PRODUCTS AT OFFICIAL PLANTS

SEC. 7. (a) Egg products inspected at any official plant under the authority of this Act and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the Secretary, and shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the Secretary, the official inspection legend and official plant number, of the plant where the products were processed, and such other information as the Secretary may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(b) No labeling or container shall be used for egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the Secretary. If the Secretary has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the labeling or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States court of appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. (a)(1) No person shall buy, sell, or transport, or offer to buy or sell, or offer to receive for transportation, in any business in commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(2) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for commerce except that such eggs may be so possessed and used when authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(b)(1) No person shall process any egg products for commerce at any plant except in compliance with the requirements of this Act.

(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in commerce any egg products required to be inspected under this Act unless they have been so inspected and are labeled and packaged in accordance with the requirements of section 7 of this Act.

(3) No operator of any official plant shall fail to comply with any rquirements of paragraph (a) of section 6 of this Act or the regulations thereunder.

(4) No operator of any official plant shall allow any egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(c) No person shall violate any provision of section 10, 11, or 17 of this Act.

(d) No person shall—

(1) manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary;

(2) forge or alter any official device, mark, or certificate;

(3) without authorization from the Secretary, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 7 of this Act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section;

(4) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(5) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(6) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary;

(7) knowingly represent that any article has been inspected or exempted, under this Act, when, in fact, it has, respectively, not been so inspected or exempted; and

(8) refuse access, at any reasonable time, to any representative of the Secretary of Agriculture or the Secretary of Health, Education, and Welfare, to any plant or other place of business subject to inspection under any provisions of this Act.

(e) No person, while an official or employee of the United States Government or any State or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

FEDERAL AND STATE COOPERATION

SEC. 9. The Secretary shall, whenever he determines that it would effectuate the purposes of this Act, cooperate with appropriate State and other governmental agencies, in

carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the costs incurred by them in such cooperative programs.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

SEC. 10. Inspection shall not be provided under this Act at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any restricted eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary.

RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF EGGS AND EGG PRODUCTS AND RELATED INDUSTRIES

SEC. 11. For the purpose of enforcing the provisions of this Act and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in such form and manner, as the Secretary of Agriculture or the Secretary of Health, Education, and Welfare may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of a duly authorized representative of either of said Secretaries, permit him at reasonable times to have access to and to copy all such records.

PENALTIES

SEC. 12. (a) Any person who commits any offense prohibited by section 8 of this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both such imprisonment and fine, but if such violation involves intent to defraud, or any distribution or attempted distribution of any article that is known to be adulterated (except as defined in section 4(a)(8) of this Act), such person shall be subject to imprisonment for not more than three years or a fine of not more than $10,000, or both. When construing or enforcing the provisions of section 8, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier or warehouseman shall be subject to the penalties of this Act, other than the penalties for violation of section 11 of this Act or paragraph (c) of this section 12, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this Act, or unless the carrier or warehouseman refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1112 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary of Agriculture or Secretary of Health, Education, and Welfare to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary of Agriculture or Secretary of Health, Education, and Welfare to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice of warning.

REGULATIONS AND ADMINISTRATION

SEC. 14. The Secretary shall promulgate such rules and regulations as he deems necessary to carry out the purposes or provisions of this Act, and shall be responsible for the administration and enforcement of this Act except as otherwise provided in paragraph (d) of section 5 of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) the sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerance in the official standards of United States consumer grades for shell eggs;

(2) the processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the Secretary, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of United States consumer grades for shell eggs, and the egg products processed at such plant;

(3) the sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(4) the processing of egg products by any poultry producer from eggs of his own flocks' production for sale of such products directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the egg products so processed when handled in accordance with this paragraph;

(5) the sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(6) for such period of time (not to exceed two years) during the initiation of operations under this Act as the Secretary determines that it is impracticable to provide inspection, the processing of egg products at any class of plants and the egg products processed at such plants; and

(7) the sale of eggs by any egg producer with an annual egg production from less than five hundred hen flock.

(b) The Secretary may immediately suspend or terminate any exemption under paragraph (a) (2) or (6) of this section at any time with respect to any person, if the conditions of exemption prescribed by this section or the regulations of the Secretary are not being met. The Secretary may modify or revoke any regulation granting exemption under this Act whenever he deems such action appropriate to effectuate the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL PLANTS

SEC. 16. The Secretary may limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this Act.

IMPORTS

SEC. 17. (a) No restricted eggs capable of use as human food shall be imported into the United States except as authorized by regulations of the Secretary. No egg products capable of use as human food shall be imported into the United States unless they were processed under an approved continuous inspection system of the government of the foreign country of origin or subdivision thereof and are labeled and packaged in accordance with, and otherwise comply with the standards of this Act and regulations issued thereunder applicable to such articles within the United States. All such imported articles shall upon entry into the United States be deemed and treated as domestic articles subject to the other provisions of this Act: *Provided*, That they shall be labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to eggs or egg products purchased outside the United States by any individual for consumption by him and members of his household and his nonpaying guests and employees.

(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary or (2) in the case of articles which are not in compliance solely because of misbranding, such articles are brought into compliance with this Act under supervision of authorized representatives of the Secretary.

(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

(d) The importation of any article contrary to this section is prohibited.

REFUSAL OF INSPECTION

SEC. 18. The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may refuse to provide or may withdraw inspection service under this Act with respect to any plant if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any

business requiring inspection under this Act, because the applicant or recipient or anyone responsibly connected with the applicant or recipient has been convicted in any Federal or State court, within the previous ten years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity.

The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States court of appeals for the circuit in which such applicant or recipient has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section.

This section shall not affect in any way other provisions of this Act for refusal of inspection services.

ADMINISTRATIVE DETENTION

SEC. 19. Whenever any eggs or egg products subject to the Act, are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this Act or that they are in any other way in violation of this Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary, such articles may be detained by such representative for a reasonable period but not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such articles and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the Secretary that the articles are eligible to retain such marks.

JUDICIAL SEIZURE PROCEEDINGS

SEC. 20. (a) Any egg or egg products that are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation, in violation of this Act, or in any other way are in violation of this Act; and any restricted eggs, capable of use as human food, in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the articles are found. If the articles are condemned they shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the articles shall not be sold contrary to the provision of this Act, the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which they are sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which disposal is made, the court may direct that they be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the articles and they are released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant thereof. The proceedings in such cases shall conform, as nearly as may be, to the supplemental rules for certain admiralty and maritime claims, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

JURISDICTION

SEC. 21. The United States district courts and the District Court of the Virgin Islands are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other cases, arising under this Act, except as provided in section 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

APPLICABILITY OF OTHER ACTS

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

RELATION TO OTHER AUTHORITIES

SEC. 23. (a) Requirements within the scope of this Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this Act may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 11 of this Act, if consistent therewith, with respect to any such plant.

(b) For eggs which have moved or are moving in interstate or foreign commerce, (1) no State or local jurisdiction may require the use of standards of quality, condition, weight quantity, or grade which are in addition to or different from the official Federal standards, and (2) no State or local jurisdiction other than those in noncontiguous areas of the United States may require labeling to show the State or other geographical area of production or origin: *Provided, however*, That this shall not preclude a State from requiring that the name, address, and license number of the person processing or packaging eggs, be shown on each container. Labeling, packaging, or ingredient requirements, in addition to or different than those made under this Act, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, may not be imposed by any State or local jurisdiction, with respect to egg products processed at any official plant in accordance with the requirements under such Acts. However, any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of such a plant and are in violation of any of said Federal Acts or any State or local law consistent therewith. Otherwise the provisions of of this Act shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this Act.

(c) The provisions of this Act shall not affect the applicability of the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act or other Federal laws to eggs, egg products, or other food products or diminish any authority conferred on the Secretary of Health, Education, and Welfare or other Federal officials by such other laws, except that the Secretary of Agriculture shall have exclusive jurisdiction to regulate official plants processing egg products and operations thereof as to all matters within the scope of this Act.

(d) The detainer authority conferred on representatives of the Secretary of Agriculture by section 19 of this Act shall also apply to any authorized representative of the Secretary of Health, Education, and Welfare for the purposes of paragraph (d) of section 5 of this Act, with respect to any eggs or egg products that are outside any plant processing egg products.

COST OF INSPECTION

SEC. 24. (a) The cost of inspection rendered under the requirements of this Act, and other costs of administration of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act.

(b) The term "holiday" for the purposes of assessment or reimbursement of the cost of inspection performed under this Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code.

SMALL BUSINESS ASSISTANCE

SEC. 25. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and "; and

(2) by adding after paragraph (4) a new paragraph as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry and Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4(c)(1) of the Small Business Act is amended by inserting "7(b)(5)", after "7(b)(4),".

ANNUAL REPORT

SEC. 26. (a) Not later than March 1 of each year following the enactment of this Act the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to—

(1) the processing, storage, handling, and distribution of eggs and egg products subject to the provisions of this title; the inspection of establishments operated in connection therewith; the effectiveness of the operation of the inspection, including the effectiveness of the operations of State egg inspection programs; and recommendations for legislation to improve such program; and

(2) the administration of section 17 of this Act (relating to imports) during the immediately preceding calendar year, including but not limited to—

(A) a certification by the Secretary that foreign plants exporting eggs or egg products to the United States have complied with requirements of this Act and regulations issued thereunder;

(B) the names and locations of plants authorized or permitted to export eggs or egg products to the United States;

(C) the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (B) hereof and the frequency with which each such plant was inspected by such inspectors;

(D) the number of inspectors that were licensed by each country from which any imports were received and that were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled; and the frequency and effectiveness of such inspections;

(E) the total volume of eggs and egg products which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this title; and

(F) recommendations for legislation to improve such program.

APPROPRIATIONS

SEC. 27. Such sums as are necessary to carry out the provisions of this Act are hereby authorized to be appropriated.

SEPARABILITY OF PROVISIONS

SEC. 28. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DAY

SEC. 29. The provisions of this Act with respect to egg products shall take effect six months after enactment. Otherwise, this Act shall take effect eighteen months after enactment.

With the following committee amendment:

Page 24, lines 13 and 14, strike out the words "less than five hundred hen flock." and insert in lieu thereof the following: "a flock of 3,000 or less hens.".

The committee amendment was agreed to.

Mr. MATSUNAGA. Mr. Speaker, I commend the distinguished gentleman from Kentucky (Mr. STUBBLEFIELD) for the fair manner in which he conducted consideration of the pending measure in his subcommittee. I would have been constrained to object to the gentleman's request, had it not been for the acceptance of my amendment by his committee and its inclusion in H.R. 19888. I can now rise in support of this bill.

Mr. Speaker, H.R. 19888, the egg products inspection bill, is designed primarily to assure consumers of an adequate supply of fresh, wholesome eggs, and egg products. The proponents of the measure fully realize that the sale of dirty, adulterated eggs endangers not only the health of those buying the eggs, but also the economic well-being of the egg producers who are trying to provide the public with quality eggs and egg products at reasonable prices.

As Hawaii's Representative to Congress I was deeply concerned about the effect of section 23(b) of the Senate-passed measure. Without the amendment which I proposed and which is in the House bill, the Senate bill would have killed Hawaii's egg producing industry, which adds $7.7 million annually to the economy of the Aloha State.

The House bill provides an exemption from the labeling requirements of section 23(b) to the noncontiguous areas of the United States, including Alaska, Puerto Rico, the Virgin Islands, and Hawaii. I am grateful to the House Agriculture Committee, especially to the Chairman of its Subcommittee on Dairy and Poultry, Mr. STUBBLEFIELD, for this. I believe the committee made a responsible and just decision on this point.

Without this exemption, Hawaii's egg consumers, too, would suffer. They would be denied the right they now enjoy to choose between fresh eggs produced in Hawaii and stale eggs produced in foreign areas. Hawaii's consumers have exercised that right vigorously, to the point where fully 96 percent of the eggs sold in the Island State are island eggs, despite the fact that imported eggs sell for 9 to 10 cents per dozen less than local eggs.

With the inclusion of the exemption from the labeling requirements for noncontiguous areas, H.R. 19888 is a bill which is fair to consumers and producers alike, in Hawaii and the Nation.

I therefore urge unanimous approval.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD REAR ADMIRAL ELLIS, WHO GAVE THE ORDER TO HAND BACK THE LITHUANIAN DEFECTOR TO THE RUSSIANS, SHOULD BE DISCIPLINED

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

Mr. STRATTON. Mr. Speaker, I believe enough evidence has now come to light both in the press and in the investigation underway in the House committee, so that it is obvious that the person primarily responsible for this shocking, stupid, and probably very costly fiasco in connection with the Lithuanian sailor who was turned back forcibly to the Russians, was the rear admiral in charge of the Boston District of the Coast Guard, Rear Adm. William Ellis, who gave the order. I believe that Admiral Ellis ought to be disciplined, and disciplined promptly, for his role in this tragic case, so that it will be clear to the whole world that we in this country are not taking this incident lightly and that we still believe in and will enforce our traditional policy of providing a refuge for people who want to defect from Soviet tyranny.

I realize that the performance of the State Department was not especially brilliant in this case either, as it has not been in other cases, but I believe the basic responsibility lies with the man who gave the unusual and incredible order to turn the defector forcibly back to the Russians. He was an admiral, after all, and when one gets to be an admiral, one is expected to be knowledgeable about many other things than just driving ships. Admiral Ellis had that responsibility. The tragic action occurred on his watch. It occurred as a result of his order, and that order flew in the face of what any schoolboy knows has been America's traditional practice and policy.

So, if we really mean business in enforcing our traditional policy of asylum to those seeking it, then I believe the responsible officer ought to be disciplined, and disciplined promptly.

IS THIS A LAMEDUCK SESSION?

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

Mr. KYL. Mr. Speaker, this is December 11. The Committee on Rules on Tuesday is supposed to bring out four new rules. Worse than that, we have several bills that are still supposed to come out of committees, committees which are not meeting. The other body talks of combining several House-passed bills into hydraheaded legislative monstrosities. We are going to get a bill on the floor very shortly with a $2 billion expenditure which has not had 1 second of hearings in committee in either body. The Committee on House Administration is

talking about creating a new job to take care of a retiring Member, a job which we need like we need another hole in the dome. Now we hear in this body the contemplation is that we will be in session after Christmas, and in the other body they say we will adjourn by January 3. I think Members might let their thoughts be known so that the leaders can realize they will probably have to go forth to drag Members back to the Chamber and lock the doors to get a quorum after next weekend.

This is supposed to be a lameduck session, but at any moment I expect a different kind of bird to pop out of that clock and tell us exactly what kind it is.

APPOINTMENT OF THE HONORABLE GEORGE BUSH TO BE AMBASSADOR TO THE UNITED NATIONS

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

Mr. STEIGER of Wisconsin. Mr. Speaker, the President of the United States today named a Member of this House, one of our colleagues, the distinguished and able gentleman from Texas, GEORGE BUSH, to be the new U.S. Ambassador to the United Nations.

As one Member of this House, I take this time to extend my congratulations both to the President and to the gentleman from Texas (Mr. BUSH), upon this new assignment. It seems to me what this does is to recognize the stature of the United Nations by the administration placing in that body as the representative in the United Nations one of the most able men in this House. This post, important as it is, requires tact, sensitivity, intelligence, and integrity, and that is what the distinguished friend of all of us, GEORGE BUSH, brings to this post.

I know many Members share with me the pride and joy we have in his new position and join in extending our best wishes to GEORGE and Barbara Bush and their family.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. I want to take this occasion to join the gentleman from Wisconsin in his analysis of the appointment of our friend GEORGE BUSH to the United Nations as our Ambassador. He has worked on the Ways and Means Committee during the time he has been here. He has been a very intelligent and dedicated member of that committee. I know he will be such as our new Ambassador to the United Nations.

Mr. STEIGER of Wisconsin. I thank the distinguished chairman of the Committee on Ways and Means for his most gracious remarks.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, GEORGE BUSH is one of the very best friends I have ever had. Not only that, but his capability in every field of endeavor in which he has been involved in my opinion has shone through.

Mr. Speaker, it pleases me that the President of the United States has recognized his talents and capability and I wish him well in his new assignment. I am sure he will do the job and do it very well.

Mr. Speaker, I wish to compliment the gentleman in the well for bringing this to the attention of the Members of the House at this time. GEORGE BUSH will exercise good judgment and decision in his new job, and I wish him the very best.

Mr. STEIGER of Wisconsin. I thank the gentleman for his comments.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Speaker, I wish to join my colleagues and the gentleman in the well in extending congratulations to our colleague, GEORGE BUSH, upon his new assignment. I also wish to take this opportunity to congratulate the President upon his selection of our colleague, GEORGE BUSH, for this most important post. I sincerely wish him well and wish to be associated with the remarks of the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I thank the gentleman from Ohio for his very kind remarks.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. Mr. Speaker, I, too, wish to be associated with the remarks of the gentleman from Wisconsin and to say that in my opinion GEORGE BUSH is one of the most extraordinary human beings I have ever known. I am proud to be his friend. I am sure he will carry and express the ideals and concerns of the American people to the United Nations with his customary warmth, energy, wit, and thoughtful eloquence.

Mr. Speaker, I congratulate the gentleman from Texas (GEORGE BUSH), upon his assignment to this most important post.

Mr. STEIGER of Wisconsin. I thank the gentleman for his remarks.

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

Mr. STEIGER of Wisconsin. I am delighted to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I, too, wish to associate myself with the remarks of those who have spoken on the appointment of our colleague, GEORGE BUSH, as Ambassador to the United Nations. He is a very able and distinguished Member of this House. In my judgment he will perform his new duties in the highest tradition of this important office to which he has been appointed.

Mr. STEIGER of Wisconsin. I thank the distinguished majority leader for his most gracious comments.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I appreciate the gentleman from Wisconsin yielding. I congratulate President Nixon on his appointment of Congressman GEORGE BUSH of Texas, as Chief Delegate of the United States to the United Nations.

Mr. Speaker, the position of Chief Delegate of the United States to the United Nations is one of the most important positions in the U.S. Government. Actually, this position is second in importance in U.S. foreign policy, only to the Secretary of State of the United States. The United Nation's General Assembly and Security Council, as well as the U.N. committees and agencies, are the day-to-day contacts and continuing areas for the groundwork for major policy decisions. The United Nations provides the forum for formal discussions, both public and private.

Mr. Speaker, having served as a U.S. Delegate to the United Nations in the 14th General Assembly and as a congressional adviser to our U.S. mission to the U.N. on space since 1960 to date, I know what a great challenge this position of chief U.S. delegate represents.

I know full well that with the high competence and ability of GEORGE BUSH, he can fill this responsibility well. We in Congress should feel honored to have Congressman GEORGE BUSH selected by the President for this high position. I compliment heartily both the President and my friend GEORGE BUSH upon this fine appointment, which can be so effective for the American people in intelligent work for peace and progress of all peoples in this untidy, disorganized, and dangerous world.

Mr. STEIGER of Wisconsin. I thank the distinguished gentleman for those remarks.

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

Mr. STEIGER of Wisconsin. I am happy to yield to one of our former Ambassadors, the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the gentleman for yielding.

I, too, wish to associate myself with the remarks of the gentleman from Wisconsin and with those who have followed in their commendations to the President upon his selection of GEORGE BUSH to this high position.

Mr. Speaker, GEORGE BUSH and his family are longtime friends of mine and my family. I have traveled with GEORGE abroad. He is keenly sensitive to the cultures and problems of other peoples of the world. It is my opinion that he will bring not only that awareness to his new post, but new, fresh life to our representation in the United Nations. He also brings his lovely and gracious wife, Barbara, to a task both of them are superbly fitted to meet.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's gracious comments.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the distinguished gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I

also wish to associate myself with the views which have been expressed by the gentleman in the well upon the selection of GEORGE BUSH as Ambassador to the United Nations and to congratulate the President for his judgment in this matter and our colleague GEORGE BUSH upon his selection to this new assignment.

Mr. Speaker, Congressman BUSH has established himself, while serving in the House of Representatives as a young, vigorous, highly intelligent, and very dedicated Member of this body, a good American and public servant who has the proper view toward the role of the United States in the world of the future.

Mr. Speaker, I am sure GEORGE BUSH will serve effectively and well in this role. I am pleased with the President's selection and hope that it will auger well, not only for our country, but for our colleague.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the comments of the gentleman.

I am now happy to yield to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Wisconsin, and the others who have expressed approval of the appointment of our colleague, the gentleman from Texas, GEORGE BUSH, as Ambassador to the United Nations.

GEORGE BUSH is indeed an extraordinary man. He has been a very effective and very capable Member of the Congress. In fact, I predict that in any walk of life in which he may participate in the future GEORGE BUSH will be capable and effective. I think at this particular time in our history and in the history of the United Nations it augurs well for both the United States and the United Nations that the talents of GEORGE BUSH will be available. He will make an extremely valuable contribution. I wish him well.

Mr. STEIGER of Wisconsin. I thank the gentleman for his comments, and I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding.

I too wish to associate myself with the remarks of the gentleman from Wisconsin (Mr. STEIGER), and to congratulate both the President and GEORGE BUSH on this assignment. Since my first days in the Congress I have greatly enjoyed my friendship with GEORGE BUSH. I have found him to be a very warm person, very able, and one possessing the youth and vigor to carry out this important assignment.

Certainly this appointment will contribute greatly to a better reflection on this Nation in the eyes of the world.

Mr. STEIGER of Wisconsin. I appreciate the comments of the gentleman from Michigan.

Mr. LLOYD. Mr. Speaker, it is with great pleasure and gratification that I greet the announcement that President Nixon has appointed our colleague GEORGE BUSH as Ambassador to the United Nations.

The necessity for communicating in a responsible, informed, and friendly manner with representatives of the other nations of the world is a great and overriding need of our day.

I know of no one with the capability to do a better job of stimulating discussion and friendship with other nations than GEORGE BUSH, nor do I know of anyone whose statements would be more sure and responsible.

GEORGE BUSH is superbly qualified for this sensitive position which holds so much promise and potential for service to his country and to the world.

I extend my compliments to President Nixon for making this appointment and to GEORGE BUSH for accepting it.

The position of Ambassador to the United Nations can be filled in a routine manner in which we make no progress in our relations with the other nations, or it can be filled in a manner which will expand our communications, enlarge our friendships and promote confidence and trust in the minds of the other nations with whom we dwell on this globe. Under GEORGE BUSH, I am confident that the position will achieve its fullest potential, and I can think of very few public services more vital to the future of this country than the purposeful pursuit of peace, understanding, and good will among the nations.

Mr. FOREMAN. Mr. Speaker, I am pleased to join our colleagues in extending congratulations and best wishes to our capable friend, GEORGE BUSH, in his new assignment as U.S. Ambassador to the United Nations. President Richard Nixon has made an excellent selection in naming a gentleman with the leadership abilities, youth, temperament, and experience of GEORGE BUSH as our Ambassador. I extend congratulations and best wishes not only to my good friend, GEORGE BUSH, but also to his very lovely and charming wife, Barbara, who will continue as an able and attractive representative and partner for our new Ambassador and our country. To GEORGE and Barbara and their fine family go our most sincere best wishes and heartiest congratulations on an important and challenging assignment well deserved.

GENERAL LEAVE

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the appointment of the Honorable GEORGE BUSH as Ambassador to the United Nations.

The SPEAKER pro tempore (Mr. BOLAND). Is there objection to the request of the gentleman from Wisconsin.

There was no objection.

EXCISE, ESTATE, AND GIFT TAX ADJUSTMENT ACT OF 1970

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1296

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Hawaii (Mr. MATSUNAGA), is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1296 provides for consideration of H.R. 19868, which, as reported by our Committee on Ways and Means, would amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and to fullfill certain other purposes. The resolution provides a closed rule with 2 hours of general debate. Because of noncompliance with the Ramseyer rule (Rule XIII, clause 3), all points of order against the bill are waived.

H.R. 19868 would continue for calendar years 1971 and 1972 the present excise taxes on passenger cars and communications services. This extension of excise taxes will provide a revenue increase in the estimated amount of $630 million for fiscal year 1971. In fiscal year 1972, the extended excise taxes on passenger cars and communications services are expected to increase tax collections by $1,865 million.

The bill would also shorten the period for the filing of the return and payment of estate taxes from 15 months after the decedent's death to 9 months after death. The proposed legislation would also change from an annual basis to a quarterly basis the filing of returns and the payment of gift taxes. However, an exception is made for fully charitable transfers. Because of the speedup in gift tax collections which would result from the enactment of H.R. 19868, an increase of tax revenues in the estimated sum of $100 million is projected for fiscal year 1971. Similarly, the shortening of the period for the payment of estate taxes is expected to result in an increase

of $1,500 million in tax receipts for fiscal year 1972.

In addition, there would be a revenue savings in interest costs because of the gift and estate tax acceleration.

Mr. Speaker, I urge the adoption of House Resolution 1296 in order that H.R. 19868 may be considered.

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

Mr. MATSUNAGA. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. And so because it has been customary or fashionable or both this legislation is brought to us under a completely closed rule by which no amendments can be offered except by the committee, and there can be no amendments to the amendments offered by the committee. Is that correct?

Mr. MATSUNAGA. That is correct. As the gentleman knows, it is customary for bills out of the Committee on Ways and Means to be brought up to the floor under a closed rule.

As the gentleman well knows, tax measures are subject to all kinds of amendments, and if we were to bring this measure out on an open rule we would likely be here until January 3, 1971.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MATSUNAGA. I am happy to yield to my good friend from Iowa.

Mr. GROSS. The bill will be subject to amendment in its consideration under an open rule in the Senate. Is the House a lesser body? Or is it just fashionable to bring bills out in this fashion under a completely closed rule? The other body will be able to work its will on this bill.

Mr. MATSUNAGA. As the gentleman well knows this is never a lesser body—but I might say in the light of the limited time left in this session this may be a wiser body.

Mr. GROSS. I must respectfully disagree with the gentleman. The consideration of bills under closed rules lends nothing to the stature of the House of Representatives in its consideration of legislation.

Mr. MATSUNAGA. I thank the gentleman for his contribution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the remarks made by the gentleman from Hawaii with two exceptions. House Resolution 1296 does not waive all points of order but only waives points of order so far as the provisions of the Ramseyer rule are concerned, clause 3, rule XIII.

I doubt that there are any points of order. We have not in this instance waived them all—we have not got that far, but we have done everything else.

Then as to the other difference I have with him is as to January 3 that we will be here if we have an open rule. I think we will be lucky if we adjourn by January 19, 1971, so that we can reconvene on Tuesday, the next day, at noon on January 20, 1971.

Mr. Speaker, I reserve the balance of my time and I have no further requests for time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 242, nays 22, not voting 170, as follows:

[Roll No. 403]

YEAS—242

Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Baring
Barrett
Belcher
Bennett
Berry
Betts
Biester
Blatnik
Boggs
Boland
Brademas
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conte
Corman
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fascell
Feighan
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Galifianakis
Garmatz
Gibbons
Goldwater
Goodling
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammer-schmidt
Hanley
Hansen, Wash.
Harsha
Hechler, W. Va.
Helstoski
Henderson
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Keith
Kleppe
Kyl
Kyros
Leggett
Lennon
Lloyd
Long, Md.
McClure
McEwen
McFall
Macdonald, Mass.
MacGregor
Mahon
Marsh
Martin
Matsunaga
Mayne
Melcher
Michel
Mikva
Miller, Calif.
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Obey
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Quillen
Railsback
Reid, Ill.
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roybal
Ruppe
Ruth
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Whalen
White
Whitten
Wiggins
Wilson, Bob
Winn
Wright
Wyman
Yatron
Young
Zablocki
Zwach

NAYS—22

Bevill
Brown, Calif.
Chamberlain
Dennis
Derwinski
Findley
Gonzalez
Gross
Hathaway
Hicks
Hutchinson
Jacobs
Landgrebe
Lowenstein
McCloskey
McDade
McDonald, Mich.
Miller, Ohio
Mink
Rarick
Ryan
Schmitz

NOT VOTING—170

Abbitt
Abernety
Adair
Adams
Addabbo
Anderson, Tenn.
Ashbrook
Ashley
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Blackburn
Blanton
Bolling
Bow
Brasco
Bray
Brock
Brooks
Broomfield
Burton, Utah
Button
Caffery
Camp
Carey
Carney
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Cohelan
Collier
Collins, Ill.
Conable
Conyers
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Dent
Devine
Diggs
Donohue
Dowdy
Edmondson
Edwards, La.
Eshleman
Evans, Colo.
Fallon
Farbstein
Fish
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Gray
Green, Oreg.
Green, Pa.
Hagan
Hall
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Hungate
Ichord
Jones, N.C.
Karth
Kee
King
Kluczynski
Koch
Kuykendall
Landrum
Langen
Latta
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McKneally
McMillan
Madden
Mailliard
Mann
Mathias
May
Meeds
Meskill
Morgan
Morton
Moss
Murphy, N.Y.
Nelsen
Nichols
Nix
O'Konski
O'Neill, Mass.
Ottinger
Pepper
Philbin
Pike
Pollock
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rosenthal
Rostenkowski
Roudebush
Rousselot
St Germain
Sandman
Saylor
Scherle
Shipley
Skubitz
Snyder
Staggers
Steed
Steele
Stephens
Taft
Teague, Tex.
Tunney
Van Deerlin
Waggonner
Ware
Watson
Weicker
Whalley
Whitehurst
Widnall
Williams
Wilson, Charles H.
Wold
Wolff
Wyatt
Wydler
Wylie
Yates
Zion

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Camp.

Mr. Hays with Mr. Bow.

Mr. Hébert with Mr. Latta.

Mr. Teague of Texas with Mr. McClure.

Mr. Addabbo with Mr. Hastings.

Mr. Morgan with Mr. Williams.

Mr. Philbin with Mr. Mailliard.

Mr. Donohue with Mr. Sandman.

Mr. Rostenkowski with Mr. Harvey.

Mr. Shipley with Mr. Adair.

Mr. Gray with Mrs. Heckler of Massachusetts.

Mr. Edwards of Louisiana with Mr. Lukens.

Mr. Long of Louisiana with Mr. Bray.

Mr. Brooks with Mr. O'Konski.

Mr. Waggonner with Mr. Hall.

Mr. Wolff with Mr. Bell of California.

Mr. Aspinall with Mr. Skubitz.

Mr. Biaggi with Mr. Fish.
Mr. Abernethy with Mr. Snyder.
Mr. Celler with Mr. Wydler.
Mr. Dent with Mr. Steele.
Mr. Edmondson with Mr. Kuykendall.
Mr. Gallagher with Mr. Widnall.
Mr. Gettys with Mr. Quie.
Mr. Green of Pennsylvania with Mr. Whalley.
Mr. Rivers with Mr. King.
Mr. Pepper with Mr. McCullouch.
Mr. Nichols with Mr. Ayres.
Mr. Moss with Mr. Zion.
Mr. Mann with Mr. Nelsen.
Mr. Charles H. Wilson with Mr. Reifel.
Mr. Kluczynski with Mr. Beall of Maryland.
Mr. Brasco with Mr. Reid of New York.
Mr. Caffery with Mr. Collier.
Mr. Carey with Mr. Corbett.
Mr. Pike with Mr. Burton of Utah.
Mrs. Chisholm with Mr. William D. Ford.
Mr. McMillan with Mr. Ashbrook.
Mr. Clay with Mr. McCarthy.
Mr. Ottinger with Mr. Nix.
Mr. Pryor of Arkansas with Mr. Langen.
Mr. Fulton of Tennessee with Mr. Eshleman.
Mr. Fuqua with Mr. Lujan.
Mr. Gaydos with Mr. Roudebush.
Mr. Rosenthal with Mr. Diggs.
Mr. Yates with Mr. Brock.
Mr. Evans of Colorado with Mr. Hansen of Idaho.
Mr. Rees with Mr. Mathias.
Mr. Staggers with Mr. Whitehurst.
Mr. Pucinski with Mr. Hawkins.
Mr. Blanton with Mr. Weicker.
Mr. Anderson of Tennesee with Mr. Wold.
Mr. Hungate with Mr. Wyatt.
Mr. Meeds with Mr. Cowger.
Mr. Cohelan with Mr. Collins of Illinois.
Mr. Farbstein with Mr. Conyers.
Mr. Landrum with Mr. Blackburn.
Mr. Abbitt with Mr. Crane.
Mr. Ashley with Mr. Broomfield.
Mr. Ichord with Mr. Scherle.
Mr. Karth with Mr. Clancy.
Mr. Van Deerlin with Mr. Cunningham.
Mr. Murphy of New York with Mr. Wylie.
Mr. Purcell with Mr. Devine.
Mr. Randall with Mr. Cramer.
Mr. Giaimo with Mr. Ware.
Mr. St Germain with Mr. Morton.
Mr. Steed with Mr. Saylor.
Mr. Stephens with Mr. Pollock.
Mr. Jones of North Carolina with Mr. Rousselot.
Mr. Carney with Mr. McKneally.
Mr. Chappell with Mr. Taft.
Mr. Kee with Mr. Meskill.
Mr. Madden with Mr. Button.
Mr. Tunney with Mr. Conable.
Mr. Harrington with Mrs. May.
Mr. Roberts with Mr. Watson.
Mr. Hanna with Mr. Gilbert.
Mr. Hagan with Mr. Fallon.
Mr. Fraser with Mr. Powell.
Mr. Daddario with Mr. Reuss.
Mr. Bingham with Mr. Koch.
Mrs. Green of Oregon with Mr. Dowdy.

Mr. CHAMBERLAIN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 19868, with Mr. HAMILTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill, H.R. 9868, the Excise, Estate and Gift Tax Adjustment Act of 1970, provides $3.4 billion in additional revenue for the fiscal year 1972, and $700 million of additional revenue in the fiscal year 1971. This additional revenue arises both from the acceleration of collection procedure for estate and gift taxes and also from continuing the excise tax on autos and communication services at present rates for a period of 2 years.

As the gentleman from Hawaii (Mr. MATSUNAGA) pointed out during the consideration of the rule, not only should we consider the additional amount of money that will accrue to the Treasury under these changes, but we should also recognize as the money comes in more promptly it means that we pay less interest in the long run.

The acceleration of the estate and gift tax collection procedure not only gives rise to additional revenue for the period ahead but also represents a significant reform in the area of estate tax administration. The principal change in the case of the estate tax is the shortening of the time allowed to file the estate tax return and to pay the estate tax from 15 months after the decedent's death to 9 months after his death. The bill also speeds up gift tax collections by providing for the filing of returns and the payment of the tax on a quarterly, rather than an annual basis.

This acceleration in estate and gift tax collections is particularly appropriate in view of the fact that most Federal taxes are now collected on a current basis. Both the individual income tax and the corporate income tax, for example, are now collected currently under the pay-as-you-go system. Under these circumstances it is difficult to see why we should permit long lags in the payment of the estate and gift taxes that can only have the effect of forcing the Federal Government to forgo needed revenue and to incur interest charges to cover the funds which must be borrowed because of the late receipt of the revenue.

The estate tax revision is desirable, however, not only because it results in the acceleration of estate tax collections, but also because it represents a real reform in the administration of estates. I say this because the bill removes the principal reason why it frequently takes at least a year and a half and frequently several more years to settle an estate and to distribute the property to the beneficiaries. With the provision for payment of the estate tax within 9 months of the decedent's death and with the provisions which this bill contains for the prompt discharge of liability for the executor with respect to the taxes involved, it should be possible to settle many estates within a year and a major proportion of the remainder within a short period thereafter. This is an important advance in the area of estate tax administration.

A second major portion of the bill provides for the continuation of the present 7-percent manufacturers tax on automobiles and the present 10-percent tax on communications services for 2 additional calendar years, 1971 and 1972. Under present law, these taxes are scheduled to decline to 5 percent in calendar 1971, to 3 percent in calendar 1972, and to 1 percent in 1973. They are scheduled for repeal as of the first of 1974.

In recommending this temporary continuation of the present tax rates on autos and communications services, your committee is aware of the fact that the Congress, on a number of occasions, has shown that it does not believe that these taxes should be permanent parts of our tax structure. Accordingly, we are not happy to recommend the continuation of the present rates on autos and communications services, even on a temporary basis. But the plain fact is, that in the present budgetary situation, we just cannot afford the substantial loss of revenue involved in permitting the presently scheduled reductions to take place in calendar 1971 and 1972. Nonetheless, the bill does provide a workable procedure for completely eliminating the taxes on autos and communications services over a period of time. This, as I will explain in a few moments, is done by scheduling very gradual reductions in both of these taxes, which are more realistic than the presently scheduled reductions because they involve smaller annual revenue losses.

In addition, for equity and revenue reasons, the bill makes a number of technical changes in the excise tax on autos and trucks, which I will discuss in a little while.

So much for the broad outlines of the bill. Let us turn now to some of the specific features of the legislation. As I have already indicated, the bill generally requires the estate tax return to be filed and the estate tax to be paid 9 months after the date of the decedent's death instead of 15 months after his death as under present law. This change is effective for decedents dying after December 31, 1970. It is designed not only to speed up tax collections but also to decrease the period of estate administration and to facilitate a more rapid distribution of property to beneficiaries. The present period of 15 months in most cases serves no useful purpose and frequently acts to delay the time when the beneficiaries may come into possession of the property.

The bill makes a number of changes to facilitate adjustment to the new 9-month requirement for filing the

estate tax return and paying the tax. One such change concerns the alternate valuation date. Under present law, the property included in the gross estate is valued as of the date of the decedent's death or, if the executor so elects, as of 1 year after the decedent's death. However, with a 9-month filing requirement, the present 1-year alternate valuation date would clearly be inappropriate. Accordingly, the bill provides that the alternate valuation date for property included in the gross estate is to be 6 months after the decedent's death rather than 1 year after that date.

Similarly, provision is made for avoiding the hardship that might otherwise occur in certain cases as the result of the 9-month filing and payment requirement by providing more liberal rules for extension of time for paying the estate tax. The bill, for example, makes it easier and less costly for an estate to raise funds for the payment of estate tax by providing that property acquired from decedents will be deemed to have been held for more than 6 months. This removes a present tax handicap to the sale of property obtained from a decedent for purposes of raising funds to pay estate tax. It permits gains from the sale of such property, primarily those realized by a fiduciary to be treated as long-term capital gains even though sold shortly after the death of the decedent.

Another change which is designed to prevent hardship concerns extensions of time for the payment of estate tax. If the payment of the estate tax within 9 months of the decedent's death would create hardship for the estate, the bill provides that the Commissioner may extend the time for payment of the estate tax for a period up to 12 months rather than the 6-month period provided for by present law. It is your committee's understanding that the Internal Revenue Service will be liberal in granting such extensions. Your committee's report details several examples of types of situations in which it is understood that an extension will be allowed.

In addition, the bill liberalizes the rules under which an executor can obtain discharge from personal liability for a decedent's taxes to cover cases where there is an extension of time for payment of tax. These rules also are extended to a fiduciary other than an executor—usually a trustee—holding property included in the decedent's gross estate. In addition, for decedents dying after December 31, 1973, the bill provides that an executor will be able to obtain a discharge from personal liability within 9 months after application for a discharge. This latter change is postponed until 1974 in order to allow the Internal Revenue Service enough time to prepare adequately for more rapid audit procedures.

The Internal Revenue Service has assured your committee that it will adopt a number of administrative procedures to speed up the estate tax audit process. As part of that goal, the bill authorizes the Internal Revenue Service to provide for filing of estate tax returns with either the district director or at a service center. All of these changes will decrease the time necessary for the administration of estates and have the beneficial effect of permitting faster distributions to the beneficiaries.

Let us turn now to the provisions which speed up gift tax collections. Under the present law, the gift tax return must be filed and the gift tax must be paid by the donor by April 15 following the calendar year in which the gift was made. This permits the payment of the gift tax to be postponed for as long as 15½ months—for example, under present law, a donor who makes taxable gifts in January of 1970 has until April 15, 1971, to file his gift tax return and pay the gift tax. This treatment also has the defect of granting substantially greater tax deferral to those who make their gifts early in the year than to those making their gifts later in the year.

To accelerate payment of gift tax liabilities, the bill requires the filing of gift tax returns and the payment of gift taxes on a quarterly rather than on an annual basis. Under the new procedure, which is effective for gifts made after December 31, 1970, the gift tax return and the payment of the tax is to be due on or before the 15th day of the second month following the close of the calendar quarter in which the gift was made. For example, the gift tax return and payment for a gift made on February 1, 1971, will be due by May 15, 1971.

The bill makes no change in the structure of present law insofar as the determination of gift tax liability is concerned. The present gift tax rates, exclusions and deductions remain the same. The rate of tax on gifts made in any particular calendar quarter, for example, is to be determined by taking into account the total amount of taxable gifts which the taxpayer has made in all preceding calendar years and calendar quarters. This preserves the cumulative effect of present law with respect to the computation of the gift tax.

The bill also retains the annual $3,000-per-donee exclusion from gross gifts. The exclusion is to be applied in the order in which the gifts are made. Thus, if a donor gives $3,000 to "A" in January and $2,000 to "A" in September, the donor need not file a gift tax return with respect to the January gift nor pay any gift tax with respect to that gift. However, a gift tax return and gift tax payment is due for the September gift—to be filed and paid on or before November 15—since the annual exclusion, with respect to "A," will have been exhausted.

Quarterly gift tax returns will not be required for a charitable gift. Instead the donor will be required to report charitable transfers on a return for the fourth quarter of the calendar year, or at such earlier time as he is required to file a return for a taxable gift. This exemption of charitable gifts from the quarterly returns avoids any possible disruption to existing patterns of giving to charitable organizations.

I would like to turn now to the proposed continuation of the excise taxes on passenger automobiles and communications services. Here we have had to face up to some difficult issues. On the one hand, the Congress has many times recognized the desirability of eliminating these taxes from the revenue system. In fact, under present law, these taxes are scheduled for reduction and eventual elimination. On the other hand, in the present state of our budget, we just cannot afford the immediate large revenue losses that would be involved for fiscal 1971 and fiscal 1972 if the automatic reductions were permitted to take place on schedule.

The present bill resolves these issues by continuing for 2 years, for calendar years 1971 and 1972, the present taxes on passenger automobiles and communications services. This produces a revenue increase for fiscal 1971 amounting to $630 million, and more importantly for the fiscal year 1972 the revenue increase amounts to an estimated $1,865 million.

To give assurance that the excises on passenger autos and communications services do not remain a permanent feature of our tax system, the bill provides schedules for the automatic reduction and gradual elimination of these taxes. In this respect, the bill is similar to previous legislative measures which also provided for the reduction and elimination of these taxes. What is different in the pending bill, however, is that it provides for much more gradual reductions in the rates of these taxes—involving reductions of not more than 1 percentage point in any one year. This greatly increases the likelihood that the reductions will be permitted to take effect as scheduled since the revenue loss involved in any one year will be relatively small, particularly if account is taken of the normal growth in the bases of these taxes over the years.

In summary, therefore, the bill provides that the current tax rates of 7 percent for passenger automobiles and 10 percent for communications services are to continue through 1972. Beginning in calendar year 1973, the rates of these taxes are then reduced by 1 percentage point per year until they are completely eliminated as of January 1, 1982. However, as an exception to this general reduction procedure, the tax on passenger autos is kept at 5 percent from 1974 through 1977. This is done so that the communications tax, which is now higher than the auto tax, can be brought down to the same level as the auto tax, with the result that both taxes can be repealed as of the same date in 1982.

Finally, the bill makes a number of technical changes designed to make the operation of the auto and truck taxes more equitable. One such change is designed to forestall the possibility of granting unintended benefits as a result of provisions in the 1969 Tax Reform Act and prior Internal Revenue Service rulings. The legislation now before the House concerns cases where a manufacturer of an automobile or truck regularly sells to an affiliated distributor which then regularly sells to independent retailers. In such cases, the bill provides that the constructive sales price on which the tax is computed is to be 97 percent of the lowest price for which the affiliated distributor regularly sells these items in

arm's-length transactions to independent retailers. The 1969 act and prior rulings of the Internal Revenue Service would allow such manufacturers to use a constructive price for this purpose amounting to 90 percent of the lowest price for which the affiliated distributor regularly sells the items in arm's-length transactions to independent retailers. The use of such a 90-percent constructive price for the auto and truck industries is inappropriate. The 90-percent figure was designed primarily to minimize the potential impact of taxes on competition in those industries where some manufacturers regularly sell through affiliated wholesalers and where other manufacturers distribute their product through independent wholesalers. This is not the situation in the auto and truck industry since in this industry it is typical for manufacturers to distribute their products by selling directly to retailers. As matters now stand, there is a possibility that auto and truck manufacturers will create wholesale distributors which could qualify for the 90-percent treatment with a resultant revenue loss to the Government of between $75 million and $150 million a year. The remedial provision provided by this bill prevents this.

Questions have been raised regarding some specific aspects of this provision. The bill provides specific rules for determining what is the "lowest price" when that concept figures in a constructive sale price. These rules are to apply to the new 97-percent method provided by the bill, to the 90-percent method that I have just described that was enacted in 1969, and to the other methods used under the general constructive sale price provision. Illustrative of the methods used under the general provision are the 90-percent method used in the private ruling practice of the Service—that was the basis for the 90-percent method enacted into the code in 1969—and the 95-percent method used by the Service in a ruling published in 1962.

Other technical changes made by the bill prevent items subject to manufacturers tax from being included in the tax base more than once and also exclude from the tax base retailing or distributing markups as distinguished from manufacturing markups. The committee recognized that problems in the further manufacture area generally may be divided into two categories: First, when has an act of further manufacture occurred? Second, how is the tax to be computed in such a situation? The bill and the committee report discussion deal with the second of these problems—how to compute the tax. We believe that resolution of the computation problems will resolve most of the difficulties in this area. If experience shows otherwise, we will examine the first of these problems—what is further manufacture. The example in the committee report is based upon the Internal Revenue Service's current view of what is further manufacturing—the committee does not intend at this point to express a view on that particular point.

Still another change extends the present exemption for camper coaches which is now granted under the truck tax to articles designed to be used primarily for camping accommodations. An example of such articles is a cap designed for mounting on pickup trucks which, upon installation and together with the truck body sides and the truck floor, provides an area for sleeping quarters.

Finally, the bill provides a mechanism to alert the purchasing public that new automobiles are subject to significant manufacturers excise tax. Under present law, a manufacturer of a new automobile is required to affix to the windshield or side windows of the automobile a label showing, among other things, the suggested retail prices of all the optional equipment, the transportation charge for delivery by the manufacturer to the dealer, and the total of these items. The bill requires that for new automobiles distributed in commerce after March 31, 1971, such labels also show that Federal excise tax was imposed and the percentage rate at which it was imposed.

In summary, the legislation now before us will significantly improve the operation of our tax system. The speedup in estate and gift tax payments which it provides will bring the collection of these taxes into line with the collection procedures for other Federal taxes which are already on a current basis. In addition, the acceleration of estate tax payments is desirable because it will make it possible to settle estates much sooner than under present law and this will mean a much more prompt distribution of property to the heirs—an objective I am sure we all favor.

Moreover, this speedup of estate and gift tax payments together with the proposed temporary continuation of the present excise tax rates on autos and communications services will significantly increase revenue in fiscal 1971 and 1972 when we will need added revenue for budgetary reasons. All these factors are reason enough for prompt adoption of this measure. But, there is additional reason for prompt approval by this body. We must move this bill to the Senate at once if there is to be time for its enactment this year. I urge the House to adopt this bill.

Mr. Chairman, I could answer any question, if there are any questions, but I think I have said enough about the bill.

Mr. ULLMAN. Mr. Chairman, I have three clarifying questions which I would like to ask. These relate not to the text of section 302 but to certain explanatory language in the Ways and Means Committee report.

First, under the heading "Further Manufacture"—report page 22, first sentence of second paragraph—it is stated as follows:

> Where a person acquires a tax-paid article and makes some significant functional change to it, the resulting item is treated as a new article and the manufacturer of this new article (the "further manufacturer") is subject to tax.

It is my understanding that the excise tax law does not itself attempt to define any specific test for what constitutes "manufacture" or "further manufacture." Further, in assessing this problem courts have taken into account many different factors and considerations, and utilized a variety of tests. My question, therefore, is simply to be assured that this language in the report is merely illustrative and that the committee is not attempting thereby to formulate a new or different definition on the subject of manufacture from those which the courts have already set forth.

Mr. MILLS. I do not believe that the committee, in its action, was trying to define in detail what constituted further manufacture. I would not want to say that the committee was specifically adopting the rules of the few court cases in defining further manufacture. On the other hand, while, in general, I believe that, as the committee report indicates, further manufacture represents a significant functional change, certainly this still leaves room for plenty of questions as to what constitutes a significant change of a functional character. This whole area is one which we will watch. If the administration of it does not prove to be satisfactory, I am sure we will want to consider this again at the legislative level.

Mr. ULLMAN. My second question deals with the following language starting on line 6 of page 23 of the report:

> Manufacturer 1 sells a new truck tax-paid to Manufacturer 2, who then buys a new tax-paid 'fifth wheel', installs it, and sells the completed article at retail to the ultimate user. Under present law, the sale by Manufacturer 2 of the truck with fifth wheel installed is subject to manufacturers excise tax (sec. 4061(a)) and a constructive sale price is to be calculated (sec. 4216(b)(1)).

My understanding is that this example is not intended in any way to state a committee conclusion that installation of a fifth wheel on a new tax-paid truck does, in fact, constitute "manufacture." Rather, it is intended merely to illustrate the Internal Revenue Service's present position as represented to the committee on this subject. I would point out that no court cases to date upholding such a position have been called to our attention, nor, in fact, has the Internal Revenue Service so far issued any public ruling to this effect. In sum, my question is simply to clarify the fact that this example represents only the Service's position rather than an attempt to state present law.

Mr. MILLS. As you know, the Internal Revenue Service holds that an installation of a fifth wheel constitutes further manufacture. In this bill we dealt with the question of how to determine what is the manufacturer's price where further manufacture occurs. If one assumes that the installation of a fifth wheel constitutes further manufacture, then the illustration in the committee report indicates how one computes the tax in that case. The specific question as to what constitutes further manufacture is not dealt with in this legislation. As I have indicated, only the questions arising with the Service in this regard well may be a matter that Congress will want to consider further in the future.

Mr. ULLMAN. My third question requests clarification of the following language starting on line 40 of page 24 of the report:

Your committee understands that the recent rulings of the Internal Revenue Service changing the circumstances under which further manufacture is said to have occurred, will not be applied retroactively.

I understand that there have been several recent published rulings by the Internal Revenue Service dealing with various aspects of further manufacture, and that this language states that in such cases only further manufacturing operations undertaken after the date of such rulings are to be considered taxable. However, as noted previously, in the case of the fifth wheel installation, and in addition certain other areas of minor modifications by truck dealers, such as the installation of logging bunks and the shortening or lengthening of the frame, no published rulings have as yet been forthcoming although a few individual assessments have been made by IRS field auditors. My question, therefore, is to clarify that it is the committee's intent that as to such prospective rulings by the Internal Revenue Service, individual assessments or collections will not be made in these additional areas until such time as the Internal Revenue Service publishes such rulings with regard thereto, and that such rulings will apply only to transactions undertaken after the effective date of such rulings.

Mr. MILLS. As I indicated in my reply to your first two questions, this bill does not specifically deal with the issue of what constitutes further manufacture. Therefore, it is impossible for me to state that the committee, in acting on this bill, has said to the Service: "When you define further manufacture, do not apply it retroactively." However, I would believe that as a general rule, wherever the Service defines further manufacture to include something that was not generally thought to be further manufacture in the past, that such a ruling should be made prospective only. The Service has the right to make rules of this type prospective only, and I would think that good judgment on their part where there was any significant change in the Service's position in this regard would be to seek prospective application only. Should the Service's attitude in this not turn out as we think it should, I am sure that in any further legislation on this subject this is a matter which we can take into account.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Were not most, if not all, of these taxes initiated as temporary taxes in 1941?

Mr. MILLS. No, sir. The tax on automobiles predate that year. That manufacturers' tax was first enacted earlier than 1941. It is my recollection the telephone tax was enacted in 1941 but we have had a tax on automobiles for many years.

Mr. GROSS. That and other taxes which are contained in this legislation were enacted as temporary taxes 29 years ago; is that not correct?

Mr. MILLS. That is true of the tax on telephones, but I call my friend's attention to the fact that the first automobile manufacturers' tax was enacted in 1917, and it has been with us most of the years since that time.

There is a feature of this bill that I would like to emphasize again. From reading of the report you can see that at the end of 1972, the rate is allowed to drop on both the automobile tax and the telephone tax by no more than 1 percentage point per year until the rates are entirely removed. We have done this because we have a very sincere desire in our committee, and I understand the Treasury has the same desire, that at the end of this 2-year period these rates should actually begin dropping and eventually disappear. There is too much money in these two taxes to let them disappear all at one time or even to let them decline at the rates previously scheduled. The intention in the new schedules is to let the rates go down only very gradually so the reductions in any 1 year will not be so large that the Treasury will look at the revenue and ask us to maintain existing rates.

Mr. GROSS. This legislation is proof positive of the old saying that there is nothing so permanent in Washington, D.C., as something which originated as a temporary measure.

Mr. MILLS. I would call the attention of my friend to the fact that there seems to be nothing so permanent as a continued deficit, fiscal year to fiscal year, in our present situation.

Mr. GROSS. The surtax was as much a tax as these we are discussing here. They are all taxes.

Mr. MILLS. That is true. They are all taxes. There is no question about that.

Mr. GROSS. And the distinguished gentleman from Arkansas predicated his support for the surtax upon the basis that there would be concurrent reductions in spending; did he not?

Mr. MILLS. There was some reduction in spending as a result but not to the extent that I would have desired.

Mr. GROSS. So the surtax was permitted to expire and is no longer being levied, but these taxes are being continued even though spending increases.

Mr. MILLS. Right.

Mr. GROSS. So these taxes are not being conditioned upon a reduction in spending on the part of the Congress or the administration.

Mr. MILLS. The gentleman is correct. The gentleman knows that there has been enacted for this fiscal year a spending limitation by the Appropriations Committee. I do not know how well it has worked. Of course, one Congress cannot bind another Congress in that respect. The Congress can always raise its limits in subsequent action if it wants to do so, but we are in a very serious fiscal situation. I have said that repeatedly for the last several years.

The thing that impresses me the most about it is that we are not planning these deficits. We just are not able to prevent them from occurring. It is one thing to plan them, and it is quite another not to be able to prevent them from occurring.

Mr. GROSS. If the gentleman will permit me, I would have to disagree that we cannot prevent them. We are spending as if we are bent on bankruptcy.

Mr. MILLS. What I meant is that we are not preventing the deficits. I should not have said we cannot do it. What I meant is that we are not doing it.

Mr. GROSS. I think that is better. I am sure we could cut spending if there was the will to do so.

Mr. MILLS. We can do it if we want to, but that is not being done.

Mr. Chairman, I would urge the House to accept this bill from the Ways and Means Committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, I rise in support of H.R. 19868, the Excise, Estate and Gift Tax Adjustment Act of 1970.

Inasmuch as this bill has been discussed so thoroughly by the chairman of the Committee on Ways and Means, there is no need for me to go into similar detail.

I would, however, like to summarize my particular views on the three major elements of the legislation.

Although I am sure that all of us would prefer to do away with the excise tax on automobiles and communications services in accordance with the scheduled phase-out in existing law, this is not feasible in view of our current budgetary needs. If the current rates, which are extended for 2 years by this bill, are reduced as scheduled, Federal revenues would be reduced by $630 million in the current fiscal year, and $1.8 billion in fiscal year 1972.

I have often remarked in the past that nothing is so permanent as a temporary tax. This statement has an uncomfortable degree of truth in the area of excise taxes on automobiles and telephone service. However, I believe the legislation before us, in providing for a gradual phase-out of these taxes over a 10-year period, will enable us to achieve our goal of eliminating these levies. Since under this phase-out, the rates will decline at most by only one percentage point annually, the revenue loss in any single year should not assume critical proportions in the Federal budget picture. The likelihood of any future extension based solely on revenue need would, therefore, be lessened.

The provisions of this bill for accelerated payment of estate taxes is a considerably altered version of the proposal originally presented by the administration. The original proposal would have required the payment of an estimated estate tax 7 months after death. The bill does not require an estimated payment, but instead, shortens the time for filing the estate tax return and paying the estate tax from 15 months to 9 months after death.

Accompanying changes shift the alternate valuation date for estate assets from 1 year to 6 months after death, and amends the holding period rule so that any property included in the gross estate which is sold within 6 months after death would be given long-term capital gains treatment. Additionally, the bill contains provisions that, along with full cooperation promised by the Treasury Department, will expedite the audit and processing of income tax returns and the release of executors and

other fiduciaries from personal responsibility.

The proposals included in the committee's bill, which were worked out by the Treasury Department with the cooperation and endorsement of various bar associations, professional fiduciaries, and other taxpayers and their representatives, will significantly shorten the period of time required to complete the administration of an estate. Criticism is justifiably made in many cases, particularly by beneficiaries, about the unduly long time required for final distribution of the assets, in part attributale to procedural tax problems that are greatly ameliorated by this bill.

The proposal, in providing for a more current payment of estate tax liabilities, will result in a one-time revenue gain in fiscal year 1972 of $1.5 billion, and will reduce borrowing costs in fiscal year 1972 and future years.

During committee deliberations on the legislation, considerable concern was expressed about estate liquidity problems. The committee gave careful consideration to these problems and included provisions to insure that this bill will not have an adverse impact on liquidity. Although the estate tax proposal would shorten the payment time from 15 to 9 months, provisions of the bill would permit the Treasury to grant an extension up to 12 month time—permitting a total period of 21 months—where reasonable cause is shown.

Under existing law, undue hardship must be shown in order for an additional 6-months period to be granted, giving an estate a total of 21 months to pay the estate tax—the same total period that may be granted under the bill where warranted.

Further, it should be noted that the bill would not alter another part of existing law which provides for extensions of up to 10 years in cases of undue hardship, or where the estate owns a substantial interest in a closely held business.

As for the third major element of this measure, which would place the payment of gift taxes on a quarterly instead of a yearly basis, it was the committee consensus that there is no reason why donors of gifts should enjoy substantially greater tax deferral privileges than are presently accorded taxpayers generally.

Most Federal levies, including the income tax, are payable on a current basis. Under existing law, the gift tax is not payable until 3½ months after the close of the year in which a gift is made. This can result in payment of the tax more than 15 months after the date of a taxable gift. The bill before the House provides for quarterly filing of gift tax returns. Placing payment of these taxes on a more current basis results in a one-time revenue gain of $100 million in the current fiscal year and will result in additional savings in Government borrowing costs.

Mr. Chairman, this bill provides needed revenue in a context that includes real improvements in our revenue laws. I urge all of my colleagues to join me in supporting this legislation.

Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, I rise in opposition to title II of H.R. 19869 that would postpone once again the long-promised and long-delayed phaseout of the excise tax on new passenger automobiles.

As I view it, the fundamental question before us is the credibility of the Congress. The issue about whether such a tax is justified was settled back in 1965 when the Congress declared the auto excise tax to be a patently unfair levy singling out one group of workers, consumers, and businesses to bear an unequal tax burden. Nevertheless, Congress has acted to continue this tax for the past 5 years. I say it is time the Congress kept its word.

The familiar adage that "there is nothing so permanent as a temporary tax" may well be older than the auto excise tax, but there certainly can be no better example.

Perhaps it would be well, for the record, to review the history of this tax, which is nearly as old as the Federal income tax.

It first went on the books in 1917 at a 3-percent rate.

In 1919, it was raised to 5 percent.

In 1926, it went back to 3 percent.

In 1928, it was repealed entirely.

In 1932, it was restored at 3 percent.

In 1940, it rose to 3½ percent.

Then in 1941, it was doubled to 7 percent to provide revenue, to discourage auto production and help direct our national energies to war needs.

In 1951, it went up to 10 percent for basically the same reasons.

Here it stayed, with the Congress each year going through the ritual of extending it "temporarily" for 1 more year during 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, and 1964, until the passage of the Excise Tax Reduction Act of 1965 when Congress finally acted to rid our tax system of a great many of these highly selective and unfair consumer wartime taxes.

In the committee report urging passage of the 1965 act, the auto excise tax was cited as one of many "selective" excises found to be inherently discriminatory and therefore unjustified. The report also stressed that they are unfair to consumers and particularly those with low and middle incomes:

> Consumers of the taxed products where the tax is passed forward must pay a premium, over and above the market price, for the taxed items, which consumers of untaxed items do not pay. These selective excise taxes tend to reduce sales and therefore reduce incomes and jobs in the industries which produce the taxed goods. In these ways selective excise taxation results in arbitrary and undesirable distortions in the allocation of resources and in this manner interferes with the free play of our competitive market.
>
> Many of these excises also now are objectionable in that they are generally regressive in their impact, absorbing a larger share of the income of low-income persons than of those with higher incomes. This stems from the fact that low-income families find it necessary to spend a higher proportion of their incomes for consumption than those with larger incomes.

Specifically, with regard to the auto excise tax, which President Johnson initially asked to be cut from 10- to a 5-percent rate, the Ways and Means Committee decided that in view of the fact that all other "selective" taxes were being eliminated entirely, "It could not justify leaving the 5-percent tax on passenger cars." Regrettably, this objective was not realized. Instead, we entered simply a new round of postponements, of broken promises.

Pursuant to the 1965 act, the auto excise tax rate dropped from 10 percent to 7 percent in May of that year.

On January 1, 1966, it dropped to 6 percent.

However, early in 1966 Congress agreed to a Presidential request to restore this rate to 7 percent and to postpone any further scheduled reductions for 2 years.

Then, in the Revenue and Expenditure Control Act of 1968, the phaseout schedule was again deferred for 1 more year.

Last year, in the Tax Reform Act, it was once again set aside for still another year.

The Ways and Means Committee, in its report approving the Tax Reform Act of 1969, gave as its only reason for recommending postponement the following:

> At a time when economic conditions require the continuation of the surcharge on individual and corporate income taxes at a rate of 10 to 5 percent for another year, your committee concluded that it would be inappropriate to permit scheduled excise tax reductions during this period to occur.

The tax surcharge was allowed to go off the books on June 30, 1970, and with it, it was hoped, the last justification for continuing the automobile tax.

On July 30, 1970, the Secretary of the Treasury, in transmitting the administration's tax proposals to the Congress, offered no justification for a further postponement of the auto excise tax repeal schedule other than to say that the Treasury needed the revenue. This, of course, is not a trifling reason, but what is not considered in the Secretary's request are the added tax revenues that would be generated through the increased car sales that would result by the reduction and repeal of this tax.

In this connection I would call the attention of the House to the dissenting views beginning on page 27 of the report, joined in by our distinguished colleague from Michigan (Mrs. GRIFFITHS), and myself. Here we point out that current estimates suggest that the Federal Government would stand to recoup 60 cents on each dollar of reduction on the automobile excise tax. In other words, the revenue loss predicted by the Secretary if another postponement does not take place would not be $360 million in fiscal 1971, for example, but much closer to $144 million. It just stands to reason that as more cars are made and sold automotive businesses and workers will pay more income taxes. A ripple effect is created throughout the whole economy. In addition, as we concern ourselves with the problems of inflation, we must remember that we in the Congress, by new Federal regulations and safety equipment requirements, have added to the cost of new cars. It stands to reason that the reduction of this tax at this time would be especially appropriate in trying to hold down new car prices.

It should be remembered that in 1965 when the auto excise tax rate was cut from 10 to 7 percent this reduction was passed on directly to the consumer and I have every reason to believe that this would be done so again.

The Ways and Means Committee, in recognition of the basic unfairness of this tax and of its previous decision that it should be ultimately eliminated, proposed in H.R. 19868, a new phaseout schedule by which it hopes to facilitate the repeal of this tax through the device of stretching out the reductions over a longer period of time.

While I reject emphatically the premise upon which this is based, being pragmatic, perhaps, this longer withdrawal period will be more painless, and will ultimately succeed in curing the Treasury's addiction to this tax. However, history does not provide any basis for optimism, as according to the Excise Tax Reduction Act of 1965, if we had kept our word, the auto excise tax would have been reduced to 1 percent in 1969.

As you will note on page 18 of the report, the present bill will push total repeal all the way ahead to 1981, more than 10 years from now, and as I say, past experience causes me to speculate whether or not this, too, will become only a "temporary" target date. You will also note from the table on page 18 that when the excise tax is reduced to 5 percent in 1974, it is proposed to have it hold at that level through 1975, 1976, and 1977. Again, while I do not accept the logic of this action, it is my understanding that this has been done in order that both the telephone excise tax and the auto excise tax will be phased out simultaneously.

I am deeply concerned about this extended delay and my concern is recorded in the dissenting views of the committee report. While I am aware of the budgetary considerations which prompted the committee to propose the stretchout of the reductions in the automobile tax, I want to emphasize again that this tax is discriminatory, that the Congress has recognized this by its actions in 1965, and that it should be repealed, as, indeed, the committee has conceded. The tax unjustly singles out one group of consumers, that is new car purchasers, and one particular industry, to bear more than their fair share of the tax burden.

Mr. Chairman, I regret our chairman of the committee is not on the floor. I had hoped I could have a colloquy with him. But in his absence I would like to direct a question to the ranking minority member, the gentleman from Wisconsin (Mr. BYRNES).

I would like to say for the purposes of providing some legislative history here I would like to ask my distinguished colleague from Wisconsin if it was not his understanding that the intent of the committee in stretching out the reduction of this tax to 1972 was to insure its eventual repeal without any significant budgetary effect in any one year?

Mr. BYRNES of Wisconsin. Will the gentleman yield?

Mr. CHAMBERLAIN. Yes. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Well, the purpose of the more gradual phaseout included in this bill is to avoid the large fiscal impact that is contemplated under the existing law. Therefore the need for revenue will be a much less argument for continuing these taxes at their present rates in the future. It is to make these reductions more moderate and therefore more acceptable on a year-by-year basis that the new schedule is included.

Mr. CHAMBERLAIN. I thank the gentleman.

Would he not agree with me it was the intent of the committee as you read it that this tax should ultimately be repealed in accordance with this? Is that correct?

My BYRNES of Wisconsin. If that was not our intention, I do not think we would have established this schedule for reducing and terminating the taxes.

Mr. Chairman. I thank the gentleman for his comments.

Mr. Chairman, I feel the continued postponement of scheduled reductions in the automobile excise tax are unwise and discriminatory as well as a breach of faith by the Congress. I shall remain dedicated to the complete repeal of this tax and welcome the assurances of the chairman that the committee fully intends to adhere to the schedule now proposed.

Turning to another aspect of this legislation, I would like to say that I am gratified that the committee has accepted the suggestion to require new car labels to show the applicable rate of the manufacturers' Federal excise tax as set forth in section 304, on page 26 of the bill. I am satisfied that one of the major reasons that this discriminatory tax has not been repealed at an earlier date is because as a practical matter, it has been hidden from the new car purchaser. At a time when much concern has been expressed about truth in advertising, truth in lending and truth in packaging. I say we also need a bit more truth in taxation when it comes to letting the public know of the existence and the rate of the automobile excise tax. Frankly, I feel that the exact amount of Federal taxes paid on every new car should be fully known to every purchaser. But, as this tax is levied on the manufacturers' cost, this has not been done. It is my hope that the technical difficulties involved may some way be overcome in order that the new car label may state the specific amount of this tax in dollars and cents rather than just a percentage figure. I sincerely believe that the committee amendment contained in this bill is a step in the right direction.

In closing, I would like to say again that the fundamental question with respect to the automobile excise tax is whether or not the Federal Government is going to live up to its word. Our credibility has been seriously eroded by our repeated extensions of this tax. Past experience tells us that repealing it tomorrow is no answer, for tomorrow never comes.

No one questions the need for tax revenues. However, there will never be a time when the Government is not going to need money. An auto excise tax is always going to be an expedient way to raise revenue, but, by itself, it is never going to be a fair way. If we need money, and it is clear that we do, we should raise it in a fair way. If we are going to keep a manufacturers' excise tax, it should be on all manufactured goods, not just one particular manufactured product.

As the Nation's spending priorities are being shifted, I say now is the time to rid our tax system of this long-standing inequity and to look for fairer revenue sources on which to build soundly for the future. For these reasons, as well as others, I am compelled to oppose this legislation.

Mr. WATTS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I would like to join at this time in the remarks which were made by the gentleman from Michigan (Mr. CHAMBERLAIN) and to protest also another continuation of the auto excise tax. But, I would like to point out that in the year when we were successful in removing a small amount of the auto excise tax, a part of the group which opposed this reduction in any larger amount were the dealers.

Mr. Chairman, the dealers have a built-in interest in maintaining the present price structure and, therefore, they opposed the total reduction of the auto excise tax.

My opinion is that this group does not really own this part of America, that in fact the auto excise tax is a very unfair tax not really tied to the principle of the automobile being a luxury.

Mr. Chairman, automobiles are a necessity. We are taxing most heavily the people who can really least afford to pay. It is not alone the Treasury of the United States that is anxious to have the auto excise tax continued. I repeat, it is also the fight to maintain the present price structure on automobiles and the dealers themselves who have objected to a substantial reduction at one time. I think that the excise tax should be removed.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I was somewhat surprised at the comments of the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) to the effect that the auto dealers want this tax continued. Frankly, that comes as a great surprise to me because I have been importuned by the dealers in Wisconsin, who do not have that attitude because they would like to be able to reduce the price of automobiles and thus improve the potential for sales. I have not heard this argument before. It is not in keeping with the recent views which I have received from the automobile dealers in my district.

Mr. DENNIS. Mr. Chairman, this bill has the virtue of retaining excise revenues which, however distasteful, are presently needed, and it also furnishes a temporary financial shot in the arm to the Government where estate taxes are concerned; but it is in connection with the estate tax feature of the bill that I wish to make a brief comment.

Estate taxes at the Federal level have never formed a very large percentage of the total Federal budget and the Federal estate tax has been less an important revenue raising device than a social measure, designed to discourage the accumulation of private fortunes, and to encourage the redistribution of wealth.

Today, we hear a great deal about revenue sharing, due to the fact that the Federal Government has preempted so many of the available sources of revenue; but it has always seemed to me that one of the best ways to share revenue would be in the Federal Government not to take the revenue in the first place, and it seems to me, further, that one useful place to start this process would be in the field of estate and inheritance taxes, a field from which the Federal Government could retire with comparitively little financial embarrassment and so release this source of tax revenue to the jurisdiction of the several States.

The time may not be ripe for such a move at this particular moment, but I think it is a possible step which is worthy of serious consideration of the Committee on Ways and Means; and it seems to me an objection to the present bill that, rather than advancing in this direction, it not only retains the Federal estate tax, but, by speeding up its collection for immediate revenue purposes, tends to treat it as a permanent and revenue producing part of the Federal tax structure.

The present measure does not represent a fundamental change in present law; but it does not seem to me to do anything either for the revenue sharing concept or for philosophical tax reform.

Mr. BROYHILL of Virginia. Mr. Chairman, I support H.R. 19868, but I did not arrive at this position easily or quickly. I viewed this legislation with considerable misgivings, initially, and decided to vote for it only after satisfying myself that it would not impose an undue hardship upon the taxpayers it would affect.

There never was any doubt that the Federal Government really needs the money the bill would yield—about $730 million this fiscal year and about $3.4 billion next fiscal year. A mere glance at the estimated budget deficits for both years is convincing enough.

The bill before the House today represents a modified version of the package proposal originally presented by the administration to the Committee on Ways and Means. I believe that the modifications made in committee will do much to soften the impact on taxpayers yet leave intact the essential purpose of the legislation, which is to raise sorely needed revenue.

One vital element of the bill calls for speeding-up the payment of estate taxes, from 15 to 9 months after death. The administration had first proposed an acceleration to 7 months, but later accepted the present language.

My own acceptance of this portion of the measure was based largely on these points:

First. There are two provisions designed to prevent hardships. First, property acquired from a decedent would be considered to have been held for more than 6 months, thus paving the way for capital gains treatment of the sales of such property. Second, the Commissioner of Internal Revenue could extend the time for payment, in hardship cases, up to 12 months, instead of 6 months as under present law. The net effect would allow the same possible extension of time—21 months—which is now available.

It is important to note that the committee was assured that these extensions of time will be granted liberally where reasonable cause exists.

Second. A number of additional changes should decrease the time necessary for processing of estate taxes and thus permit a more rapid distribution to the beneficiaries. For example, in order to speed the audit of returns, the committee has provided for streamlining of filing procedures, and has been assured that the Internal Revenue Service will take steps promptly to expedite other aspects of administration.

Another portion of H.R. 19868 provides for placing payment of gift taxes on a quarterly instead of a yearly basis. The central question here really is: Who should have use of the funds which eventually would be required for payment of the tax?

In this regard, the committee noted that most Federal taxes—and most notably the income tax—are paid on a current basis, and that under present law those making gifts early in a year have a substantially greater tax deferral than those making gifts late in the year.

With these points in mind, the committee concluded it would be more equitable for the gift tax to be paid more promptly to the Government, and for the Government to have the use of the money involved for interest purposes.

In making my own decision, I also kept in mind that the bill would not change existing law as far as total liability for the gift tax is concerned nor would it substantially alter the annual $3,000 perdonee exclusion or the $30,000 lifetime exemption.

As for the third major element of H.R. 19868, the 2-year continuation of excise taxes on automobiles and communications services, I based my reluctant acceptance on one leading factor.

Under the schedule provided in the bill for phasing out these taxes after 1972, the future rate reductions would be spread over a 10-year period, which should prevent any truly significant revenue loss in any 1 year. And this offers a genuinely realistic hope that these taxes will eventually, but finally, come to an end. It would be very difficult for an administration to make a good case for needing the revenue from 1-year extension of either tax.

The bill also provides for other, technical excise tax changes which would, generally, work to the advantage of affected taxpayers.

In summary then, Mr. Chairman, I support H.R. 19868 because the need for it is clear, and because it includes what I believe to be adequate safeguards against abuse of the taxpayer.

Mr. HOGAN. Mr. Chairman, I consider it extremely regrettable that at this time, it is necessary for the House to consider another tax measure to increase revenues. I find this bill particularly distasteful because among other things, it provides for the full extension of two regressive and objectionable taxes; namely, the Federal excise tax on communications and on automobiles.

The nature and history of these two taxes are similar. But at this time I would like to call to the Members' attention a few facts regarding the communication a few facts regarding the communications excise tax in particular. First, I would like to point out that 1971 will be the 30th anniversary of the excise tax on telephone service. For 30 years, consumers have been subjected to what I consider to be the most regressive and inequitable tax on the books.

The present excise tax on local and toll telephone service and teletype service is 10 percent of the amount paid for the services. The present law provides for a rate reduction in the tax on these services to 5 percent for the calendar year 1971, to 3 percent for 1972, and 1 percent for 1973, and schedules this tax for repeal as of January 1, 1974.

The committee is now telling us that once again the need for revenues will not permit the scheduled reduction and repeal to take place. The bill before us provides for a 1-percent, per year reduction on the telephone tax beginning in 1973, with plans to repeal the tax in 1982.

I can fully appreciate the need for the more gradual reduction of these taxes and agree that this schedule will more likely lead to their elimination sooner than if the present schedule of rates were merely to be postponed. However, I disagree with the committee's view that this tax should remain at 10 percent until 1973 and feel that as a matter of good faith the Congress should authorize the new schedule of reductions immediately. It is my understanding that a 1-percent reduction in 1971 would result in an approximate loss of $40 million in revenues, and an additional 1-percent reduction in 1972 would cost approximately $65 million in revenues for that year. We are talking about modest sums of money in connection with the national budget. At the same time when the American citizen is being taxed to the hilt, a 10-percent telephone tax provides an additional burden on a small budget. A 1-percent reduction will not mean great sums to the individual taxpayer in 1971, but will partially restore to him the belief that our Government is interested in serving the people and not just taking every penny it can.

The need for this legislation has been

well stated. It has come to the floor of the House under a closed rule, thereby precluding amendment by the Members. After deliberate consideration, reluctantly, I will vote for the bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 19868

A bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Excise, Estate, and Gift Tax Adjustment Act of 1970".

(b) Wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—ESTATE AND GIFT TAXES

SEC. 101. ESTATE TAX

(a) ALTERNATE VALUATION.—Section 2032 (relating to alternate valuation) is amended—

(1) by striking out "1 year" each place it appears and inserting in lieu thereof "6 months", and

(2) by striking out "1-year" and inserting in lieu thereof "6-month".

(b) TIME FOR FILING ESTATE TAX RETURNS.—Section 6075(a) (relating to time for filing estate tax returns) is amended by striking out "15 months" and inserting in lieu thereof "9 months".

(c) CERTAIN BEQUESTS SUBJECT TO POWER OF APPOINTMENT.—Section 2055(b)(2)(C) is amended by striking out "one year" and inserting in lieu thereof "6 months".

(d) DISCHARGE OF FIDUCIARY FROM PERSONAL LIABILITY FOR ESTATE TAX.—

(1) Section 2204 (relating to discharge of executor from personal liability) is amended—

(A) by striking out "EXECUTOR" in the heading of such section and inserting in lieu thereof "FIDUCIARY";

(B) by striking out "If the executor" and inserting in lieu thereof "(a) GENERAL RULE.—If the executor";

(C) by amending the last sentence thereof to read as follows: "The executor, on payment of the amount of which he is notified (other than any amount the time for payment of which is extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment is extended, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge."; and

(D) by adding at the end thereof the following new subsection:

"(b) FIDUCIARY OTHER THAN THE EXECUTOR.—If a fiduciary (not including a fiduciary in respect of the estate of a nonresident decedent) other than the executor makes written application to the Secretary or his delegate for determination of the amount of any estate tax for which the fiduciary may be personally liable, and for discharge from personal liability therefor, the Secretary or his delegate upon the discharge of the executor from personal liability under subsection (a), or upon the expiration of 6 months after the making of such application by the fiduciary, if later, shall notify the fiduciary (1) of the amount of such tax for which it has been determined the fiduciary is liable, or (2) that it has been determined that the fiduciary is not liable for any such tax. Such application shall be accompanied by a copy of the instrument, if any, under which such fiduciary is acting, a description of the property held by the fiduciary, and such other information for purposes of carrying out the provisions of this section as the Secretary or his delegate may require by regulations. On payment of the amount of such tax for which it has been determined the fiduciary is liable (other than any amount the time for payment of which has not been extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment has been extended, or on receipt by him of notification of a determination that he is not liable for any such tax, the fiduciary shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing evidencing such discharge."

(2) Sections 6040(2), 6314(c)(2), 6324(a)(3), and 6504(9) are each amended by striking out "executor" each place it appears in the heading and text of such sections and inserting in lieu thereof "fiduciary".

(3) The table of sections for subchapter C of chapter 11 is amended by striking out

"SEC. 2204. Discharge of executor from personal liability."

and inserting in lieu thereof:

"SEC. 2204. Discharge of fiduciary from personal liability."

(e) DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY FOR DECEDENT'S INCOME AND GIFT TAXES.—

(1) Chapter 71 (relating to transferees and fiduciaries) is amended by adding at the end thereof the following new section:

"SEC. 6905. Discharge of executor from personal liability for decedent's income and gift taxes.

"(a) DISCHARGE OF LIABILITY.—In the case of liability of a decedent for taxes imposed by subtitle A or by chapter 12, if the executor makes written application (filed after the return with respect to such taxes is made and filed in such manner and such form as may be prescribed by regulation of the Secretary or his delegate) for release from personal liability for such taxes, the Secretary or his delegate may notify the executor of the amount of such taxes. The executor, upon payment of the amount of which he is notified, or 1 year after receipt of the application if no notification is made by the Secretary or his delegate before such date, shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

"(b) DEFINITION OF EXECUTOR.—For purposes of this section, the term 'executor' means the executor or administrator of the decedent appointed, qualified, and acting within the United States.

"(c) CROSS REFERENCE.—

"For discharge of executor from personal liability for taxes imposed under chapter 11, see section 2204."

(2) The table of sections for chatper 71 is amended by adding at the end thereof the following:

"Sec. 6905. Discharge of executor from personal liability for decedent's income and gift taxes."

(f) REDUCTION OF PERIOD FOR DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY.—Effective with respect to the estates of decedents dying after December 31, 1973, sections 2204 and 6905 are each amended by striking out "1 year" and inserting in lieu thereof "9 months".

(g) HOLDING PERIOD OF PROPERTY.—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) In the case of a person acquiring property from a decedent or to whom property passed from a decedent (within the meaning of section 1014(b)), if—

"(A) the basis of such property in the hands of such person is determined under section 1014, and

"(B) such property is sold or otherwise disposed of by such persons within 6 months after the decedent's death.

then such person shall be considered to have held such property for more than 6 months."

(h) EXTENSION OF TIME.—The first sentence of paragraph (1) of subsection (a) of section 6161 (relating to extension of time for paying tax) is amended by striking out "6 months" and inserting in lieu thereof "6 months (12 months in the case of estate tax)".

(i) PLACE OF FILING RETURNS.—

(1) Paragraph (3) of section 6091(b) (relating to place for filing returns or other documents) is amended to read as follows:

"(3) ESTATE TAX RETURNS.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), returns of estate tax required under section 6018 shall be made to the Secretary or his delegate—

"(i) in the internal revenue district in which was the domicile of the decedent at the time of his death, or

"(ii) at a service center serving the internal revenue district referred to in clause (i), as the Secreatry or his delegate may by regulations designate.

"(B) EXCEPTION.—If the domicile of the decedent was not in an internal revenue district, or if he had no domicile, the estate tax return required under section 6018 shall be made at such place as the Secretary or his delegate may by regulations designate."

(2) Paragraph (4) of section 6091(b) is amended to read as follows:

"(4) HAND-CARRIED RETURNS.—Notwithstanding paragraph (1), (2), or (3), a return to which paragraph (1)(A), (2)(A), or (3)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand-carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i), (2)(A)(i), or (3)(A)(i), as the case may be."

(j) EFFECTIVE DATE.—The amendments made by this section (other than subsection (f)) shall apply with respect to decedents dying after December 31, 1970.

SEC. 102. GIFT TAX.

(a) AMENDMENTS TO SUBCHAPTER A OF CHAPTER 12.—

(1) SECTION 2501.—

(A) Paragraph (1) of subsection (a) of section 2501 is amended to read as follows:

"(1) GENERAL RULE.—For the first calendar quarter of calendar year 1971 and each calendar quarter thereafter a tax, computed as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar quarter by any individual, resident or nonresident."

(B) Paragraph (4) of such subsection is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) SECTION 2502.—

(A) So much of subsection (a) of section 2502 as precedes the rate schedule is amended to read as follows:

"(a) COMPUTATION OF TAX.—The tax imposed by section 2501 for each calendar quarter shall be an amount equal to the excess of—

"(1) a tax, computed in accordance with the rate schedule set forth in this subsection, on the aggregate sum of the taxable gifts for

such calendar quarter and for each of the preceding calendar years and calendar quarters, over

"(2) tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years and calendar quarters."

(B) Subsections (b) and (c) of section 2502 are amended to read as follows:

"(b) CALENDAR QUARTER.—Wherever used in this title in connection with the gift tax imposed by this chapter, the term 'calendar quarter' includes only the first calendar quarter of the calendar year 1971 and succeeding calendar quarters.

"(c) PRECEDING CALENDAR YEARS AND QUARTERS.—Wherever used in this title in connection with the gift tax imposed by this chapter—

"(1) The term 'preceding calendar years' means calendar years 1932 and 1970 and all calendar years intervening between calendar year 1932 and calendar year 1970. The term 'calendar year 1932' includes only the portion of such year after June 6, 1932.

"(2) The term 'preceding calendar quarters' means the first calendar quarter of calendar year 1971 and all calendar quarters intervening between such calendar quarter and the calendar quarter for which the tax is being computed."

(3) SECTION 2503.—

(A) Subsection (a) of section 2503 is amended to read as follows:

"(a) GENERAL DEFINITION.—The term 'taxable gifts' means, in the case of gifts made after December 31, 1970, the total amount of gifts made during the calendar quarter, less the deductions provided in subchapter C (sec. 2521 and following). In the case of gifts made before January 1, 1971, such term means the total amount of gifts made during the calendar year, less the deductions provided in subchapter C."

(B) The heading and first sentence of subsection (b) of section 2503 are amended to read as follows:

"(b) EXCLUSIONS FROM GIFT.—In computing taxable gifts for the calendar quarter, in the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1971 and subsequent calendar years, $3,000 of such gifts to such person less the aggregate of the amounts of such gifts to such person during all preceding calendar quarters of the calendar year shall not, for purposes of subsection (a), be included in the total amount of gifts made during such quarter."

(4) SECTION 2504.—

(A) Section 2504 is amended to read as follows:

"SEC. 2504. TAXABLE GIFTS FOR PRECEDING YEARS AND QUARTERS.

"(a) IN GENERAL.—In computing taxable gifts for preceding calendar years or calendar quarters for the purpose of computing the tax for any calendar quarter, there shall be treated as gifts such transfers as were considered to be gifts under the gift laws applicable to the years or calendar quarters in which the transfers were made and there shall be allowed such deductions as were provided for under such laws; except that the specific exemption in the amount, if any, allowable under section 2521 shall be applied in all computations in respect of previous calendar years or calendar quarters for the purpose of computing the tax for any calendar year or calendar quarter.

"(b) EXCLUSIONS FROM GIFTS FOR PRECEDING YEARS AND QUARTERS.—In the case of gifts made to any person by the donor during preceding calendar years and quarters, the amount excluded, if any, by the provisions of gift tax laws applicable to the years and calendar quarters in which the gifts were made shall not, for purposes of subsection (a), be included in the total amount of the gifts made during such years and calendar quarters.

"(c) VALUATION OF CERTAIN GIFTS FOR PRECEDING CALENDAR YEARS AND QUARTERS.—If the time has expired within which a tax may be assessed under this chapter or under corresponding provisions of prior laws on the transfer of property by gift made during a preceding calendar year or calendar quarter, as defined in section 2502(c), and if a tax under this chapter or under corresponding provisions of prior laws has been assessed or paid for such preceding calendar year or calendar quarter, the value of such gift made in such preceding calendar year or calendar quarter shall, for purposes of computing the tax under this chapter for any calendar quarter, be the value of such gift which was used in computing the tax for the last preceding calendar year or calendar quarter for which a tax under this chapter or under corresponding provisions of prior laws was assessed or paid.

"(d) NET GIFTS.—The term 'net gifts' as used in corresponding provisions of prior laws shall be read as 'taxable gifts' for purposes of this chapter."

(B) The table of sections for subchapter A of chapter 12 is amended by striking out the item relating to section 2504 and inserting in lieu thereof the following:

"Sec. 2504. Taxable gifts for preceding years and quarters."

(b) AMENDMENTS TO SUBCHAPTER B OF CHAPTER 12.—

(1) SECTION 2512.—Subsection (b) of section 2512 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) SECTION 2513.—

(A) Section 2513 is amended by striking out "calendar year" each place it appears and inserting in lieu thereof "calendar quarter".

(B) Subparagraph (A) of subsection (b) (2) of section 2513 is amended to read as follows:

"(A) the consent may not be signified after the 15th day of the second month following the close of such calendar quarter, unless before such 15th day no return has been filed for such calendar quarter by either spouse, in which case the consent may not be signified after a return for such calendar quarter is filed by either spouse;".

(C) Subparagraph (B) of subsection (b) (2) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(D) Subsection (c) of section 2513 is amended by striking out "15th day of April following the close of such year" and inserting in lieu thereof "15th day of the second month following the close of such calendar quarter".

(E) Subsection (d) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(3) SECTION 2515.—Subsection (c) of section 2515 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(c) AMENDMENTS TO SUBCHAPTER C OF CHAPTER 12.—

(1) SECTION 2521.—Section 2521 is amended to read as follows:

"SEC. 2521. SPECIFIC EXEMPTION

"In computing taxable gifts for a calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident an exemption of $30,000, less the aggregate of the amounts claimed and allowed as a specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years and calendar quarters intervening between that calendar year and the calendar quarter for which the tax is being computed under the laws applicable to such years or calendar quarters."

(2) SECTION 2522.—Section 2522 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(3) SECTION 2523.—Subsection (a) of section 2523 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(d) MISCELLANEOUS AMENDMENTS.—

(1) Paragraph (2) of subsection (d) of section 1015 (relating to increased basis for gift tax paid) is amended—

(A) by striking out "calendar year" the first place it appears therein and inserting in lieu thereof "calendar quarter (or calendar year if the gift was made before January 1, 1971)", and

(B) by striking out "calendar year" every other place it appears therein and inserting in lieu thereof "calendar quarter or year".

(2) SECTION 2012.—

(A) Paragraph (1) of subsection (b) of section 2012 (relating to credit for gift tax) and paragraph (1) of subsection (d) of such section are each amended by striking out "the year" and inserting in lieu thereof "the calendar quarter (or calendar year if the gift was made before January 1, 1971".

(B) Subsection (d) of section 2012 is amended by striking out "such year" each place it appears therein and inserting in lieu thereof "such quarter or year".

(3) Section 6019 (relating to gift tax returns) is amended to read as follows:

"SEC. 6019. GIFT TAX RETURNS

"(a) IN GENERAL.—Any individual who in any calendar quarter makes any transfers by gift (other than transfers which under section 2503(b) are not to be included in the total amount of gifts for such quarter and other than qualified charitable transfers) shall make a return for such quarter with respect to the gift tax imposed by subtitle B.

"(b) QUALIFIED CHARITABLE TRANSFERS.—

"(1) RETURN REQUIREMENT.—A return shall be made of any qualified charitable transfer—

"(A) for the first calendar quarter, in the calendar year in which the transfer is made, for which a return is required to be filed under subsection (a), or

"(B) if no return is required to be filed under subparagraph (A), for the fourth calendar quarter in the calendar year in which such transfer is made.

A return made pursuant to the provisions of this paragraph shall be deemed to be a return with respect to any transfer reported as a qualified charitable transfer for the calendar quarter in which such transfer was made.

"(2) DEFINITION OF QUALIFIED CHARITABLE TRANSFER.—For purposes of this section, the term 'qualified charitable transfer' means a transfer by gift with respect to which a deduction is allowable under section 2522 in an amount equal to the amount transferred.

"(c) TENANCY BY THE ENTIRETY.—

"For provisions relating to requirement of return in the case of election as to the treatment of gift by creation of tenancy by the entirety, see section 2515(c)."

(4) Subsection (b) of section 6075 (relating to time for filing gift tax returns) is amended to read as follows:

"(b) GIFT TAX RETURNS.—Returns made under section 6019 (relating to gift taxes) shall be filed on or before the 15th day of the second month following the close of the calendar quarter."

(5) Paragraph (1) of subsection (c) of section 6212 (relating to notice of deficiency) is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(6) Subsection (b) of section 6214 (relating to determination by Tax Court) is amended to read as follows:

"(b) JURISDICTION OVER OTHER YEARS AND QUARTERS.—The Tax Court in redetermining a deficiency of income tax for any taxable

year or of gift tax for any calendar year or calendar quarter shall consider such facts with relation to the taxes for other years or calendar quarters as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other year or calendar quarter has been overpaid or underpaid."

(7) Subsection (b) of section 6324 (relating to lien for gift tax) is amended by striking out "calendar year" and inserting in lieu thereof "period for which the return was filed".

(8) Paragraph (2) of section 6501(e) (relating to limitations on assessment and collection) is amended by striking out "during the year" and inserting in lieu thereof "during the period for which the return was filed".

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended by striking out "the same calendar year" each place it appears therein and inserting in lieu thereof "the same calendar year or calendar quarter".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to gifts made after December 31, 1970.

TITLE II—CONTINUATION OF EXCISE TAXES ON PASSENGER AUTOMOBILES AND COMMUNICATIONS SERVICES

SEC. 201. RATES OF TAX

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

"If the article is sold—	The tax rate is—
Before January 1, 1973	7 percent.
During 1973	6 percent.
During 1974, 1975, 1976, or 1977	5 percent.
During 1978	4 percent.
During 1979	3 percent.
During 1980	2 percent.
During 1981	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer, after December 31, 1981."

(2) CONFORMING AMENDMENT.—Section 6412(a)(1) (relating to the floor stocks refunds on passenger automobiles, etc.) is amended by striking out "January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974", and inserting in lieu thereof "January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982".

(b) COMMUNICATIONS SERVICES.—

(1) CONTINUATION OF TAX.—Section 4251 (a)(2) (relating to certain communications services) is amended by striking out the table and inserting in lieu thereof the following table:

"Amounts paid pursuant to bills first rendered—	Percent—
Before January 1, 1973	10
During 1973	9
During 1974	8
During 1975	7
During 1976	6
During 1977	5
During 1978	4
During 1979	3
During 1980	2
During 1981	1".

(2) CONFORMING AMENDMENT.—Section 4251(b) (relating to termination of tax) is amended by striking out "January 1, 1974", and inserting in lieu thereof "January 1, 1982".

(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Section 105(b)(3) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) is amended to read as follows:

"(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1982, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1981, for which a bill has not been rendered before January 1, 1982, a bill shall be treated as having been first rendered on December 31, 1981. Effective January 1, 1982, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B."

TITLE III—TECHNICAL EXCISE TAX CHANGES

SEC. 301. CONSTRUCTIVE SALE PRICE

(a) DETERMINATION OF CONSTRUCTIVE SALE PRICE.—Section 4216(b) (relating to constructive sale price) is amended by adding at the end thereof the following new paragraphs:

"(5) CONSTRUCTIVE SALE PRICE IN THE CASE OF AUTOMOBILES, TRUCKS, ETC.—In the case of articles the sale of which is taxable under section 4061(a) (relating to automobiles, trucks, etc.), for purposes of paragraph (1), if—

"(A) the manufacturer, producer, or importer of the article regularly sells such article to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer, and

"(B) such distributor regularly sells such article to one or more independent retailers, the constructive sale price of such article shall be 97 percent of the lowest price for which such distributor regularly sells such article in arm's-length transactions to such independent retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustments under subsections (a) and (f) and under section 6416 (b)(1).

"(6) DEFINITION OF LOWEST PRICE.—For purposes of paragraphs (1), (3), and (5), the lowest price shall be determined—

"(A) without requiring that any given percentage of sales be made at that price,

"(B) without including any fixed amount to which the purchaser has a right as a result of contractual arrangements existing at the time of the sale, and

"(C) in the case of transportation charges, by taking into account with respect to any price only the actual transportation charge (if any) made in connection with such price."

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of paragraph (3) of section 4216(b) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraphs (4) and (5)".

(2) Paragraphs (3) and (4) of section 4216(b) are amended—

(A) by striking out "Fair market price" in the heading and inserting in lieu thereof "Constructive sale price";

(B) by striking out "fair market price" each place it appears in the text and inserting in lieu thereof "constructive sale price"; and

(C) by striking out "paragraph (1)(C)" and inserting in lieu thereof "paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold after December 31, 1970; except that section 4216(b)(6) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall also apply to (1) the application of paragraph (1) of such section 4216(b) to articles sold after June 30, 1962, and before January 1, 1971, and (2) the application of paragraph (3) of such section 4216(b) to articles sold after December 31, 1969, and before January 1, 1971.

SEC. 302. CREDITS IN THE CASE OF CERTAIN FURTHER MANUFACTURING

(a) IN GENERAL.—

(1) Section 6416(b)(3) (relating to tax-paid articles used for further manufacture) is amended—

(A) by striking out "to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if" and inserting in lieu thereof "and such article is sold to a subsequent manufacturer producer before being used, such tax shall be deemed to be an overpayment by such subsequent manufacturer or producer if"; and

(B) by striking out "the second manufacturer" each place it appears in subparagraphs (A), (B), (C), (E), and (F) and inserting in lieu thereof "the subsequent manufacturer".

(2) Section 6416(c) (relating to credit for tax paid on tires or inner tubes) is amended by striking out the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6416(b)(2) (relating to specified uses and resales) is amended by striking out subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall apply only with respect to claims for credit or refund filed after the date of the enactment of this Act, but only if the filing of the claim is not barred on the day after the date of the enactment of this Act by any law or rule of law.

SEC. 303. CERTAIN CAMPER UNITS

(a) GENERAL RULE.—Section 4063(a)(1)(B) (relating to exemptions for camper coaches, etc.) is amended by inserting "or camping accommodations" after "living quarters".

(b) EFFECTIVE DATE.—The amendment made by susbection (a) of this section shall apply with respect to sales made on or after the date of the enactment of this Act.

SEC. 304. NEW CAR LABELS TO SHOW RATE OF APPLICABLE FEDERAL MANUFACTURERS EXCISE TAX

(a) GENERAL RULE.—In the case of any new automobile distributed in commerce after March 31, 1971, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(a) of the Internal Revenue Code of 1954, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C., sec. 1232) to affix a label to such new automobile shall include in such label a clear, distinct, and legible endorsement stating—

(1) that Federal excise tax was imposed on such sale, and

(2) the percentage rate at which such tax was imposed.

(b) PENALTY.—Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly, distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than $1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by members of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HAMILTON, Chairman of the Committee of the Whole House on the State

of the Union, reported that that Committee, having had under consideration the bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes, pursuant to House Resolution 1296, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CHAMBERLAIN

Mr. CHAMBERLAIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CHAMBERLAIN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CHAMBERLAIN moves to recommit the bill, H.R. 19868, to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks in the RECORD just prior to the passage of the Excise, Estate, and Gift Tax Adjustment Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 404]

Abbitt	Aspinall	Bolling
Abernethy	Ayres	Brasco
Adair	Beall, Md.	Bray
Adams	Belcher	Brock
Addabbo	Bell, Calif.	Brooks
Anderson, Ill.	Berry	Broomfield
Anderson, Tenn.	Biaggi	Burton, Utah
Arends	Bingham	Button
Ashbrook	Blackburn	Caffery
	Boggs	Camp
Carey	Hébert	Purcell
Carney	Heckler, Mass.	Quie
Celler	Hungate	Randall
Chappell	Ichord	Rees
Chisholm	Jarman	Reid, N.Y.
Clancy	Jones, N.C.	Reifel
Clark	Karth	Reuss
Clay	Kee	Rivers
Collier	Keith	Roberts
Collins, Ill.	King	Rogers, Colo.
Conable	Kluczynski	Rooney, Pa.
Corbett	Koch	Rosenthal
Cowger	Kuykendall	Rostenkowski
Cramer	Landrum	Roudebush
Crane	Langen	Rousselot
Cunningham	Latta	St Germain
Daddario	Leggett	Saylor
Dent	Long, La.	Schadeberg
Devine	Lujan	Scherle
Diggs	Lukens	Scheuer
Donohue	McCarthy	Schneebeli
Dowdy	McClory	Shipley
Edmondson	McClure	Sikes
Edwards, La.	McCulloch	Snyder
Esch	McDade	Staggers
Eshleman	McFall	Steed
Evans, Colo.	McKneally	Steele
Evins, Tenn.	Madden	Stephens
Fallon	Mailliard	Stokes
Farbstein	Mann	Stuckey
Fish	May	Taft
Ford, William D.	Meeds	Teague, Tex.
	Meskill	Tiernan
Foreman	Michel	Tunney
Fraser	Mink	Van Deerlin
Fulton, Tenn.	Morgan	Waggonner
Fuqua	Morton	Ware
Gallagher	Moss	Watson
Gaydos	Murphy, N.Y.	Weicker
Gettys	Nix	Whalley
Giaimo	O'Konski	Whitehurst
Gilbert	O'Neill, Mass.	Widnall
Gray	Ottinger	Williams
Green, Pa.	Patman	Wilson, Charles H.
Hagan	Pepper	
Hall	Philbin	Wold
Halpern	Pike	Wolff
Hanna	Podell	Wyatt
Hansen, Idaho	Pollock	Wydler
Harrington	Powell	Wylie
Hawkins	Pryor, Ark.	Yates
Hays	Pucinski	Zion

The SPEAKER. On this rollcall 250 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 878 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 878

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13956) to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 878 provides an open rule with 1 hour of general debate for consideration of H.R. 13956 to amend the act of October 15, 1966, relating to the National Museum of the Smithsonian Institution.

The purpose of H.R. 13956 is to authorize additional appropriations to the Smithsonian Institution for carrying out the National Museum Act beyond fiscal year 1970 through fiscal year 1974.

The act of 1966 directed the Smithsonian Institution to engage in a continuing study of museum problems and opportunities, to conduct training in museum practices, to prepare museum publications, to perform research in museum techniques, and to cooperate with agencies of the Government concerned with museums.

The act authorized $200,000 for fiscal year 1968, $250,000 for fiscal year 1969, $250,000 for fiscal year 1970, and $300,000 for fiscal year 1971, and stated that in subsequent fiscal years only such sums may be appropriated as the Congress authorizes.

No funds were appropriated by the Congress for purposes of the act in fiscal years 1968 and 1969. The Smithsonian's budget estimates for 1970 when submitted to the Congress included an amount of $80,000 for projects under the act.

Prior to the submission of budget estimates for fiscal year 1972, it will be necessary to have either an authorized limit or the elimination of the limit. To allow a safe margin of time for congressional consideration and action, it is believed that the legislation should be enacted in the current session of the Congress.

Mr. Speaker, I urge the adoption of House Resolution 878 in order that H.R. 13956 may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 878, as stated by the gentleman from California (Mr. SISK), provides for an open rule with 1 hour of general debate on the bill.

Mr. Speaker, the purpose of the bill is to authorize funds for the Smithsonian Institution for carrying out the purposes of the National Museum Act through fiscal 1974.

The National Museum Act of 1966 reaffirmed the Smithsonian's traditional role of assistance to our Nation's museums. It was authorized to carry out studies of museum problems and opportunities, to conduct training in museum administration, publication, and research practices.

Congress did not appropriate funds in 1968 and 1969. For 1970, the Smithsonian has budgeted $80,000 for projects under the act.

The bill will provide authorization through 1974 of "such sums as may be necessary," with the limitation that no

more than $1,000,000 may be appropriated in any one year.

Mr. Speaker, I think that this bill is an innocuous bill in view of the fact that the Committee on Appropriations has not taken the authorization seriously enough to even appropriate any funds to the Smithsonian Institution for the last 4 years.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13956) to amend the act of October 15,1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13956, with Mr. HAMILTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. THOMPSON) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. SCHWENGEL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the National Museum Act of 1966, Public Law 89-674, reaffirmed the Smithsonian Institution's traditional role of providing aid to museums in the United States.

The act directed the Institution to undertake continuing studies of museum problems and opportunities, to conduct training in museum practices, to prepare museum publications, to perform research in museum techniques, and to cooperate with agencies of the Government concerned with museums.

The act authorized appropriations of $200,000 for the fiscal year 1968, $250,000 for fiscal year 1969, $250,000 for fiscal year 1970, and $300,000 for fiscal year 1971.

The act states that in each subsequent year only such sums may be appropriated as the Congress may hereafter authorize by law.

No funds were appropriated in fiscal years 1968 and 1969. For the purposes of the act, $40,000 was appropriated in fiscal year 1970 and $32,000 in fiscal year 1971. Mr. Chairman, H.R. 13956 simply provides authority for appropriations beyond fiscal year 1971.

Mr. Chairman, the gentleman from Iowa (Mr. KYL) asked the question of me a few moments ago with respect to the language in the bill as to whether he was correct in his opinion that the authorization is open ended. I would like to make clear for the legislative history, the authorization in the last sentence of the bill provides that no more than $1 million shall be appropriated annually through fiscal 1974, and conforms with the original act. That language has the effect of terminating this authorization in 1974 for the very simple reason that there would not be any appropriations possible after 1974 without a renewal of the authorizing legislation.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding because I have a number of questions I would like to ask concerning the bill which I think of interest to the Members.

The gentleman has spoken of assistance from the Smithsonian and two other institutions and for studies independent of the Smithsonian itself.

Is it not true—one—that there are funds now being used from the Arts and Humanities Division for this kind of assistance to museums in the country?

Mr. THOMPSON of New Jersey. No, it is not necessarily true.

Mr. KYL. For what purposes are the funds being used that go to museums?

Mr. THOMPSON of New Jersey. To my knowledge neither of these foundations, the National Council and the Arts and Humanities undertakes in any way the type of assistance provided in the National Museum Act. There are grants involving museums but none of the specific nature covered by this legislation.

The National Endowment for the Humanities has made grants for a museum fellowship program which are not related to this legislation—and to the Museum Historical Society seminars—not related; and to museum internship programs—not related. That is the extent of their involvement.

This is to give technical assistance. For example, following the devastation of the hurricane in Mississippi about a year or so ago the Jefferson Davis Shrine and Memorial Gardens in Biloxi, Miss., found much of their highly treasured collection scattered and damaged by storm. They called upon the Smithsonian Institution for technical assistance in preserving and reassembling the collection.

This is the type of assistance that comes under this act. As does the training of museum exhibitors.

In Charleston, W. Va., for instance the Children's Museum and Planetarium sought assistance so that they could reorganize their exhibits for the benefit of their visitors. The Smithsonian under the National Museum Act sent some technical experts to Charleston, and as it developed it became what amounted to a regional meeting on technical advice for museums.

Mr. KYL. Mr. Chairman, would the gentleman yield further?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. KYL. When the House passed the State Historical Preservation Act the House also authorized participation of the United States in a conclave which is held at Rome and the authorization was for a considerable amount of money. In that case the sole purpose as I understood it at the time and still understand it is to develop techniques which are necessary for restoring and preserving artifacts and matters of antiquity and so on; is that not correct?

Mr. THOMPSON of New Jersey. That is my recollection—although I must admit I do not have a total knowledge about it.

Mr. KYL. This was called the Rome Foundation or something of the sort—but Rome was in the title.

Mr. THOMPSON of New Jersey. My recollection is vague and I will have to rely on the gentleman's interpretation.

Mr. KYL. I simply want to point out that this is not the only place where Federal money is expended for this purpose.

I have a few other questions.

Are these figures accurate so far as the Smithsonian operation is concerned?

For the fiscal year 1970 the appropriation was $44.2 million. For the fiscal year 1971 it will be $42.8 million.

Are those figures correct?

Mr. THOMPSON of New Jersey. I think not. The appropriation for fiscal 1970 was $29 million.

The subcommittee recently had extensive hearings on the Smithsonian and its operation and history on which the report is in the process of being drafted.

The amount is $29 million and the difference between the $29 million and your figure is reflected by income from private trust funds and grants from other organizations with which we have nothing to do—such as the Freer Gallery endowment and a number of others.

Mr. KYL. With the background information that there is a sizable appropriation for the Smithsonian itself, and considering only the elements which are the subject of the legislation before us, is it not true that the original act, which authorized $1 million over a 4-year period, has seen the appropriations process provide $40,000 in the third year, after having no appropriations for the first 2 years, and in the last year an appropriation of $32,000? Is that not correct?

Mr. THOMPSON of New Jersey. That is correct.

Mr. KYL. In other words, what we are proposing to do here is to spend $1 million per year through 1974 in comparison with appropriations of zero, zero, $32,000, and $40,000?

Mr. THOMPSON of New Jersey. I might say to the gentleman that I am not proposing any specific amount be spent. I am proposing that the authorization be expanded from $250,000 to $1 million. The appropriations responsibility reposes in the Appropriations Committee. I am aware of the fact that there were no appropriations in the first 2 years of the act. Frankly, I would be surprised if anything like a million dol-

lars is appropriated. But they do hope to expand their activities because of all the difficulties in which the 5,000 museums in the United States find themselves.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am glad to yield.

Mr. KYL. It is true that with a $250,000 a year authorization, which means $1 million over 4 years, we have actually had appropriated $72,000 in the 4 years?

Mr. THOMPSON of New Jersey. Yes, that is true.

Mr. KYL. In other words, having spent only $72,000 in 4 years——

Mr. THOMPSON of New Jersey. If I may respond—the gentleman has made this point twice—I understand that $40,000 was appropriated for fiscal 1970, and $32,000 in fiscal 1971. No funds were appropriated in fiscal 1968 and 1969.

Mr. KYL. With that kind of background, why must we raise the authorization from $250,000 to $1 million a year, when we have never come close to the original authorization?

Mr. THOMPSON of New Jersey. If I might explain the reason further, allow me to refer to a result of a request by President Johnson, a study entitled "America's Museums; The Belmont Report." At the appropriate time I intend to ask consent to put that report in the RECORD for everyone's edification.

In summary, that report describes the tremendous difficulties in which the Nation's 5,000 museums find themselves. Even if $1 million a year were appropriated for the next 3 years and the Smithsonian used all of the money, it would be but a pebble on the beach, to use a figure of speech, toward alleviating museum problems. The Smithsonian hopes to expand its activities under the National Museum Act, with the agreement of museums throughout the United States.

I am not trying to say to you, my distinguished colleague from Iowa, that x number of dollars can be appropriated or should be appropriated under this act. I merely wish to raise the authorization—and the other body agrees—to a point at which, if they can persuade the Appropriations Committee, they could get up to $1 million.

Mr. KYL. Mr. Chairman, will the gentleman yield at that point?

Mr. THOMPSON of New Jersey. I am glad to yield.

Mr. KYL. I want to thank the gentleman very sincerely. He is very patient. The appropriation for the National Museum Act is not a line item in the bill containing appropriations for the Smithsonian generally, is that correct?

Mr. THOMPSON of New Jersey. I think that is correct.

Mr. Chairman, as I said in my colloquy with my friend from Iowa, there are over 5,000 museums in the United States, many, many of them suffering acute shortages of funds. They find themselves barely able to operate, when they really should be renewing their exhibits and expanding their services.

The plight of these museums has a great effect on the community in which they are located and on the many thousands of people who visit them. If a local museum has particularly interesting exhibits, it is very rare that it is visited only by the people of that locality. People travel by the hundreds and by the thousands to see those exhibits. The Belmont report makes quite clear the need for trained museum specialists, in effect, museum scientists.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

The gentleman speaks of persuading the Appropriations Committee. I think the gentleman ought to persuade the Members of the House, whether they are on the Appropriations Committee or not, that this authorization should be made in the first place, so I hope he will help me out of my dilemma.

Mr. THOMPSON of New Jersey. I will try my best to persuade my friend.

Mr. GROSS. In view of the colloquy between the gentleman from New Jersey and the gentleman from Iowa, I am persuaded up to this point that there should not be any authorization at all.

Mr. THOMPSON of New Jersey. In other words, it is incumbent on me to dissuade the gentleman and then persuade him all over again.

Mr. GROSS. In the report on page 2, it is stated that one of the accomplishments of the National Museum Act administrators, whoever they are, was "discussion and advice on where to locate a natural history museum in Louisville, Ky." Was it impossible for the people of the city of Louisville to decide where they should locate a museum? Do we have to provide the money to send bureaucrats to Louisville to persuade them where they should locate a museum?

Mr. THOMPSON of New Jersey. Louisville is so rich in cultural activities and natural resources that there were several absolutely beautiful places where they could have put this, but they had questions of topography and geography and traffic patterns, and they did feel they needed some assistance. I think their concentrations have been in other things. Their concentrations have been so very intense in those areas that they sought advice about museums, just as one wanting to lay out a racetrack would, no doubt, consult Kentucky about how best to do it.

Mr. GROSS. I would urge my friend, the gentleman from New Jersey, to keep right on talking, because I think this is helpful to those of us who are opposed to the bill.

However, on page 3 of the report, it is stated that funds previously provided also supported annual meetings of the Southeastern Museums Conference at Little Rock, Ark., and Norfolk, Va., to provide professional consultation on basic museum problems and to publish reports. That is a big order especially the publishing of reports but, I wonder why Little Rock, Ark., and Norfolk, Va., needed this? Are these outstanding centers of culture, as is Louisville, Ky.

Mr. THOMPSON of New Jersey. Yes, I would say they are centers of culture, as is Louisville, Ky.

Mr. GROSS. As opposed to not such important centers elsewhere?

Mr. THOMPSON of New Jersey. Oh, yes, there are others. We are very fortunate in the United States. We have many centers of culture.

Mr. GROSS. Then there is also listed participation in two annual workshops for small museums in Texas. I thought that oil-rich Texans were pretty well able to take care of their own museums, but it seems they had to have bureaucrats sent down there to teach them how.

Mr. THOMPSON of New Jersey. I am going to make part of the RECORD some examples of the types of assistance provided. The gentleman is delightful in his colloquy, but the fact is that the museum activities are really of tremendous importance to the people of the United States, wherever they are, and museum science is a highly complex field, involving the natural sciences and all sorts of other technical matters.

Mr. GROSS. I have one final question. Is there anything in this bill related to the Hirshhorn setup that is proposed to be built over on the Mall?

Mr. THOMPSON of New Jersey. I would say that it has a relationship, in that the Hirshhorn Museum, when it comes into existence, will be a museum and will be under the umbrella of the Smithsonian. But this act does not have any direct relationship to it, as to where it is to be put or for whom it is to be named or anything like that.

Mr. GROSS. This is the same Hirshhorn who reportedly got into serious financial difficulties in Canada, but who is now seeing a museum constructed and bearing his name over on the Mall?

Mr. THOMPSON of New Jersey. Yes. There have been such allegations made and they have been made about the man for whom the museum will be named, unless of course there is a change.

Mr. GROSS. I thank the gentleman for yielding.

Mr. THOMPSON of New Jersey. I thank my friend.

Mr. Chairman, the fact is that although this is a very modest proposal, in the context of the problems which museums throughout the United States are having it amounts to very, very little. As I indicated in earlier colloquy, the appropriation of every nickel authorized, were this bill to pass, if used in the best possible manner by the Smithsonian, would be but a drop in the bucket toward the solution of the needs of the museums in the United States.

We have a long and distinguished history, beginning with the advent of the Smithsonian Institution 124 years ago of having the great museums here, under the Smithsonian, and many other museums throughout the United States.

I might say that we have had letters in support of this from the State Capitol Museum, Olympia, Wash.; the Arts and Science Center, Nashua, N.H.; the Lowe Art Museum, University of Miami, Coral Gables, Fla.; the Museum of Fine Art, St. Petersburg, Fla.; the Central Florida Museum and Planetarium, Orlando, Fla.;

the Merrimack Valley Textile Museum, North Andover, Mass.; the Ft. Worth Museum of Science and History, Ft. Worth, Tex.; the Museum of Art and Science, Macon, Ga.; the New York State Historical Association, Cooperstown, N.Y.; the Field Museum of Natural History, Chicago, Ill.; the State of New Jersey Department of Education; the Grand Rapids Public Museum, Grand Rapids, Mich.; and the American Association of Museums. All have endorsed this badly needed authorization.

Mr. Chairman, there are over 5,000 museums in the United States and many of them are suffering an acute shortage of funds. Some of them are barely able to operate when they should be renewing their exhibits and expanding their services. The plight of these museums affects the communities they serve, because museums in general have much to do with improving the quality of life wherever they are found.

"The Belmont Report," which is a study conducted by the Smithsonian Institution and the American Association of Museums tells of the museums' problems. I shall request unanimous consent to have the report inserted in the RECORD at this point. I will simply generalize on it for the moment.

Although visits to museums have tripled in the last 15 years, museum budgets have not kept pace. The result is a lack of money to train museum specialists and pay them salaries that would attract them to museum work.

Another problem is refurbishing and replacing exhibits. Many museums cannot build new exhibits, much less keep their present ones in good shape.

Museums are also finding it increasingly difficult to reply to the many requests they get by mail asking for information or identification of objects. Some museums have simply stopped responding because they do not even have the staff necessary to handle routine administrative problems.

Because of its resources many museums turn to the Smithsonian for advice and assistance. Some 5,000 such requests are received every year. The National Museum Act of 1966 recognized the Smithsonian's traditional role of assisting museums. In spite of the fact that Congress has appropriated very little of the funds authorized, the Smithsonian has expended an average of $80,000 a year of other funds for the purposes of the act.

The National Museum Act should not be thought of as the answer to the plight of museums in general, but it is an important step in the right direction.

The report follows:

EXAMPLES OF ASSISTANCE PROVIDED TO MUSEUMS BY THE SMITHSONIAN INSTITUTION

For many years the Alaska State Museum has endeavored to preserve in place the totem poles and other wood carvings of the Alaskan Indians, but little action has been possible because of the lack of funds. Responding to requests for help, the Smithsonian Institution made a short motion picture of the beauty and neglected condition of these carvings, and advised on specific and likely sources of funds to aid in the preservation. One result is that the present session of the Alaska House of Representatives unanimously passed legislation which appropriates $50,000 for totem pole preservation and early passage by the Alaska Senate is expected. The Smithsonian continues to advise on methods and sources of additional assistance to preserve these historically significant carvings.

The Children's Museum and Planetarium of Charleston, West Virginia, requested instruction on methods to improve that Museum's exhibits. The Smithsonian agreed to send designers and technicians to instruct in the methods of planning and producing exhibits provided the Museum would assemble personnel from other museums in the vicinity who wished similar instructions. This was done and Smithsonian personnel aided a group of small museums with a single brief course of instruction and demonstrations.

Large and small museums throughout the country are members of regional conferences offer opportunities for museum personnel to exchange information about new programs and techniques. The Smithsonian was requested to aid in improving the content and organization of the meetings. Through the AAM the Smithsonian has made it possible for the conferences to have structured programs with professional consultants conducting discussions and answering questions of the members. These conferences span the United States and reach the smallest museums.

Following hurricane Camille the Smithsonian responded to urgent requests for help to recover and preserve valuable historical collections scattered by the storm over the grounds of the Jefferson Davis Shrine and Memorial Gardens in Biloxi, Mississippi. The Smithsonian conservator and one assistant went to Biloxi and established emergency treatment methods which the museum staff could carry out to preserve the damaged collections.

At three annual conferences of small museums of Texas, the Smithsonian provided experts from its staff to instruct and inform on museum practices.

A staff member of the Smithsonian serves on the commission appointed by the Governor of Virginia to plan a science and technology museum for Richmond, Virginia.

A member of the scientific staff of the Smithsonian spent two days in consultation with the officers and personnel of the Buffalo Museum of Science at Buffalo, N.Y., making recommendations for the rehabilitation of that museum.

Two Smithsonian curators and two exhibition specialists advised in considerable depth and detail on the content and installation of exhibits at the recently opened Oakland Museum at Oakland, California.

In the period January 1, 1969 to March 3, 1970, 1626 individuals came to the Smithsonian Office of Exhibits for demonstrations and instruction on exhibition design and production. About 600 of these were personnel from museums. In the same period 34 museum career personnel were trained in courses of instruction three weeks to six weeks in length. It is estimated that the cost of the time of Smithsonian designers, technicians, and others devoted to this instruction was about $33,000.

AMERICA'S MUSEUMS: THE BELMONT REPORT

(A report to the Federal Council on the Arts and the Humanities, by a special committee of the American Association of Museums, October 1968)

SUMMARY

This is a report on a priceless national treasure—the works of art, the historic objects and the scientific collections in the custody of America's museums. In scope and magnitude this treasure is unmatched by that of any other nation, and it has enriched the minds and lives of countless Americans. Once lost, it can never be replaced.

Today the institutions which have this treasure in their custody are in serious trouble. The totally unpredicted popular success of American museums has strained their financial resources to the breaking-point, has compelled them to deny service to much of the public and will require many of them, unless help comes, to close their doors. Museums have arrived at the point where they can no longer preserve and exhibit the national treasure without substantial national aid.

President Johnson, aware of the problem, asked the Federal Council on the Arts and the Humanities to report to him with recommendations for action. The Council commissioned the American Association of Museums to assist it, particularly in responding to these three questions about museums asked by the President:

"What is their present condition?

"What are the unmet needs of America's museums?

"What is their relation to other educational and cultural intitutions?"

This report is in response to these questions.

Chapter I of the report explains the functions of museums, tells how they operate, and describes the astonishing range of their educational and cultural activities. Chapter II discloses the soaring demands on museums, as a result of which they are having to curtail service. Chapter III examines their financial problems. Chapter IV presents the case for Federal support to place museums on a parity with other institutions contributing to the national interest. Chapter V discusses ten major needs which museum representatives believe deserve priority. Chapter VI, after considering the Federal machinery which might be used to provide support to museums, concludes with recommendations for action.

DEMANDS ON MUSEUMS

Thirty years ago America's museums reported that their attendance totaled 50 million visits a year. Today the total is known to be in excess of 200 million and probably approaches 300 million. Museum attendance has increased much faster than has the population of the United States. The increase has been so rapid, and has reached such a level, that museums now have to turn down requests for service. Yet the times call for a sharp increase in the educational and cultural opportunities which museums are uniquely equipped to provide.

The increased demands on museums come from all ages and segments of the population, affect not only the institutions in metropolitan centers but those elsewhere, and reflect the dependence on museums of both the disadvantaged and the affluent.

So far as can be foreseen, the factors responsible for the increased demands on museums are likely to continue to prevail indefinitely.

THE PRESENT CONDITION

The basic reason why museums cannot meet today's demands is that they cannot afford to. Operating expenses have shot up during the past 10 years, in many instances doubling. Yet museums, almost without exception, are understaffed and their staffs are underpaid. Salaries of professional and technical personnel are not competitive with comparable positions in other educational institutions. Museum staffs have failed to grow at a rate appropriate to the pace of museum attendance or the growth of their collections.

Some of America's museums occupy buildings which antedate the Twentieth Century. Few are modern. More than half try to use structures never designed as museums. Most, if they are to serve the public adequately, require additions, replacements and extensive modernization of plant and equipment.

Funds to increase staff or to pay staff

members competitive salaries, or to modernize museum buildings and facilities, are not at present available to museums. Less than 1 per cent of their income for operating expenses comes from the Federal Government. The remaining 99 per cent comes from nonfederal sources—private givers, and state and municipal governments. Only a handful of museums are supported wholly by private funds.

MUSEUMS AND THE EDUCATIONAL SYSTEM

A good many Americans go to museums because there they find pleasure and delight they obtain nowhere else. For others, museums make possible the enjoyment of learning—often for the first time. A museum can stretch the mind as well as engage the emotions.

A large number of American museums maintain close working relations with schools and colleges, and nine out of ten offer educational programs. In the United States, more than in any other country, museums provide educational service to the school system and to the general public. A large museum in a big city will have as many as seven classes of school children coming to the museum for guided tours every hour of every school day. In such a museum total attendance in organized school groups will exceed 500,000 a year.

The relationship of museums to the educational system begins at the pre-school age and continues up to and beyond the Ph.D. level. In certain fields of study, colleges and universities could not grant degrees unless their students had access to museum collections and museum research. The research function of museums may not be widely known, but it is basic to "the increase and diffusion of knowledge among men."

THE CASE FOR FEDERAL SUPPORT

Museums base their request to the Federal Government for support on the following grounds:

(1) Museums provide educational and cultural services which no other institutions in the nation either do or can provide.

(2) A number of museums provide nationwide service on funds which are disproportionately local in origin.

(3) Though museums cooperate in antipoverty and other Federal programs, they have not received appropriate reimbursement for this service from the Federal Government.

(4) Though the resources of museums are made available to schools, colleges, universities and individual scholars for research that is financed by the Federal Government, the Government has not helped museums meet the costs incidental to such service.

(5) The collections, facilities and staffs of museums produce research which the Government uses and the value of which is recognized by Federal departments and agencies. Increased Federal support for such research is in the national interest.

(6) The Federal Government has an obligation, as yet unmet, to assist in preserving, maintaining and wisely utilizing the national treasure in museums on behalf of all the American people. This report does not suggest that the Federal Government assume dominant responsibility for the financial support of America's museums, but it does suggest that the time has come for the Government to assume a partnership role.

PRIORITY NEEDS

The report lists ten major needs of museums as deserving priority, and divides them into two groups.

The first group includes needs which bear on the ability of museums to reach more people. These needs concern:

Nationwide services financed largely out of local funds;

Services provided by museums for the Federal Government without appropriate reimbursement;

Rehabilitation, expansion, modernization of museum buildings, equipment and exhibits to meet present and future public demands;

The training of professional and technical personnel required by museums;

Research by museums on ways of improving the quality and usefulness of museum services for the educational system and for the general public;

Expansion of traveling exhibits to reach people who do not have ready access to museums;

Increased use of mass media, including television, to make the resources of museums available to more people.

The second group of needs relates more particularly to essential internal functions of museums. These needs concern:

The financing of basic research in museums and the share of the responsibility to be borne by the museums and by the Government;

Special research into methods of conserving for posterity the art, history and science collections in museums, and provision for laboratory facilities, equipment and staff for such research;

An inquiry to determine the specifications of a computer network which would provide a modern method of storing and retrieving information on museum collections, which now are vast.

To meet these ten priority needs, museums are already devoting as much of their financial resources as they possibly can. They cannot begin to make a dent in these needs, however, without the help of the Federal Government.

While it is not possible at this time to state with precision how large a Federal contribution is required, preliminary estimates put it somewhere between $35 million and $60 million for the first year. At present, Federal grants of all kinds to museums (apart from the appropriations to The Smithsonian Institution) total only a fraction of $35 million, and most are limited to scientific research of special interest to government departments and agencies.

RECOMMENDATIONS

The Committee of Museum Needs believes that the existing machinery of the Federal Government can go a considerable distance in meeting the priority needs of museums, if funds are appropriated and if certain amendments to statutes already on the books are made. Accordingly, the Committee submits the following recommendations:

That the National Museum Act be funded with an appropriation of at least $1 million for the first year;

That grants to museums from Federal Departments and agencies already concerned with museums be sharply increased;

That the Federal Government, as a matter of basic policy, recognize museums as educational institutions, working in formal affiliation with elementary, secondary, undergraduate and graduate level institutions;

That the Federal Council on the Arts and the Humanities, in furtherance of the above basic policy, be asked to study the problems of museums further and to make recommendations with reference to existing legislation to the end that the Federal Government may meet its obligations to museums;

That this report be published for the information and use of all those concerned about the future of museums.

THE PRESIDENT'S LETTER

THE WHITE HOUSE,
Washington, D.C., June 20, 1967.

Hon. S. DILLON RIPLEY,
Chairman, Federal Council on the Arts and Humanities.

DEAR MR. RIPLEY: America's five thousand museums are among our most precious cultural and educational resources. Their collections, their trained staffs, and their facilities contribute immeasurably to the enrichment of the nation's life and to educational advancement at every level.

Not only do imaginative museum exhibits excite the curiosity of millions; many scholars—in science, in the arts and the humanities—rely upon musuem collections for their raw material.

Attendance at U.S. museums has already passed 300,000,000 visits a year. In many places, inadequate museum budgets and facilities are under severe strain. In the future, the nation's museums will be expected to reach and serve additional millions. Accelerated research programs will cause more and more scholars to seek access to museum collections.

Our museums have shown their willingness to join with other institutions to promote the "increase and diffusion of knowledge among men." Certainly they should have the wherewithal to do that great work effectively.

For this reason, I am requesting the Federal Council on the Arts and Humanities to study thoroughly the status of American museums and report to me. What is their present condition? What are the unmet needs of America's museums? What is their relation to other educational and cultural institutions? I hope that the Council will recommend ways to support and strengthen our museums.

The Federal Council is the appropriate body to consider the status of our museums. Its member agencies should provide all possible help to the Council as it performs its work.

I look forward to receiving the Council's recommendations.

Sincerely,

LYNDON B. JOHNSON.

LETTERS OF TRANSMITTAL

AMERICAN ASSOCIATION OF MUSEUMS,
Washington, D.C., May 21, 1970.

Mr. ROGER STEVENS,
Chairman, Federal Council for the Arts and Humanities, Washington, D.C.

DEAR MR. STEVENS: On behalf of the American Association of Museums, I am very pleased and honored to transmit to you the report called for by the President in his letter of June 20, 1967, to the Honorable S. Dillon Ripley.

The President asked for information concerning the status of American museums with emphasis on the following points:

1. "What is their present condition?"
2. "What are the unmet needs of America's museums?"
3. "What is their relation to other educational and cultural institutions?"

We have answered these questions to the best of our ability.

I hope this report is to your satisfaction. It represents the scope and breadth of the museum profession, the social and economic conditions under which museums exist, and the cultural and educational contributions which they could provide the nation in the years to come.

Your assistance and patience during the preparation of this document are gratefully acknowledged and appreciated. If there are further matters of concern in this regard, we are at your service.

Sincerely yours,

CHARLES PARKHURST,
President, American Association of Museums.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES,
Washington, D.C., November 25, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Federal Council on the Arts and the Humanities, I am privileged to forward you the enclosed report, "The Condition and Needs of America's Museums".

On June 20, 1967, you asked the Federal Council to study thoroughly the status of America's museums, to assess their present condition and unmet needs, to identify their relationship to other educational and cultural institutions, and to recommend ways to support and strengthen these unique repositories of scientific, artistic, and historical wealth.

The report was the subject of continuing discussions at quarterly meetings of the Federal Council and was the subject of many meetings of the Council's museum subcommittee. It drew upon the knowledge and insights of the most distinguished directors, curators and other museum professionals as well as educators, foundation officials, and public-spirited citizens. It drew, too, upon virtually all of the rather limited museum literature presently available. Given the limitation brought about by the shortage of relevant data, the Council believes the report to be the most comprehensive and significant assessment of America's museums presently available.

It is the view of this Council that the report documents the broad scope of museum services and makes it abundantly clear that the nation's museums play an authentic and major role in the nation's cultural and intellectual life. The report makes clear, too, that a persuasive and insistent financial crisis confronts these institutions.

A strong case can be made for federal support. It is in the national interest to protect our cultural heritage as other countries have effectively done for many years. Collectively the nation's museums preserve, exhibit, and interpret the irreplaceable treasures of America, and of man. Together with schools and libraries they represent the communities'—and the nation's—resources for educating tomorrow's citizens. If the present financial dilemma were not a source of serious concern, these functions of museums alone would commend a sustained federal interest to a nation increasingly concerned with the quality of our national life.

Faced, as are all of America's cultural institutions, with a demand for greater service to their community and nation and experiencing a relative decrease in traditional sources of funds, it is apparent on the basis of information presently available that additional resources will be required to meet these expanding demands, or in some cases, to present further reduction in existing services.

But a reduction of museum services at the very time when millions of Americans are looking eagerly to them—and to other cultural institutions—to give added dimension and meaning to their lives must not come about through inaction or inadvertence. Steps can be taken now to meet specific serious needs. Further steps should be taken in the near future to insure continuing support which will provide federal resources while encouraging increased support from traditional sources.

The Federal Council urges consideration of the following steps which may be taken now without major legislative change and within the framework of existing law:

1. A number of existing federal agencies, by outstanding authorizations, could make funds available for needs of museums directly. In the Council's judgment these programs would be effective temporarily in meeting such needs and would be in the public interest. While they are helpful, they lack the funds to make them fully effective. For example, the National Endowment for the Humanities conducts programs of museum internships and fellowships to increase the professional competence of museum professional staffs and through its research program, supports museum-based projects which will contribute to new knowledge in the humanities. The National Endowment for the Arts has conducted programs to disseminate art museum holdings to broader audiences, supported museum purchases of living American artists, and supported specific museum exhibitions. The Office of Education supports, through its Arts and Humanities Branch, museum programs which encourage and assist museums in performing better the educational function. The National Science Foundation has, as the report recognizes, been a leader in museum support, most of it in the form of awards for basic research but some for capital improvement. Yet the National Science Foundation could, with adequate funds, support a much broader spectrum of activities: research training and technical training programs, education, operational support, equipment and facilities. The full funding of such programs could have immediate beneficial impact on the nation's art, history and science museums, and the Council strongly urges such a step.

2. Under the authority of the National Museum Act the Smithsonian Institution is authorized to cooperate with museums and their professional organizations, to carry out programs of training for career employees in museum practices, to support museum publications, to undertake research on the development of museum techniques and to cooperate with government agencies concerned with museums. Yet that authorization, approved in October, 1966, has not yet received any of the appropriations authorized for fiscal years 1968 and 1969. The Council recommends appropriations for fiscal year 1970 and subsequently.

3. Some federal agencies administer educational and cultural programs for which museums do not qualify as direct grantees. Although careful thought should be given to qualifying museums as direct grantees through amending present law, the Council believes that museums could, as indirect grantees, play a larger role than is presently given them and urges appropriate administrative directives to that end. The Council urges that efforts be made to extend to museums opportunities for equal participation in federally funded activities and that state educational agencies be urged to implement requirements for full compensation and effective joint planning under the Elementary and Secondary Education Act.

4. Careful consideration should be given to changes in the treatment of museums for tax purposes which would extend to them the benefits available to other educational institutions.

Beyond these immediate steps the Council believes the national interest requires major, comprehensive and sustained programs in support of the nation's museums. These programs should be directed particularly toward helping meet construction and operating costs and should be so designed that present sources of funds, both public and private, be not only continued at present levels, but substantially increased through a matching program. Perhaps an amended Library Services and Construction Act would be an appropriate start. However, to achieve the goals mentioned in the report, significant amendment of existing law or entirely new legislation is required. The formulation of such legislative proposals is beyond the authority of the Federal Council, but the Council here notes its readiness to participate fully in any such work.

In addition the Council urges these further recommendations:

1. Because there presently exist no standards against which the all-around excellence of individual museums might be measured and since broad federal support such as that envisaged above should be restricted to those institutions which have attained a level of quality commensurate with accepted standards, the profession should be strongly urged to establish such standards throughout the museum field.

2. The report's description of museum functions and demands, its account of their present condition, and its identification of unmet needs should be of wide interest to the nation's museums, museum-goers, and those concerned with American culture. The Council recommends, therefore, that the report be widely circulated as a means of soliciting and focusing the views of all interested citizens. A broad critique of the report could initiate that extensive public dialogue which is essential to the responsible commitment of public funds.

Respectfully,

ROGER L. STEVENS,
Chairman.

FOREWORD

The genesis of this report was the letter from President Johnson to the chairman of the Federal Council on the Arts and the Humanities expressing his concern over the present condition and needs of museums. To obtain the information needed for a reply to the President, the Federal Council requested the assistance of the American Association of Museums. In November, 1967, utilizing funds made available by five member agencies of the Federal Council, the Association began its work. Agencies supporting the study were the U.S. Office of Education, the National Endowment for the Humanities, the National Science Foundation and The Smithsonian Institution.

The Association began by selecting a small group of museum directors, together with several non-museum persons, including a writer, to assemble the information, examine the condition of museums, decide the priority needs and suggest ways of dealing with them. The directors in this group are representatives of the principal categories of museums.

The procedure involved two lengthy conferences by the group at Belmont,[1] a Maryland county estate, and brief questionnaires to museum directors on specific museum needs. In addition, the writer visited representative museums and conferred individually with a large number of museum professionals. Several drafts of the resulting report were then examined and discussed by the conferees. The report as presented here has their approval.

The museum professionals who served as conferees are:

W. D. Frankforter, Director, Grand Rapids Public Museum, Michigan.

Frank H. Hammond, Director pro tem, American Association of Museums.

Louis C. Jones, Director, New York State Historical Association, Cooperstown, New York.

Sherman Lee, Director, The Cleveland Museum of Art.

George E. Lindsay, Director, California Academy of Sciences, San Francisco.

Thomas M. Messer, Director, The Solomon R. Guggenheim Museum, New York City.

Charles Parkhurst, Director, The Baltimore Museum of Art and President of the American Association of Museums.

H. J. Swinney, Director, The Adirondack Museum, Blue Mountain Lake, New York.

Frank A. Taylor, Director, United States National Museum, The Smithsonian Institution.

Evan H. Turner, Director, Philadelphia Museum of Art.

Bradford Washburn, Director, Museum of Science, Boston.

E. Leland Webber, Director, Field Museum of Natural History, Chicago, and Chairman, Committee on Museum Needs of the American Association of Museums.

The conferees unaffiliated with museums are:

John B. Davis, Jr., Superintendent of Schools, Minneapolis, Minnesota.

[1] Hence the name, "The Belmont Report."

John R. Fleming, Writer, Chevy Chase, Maryland.

Nancy Hanks, Executive Secretary, Special Studies, Rockefeller Brothers Fund, New York City.

J. Newton Hill, Director, Karamu House, Cleveland, Ohio.

The conferees are indebted to many museum professionals throughout the United States for their help in providing information and pertinent suggestions. The contributions of the lay members of the group deserve special mention. In addition, we particularly wish to acknowledge the helpful counsel of Roger Stevens, Chairman of the National Endowment for the Arts; S. Dillon Ripley, Secretary of The Smithsonian Institution; Harold Howe, United States Commissioner of Education; and Kermit Gordon, President, The Brookings Institution.

The counsel and assistance of Barnaby Keeney, Chairman of the National Endowment for the Humanities, and the action of that Endowment in providing the grant which has made this report possible, are gratefully acknowledged.

Throughout this undertaking the expert assistance of Mrs. Carolyn Wells as research assistant has been invaluable. Finally, the author of the report, John R. Fleming, has brought objectivity and sensitivity to a very complex task. All members of the Committee, and indeed, all museums, owe him a deep debt of gratitude.

E. LELAND WEBBER,
Chairman, Committee on Museum Needs.

1. MUSEUMS AND THEIR FUNCTIONS

For the purposes of this report a museum is an institution which performs all, or most, of the following functions: collecting, preserving, exhibiting and interpreting the natural and cultural objects of our environment.

This somewhat austere functional definition does not, however, convey the spirit or explain the mission of a museum, its mission, as distinct from the bare bones of its function, is two-fold: the advancement and diffusion of knowledge, and the enhancement of that awareness which affords pleasure and delight.

A special word is called for with respect to "pleasure and delight," inasmuch as this report dwells at some length on the educational function of museums, a function not automatically associated with pleasure and delight. Though museums devote much time and money to educational programs this does not at all mean that they have lost interest in providing opportunities for the pleasure and delight of their visitors.

Indeed, most museums allocate most of their budgets to other than formal programs of education. Art museums, for example, aim to provide the esthetic and emotional pleasure which great works of art offer. This is a primary purpose of an art museum. It is assumed that a majority of the people who come regularly to art museums come to be delighted, not to be taught, or preached at, or "improved" except by the works of art themselves. An art museum, is—or ought to be—a place where one goes to be refreshed.

In short, museums are so constituted that they can provide delight as well as education. When these two objectives merge into one, as they often do, so much the better.

The museum tradition in America

The men who established the first American museum, in Charleston, South Carolina, in 1773, said their purpose was "promoting a Natural History" of their region. Americans have been collecting objects and creating museums ever since, and at an accelerating rate.

Apparently no other people has engaged in this activity on so vast a scale, over so long a period without a let-up, and in so many diverse fields of human interest. American art museums have combed the world to acquire and display great works of art. History museums have collected and preserved objects which recapture and illuminate the American past. Natural history museums have sent their expeditions to every continent and to the Seven Seas in order to bring back original evidence of plant and animal life, past and present, and of the history of the earth, for examination by scientists and the general public.

By now a major American art museum will number its works of art by the thousands, and natural history and history museums count the items in their collections by the millions. So enormous an accumulation, it has been remarked by Edgar P. Richardson,[1] constitutes a new national resource—as if a new range of mountains comparable to the Rockies should appear. It has involved an historic migration to the United States of millions of objects—including the art of Rembrandt and Leonardo da Vinci, the magic symbols of the Stone Age in New Guinea and the fossilized remains of dinosaurs from the Gobi Desert.

The extraordinary public response to what museums offer suggests that the public feels strongly about these institutions. They offer alluring ways to learn about man and his world, the better to understand who we are, where we are, how we got this way, where we are going. For uncounted thousands of individuals museums make possible—often for the first time—the enjoyment of learning. Museums, the daily attendance suggests, offer an opportunity to enjoy a work of art—or sometimes to denounce it, which is another form of enjoyment. They offer an opportunity to satisfy curiosity which may be transformed unpredictably from that which is idle and bootless to something quite different. These are some of the reasons why people flock to Museums. They underline and justify the functions of collection, exhibition and interpretation, which are the visible parts of a museum's assignment.

The museum spectrum

It is not generally realized that there are now more than 6,000 museums in the United States, that they come in all sizes and shapes and conditions, and that they engage in an extraordinary variety of activities. For example: The Museums Director of the United States and Canada (1965), published by the American Association of Museums, in listing 4,595 of the 6,000 or more museums known to exist, arranges them in 84 categories. The major and most familiar groupings embrace art, history and science museums. These account for 43 of the 84 categories. The remaining 41 are specialized museums, proceeding alphabetically from agriculture and animal farms to whaling and woodcarving and along the way listing circus museums, a crime museum, lock museums, money and numismatics museums, transportation museums, wax museums.

Within the broad category of art museums are art association galleries, china, glass and silver museums, folk art museums and textile museums, among others. "History" includes historic houses, military museums and preservation projects as well as general history museums. The science category, broadest of all, includes aeronautics and space museums, aquariums, arboretums, aviaries and ornithology museums, botanical gardens, insect collections, herbariums, herpetology museums, planetariums, wildlife refuges and zoos, not to mention the familiar and more inclusive natural history museums.

Museums vary in size, as measured by attendance, from those attracting fewer than 5,000 visits a year to those which count visits in the millions during a single year. They vary in budgetary importance from those with only a few thousand dollars a year to spend to large institutions with annual budgets of several million dollars.

A relatively small number of museums accounts for a high proportion of total attendance. An American Association of Museums survey in 1962 found that of 1,964 museums responding to an inquiry, 638 (32.4 percent) reported annual attendance in excess of 35,000 visits, with 1,326 museums (67.6 percent) reporting attendance of less than 35,000.

Traditionally, as noted earlier, the functions of the museum have been to collect, conserve and interpret objects of art, science and history. These are cultural and educational functions which obviously are basic to a civilized society. They characterize most museums. They continue to collect, to make their collections available for research, and to draw on them for exhibitions and publications.

In a break with tradition, some art museums have turned away from the acquisition of a permanent collection to concentrate on contemporary works and the encouragement of living American artists. Similarly, some science museums no longer collect scientific specimens or conduct research on them. They concern themselves with interpreting and teaching through exhibits, demonstrations, discussions and other means. In some instances the term "science center" has replaced the word "museum." Without exception, however, the exhibits and programs of the new science centers make use, directly or indirectly, of the objects collected by the more traditional museums. For without these objects there would be no original evidence with which to educate.

In response to a changing audience and changing demand, many museums have become community centers for a broad range of community activities, including the performing arts, while continuing to fulfill their traditional museum functions.

In performing an educational function, museums provide a kind of learning that is available nowhere else. Schools and colleges recognize this by relying on museums to provide what books cannot—great works of art in the original, significant historic objects, specific specimens which are original evidence of the nature and evolution of man and his world.

Because it has these treasures in its care, and a staff of academic excellence to interpret them, the museum has something to offer that no other institution has. Increasingly important, the museum provides an opportunity for parents to expose their children to an enjoyable learning experience and the excitment of intellectual exploration—a most meaningful family learning relationship.

To construct an air-tight, precise definition to cover all American museums may be impossible. What can at least be done is to single out some common denominators. All museums are non-profit institutions. Virtually all are open to the public of all ages, races, religions and conditions. They live by certain ethical and professional standards. They are concerned in one way or another with education. And they perform a function which no other institution does. These are common denominators which obtain for all qualified American museums.

The range of activities in museums

The daily routine of a large museum covers an astonishing range and variety of activities. One director of a large museum complex devoted to the sciences, when asked to say what goes on in his museum on a typical day, provided the following informal report:

"Anywhere from 10 to 50 people will bring

[1] "The Museum in America, 1963," *Museum News* September 1963. Dr. Richardson was formerly Director of the Henry Francis du Pont Winterthur Museum, Winterthur, Delaware.

in minerals or butterflies or other objects for identification, for which they are referred to the appropriate research department. A scientist from India may be working in the ichthyology collections. One from Brazil could probably be found there too, because we have the world's most comprehensive collection of fishes from the rivers of Brazil.

"A doctor may send the stomach contents of a patient to one of our mycologists to see if the wild mushroom the patient ate is a particularly dangerous kind. U.S. Government people working on plant quarantine duties, or on public health, will come in to have something identified or to use our collections and library.

"A staff botanist may be consulting with a scientist from a pharmaceuticals manufacturer to determine the identity of a potentially useful drug plant. Next door, a curator may be analyzing organic debris that has been found contaminating food products. In the taxidermy laboratory, technicians are sculpting a model of a prehistoric fish for a new exhibit.

"In the Division of Insects a curator might be studying a relationship between the peculiar flies that parasitize bats and the distribution of species of bats. In the Division of Mammals a curator might be working on the association between coat development of mammals and climatic variation. Almost certainly in several divisions museum technicians would be assembling material from the collections for shipment to universities in distant corners of our country. Such material as likely as not would be used by graduate students working for their doctorates.

"Again, this could have been the day, recently, when the health authorities of Bolivia turned to us for aid. They were faced with an epidemic. The suspected carrier animal was rushed to us for identification. The curator's scientific knowledge enabled him to identify the carrier—a small rodent resembling our common field mouse. The museum's publication describing its habits, and life cycle pointed the way to fast control of the epidemic.

"During the day the planetarium might receive dozens of telephone calls asking about an astronomical phenomenon noticed the night before—a meteor shower, perhaps, or the vapor trail of high-flying aircraft. It would be a rare day that didn't see people bringing turtles or 'pet' fish or reptiles to the aquarium. And a class of youngsters would doubtless be in the museum, some to attend a lecture, some to amuse themselves caring for the live animals there.

"All this goes on in a museum on an average day, a day during which hundreds and even thousands of visitors, young and old, spend a few hours looking at exhibits, or attending a planetarium program, or viewing a film of a museum expedition, and in the course of the day gaining a new appreciation of the world in which they live."

That is to say, much more than meets the eye goes on in any large museum, whether its field is science or art or history. Much that goes on rests upon research. It is the invisible function of a museum. It came rather late in the evolution of American museums; it is rarely appreciated by the general public and is usually overshadowed by more glamorous activities, but without it the museum's function of interpretation would wither away and a museum's collection would lose value and meaning.

The research function

Before a museum hangs a painting on a wall or exhibits historic or scientific objects, it exercises its research function. Some member of the staff, at some point, has studied the painting and also tried to learn all he can about the artist who painted the picture and about his period and his contemporaries, just as the staff of a history museum has tried to learn as much as possible about the historic object in order to understand its significance. This kind of research is indispensable if the people who go to museums are to have an opportunity to understand and appreciate what they are seeing.

The only trouble, directors of art and history museums agree, is that there isn't nearly enough of this kind of research. Staffs in many museums don't have the time to do research, aren't large enough, in some cases are not qualified to do it.

In an art museum it is not enough to identify a work of art and determine its condition and whether it is authentic (authenticity itself being a research problem). What is needed both by the public and the museum itself is the basic historical material which provides a complete life history of each work of art and of the artist, the importance of the work, its condition, school and period, origin, previous owners—in short, a complete, accurate catalog which can be a permanent reference. Unfortunately, such research and such catalogs are expensive in staff time and printing costs.

"With the help of the Ford Foundation, 29 of the country's several hundred art museums are currently doing the research and cataloguing they have long needed to do. One of the 29, for example, the Worcester Art Museum, has not been able to publish a scholarly catalog of its work since 1922, and that catalog has been out of print for 25 years. The necessity for its current research is illustrated by the discovery that paintings which the museum had always attributed to such artists as Whistler, Turner, Constable and Courbet are not, in fact, by them. The Metropolitan Museum of Art has encountered a similar problem with some of its Rembrandts."

Research in art museums is in the main directed at two areas: (1) research on new or potential acquisitions and on the permanent collections; (2) research in depth on special subjects which results in special exhibitions. These exhibitions are major factors in an art museum budget, a significant item in that budget being the catalog which records permanently the results of the research

Research for special exhibitions has unusual importance because their quality tends to be considered a gauge of the distinction of the institution. Moreover, since attendance in art museums is affected to a significant degree by the year's program of special exhibitions, the professional staff's research may be directed into this area to a degree that some might think disappropriate.

In a history museum, or in an historic home or site, the research problem is roughly comparable to that of an art museum.

Obviously, the historic object must be authentic. This calls for research. Less obviously, but equally important, to interpret the object for the vistor requires that someone with the right qualifications has investigated both the object and the role it played in history, and has done some thinking about its significance for the present as well as for the past. Some history museums and historic establishments are able to do this, but many have yet to do it.

Since one purpose of a history museum is to recreate the past in the minds of the living, "one must study not only what was written, but also what was sat upon, eaten from, ridden on, and lived in and with."[2] This requires research, a great deal of it.

So does the preservation of works of art and historic objects require research. Once the paint on a Titan begins a crack and peel, it can be too late to conserve it. Yet this is a common and acute problem in art museums, just as preserving the irreplaceable is in history museums. American museums have been aware of these problems of conservation for many years, of course, have tackled them with varying degrees of success, and have steadily moved toward research in this field.

The research task in natural history museums

It is in the natural history museum, more than any other, that research has long been emphasized. Its field of inquiry is as extensive as the universe. It is concerned—as the collections in major natural history museums show—with taking inventory of all life on the earth and with the earth itself, with the evolution of life, with the interrelationships of one form of life and another, with the relationships between an organism and its environment. The aim is an understanding of our fellow-inhabitants of our planet—and of ourselves.

To achieve this understanding in an incredibly complex world, man has to learn how nature operates and how it came to be for everything from chromosomes to a mountain is the product of forces operating throughout the history of the universe. The first step in learning about these forces is to gather samples of the living universe for study in a museum laboratory. Once the samples have been collected, stored and classified, the result is an inventory of nature—an orderly classification of minerals, rocks, fossils, living plants, and animals, and objects of human culture. Only then can they be analyzed to produce what science seeks: new knowledge, new understanding.

The main research goal of natural history museums in the biological area is to increase our understanding of the evolution of diversity in nature. This means that we try to understand the patterns of adaptation of plants and animals, the patterns and rates of evolution of species and groups of species, the distribution of species and of communities of species, and the forces that lead to change in these phenomena.

Anthropologists on the staffs of museums are concerned with the physical evolution of man and with the evolution of societies, technology and human behavior in general. Where did we come from? How did we get here? The ultimate, unanswered question is: where are we going? Museum scientists, though they are not alone in the task, can and do contribute to the information and understanding required to answer such questions.

Museum geologists have been in the forefront of the study of minerals and land masses. They investigate such disparate subjects as the mechanisms by which particular types of minerals and rocks are formed in the earth, the movements of continents, and the structure and composition of meteorites.

Scientists on the staffs of museums and botanic gardens are engaged in what is called pure or basic science. That is, they are concerned with understanding the fundamental phenomena and processes of nature. However, the line between basic and applied research is fuzzy and much of the work of museum scientists, as of those in other types of institutions, has practical implications. For example, the classifications of plants and animals developed in the course of research by museum biologists provide systems for information retrieval. The information desired may be merely an identification of an insect pest. Or it may be a list of insects that parasitize the pest.

On a large scale, knowledge of natural diversity and of the patterns of natural communities of plants and animals is essential to ideas concerning the development of natu-

[2] Carrol Lindsay, Director of Museum Services, New York State Museum and Science Service, State Education Department, Albany.

ral communities. This seemingly esoteric subject may prove to be vital to our survival, for through it we may come to understand how much we can pollute our environment without courting disaster and what kinds of agriculture are most likely to feed successfully a huge world population over a long span of time.

Museums as educators

A child who visited a children's museum for the first time recently was asked to say what she liked best about it. She wrote: "I liked it best because the things I saw were fun, even though I learned things."

Accustomed to school but not to the museum, the child was struck by differences between the two institutions. One difference is that museums are wide open to individual exploration, outside the restrictive framework of a classroom or a curriculum. There are no examinations, no bells to signal the time for a class. There is, on the other hand, a special effort to make learning attractive, even fun.

There is a more basic difference between schools and museums, however. This difference lies in the fact that words are the principal educational tools of a school, whereas objects are the principal educational tools of a museum. This is of practical importance, since psychologists have discovered that some children are object-minded but not word-minded. A visible, tangible, concrete object has meaning for them; words, being abstract, fail to register.

"We assume today that one can read about objects. They can be illustrated in books. It is not, therefore, necessary to touch them. One doesn't have to savor tactilely the texture of objects, to read them manually, to hear the records of the sounds of the audible world, to be an educated person, granted that diploma. And yet many people are not really born only to be literate. Many people are born with their talent to be illiterate, to read with their hands, to read with their ears, to develop a comprehensive talent for living only with the whole of the senses. Many highly creative and inventive people, as we all know, are much less interested in reading than 'norms' or levels of education set own by the departments of education would have us believe."[3]

Probably the chief claim for the importance of museums as educational institutions lies in the objects they collect and protect. They use objects—original evidence usually available only in a museum—to tell the dramatic story of earth through time, of life upon the earth and of how man himself evolved, worked, dreamed and created. It is a story that can be told by words, but words cannot have the impact of an object that is original evidence, whether it is a painting by Rembrandt, the fossil of a creature that existed 80 million years ago, or George Washington's home at Mount Vernon. Moreover, only a part of education is formal. Many of our most educational experiences take place outside the classroom. Voluntary learning, as a part of a family group, can be a powerful adjunct to formal education.

This point was made in a poignant letter to the director of one of our major natural history museums by the mother of a deaf mute. She made a habit of taking her children, including the deaf child, to the museum. The child was so impressed by the dinosaurs that he went home and drew a surprisingly accurate picture of the brontosaurus. Wrote the mother, in sending the drawing to the museum: "How could we have explained [in words] the density of the bones, the height, the very existence of the pre-historic animals . . . [or] the environmental difference the dinosaur enjoyed . . .?"

The superiority of objects over words is summed up by the museum curator who said: "Girls are more interesting than descriptions of girls." This may well be the definitive statement on the subject.

From pre-school to Ph. D.'s

American museums are outstanding in educational programs and service to our educational system. Trustees and directors of American museums give high priority to what they consider a fundamental educational responsibility. It is characteristic of an American art museum, for example, to consider that it is obligated to give its audience a sense of the major accomplishments in world art, to enable the visitor to learn—if he cares to—the language of art, to cultivate his ability to discriminate, to enrich his knowledge of his own cultural heritage and to heighten his perception of the world about him.

Well over 90 percent of all American museums offer at least one educational program; many museums, especially the larger ones, offer an astonishing variety to meet the needs of different age groups and different interests.

"The Heard Museum of Anthropology and Primitive Art in Phoenix, Arizona, for example, takes exhibits of artifacts, dioramas and teaching aids to the schools, provides a year-round arts and crafts program for children, also schedules lectures and movies every week.

"The Denver Museum of Natural History holds evening excursions to the museum for teachers and principals to explain how the museum can help them.

"The Herron Museum of Art, Indianapolis, offers adults Sunday afternoon programs, lectures, gallery tours and a Center for Art History Studies in cooperation with seven Indiana colleges.

Boston Museum of Science: in addition to lectures and guided tours the educational program includes live animals and physical science demonstrations, summer teachers' courses, science projects for elementary school teachers.

"City Art Museum, St. Louis: a 'Museum Adventures' program for teenagers, plus radio and TV programs, lectures, films, concerts and scheduled classes.

"New York State Historical Association, Cooperstown, New York: programs for school groups and a state-wide junior history program; lectures, films; annual seminars on American culture; two programs, in cooperation with the State University College in Oneonta, leading to a degree.

"Rochester Museum of Arts and Sciences: a lending collection of 5,000 objects is available for classroom use. 'Hobby Council' includes 39 clubs in horticulture, crafts, collecting and science. Also: classes, film programs, field trips, lecture courses for adults.

"North Carolina Museum of Art, Raleigh, has initiated a new project designed to teach blind children to appreciate art through a sense of touch. The museum also offers seminars and a Sunday afternoon series of lectures, films, and concerts."[4]

The above is a small sample of educational programs in American museums.

The extent to which museums supplement the school system is suggested by the fact, for instance, that the Los Angeles County Museum of Natural History has seven classes of school children coming into the museum every hour of every school day.

To schedule and plan these guided tours of school children is a major task. Museums proceed on the principle that the time to start learning is early in a child's life, and the earlier the better. This requires a good working relationship between schools and museums. Fortunately, a good relationship generally obtains. Scheduling tours of school children is a joint school-museum enterprise, related, where possible to the curriculum. Scheduling has to take account of museums' space limitations and the scarcity of trained guides.

"The scheduling of guided tours is necessarily quite detailed, for example, at 9 a.m. on May 1, 1968, The Baltimore Museum of Art, which is host to about 1,000 grade school classes a year, prepared itself to accommodate nine groups from Baltimore area schools for guided tours. The nine groups, chosen by the schools, included 1st, 3rd, and 4th grade classes with teachers. The Museum, for its part, assigned eight staff members or volunteers to conduct the tours, help the children learn what to look for, and answer questions. This was a typical day, and typical of all categories of museums across the country. The strain on museum budgets is considerable, but schools and museums alike agree this kind of education is essential.

"Since single, hurried visits are of limited value, most museums plan a series of tours. Thus the Toledo Museum of Art, which sees some 800 grade school classes in a year, maps out a carefully planned series of visits—four visits of about 45 minutes each for grades 1 through 3, eight visits of an hour long for grades 4 through 6, and so on. The Toledo Museum also offers high school juniors talks on the development of art and music which parallel their courses in American literature and history, and offers seniors instruction related to their studies in English history and literature. This is in addition to basic courses in art for children and for adults, studio courses, lectures on art and on music, and performances in the Museum by orchestras, choral groups and soloists."

The extent to which museums can serve education necessarily depends in part on their location. There is a striking coincidence in recent findings that 21.2 per cent of the 23,390 school districts in the United States included 84.5 per cent of the total school population,[5] and that 17.9 percent of the 1,928 museums survevyed accounted for 85.1 per cent of the total museum attendance.[6]

Though the data cited above do not name the cities involved, it is a fair assumption that museums recording 100,000 or more visits annually are located in or near the school districts enrolling 1,800 or more students. America's museums, by and large, are in the right position to serve American education.

A typical educational program in a large museum now begins with preschool children (the Head Start Program) and proceeds through elementary and secondary grades to college, university and post-graduate levels. At the college and post-graduate level the number of students involved is not large, but the scope and variety of programs offered in partnership with universities are impressive. These museums provide teachers, facilities, essential research and teaching collections, and research guidance and review for candidates for master's and doctor's degrees, in science, art and history.

In Cleveland, for example, all fine arts classes of Case-Western Reserve University are held at the Cleveland Museum of Art. Members of the curatorial staff of the Museum have adjunct appointments at the University and provide the greater part of fine arts courses offered both graduates and undergraduates. The Museum's Slide Department and Library provide the principal source and reference material for all courses. In addition, the Museum's collections are open on a part-time intensive basis to fine arts students of the University.

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[3] From an address, "Museums in Today's Changing World," by Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution.

[4] "Report on the Educational and Cultural Activites of 60 Museums." American Association of Museums, 1965 (unpublished).

[5] "Statistic of the Month." *American Education*, Office of Education, June, 1968.

[6] *A Statistical Survey of Museums in the United States and Canada*. American Association of Museums, 1965.

The American Museum of Natural History, in cooperation with the City College of New York, offers courses in 19 different subjects. The California Academy of Science has contractual arrangements with San Francisco colleges and universities to provide instruction and facilities for graduate students in systematics and ecology. The Field Museum has similar arrangements with colleges in the Chicago area, as does The Winterthur Museum in Delaware, the New York Botanical Garden in the New York area, Colonial Williamsburg in Virginia, and the Smithsonian Institution in Washington. Such arrangements are typical among major museums.

It is widespread practice for museums and universities to establish a close working relationship in order that students and faculty may utilize museum collections available nowhere else. And while museums do not grant degrees, college students in many cases receive college credit for the museum courses they take.

"And . . . in one university museum where I worked, 40 percent of all graduate degrees given in one department and 30 percent in another were solely due to the presence of a museum and museum collections at that university. Important areas of our government responsibility in geology, vital areas of our teaching in anthropology were filled with people who had graduated through these museum-related departments, people who had used the objects, the collections, in a completely meaningful way, which could never be assumed through or by books. And so the world of learning must get the point. Graduate and post-doctoral work can be centered in museums. Museum-oriented programs must not only be tolerated but encouraged in the universities and exchanges freely entered into at all levels."[7]

For the disadvantaged

Questioning the adequacy of the American educational system is hardly new, but lately it has become unusually intense. Parents and educators alike express dissatisfaction with current results in many public schools. The consequence is an active search for better ways of stimulating the learning process.

The dissatisfaction is especially acute with respect to the education of disadvantaged children in slum areas. City schools have turned to museums to provide a supplement to their curriculums and to help solve the problem of interesting disadvantaged children in learning. The result has been to add significantly to museum attendance—and operating costs.

One example will illustrate what is happening: organized group attendance of school children at the Field Museum in Chicago rose in three years from 228,000 in 1964 to 315,000 in 1966. Much of this increase came as a result of Federal programs for disadvantaged children, programs beginning with pre-school groups and extending into college groups.

The objective is to give disadvantaged children an opportunity open to most city children but rarely to them—the chance to get a taste of the wonders of a large museum, in the belief that the experience can strike a spark and stimulate learning.

The guided tour is one of several programs to this end. For older youngsters and potential dropouts, work-study projects have been devised by museums in cooperation with schools and Federal agencies. Thus the New York Botanical Garden developed a program in gardener training for students from a Bronx high school. Field Museum, in a work-study project begun in 1965 under the provisions of the Economic Opportunity Act of 1964, has for three years provided jobs for college students from the Negro sections of Chicago. They serve as helpers to laboratory technicians in preparing specimens, as guards, in editorial work, and in a dozen other capacities. Both the students and the museum think the experience rewarding.

Because underprivileged children in a large city do not ordinarily go to museums, the Museum of Arts and Sciences in Rochester, New York, has devised ways to take the exhibits to them. The Museum provides portable exhibits; volunteers transport them to settlement centers, install them and, when necessary, explain them. The exhibits include some objects for "touch and see" use and when possible are tied in with weekly story hours conducted by visiting librarians.

Sullivan House, located in one of Chicago's worst slum neighborhoods, has found another way to tap the resources of a museum. Among the children in whom this settlement house is interested are nine boys ranging in age from 10 to 15. All are below grade level in school. All have been involved with the police. Three are in classes for the mentally handicapped.

The first time the director of Sullivan House took the boys to the Field Museum, he wasn't surprised to have them ignore most of the exhibits and behave as if in an amusement park. Nevertheless, some exhibits in the museum so caught their interest that they have become regular visitors. Some of the nine have asked help in making an Indian totem pole. Others roam the anthropology halls for ideas for art designs. Apparently the museum stimulated a desire to learn that their schools had never been able to arouse.

College and university museums

Consideration of American museums necessarily includes college and university museums even though they are, to some extent, outside the scope of this report. Since they function as a department of the parent institution, their aims and the bases of their support differ from those of a public museum. Their financial needs are met, as a rule, by the parent institution.

More than 400 colleges and universities have campus museums, many supporting more than one. These vary from one-room specialized collections for occasional classroom use to large multi-department institutions. The majority of museums are in the disciplines of art and science (the historical documents being kept in libraries rather than museums).

The number of campus art museums is growing, along with the number of art departments. The collections are generally geared to the courses in the art department and to the needs of the students. Most of the museums are set up as independent units, often in their own buildings, with a director who may also be head of the art department and who is responsible to the president of the parent institution.

In one university, the paintings and graphics are hung in each of the 99 buildings on campus, so that students are constantly exposed to them. Another university specializes in its museum in conservation work and the training of graduate students who will become museum directors and curators. Another university museum, with growing support from sources outside its university, is expanding to meet the needs of state and regional interests. Another, with membership fees as its major source of income, serves the community as well as the university. Still another, financed mainly by private funds, extends its activities beyond the university by means of twelve traveling exhibitions.

Although universities have tended to discard their natural history collections because of the present-day emphasis on molecular biology rather than on taxonomic biological training, there are more science museums than any other kind on American campuses. Some have distinguished themselves in archaeological and anthropological exploration. Their primary functions, though, are teaching and research in the interests of the related departments of their universities.

Education by science centers

The demand for museum education to supplement that of schools, and the interest in new methods of teaching, have led to the establishment of museums which are not museums in the conventional sense. Some, still museums in name, are devoted almost wholly to the role of a science teaching center. Others, newly established, have both name and role of a science teaching center. Education is their principal purpose and activity.

The Oregon Museum of Science and Industry at Portland, for example, has 10 classrooms, a planetarium, buses to take classes to the field for study of mountains, volcanoes and marine life, a science fair program, a research laboratory set aside for promising young scientists and inventors and summer camps for natural science. In the Museum's Student Research Center, one youngster is building a wind tunnel for rocket flight research, another is studying the regeneration of limbs in salamanders, and a team of four has designed a weather-satellite tracking station which will provide weather pictures and information for Portland's airport weather station. In all of these activities the Museum cooperates closely with the schools and has their blessing.

The American Museum of Atomic Energy at Oak Ridge, Tennessee, financed by the Federal Government, operates a fleet of ten vans which take apparatus and visual aids to the schools of several States for demonstration and instruction in nuclear physics. The equipment is assembled on school stages and explained by a trained lecturer.

Still another kind of science center is that in Seattle, the Pacific Science Center. Like the others it works closely with the schools of its region and offers both exhibits and classroom programs. It is particularly concerned with the teaching of mathematics, as basic to science. Staff personnel work with school teachers and classes, by arrangement, on such topics as coordinate graphing, fractions and partitioning sets, solid geometry, minimal surfaces and probability. Modern visual aids and new kinds of exhibits, some of them unique, are employed.

Planetariums are also evolving as science centers interested in educational programs. The arrival of the space age has naturally aroused enormous interest in the universe, and a planetarium is a place to learn about it painlessly. The number of planetariums in the United States has shot up overnight. A recent survey reported 421 of them in 45 of the 50 States. Nearly all have educational programs, some of them very extensive. Planetarium directors have found that their institutions possess unusual possibilities for stimulating learning.

The school-museum relationship

Though museum directors are putting special emphasis on educational programs, there is a limit to what museum staffs, facilities and finances can do. If museums divert resources from the primary functions of collection and preservation and research, they weaken their usefulness as museums.

It needs to be understood that museum people are not interested in replacing the school system, nor do they think they can. The school has the principal responsibility for education. In a sense it is limited, however, in that it teaches primarily from the printed page. Museums teach by the use of three-dimensional, tangible objects. Museums do not consider it their primary responsibility in educational programs to transmit information. What museums can do—often better than schools—is to awaken interest, give children a new dimension they couldn't get from the printed page and stimulate them to go back to school and learn.

Many museums have "alumni" whose in-

[7] From an address, "Museums in Today's Changing World," by Dr. S. Dillon Ripley, Secretary of The Smithsonian Institution.

terest in their careers began when as children they visited the museum. No survey has ever tallied the total of such alumni, but it must be sizable. It includes many men and women now in high places in their professions. They discovered, as children, that a museum is a place which can stretch the mind and engage the emotions.

2. THE DEMANDS ON MUSEUMS

Figures on attendance are a measure of public demands on American museums. Thirty years ago attendance at museums was in the neighborhood of 50 million visits a year.[1] Fifteen years ago attendance exceeded 100 million visits a year.[2] By 1962, six years ago, the U.S. total had reached 200 million visits a year,[3] and this time it required only 10 years for the total to double, even though from a higher base. Today, 1969, total attendance is believed to exceed 300 million a year.

What the total will be five or ten years from now can only be guessed at. One museum director notes with some concern that if attendance at his museum increases by 50 per cent during the next ten years, as it has during the past ten, his present total of 3,000,000 visits will rise to 4,500,000 by 1978.

The population of the United States is currently increasing at the rate of 1.15 per cent a year, but museum attendance is escalating at a far higher rate. The number of new museums has also been increasing at an accelerating rate.

The phenomenon of rising attendance appears to be nationwide, though especially marked in big cities. Attendance at Boston's Museum of Science rose from 411,483 in 1963 to 526,941 in 1967. Chicago's Field Museum recorded 1,049,000 visits in 1958, 1,787,000 in 1966. California's Academy of Science in San Francisco reported close to 3,000,000 last year. Baltimore's Museum of Art saw its attendance nearly double between 1965 and 1968. In upstate New York, Buffalo's Albright-Knox Art Gallery noted little change in attendance between 1950 and 1960, when the total was 147,000, but by 1965 the total soared to 348,665. The American Museum of Natural History in New York reported attendance in excess of 3,000,000 last year. The Metropolitan Museum of Art has seen its attendance go from 4,005,490 in 1960 to 6,281,162 in 1965. The Smithsonian's new Museum of History and Technology, during its first ten months, recorded more than 5 million visits.

This growth in attendance is not limited to metropolitan centers. Museums in medium-sized cities and in small towns also report sharp increases. In many instances the total attendance at the museum is now several times as large as the town's population. And the number of museums in small towns and semi-rural places, it needs to be noted, exceeds the number in large cities.

How many of the 300 million visits a year are made by repeat visitors is not known with any exactitude, but several museum directors estimate a proportion of repeat visitors ranging between 40 and 60 percent.

When educational demand exceeds supply

So rapidly has usage increased, with its accompanying requests for service, that museums find it necessary to turn down many requests. The doors remain open because of a responsibility to the public, but when attendance goes up sharply while staffs and funds remain unchanged, something has to give. What "gives" is the kind of museum service that requires staffing.

The Cleveland Museum of Art, for example, turns down approximately one-fifth of all requests for gallery guidance during the week, all requests for Saturday mornings, limits Saturday afternoon groups to two and turns down all requests for Sunday. Talks given by the museum staff at Cleveland public schools have had to be stopped. Requests for regular TV programs cannot be accepted because demands on the staff would be too great. Twice as many requests for case exhibits from the museum are received as can be accommodated.

The Chicago Historical Society, with no more staff or space in 1968 than in 1965, but with attendance up 17 percent, reports telephone and mail requests for service or information running in excess of 700 in a 20-day period. Requests for more museum classes, guided tours and gallery talks cannot be met. The director estimates that to satisfy all requests would require double the present staff and budget.

The experience of museums in New York State appears to be typical. In 1962 an official survey disclosed that leading museums throughout the State were so limited in staff and facilities that they could provide guided tours or teaching service for less than half of those requesting the service. The American Museum of Natural History, for example, had to turn down requests for teaching service for an average of 1,000 school children a day.

Inquiries in 1968 show that the situation is no better, and in many instances is worse.[4] This is not peculiar to New York State or New York City; other States and cities have had comparable experience.

If this is a problem for the present, it is even more of a problem for the future. The director of a major art museum in the Midwest puts it this way:

"We have attracted enormous audiences which we are unable to take care of properly. We haven't the staff or the room or the facilities to give most of our visitors a proper introduction to works of art or the interpretation they ought to get. Nor can works of art be as available to serious students, let alone the casual visitor, when our galleries are so crowded.

"And yet, with urban population expected to continue to grow, and museum attendance along with it, we shall be in a worse fix in the years ahead than we are now."

The demand for education

Early in the decade of the Sixties a survey of 600 museums selected for their well-established educational programs revealed that each year 8 million school children participated in educational classes at these 600 museums. This was in addition to the 5 million adults who attended classes and lectures, plus 56,000 art students and 14,000 other students who registered for college-credit courses, plus 4,000 advanced students who enrolled in joint museum-university graduate courses.[5]

Large museums currently report that as many as 500,000 school children come to the museum during the school year. In some instances more than half of these youngsters come from schools outside the locale of the museum. It is now routine for busloads of school children to travel 200 miles or more for their museum visit. This is true both for large museums in central cities and for smaller museums which may be in a small town or semi-rural place but which have collections and exhibits of wide interest.

When people cannot get to the museum, the museum—as noted earlier in this report—devises ways to go to the people. This may take the form of science kits for use in schools (as developed by the Oregon Museum of Science and Industry in cooperation with the American Association for the Advancement of Science), or history kits prepared by the history museums, or film strips and portable exhibits for art museums.

This device of taking the museum to the people is now in common use. The Cleveland Museum of Art in 1967 provided exhibitions in three regional galleries and installed some 600 exhibits in area schools, colleges and libraries. Chicago's Field Museum of Natural History last year sent portable exhibits to more than 500 schools for the enlightenment of approximately 500,000 children. The National Gallery of Art provides schools with traveling exhibits consisting of films, film strips and film lectures with recorded texts. The audience for these traveling exhibits during the year exceeds 970,000 persons. During 1960–65 National Gallery exhibits reached 2,703 cities.

Still another way to take the museum to the people is by establishing branch museums. This has long been advocated but not widely practiced. It is expensive and, for an art museum, extremely difficult. There is renewed interest in it, however, especially as a way to reach people in slum areas.

Museum professionals are watching with interest the Smithsonian's recently established small branch museum in the Anacostia section of Washington. This is a low-income neighborhood, predominantly Negro. The residents are given a voice in deciding what the museum should exhibit and are encouraged to regard it as their museum. The response has been heart-warming. What was once a movie theater is now a place in which Anacostia youngsters can for the first time in their lives discover the delights of art and pursue a newly awakened interest in science. But the problem of financing the Anacostia branch museum has yet to be solved.

Service to higher education and research

For any museum with a large collection, whether of objects of art or science or history, service to scholarly research is a primary function. Allied to this function is that of providing facilities for training graduate students in the arts and sciences, in a degree-granting partnership with universities. These are functions which no museum director wishes to slight.

By contrast with the number of school children visiting museums, the number of scholars and graduate students involved will seem minuscule. A large science museum may have only a thousand or two outside scholars at work on its collections during the year. The results of the work of this thousand or two, however, are likely to be out of all proportion to the number involved. And it is for this purpose, quite as much as any other, that the museum acquires and maintains its collection.

There is a present danger that museum service to scholarly research will suffer because of the rapidly increasing and more obvious demands of schools and the general public.

Yet the nation's need for research and for research facilities will continue unabated. In some fields the research demands on museums have increased as a result of increased Federal funds to colleges and universities. The difficulty is that such Federal grants do not necessarily cover the museums' expenses for the services rendered.

The museum as community center

American museums were not originally established to serve as concert halls or theaters or meeting-places for organized groups. They were established to collect, preserve, exhibit and interpret objects of art or history or science. These remain their basic functions. Nevertheless, many museums now also serve as concert halls or theaters or meeting-places for various organized groups.

Especially is it true that museums have become homes for the performing arts. Near-

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[1] Laurence Vail Coleman, *The Museum in America*, American Association of Museums, 1939.

[2] *A Statistical Survey of Museums in the United States and Canada*. American Association of Museums, 1965.

[3] *Ibid.*

[4] See Appendix for details.

[5] "A Preliminary Report on Attendance Figures for Formally Organized Education Programs in Museums of the United States." American Association of Museums, 1962.

ly all large art museums, and apparently more than half of the smaller ones, sponsor or offer their facilities for musical programs, drama, ballet and dance performances.[6]

Museum professionals do not all agree that this trend is a good thing. Some fear that the basic mission of a museum may ultimately be lost sight of in the bright lights of the performing arts. A more subtle danger, it is sometimes suggested, is that the popularity of the performing arts may induce museums to prefer popularity to enduring quality in the works of art they exhibit.

The reasons for cooperation with the performing arts, however, appear to have outweighed fear of the consequences. Museum directors find that opening their institutions to musical and theatrical performances produces broader public support of museums. There is also the belief that museums, as cultural institutions, have an obligation to cooperate with other cultural institutions in reaching as many people as possible, and that this can be done without sacrificing high artistic standards. Finally, it is contended, the arts should support and reinforce one another.

If a museum is a community institution, there is logic in the community using its space and facilities for a variety of cultural and educational purposes, particularly when other space may not be readily available or suitable. But museum trustees and directors cannot ignore the fact that such service to the community costs money for heat and light and guards for which the museum is seldom compensated. And, in some instances, providing these services will divert funds from the basic functions of the museum.

Why attendance has increased

The dramatic increase in museum attendance is accounted for in part, but only in part, by the increase in population. Urbanization is also a major factor. The change in age distribution of the population may be even more significant. A higher proportion of the total population is in the younger age groups than ever before. Our crowded schools suggest as much. By 1970, the Population Reference Bureau estimates, half the U.S. population will be below the age of 26.

The population changes could not have been major factors, however, in the absence of certain other influences. One of these is mobility, a familiar American phenomenon. A majority of the U.S. population is less than an hour's drive away from a major museum. Apparently more and more of the population each year are making that drive.

Museum attendance has also risen because more people are more prosperous than ever before, and more have leisure time with which to investigate the cultural and educational possibilities of museums. For their part, museums offer more interesting exhibits than they used to. A good many people have discovered that a museum is a lively place.

It is probably true that some part of total museum attendance is accounted for by idle curiosity, or by the desire to get the children out from under foot. Anyone who has closely observed museum crowds lately, however, will not be persuaded that these motives predominate.

The more likely explanation is that more people go to museums today because more people than ever before have discovered that the arts and sciences which museums exist to serve are both important and exciting. Some may go to a museum for delight, some for enlightenment. The result in either case is pleasure, the more so since one visits a museum freely, under no compulsion, free to enjoy or to learn at one's own pace. The average American, given an opportunity, apparently has a desire to improve the quality of his life, and museums give him that opportunity.

So far as can be foreseen, all the factors responsible for recent increases in museum attendance may be expected to continue to operate. The population is continuing to increase, urbanization shows no signs of declining, mobility is almost certain to increase, widespread prosperity is a reasonable prospect, and more people will have more leisure time than ever in the nation's history. The demands on museums, in other words, seem destined to grow.

3. THE PRESENT CONDITION OF MUSEUMS

What has happened to museum budgets in the past ten years throws light on the present condition—and problems—of America's musums. A sampling of the operating expenses (which excludes the cost of acquisitions) of small-, medium- and large-size museums shows that all have risen sharply and that annual deficits are routine.[1]

For several museums in the sample, operating expenses more than doubled in 10 years, and in one extreme case they increased ninefold. Although figures are not available to show exactly how much the operating expenses of all American museums rose between 1957 and 1967, it is safe to assume that in most instances the rise was substantial.

The experience of a major science museum in a large Eastern city is revealing. In fiscal 1957 its attendance was 314,591, its operating expenses $356,953. In fiscal 1967 attendance totaled 526,941, expenses came to $1,049,100. The cost per visitor during the decade rose from $1.13 to $1.99.

The operating cost per museum employee, during the same period, rose from $5,852 a year to $8,742 a year. As officials of this museum look ahead, they estimate that in fiscal 1976 their operating expenses will be close to $1,700,000 or about 70 per cent higher than at present. Capital expenditures will be in addition to operating expenditures.

Why operating expenses go up

Increased attendance has been a major factor in raising operating costs in museums. More visitors require more guards, more guides, more professional and administrative staff, more expenditures on maintaining and rehabilitating buildings, exhibits and equipment.

Staffff salaries, at the same time, have had to increase in order to hold experienced employees and attract new ones in the face of competition from other institutions, private and public. Salaries absorb between 70 and 80 per cent of the operating budget in major museums. This doesn't leave much for other costs of operation. It doesn't leave nearly enough, in the judgment of most museum directors, for efficient operation. Nevertheless, judging by recent experience, operating costs in major museums can be expected to increase at a rate of at least three per cent a year.

Theft and vandalism are serious problems, especially for art museums in large cities. Most museums need more and better trained guards to protect irreplaceable objects. As it is, according to a 1966 study by the American Association of Museums, a large history museum has to spend as much at $230,000 annually just for routine operating expenses—guards, building maintenance, repairs and utilities. In a large art museum these expenses now exceed a million dollars a year.

One other operating expense deserve special mention. In a time of inflation like the present, the price of a painting may double almost overnight. Art museums, to their sorrow, find that as a result the value of their paintings for purposes of insurance may also double almost overnight.

To some extent the museums themselves have invited higher costs by devising new and more attractive exhibits and by offering numerous new services, especially educational programs.

New exhibits and new services attract larger attendance, not surprisingly. The alternative, however, is hardly acceptable.

Sources of funds

Most museums rely on a combination of private and public funds. In a recent study by the Boston Museum of Science on the fiscal situation of 29 major science museums, 10 of them have annual budgets of more than a million dollars apiece, it was shown that private sources, account for about 60 per cent of the total income of these museums, public sources for roughly 40 per cent. Public sources are largely municipal, county, or State governments. Private sources include gifts and income from endowment and trust funds, often supplemented by receipts from museum activities.

Of these 29 museums, 5 have no public funds, 14 receive more private than public funds, and only 3 operate without private funds. In 6 instances private funds provide more than a million dollars toward the museum's budget.

There is such wide variation in museums' sources of funds, and in the extent of local public and private support, that generalizations are difficult. It is feared by some directors that private sources of income for museums may be drying up. Whether or not this is generally true, the fact that sources of funds are private is no guarantee of fiscal health.

Inflation has seriously reduced the spending power of endowments which when made seemed ample for all time to come. The president of the Toledo Museum of Art noted earlier this year that the assets left to the Museum by its founder 67 years ago paid 27 per cent of the operating expenses in 1965 but only 17 per cent in 1967.

Nor are prospects bright for museums which rely on municipal, county or State funds. In the pressure on municipal budgets to meet critical urban needs, museums tend to rank low in urgency.

For example, one of the outstanding art museums in the country has to rely on municipal appropriations for most of its operating funds. In only one year from 1963 to date has the city appropriated for operating expenses the amount requested by the museum, and at no time has the city met the museum's request for payroll funds, which are allocated separately from other operating funds. The trend, in fact, has been sharply downward. In fiscal 1963 the museum requested $271,524 and received $267,786. But thereafter the margin between needs and funds widened until in fiscal 1967 the museum's request for $648,876 was met with an appropriation of $448,691. Yet attendance at this museum in 1967 was about double that of 1963.

The experience of this art museum is a common one today. One attempted solution is to increase museum income from sales of publications, fees for special services, and from increased membership. As a rule though, these activities yield only a small proportion of museum income.

Another solution sometimes attempted is to charge admission to the museum. A survey conducted by the American Association of Museums showed that in 1962 only 179 of 2,021 museums surveyed, or 8.8 per cent, received as much as half their operating income from admissions. In fact, only 495 institutions (24.5 per cent) reported receiving any admission income at all.

Most museums adhere to the tradition of free admission. They do so because many of them receive governmental support—municipal, county, State, only occasionally Federal. Just as public libraries have traditionally offered service free to the community, so have most museums.

It is sometimes suggested that by charging

[6] William J. Gravesmill, "Museums and the Performing Arts," Museum News, January, 1967.

[1] See Appendix for details.

admission fees or increasing other fees, museums could remove or at least ease their financial distress. Any such action, however, would tend to exclude those individuals who most need the cultural and intellectual stimulus that museums are uniquely equipped to provide. Citizens of the inner city are only now beginning to use museums. It would be unfortunate indeed if the imposition of admission fees were allowed to reverse this trend. Conclusive evidence is lacking, however, and studies are suggested.

The staff problem

The testimony of museum directors is overwhelming that all museums are understaffed, that staffs in most museums are underpaid, and that in smaller museums, especially, many staff members are inadequately trained.

A leading science museum, for example, in its 75 years of existence has grown to the point where it has a full-time staff of 300 to care for collections numbering more than 10 million specimens and an exhibit area of nearly half a million square feet. During the past quarter of a century the collections have more than quadrupled in size, but the staff has changed very little in size. Staff salaries, nevertheless, have so increased that whereas in 1940 they absorbed 40 per cent of operating costs, and in 1950—61 per cent, in 1968 they absorbed about 78 per cent.

Even so, salaries of curators in this museum are about 10 to 35 per cent below the salaries of professors in the universities in the area. Yet museum curators and college professors in the same disciplines have, and are required to have, equivalent training and experience.

While it is logical to compare museum curators and university professors, salaries of the two groups are rarely comparable. According to the American Association of University Professors, the average compensation scale in 1968 for a full professor in a top-flight university should be $27,000, and the minimum compensation scale should be $18,180 a year. Actually, it is rare to find a museum able to pay a curator as much as the *minimum* recommended by the AAUP. In most museums—even the largest—the top salary of curators is often below the minimum salary of university professors in the same discipline.

This is a major reason why most museums are understaffed yet have difficulty in many cases in recruiting additional staff, as the "Positions Open" column of *Museum News* testified.

In issues of this publication from January, 1967, through February, 1968, museums list their needs for directors, assistant directors, curators and assistant curators, educational department heads, museum technicians. Many of the positions require a Ph.D. Many state as a prerequisite several years of experience in museum work. Salaries offered, however, are low in comparison with college and university salaries—a top of $14,000 for a director, but with most offers much lower, a top of $12,000 for a curator, with most openings paying much less.

Museum salaries in even the top positions, in other words, are hardly an enticement to a young college graduate choosing a career. A position on a university faculty probably seems preferable.

In addition, in educational circles there is thought to be more prestige in a university than in a museum job. It is also a consideration for graduates interested in research that in understaffed museums curators have so many responsibilities that they have little time for research.

The understaffing endemic in museums concerns not only the top positions. Museums also need more technicians, administrative personnel, secretaries, building maintenance personnel and guards than they now have. The jobs are there, but in most instances the competitive salaries are not.

The lack of adequate staff has specific consequences. It may mean, as it does in a large natural history museum, that the available staff can provide service to only one of every five school groups visiting the museum. Or that busloads of school children have to be turned away because no more guides are available. It may mean—as it has—that an art museum must decline to cooperate with a television station because the existing museum staff could not add to its load the burden of preparing a series of 65 half-hour shows.

There are also long-range consequences of understaffing, less apparent but perhaps more serious. When a museum's staff has more than it can do, research tends to suffer, the documentation of important collections is necessarily neglected and the conservation of invaluable objects gets minimum or no attention. Whenever this happens, the value of the museum is reduced and its future as an educational and cultural institution jeopardized.

The security of a museum's collection requires a force of well-trained, adequately-paid guards and supervisors. When salaries are not enough to keep the force of guards up to strength, security becomes a gamble. The solution, as far as the museum is concerned, lies in more guards and more protective measures, all of which require funds which most museums do not have.

The staffing problem is serious enough in large museums, where 50 professional employees and as many as 600 employees of all categories may be required, but in medium-size and small museums the problem is often desperate. Again, salary is a major factor. Additionally, administrative and maintenance chores severely limit the opportunity of the professional employees to do professional work. In a small museum, it has been observed, a curator must not only have the equivalent of a Ph. D. in his field, he must also be prepared to use a hammer and nails.

The degree of understaffing varies widely among museums. At one extreme is a small history museum in the Midwest with a total budget of $9,000 a year, provided locally. The staff consists of one full-time person serving as director, curator, guide, lecturer, exhibit technician, building superintendent and janitor. Part-time help in the tourist season, and volunteers, make it possible for the museum to function, after a fashion. How long it can continue is in some doubt.

A medium-size art museum in the South, though not in as desperate a situation as the small history museum just mentioned, has a staff problem desperate enough. It is financed largely by city funds. Its current minimum needs for additional staff are for an assistant director, a curator, an education director, a trained librarian and trained guards. The salary standards of the city government are so low that the director says it is impossible to get properly trained people for jobs in the museum. He estimates that to solve his staffing problem would require a 50 per cent increase in the city's appropriation for the museum.

Competitive salaries are a major but not the sole answer to the staffing situation in museums. The museums have the problem of interesting competent people in museum careers and then training them for these careers. It is only in recent years that a start has been made in providing training programs, whether in museums or in universities in collaboration with museums. If the staffing needs of museums are to be met, a very substantial expansion of training programs will be essential, as will an expansion of the present limited number of fellowships.

The National Endowment for the Humanities is already active in this field with its Museum Fellowship Program. It is the purpose of this program to attract and interest graduate students in pursuing professional careers in museum and historical society work, and to encourage museums and historical societies to increase their activity in graduate study curriculum.

Universities having an affiliation with an established teaching museum are selected by an advisory and screening committee to receive a grant for administration of fellowships at their institutions. The sum includes a monthly stipend, an allowance for travel and support of dependents, and a cost-of-education grant if tuition is not waived for the fellows. The candidates apply directly to the participating universities.

This year's participating universities and their affiliated museums are: The University of Delaware (Hagley Museum), the University of Delaware (Winterthur Museum), State University College, Oneonta, New York (Cooperstown Museums), and the George Washington University (Smithsonian Institution).

Museum facilities

Museum buildings designed and built within the past twenty years are a considerable improvement over older buildings. They provide better facilities for collections and exhibitions, and they are so arranged as to serve both the special needs of research and the needs of the general public. Few museums, however, occupy such buildings. Most date back to before World War II, and a sizable number antedates the Twentieth Century. Moreover, more than half of America's museums are housed in buildings not originally planned for museum use.

Investigation by the American Association of Museums[2] has disclosed that of the museums housed in physical plants designed specifically for their use, 49 have buildings constructed before 1900; 75 are in buildings completed during the years 1901–1920; 223 institutional plants date from 1921–1940; 174 from 1941–1960; and 68 have been built since 1961.

The need for rehabilitation or replacement of existing structures is so great that it could not be met in a year or two. The cost of a crash program would be prohibitive. The best that can be expected is a gradual, long-term program.

The example of one museum which has carefully examined its capital improvement needs may illuminate the problem confronting a majority of America's museums. This is a large natural history museum, one of the five largest in the country. Its building is 47 years old. Its total area covers about 800,000 square feet, of which 437,000 square feet are exhibit area.

The electrical system in this museum's building is obsolete in design and inadequate in capacity. For reasons of safety, if for no other reasons, a completely new electrical system is required. It will cost in excess of $1,240,000.

Most of the museum's area is without fire detection and prevention equipment. To provide this will cost about $210,000.

The museum's ventilation system is obsolete. It is impossible at present to provide proper temperature, ventilation, filtering and humidity for priceless collections and exhibits, not to mention employees and visitors. An adequate air conditioning system is estimated to cost about $2,500,000.

The floor of the museum building has settled by almost a foot. To stabilize it will cost about $200,000.

Escalators and a new passenger elevator are to cost about $275,000. New lounge and toilet areas for the increased attendance will cost about $250,000. Because the noise level

[2] *Report on Museum Facilities*, 1966. Contributed by the American Association of Museums to the Study of State and Local Facility Needs and Financing, prepared by the Subcommittee on Economic Progress of the Joint Economic Committee, Congress of the United States.

in some of the most popular exhibit areas is uncomfortably high, acoustical treatment is recommended, at a cost of about $200,000.

This museum's ten acres of exhibits, the trustees and director have decided, need overhauling and upgrading. Many have not been changed for decades. It is proposed to upgrade them over a period of ten years, using new and modern techniques, at a cost of approximately $200,000 a year.

All told, including other capital improvements not listed above, an expenditure of about $11,500,000 is required by this museum over the next decade. Operating expenses have risen so much, however, that it was not possible in the 1968 budget to allocate any funds at all for plant expansion or improvement.

The overwhelming majority of American museums occupy facilities which need either rehabilitation or replacement. The 1966 study by the American Association of Museums pointed out that of the 689 museums sharing quarters with other institutions, 138 would need new quarters within the next ten years. Of the 1,053 museums housed in buildings not constructed for museum use, perhaps 60 per cent, or 630 institutions, would need new construction within the next ten years to house and exhibit their collections for the public adequately. And, assuming the effective life of a public building to be about fifty years, another 124 museums would need either to remodel or replace their buildings within the next two or three years.

A conservative conclusion is that the present condition of most museum buildings and facilities is so unsatisfactory that the institutions cannot serve the public or perform their cultural and educational functions adequately. A very large program of capital improvements is indicated.

But it is not safe to assume that a museum built in 1968 according to the most modern and approved design will meet the needs of 1988 or even 1978. Even today, artists are creating works of art of such size or involving so novel a multi-media approach that the conventional museum is hard put to accommodate them. Similarly, exhibit techniques employed by history and science museums are almost certain to change in time, and in changing require modifications in building design and equipment that may be drastic. The speed and degree of change are unpredictable. The only safe assumption is that the requirements for museum facilities will change as time goes on, and that the requirements for capital improvements will increase.

THE PROBLEM OF QUALITY

In the present condition of America's museums a central problem is how to serve a growing audience while maintaining standards of quality. Some museum professionals doubt that it is possible for an art museum, say, to maintain quality while ministering to a mass audience. Other professionals are convinced that both a mass audience and quality can be served if imagination as well as money is employed.

This report will not attempt to resolve this large question. What is indisputable is that growing attendance at museums has compelled museum officials to look with a critical eye at their performance, to admit to shortcomings and to search for better ways of accomplishing the mission of their museums. There is probably more of this going on in the museum world today than ever before.

For example: directors of history museums report that the quality of exhibits in hundreds of history museums is inferior, unimaginative, unattractive. Directors of science museums are dissatisfied with forty-year-old dioramas, with excessive reliance on static exhibits, with exhibits that inform but fail to interpret. Directors of art museums—some, though not all—wonder if museums shouldn't do more than they now do to provide enlightenment as well as delight.

This self-criticism has produced results. They are to be seen in those history and science muesums which have enlivened static exhibits and experimented with audience-participation devices. The reasoning is that exhibits which involve action, particularly participative action by the viewer, are much more likely than static exhibits to stimulate the learning process.

It is very much a time of experiment in exhibit techniques and in relations with schools. New types of science museums see their principal purpose as science education in close collaboration with the school system, though not to the exclusion of the adult general public. The emphasis is on manipulative exhibits and audio-visual techniques designed to teach science, and, in the case of the Pacific Science Center, to give special attention to the teaching of mathematics.

The Peabody Museum of Natural History at Yale is experimenting with an electronic message system designed to combine sound with sight. The visitor, wearing a light, comfortable wireless headset, may stand before the diorama of the Sonora Desert and hear the call of the roadrunner, the snuffling grunt of the peccary and the whirring of the rattlesnake. The observer both sees and hears the exhibit. His questions are answered far better than by the usual brief display placards.

It was in the current mood of self-examination that the director of a history museum recently said he was not all sure that history museums were doing what they should be doing. He expressed doubt, for example, about whether existing techniques of portraying so important an event as the American struggle for independence were effective.

Among directors of art museums there is a good deal of ferment, and some controversy, over the degree to which an art museum should become involved in the life of its community. The question arises most acutely in big cities with their present surplus of social and economic problems. Some directors fear that involvement in urban problems and interests outside the walls of the museum will end in sacrificing artistic standards without helping to solve any urban problems. Other directors—perhaps the majority—contend that an art museum cannot ignore the urgent problems of the day any more than contemporary artists can. It is in keeping with this trend that the Metropolitan Museum of Art planned the exhibition entitled "Harlem on My Mind," described as a history of the Harlem culture.

Much of the current self-criticism by museum professionals has arisen because they are searching for answers to questions they have never found it necessary to worry about until now. There are such questions as these: What and who is the audience the museums should serve? Why do people come to museums? What do they hope to get? What do they, in fact, get from their visits? What are the attention-spans of museum visitors of different ages?

To these and dozens of other questions about audience motivation and behavior museum officials today have few satisfactory answers. It is a field in which museum officials have done little research. Until recently, it hadn't seemed urgent. Now it does. It seems urgent because the measure of a museum's performance is not only the size of its audience but its impact on that audience.

The growth of museum audiences is a mixed blessing. Weekend crowds in major art museums sometimes make it difficult for individual viewers even to see the painting they want to see, let alone give it concentrated study. One solution attempted by some museums is to add to the viewing time by staying open evenings, though the cost in a large museum may exceed $1,000 an evening for guards and utilities. Whether there are better solutions is not at all clear.

The problems of small museums

Measured by attendance, or budget, or exhibit area, the overwhelming majority of American museums are small. If we use as an arbitrary yard-stick an annual attendance of less than 25,000 or a budget of less than $50,000, well over half of the nation's 6,000 museums qualify as small.

This is a measurement of size, not of value. There is no good way to measure the value of a museum to its community, or the aggregate value of all small museusm to the nation. What can be said is that if a museum which has enriched the life of a community closes its doors, the community is poorer and so is the nation.

Some art museums, though tiny in comparison with those in metropolitan centers, exhibit paintings of great significance. Some small natural history museums possess collections of importance to science as well as to the community. Museums of local historical societies in many instances own and exhibit objects of American history of significance both locally and nationally. In urban centers, small, specialized museums pay tribute to the heritage and culture of the several ethnic and racial groups in the nation.

There is one common denominator which applies to most small museums: the budget is inadequate. As a result, the museum is understaffed and the staff is often untrained, the buildings are inadequate and the museum is unable to perform its basic functions properly or meet minimum standards. This generalization does not, of course, fit the case of all small museums, but it does apply to hundreds of them.

Museum professionals subscribe to the statement made in the preface to "The Management of Small History Museums," a booklet published in 1959 by the American Association for State and Local History. In part, the preface declares:

Too many small history museums still belie the name of museum. Many are little more than depositories of historical objects. Their collections are not adequately catalogued or are not catalogued at all. Their methods of preservation do credit to attic storehouses. Their exhibits are little more than organized confusion. Too often they are proud to own relics that are meaningful only to them and a small body of associates. Articles are exhibited because of their sentimental value to the few or to donors, not because they illumine the human processes of the past.

Behind this severe indictment is the conviction that small history museums have a great potential for portraying the American past, but a potential that in too many cases has not been realized.

Too often a museum established in a burst of local pride and enthusiasm found that more than those assets were required. A staff of one or two is not large enough to operate a museum satisfactorily. Volunteer help, invaluable as it is in museums, cannot be expected to perform jobs that require professional training in exhibiting, preserving and interpreting historic objects. An abandoned store or warehouse may house a museum as a temporary though inadequate makeshift, but if the makeshift continues very long, and after its inadequacies make effective museum operation impossible, it suggests that the community puts a low value on the museum—lower, for example, than it does on its well-housed schools.

Still, small museums continue to operate, regardless of their problems. They continue because they meet a need that no other community institution does.

For a case in point, the director of a history museum in a small county-seat in the Midwest sums up as follows. 'Our visitor

count runs between 15,000 and 20,000 and probably half of these are children. In the summer, migrant workers—Mexicans and Southern poor whites—come in pretty large numbers. We have school dropouts, delinquents and semi-delinquents, leather-jacket characters, the slow-learners and the really retarded, all degrees of the underprivileged. . . . Among the high school graduates who go on to college, many come back to tell me how valuable they had found the things they learned in our little museum. . . . They seem to need the reassurance of continuity, of seeing something that has withstood time and change, and in some degree our museum can provide that.

"Boys from around the 4th to 6th grades will spend hours in here looking and asking questions. Even high school sophomores visit the museum, though they are usually considered the most obnoxious show-offs and know-it-alls. Perhaps they are just avid for information, or perhaps it is a need for reassurance. . . ."

The central problem of the small museum is obviously lack of money. Typically, town and county governments provide some of its income, memberships in the local society sponsoring the museum provide some, and the remainder comes from sale to visitors or voluntary contributions from them. Rarely is the total enough. The possibilities for increase from local sources are not good. The last decade has seen increasing pressure on local governments to meet a wide range of demands for services. Probably the source least likely to provide more proportionately than it now does is local government.

This is not to suggest that the future of the small museum is hopeless. The museum world as a whole is trying to come to the rescue. Large art museums, with financial encouragement from the National Endowment for the Arts, are working on ways to finance loans of exhibitions to small art museums. The American Association of Museums is especially active in their behalf. Expert assistance in exhibit techniques and in museum management is being provided in at least some instances by State arts councils. The problem of preserving paintings and historical objects in small as well as in large museums is recognized, if not yet resolved. Traveling exhibits from large museums to small ones can help, provided the small museum has the staff and means to handle them.

Some small museums make the mistake of trying to do on a small scale what big city museums do. A small art museum cannot hope to collect a wide range of works of art. It can, however, specialize in contemporary and local art, and encourage local artists. Small history or science museums cannot do what major museums in those categories do. They can, though, get help from major museums in learning how to exhibit and interpret those local collections which have value.

The financial problem of the small museum is bigger, in one sense, than that of the large urban museum, in that it has fewer sources of financial support and such sources as it has have a more limited potential. But to the extent that small museums fill both a local and a national need, a combination of local and national support could be the answer to their financial problem.

4. THE CASE FOR FEDERAL SUPPORT

The grounds on which museums base their request to the Federal Government for support may be summarized as follows:

(1) Museums contribute educational and cultural services to the nation which no other institutions either do or can.

(2) The service provided by a number of museums is nationwide, but the funds which make this possible are disproportionately local.

(3) Though museums cooperate with Federal agencies in furthering Federal programs—the anti-poverty programs, for example—they do not receive appropriate Federal reimbursement for this service.

(4) Museums regularly make their resources available to schools, colleges, universities and individual scholars for research financed by the Federal Government. No. Federal support is available, however, to help museums meet the costs incidental to such services.

(5) The collections, facilities and staffs of museums produce research of unquestioned value to the nation. Increased Federal support for this research is in the national interest.

(6) Taken as a whole, the works of art, historic objects and scientific specimens in America's museums constitute a treasure of incalculable value to the people of the United States and to their posterity. The Federal Government has a responsibility to assist in preserving, maintaining and wisely utilizing this treasure on behalf of all the American people. Once lost, the treasure can never be replaced.

This report does not suggest that the Federal Government, either today or in the future, is required to assume dominant responsibility for the financial support of America's museums. The report does suggest that the time has come for the Federal Government to assume a partnership role.

A problem of definition

From their inceptions, American museums have had an educational as well as a cultural mission. In recent years museums have devoted more and more of their resources to their educational responsibilities, as earlier sections of this report have shown. In view of this record, museum trustees and directors tended to take it for granted that everybody knew museums were educational institutions. One purpose of this report is to remind the Federal Government that museums are, in fact, educational institutions.

It is true that museums do many things which schools do not do, and which do not meet a conventional definition of education. Collecting and preserving Rembrandts or historic objects or insect specimens is not what a school usually does or can do. Unless some institution does this, however, our educational system will be handicapped in fulfilling its function.

There is the implication that because museums do not grant degrees or diplomas, they cannot be treated as educational institutions. What this implication overlooks is that if there were no museums, colleges and universities would be unable to grant degrees in several fields.

It is true that not everybody goes to a museum for educational purposes. Some go simply in search of diversion. Nevertheless, many who go to museums for diversion, stay to learn. A museum program or exhibit is often the one thing that will catch the interest of a child—or an adult—and ignite the learning process after traditional approaches have failed.

But because museums are not defined by the Federal Government as educational institutions, they are denied certain tax concessions and foreclosed from certain Federal grants provided generally to educational institutions.

Inequities in tax concessions

Though recent changes in the regulations of the Internal Revenue Service have reduced the extent of tax discrimination against museums, some discrimination remains. For Federal income tax purposes, an individual taxpayer is allowed a deduction from his adjusted gross income for contributions to, or for the use of, a charitable, religious, educational, public or scientific organization or to the United States, a State or other governmental unit. The general rule is that an individual taxpayer may deduct such charitable contributions up to 20 per cent of his adjusted gross income. This limitation is increased to 30 per cent if the additional 10 per cent consists of contributions to a church or association of churches, a tax-exempt, educational organization, or an exempt hospital. The extra 10 per cent deduction may also include contributions to any organization to which the basic 20 per cent limitation applies if the organization normally receives a substantial part of its support from the general public or from a governmental unit. An organization will be considered to be one which normally receives a substantial part of its support from donations from a governmental unit, from contributions made directly or indirectly by the general public, or from donations which are a combination of such sources if such organization received one-third or more of its support from such sources for each of three of its last four taxable years ending prior to July 1, 1964.

For the purpose of the additional 10 percent deduction, an educational organization is defined as one which has a faculty, a regular body of students and a regular course of study. Thus, the added 10 per cent for contributions to educational organizations would not generally apply to contributions to museums. In general, therefore, if a museum is not governmentally supported, contributions to it would not enable a taxpayer to reach the 30 per cent level unless a showing could be made with respect to general public support for the museum. A number of museums cannot do this.

There are other, more specialized, provisions in the income tax law which favor schools, colleges and universities over museums. One provision of importance to many museums affects taxpayers who set up trusts under which, for at least two years, the income from the trust is to be paid to a church, hospital or "educational organization." The taxpayer in such cases will receive a charitable contribution deduction for the present value of the gift of the income and is not subject to tax on any of that income. The result is that all income of the trust goes to the beneficiary without reduction for Federal income tax, and the donor pays a reduced tax on his other income by virtue of the charitable deduction. To date, however, this tax concession is not applied to gifts to museums.

Regulations governing excise taxes, in some respects, also tend to favor schools, colleges and universities over museums.

Inequalities in Federal grants

Exemptions provided for "educational organizations" affect Federal appropriations as well as tax concessions. Because the educational status of museums is in question, Federal agencies are limited, under existing law, in allocating funds to museums. The National Science Foundation, for instance, which is actively supporting museum research, has not felt free to treat museums as on a par with schools, colleges and universities. Museums, in the eyes of the statutes, are second-class educational organizations.

Federal programs which do not permit direct grant support to museums include those administered under all, or most, titles of the Higher Education Facilities Act, Higher Education Act, Elementary and Secondary Education Act, Educational Professions Development Act, National Defense Education Act, Library Services and Construction Act, and Federal Property and Administrative Serv-

ices Act. It is recognized that museums are able to receive Federal funds for services rendered. For example, "developing institutions" undertaking programs under Title III, National Education Act, could enter into financial arrangements with nearby museums to furnish a wide variety of services which would strengthen the colleges' offerings and at the same time provide some support to museums. Similarly, a museum could also participate in a typical college work-study program authorized under Title IV, Part C of HEA. Under this provision, museums may be reimbursed for their cooperation, with Federal funds providing 90 per cent and the institution contributing 10 per cent of the costs.

The point which seems to have escaped the Federal Government is that while museums are not schools or colleges and do not presume to substitute for them, they provide an educational supplement which is not only essential but unique. People go to a library for books, but they go to museums to see at first hand those objects of art, history or science which books describe. It is the opportunity in a museum to see the original evidence of art, history and science that both makes it unique and establishes it as an educational institution.

It is also of practical significance to the Federal Government that museums number their visitors in the hundreds of millions and serve these visitors with more flexibility and imagination than is possible within a school system whose size and whose policies make flexible and imagination difficult. Given the financial resources, museums could serve even larger audiences, and in ways no other educational instruction can.

Local institutions, national problems

Former Mayor McKeldin of Baltimore has remarked on the urban problem of raising revenue at a time when city people are moving out to the suburbs, outside the city's tax jurisdiction. As Mr. McKeldin put it, these former city dwellers "work in the city, but they sleep, vote and pay taxes outside." The ex-urbanites come back to the city for intellectual and cultural stimulus—museums, theaters, concert halls.

Mr. McKeldin points out that Baltimore, a city of about a million, is expected to provide cultural enrichment for a metropolitan area of about 2 million, although only half of that number pay taxes to Baltimore, and that half includes the lowest income groups in the metropolitan area. Yet without strong support of its cultural fie, the city must inevitably lose its character until in time, in the opinion of Mr. McKeldin, it will be nothing worth calling a city, but more like a concentration camp from which the inmates' one desire is to escape.

This problem of municipal overburden isn't limited to the suburbs immediately surrounding Baltimore or any other large city. The problem crosses state lines. Big-city museums attract people from all parts of this country, and from overseas as well. There is no geographical limit to a museum's audience in this day of a mobile population.

In San Francisco, for example, the California Academy of Science has discovered that only 20 per cent of its visitors come from the metropolitan area; 80 per cent come from areas which provide no tax support to it. The same thing is true of other large museums in urban centers, and also of smaller museums which have collections and exhibits of wide interest.

The problem of providing nationwide service on local budgets is peculiarly acute for museums which emphasize research. It so happens, for instance, that of the hundreds of natural history museums (a category which includes botanical gardens), about 25 of them maintain most of the systematic biological collections of the United States. These collections are used by scientists from every State in the Union and from many foreign lands. The collections are indispensable to research and also for training graduate students to be scientists.

Most of the funds of these 25 museums, however, are provided locally. They cannot continue to provide nationwide service indefinitely out of local funds. Accordingly, the National Science Foundation is financing a study to evaluate the needs of these museums and their contribution to research. The problem is to find a way for the Federal Government to come to the assistance of such museums both in their interest and in that of the Government itself.

Not only science museums but are and history musemus also provide nationwide service on local budgets. Unfortunately, the Federal Government has been slow to realize this. Only in a few instances have Federal funds been allocated for art and history museums, and as yet not on a scale commensurate with the nationwide services these museums perform.

To reach more people

Massive as museum attendance has become, it remains true that millions of Americans do not have easy access to a museum. Large areas of the United States are without museums. In urban centers it is doubtful if museums reach a majority of the urban population.

One solution is to establish more museums. This is taking place, where and when funds are available. It is an expensive solution, however, and an incomplete answer to the problem.

A second solution is to create small branch museums, especially in urban centers, in unused buildings in low-income areas.

A third way by which museums can reach more people is through the traveling exhibit. The demand for such exhibits far exceeds the supply. One limiting factor is the fiscal one.

Another limiting factor, in the field of art, is that valuable paintings cannot be moved about haphazardly, or inexpensively, or to places not equipped to take care of them properly.

Science, history and technology exhibits, however, can be adapted to travel with less risk. When more funds are available, there can be more such traveling exhibits.

A fourth way to reach more people is through television. A few museums provide TV shows now in cooperation with TV stations in the National Educational Network, and more would like to do so, if funds were available for the facilities and special staff needed.

A new development known as EVR (Electronic Video Recording) may make possible a dramatic increase in the ability of museums to reach more people, and at less cost than by the usual TV show. EVR will provide reels of film with color and sound for use in homes and schools. The playback equipment, attached to a regular TV set, is scheduled to cost under $300, and a 7-inch reel of film offering a half-hour show will range in cost from $7 to $14.

The possibilities of EVR for museums are obvious. Art exhibitions, accompanied by interpretation by experts, may by EVR travel to any school or library or community building equipped with a TV set and playback attachments. Small museums on limited budgets and with limited space for exhibits could then, through EVR, show a succession of exhibitions from the large museums. This new development cannot substitute for seeing the original evidence in the museum—the painting or historic object or scientific specimen—but it may provide the next best thing, and at relatively low cost.

Museums and tourism

This year, because of the crisis in the United States balance of payments, the Federal Government has a special interest in the attraction that America's museums hold for tourists. To the extent that museums induce more Americans to do their touring at home rather than abroad, and induce more people from overseas to do their touring in the United States, they help to reduce the deficit in the balance of payments.

It is well known that museums attract tourists and in some instances provide the main reason for travel. Small museums, far from the beaten track, report substantial increases in attendance during the tourism season. Large museums in urban centers attract tourists throughout the year.

The Chicago Association of Commerce, for economic reasons, has surveyed visitors to learn where they spend their time while in Chicago. The survey covered the period of a year and found that while 20 per cent of the visitors gave preference to sports events, 72 per cent put museums at the head of the list. The businessmen who run the Association of Commerce conclude that the city's museums constitute a major economic asset for Chicago.

We are not accustomed to think of a museum as having economic value to a city or to the nation. Museums are not established for this purpose. They develop economic value almost in spite of themselves. It becomes evident when business executives discover—as they have—that a city with good museums is a better place for them and their employees to live in than a city without adequate museums. But the economic value of museums is most apparent in their contribution to tourism, which turns museums into a factor of considerable importance in the economic health of a city and of the nation, inasmuch as tourism involves the expenditure of billions of dollars each year in the United States.

Museum income

Less than one per cent of the income of America's museums is provided by the Federal Government.[1] For the other 99 per cent, museums rely mainly on private sources and on State and local governments, as figures in Chapter IV of this report attest. Museum trustees and directors are currently putting great emphasis on increasing the flow of money from private sources. They also hope to persuade local governments to increase their allocations. Museum officials recognize and act upon the obligation to obtain most of their funds locally. They are not looking to the Federal Government to bail them out of their present fiscal difficulties. They believe it is reasonable to request, however, that the Federal Government put museums on equal footing with other educational institutions.

A few museums are supported wholly by private funds. They are the exception. Some are financed largely or wholly by States and municipalities. But the vast majority of the 6,000 museums in the United States rely on a mixture of sources—some private funds, some State or local governmental funds, some income from museum memberships, publications, sales desks and fees for special services. At the bottom of the list as sources of museum income are private foundations, business corporations, and the Federal Government.

A large private endowment does not preclude a museum from fiscal trouble. Inflation has so increased costs as to reduce seriously the real income from endowments. Besides, endowment funds are often restricted as to use, and museum directors find it difficult to interest private donors in making gifts to pay for routine operating expenses. It is easier for a museum to obtain a gift to buy a famous painting than to get funds to keep

[1] *A Statistical Survey of Museums in the United States and Canada*, American Association of Museums, 1965.

the doors open so that the painting can be seen.

Private foundations and business firms have, it is true, substantially increased their contributions recently to colleges and universities. They have yet to do so for museums. Foundations in 1967 limited their contributions to museums to less than 2 per cent of their grants, for a total of $6,843,000.[2]

The line between public and private

It is traditional in this country to classify institutions in the cultural-educational-welfare complex as either public or private. The classification has extended to the source of funds as well as to management and control.

In recent years this sharp line between public and private has become blurred. Public institutions now solicit and receive private funds. Institutions privately established and privately endowed now request and receive public funds. Management and control remain what they were, but funds increasingly come from both private and public sectors. Partly this is because government has found it necessary to utilize the sources of private institutions in its own interest; partly it is because private institutions have faced needs which could not be met by private sources alone.

There is every reason to expect this trend in joint public-private financing to continue. Probably it is irreversible. The allocation of public funds to private institutions is accepted as sound government policy in situations where the institutions perform public service.

The trend is shown in the current plans of colleges and universities for capital improvement projects. During the 5-year period ending in 1970, according to an Office of Education survey,[3] 856 institutions of higher learning estimate the cost of new construction and rehabilitation (excluding student housing) at about 14 billion dollars. Of the 856 institutions, 323 are public, 533 private.

Both public and private institutions participating in this survey rely upon a combination of public and private fund sources, although the private institutions naturally rely more heavily on private sources. Private gifts and grants, for example, are counted on to supply 12 per cent of the total requirements of the 323 public institutions, but about 61 per cent of the requirements of the 533 private institutions.

As museum officials examine these figures they are impressed by the extent to which reliance upon a combination of fund sources has become an established pattern. So far as museums are concerned, there will continue to be heavy dependence on private sources and on local government sources. It is the third source—the Federal Government—that is the missing link in supporting American museums.

For example, Federal grants for museum buildings and facilities during the period 1957–65 supplied only 0.3 per cent of expenditures for those purposes. By contrast, the colleges and universities referred to above expect Federal grants to finance about 16 per cent of their expenditures for new construction and rehabilitation during the five-year period ending in 1970.

The European Experience

The impression is widespread that cultural institutions in Europe have no serious financial worries because government pays all their bills. So far as museums are concerned, the impression is in error. For one thing, most European museums do not have the funds they need. For another, government does not pay their bills. The chief difference between Europe and America in this area is that European governments have long accepted, as a matter of policy, the obligation of government to support cultural institutions. European implementation of this policy has been a different matter.

In Europe, as in America, financial support of museums comes from a variety of sources, some private, some public. Central governments usually provide most of the funds for major museums (the Louvre and the British Museum, for example), but provide little for any others. As in America, local governments often support local museums, and private donors give financial support to both private and public museums. In general, an admission charge is levied by museums on the European continent.

What is lacking in Europe, as in America, is clear recognition by central governments of their financial responsibility toward museums as cultural and educational institutions. The role of government, accepted in theory, has yet to be put into practice in much of Western Europe. The need in America is for the Federal Government not only to recognize its responsibility in theory, but also to put it into practice throughout the nation, which is something Western Europe has never done.

Federal grants to museums

So far, the main interest of the Federal Government in museums has been in their resources for scientific research. The National Science Foundation has long been aware of the scientific potentialities of museums, and has been active in providing research funds. During the two-year period, fiscal 1966–67, it made 214 grants totaling $8,437,905 to 54 institutions—science museums, botanical gardens, herbariums. Several other Federal agencies—the National Institutes of Health, the Atomic Energy Commission, the Air Force, among others—have also financed research in museums. The Office of Education has shown an increasing interest in museums as resources for educational purposes. Museums have received nearly $500,000 in the past several years from the Office's Arts and Humanities Program for research and development projects authorized under the Cooperative Research Act. In addition, museums in at least 22 states have been at least partially remunerated for their participation in Title III, ESEA projects.

This Federal interest in museums, however, has been limited in both degree and scope. It has been important to science museums in financing research, but not in financing operating expenses, or, as a rule, their urgent needs for capital improvements. It has left untouched the needs of art museums and history museums altogether.

While the National Endowments for the Arts and the Humanities have shown active concern for the needs of museums and have made a number of grants to them, the funds available have been severely limited. Total allocations to museums by the two Endowments this fiscal year approximate $500,000.

It is true that the Elementary and Secondary Education Act in theory includes museums, but by law museums may not apply for direct grants under this Act. Instead, the initiative rests with the "local educational agency." The number of museums benefiting by this Act has been relatively small and the amounts allocated have not been enough to make a dent in museum's fiscal problems.

The major needs of America's museums remain to be met, and the role of the Federal Government in meeting them remains to be determined. Concluding sections of this report discuss both of these matters.

The forgotten library

Most large museums and many small ones maintain their own libraries. They are not as conspicuous a part of the museum as the exhibits, and they often escape the notice of the visiting public, but museums could not perform their mission very well without them.

The present conditions of museum libraries reflects the same problems of staff, facilities and budget endemic among museums themselves. Demands on libraries have grown with increased use of museums, often a good deal faster than library budgets have grown. And, unlike many other libraries, those in museums are excluded from the benefits of such Federal legislation as the Library Services and Construction Act.

At least 726 museums maintain libraries, according to the Museums Directory of 1965. In large museums the library may contain more than 100,000 volumes, requiring the services of a sizable staff. The collection often includes slides, films, prints and photographic archives and, in history or historical society museums, many original manuscripts.

The function of museum libraries is to serve both the research needs of the museum staff and visiting scholars, and the interests of the public. Usually the library was developed primarily to serve as a research tool, but public demand has enlarged its mission. Collections of slides and films, for instance, are maintained chiefly for the use of the public, both inside and outside the museum. Schools, especially, make use of visual aids available from museums.

Library collections in museums are attracting wider use in both large and small institutions. Interlibrary loans have increased sharply. These loans go to college and university libraries in most of the 50 states for the use of scholars engaged in scientific research. And demands on museum libraries, large or small, increase when neighboring colleges expand the curriculum or the faculty in subjects in which the museum specializes.

Increasingly, it is realized that both the scope and the needs of museum libraries require re-examination. Most need more staff, including more with training in library science, and higher salaries. In many museums the libraries need better quarters, special funds for acquisition of books and other materials essential in museum research, and environmental controls to protect and preserve library collections.

Museum libraries of the future will be called on to provide services that few of them are equipped to provide today. For example, the Cincinnati Science Center now under construction will include in its library special space and equipment for the viewing, cleaning and inspection of slides and motion pictures, and for viewing materials on video and audio-tapes. With the proliferation of electronic devices for seeing and hearing, the minimum requirements for a museum library will be appreciably higher than they are at present.

5. UNMET NEEDS

The Belmont Conferees on Museum Needs, after surveying the critical situation facing museums, agreed that ten needs should have priority. All are urgent and deserve the financial support of the Federal Government.

This request for Federal support is on the understanding—to reiterate—that museums will continue to receive financial support from a variety of local sources, private as well as public. Museum officials intend to solicit increased support from these local sources. They do not assume that Federal funds will either replace existing sources of museum funds or bear most of the burden. They hope, however, that the Federal Government will see the necessity for sharing it.

[2] *Foundation News*, January 1968, pps. 5, 7.

[3] Table 12, *College and University Physical Facilities Series*, Office of Education, U.S. Department of Health, Education and Welfare, 1967.

In the absence of a detailed survey of the financial needs of America's 6,000 museums—something which has never been attempted—this report has sought illustrative data from a small number of museums believed to be representative. Figures given here are therefore in most cases simply a clue to the sums needed.

Nationwide services

The museums under the jurisdiction of the Smithsonian Institution are great national museums, providing nationwide service, supported almost wholly by the Federal Government. But it seems to have escaped notice that every large museum in the United States, and many smaller ones, also provide nationwide service even though they are not called "national."

The kind and degree of nationwide service can be illustrated by example. A nationally known science museum finds that of its total attendance of about 3 million annually, only 20 per cent originates locally, the remainder originating in every State in the Union and in several foreign countries. Since the research resources of this museum are highly valued by scientists, scholars from all parts of the United States and from abroad make use of its collections. The budget of this museum, on the other hand, is provided almost wholly by local sources.

A practical and fair formula for allocating national funds for nationwide service is needed. In the museum mentioned above, it is estimated that approximately 20 per cent of the operating budget of $1,368,260 is expended directly or indirectly for regional and nationwide service. It is suggested that a reasonable portion of this expenditure for nationwide service be assumed by the Federal Government.

Obviously, the extent to which American museums provide nationwide service varies a great deal. Some provide little or none. Others are indispensable to the maintenance and development of the arts and sciences, and to the educational system of the United States.

A first step in allocating Federal funds might be a determination by each museum of the proportion of its operating budget spent on regional and nationwide services. It would then be reasonable for the Federal Government to provide grants to qualified museums on a matching basis.

It is suggested that initially Federal grants totalling between $10 million and $15 million be made available to museums on a matching basis to help them finance regional and nationwide services.

The opportunities for creative and productive use of Federal funds in this area are very great, but the first necessity, whatever the formula adopted is a decision by the Federal Government that it is in the national interest to assume a reasonable share of the cost of the nationwide services performed by America's museums.

Compensation for services provided for the Federal Government

Federal programs for the disadvantaged—Head Start, Widening Horizons, Job Corps, and others—have enlisted the services of museums. Schools and school boards requesting such services, however, have in many instances failed to compensate the museums proportionately. Rather than deny service, the museums have used their own local funds, at the expense of essential museum functions.

Two examples will illustrate the problem. A children's museum with an operating budget of $140,000 this past year provided services valued at $65,000 to schools receiving Federal aid. The museum received compensation from the schools in the amount of $23,000. This left an expenditure of $42,000 for which the museum was not compensated.

A history museum with an operating budget of $500,000 during 1967 provided services valued at $32,000 to schools receiving Federal aid. The museum was compensated for $7,000 of its expenditures. The remainder, for which it received no compensation, amounted to $25,000.

Yet requests from schools and other organizations have increased each year, with the cost of service rising about 15 per cent annually for the past three years.

The children's museum has the facilities to expand service to schools by 50 per cent, but it can only do this as additional funds are made available. The history museum is at the saturation point and must expand its building and facilities if it is to provide service to more schools. Both museums have had to turn down requests for guided tours, programs in schools, field trips and adult education service for lack of funds.

In the large urban museums the number of individuals served in anti-poverty and other Federal programs is of course much larger, and so are the museum's unreimbursed costs.

What has disturbed museum officials quite as much as the cost has been the failure of school authorities, in many areas, to work closely with museums in planning how best to utilize museums in Federal programs. In general the museums have welcomed the Federal programs because they can make accessible to more people the resources museums possess. Museum staffs have great skill and sophistication to offer in interpreting museum holdings to the general public and to schools. The possibilities for collaboration between school and museum, however, have not always been utilized.

It is recognized that State education agencies authorized to receive Federal funds have the power to insure full compensation for services rendered by museums, and that there are requirements, particularly under Title III of the Elementary and Secondary Education Act, to encourage joint planning by schools and museums.

It is urged, therefore, that State education agencies be required to implement the requirements of existing acts in regard to full compensation and effective joint planning.

Museum buildings and facilities

Earlier in this report it was noted that the present conditions of many museum buildings and facilities was such as to require either replacement or extensive rehabilitation.

A major art museum, for example, housed in a handsome building surrounded by a park, to the casual visitor is a vision of elegance and luxury. The director of the museum is more impressed with the building's deficiencies. He lists them as follows: no space for traveling exhibits, or expanding collections, or showing local and regional artists, or study-storage; inadequate office space; no air conditioning (to preserve works of arts) in most of the building; need for renovation in 20 out of 30 galleries; need for outdoor lighting and building changes for security; need for enlarged wing for school and class use; need for new wing for exhibitions with corresponding office, service, storage and work space; need for underground parking space.

For several years no funds have been available to meet any of the needs in this director's list. He has "made do" by sacrificing 18,000 square feet of exhibition area to other uses, and by numerous other improvisations. The result is inefficiency and deteriorating service to the public.

The cost to this museum of making the capital improvements listed would approximate $4 million. Another major art museum estimates its needs for rehabilitation at $1.5 million. A children's museum finds it must enlarge its building at a cost of $200,000. A science museum is in the midst of a 10-year program involving an expenditure of $19.5 million (all from private sources), of which $11 million is for plant construction and $4 million for equipment and exhibits.

A grant total of capital improvements needed by all museums is not at present available. The capital outlay by American museums during the period of 1957–65 amounted to an average of $21.54 million per year.[1] This was far below needs.

In question now is the part the Federal Government is to play. During the 1957–65 period grant assistance from the Federal Government accounted for only 9.3 per cent of the capital outlay by museums, all under grants from the National Science Foundation. Private sources provided 70 per cent of the total in this period, local governmental sources 24.7 per cent, municipal bond issues 5 per cent.

If museums from now on spend as much as they should on capital improvements, the total outlay each year would probably be at least double the 1957–65 average, or somewhere in the neighborhood of $50 million. Private and local governmental sources will, it is assumed, continue to provide a substantial share of the funds needed. Even so, they cannot be counted on for double the sums they now provide. Museums therefore have no recourse but to request the Federal Government to help by making available grants for capital improvement.

It will be recalled that 856 colleges and universities during the five years ending in 1970 expect a capital outlay (excluding student housing) of about $14 billion, or $2.8 billion a year (see page 44). It is not here assumed that Federal appropriations to museums for capital outlay should approach in dollar magnitude the grants to colleges and universities. Such grants should, however, be roughly proportionate to the needs, and if made on a matching basis they could serve as an incentive to private donors.

It is therefore suggested that the Federal grants to museums for capital improvements be made on a matching basis for an initial total of between $15 million and $25 million.

Museum staffs

When museum salaries can be made competitive with those of comparable institutions, the chronic problem of understaffing will be greatly eased. It will not disappear altogether, however. A contributing factor is a shortage of trained people. The solution, museum professionals agree, is more in-service training for workers now on museum staffs and more museum training opportunities in colleges and universities for prospective museum personnel.

Museums themselves, for lack of funds, have been able to do no more than scratch the surface of this field. Though some 60 museums and universities offer museum training courses, the number of fellowships available is severely limited, as is the size of each stipend. No doubt more fellowships and more adequate stipends would be offered if museum salaries and working conditions were improved.

The Federal Government has involved itself to some extent through grants allocated by the National Endowment for the Humanities and the National Science Foundation. The total Federal involvement to date, however, is very small in relation to the need.

Especially needed are funds for more museum internships and fellowships, and for more joint university-museum training courses.

It is suggested that Federal grants for these purposes initially be within the range of $1 million to $2 million annually.

Program research and development

The sharpest criticism of museums today comes from museum professionals. They are aware of the inadequacies in museums performance. Here are some of the inadequacies they believe need intensive research.

Some museum exhibits make no impression on viewers. Why? Time-worn exhibit techniques have lost their usefulness. What techniques should replace them? Museum

[1] Report on Museum Facilities, 1966.

officials do not know with any certainty what visitors expect of a museum or what they actually get, or even—on a simpler, mechanical level—how best to manage visitor traffic within the museum.

And: what practical steps can be taken to enable museums to be of greater use to schools, colleges and universities? Exactly what should be the role of the museum in education? What must urban museums do to adapt to changing relations between central city and suburbs? How can museums best make their resources available to the disadvantaged or to communities remote from them? Is it better to establish branch museums where the disadvantaged live or to make it possible for them to visit existing museums?

These are a few of the practical questions to which museum people need answers if museums are to serve the public adequately and live up to their potential. No one has answers to them today. It should be possible to determine them by systematic, imaginative research. The results would be of value to the public and to museums of every category.

Museum directors queried for the purposes of this report estimate that the cost of such research over a five-year period would be in the neighborhood of $1 million the first year, rising to $1.5 million in the third, declining to $1 million in the fifth year. The support of the Federal Government is requested for this research.

Traveling exhibits

A public library system in a metropolitan center may include as many as 50 branch libraries. Books are put within reach of the total population of the area. This is not true of the paintings, the historic and scientific objects in museums. There are very few branch museums in the United States.

An obvious reason is the cost of building and properly maintaining branches. A second reason is the difficulty and the inadvisability of splitting up valuable collections. A third reason is the scarcity of masterworks of art and certain categories of historic and scientific objects.

As an alternative to branch museums traveling exhibits have been developed. Many museums participate in providing them. The Smithsonian, for instance, has 104 exhibits on the road at this time. Some portray facets of science, some deal with technological developments of wide interest, some are concerned with history. All are booked far in advance. All require the services of highly skilled exhibit technicians and professional curators in their preparation. They are therefore a heavy drain on a museum staff.

Putting together a traveling exhibit of works of art presents special problems. There is always the risk of damage in shipping a work of art, or in displaying it in a place where control of temperature and humidity is unsatisfactory and security a gamble.

It is common practice for art museums, however, to keep part of their collections out on loan to other museums, when they are equipped to provide adequate care. This offers an ever-wider audience for works of art. And, with most Americans "on wheels," it is theoretically possible for all who wish to enjoy a painting to travel to the museum where it is on exhibit.

There could be many more such inter-museum loans if Federal funds were available to supplement and share the expense of packing, shipping and insuring works of art. These costs have risen to the point where neither large nor small museums can afford to arrange as many inter-museum loans as they should.

The fact remains, despite mass mobility, that exhibitions in museums do not reach parts of the country where there are no museums, nor do they reach those segments of the population which are not mobile. Some form of traveling exhibit is a possible solution.

This solution requires buildings and personnel equipped to care for and interpret exhibits. It has been suggested that the problem would be solved by establishing receiving centers for exhibitions throughout the country, so that traveling exhibits could be drawn from such centers for circulation in areas not now served by museums.

A prototype of this system is under development in Pennsylvania by the State Bureau of Museums. Fourteen centers will act as clearing-houses to circulate some 900 portable exhibits to schools throughout the State, as soon as funds under the Elementary and Secondary Education Act are made available. This project is known as Project AIME, which being interpreted means Audiovisual Instructive Museum Exhibits.

Whether a national system of receiving centers for traveling exhibits is the best way to meet national needs is impossible to determine without much more study and experimentation. It is suggested that the Federal Government make between $500,000 and $1 million available for such study and experimentation.

Mass media

It is probably fair to say that most museums have not made the use of mass media as they should have, in either their own interest or that of the public. Press and radio, of course, have long been counted on to announce museum acquisitions and programs, since the museums' own publications reach only a limited audience. Slides and film strips are widely distributed to schools and special-interest groups. But other and newer techniques are employed by relatively few museums.

A television camera, for instance, can display the resources of a museum to millions week after week at relatively low cost per viewer. Few of the nation's 6,000 museums make regular use of television. The explanation is that though the cost per viewer is low, the cost per museum is much more than most museum budgets can stand.

One of the few museums—an art museum—which telecasts regularly from its exhibit halls had to prepare for it by spending $100,000 installing power outlets and camera connections, then acquiring a trained staff and allocating about $35,000 annually for TV shows. Officials of this museum are convinced that the dividends in the form of large audiences every week more than justify the cost. The weekly audience, through a network of educational stations, is well up in the hundreds of thousands. By contrast, weekly attendance at the museum itself averages only about 15,000.

The difficulty is that so few museums can afford $100,000 to install TV facilities, or have a staff trained in TV techniques, or can budget $35,000 a year to prepare TV shows—unless they reduce other essential expenditures and services.

The introduction of EVR (Electronic Video Recording), mentioned on page 42, however, promises to add greatly to the media resources open to museums and at less cost than present television programs.

What is needed by most museums, if they are to use mass media to reach more people, is money for experimentation and for guidance by experts in the media. The Federal Government's declared interest in educational possibilities of museums.

It is suggested that an initial allocation of $1 million be provided for experimentation in television and other mass media by a small number of selected museums.

Basic research and publication

It is in financing basic research that the Federal Government has in the past been most helpful to museums. The National Science Foundation has been especially active, with grants to more than 200 museums (including botanical gardens and herbariums) for a total in excess of $4 million a year. In the main these grants have gone to finance research in natural science museums, with smaller grants to history museums. Art museums have yet to benefit to any significant extent from Federal grants.

Federal support of basic research in museums is in line with a trend that began after World War II. In 1956, NSF statistics show, total Federal obligations for basic research amounted to $201 million. By 1964 the total came to $1,782 million. The share of this total allocated to museums has remained at modest levels.

It seems generally agreed that Federal support for basic research will be necessary indefinitely, and that some planned expansion is in order; if so, museums making their resources available for such research will require funds for new research facilities, permanent equipment, and improvement in the storage, documentation and accessibility of collections, as well as funds for salaries.

In the judgment of directors of representative history and science museums, assuming a five-year program of increased allocations, the added expenditures for research in science and history museums should approximate $6 million in the first year, $11 million in the second, and $19 million five years hence.

What is needed now is to determine both the direction this expanded research program should take and the relative share in financing it to be assumed by the museums and by the Federal Government.

It is suggested that the National Science Foundation, because of its experience in supporting museum research, could be particularly helpful in this determination. In addition, it is urged that adequate funds be appropriated to the Arts and Humanities Endowments to enable them to bring to the disciplines within their purview the vitality which the National Science Foundation has brought to the sciences served by museums.

Conservation and restoration

The task of conserving and restoring the millions of objects in America's 6,000 museums is an enormous one. Art museums have perhaps the most acute conservation problem, and are most conscious of it. Many of the smaller history museums, where the problem is also acute, seem least able to do anything about it.

A curator of wide experience recently summarized the situation, as he has found it, this way: "I question whether even a small percentage of the museums in this country are doing anything more than presiding over the steady deterioration of that which they have been instituted to preserve."

In part this situation exists because physical facilities for conserving museum objects are inadequate. Some means of controlling temperature and humidity is essential if paintings and aging historical objects are to be preserved. It is less of a problem in a science museum, but there, too, extremes of temperature and humidity or high concentration of sulfur dioxide in the air can, for example, cause irreparable damage to an insect collection.

One solution, mentioned earlier, is environmental control—control of temperature, humidity and air pollution through air conditioning. Some museums have part of their buildings air conditioned, but few museums have been able to afford it for all their exhibition and storage areas.

There is a good deal more to the problem than this, however. Many museums lack a systematic program of conservation and restoration, and even those that have such programs have tremendous backlogs of objects needing preservation. There is, at the same time, a shortage of trained conservators, and facilities for more are inadequate. Final-

ly, there is urgent need for research in conservation techniques.

In 1952 a handful of art museums, conscious that most individual museums could not cope with their problems of conservation and restoration, organized the Intermuseum Conservation Association. Member museums needing conservation services request them of the ICA laboratory, operated by a small staff of highly trained people. The cost to each member museum is in this way kept within bounds.

The facilities of the ICA laboratory are limited, however. Membership in the Association is correspondingly small. For most museums on severely limited operating budgets adequate conservation remains a distant goal. Only a large museum with an operating budget in excess of $200,000 can justify establishing its own conservation laboratory—if it can locate trained personnel to operate it.

It is clear that any attack on the conservation problem of museums must be long term and gradual. The problem will not be resolved quickly. If it is ever to be solved, the support of the Federal Government will be indispensable.

Funds are needed for the following purposes: (1) scientific research on methods of conservation in museums, (2) laboratory facilities, and equipment and staff for such research, (3) programs to train and develop museum conservators, and (4) the purchase of conservation services by those museums which cannot have their own laboratory facilities.

It is suggested that Federal funds totaling between $750,000 and $1,250,000 be made available initially on a matching basis so that 10 regional conservation centers may be established.

A museum computer network

It is becoming increasingly difficult to provide adequate access to our vast public collections of art, scientific and historical material or to fulfill the intensified demands made of them for information by a society attuned to higher thresholds of knowledge. The more difficult is is to confront the actual objects in our museum collections, the more valuable the information about them becomes. While there is a finite limit to the number of visitors that can be accommodated in a museum's galleries on a given day, the public which may address itself to our dominion of information—through the use of new communications technology—is theoretically unlimited.

The demand for the information which our museums contain is far beyond their present capabilities to supply. America's museums have amassed, and continue to acquire, an astounding number of objects—with the attendant accumulation of increasing amounts of information about them. Yet they are unable to make proper use of this growing store of data because their present methods of recording and retrieving information concerning their collections are antiquated and inefficient.

The problem confronting the Smithsonian's Museum of Natural History illustrates the situation. This museum has 50 million specimens in 36 major scientific collections. One of these—not the largest—is a crustacean collection of half a million objects occupying 10½ miles of shelves. But the collection is almost valueless for purposes of research or teaching because the registration and cataloguing of information descriptive of it is years behind the need for the material in question."

What is true in this one museum is true in greater or lesser degree in almost every museum in the country, whether its field is science or art or history.

A solution to the information management problem exists in the imaginative application of computer technology. The computer is admirably suited to organizing and storing in highly accessible form vast amounts of information. Moreover, thanks to new techniques, it now is possible to construct a computer-directed archive to accommodate any type of record (whether textual or visual) which museums use.

A first step toward the creation of a comprehensive information system is being taken by the Museum Computer Network project, sponsored by a consortium of 25 art museums throughout the United States. Now in its second year, the project is laying the groundwork for the establishment of a national data bank of public art collections by conducting an intensive study leading to the design and implementation of the kind of system required.[2]

The Smithsonian's Museum of Natural History is undertaking a related project which may ultimately serve as the model for an information system embracing science museum resources.

The Museum Computer Network project and the Smithsonian's pilot project are modest beginnings. The fact has to be faced that to design, develop and operate computer-based banks for all American museums will cost millions of dollars. Much careful research and experimental work must be done before such information systems can be created. The work now in progress is a start, but it is on much too limited a scale. It is urgent that funds be made available at an early date so that museums may proceed with the preliminary investigation and experimentation needed.

It is therefore suggested that the Federal Government provide a minimum of $1 million on a matching basis to help museums design and develop computerized systems for the efficient storage and retrieval of information.

6. A MECHANISM FOR FEDERAL SUPPORT

Once the Federal Government decides as a matter of policy to provide financial support for museums as it does for other educational institutions, what governmental machinery does it use? What agency or agencies can most logically and efficiently implement the policy?

For years museums naturally have had a close working relationship with the Smithsonian Institution. The Smithsonian, however, has not been a channel for massive Federal funds. Such Federal grants as have been made have come mainly from the National Science Foundation and from certain other discipline-oriented departments or agencies. The Office of Education also has been involved through its support of schools and other educational institutions. Increasingly the National Endowments for the Arts and Humanities have become concerned with the problems and needs of museums, but they have yet to receive funds commensurate with the needs.

At present there is no single Federal agency which concerns itself with museums and also allocates funds to them. There is, however, a non-governmental organization which has served museums for 63 years. This is the American Association of Museums—the only national organization representing all the categories of institutions making up the museum field. It is a non-profit educational organization maintained to promote the welfare and advancement of museums as educational institutions, as agencies of scientific and academic research, and as cultural centers. Consideration might well be given to ways in which the American Association of Museums could serve the Federal Government in its relations with museums.

One important way in which the Association could be helpful would be the development of museum standards and methods of accreditation. How many of the nation's 6,000 or so museums today meet acceptable standards is unknown. If attendance is the criterion, the number of museums in position to qualify is small, as the statistics on page 4 of this report indicate. Attendance, however, is not in itself a conclusive criterion. It is urgent that the American Association of Museums and its member institutions develop and agree upon acceptable criteria and methods of accrediting museums.

To date, the Federal Government has shown more interest in science museums than in those concerned with art or history. This is because the research functions of science museums parallel the research interests of numerous Federal departments and agencies. Funds are allocated to museums for research by the National Science Foundation and other Federal departments and agencies. Between these agencies and museums a collaborative system has evolved gradually and logically. It is an arrangement that is in the interest of both the Federal Government and museums. There is no reason to disrupt it and many reasons to continue it.

A similar well-funded relationship for all museums should be developed within the Office of Education and the Endowments for the Arts and Humanities to involve art and history museums. Still other research potentialities exist in the National Trust for Historic Preservation.

It is urged that all agencies oriented to such disciplines as art, history or science review the support now going to museums and seek means of strengthening this support. It is also urged that existing legislation be amended to permit support to museums which are active in program areas coincident to the intent of the legislation but from which support museums are now barred by the specifics of the legislation; further, that similar amendments in tax laws and regulations be made to remove provisions discriminatory to museums (see pages 38–40).

While it is true that museums are mentioned along with other educational institutions in some existing legislation, the mention has gone almost unnoticed. As a practical matter it is extraordinarily difficult for a museum to obtain any of the benefits of Federal legislation enacted in the interests of educational institutions.

Needs common to all museums

Grants for research do not meet all the needs of museums, as preceding pages of this report make plain. There are other priority needs, and they are common to all museums whether their field is art or history or science.

For example: museums have problems of building maintenance, rehabilitation and construction. They have the problem of conducting educational programs which extend from the pre-school age to the graduate level and beyond. Museums have the problem inherent in acquiring and preserving collections and making them accessible for scholarly use. Museums face the problem of caring for millions of visitors—accommodating them in galleries and exhibition halls, providing them with information, check rooms, food, lounges, toilets, and parking space—if possible.

These problems common to most museums are so diverse, and they could involve so many Federal agencies, that to divide responsibility for them among all the agencies which might be concerned would probably not serve the interest of either the museums or the Government. It might be wise, eventually, to make one agency responsible for disbursing those Federal funds appropriated for the common needs of museums.

Such an agency could logically be a unit within a new Federal Department, a Department of Cultural Affairs, which has been suggested as the ultimate solution to the mul-

[2] See Appendix for more detailed information.

tiplying problems of the Federal relationship to the cultural life of the nation. An increasing number of people have proposed the establishment of such a department. It is a proposal which other nations much concerned about cultural affairs have put into effect.

For the present this report suggests that the existing machinery of the Federal Government be employed to meet the urgent needs of museums. There is already on the books a National Museum Act. There are several Federal Departments and agencies which can allocate funds to museums. There are other departments and agencies which could make funds available to museums if existing legislation were amended.

The National Museum Act

Consider first the Smithsonian and the National Museum Act. Within the Smithsonian the United States National Museum is the unit entirely oriented towards cooperation with other museums and their associations. Its purpose is to work cooperatively with museum professionals in the United States and abroad to increase the effectiveness of museums in the performance of their scholarly and public functions.

The Smithsonian has not, however, had massive funds or grants to distribute to museums for facilities or acquisitions or for the support of continuing museum programs. Whether or not it might be assigned such responsibilities in the future, it is clear that a number of the needs relating to museums, as museums, can be addressed immediately under the National Museum Act.

This is said because there are other services to museums which the Smithsonian has long performed and which might well be expanded. Long before there was a National Museum Act the Smithsonian was supporting service programs responsive to wide museum needs. Joseph Henry, the first Secretary, organized the international exchange of information and publications between institutions and museum professionals. He gave grants for field work to non-Smithsonian anthropologists and published the works of others. Successive administrations have continued the Smithsonian's concern with broad museum problems.

At various times the Federal Government has asked the Smithsonian to engage itself in programs benefiting museums. One of these is the program to use blocked funds for educational purposes in excess-currency countries. This latter program involved grants in fiscal 1969 providing the dollar equivalent of $1,230,000.

The National Museum Act confirms the tradition of museum services performed by the Smithsonian and names the National Museum to carry them on with the cooperation of the museums of the country. To date the Congress has not made appropriations to implement the Act. An appropriation of at least $1 million for the first year is essential. When an appropriation is made available, as the authors of this report urge, the American Association of Museums and its member institutions can make more rapid progress in establishing museum standards and methods of accreditation, can aid experiments with museum consortiums and mutual assistance projects, and can help museums evaluate and improve the educational value of their programs.

Amending existing legislation

Before the Federal Government can meet adequately the needs of museums it will be necessary to amend certain statutes. As pointed out, many Federal programs in aid of educational institutions do not permit direc grant support to museums. This is true of programs administered under all or most titles of the Higher Education Act, Higher Secondary Facilities Act, Elementary and Secondary Education Act, Educational Professions Development Act, National Defense Education Act, Library Service and Construction Act, and Federal Property and Administrative Services Act.

It is exceedingly important that qualified museums be recognized as institutions of higher education equally as eligible for direct Federal dollar support as are their degree-granting university partners. This Federal policy should be established by Congressional hearings, by changes in existing legislation in aid of higher education, and by demonstration to the administrators of fund-granting agencies that museums are institutions of higher education eligible for direct support.

Amendments to Acts concerned with Elementary and Secondary Education should also be made to permit financial support to those museums which provide educational programs at school levels. Such amendments could go some distance toward meeting the common needs of all museums.

The authors of this report, however, while intimately familiar with the present condition and needs of museums, and while confident that their report sums up the present condition and needs of museums, do not feel competent to draft amendments to Federal statutes or to advise the Federal Government on how best to meet its obligations to museums.

The museum representatives responsible for this report therefore urge the Federal Council on the Arts and the Humanities to pursue its interest in museums and to inaugurate studies designed to develop specific proposals to amend legislation in the interests of museums. In such studies representatives of the American Association of Museums will be glad to be of assistance.

In summary

In conclusion, the Committee on Museum Needs submits the following recommendations:

That the National Museum Act be funded with an appropriation of at least $1 million for the first year;

That grants to museums from Federal departments and agencies already concerned with museums be sharply increased, specifically the National Endowment for the Arts, the National Endowment for the Humanities, the U.S. Office of Education, and the National Science Foundation;

That the Federal Government, as a matter of basic policy, recognize museums as educational institutions, working in formal affiliation with elementary, secondary, graduate and undergraduate level institutions;

That the Federal Council on the Arts and the Humanities, in furtherance of the above basic policy, be asked to study the problems of museums further and to make recommendations with reference to existing legislation to the end that the Federal Government may meet its obligations to museums;

That this report be published for the information and use of all those concerned about the future of museums.

APPENDIX

"REPORT OF THE COMMISSIONER'S COMMITTEE ON MUSEUM RESOURCES," UNIVERSITY OF THE STATE OF NEW YORK, STATE EDUCATION DEPARTMENT, NEW YORK STATE MUSEUM AND SCIENCE SERVICE (1962)

"The Museum of the City of New York is able to offer organized teaching service to only one-third of the school children who visit daily.

"The American Museum of Natural History, Department of Education, is currently turning down requests for teaching service for an average of 1,000 children in school groups each day of the year. A much-needed lecture series for high school students on biology, earth science, and social studies has been discontinued. All requests from out-of-town groups for guidance service are refused. All requests for circulating exhibits from New York State schools, except for schools in New York City, are refused. Requests for weekend workshops for natural science teachers cannot be fulfilled. Requests for educational publications needed by teachers to make their use of the museum's resources more meaningful cannot be filled.

"The Metropolitan Museum of Art is forced to turn down one-third to one-half of all requests from groups for gallery guidance and must turn down all requests for Saturday and Sunday guidance from groups. At certain times of peak attendance, whole galleries must be closed. Half of the requests received for lectures for high school students must be refused. Talks given by staff members at the public high schools have been stopped. Requests for publications from young children and requests for circulating exhibits and circulating films are turned down.

"Despite the growing demands on museums to participate in educational television programs, both the Metropolitan Museum of Art and the American Museum of Natural History report that, because of lack of staff and funds, they cannot comply.

"At the Rochester Museum of Arts and Sciences, the educational staff in 1961 gave class and lecture instruction to 17,346 children in 539 groups (36 percent from Rochester, 33 per cent from the county outside the city, and 31 per cent from outside the county); but, because of limited staff, an additional 3,000 children who came to the museum could not receive instruction. Lack of funds has forced the museum to turn down requests from teachers and the general public for courses in astronomy, space science, weather study, atomic energy, and other topics. Although the museum loan service scheduled 2,324 exhibits reaching almost 50,000 students, lack of funds for exhibits delivery required that an additional 1,584 units for county schools had to be transported by private cars. A vastly larger number of students would be reached by the loan service program if funds for the efficient transportation of exhibits were available.

"The Buffalo Museum of Science annually programs educational classes and tours for all city of Buffalo school grades six, seven, and eight. But despite guide service for over 26,000 students and museum visits by another10,000 students, due to a limited staff of guides and teachers, the museum refuses service to all school groups below grade six except for grade four students and of these only one-third of the students can be accommodated each year. Also, because of limited staff, school groups who come for Saturday tours, mainly from out-of-town, must be denied guide service even though Saturday is the only day these groups have bus transportation available. Requests from schools to field guides are refused due to lack of curatorial and educational staff. Many requests from individuals working on special study and research projects are refused help because of a limited staff. For want of an adequate curatorial staff the museum's anthropological and natural history collections are not available for research by qualified graduate students of a nearby university. At each lecture and related program in the 450-seat museum auditorium, approximately 200 persons are turned away. The large film library refuses five requests each day for films because duplicates are not available, and the lack of staff to service films prevents their distribution beyond a 20-mile radius of the city. The astronomy department has the only observatory in western New York but the museum has no budget item for an astronomer. Weekly television programs are furnished by the museum for one local station but requests from two other stations for similar service must be denied."

This was the situation reported by these museums in 1962, in 1968, with attendance

higher while facilities and staff remain much as they were, the same museums reported as follows:

"Museum of the City of New York: 'Pressure has indeed increased and we are forced to turn away three classes for each one accepted . . . it is a matter of so many classes and only so much space.'

"The American Museum of Natural History: 'The state of affairs described in the Hochschild report of 1962 still exists . . . Our facilities and staff in the Education Department have not materially changed since then, while the demand for their services has proportionately increased.

" 'The Museum has long felt the need for additional personnel and new facilities to carry out its current educational programs more effectively and to extend that program in directions that are clearly indicated by current problems in the community of New York. As examples . . .':

" '1. The present support for our education program from the City of New York provides only limited service to the students and teachers of the New York public school system. We are facing increasing pressure from schools and school districts outside New York City for parallel programs and for additional services, which we simply cannot fill for lack of support.

" '2. There is a growing concern in New York for the need to supply meaningful educational experiences during non-school periods of the year, especially for the large population of socially and economically deprived children in our city. Our staff and facilities are simply not adequate to serve these needs.

" '3. The opportunities to provide educational services from the Museum through the media of radio and television are vast. Nevertheless, we do not have even minimal facilities to begin such work.

" '4. The educational facilities of the American Museum were not designed to carry out the variety and scope of programs which the modern world requires. We recognize the need for a new building as part of our complex, designed and equipped specifically for the needs of museum education. Plans for such a building, costing in the neighborhood of $8 million, have been discussed for some time. But we cannot see, in the sources of funds available to us now and in the foreseeable future, any possibility of raising the amount needed.'

"*The Buffalo Museum of Science:* 'The situation has not improved since 1962. One additional curator has been hired but a much larger staff is needed. The film library continues to have to turn down requests. The demand for guided tours continues to exceed staff capabilities as in 1962. The increased demands can only be met by an increase in staff and a larger building."

"*Rochester Museum of Arts and Sciences:* ". . . The educational staff in 1967 gave class and lecture instruction to 38,740 children in 1,083 groups (25% from Rochester, 50% from the county outside the city, and 25% from outside the county); but, because of limited staff, an additional 4,000 children who came to the museum could not receive instruction. Lack of funds has forced the museum to turn down requests from teachers and from the general public for courses in astronomy, space science, weather study, atomic energy and other topics. Although the museum loan service scheduled 1,785 exhibits reaching 63,091 students outside the building, lack of funds for exhibit delivery required that an additional 2,221 units for county schools had to be transported by private car or by some other means."

"*The Metropolitan Museum of Art:* "It remains true that requests for gallery guidance exceed our ability to offer appointments at the ratio of approximately 1 to 1."

"(During the six months July–December, 1967, Museum lecturers conducted gallery tours for 654 groups comprising 18,826 persons, but 1,710 groups comprising 52,573 persons toured the galleries without benefit of museum lecturers. The figures include tours for adults, high school, and elementary school visitors, with the latter predominating. Though many groups did not request the help of Museum lecturers, it is clear that demand exceeded the service the Museum could offer.)

" 'We are trying to combat this problem by offering a Teacher's Consulting Service whereby a teacher who is unable to obtain an appointment for the Museum's formal program can come to the Museum between 3 and 5 on any weekday afternoon and, without appointment, meet with a staff lecturer to discuss the class visit in advance. Maps are plotted out and bibliography suggested. We hope to offer printed material suggesting possible tours. We are also expanding our program of courses for teachers in the hope that they, themselves, can be enabled to teach from the original object. . . .

" 'We are now developing educational materials—in book form, film, filmstrips, and exhibitions—which can be used in the school classrooms. The technology which is presently available does make it possible, I believe, for the Museum to produce and distribute on a large scale materials which will promote understanding and widespread knowledge of Museum collections.

" 'Educational television could be very successful and it seems to me not impossible to locate the funds to develop programs. It will be more difficult to devise formats for presenting our material that can hold its own in this most competitive and professional medium.

" 'In general, I would say that the pressures on museums to serve as centers of education have and will continue to increase.' "

MUSEUM OPERATING BUDGETS

A Representative Sample: The budgets given below for two fiscal years a decade apart—1956/57 and 1966/67—are for art, history and science museums chosen as typical of small, medium-sized and large institutions. The statistics are those published in museum annual reports on file with the American Association of Museums.

SMALL MUSEUMS

	1966–67	1956–57
Art:		
Income	$174,333	$22,832
Expenses	175,327	21,882
Income	53,269	[1] 33,659
Expenses	47,606	[1] 33,390
History:		
Income	95,483	[1] 66,487
Expenses	97,388	[1] 54,507
Science:		
Income	115,040	[1] 72,167
Expenses	114,934	[1] 72,167

[1] Nearest year.

MEDIUM-SIZED MUSEUMS

	1966–67	1956–57
Art:		
Income	$469,756	$214,504
Expenses	471,312	220,133
Income	313,226	238,435
Expenses	278,663	235,059
History:		
Income	101,730	[1] 55,000
Expenses	108,620	[1] 55,920
Income	392,673	[1] 265,480
Expenses	376,317	[1] 256,337
Science:		
Income	209,199	[1] 97,629
Expenses	176,003	[1] 87,560

[1] Nearest year.

LARGE MUSEUM S

	1966–67	1956–5
Art:		
Income	$1,172,790	$546,693
Expenses	1,175,397	620,114
Income	5,476,202	2,124,122
Expenses	5,472,600	2,121,981
History:		
Income	558,080	147,917
Expenses	791,815	147,917
Science:		
Income	4,178,043	2,858,815
Expenses	4,212,852	2,972,094

Preliminary data from an unfinished survey being conducted by the Associated Councils of the Arts (1968)

FOUNDATION GRANTS TO ART MUSEUMS

[A survey of thirty-three museums of art]

	No grants	1 grant	More than 1 grant
Large museums: Operating budgets over $500,000	4	1	3
Medium museums: Operating budgets between $100,000 and $500,000	12	2	1
Small museums: Operating budgets under $100,000	7	2	1
Totals	23	5	5

70 per cent of all respondents reported no grants from foundations.

15 per cent of all respondents reported only one foundation grant.

15 per cent of all respondents reported more than one foundation grant.

50 per cent of the large museums responding (four out of eight) reported no foundation grants.

80 per cent of the medium-sized museums (twelve out of fifteen) reported no foundation grants.

70 percent of the small museums (seven out of ten) reported no foundation grants.

FOUNDATION GRANTS AS A PERCENTAGE OF TOTAL INCOME

[For museums reporting 1 or more foundation grants]

	Percent					
	Less than 1	1–5	5–10	10–15	15–25	Over 25
Large museums: operating budget over $500,000	2	1	1	0	0	0
Medium museums: operating budgets $100,000–$500,000	1	0	0	0	2	0
Small museums: operating budgets under $100,000	1	1	0	0	0	1
Total	4	2	1	0	2	1

The sample is too small for averages or medians to be meaningful. The range of responses, however, is indicated in the following figures:

One large museum reported two grants totalling $390,000.

One large museum reported eighteen grants, although the average of these grants was only $500.*

One medium museum reported thirty-four separate grants totalling $85,000, an average of $2,500.*

One small museum reported three grants totalling $20,000, or roughly 28 per cent of its total income.

* The number of grants recorded in these cases, in contrast to the other responses, causes one to question whether or not a different definition of "foundation grant" may have been used. The questionnaire itself was not clear on this point.

ART MUSEUMS SALARIES

(Preliminary data from an unfinished survey being conducted by the Associated Councils of the Arts (1968)—Salary information based on 41 responses)

[Figures in thousands]

	High	Low	Average
Directors salaries:			
Large museums: [1] 11 museums; 11 positions	25	15–17	21–25
Medium museums: [2] 19 museums; 19 positions	25	11–13	15–17
Small museums: [3] 11 museums; 10 positions	11–13	6–7	9–11
Assistant directors salaries:			
Large museums: 11 museums; 9 positions	21–25	8–9	15–17
Medium museums: 19 museums; 8 positions	11–13	8–9	9–11
Small museums	(4)	(4)	(4)
Curators salaries: [5]			
Large museums: 11 museums; 36 positions	17–19	5–6	11–13
Medium museums: 19 museums; 15 positions	13–15	3–5	9–11
Small museums: 11 museums; 4 positions	9–11	5–6	7–8
Associate and assistant curators salaries: [6]			
Large museums: 11 museums; 39 positions	11–13	6–7	8–9
Medium museums: 19 museums; 13 positions	11–13	3–5	8–9
Small museums	(7)	(7)	(7)
Registrars salaries (only chief registrar):			
Large museums: 11 museums; 10 positions	11–13	3–5	8–9
Medium museums: 19 museums; 10 positions	8–9	3–5	7–8
Small museums	(8)	(8)	(8)
Education directors salaries (only chief position if more than 1):			
Large museums: 11 museums; 10 positions	17–19	5–6	11–13
Medium museums: 19 museums; 12 positions	11–13	6–7	8–9
Small museums	(9)	(9)	(9)
Conservators salaries (only chief position if more than 1):			
Large museums: 11 museums: 6 positions	19–21	9–11	13–15
Medium museums	(10)	(10)	(10)
Small museums	(11)	(11)	(11)

[1] Large museums—operating budgets over $500,000.
[2] Medium museums—operating budgets between $100,000–$500,000.
[3] Small museums—operating budgets under $100,000.
[4] Only 3 small museums reported assistant directors, (all in the $7–8,000 range.)
[5] Several museums reported more than 1 chief curatorial position. All chief curatorial positions were included in this analysis.
[6] Several museums reported more than 1 associate or assistant curatorial position. All associate or assistant curatorial positions were included in this analysis.
[7] Only 1 small museum reported an associate curator on the staff ($8–9,000 range.)
[8] Only 1 small museum reported a registrar position ($5–6,000 range).
[9] Only 2 small museums (reported education directors $3–7,000 range).
[10] Only 1 medium museum re‡ ,rted a conservator on the staff ($9–11,000 range).
[11] No small museums reported conservators.

A Computer-Based Information System for the American Museum Community

As the museum audience continues to grow at an accelerating rate which has long since surpassed our means to expand institutional facilities, it is becoming increasingly difficult to provide adequate access to our vast public collections of art, scientific and historical materials or to fulfill the manifold and intensified demands made of them for information by a society attuned to higher thresholds of knowledge. While there is a finite limit to the number of visitors who can be accommodated in a museum on a given day, the public which may address itself to our dominion of information—through the use of new communications technology—is theoretically unlimited. The textual and visual records descriptive of our museum holdings is a valuable resource, to be marshalled and conserved with the same care devoted to the preservation of the collections themselves and to be made available in a meaningful context to all who care to use it.

In the years which witnessed the proliferation of American museums (and the enlargement of public collections) there was little incentive to develop or refine their information function. The burgeoning records of our museums are, therefore, distributed—without benefit of cross-referencing—in the files of several thousand institutions whose methods of registration and cataloguing have changed little in the past 100 years. Lacking any central source of information or the means for rapid or selective access to the large bodies of data within its charge, it is small wonder that the museum establishment is threatened with the loss of significant portions of its priceless asset of information. If we are to have our archives from the atrophy of disuse and endow them with the fuller expressive powers of accessibility, we must consign them to more efficient storage. If we are to discharge our duty to education and scholarship and develop our unrealized potentials for public service, we must reconcile ourselves to the cooperative formation of central repositories of information, or data banks, with facilities for handling inquiries from many classes of users reflecting varying levels of acuity and professional interest.

What is called for is the establishment of comprehensive information systems as an integral aspect of museum operations. The means to achieve this—through the imaginative application of computer technology—is presently at hand. Storage devices already exist which could, for example, reduce the complete catalogues of all the art museums in New York City to a space no larger than a desk drawer, with full and instantaneous access to any item in the file assured under a broad range of research criteria. Large bodies of textual material can be perused under computer control with the same sensitivity and interplay that the scholar enjoys in scanning his own familiar array of index cards. The machine can be made to organize data, to generate and print reference lists, and disseminate abstracts of periodical literature selectively to a large readership based on individual user profiles. New apparatus now in the developmental state may soon permit images to be compacted and stored digitally as easily as text, for handy recovery.

In short, the technical capabilities for expanding the cultural and educative role of our museums through the enhancement of their information activities are already within reach. The extent of what we may presume to do is rather a function of the financial resources which we can hope to command and our own imagination in adapting the new technology to our emerging needs.

The computer is admirably suited to the task of organizing, and storing in highly accessible form, vast amounts of information. Dramatic advances in the development of techniques for processing humanities data, as effectively as scientific or numeric information, now make it possible to construct a computer-directed archive—with associated communications facilities—which can accommodate all types of records and reference materials with which museums customarily deal. Such an archive or "information system" should be maintained, ideally, at a headquarters location from which the stored information would be retrieved and distributed on request to a great number of users over a network of terminals strategically placed in museums, libraries and educational institutions throughout the region which the archive serves. The actual assembly of data for a central "data bank" is generally preceded by a feasibility study culminating in a "systems design" (the blueprint which guides the eventual implementation of the system proposed). Any such enterprise within the framework of the American museum community would, most likely, be organized and operated by the group of museums whose information resources would form the system's data bank. Let us consider for the moment how this might be accomplished.

There is little doubt that the expense of creating one data bank, embracing all collections throughout the country representative of any segment of the museum community, would be substantially less than the overall cost of several smaller regional archives of the same total scope. The systems development expense, and the initial investment in the basic computer equipment required to drive a data bank, are largely independent of the quantity of information to be stored. Similarly, the communication facilities for data dissemination do not vary appreciably with the size of the territory served (unless interrogations are conducted "on-line" over a network of terminals connected to the central computer; however, aside from a very few of our largest institutions, it seems unlikely that the volume of use or the urgency of response in any museum-oriented information system would warrant the markedly higher cost of operating in a "real-time" mode for perhaps 10 years to come). The major cost item that *is* a variable and directly proportional to the amplitude of the system is, of course, the actual expense of collecting data.

A comprehensive information system for our nation's art museums would require a half-million dollars to develop and design, and at least $3 million to outfit were it to include a minimum configuration of terminals. An even larger sum would be consumed in the process of gathering data for assembly of the data bank itself. The painstaking conversion of existing museum records and related information into machine-readable form is itself a prodigious and costly effort. If the public art collections in this country were found to include 6 million objects—not an unlikely possibility—and museum records could be translated into proper format for computer input at the rather optimistic rate of 5 minutes per object, 20,000 man-weeks of cataloguing time would be involved in carrying out the task. Were this work to be done by specially trained curatorial teams commanding an average individual salary of $250 per week, this aspect of the project alone would cost $5 million.

Substantially more would be needed to establish a comparable system for our nation's science museums, whose universe of data is far greater. The Museum of Natural History of The Smithsonian Institution has, for example, a collection of some 50 million specimens which grows at the rate of 1 million accessions every year. This museum is already faced with the necessity of creating a computerized cataloguing system for its own holdings. Should it elect to convert its present records to machine storage, a sum far in excess of its annual operating budget would have to be spent simply for the transposing of files into computer form.

Closer analysis of the technical considerations involved in organizing discrete bodies of museum data of seemingly divergent characteristics for machine input points to many unsuspected areas of similarity or coincidence in the requisite computer methodology. This suggests that consideration be given to the design of a *single* information system serving *all* museums of the United States, in which the records of art, history and science and those of specialized institutions would be stored at one large computer headquarters in separate but compatible data banks differentiated on the basis of the nature of the information contained. Aside from the obvious philosophical advantages of creating a

single system which permitted free communication across disciplinary lines, the possibility of substantial cost savings argues persuasively in favor of reconstituting the information services of the entire museum establishment with a single thrust.

The sponsorship and funding of any museum information system of national proportions—whether intra- or cross-disciplinary—is, necessarily, a formidable undertaking. Aside from the overwhelming expense of getting under way, one must allow for deficits in the early years of operation when no such system could hope to pass on any substantial share of its running costs to outside users. Although museums can be expected to contribute to an operating budget by diverting to it funds otherwise spent on housekeeping tasks which could be performed far more economically on the system's computer equipment, such contributions would not cover the full expense. The participating museums would also be asked to provide services, curatorial facilities and eventual system supervision; however, the financial support for the formation and early operation of such an enterprise must come from other sources. It should be equally apparent that the venture is too ambitious to be funded initially by even our largest private foundations without the assistance of the Federal establishment.

As the cost of any plan for conserving and developing the natural resources of information charged to the custody of our museums approaches the fiscal dimensions of other programs of social significance, its worth must, of course, be tested in the market place of the greater society which we aspire to be. The value of a museum communications system derives from its synergistic potential for the advance of knowledge in the broadest sense. The accessing of valuable neglected archives, the upgrading of institutional services, and the general enhancement of traditional activities in education and research, which depend upon the data to which museums are privy, state the obvious case for such a system.

In addition to such promising applications, the establishment of a computerized system for handling the information which is now only theoretically at our command will provide us with a logical source for programming other museum activities which call for random access to information. By this means, we might hope to structure the museum audience in ways which today seem scarcely possible, relying upon a computer-controlled orientation center to guide and instruct the museum visitor in a mode specially selected to suit his individual requirements. It is not at all farfetched to envision the time in the not-too-distant future when the museum will offer not only such services but a broad spectrum of experiences ranging from the pedagogical and classically contemplative to the most fanciful of audio-visual, interactive situations; nor is it outrageous to dream of the day when museum information may be delivered electronically from a computer center directly to the home or classroom.

We must also consider, in the final analysis, that the use of new computer-based technology to develop a comprehensive museum information system is a major step towards the larger objective of creating, ultimately, a network of inter-connected information systems encompassing the *full* spectrum of man's achievements. It is the time-sharing aspect of the computer—its capability to serve many interrogators simultaneously—that opens to us this possibility of information interchange between a large group of users in which the machine functions heuristically as the medium of the exchange. The realization of the "on-line" intellectual society, and its concomitant "utility of information" in which knowledge may be transmitted to point of use with the same ease as electricity, is the higher purpose which should inspire our present efforts. A nation-wide system of museum resources would, therefore, function not only as a remarkable new tool of education and scholarship but as a prototype for comparable systems in the humanities which are destined to appear. The fulfillment of this ambition will demand the initiative of the American museum community as a whole, and the enlightened participation of public and private sources of support.

It should be noted that one museum project of a consortial nature, directed to the formation of a computerized information system, is already under way. Known as the Museum Computer Network project, this undertaking (under the sponsorship of a representative group of institutions throughout the country) is laying the groundwork for the establishment of a national data bank of public art collections. The project, now in its second year, has already made substantial progress towards its announced objective of completing an intentive study leading to the design and implementation of the system envisioned. This work is proceeding under grants received from the New York State Council on the Arts and the Old Dominion Foundation. However, it is evident that studies of this nature cannot be pursued beyond a preliminary investigative stage without *considerable* financial help in excess of what the museum establishment can itself supply.

Once such studies are completed (which normally requires two years of comprehensive inquiry), funding would have to be provided to finance (1) the further technical development costs of such a system, (2) the eventual purchase of the required computer equipment and communications facilities, (3) the expense of assembling data over a period of several years during which this field activity would take place. In addition, monies will be eventually needed to subsidize the early years of the system's operations. If such a system were to embrace the full information resources of all museums in this country, its total cost of formation (exclusive of any operating subsidy or the funding of extensive communication facilities) could well exceed $25 million.

It is apparent that the careful planning and experimental work which must be done in anticipation of any undertaking of this magnitude should soon be under way on a more ambitious scale than has as yet been possible. An urgent and present need of the museum establishments is, therefore, the means to support such studies as a preliminary step to projecting its eventual requirements in this critical and emerging area of information management. Such assistance should be made available at the earliest opportunity, so that the findings of these studies can shape far-reaching legislative measures which, it is hoped, will in time provide for the implementation of this vital program.

(NOTE.—The above information was prepared for the Report by Mr. Everett Ellin, Executive Director, Museum Computer Network, New York City.)

Mr. SCHWENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I should like to point out that this bill was brought before the Subcommittee on Libraries and Memorials, and the subcommittee felt a very good case was presented.

I am quite enthused about the activities, for the most part, of the Smithsonian, and especially as they relate to this authorization.

In response to the question: "What does the Smithsonian do?" I can testify that they have been involved in Iowa with people who are in the museum business. We have annually what we call the "Old Thrashers" which has grown to be one of the finest and the greatest shows of its type in the country. It is not tax supported at all. We could call on—and the people there, did call on, and I helped with this—the Smithsonian talent to help with the layout, to make certain suggestions on acquisitions and what they should take or should not take, and to make plans for the future. This is being done at a very small cost: The travel expense to Mount Pleasant and back for two representatives of the Smithsonian on one occasion. At other times they paid the expenses of other representatives who came here. Their advice and counsel is invaluable to the people in this kind of an institution.

Mr. Chairman, I have spoken generally on this subject before. Many of you know my interest in history. I find it always interesting to go to museums. When I do they invariably talk about the Smithsonian, and they are very happy with the group of people from the Smithsonian. So, in addition to those groups mentioned by the gentleman from New Jersey, I am sure that aspect of the archives museums and other museums in Iowa would endorse this kind of approach to solve the problem here, although this is not the complete solution. I think they have presented a good case for it, and I am very much in favor of it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. Yes. I yield to the gentleman.

Mr. GROSS. The gentleman spoke of Mount Pleasant, Iowa, and about sending some bureaucrat out to help them in the museum there.

Mr. SCHWENGEL. It was not a bureaucrat.

Mr. GROSS. Who was he?

Mr. SCHWENGEL. A Government employee. I guess you could classify him as a bureaucrat, but I would not. He was very highly talented.

Mr. GROSS. Is not Mount Pleasant a center of the threshing machine exhibitions in the fall?

Mr. SCHWENGEL. Yes, it is.

Mr. GROSS. I wonder why we have not set up a department in Washington to teach Iowa farmers how to stage their exhibitions of threshing in the fall; how to run a grain separator and an old steam engine.

Mr. SCHWENGEL. Personally I think it was money very well spent and invested. It made possible a more adequate layout for visitors. It is true Mr. Dick Collins who was out there knew nothing about threshing. In that sense we taught him something about the Midwest, which I thought was very valuable for him to know.

Mr. GROSS. Would it not be pretty expensive to send a bureaucrat out to Mt. Pleasant, Iowa, just to teach him about an out-moded method of threshing?

Mr. SCHWENGEL. The round trip came to $129 and the people out there took care of his lodging and his food, so it did not cost him or the Government anything for that.

Mr. GROSS. We have a museum at Waterloo, Iowa. To my knowledge, there has never been a bureaucrat out there to tell them how that privately endowed museum should be operated. I do not think you are justified in going from almost nothing in the way of an appropriation to $1 million, and actually it can be $4 million over the next 4 years. I am surprised that this suggestion would even be made to the Congress.

Mr. SCHWENGEL. Let me say this in answer to the Waterloo museum question. I am sure they have a lot of publications that have already been given to them by the Smithsonian which they will find very helpful. With the slight expansion of responsibilities in the area that we are getting into, this will be very helpful and, as a matter of fact, we are directed by law to do it.

Mr. GROSS. They probably get those without this kind of an appropriation.

Mr. THOMPSON of New Jersey. Will the gentleman yield?

Mr. SCHWENGEL. I will be glad to yield to the gentleman.

Mr. THOMPSON of New Jersey. This is more of a trek to Washington than it is to Iowa or elsewhere. Museum people, under the existing act, by the scores come to Washington for the technical assistance they need, whatever the nature of their museum.

I might say also that the maximum authorization under this legislation, which goes to the end of fiscal 1974, means it is an extension of 3 years and a maximum possible appropriation of $3 million and not $4 million.

Mr. FULTON of Pennsylvania. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. We must remember that the Smithsonian Institution under the distinguished leadership of Dr. S. Dillon Ripley is one of the great cultural heritages not only of the United States but of the world. I class this institution along with the Library of Alexandria that was a repository for much of the ancient culture, and unfortunately it was a great loss to the whole world when it was destroyed.

I believe we need an emphasis in Government on our cultural distributions, which is what I would call this. We must emphasize that the culture we have is for the whole people and not just the people of Washington, D.C. When we look at the sum of $1 million for each year and add up the $3 million, that amounts to simply $3 million for 204 million people.

And, that is about 200 people putting up $1 to $3 in a 3-year period which to me, no matter what State, it constitutes a small contribution on the part of the American people for our cultural advancement and progress.

Mr. Chairman, having been a member of the Board of Construction of the museum—and it is a joint committee—of history and technology at the Smithsonian, I have had some close contact with that Institution in particular. Likewise, coming from Pittsburgh and having friends in the National Gallery of Art, I have had a particular interest in the Gallery and its exhibitions.

Mr. Chairman, one of the good things about the Smithsonian is that it is an activist institution and not a dull, dead collection of bums.

Mr. Chairman, this particular legislation is especially necessary so that we may be able to keep our young people as a part of the cultural scene and also keep the older ones who have leisure time to fill.

I might say to the members of the Committee of the Whole House on the State of the Union, I felt so strongly about the Andrew Mellon Gallery which was given by a citizen of Pittsburgh, Andrew Mellon, as a national gallery of art, that we in Pittsburgh raised, without cost to the Government, the funds for a fountain which now adorns the corner of Constitution and Pennsylvania Avenues. I think it is a wonderful benefit not only to the people of the Nation's Capital in Washington, D.C., but to everyone who comes here.

Mr. Chairman, one of the chief problems about our philosophy of life is the fact that we put too much emphasis on the bread and butter and getting the money and not enough on saving some room, a small portion of our lives for our cultural activities and heritage.

Mr. Chairman, I would agree with the gentlemen from Iowa that Iowa is a well-balanced State, but we do need more I would say to my good friend the gentleman from Iowa (Mr. SCHWENGEL), whose fine activities to preserve the history and advance the cultural heritage, not only of his State, but of our Nation. I compliment the gentleman from Iowa and the gentleman from New Jersey who is in charge of the bill.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to my colleague from Iowa.

Mr. KYL. Mr. Chairman, let me acquaint the gentleman with some of the facts of the great State of Iowa. Although it has one-fourth of all the class 1 agricultural land in the United States, I would point out to the gentleman from Pennsylvania that it has much more.

At the west end of the State there is a small city of fewer than 100,000 people which collects more public tax funds annually for culture than does the District of Columbia. The finest string quartet in the United States, I think without any question, today is that of the University of Iowa which plays before very approving critics in Washington, D.C., and elsewhere around the country.

The gentleman who just completed a tour of duty as Director of the National Symphony Orchestra is an Iowa boy who did other things too; he was also a golf champion in his youth.

The public school music education and art education in the State of Iowa is as good as that of any other State, and better than most of those States. And if the gentleman also wants to challenge the personal dedication to the cultural fields of either or any of the three gentlemen from Iowa, I am sure that any of the three will on any occasion that he desires enter any kind of competition that he would name to show that in Iowa we are just as much or more education- and culture-conscious as is a person from any other State.

I might add further concerning education that the State which has the highest literacy rate of any of the States in the United States is the State of Iowa. Iowa is a great educational State, and a great cultural State.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield further?

Mr. SCHWENGEL. I yield further to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, my comments are not directed at Iowa. My comments are that I agree with the gentleman from Iowa (Mr. SCHWENGEL), that Iowa should advance in the arts, and he complimented Iowa on its cultural advances. I agreed with the gentleman, and I also agree with the gentleman that this bill should be passed.

The gentleman has misunderstood my remarks if for any reason he felt that I was criticizing the people of Iowa. No. I think they are fine and I think they have made fine cultural advances. So I would compliment the gentleman on defending his State. I think he has done a fine job. I am not criticizing the people of the State of Iowa, but I am advancing the premise that in addition to workaday matters we also, throughout the country, should emphasize our cultural heritage and support the Smithsonian Institution and this particular authorization.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding.

I simply want to make this observation: that I think it should be pointed out in the RECORD that this bill which was reported to the Committee of the Whole House, was reported from the Committee on House Administration on December 9, 1969, which is more than a year ago. It is curious that it has taken a full year to get this important piece of legislation before the Committee at this time.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I will be glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, the reporting date that the gentleman from Michigan (Mr. HUTCHINSON) has just recited, is accurate. The reason for the delay is that we planned to have—and we have had—extensive and very comprehensive hearings since that time relating to the Smithsonian Institution, as a result of which I think that we are much better prepared than we would have been to handle this bill.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I thank the gentleman for yielding, and I

want to compliment the gentleman from New Jersey and the gentleman from Iowa on their leadership in bringing this bill to the floor today. I rise in support of the bill.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Nebraska.

Mr. MARTIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point out to the gentleman from New Jersey that the Committee on Rules cleared this bill last March, which is over 6 months ago, so it could have been called up quite a number of days and weeks back before this date.

Mr. THOMPSON of New Jersey. Mr. Chairman, if the gentleman will yield, the gentleman from New Jersey might say this: that again that is a perfectly accurate statement. But does the matter of the chronological date have anything to do with the importance of the piece of legislation? I think not. We felt even after we had received a rule that we should have hearings on the Smithsonian Institution, so I do not apologize for failing to bring it up sooner, because I think we are much better equipped to handle it today than we would have been at that time.

Mr. SCHWENGEL. I have nothing further to say except to thank the gentleman from Iowa (Mr. KYL) for his eloquent statement of Iowa's dominance and prominence in the field of the arts and humanities.

I would like to say that if you overlook people like Grant Wood and Bix Beiderbeck and a few people like that—I will at some future date take advantage of an opportunity to put a more complete record of Iowa's achievements in this area.

I should like to say in closing that one of the reasons Iowa has eminence in this area is because they have called on the best talent in the world. Whenever they could get help from anywhere else and learn, they did that. Often—very often, they not only call on the Smithsonian but on the National Gallery of Art here. And so, because we have had these interests and these desires and because of the type of people we have in our State we have been able to make a great contribution in this field.

Mr. Chairman, I hope that the House passes this bill.

Mr. Chairman, this bill, H.R. 13956, would authorize additional appropriations for the purpose of carrying out the National Museum Act of 1966.

Under the Museum Act the Smithsonian Institution is assigned by law with performing a wide range of duties in support of museums in the United States and abroad.

The National Museum Act, which reaffirmed the Smithsonian's traditional role in the area of serving museums, establishes those duties as follows:

First, cooperate with museums and their professional organizations in a continuing study of museum problems and opportunities, both in the United States and abroad;

Second, prepare and carry out programs for training career employees in museum practices in cooperation with museums and their professional organizations, wheresoever these may best be conducted;

Third, prepare and distribute significant museum publications;

Fourth, perform research on, and otherwise contribute to, the development of museum techniques;

Fifth, cooperate with departments and agencies of the Government of the United States operating, assisting, or otherwise concerned with museums; and

Sixth, report annually to the Congress on progress in these activities.

The act authorized a total of $1 million to be appropriated over the 4-year period from fiscal year 1968 through fiscal year 1971. Though requests for the funds have been made, practically no funding has been provided. During the first 2 years no funds were appropriated at all. In fiscal year 1970 $40,000 was appropriated and in fiscal year 1971 $32,000 was appropriated.

Even though it has received only limited appropriations to carry out its duties under the Museum Act, the Smithsonian nevertheless has provided valuable help such as making expet advice, guidance training, and other forms of assistance available to museums here and abroad. This includes such activities as providing advice on how to organize or reorganize museums, counseling on where museums should be placed, participating in museum workshops, publishing manuals, and so forth. During Hurricane Camille last year the Smithsonian supplied skilled and expert assistance to help salvage exhibits in a museum in Biloxi, Miss. It provided assistance during the occasion of the flood in Florence, Italy, several years ago. There are but a few examples of the hundreds of requests the Smithsonian receives for assistance.

The purpose of H.R. 13956 is to continue the authorization of appropriations to carry out the Museum Act. The authorization would be limited to $1,000,000 annually through fiscal year 1974.

I believe that it is important to the best interests of our Nation that we support the effort to promote a vigorous museum support program. The Smithsonian is an outstanding institution and is in a unique position to render valuable assistance to help advance the quest for knowledge and understanding throughout the land. We will all benefit. I urge enactment of H.R. 13956.

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 13956, a measure which would extend the authorization for the National Museum Act through fiscal 1974. I wish to commend the distinguished sponsor of this bill, the gentleman from New Jersey (Mr. THOMPSON) to whom all persons who serve museums and benefit from them owe so much for his leadership in this field.

Mr. Chairman, America's museums are presently experiencing a severe financial crisis, in part because of their extraordinary popularity. Museum attendance during the last three decades has increased more than tenfold—from 50 million visitors in 1940, to 200 million in 1960, to 560 million in 1967. Along with the increased attendance has come an increased demand for new services. Today hundreds of thousands of schoolchildren participate in museum visits; millions of youngsters and adults attend classes and use their facilities.

In addition, Mr. Chairman, museums play an essential role in serving the needs of scholars engaged in research at the college and university level. Dr. George Lindsay, director of the California Academy of Sciences, said in testimony before the Select Education Subcommittee last summer:

> Natural history museums contain at least 80 percent of all the research collections in the United States. While some of the museums are at universities, most are not. Still, the collections are necessary for the studies of advanced graduate students. The entomology department of my institution loaned 74,204 specimens last year, to 69 institutions and 170 individuals, most of them graduate students in 23 of the United States and eight foreign countries. This is a service to education and to science for which there was not direct reimbursement.

Mr. Chairman, it is clear that museums are not merely repositories of our national treasures. They are, in fact, educational institutions, and they should be entitled to the benefits accruing to educational institutions as recipients of Federal funds.

Indeed, the Belmont report, a comprehensive study of America's museums requested by President Johnson, made much the same point in one of its major recommendations to the President in November 1968 when it urged "that the Federal Government, as a matter of basic policy, recognize museums as educational institutions, working in formal affiliation with elementary, secondary, undergraduate, and graduate level institutions."

Mr. Chairman, the National Museum Act does not accomplish the goal suggested by the Belmont report, but it is a very important first step toward a formal recognition of the role museums play in American society. It enables the Smithsonian Institution to assist museums to improve the professionalism and competence of their employees, to perform research in techniques of museum operation, and to provide technical assistance, consultation, and advice on a variety of problems confronted by museums.

Mr. Chairman, the proposed extension of the National Museum Act would provide $1,000,000 a year for these purposes from fiscal 1971 through fiscal 1974. This very modest sum is a small investment indeed in the future of America's museums. I trust that it will be approved and that the Appropriations Committee will allow it to be fully funded.

The National Museum Act charges the Smithsonian Institution with the responsibility of aiding the Nation's museums to meet their most urgent problems. Over the past years, appropriations have not been sufficient to allow them to carry out their responsibility. We anticipate, however, that when the act receives adequate funding, the Smithsonian will meet its obligations to America's museums.

I urge the passage of this legislation.

Mr. SCHWENGEL. Mr. Chairman, I yield back the balance of the time on this side.

Mr. THOMPSON of New Jersey. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a) is amended to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than $1,000,000 shall be appropriated annually through fiscal year 1974."

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYL: Amend lines 5 through 9, page 1, to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution for the purpose of this Act $250,000 for each fiscal year ending prior to July 1, 1974, and in each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law."

Mr. KYL. Mr. Chairman, as long as we are engaged in omphaloskepsis here this afternoon I thought we might try to improve this bill a little bit.

Let me make a couple of prefatory remarks.

First, I would never knowingly injure or diminish the Smithsonian Institution in any way. I acknowledge its contribution, its collections and its intellectual and esthetic pursuits completely. But we are dealing here not with regular activities of the Smithsonian Institution but with a special activity which we have given to that Institution, in other words the administration of the National Museum Act.

I rather appreciate too, I will say in parenthetical fashion, that I appreciate the gentleman from Pennsylvania giving us an opportunity to speak here on the floor about Iowa's Carl King and Meredith Wilson and Grant Wood and McKinley Cantor. I would point out that even that great composer Antonin Dvorak come to Spillville, Iowa, to get inspiration for the New World Symphony.

But getting back to this matter—the matter of this amendment, this is all we are asking you to do.

The most we have ever appropriated for this function, the National Museum Act, is $40,000 a year.

In another year we appropriated $32,000. And in the 2 first years we appropriated nothing.

Now all this amendment does is to ask you to reduce the authorization from $1 million to $250,000 which is six times plus more than we have ever appropriated for the purpose. And to make sure there is not any open-ended appropriation attached at all may I say I think we have an obligation even in this silly season of the year to be a little honest. Why tell the Smithsonian that they will have a $1 million a year to operate the National Museum program if they are going to get $40,000 or $32,000 or less.

The people who are bringing this bill to the floor cannot honestly believe that they are going to get a $1 million a year appropriation. Why do we continually fool the public and the institutions with these authorizations for far more than they will ever get? I think it is completely reasonable to set this authorization at $250,000 a year, especially, I repeat once more, in view of the fact that until this time we have never actually appropriated more than $40,000? And I repeat this, too: If I thought this would injure the Smithsonian Institution's program one tiny bit or give them one penny less than they need to administer the National Museum Act, I would not be asking for this action.

I yield back the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. THOMPSON of New Jersey. Mr. Chairman, during the hearings in 1969 on this legislation, and subsequently as developed in the Belmont Report, the Secretary of the Smithsonian Institution, Dr. Dillon Ripley, a highly respected, extremely able man, repeatedly asked for an authorization of $1 million. The relationship between $1 million and $250,000 vis-a-vis the appropriation of no more than $40,000 I think is irrelevant.

I might point out to the gentleman from Iowa, not having had a copy of this amendment before, that the bill as drafted prevents it from being open-ended, and the amendment of the gentleman from Iowa—listen to it—open ends it: "$250,000 for each fiscal year prior to July 1, 1974." Then your amendment goes on to say, "and in each subsequent fiscal year only such sums may be appropriated as the Congress may hereafter authorize by law." You open it up. You turn it over to the Committee on Appropriations without bringing it back here.

Mr. Chairman, I oppose the gentleman's amendment. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 20, noes 29.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HAMILTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13956) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, pursuant to House Resolution 878, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were yeas 215, nays 53, answered "present" 3, not voting 163, as follows:

[Roll No. 405]

YEAS—215

Adair	Foley	Miller, Calif.
Adams	Ford, Gerald R.	Minish
Albert	Ford, William D.	Mink
Alexander	Foreman	Minshall
Anderson, Calif.	Forsythe	Mollohan
Anderson, Ill.	Frelinghuysen	Monagan
Andrews, Ala.	Frey	Moorhead
Andrews, N. Dak.	Friedel	Morse
Annunzio	Fulton, Pa.	Mosher
Ashley	Galifianakis	Murphy, Ill.
Bennett	Garmatz	Natcher
Biester	Gibbons	Nedzi
Blanton	Goldwater	Obey
Blatnik	Gonzalez	O'Hara
Boggs	Green, Oreg.	Olsen
Boland	Griffiths	O'Neal, Ga.
Brademas	Gude	Passman
Brinkley	Halpern	Patman
Brotzman	Hamilton	Patten
Brown, Calif.	Hammer-schmidt	Pelly
Brown, Mich.	Hanley	Perkins
Brown, Ohio	Hanna	Pettis
Broyhill, N.C.	Harvey	Pickle
Broyhill, Va.	Hastings	Pirnie
Buchanan	Hathaway	Poage
Burke, Mass.	Hechler, W. Va.	Podell
Burleson, Tex.	Heckler, Mass.	Poff
Burton, Calif.	Helstoski	Preyer, N.C.
Bush	Hicks	Price, Ill.
Byrne, Pa.	Hogan	Quillen
Byrnes, Wis.	Holifield	Railsback
Cabell	Horton	Rees
Carter	Hosmer	Reid, Ill.
Casey	Howard	Rhodes
Chamberlain	Ichord	Riegle
Clausen, Don H.	Jacobs	Robison
Cleveland	Jarman	Rodino
Cohelan	Johnson, Calif.	Roe
Conte	Jones, Ala.	Rogers, Fla.
Conyers	Jones, Tenn.	Rooney, Pa.
Corman	Kastenmeier	Roth
Coughlin	Kazen	Roybal
Crane	Kleppe	Ruppe
Culver	Kyl	Ryan
Daniels, N.J.	Kyros	Scheuer
Davis, Ga.	Leggett	Schwengel
Delaney	Lennon	Shriver
Dellenback	Long, Md.	Sisk
Derwinski	Lowenstein	Skubitz
Dickinson	McCloskey	Smith, Calif.
Dorn	McDonald, Mich.	Smith, Iowa
Downing	McEwen	Smith, N.Y.
Dulski	McFall	Springer
Duncan	McMillan	Stafford
Eckhardt	Macdonald, Mass.	Stokes
Edwards, Ala.	MacGregor	Stratton
Edwards, Calif.	Mahon	Stubblefield
Eilberg	Mailliard	Sullivan
Erlenborn	Marsh	Symington
Esch	Mathias	Talcott
Fascell	Matsunaga	Taylor
Feighan	Mayne	Teague, Calif.
Findley	Melcher	Thompson, Ga.
Flood	Mikva	Thompson, N.J.
Flowers	Miller, Calif.	Tiernan
		Tunney
		Udall
		Ullman

Vander Jagt	Whalen	Winn
Vanik	White	Wright
Vigorito	Whitten	Wyman
Waldie	Widnall	Yatron
Wampler	Wiggins	Young
Watts	Wilson, Bob	Zablocki

NAYS—53

Belcher	Grover	Nelsen
Berry	Haley	Nichols
Betts	Harsha	Price, Tex.
Bevill	Henderson	Rarick
Burke, Fla.	Hull	Ruth
Burlison, Mo.	Hunt	Sandman
Cederberg	Hutchinson	Satterfield
Clawson, Del	Johnson, Pa.	Schadeberg
Collins, Tex.	Jonas	Schmitz
Colmer	Landgrebe	Scott
Daniel, Va.	Lloyd	Sebelius
de la Garza	McClure	Slack
Dennis	Martin	Stanton
Fisher	Miller, Ohio	Steiger, Ariz.
Flynt	Mills	Steiger, Wis.
Goodling	Mizell	Thomson, Wis.
Griffin	Montgomery	Zwach
Gross	Myers	

ANSWERED "PRESENT"—3

Baring	Bow	Rooney, N.Y.

NOT VOTING—163

Abbitt	Fallon	O'Konski
Abernethy	Farbstein	O'Neill, Mass.
Addabbo	Fish	Ottinger
Anderson, Tenn.	Fountain	Pepper
	Fraser	Philbin
Arends	Fulton, Tenn.	Pike
Ashbrook	Fuqua	Pollock
Aspinall	Gallagher	Powell
Ayres	Gaydos	Pryor, Ark.
Barrett	Gettys	Pucinski
Beall, Md.	Giaimo	Purcell
Bell, Calif.	Gilbert	Quie
Biaggi	Gray	Randall
Bingham	Green, Pa.	Reid, N.Y.
Blackburn	Gubser	Reifel
Bolling	Hagan	Reuss
Brasco	Hall	Rivers
Bray	Hansen, Idaho	Roberts
Brock	Hansen, Wash.	Rogers, Colo.
Brooks	Harrington	Rosenthal
Broomfield	Hawkins	Rostenkowski
Burton, Utah	Hays	Roudebush
Button	Hébert	Rousselot
Caffery	Hungate	St Germain
Camp	Jones, N.C.	Saylor
Carey	Karth	Scherle
Carney	Kee	Schneebeli
Celler	Keith	Shipley
Chappell	King	Sikes
Chisholm	Kluczynski	Snyder
Clancy	Koch	Staggers
Clark	Kuykendall	Steed
Clay	Landrum	Steele
Collier	Langen	Stephens
Collins, Ill.	Latta	Stuckey
Conable	Long, La.	Taft
Corbett	Lujan	Teague, Tex.
Cowger	Lukens	Van Deerlin
Cramer	McCarthy	Waggonner
Cunningham	McClory	Ware
Daddario	McCulloch	Watson
Davis, Wis.	McDade	Weicker
Denney	McKneally	Whalley
Dent	Madden	Whitehurst
Devine	Mann	Williams
Diggs	May	Wilson, Charles H.
Dingell	Meeds	
Donohue	Meskill	Wold
Dowdy	Michel	Wolff
Dwyer	Mize	Wyatt
Edmondson	Morgan	Wydler
Edwards, La.	Morton	Wylie
Eshleman	Moss	Yates
Evans, Colo.	Murphy, N.Y.	Zion
Evins, Tenn.	Nix	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Devine.
Mr. Waggonner with Mr. Collier.
Mr. Hébert with Mr. Arends.
Mr. O'Neill of Massachusetts with Mr. Wydler.
Mr. Philbin with Mr. McDade.
Mr. Donohue with Mr. Gubser.
Mr. Edwards of Louisiana with Mr. Whalley.
Mr. Long of Louisiana with Mr. Keith.
Mr. Jones of North Carolina with Mr. Burton of Utah.
Mr. Abbitt with Mr. Quie.
Mr. Abernethy with Mr. Snyder.
Mr. Aspinall with Mr. Corbett.
Mr. Celler with Mr. Diggs.
Mr. Mann with Mr. Broomfield.
Mr. Madden with Mr. Nix.
Mr. Brasco with Mr. Ayres.
Mr. Addabbo with Mr. Bell of California.
Mr. Teague of Texas with Mrs. Dwyer.
Mr. Charles H. Wilson with Mr. Beall of Maryland.
Mr. Wolff with Mr. Clay.
Mr. Pepper with Mr. Michel.
Mr. Evins of Tennessee with Mr. Mize.
Mr. Koch with Mr. Hawkins.
Mr. Shipley with Mr. Saylor.
Mr. Sikes with Mr. Schneebeli.
Mr. Rostenkowski with Mr. Steele.
Mr. Green of Pennsylvania with Mr. Ware.
Mr. Gray with Mr. Fish.
Mr. Fulton of Tennessee with Mr. Williams.
Mr. Fountain with Mr. Zion.
Mr. Edmondson with Mr. Camp.
Mr. Clark with Mrs. Chisholm.
Mr. Carey with Mr. Reid of New York.
Mr. Brooks with Mr. Bray.
Mr. Biaggi with Mr. Brock.
Mr. Reuss with Mr. Button.
Mr. Rivers with Mr. King.
Mr. Fuqua with Mr. Langen.
Mr. Gallagher with Mr. Blackburn.
Mr. Gettys with Mr. Roudebush.
Mr. Roberts with Mr. Conable.
Mr. Gaydos with Mr. O'Konski.
Mr. St Germain with Mr. Clancy.
Mr. Staggers with Mr. Lujan.
Mr. Kee with Mr. Reifel.
Mr. Kluczynski with Mr. McKneally.
Mr. Van Deerlin with Mr. Lukens.
Mr. Yates with Mr. Kuykendall.
Mr. Anderson of Tennessee with Mr. Ashbrook.
Mr. Caffery with Mrs. May.
Mr. Chappell with Mr. Scherle.
Mr. Dent with Mr. Watson.
Mr. Evans of Colorado with Mr. Wold.
Mr. Giaimo with Mr. Eshleman.
Mr. Hogan with Mr. Davis of Wisconsin.
Mrs. Hansen of Washington with Mr. Conyers.
Mr. Harrington with Mr. Rousselot.
Mr. Pike with Mr. Cramer.
Mr. Pryor of Arkansas with Mr. Collins of Texas.
Mr. Randall with Mr. Hall.
Mr. Pucinski with Mr. Denney.
Mr. Moss with Mr. Weicker.
Mr. Morgan with Mr. Wylie.
Mr. Meeds with Mr. Hansen of Idaho.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Landrum with Mr. Pollock.
Mr. Hungate with Mr. Morton.
Mr. Purcell with Mr. McClory.
Mr. Rosenthal with Mr. McCulloch.
Mr. Steed with Mr. Latta.
Mr. Stephens with Mr. Meskill.
Mr. Barrett with Mr. Cunningham.
Mr. Carney with Mr. Wyatt.
Mr. Bingham with Mr. Daddario.
Mr. Rogers of Colorado with Mr. McCarthy.
Mr. Stuckey with Mr. Gilbert.
Mr. Fraser with Mr. Farbstein.
Mr. Fallon with Dowdy.
Mr. Dingell with Mr. Ottinger.
Mr. Karth with Mr. Powell.

Mr. CRANE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a similar Senate bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Museum Act of 1966 (80 Stat. 953) is amended to read as follows:

"(b) (1) There are hereby authorized to be appropriated to the Smithsonian Institution for the purposes of this Act $1,000,000 for the fiscal year ending June 30, 1972, and the same amount for each succeeding fiscal year ending prior to July 1, 1974, and in each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law.

"(2) In addition to the sums authorized in paragraph (1) there are hereby authorized to be appropriated $300,000 for the fiscal year ending June 30, 1972, and the same amount for each succeeding fiscal year ending prior to July 1, 1974, to be allocated and used as follows:

"(A) of the sums appropriated pursuant to this paragraph (2), 33⅓ per centum shall be available for the purposes of clause (2) of subsection (a);

"(B) of such sums, 33⅓ per centum shall be available for transfer to the National Foundation on the Arts for assistance to museums under section 5(c) of the National Foundation on the Arts and Humanities Act of 1965; and

"(C) of such sums, 33⅓ per centum shall be available for transfer to the National Foundation on the Humanities for assistance to museums under section 7(c) of the National Foundation on the Arts and Humanities Act of 1965.".

ADDITIONAL MUSEUM ACTIVITIES

SEC. 2. (a) Section 2(a)(2) of the National Museum Act of 1966 (20 U.S.C. 65a(2)) is amended to read as follows:

"(2) prepare and carry out programs by grant, contract, or directly for training career employees in museum practices in cooperation with museums, their professional organizations, and institutions of higher education either at the Smithsonian Institution or at the cooperating museum, organization, or institution;".

(b) So much of that part of subsection (a) of section 2 of the National Museum Act of 1966 as precedes clause (1) is amended by striking out everything preceding "Secretary" and inserting in lieu thereof "The".

MOTION OFFERED BY MR. THOMPSON OF NEW JERSEY

Mr. THOMPSON of New Jersey. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. THOMPSON of New Jersey moves to strike out all after the enacting clause of the bill S. 704 and insert in lieu thereof the provisions contained in the bill H.R. 13956, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13596) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill S. 704 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? The chair hears none, and appoints the following conferees: Messrs. THOMPSON of New Jersey, BRADEMAS, and SCHWENGEL.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was read and referred to the Committee on Appropriations:

DECEMBER 9, 1970.

Hon. JOHN W. MCCORMACK,
The Speaker, U.S. House of Representatives, the Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on December 2, 1970, approved the following public building project:

Federal Office Building, Santa Rosa, California (Construction).

Sincerely yours,

GEORGE H. FALLON,
Chairman.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have finished the business for this week except for unanimous-consent requests which may be made.

The program for next week is as follows, and we are listing all the bills under Monday and the balance of the week to retain as much flexibility as possible:

Monday is District day, and there are four district bills, as follows:

H.R. 19885, District of Columbia Revenue Act of 1970;

S. 1626, to regulate the practice of psychology in the District of Columbia;

S. 2336, relating to the Protestant Episcopal Church in the District of Columbia; and

H.R. 2745, to amend the law relating to obscenity in the District of Columbia.

Following the District bills, we have several others. May I say, we will probably have a conference report on one of the appropriation bills also. The bills are as follows:

H.R. 18874, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, with an open rule providing 1 hour of debate;

H.R. 19860, Emergency Health Personnel Act of 1970, with an open rule providing 2 hours of debate;

H.R. 18582, to amend the Food Stamp Act of 1964, with an open rule providing 2 hours of debate;

Tuesday is Private Calendar day;

H.R. 19567, International Coffee Agreement Act, with an open rule providing 1 hour of debate;

House Resolution 1238, relating to the Speaker of the House of Representatives in the 91st Congress, subject to a rule being granted:

H.R. 19446, Emergency School Aid Act of 1970, subject to a rule being granted;

S. 578, retirement for Federal firefighting personnel, subject to a rule being granted; and

House Joint Resolution 1146, expansion of United National Headquarters in the United States, which is subject to a rule being granted.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time and any further program may be announced later.

Of course, we expect to have several conference reports next week.

Mr. Speaker, in addition, the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) has advised that he will undertake to call up on some day next week 15 bills which have been unanimously reported by the Committee on Ways and Means.

I ask unanimous consent that a list of these bills may be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bills are as follows:

H.R. 7626, tariff classification of certain sugars, sirups, and molasses;

H.R. 10875, duty-free importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins;

H.R. 14233, to modify ammunition recordkeeping requirements;

H.R. 14995, free entry of a carillon for the University of California at Santa Barbara;

H.R. 17658, to provide floor stock refunds in the case of cement mixers;

H.R. 17984, to amend section 905 of the Tax Reform Act of 1969, relating to redemption of stock;

H.R. 19113, free entry of cast bell carillons for Indiana University, Bloomington, Ind.

H.R. 19369, to amend section 165(g) of the Internal Revenue Code of 1954, relating to treatment of losses on worthless securities;

H.R. 19391, administrative review of customs decisions;

H.R. 19470, to amend title XVIII of the Social Security Act to modify the nursing service requirement, and so forth;

H.R. 19526, to eliminate the duty now applicable to natural rubber containing fillers, extenders, and so forth;

H.R. 19670, suspension of duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19790, relating to the income tax treatment of certain sales of real property by a corporation;

H.R. 19915, to make permanent the "$4 pass-through" for public assistance recipients;

S. 2984, to permit certain Federal employment to be counted toward retirement.

Mr. ALBERT. Mr. Speaker, the chairman of the Committee on Ways and Means has also advised that additional bills which have been favorably reported unanimously may be added to the list as reports are filed on these bills.

REQUEST FOR ADJOURNMENT TO 11 O'CLOCK ON MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, why should the House come in at 11 o'clock on Monday next?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, we will try to finish as much of the business as possible as quickly as possible. That is reason No. 1.

Reason No. 2 is we have been advised that the White House is having receptions for Members on Monday and Tuesday at 5 o'clock, and we would like to complete as much business as possible and to accommodate those Members who have been invited.

Mr. GROSS. That will interfere with the work of the House in trying to close out this lame duck session. Is that correct?

Mr. ALBERT. I would think that it would not interfere substantially with the work of the House if we come in early next Monday.

Mr. GROSS. Not that it would mean a great deal, but I could go down the list of bills on the program here and suggest to the gentleman how the leadership could abbreviate this session very quickly. I will not take the time of the House to do it, and the Members probably would not accept my suggestion anyway.

I suggest to the distinguished majority leader that the only way to end this session is to reduce this hopeless list of bills for next week which does not include the conference reports that will come in and other bills that do not appear on the surface. That is the only way that this session can be ended.

Mr. Speaker, I am also constrained to object to coming in at 11 o'clock on Monday because I believe that it will only lead to more bills coming in. If I was convinced an early meeting of the House would help to end the session I would gladly concur in an 11 o'clock meeting on Monday next, or even 10 o'clock or 9 o'clock, but I know that the more time this House spends in session the more—figuratively speaking—legislative "cats and dogs" we will get before the session ends.

Mr. Speaker, I do object to coming in at 11 o'clock on Monday next.

The SPEAKER. The Chair did not hear the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I object to coming in at 11 o'clock on Monday next.

The SPEAKER. Objection is heard.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, the request is to meet on Monday next? Obviously we are on Monday next, but at what hour?

Mr. ALBERT. At noon. That is the regular meeting hour of the House.

Mr. GROSS. Yes; but the gentleman did not state the regular meeting hour, and in view of the discussion just had I wanted to be sure.

The SPEAKER. The House has determined that by a rule of the House.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. ADAMS. Mr. Speaker, on rollcall No. 403 I was unavoidably detained. If I had been present I would have voted "yea." That was on the rule on the excise tax extension bill.

GROWING DISREGARD FOR TRADITIONAL CONCEPT OF DIPLOMATIC IMMUNITY

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

Mr. SYMINGTON. Mr. Speaker, over the past year we have been greatly disturbed by the worldwide growing disregard for the traditional concepts of diplomatic immunity by those who would flaunt the principle in order to achieve political objectives. In a resolution offered last year, I suggested measures which, if adopted, might render diplomatic harassment less likely. As a former member of the State Department staff, I was particularly concerned for the orderly conduct of diplomatic relations. But we should now be equally concerned over the possible effect of blackmail threats on the orderly administration of our domestic laws. For this reason I wrote Mr. ALBERT, the majority leader, on December 3 enclosing a draft which I suggested he might wish to discuss with the gentleman from Michigan (Mr. GERALD R. FORD), as the basis for a joint resolution giving notice that the President and other officers of the Federal executive branch would enjoy the support of a unified Congress in responding to any such threat of blackmail that might arise. The majority leader has graciously replied that he has done so. In order for the other House Members to have an opportunity to consider the matter, I have appended my letter and draft resolution hereinbelow.

DECEMBER 3, 1970.

The Honorable CARL ALBERT,
Majority Leader, U.S. House of Representatives.

DEAR CARL: The recent tragic events in Canada following upon other like events in Latin America demonstrate the intolerable strains which can be placed on the orderly administration of justice within democratic societies. It could happen here, of course. On the one hand, we should not wish to tie the President's hands in a crisis of this kind. On the other, no would-be revolutionary should be encouraged to believe this sort of tactic will succed.

It was my thought that some kind of joint resolution by Congress might serve as an appropriate warning. No one can anticipate the scope of revolutionary demands of the depths of depravity embraced to attain their realization. But it does seem certain that should the President or other executive officer receive a blackmail threat of this kind he will need the backing of a unified Congress.

A resolution of the kind attached, while not binding, would be supportive of the kind of hard decision Trudeau felt obliged to make. More importantly, to have it in advance should serve, at least to a larger extent than silence, as a deterrent to such desperate action. It does not affect State Governors, although it may present a useful precedent.

I thought that if you saw any merit in the resolution, or one with similar intent, you might wish to discuss it with Mr. Ford for possible joint introduction.

Best wishes,

JAMES W. SYMINGTON.

DRAFT RESOLUTION ON PROTECTION OF DUE PROCESS FROM BLACKMAIL

Whereas the security and stability of all democratic societies require the calm and orderly administration of their laws, and

Whereas the traditions of order, law, and justice of democratic societies have been gravely tested by persons and groups seeking to derive political or other advantage from threats or acts of violence including, but not limited to kidnapping and murder, and

Whereas it is the concern of the Congress that American Constitutional due process, which belongs to all the people, must not be waived in whole or in part to accommodate any individual, and

Whereas it is of vital importance that no individual or group believe that due process of law can be so waived or circumvented by threats of injury to innocent persons or damage to property.

Therefore, be it resolved that it is the sense of the Congress that no official charged with the execution of federal laws shall subordinate the appropriate administration of such laws to the demand of any individual or group whether or not such demands are reinforced by threat of injury or death to third parties or destruction of property.

Mr. ALBERT. Mr. Speaker, I have listened with great interest and some knowledge of the matter discussed by our colleague the gentleman from Missouri (Mr. SYMINGTON). On December 3 Mr. SYMINGTON wrote me and enclosed a copy of a proposed resolution dealing with the subject of executive reaction to the type of kidnaping and murder which has plagued the world during recent months. I sent the letter and draft of resolution to our distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), for his consideration. I compliment the gentleman from Missouri in being the first, so for as I have been able to ascertain, to suggest policy of this nature in this very important area.

THIRTY-THIRD SESSION OF INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

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

Mr. DENNIS. Mr. Speaker, I recently had the privilege of representing the Judiciary Committee at the 33d session of the Intergovernmental Committee for European Migration in Geneva, Switzerland.

ICEM, a 33-member government international organization, has resettled 1.8 million refugees and migrants since it was established under the initiation of the United States in 1951.

At the 33d session, particular emphasis was placed upon the program for movement of specialized, technically qualified persons to Latin America to meet the needs of that rapidly developing area. Plans were also made for special recog-

nition of the 20th anniversary of ICEM in 1971.

I was impressed with the qualifications, personality, and leadership exhibited by the Director of ICEM, Mr. John F. Thomas, of the United States. For the information of all Members, I commend the opening statement made to the Council by Mr. Thomas in which he reviewed the activities of ICEM during the past year and its future plan of operations. His statement follows:

OPENING STATEMENT BY THE DIRECTOR, MR. JOHN F. THOMAS

Mr. Chairman, Ladies and Gentlemen: Let me congratulate you, sir, and the other officers who have been elected to carry forward the work of the Council this session. I am certain that the results of the Council session will be fruitful under your competent guidance. I would like also to welcome the delegates and observers who have come from far-off places to join us in our deliberations, which have far-reaching humanitarian values. I would also like to say how pleased I am that I can continue my long association with Mr. Masselli now in his new post as Deputy Director.

Under the current policy of holding only one Council session per year, this session has grown in importance and significance. It is worthwhile to note that it brings together not only the representatives of government but also friends from the non-governmental organizations, the press, other international organizations and the general public.

I should like now to review, briefly, some of the highlights of my stewardship over the past year.

On the question of the structure of the organization, you received last November a plan for reducing and streamlining it, after a period of transition. Transition periods are always difficult because we have to consider the interests of the individual staff member, those of the organization and the wishes of governments. I can now report that the transition period came to an end on 1 October and 1971 will be the first year we shall operate with the new structure. I shall continue to review the staff pattern of the organization in order to achieve streamlining and economies, and ensure that ICEM operates efficiently at the lea t possible cost.

At the last Council session you further considered and approved a new contribution scale for the Administrative Budget. It was applied for the current year and has worked well, and a thorny problem which has been with us for several years has thereby been solved. I think it is justified once more to express our appreciation to the Working Group for achieving an excellent result. I also feel a deep gratitude towards all the Governments which so readily accepted the new scale.

Last November you also decided to establish a Working Group to develop plans for the financing of the two sections of the budget which have been in deficit for several years. The Working Group met in March and September and developed model schedules for the Refugee and Latin American sections. It was most encouraging indeed to participate in these Working Group meetings. There was a strong determination to find solutions to the deficit problems, combined with a willingness to accept the financial sacrifices which were necessary. The work which the Working Group did now needs the approval of this Council. I am hopeful—or let me say I am convinced—that after careful review you will give your blessing to the model schedules attached to the document so that they may become our guidelines for government contributions in 1971 and future years.

I wish to repeat and underline the word guideline. Under the ICEM Constitution contributions to the Operational Budget are voluntary and anything the Working Group has done or we do today will not change that basic paragraph of the Constitution. However, it is our hope that in future years all governments will do their utmost to link contributions to the scales presented in the model schedule.

It is now for the Council to pass final judgment on the Working Group Report. If approved, I think we have taken a most important step, and your initiative of last year has brought forward an excellent result.

Before commenting on the major programmes which are included in our 1970 and 1971 budget documents, I would like to repeat what I have said in previous meetings, that we should aim at planning over a longer period, say three years. It is still in my mind to do so, but before it could be done we needed a more solid financial basis for our operation. This has now been reached through the model schedule and we can initiate plans for programmes and financing over a longer period. In doing so we are following the example of several governments.

Turning to the different sections of the Operational Budget, let me start with National Migration.

During recent years there have not been any substantial fluctuations in the number of national migrants, and it is expected that the desire to emigrate from Europe will follow much the same pattern in 1971. In our initial estimate for that year we have therefore followed the trend of the past.

Turning to our Refugee Programme, it is not possible to tell the whole story, for there are refugees in all corners of the world. Although there is likely to be a slight downward trend in 1971, the number to be assisted by ICEM will still be very high compared to the middle nineteen sixties. Close to us we have large refugee groups in Italy, Austria and the Federal Republic of Germany, but we are in fact concerned with refugees in all Western European countries and also in Yugoslavia. Further away there are the refugees in North Africa and the Middle East to seek to emigrate to or via Europe.

At the present time we are specifically concerned with the accumulation of Cuban refugees in Spain. The problem there is twofold. The present visa possibilities are reduced, while at the same time the refugees there are reluctant to consider new destinations. Under these circumstances we have instituted a system of registration and counselling to promote emigration to Australia and Latin America, but it is too early to say anything about the results. However, I think it is proper to express our appreciation for the generous asylum policy of the Spanish authorities and I wish to assure the Spanish representative of our continuing and untiring efforts to ease the refugee burden.

Outside our traditional refugee programmes we are continuing our support to non-European refugees for whom emigration possibilities exist but who are in need of assistance.

Regarding Asia, I should inform you that the movement of Chinese refugees from Hong Kong is a continuing operation. The United States has recently decided to apply Section 7 of its Immigration Act to the Hong Kong area, which will increase the number to be assisted in 1971. The voluntary agencies will be heavily engaged in locating assurances of resettlement in the United States for these Chinese refugees. ICEM will be closely cooperating with the agencies on processing and movements.

Also in Asia we are assisting in the movement of small groups of Tibetans from India and a few refugees from South Korea. There were also some UNHCR refugees moved from Africa to overseas destinations and a group of Haitian refugees moved to Europe.

I should also mention that we recently received a request from the United Nations High Commissioner for Refugees to assist his representative in arranging the repatriation of children who had left Nigeria during the disturbances there last year, and had found refuge in neighbouring countries. A senior staff member was sent to assist in the planning and carrying out of the transport operation, which is now in the implementation stage.

A further refugee situation I should report on relates to displaced persons in El Salvador. These have become the concern of ICEM at the request of the Government of that country, and we have been discussing relief and rehabilitation programmes with the local authorities. One project calls for the setting up of a centre for the production of ceramics, in which displaced persons will be trained by an ICEM-recruited instructor from Europe. The second project involved the resettlement of displaced persons in other countries of Central and South America. There are good prospects for settling a number of persons during 1971, if special financing can be obtained. We are now seeking funds in order to finance the operation outside the normal ICEM budget.

Two artisan projects for the training of disadvantaged persons in Honduras are mentioned in our budget documents for 1970 and 1971. I am happy to report that these projects will be in operation next month with the departure from Spain on 1 December of the two technical directors/instructors whom ICEM has recruited. These projects are receiving financial support from the Organization of American States and the Agency for International Development.

In connection with the assistance to non-European refugees, I want to thank the Norwegian Refugee Council which on several occasions has been helpful in providing funds for small groups of these refugees who were in distress.

I would not want to leave the subject of refugees without paying tribute to the United Nations High Commissioner for Refugees. Once again I want to stress the splendid cooperation existing between the Office of the High Commissioner for Refugees and the Intergovernmental Committee for European Migration. I do this because I know that some governments have fears concerning a multiplicity of international organizations, and it should be understood these fears have no bearing on this particularly close joint working relationship.

While ICEM is to some extent limited geographically by its mandate with regard to its work with nationals, it has a much wider prospect when it comes to refugees. At the ICEM Council session last November, permission was given to the Director to assist in the movement of any non-European refugee when so requested by UNHRC, and when funds were available from sources outside the normal budget of ICEM. Movements procedures have thereby been greatly accelerated.

Having mentioned particular friends, I must here also pay tribute to the voluntary agencies. They are with us in all our activities, whether national migration, refugee assistance or Latin American development. Their widespread structure of offices and representatives work with us and work for us and reach people in remote areas where we could not afford representation. We have established a tradition of large meetings and small gatherings with the agencies which enable us to keep regular and close contact. We are lucky, indeed, always to have the voluntary agencies with us.

I am now getting to the third pillar in our system, the Latin American Programme. Here we are passing through a difficult phase. In their process of development many Latin American countries have reached the point where they themselves are able to meet the demand for what we may call the lower level of specialists and skilled workers. Consequently ICEM should now stop recruiting such people, who were mainly young people who had completed technical school but had little practical experience. We are there-

fore faced with the difficult task of adapting our selection machinery to higher level recruitment to be able to provide what is needed in the economy of the Latin American countries. This adaptation will take some time and movements during that period may not be up to expectation. However, I am not unduly worried. We shall meet this challenge. It is no greater than those we have faced in the past. However, I do appeal to European Governments to give us all possible assistance in finding the relatively small number of technicians who will be required under the Selective Migration Programme.

During the spring, I had the pleasure of visiting Peru, Brazil, Ecuador and Colombia, and I wish once more to express my appreciation of the kind reception which was given to me everywhere. It is my intention to visit Central American countries in the spring of 1971 to get acquainted with that region of Latin America.

It was my impression, during my trip, that we are still not doing enough to make ICEM and its programme known in our Member countries so that institutions which are in need of technicians can take advantage of our recruitment facilities. I am carefully studying how we can improve our press and other publicity services in Latin America.

Within the Latin American Programme but outside our normal programme, we have the question of Inter-Latin American migration. The question was raised by Argentina and ICEM was asked whether it could render assistance of some kind in the legal and technical aspects of movements between Argentina, Chile, Bolivia, Paraguay and Uruguay. We have had meetings here in Geneva on the matter, our Missions in the four countries have discussed it at government level, and recently we have sent questionnaires to the Governments concerned, the replies to which are now coming in. Inter-Latin American migration is a very interesting question, but it is obviously too early to say what ICEM can do and how far it can go. So far, we are not ready even to define the question, much less to document it for the Council. However, I am hopeful that at the Executive Committee in May I shall be able to produce a proper document which can be used as a basis for the deliberations of ICEM Member Governments.

Before leaving our programmes for 1970 and 1971, I should like to touch on the question of financing. We must not overlook the fact that the 1970 Budget shows a deficit of $150,000 in Section III.

It was very gratifying, in the Executive Committee, to hear the representatives of Italy and the Federal Republic of Germany announce contributions of $50,000 and $38,000 respectively, which had not been allowed for when preparing the budget. They bring the deficit down to $62,000. On the basis of this figure, the Italian representative announced his Foreign Ministry's intention to seek further contributions for ICEM in 1970. I should like to appeal to governments to make a maximum effort to find the remaining $62,000. To be on the safe side, however, I suggest that the resolution on the 1970 Budget should authorize some drawing on reserves, if that should become unavoidable.

Turning to 1971, we should not forget that even if they approve the model schedules, some governments have already stated that they cannot apply them in 1971. This is understandable in view of government working procedures, but it does mean that we shall still have a deficit in 1971, although it will be smaller than in previous years.

I am very glad that the Sub-Committee on Budget and Finance is planning to meet again in March, when a Revised Budget for 1971 will have been prepared, so that we shall be able to let governments know exactly what the situation is.

While on the subject of the 1971 Budget, I should like to say a few words about our plans for celebrating the twentieth anniversary.

ICEM, as an independent, but relatively small organization, has always had difficulties in making itself known to the public, and even in governmental circles we find a lack of knowledge of what we are trying to achieve. We are therefore compelled to spend money on publicity. In my experience, such publicity efforts are more effective if they are linked to a specific occasion. We need a film about ICEM. We have nothing which is modern and up-to-date. The film we are going to produce will not be very closely linked to the anniversary and so it can be used for several years after it. It is generally agreed that films, particularly if they are shown on television, are one of the most effective means of publicity.

In our emigration work as a whole, but particularly within our Latin American Programme, we have established either liaison or working relationships with a number of international organizations. Through this co-operation we draw upon the knowledge and experience of people working parallel to us and are able to assure that there is no duplication in our work.

Within the United Nations system of organizations, we work together with the United Nations Development Programme. Several of its projects offer practical ways of co-operation in the recruitment of European technicians.

We have co-operated for many years with the International Labour Office, and recently we have been in close contact with it concerning the Ottawa Plan for Human Resources.

We have recently had negotiations with the Inter-American Development Bank aiming at providing some form of loans to migrants in Latin America, and a formula is being worked out.

We have also had conversations with officials of the World Health Organization with a view to co-operation on the question of medical personnel for Latin America.

ICEM has a close and very fruitful co-operation with the Organization of American States on the Selective Migration Programme. We also work together on the question of the displaced persons in Central America and the establishment of projects for them.

In the European region, we participate in the meetings of the Council of Europe and its special committees, providing information on ICEM activities.

We also maintain regular contact with the OECD, particularly through its Committee for Manpower and Social Affairs.

Finally, I should mention that we are in the process of establishing a working relationship with UNESCO in connection with our programme for teachers and university professors to Latin America.

These are only a few comments on a section of our work which is becoming more and more important. It has been a pleasure for me to meet senior officials of all these organizations and I am certain that co-operation can be of benefit to all parties concerned. I must say that I believe there is a growing awareness among the other international organizations as to the competency of ICEM and I shall endeavour to increase this awareness in every way that I can.

I am now coming to my last subject—one which is very dear to my heart—the future of ICEM.

It is obvious that at the present time both our programming and our financing are based too much on the situation at a given moment and too little directed towards the long view. We do not have the proper background in research and analysis. In 1967 this whole matter was the subject of prolonged discussions in the Council, but little came of it owing to immediate emergencies. I know that several governments, some of them no longer with us, felt that an important question had been neglected at that time.

I am fully aware that, in preparing future plans, we should limit ourselves to what is traditionally within our scope and we should not try to survey the whole world. As I see it, the ICEM Member Governments would like us to concentrate on research in the emigration field as it is related to Europe and the overseas Member countries. They would like ICEM to be the source of the information they need in drawing up their annual or long-term plans.

I am not bringing forward these plans merely to ensure the preservation of ICEM. I do it because I believe that migration is a characteristic phenomenon of modern times and that, in the future, larger numbers will move in response to the pull of economic demand. I know that we have to work within realistic limits, but it is also true that ICEM is the only migration organization which is international in scope.

The document before you—MC/982—is a first step in the direction adumbrated in 1967. It does not go very far. Some delegates may even feel that the steps suggested could have been initiated by the Director without consulting the Council. This may be so, but I would nevertheless like to have the Council's view because sooner or later this will become a question of importance. As the work proceeds, I look forward to the direct participation of Member Governments and perhaps even non-member governments. I would like to meet with leading people in the demographic field and to receive guidance from voluntary agencies, international organizations and others interested in migration.

I hope to have the support of governments in advancing these plans, which might help to bring stability to ICEM during the next decade.

Mr. Chairman, I am sorry that I have spoken at such length but I thought that you would have wanted me to place before the delegates my views on the various items that will be debated in the course of the next few days as well as my report on my stewardship over the past year. Thank you very much.

DIRT CHEAP, OR CHEAP DIRT?

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

Mr. MELCHER. Mr. Speaker, for the information of the Members of the House, I have cautioned my family against buying hamburgers at Gino's since receiving a letter from Gino's Inc., 215 West Church Road, King of Prussia, Pa.

I issued my little family directive for two reasons:

First, Gino's is lobbying for removal of restrictions on the importation of meat into the United States in face of the need to improve the inspection for sanitation and wholesomeness of that meat and see that it is clean and fit to eat before we let it in. We have no such assurance now.

Second, because Gino's letter says hamburger prices will rise 30 to 40 percent if legislation is passed restricting imported meats which indicates that the institution has an outrageous pricing policy.

I do not know of any restriction proposals, including even the embargoing of all imported meat—which is not proposed—which would justify that Mr. Gino increase his price for hamburgers even 10 precent.

I hope the Gino Corp., whose executive vice president states that they use 1.6 ounces of meat in their regular hamburger, does not believe that it is unreasonable to add less than half cent cost per hamburger to assure complete and thorough U.S. inspection of the meat they use.

The price of the imported meat they buy, which is only haphazardly inspected for sanitation after a 3- to 8-week transit from foreign plants, is about 5 cents per pound less than the hamburger made from U.S. inspected beef grown and processed in this country. That comes to one-half cent apiece on the 10 hamburgers that Ginos makes from one pound of the meat and in no way should be used as a reason by this flourishing food chain for attempting to block legislation to assure their consumers meat thoroughly inspected in the United States.

I additionally object to Gino's false contention that imported beef is badly needed on a quantitative basis to meet the need for manufacturing beef because cow and bull slaughter has declined.

The supply of manufacturing beef about which Mr. Gino is so concerned has not declined but increased by about 30 percent on a per capita basis in 10 years. Cow and bull beef are not the only sources of manufacturing meat, although it could be that Mr. Gino uses only that tough, aged kind. I do not know. I have not eaten his hamburgers.

Supplies of processing meat from our fed cattle industry have increased sharply, and the total supply of manufacturing beef is actually greater per capita than ever before.

Don Paarlberg, Director of Agricultural Economics, Department of Agriculture, pointed this fact out to the American Meat Institute in an address in Chicago on October 20. I quote a few lines from his speech:

> The Secretary and other Department officials disagree with the argument that because beef imports are of primarily lower grades they do not affect domestic producers; they do . . . there were a number of allegations to the effect that processing beef supplies were relatively short. I would like to comment on this point. Per capita supplies of processing beef have increased almost 30% in the past decade. There has, however, been a change in the mix of these supplies. It is true that supplies of cow and bull beef have increased only slightly in recent years. However, supplies of processing beef from the fed beef sector have increased sharply. These are the trends that we likely will see continue in the next decade.

Unless Gino wants to restrict its hamburgers to the cheapest imported beef he can buy, that has not been thoroughly inspected in the U.S. to eliminate dirt, blood clots, systs, ingesta, bone, hair, and even fecal matter, he has no grounds whatever for the complaint that I assume he has written all Members of the House.

CLOSING OF SHOE FIRMS IN MASSACHUSETTS

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

Mr. BURKE of Massachusetts. Mr. Speaker, two shoe firms in Massachusetts announced this week that they would close their plants down. The firms are both located in Lynn, Mass., the Novelty Shoe Co., and the Unique Manufacturing Co.

Mr. Richard W. Morley, president of the Novelty Shoe Co., explained that his business was being liquidated due mainly to competition from foreign imports. He also stated that he hoped "* * * the recently passed House import bill will help manufacturers but it is a little late to help such people as us."

Lynn Novelty has been in operation for the past 22 years and employs approximately 200 people. These people are now jobless and Lynn Novelty becomes another statistic, numbering the 13th shoe company to close in Massachusetts in the first 11 months of this year.

HUNGER AND THE FARMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, as I have observed on previous occasions, American agriculture produces the greatest variety of rich and wholesome farm products in the world at a cost to the American consumer that is lower than at any other time in our Nation's history. Despite this abundance, however, too many of our citizens suffer from malnourishment or undernourishment.

With the issue of hunger in America occupying so much attention in the body politic, public concern has yet to become meaningfully focused on the very real nutritional problems existing in much of what can be considered the traditional American diet.

Dr. Roger J. Williams, professor of Chemistry at the University of Texas in Austin, has authored a very compelling treatise on the subject of nutrition. The issues he raises should be pondered by all of those to whom improving the nutritional qualities of our foods is an important concern.

I commend Dr. Williams' article entitled, "Should the Science-Based Food Industry Be Expected To Advance?" to the attention of my colleagues.

SHOULD THE SCIENCE-BASED FOOD INDUSTRY BE EXPECTED TO ADVANCE?

(By Roger J. Williams, with the technical assistance of Chas. W. Bode)

In spite of improved infant feeding which has been made evident by some increase in stature, it has seemed to the writer that the food industries in general tend to remain static (or even be regressive) with respect to providing the public with better and better food. My apprehension with respect to this problem has increased immeasurably during the past eighteen months when it has been possible with the indispensable and capable assistance of Mr. S. Rodman Thompson to survey critically the current medical and scientific literature which bears directly or indirectly on the relationship of nutrition to disease.

Apprehension has further been greatly enhanced as a result of the following experiment which was designed to find out how serious the lag may be in the crucial milling and baking industry, which provides the public with its "daily bread."

Weanling rats of four different strains were placed on two bread diets. Sixty-four rats, 16 of each strain, were given commercial "enriched" bread, still produced essentially in accordance with the practices of about 30 years ago; matched groups were given the same bread supplemented in accordance with more up-to-date nutritional knowledge by the addition of small amounts of minerals, vitamins and one amino acid, lysine.* The supplementation was limited; no attempt was made to make the bread the best possible. The cost was increased an estimated five per cent, and the baker volunteered that the modified bread could not be distinguished by appearance from the commercial bread.

After about two weeks on these two diets the rats in all the strains showed strong contrasts. The average rates of gain for the four strains were 4.8, 6,1, 6.5, and 9.5 times as great (!) respectively on the improved bread.

After 90 days on the commercial bread diet about two-thirds of the animals were dead of malnutrition and the survivors were severely stunted, whereas practically all the other animals on the improved bread were alive and growing.

That commercial white bread appeared severely deficient came as no surprise since it had been found in our laboratory previously that weaning rats lived on the average only about 60 days on a bread diet.[1] We were surprised that the deficiencies of bread could easily be greatly alleviated.

To each pound of "enriched" flour was added: pyridoxine, 2 mg; pantothenate, 4.5 mg; cobalamine, 2.2 mcg; vitamin A, 2160 u; vitamin E, 20 mg; folic acid, 0.5 mg; L lysine, 0.5 g; calcium, 300 mg; phosphate, 713 mg; magnesium (oxide), 150 mg; manganese (sulfate), 20 mg; copper (sulfate), 4 mg.

As the experiment progressed supplementation with vitamin D was also included. Under the conditions of our experiment this seemed to make no substantial difference. We look upon the particular formulation used as primarily illustrative. Undoubtedly, the nutritional value could have lysine, but under present conditions this would have increased the cost materially.

From these experiments it appears that an extremely serious situation exists with respect to the manifold products made from "enriched" flour and that similar questions arise with respect to many other foods. The seriousness of this problem is greatly enhanced in the light of the evidence we have gathered that poor nutrition—prenatally, during youth and adulthood—is a probable source of a large number of important and highly prevalent diseases.[2] "Enriched" products whether they be bread, bakery goods or cereal breakfast foods, for example, are nutritionally *far below* what scientific advance should demand. Furthermore, the same disregard of nutritional value that is observed in the milling and baking industry is carried over to the production of many other foods.

The immediate basis for this lapse in the milling and baking industry is evident: "Enrichment" as now practiced is nearly 30 years old and is antiquated. During the intervening years there has been instituted no nutritional advance or improvement whatever. No cognizance has been taken of the other nutrients, or of the newer knowledge about them: vitamin B_6, pantothenic acid, vitamin B_{12}, vitamin A, vitamin E, folic acid, the amino acids and the minerals, conspicuously magnesium.

What would we think of a communications industry if year after year and decade after decade there were no substantial advances in printing and duplicating, in radios, telephones, and television, or in voice and musical reproduction? In recent decades the

Footnotes at end of article.

textile industry has been revolutionized, the lighting industry has advanced rapidly, ultra-advancement has come in transportation, the paint industry has completely changed, computers have been developed and improved almost beyond belief.

The food industries like all the others are science-based. Should there not be marked progressive improvements in the quality of our food? Is it that nutritional science is backward, or has there been a failure to apply what is scientifically known?

One defense which the baking and milling industry may cite is the fact that bread is not customarily consumed alone. Bread is consumed, for example, with butter or milk or in sandwiches. There is no question but that the rats in our experiment would have fared better if the bread diets had been supplemented with milk, meat, or cheese. These are superior foods, as can be demonstrated by feeding them to experimental animals. The fact that bread accompanied by these good foods would produce passable results proves nothing with respect to bread. Sawdust when accompanied by good foods such as milk, meat and cheese can yield acceptable results, yet sawdust is known to be almost without nutritional value. The proper way to test the nutritional value of bread is to test it alone as we have done. That the commercial bread is so deficient is intolerable in light of the fact that it can so easily be vastly improved.

A more valid defense which the baking and milling industry may call upon, is based upon the restrictive activities of the Food and Drug Administration which tend to hold "enrichment" at a static level. Bakers and millers are not allowed by this governmental agency to modify the flour and bread as they may wish.

One concept which has influenced the flour and bread enrichment program, is that ideally white bread and flour should approach in nutritional value whole wheat bread and flour. I see no reason why in an age of scientific advance the product of a modern bakery should not far surpass whole wheat bread. We suspect that the supplemented bread used in our experiment was much superior to whole wheat bread. In any case, it would be easy with our modern knowledge to produce a bread that is vastly superior. Why not?

If we look for more deep-seated reasons for the nutritional backwardness of the milling and baking industry, we can readily trace this high regard for the status quo back to the apathy, if not antagonism, exhibited by classical medical education toward nutrition. It is no secret that medical education is deficient with respect to nutrition, and that it does not foster rapid advance in this field. Without appreciating the consequences of the action, traditional medical education has for decades been disregarding the pleas of nutrition enthusiasts (and experts). It has been saying to them in effect, "You can say what you wish, we're not interested. Quackery is outside our province."

In an earlier publication [3] we called attention to the psychological attitude which has developed in the medical profession which militates against the members being interested or well-informed with respect to nutrition. These comments were reprinted with approval in Britain, and the related suggestions have been the basis for favorable articles and editorials in the medical press.[4]

The status is briefly this: Nutrition enthusiasts, which include some faddists and charlatans are prone to make unwarranted generalized claims (for specific vitamins, for example), and are often masters of publicity. Rather than become embroiled with these enthusiasts and in order to avoid disputation or association of any kind with them, official medical education has said in effect, "Ignore them." In ignoring them they have regretfully tended to ignore bona fide nutrition also.

In a time when we hear so much about environments, and the crucial need for preserving them, medical education has failed to stress the tremendous importance of the environment which we desperately need to provide continuously to the cells and tissues of our bodies. Without a suitable environment the liver cells cannot perform effectively their many tasks which include the detoxification of many harmful substances; without a suitable environment the cells and tissues of the heart and blood vessels cannot do their crucial work effectively; without a suitable nutritional environment the brain cells cannot develop and perform, decade after decade, their manifold regulatory and other functions.

How are these environments provided, and where do the essential environmental factors come from? They come mainly from nutrition. If we furnished through our open mouths an adequate assortment of the approximately three dozen nutritional elements which are indispensable to the environments of cells, they will function well and health will result. If any link in the chain is missing or weak the environments are correspondingly unfavorable, the cells malfunction, producing disease.

We have assembled from the scientific and medical literature abundant evidence which points strongly to the conclusion that *aside from infection, the most important potential cause of disease is the poor nutritional environment of cells and tissues.* Medical education has ignored this possibility.

It is true, of course, that some physicians are interested and are well-informed about current nutritional thinking. In general they have reached their status by special study and research which has been done *in spite of* rather than *because of* their medical training. Physicians have told me that many of their number will heartily welcome what is being said here, because they know that nutrition has been sadly neglected.

The failure of medical science to take nutrition seriously is the basic cause of the backwardness of the baking and milling industry and the ineptness of the Food and Drug Administration with respect to nutrition. This failure has had far-reaching effects. Although individual medical scientists may have interests along this line, it can be said without fear of contradiction that there is no organization or institute anywhere in the world which even purports to study any disease (atherosclerosis, arthritis, mental disease, cancer, or whatever) *thoroughly* from the standpoint of the role of nutrition and nutritional environments.

Two broad and crucially important facts which underlie the whole problem of noninfective and infective disease have largely escaped medical science because of its lack of attention to the science of nutrition.

The first fact is that living cells wherever they occur in nature, are *always subject to limitations* in their nutritional environments.

Single cells rarely if ever encounter culture media that are optimal—not subject to improvement in any way. The cells in our bodies are not automatically furnished a perfect environment from which nothing is lacking or is in short supply. The kind of environment these cells are furnished depends upon what we eat. Limiting nutritional factors are the rule, not the exception. Many people eat so carelessly that their liver cells, for example, never, over the years, get a really "square meal." As a result, liver cells (and other cells in the body) limp along as best they can in a poor environment, just as does corn or cotton growing in a poorly fertilized or sparsely watered field. "Limping along" in an inadequate environment is certainly very prevalent in the world of nature. It is just as common in the world which is inhabited by our body cells. When the limp becomes severe, overt disease results. Fully adequate nutrition is a continuing question mark for every one of us. This, medical education has not taught.

The second comprehensive fact which encompasses all attempts to apply nutritional knowledge and which has been overlooked in medical education is this: *Nutritional factors always work as a team.*

In testing the efficacy of drugs we simply administer the drug in question. If it brings the desired result, the answer is "Yes," if not, the answer is "No." In testing the efficacy of a mineral, amino acid or vitamin, however, the principle of *teamwork* needs desperately to be recognized. If it is not, as has usually been the case, the results are erroneous. No nutritional factor *by itself* can do anything. It is like a nut, bolt, spindle, or gear in a complicated machine; unless the rest of the machine is there (which biologically may *sometimes* be the case), it is completely useless.

This important principle has been largely overlooked because medical education has not seriously explored nutrition. Let us consider the following broad question: Is "n" (one of the essential nutrients) effective in preventing heart disease, arthritis, obesity, alcoholism, mental disease or cancer? The obvious answer to the question appears to be "no" since there is no known nutrient, the simple administration of which will bring about these results.

But the testing on which this obvious and far-reaching answer is based has been seriously at fault! Indispensable teamwork has been ignored; the experiments have been designed to answer the wrong questions, and the conclusions are worse than useless.

The scientific question whether or not "n" can prevent heart disease, arthritis, obesity, alcoholism, mental disease, or cancer remains an open one until "n" has been tested under such conditions that all other parts of the metabolic machinery can be functional. *Teamwork must be involved.* If "n" is tested under conditions that make it impossible for it to function, of course the results will be negative.

Especially in the light of the extensive evidence we have gathered, there is a strong presumption that careful scientific handling of the teamwork in the nutritional environment of our body cells will not only prevent the onset of numerous diseases but will also prevent the production of malformed and mentally retarded babies. Medical science needs to explore these possibilities extensively and intensively. In view of the present public mood, the importance of cellular environments cannot be denied or brushed aside.

This is a matter which should be a maximum public concern and there should be many public servants engaged in exploring these cellular environments and what can be done to improve them. On the basis of present knowledge it appears certain that health can be vastly improved in every direction if the quality of our food is improved.

The baking and milling industry is crucially important in this regard because products made from "enriched" flour are consumed in enormous quantities, especially by those with lower incomes. Breads, crackers, cakes, pastries, and other "enriched" and processed foods are consumed in quantity by children whose body and brain cells as a consequence continually limp along in a poor environment. Current "enrichment" disregards the teamwork which is essential and physical and mental ills arise as a consequence. If the nutritional value of flour, bread and related products can be brought up to a respectable level by any means whatever, this will be a tremendous forward step.

The writer is not the first American sci-

entist to entertain what some may regard as an extravagantly optimistic view of the possibilities residing in the field of nutrition. Henry C. Sherman of Columbia in writing the book "The Nutritional Improvement of Life" revealed a belief that vast benefits can be derived from better nutrition. He was a member of this Academy. From correspondence with Elmer V. McCollum, a member of this Academy for 47 years, it is clear that he too held what may be regarded as extreme views. I am confident that my brother, R. R. Williams, also a member of this Academy, who has much to do with the original enrichment program, would, if he were living, heartily applaud what I have to say.

Perhaps the clearest enunciation has come from Frank G. Boudreau, M.D., formerly a prominent member of the Food and Nutrition Board. He wrote in 1959: "If all we know about nutrition were applied to modern society, the result would be an enormous improvement in public health, at least equal to that which resulted when the germ theory of infectious disease was made the basis of public health and medical work."[5]

He was calling for a revolution in medicine as important as that following the recognition of infectious disease! I would echo this call, and on the basis of extensive evidence hitherto not available there is vast reason for hope.

FOOTNOTES

[1] Williams, Roger J., and Pelton, Richard B., "Individuality in Nutrition: Effects of Vitamin A-Deficient and Other Deficient Diets on Experimental Animals," *Proc. Natl. Acad. Sci.*, 55, 126–134 (Jan. 1966).

[2] Williams, Roger J., *The Environmental Prevention of Disease.* New York, N.Y. and London); Pittman Publishing Corp. In press.

[3] Williams, Roger J., and Deason, Gary, "Individuality in Vitamin C Needs." *Proc. Natl. Acad. Sci.*, 57, 1641 (June 1967).

[4] *Medical News*, Vol. 1, No. 20, page 1, May 15, 1967. Editorial, "Dem Individuum Sein Recht." *Medical Tribune*, Internationale Wochenzeitung-Ausgabe für Deutschland, June 2, 1967. Editorial, "Propetologie und biochemische Indivdualität." *Ibid*, November 17, 1967.

[5] Boudreau, Frank G., in *Food*, Yearbook of Agriculture, 1959, U.S. Dept. of Agri. Publ., Washington, D.C.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1955 $6,279,000,000 was spent in the United States on research and development. It is estimated that in 1970 this amount will be over $27 billion.

PRESIDENT NIXON'S POSITION ON THE BOMBING OF NORTH VIETNAM

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, in his press conference last night President Nixon took a wise step in explaining clearly and explicitly his position on the bombing of North Vietnam.

The President stated that he will bomb military targets in North Vietnam if there is evidence that the enemy is endangering the withdrawal of American troops and that he will order retaliatory strikes against missile sites if they fire upon U.S. reconnaissance planes. He explained that the reconnaissance flights are essential to protect the lives of withdrawing American troops.

President Nixon's position is entirely reasonable and justifiable. He has the solemn responsibility of protecting our withdrawing forces and he must take the steps necessary to see that they are protected. But his statement last night had added significance because of its candor. The cards are now clearly on the table and if Hanoi persists in endangering our withdrawal program it knows exactly what to expect.

The President's position should receive the full and unqualified support of the Congress. Some of our colleagues have complained in the past about lack of knowledge of what the administration is doing. But there can be no such complaints today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. GRAY (at the request of Mr. ALBERT), for today, on account of illness in the family.

Mr. FOUNTAIN (at the request of Mr. BOGGS), from 3:30 today for the remainder of the day, on account of official business.

Mr. PEPPER (at the request of Mr. ALBERT) for today, on account of official business.

Mr. BINGHAM (at the request of Mr. ALBERT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PRICE of Texas (at the request of Mr. SEBELIUS), for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

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

Mr. ALBERT, immediately following the remarks of Mr. SYMINGTON, during his 1-minute speech today.

Mr. MATSUNAGA prior to the passage of H.R. 19868.

Mr. THOMPSON of New Jersey, to revise and extend his remarks on the bill H.R. 13956, and to include extraneous material.

Mr. GROSS, to revise and extend his remarks on H.R. 13956.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. ANDERSON of Illinois.
Mr. DENNIS in two instances.
Mr. COLLINS of Texas in five instances.
Mr. WYMAN in two instances.
Mrs. DWYER in three instances.
Mr. SCHERLE.
Mr. ZWACH.
Mr. HOSMER in two instances.
Mr. DELLENBACK.
Mr. SCHMITZ in two instances.
Mr. BOB WILSON.
Mr. DERWINSKI.
Mr. MIZELL in two instances.
Mr. PRICE of Texas in six instances.
Mr. SEBELIUS.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. HARRINGTON.
Mr. O'HARA in two instances.
Mr. LEGGETT in three instances.
Mrs. CHISHOLM in three instances.
Mr. OTTINGER.
Mr. RODINO.
Mr. RARICK in three instances.
Mr. GALLAGHER in three instances.
Mr. FOUNTAIN in two instances.
Mr. UDALL in five instances.
Mr. GRIFFIN in three instances.
Mr. O'NEILL of Massachusetts in two instances.
Mrs. SULLIVAN in three instances.
Mr. KLUCZYNSKI in three instances.
Mr. PICKLE in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 4262. An act to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown; to the committee on the Judiciary.

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

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

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals; and

H.R. 19846. An act to amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

SENATE ENROLLED BILLS SIGNED

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

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes;

S. 2108. An act to promote public health by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes;

S. 3070. An act to encourage the development of novel varieties of sexually repro-

duced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest;

S. 3418. An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition;

S. 3479. An act to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; and

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, December 14, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2608. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the annual report of the Commission for fiscal year 1970, pursuant to 16 U.S.C. 715b; to the Committee on Agriculture.

2609. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, which establishes a limitation on budget outlays for fiscal year 1971 (H. Doc. No. 91-426) to the Committee on Appropriations and ordered to be printed.

2610. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 227, *Pueblo of Laguna, et al., Plaintiffs,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

2611. A letter from the chairman, Federal Trade Commission, transmitting the 55th-annual report of the Commission, covering fiscal year 1969; to the Committee on Interstate and Foreign Commerce.

2612. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the Flood Control Act of 1960, as amended, relating to the compilation and dissemination of information on floods and flood damages; to the Committee on Public Works.

2613. A letter from the Administrator, Environmental Protection Agency, transmitting notice of the Agency's intention to submit a report on an "investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law," due by December 31, 1970, under section 109 of the Water Quality Improvement Act of 1970, after that date but before June 30, 1971; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee of Conference. Conference report on H.R. 18515 (Rept. No. 91-1729). Ordered to be printed.

Mr. BOLAND: Committee of Conference. Conference report on H.R. 17755 (Rept. No. 91-1730). Ordered to be printed.

Mr. HOLIFIELD: Committee on Government Operations. The role and effectiveness of Federal advisory committees (Rept. No. 91-1731). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 19943. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families as a result thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 19944. A bill to provide that preliminary payments shall not be less than 32 cents per bushel, for corn; to the Committee on Agriculture.

By Mr. FRASER (for himself, Mr. BROOKS, Mr. EDWARDS of California, and Mr. ST GERMAIN):

H.R. 19945. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 19946. A bill to amend title 38, United States Code, to guarantee veterans' loans to purchase dwellings in multifamily structures which are owned cooperatively; to the Committee on Veterans' Affairs.

H.R. 19947. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for donations of blood or body organs to nonprofit organizations or institutions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 19948. A bill for the relief of Baldassare Mangiaracina; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 19949. A bill for the relief of Louis Teipoonui Gooding; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 19950. A bill for the relief of Juan Manuel Di Bono; to the Committee on the Judiciary.

SENATE—*Friday, December 11, 1970*

The Senate met at 11 a.m. and was called to order by Hon. THOMAS J. McINTYRE, a Senator from the State of New Hampshire.

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

Ever-living God, as we bow in this place of prayer and of labor, may Thy mercies which are new every morning come upon us now to refresh us and restore us for the unfinished work. Undergird by Thy renewing power the bodies, minds, and spirits which are Thy good gifts to us and energize us for this new day.

Look upon this good land in this hour and bring reconciliation out of division, harmony out of discord, unity out of diversity. Confirm our faith once more in the supremacy of spiritual verities and in those holy principles of our spiritual kinsmen, the Founding Fathers, lest in troubled and unsure times we go astray. Guide us through this day by Thy higher wisdom and when it is over bring us safe to rest in the knowledge of work well done for all the people.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS J. McINTYRE, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr Berry, one of its reading clerks, announced that the House had agreed to the report of the committee

of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following bills and they were signed by the Acting President pro tempore (Mr. McINTYRE):

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually;

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.;

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2335. An act for the relief of Enrico DeMonte;

H.R. 2477. An act for the relief of Commander John N. Green, U.S. Navy;

H.R. 3571. An act for the relief of Miloye M. Sokitch;

H.R. 4239. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 7830. An act for the relief of James Howard Giffin;

H.R. 9488. An act for the relief of Mrs. Ruth Brunner;

H.R. 10153. An act for the relief of Frances von Wedel;

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch;

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia;

H.R. 14684. An act for the relief of the State of Hawaii;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder; and

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 10, 1970, be dispensed with.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after disposition of the Journal on Monday next, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, with the exception of the last nomination on the list.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

The legislative clerk read the nomination of Jeremiah Colwell Waterman, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

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

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Robert C. Mardian, of California, to be an Assistant Attorney General.

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

U.S. CIRCUIT COURTS

The legislative clerk read the nomination of Donald R. Ross, of Nebraska, to be a U.S. circuit judge for the eighth circuit.

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

U.S. DISTRICT COURTS

The legislative clerk read the nomination of Franklin T. Dupree, Jr., of North Carolina, to be a U.S. district judge for the eastern district of North Carolina; and Hubert I. Teitelbaum, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1438.

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

UNITED SEAMEN'S SERVICE

The Senate proceeded to consider the bill (H.R. 15549) to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes, which had been reported from the Committee on Commerce with an amendment, at the top of page 4, insert a new section, as follows:

SEC. 4. The Merchant Marine Act, 1936 (46 U.S.C. 1101 et seq.), as amended, is amended as follows:

(a) By striking out of section 501(a)(2) thereof (46 U.S.C. 1151(a)(2)) the words "to enable it to operate and maintain" and inserting in lieu thereof "for the operation and maintenance of".

(b) By striking out of section 502(a) thereof (46 U.S.C. 1152(a)) the words "to enable it to operate and maintain" and inserting in lieu thereof "for the operation and maintenance of".

(c) By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2)) following the word "owns" the words "or leases".

(d By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2)) following the word "purchase" the words "or lease".

(e) By striking the last sentence of section 805(d) thereof (46 U.S.C. 1223(d)).

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill 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. 91-1424), 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

The purpose of the bill is to authorize the Secretary of Defense to cooperate with the United Seamen's Service upon a finding by the President that it is necessary in the interest of U.S. commitments abroad. The bill also would make certain amendments to the Merchant Marine Act, 1936, as is explained more fully under "Explanation of Amendment."

BACKGROUND AND NEED FOR THE LEGISLATION

The United Seamen's Service is a nonprofit charitable organization incorporated under the laws of the State of New York, the purpose of which is to assist U.S. merchant seamen. It provides a number of services and facilities to American seamen in foreign ports and maintains centers in several ports around the world including Qui Nhon and Cam Ranh Bay in Vietnam. The services provided by the United Seamen's Service include lodging and recreation centers, repatriation for men separated from their vessels because of sickness or accident, legal assistance, visitation to seamen in hospitals or detention centers, and mail and telephone communications services.

The U.S. Government has historically provided certain services and assistance to American seamen in foreign ports. This support is normally under the supervision of the U.S. consulates. However, for more than 25 years, it has been extended in cooperation with the United Seamen's Service, which was organized under Government sponsorship in 1942 by the War Shipping Administration. Since the end of World War II, the United Seamen's Service has continued to provide welfare and support services for American seamen abroad. This bill would reestablish the Government's authority to cooperate in providing logistic support and needed facilities that were previously provided by Executive order under the President's emergency powers, and would be helpful in instances such as Vietnam and Korea where the United Seamen's Service was required to establish facilities in connection with a U.S. sealift effort.

Under the bill, personnel of the United Seamen's Service may be furnished available transportation at Government expense in the performance of their duties. Also reimbursable meals and quarters, available office and recreational space, warehousing, wharfage, and means of communication may be authorized. In addition, no fee would be charged for a passport issued to an employee of the United Seamen's Service to assume or perform duties outside the United States and necessary supplies could be transported at Government expense. Finally, the bill would authorize the President to make arrangements to provide for convertibility of local currencies for the United Seamen's Service in connection with its activities. This authority is substantially identical to that existing with respect to such other charitable organizations as the Red Cross.

The Secretary of Defense would have discretion to provide these services after a finding by the President that it is necessary in the interest of the United States.

The bill does not involve financial contribution to the United Seamen's Service by the Government. United Seamen's Service is, and would continue to be, wholly funded privately. The cost of the United Seamen's Service is wholly borne by personnel of the merchant marine, contributions from management, labor unions, and other interested organizations and individuals, and charities such as the United Givers Fund. Services furnished by the Government are either on a space-available or reimbursable basis. With respect to cost, in the House of Representatives witnesses for the Department of Defense concluded that the bill would not result in any additional cost to the Government. The Department of Commerce, which, along with the Departments of State and Transportation, endorsed enactment of the legislation, concluded that provision of the services authorized in the bill would result in a reduction of cost to the Government. This was based on the experience in Vietnam where the opening of United Seamen's Service centers has saved the Government millions of dollars in its sealift operation by reducing overtime payments due seamen as a result of their being restricted to their vessels.

EXPLANATION OF AMENDMENT

The recently enacted Merchant Marine Act of 1970 (Public Law 91–469) set forth a program to revitalize our maritime capability. The program envisages the construction of 30 modern ships during the next 10 years with the assistance of construction-differential subsidies. Many of the new vessels will also be the subject of operating-differential subsidies. If the program is to be successfully effectuated, billions of dollars of new capital will be required from the private sector.

The committee amended H.R. 15549 so as to correct a technical, but important, omission in the Merchant Marine Act of 1970. The amendment would amend sections 501, 502, 601, and 805 of the Merchant Marine Act, 1936, to permit leased vessels to be eligible for construction and operating subsidies, similiar to the practice already permitted in connection with capital construction funds under recently revised section 607 of the act. The purpose of the amendment is to facilitate successful implementation of the new program by permitting capital from the private sector to be raised in the most efficient manner, utilizing modern and flexible techniques.

Since World War II, lease financing has become an increasingly popular method of financing such varied capital investments as airplanes, locomotives, supermarkets, and post offices. However, the Merchant Marine Act, 1936, has not been amended to reflect this change except in the recent revision of section 607 dealing with capital construction funds. Now that a new program to revitalize our merchant fleet is underway and substantial private capital will be required, it is important that ship operators have this flexibility, subject to control by the Secretary of Commerce. The committee therefore amended H.R. 15549 so as to amend the Merchant Marine Act, 1936, accordingly.

COST OF THE LEGISLATION

Enactment of this legislation is not expected to result in any increased cost to the Government.

AGREEMENT BETWEEN THE UNITED STATES AND SPAIN

The Senate proceeded to consider the resolution (S. Res. 469) to express the sense of the Senate on the agreement of friendship and cooperation between the United States and Spain, which had been reported from the Committee on Foreign Relations with an amendment, on page 2, line 2, after the word "agreement", strike out "shall be construed as a national commitment by the United States to the defense of Spain.", and insert "of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States."

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

The resolution (S. Res. 469), with its preamble, reads as follows:

Whereas the Committee on Foreign Relations, in accordance with its responsibility to the Senate to consider matters related to "relations with foreign nations generally", "treaties", and "intervention abroad", as provided in the Legislative Reorganization Act of 1946, as amended, has examined the Agreement of Friendship and Cooperation between the United States and Spain, signed in Washington on August 6, 1970; and

Whereas on August 26, 1970, the committee received testimony from the Under Secretary of State for Political Affairs and the Deputy Secretary of Defense to the effect that the aforementioned agreement entails no national commitment on the part of the United States to the defense of Spain; and

Whereas the said agreement is not in consequence of "affirmative action taken by the executive and legislative branches of the United States Government" expressed by means of "a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment", as provided in S. Res. 85, Ninety-first Congress, first session: Now, therefore, be it

Resolved, That it is the sense of the Senate that nothing in said agreement of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1425), explaining the purposes of the measure.

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

PURPOSE

The purpose of the resolution is to make it absolutely clear that the executive agreement between the United States and Spain cannot be construed as a national commitment to Spain on the part of the United States. The resolving clause of Senate Resolution 469, as reported, removes any possible doubt here or abroad on this score with these words "* * * nothing in the said Agreement of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States."

BACKGROUND

The original 10-year "executive agreement" with Spain concerning U.S. use of bases in that country was signed in 1953 and extended for another 5 years in 1963. When reports concerning the terms for a proposed new 5-year extension started circulating in 1968, the Committee on Foreign Relations began to concern itself closely with these intergovernmental discussions. As the discussions progressed, the committee requested and received briefings—particularly on the role of the Defense Department in the negotiations—on March 11, April 2 and 14, and June 5, 1969. Partly as a result of this interest, and partly because of inherent problems, it was decided by the two governments on June 20, 1969, to extend the expired agreement until September 26, 1970, so that ample time could be devoted to negotiating a new agreement. During the resumed period of negotiations, the committee continued to be briefed in closed session; specifically, there were meetings on April 22 and July 24, 1970. The Subcommittee on U.S. Security Agreements and Commitments Abroad also received secret testimony on this matter as recently as July 17, 1970.

Thereafter, the committee chairman, Senator Fulbright, requested the State Department to consider submitting the agreement as a treaty. However, at a hastily arranged

ceremony on August 6 the new agreement, entitled the "Agreement of Friendship and Cooperation between the United States and Spain", was signed as an executive agreement and made public. At the same time, the Under Secretary of State for Political Affairs, U. Alexis Johnson, issued a statement containing the following paragraph:

The question has been raised as to whether the proposed Agreement of Friendship and Cooperation contains a commitment by the United States to defend Spain and if it does, whether it should be submitted to the Senate for its advice and consent to ratification. I entirely agree that were the proposed Agreement of Friendship and Cooperation to contain such a commitment as, for example, is contained in the North Atlantic Treaty, the Southeast Asia Collective Defense Treaty, or the Security Treaty with New Zealand and Australia, or our various bilateral mutual defense treaties, the agreement should be submitted to the Senate for its advice and consent to ratification. However, as I have stated, the proposed agreement contains no such commitment.

On August 26, 1970, in an open session of the Foreign Relations Committee, Under Secretary Johnson repeated and elaborated on this statement. The record of that public hearing is printed for the information of the Senate and contains the text of the agreement with Spain together with the exchange of notes and relevant State Department releases.

The hearing record also contains the comments of Senator Church of September 22, 1970, when he introduced Senate Resolution 469 to put the Senate on record as stating that the agreement with Spain did not constitute a national commitment by the United States. In particular, he invoked the recent definition by the Senate of such a commitment set forth in Senate Resolution 85 agreed to on June 25, 1969. Senate Resolution 85 declares:

That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that *a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.* (Emphasis supplied.)

On October 5, 1970, the committee received the views of the Department of State on Senate Resolution 469 as follows:

DEPARTMENT OF STATE,
Washington, D.C., October 5, 1970.

Hon. J. W. FULBRIGHT
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: In response to your letter dated September 24 concerning Senate Resolution 469, I am pleased to transmit the comments of the executive branch.

The proposed resolution would express the sense of the Senate that, "nothing in the said agreement (the Agreement of Friendship and Cooperation between the United States and Spain, signed on Aug. 6, 1970) shall be construed as a national commitment by the United States to the defense of Spain." We would of course not object to the adoption of a resolution which merely reiterates the testimony previously set forth by administration officials. However, in light of the administration's public statements on this point, we do not consider the resolution to be necessary.

The Office of Management and Budget advises that from the standpoint of the administration's program there is no object to the submission of this report.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

The resolution was discussed by the Committee on Foreign Relations on October 6 and November 19. On November 23 it was modified to make it clear that—in addition to there being no U.S. commitment to "the defense of Spain"—the executive agreement constituted no national commitment to Spain of any kind. On the same day, Senate Resolution 469 was ordered reported favorably by a vote of 10 to 0.

COMMITTEE RECOMMENDATION

While the administration considers the resolution to be unnecessary, the Committee on Foreign Relations on the contrary believes it both necessary and valuable for the future. It is a natural consequence of the Senate's effort—expressed most fully in the national commitments resolution—to reassert the constitutional role of Congress in the formulation of foreign policy. This effort does not in any way detract from the powers of the Executive; and it is not aimed against any target; rather, it is an increasingly successful attempt to exercise rights and powers delegated by the American people to their elected representatives which had been allowed to fall into desuetude.

In the case of the agreement of friendship and cooperation between the United States and Spain—a title most often employed to describe treaties—there can be no question that this instrument does not meet the definition of a national commitment contained in Senate Resolution 85. The executive branch representatives from both the State and Defense Departments have agreed on the point. And the adoption of Senate Resolution 469 would not impugn their testimony in the slightest way.

It would, however, constitute a formal finding by the Senate that the agreement of friendship and cooperation is not to be considered, either now or at any time in the future, as a national commitment by the United States to come to the defense of Spain. This is desirable, particularly in view of certain language in the agreement drafted in a deliberately ambiguous form. Unless the Senate clearly indicates the limited character of the agreement, consistent with the interpretation the executive branch presently gives it, we may once again confront in the future a condition where "circumstances alter cases." When the Gulf of Tonkin Resolution was adopted in response to reported attacks on a U.S. destroyer in international waters off Vietnam, who could have anticipated that the resolution would later be interpreted as congressional sanction for a full-scale war on the mainland, involving an American expeditionary force of a half-million men.

To foreclose any possibility that the Agreement of Friendship and Cooperation with Spain might later be given an expanded application, it is incumbent upon us, now, at the outset, to place an authoritative construction upon it.

The public hearing gave the administration an opportunity to set forth its interpretation of the agreement. By approving Senate Resolution 469 the Senate—as has the committee—would be fixing the reach of the agreement within these bounds.

In taking this action, the majority of committee members still adhere to the opinion that the administration should have submitted the agreement as a treaty. By that means, both branches of our Government given responsibilities in the field of foreign policy by the Constitution would have participated in shaping this country's future relationship with Spain. It is ironic that on November 25, 1970, the President submitted to the Senate, for its advice and consent to ratification, a proposed treaty on extradition with Spain, which was signed at Madrid last May. Apparently the Senate can be entrusted with issues concerning extradition relations, narcotic offenses and aircraft hijacking, but not with matters which could involve the security of the Nation.

In conclusion, it should be stressed that Senate Resolution 469 is unopposed by the administration and has been reported by a large bipartisan majority of the Committee on Foreign Relations. The committee strongly recommends that Senate Resolution 469 be adopted.

REPORT BY THE COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

The resolution (S. Res. 480) to extend the date for the making of a final report by the Select Committee on Equal Educational Opportunity, was considered and agreed to, as follows:

Resolved, That the Select Committee on Equal Educational Opportunity, established under Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, shall make the final report required by such Senate resolution not later than January 31, 1972, instead of January 31, 1971.

Without objection, the preamble was agreed to.

WARREN BEARCLOUD, PERRY PRETTY PAINT, AGATHA HORSE CHIEF HOUSE, MARIE PRETTY PAINT WALLACE, NANCY PAINT LITTLELIGHT, AND PERA PRETTY PAINT NOT AFRAID

The bill (H.R. 15805) for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid was announced as next in order.

Mr. MANSFIELD. Mr. President, I am glad that the legislative clerk read the names in full, because I want the Chair to understand that these are very good Crow Indians and very good constituents of mine.

Mr. SCOTT. Mr. President, I had the impression that Marie Pretty Paint Wallace might be from Alabama. [Laughter.]

The bill, H.R. 15805, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SCOTT. Mr. President, I move the motion to reconsider the vote be laid on the table.

The motion was agreed to.

Mr. ERVIN. Mr. President, I would like to have time for just one comment; namely, that the people of Alabama would be glad to know that the distinguished minority leader believes that the Wallaces of Alabama are very pretty people, as is this Indian from Montana.

Mr. SCOTT. I was indicating painted people rather than pretty ones.

Mr. MANSFIELD. Her name is Pretty Paint. Wallace is the name of the man she happened to be married to.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I should like to inquire about the order of business, and such roadblocks, detours, or obstructions that may be currently indicated.

Mr. MANSFIELD. Yes, indeed. We have some conference reports which will be brought up, hopefully. There is the extension of the Libraries Act, which will be brought up. There is Calendar No. 1407, which will be brought up with the approval of the distinguished Senator from North Dakota (Mr. YOUNG), when he reaches the floor; and then, of course, we will, at an appropriate time, proceed to the consideration of Calendar No. 1259, H.R. 18306, which is the bill dealing with financial institutions which has been considered on the floor from time to time. But that will be sometime earlier in the afternoon.

Mr. SCOTT. Do I understand correctly that the family assistance plan and such other matters as are connected with it are likely to be brought up Monday or Tuesday?

Mr. MANSFIELD. On Tuesday. The supplemental appropriations bill, on Monday next, will be the pending business.

VETERANS' RELIEF

Mr. MANSFIELD. Mr. President, this morning, I have received a number of communications from Montana, one from the commander in chief of the Veterans of Foreign Wars of the United States. In brief, the tenor of these telegrams from the veterans organizations of the State, the veterans, those who are interested in veterans' welfare, as well as Mr. Rainwater, are under the impression that the veterans' pension bill, H.R. 15911, has been reported separately by the Finance Committee and they are, to quote Mr. Rainwater:

> Shocked to learn there is no indication Senate will bring this bill up before Congress adjourns. If this legislation is not approved by 91st Congress, 150,000 veterans, mostly older World War I veterans, will have their VA pension cut or canceled.
>
> Urgently request every effort be extended to have H.R. 15911 considered immediately.

This measure has not been reported from the Senate Finance Committee, which has been working for months on very complicated legislation dealing with social security, welfare reform and import quotas. I have been informed, however, that a similar bill has been attached as an amendment to the social security, import quota, family assistance, et cetera, bill which should be reported to the Senate by next Monday.

The fate of this measure is unknown at this time. If, however—and I speak on behalf of the joint leadership in this respect—H.R. 15911 is reported to the Senate as a separate measure, we want to assure all of those concerned that we will make every possible effort to see that it is considered expeditiously and passed.

Mr. SCOTT. We will, indeed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a number of telegrams which I received all of a sudden from Montana be printed in the RECORD.

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

WASHINGTON, D.C.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.:

The Veterans of Foreign Wars of the United States is pleased that Veterans Pension Bill, H.R. 15911, has been reported separately by Finance Committee. Shocked to learn there is no indication Senate will bring this bill up before Congress adjourns. If this legislation is not approved by 91st Congress, 150,000 veterans, mostly older World War I veterans, will have their VA pensions cut or canceled.

Urgently request every effort be extended to have H.R. 15911 considered immediately.

H.R. RAINWATER,
Commander in Chief,
Veterans of Foreign Wars.

HELENA, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

The Social Security increase enacted last year will result in approximately 150,000 needy and disabled veterans suffering reductions in non-service connected VA pension benefits on January 1, 1971, if the Pension Bill H.R. 15911 is not enacted prior to adjournment to the 91st Congress we therefore urge that you schedule H.R. 15911 for early consideration on the Senate floor.

Sincerely,

JOHN E. SLOAN,
DAV National Service Officer.

HELENA, MONT.

Senator MIKE MANSFIELD,
Washington, D.C.:

Urgently request you arrange for rescheduling of H.R. 15911, veterans' pension bill for enactment before January 1 in order to prevent loss of Veterans' Administration pension by more than 150,000 veterans and widows.

Sincerely, yours,

DAVID W. ARMSTRONG, Jr.,
Director, Montana Veterans Welfare Commission.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in VA pension benefits on Jan. 1, 1971, if the pension bill, H.R. 15911, is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House bill, H.R. 15911, for early consideration on the Senate floor.

Sincerely,

ALBERT C. THORMAHLEN,
Commander of Billings Chapter 10, Disabled American Veterans.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:

On behalf of 1,230 VFW members we are asking you to reschedule H.R. 15911.

WAYNE PICKETT,
Commander, VFW Post 1087.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.

The Ladies Auxiliary to VFW 1087 are asking you to reschedule H.R. 15911.

EDITH HOUGE,
President, Ladies Auxiliary.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately a hundred and fifty thousand needy and disabled veterans suffering reductions in VA pension benefits on January 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House Resolution H.R. 15911 for early consideration on the Senate floor.

Sincerely,

BERTHA REITER,
Commander, Billings Unit 10,
Disabled American Veterans Auxiliary.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled American veterans suffering reductions in veterans administration pension benefits on January 1, 1971 if pension bill H.R. 15911 is not enacted prior to the adjournment of the 91st Congress. We therefore urge that you schedule H.R. 15911 for early consideration on Senate floor.

Sincerely,

DONALD E. KEIFER,
Commander Military Order of the Purple Heart, Chapter 343.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in V.A. pension benefits on Jan. 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House resolution H.R. 15911 for early consideration on the Senate floor.

WILLIAM W. JEFFERIES,
Commander, Department of Montana Disabled American Veterans.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in a VA pension benefit on Jan. 1, 1970 if pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House resolution H.R. 15911 for early consideration on Senate floor.

Loyally yours,

ALBERT JUNKERT,
Commander, VFW Post 1634.

MISSOULA, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

Please do utmost to bring HR 15911 up for action anything less tragic.

WM. HEIKKINEN.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in VA pension benefits on Jan 1, 1971 if pension bill HR 15911 is not enacted, prior to ad-

journment of the 91st Congress. I therefore urge that you schedule House Resolution HR 15911 for early consideration on the Senate floor.

ELSIE M. ROGERS,
President, Midland Empire Chapter 459, National Association of Retired Federal Employees.

BOZEMAN, MONT.

Senator MIKE MANSFIELD,
Washington, D.C.:
We urge your support on HR 15911.

T. R. TOWNSEND,
Commander, Major Drennan Post 903.

MISSOULA, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.:
Senate delay in passage H.R. 15911 is critical to older veterans who will lose veterans' pensions due to social security raise without income limitation protection which H.R. 15911 would provide. Please do everything within your power to get this bill out of Senate Finance Committee for Senate vote prior to adjournment. Older veterans drawing pensions and social security benefits are still below Government-established poverty level. Very critical.

J. G. KING,
Legislative Chairman, Veterans of World War I.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:
Request you do all possible to reschedule H.R. 15911. This bill is of great concern to us as veterans.

Mr. and Mrs. RENO MICHELOTTI.

GREAT FALLS, MONT.

Senator MIKE MANSFIELD,
Washington, D.C.:
Understand that Veterans' Administration appropriation bill is now part of House Resolution 15911. Request the Veterans' Administration benefit portion be rescheduled for later consideration in order to be properly processed and passed.

THE WYLIE GALT POST AND UNIT 99,
AMERICAN LEGION.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:
This 586 member legion post meeting in general session urgently requests you take action to reschedule H.R. 15911. This bill vital to all veterans.

AMERICAN LEGION POST No. 3.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.
DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in V.A. pension benefits on Jan. 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House Resolution 15911 for early consideration on the Senate floor.

Sincerely,

Cmdr. EDWARD R. YOUNG.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:
Urgently request you take action to reschedule H.R. 15911. This bill vital to all veterans.

TOM ALLISON,
Secretary, Cascade County Veterans Council.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.
DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately a hundred and fifty thousand needy and disabled veterans suffering reductions in VA pension benefits on January 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House Resolution 15911 for early consideration on the Senate floor.

Sincerely,

HELEN B. HUGHES,
Montana Department Commander, Disabled American Veterans Auxiliary.

ORDER OF BUSINESS

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

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

The legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with a time limitation of 3 minutes attached thereto.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to proceed for 6 minutes in the morning hour.

Mr. MANSFIELD. Mr. President, the Senator may have 20 minutes if he wishes.

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

WHY SENATE SHOULD REJECT THE CONFERENCE REPORT THAT INCLUDES FUNDS FOR CONTINUING THE SST

Mr. PROXMIRE. Mr. President, the Senate should reject the Department of Transportation conference report. I have discussed this matter with a number of Senators, and we have determined to call to the attention of the Senate in detail the reasons why this conference report which contains $210 million for the supersonic transport must not pass the Senate.

Mr. President, I intend to be on the Senate floor from the time the House acts on the conference report until we adjourn sine die with a determination that during that period of time the conference report on the Department of Transportation bill, as long as $210 million or any amount is contained in it for the SST, will not pass.

I am sure that the leadership will keep me informed of developments so that I will be in a position to protect my rights.

To pass the conference report with the $210 million for the SST would, in some ways, be worse than providing the full funding of $290 million which the administration originally requested.

In a letter to the Senator from Mississippi (Mr. STENNIS) under date of December 9, Secretary Volpe wrote:

> Any significant reduction in fiscal year 1971 funding would increase program costs on a 2-to-1 ratio.

That means that if the Congress appropriates $210 million this year, the ultimate cost to the Government will be $150 million more than if we were to appropriate the $290 million this year. This is the finding of the Department of Transportation itself.

So what do we benefit by adopting this report? The original burden of $1,343,000,000 was a huge burden. If we pass this conference report, then the SST cost to the Government becomes about $1.5 billion. Does that make sense?

The distinguished senior Senator from Washington was reported to have said said that Boeing "can live with the $210 million." So the SST will proceed if this conference report is agreed to. The only difference is that the cost will be greater. Does that make sense? I do not think so.

In the course of the debate, a number of Senators objecting to the SST placed heavy emphasis on the prospective environmental pollution.

Mr. President, if we had to talk about a single new factor that made the difference in the vote this year on the SST, I think we must conclude that was it.

We pointed out that the Commission which has been created to report on the progress the SST research is making toward reducing this pollution is overwhelmingly weighted on the side of those who favor the SST. Experts on the environment from the Department of Interior, from Health, Education and Welfare, from the Office of Science and Technology, all of whom served on President Nixon's 1969 panel and all of whom found serious problems with the environmental impact of the SST, have been eliminated from this Commission.

Did the conference say a word about appointing representatives of these departments to the SST Environmental Commission? The answer is "No."

The present Environmental Commission on the SST includes representatives of Macdonnell Douglas, aircraft manufacturers, and American Airlines. These are private parties which have a direct financial interest in promoting the SST and no particular competence on the environment. Why did not the conference consider the possibility of including such environmental experts as Russell Train or Gordon McDonald or other members of the Commission on Environmental Policy? Why did not the conference suggest that the aircraft manufacturers and airlines be balanced by representatives from the Sierra Club and Friends of the Earth or other competent and responsible environmental groups?

Has the conference by word or provision in the law given Senators concerned about the environmental pollution

on the SST a scintilla of additional assurance? The answer is "No."

Mr. President, this Senator does not see how the Senate in good conscience can ever accept this conference report as long as it has funds in it to continue on the road toward production of the SST.

Funds for studying the environmental impact of the SST? Yes. Funds to continue the SST before these environmental studies are complete? No.

So, in summary, Mr. President, is there any reason for a Senator who voted against providing funds for the SST when this came before the Senate a few days ago to vote for the conference report? The answer is "No."

The conferees' action has increased the cost of the SST to the taxpayer by more than $150 million. It has provided no further assurance against environmental pollution which was obviously a prime concern of many Senators who opposed the SST. There is no reason to accept this conference report. The Senate has made its position clear by an emphatic 52 to 41 vote up and down on the supersonic transport. No vote specifically on the issue has ever been taken in the House of Representatives. The vote to instruct conferees obviously prevented a number of Congressmen who understandably would not want to bind their colleagues in advance on any issue in conference.

What those of us who are determined to prevent the conference report from being accepted by the Senate are doing is to uphold the will clearly expressed by a majority of Senators. It is therefore necessary that the Congress now pass a transportation appropriation bill that does not contain funds for the SST. Until the Congress agrees to do this, we intend to stop action on any conference report or continuing resolution which contains SST funds.

Mr. President, I cannot pass up the opportunity to observe that the result of the SST conference cast very serious question on the present method used by the Senate to appoint conferees. I have nothing but respect for the members of the conference from the Senate. They are men I admire; they are men I like. But the fact is that the cards were stacked when the conferees were appointed. The fact is that a majority of the Senate conferees favored the SST and they had voted against my amendment to delete the funds for the SST.

A very heavy majority of House conferees—six out of nine—favored the SST. So there was no way—no way—we could win in the conference unless the conferees did something quite extraordinary in repudiating their own views, to support those of a majority of the Senate.

These are fine men, but I think we have been burned, and I think we have learned from this conference as in the past that we cannot continue to have a system of appointing conferees which will result in the frustration of the will of the Senate.

I tried hard to get on the conference. I asked the chairman of the subcommittee to include me on the conference, but I was denied. I asked that someone favorable to the SST be added to the conferees so the Senate conferees on the SST would be diveded—four for and four against. That was denied and ignored.

I hope the Democratic caucus when it meets will give careful consideration to changing the rules to appoint conferees on this basis when there is a controversy that divides the Senate, and when this is the principal issue between the House and the Senate, that a majority of the Senate conferees will be on the side of the majority position taken by the Senate. This is the only fair way to proceed and I understand that is what is done in most other parliamentary bodies. Unless we do change the rules in that regard, the Senate will continue to be frustrated. Even if that procedure were followed, it would be difficult to come out with a compromise report to satisfy the House and the Senate, but we would have a report that would be more believable to those who voted against the SST.

Mr. President, I realize that the appropriation of the Department of Transportation includes vital funds paying the Coast Guard, paying the traffic controllers who are essential for the safety of air travelers in this country. I realize there are other essential programs that must be funded.

How can we proceed with those vital services if this bill is to be delayed while we discuss the SST in detail? The answer, Mr. President, is to pass a Department of Transportation bill or a continuing resolution with all funds in it for transportation, except for the SST. Such a bill or resolution would pass the Congress promptly. This is a course of action that is available to the Congress now and will remain available right up until we adjourn sine die.

But as far as this Senator is concerned, no conference report or continuing resolution that includes funds for continuing the SST will pass the Senate.

THE SUPERSONIC TRANSPORT

Mr. NELSON. Mr. President, first, I wish to say that I concur in the statements of my colleague, Senator PROXMIRE. This is a critically important issue.

I will oppose any continuing resolution, as the Senator said he would, as well as the conference report—any conference report—that contains appropriations for the continued construction of the prototype SST.

Senator PROXMIRE has led this fight in opposition to the SST for half a dozen years now. He is better informed about the economics of the SST than any other person I know. He has carried on a lonely fight with a small handful of people endorsing his position for these last half dozen years. Now, fortunately, the people around the country have not only begun to recognize the merit of the economic issue and the question of the economic feasibility of the SST, but also the grave environmental implications that have given us substantial additional support in both Houses of Congress.

There are no two men in public life for whom I have greater respect and personal affection than Senator JACKSON and Senator MAGNUSON. Having served now for 8 years on the Committee on Interior and Insular Affairs with Senator JACKSON, there is no one I know who is more dedicated to the concept of the protection and preservation of our resources and environment than Senator JACKSON, nor Senator MAGNUSON, who has over the years made a great contribution in this field.

However, we have many differences of opinion with them on both the economic issues raised by Senator PROXMIRE, as well as the environmental issue. They view the seriousness of the environmental implications differently than we do. They believe, as do many qualified experts that whatever problems there are can be resolved. On that point we are in sharp disagreement. If they shared my view of the problem they too would oppose the SST because there is no question about their environmental commitment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. NELSON. Mr. President, our difference here is in our interpretation as to the necessity, the feasibility, the value, the economics of the SST. They are the matters on which we disagree, and on which reasonable people can disagree. Our disagreement is also over the importance of the environmental issue, which they believe is not as serious as many others believe it to be.

I regret very much being on the other side of the issue from the Senators from Washington because there are not two men in or out of public life for whom I have greater respect.

I realize also that they and many others believe this is an important airplane and must be developed by our country. In addition to our difference over that, they also face a very serious and immediate problem because it involves the employment of all kinds of workers in their State, as well as in many other States. I would like to address myself to some of the environmental questions.

I do not have the expertise to discuss the economics of this plane, but my colleague from Wisconsin (Mr. PROXMIRE) has addressed himself to the issue from the standpoint of its cost and economics in admirable detail.

I want to briefly address myself to the environmental question. First, in all the years since the pioneers came here we have been dissipating the resources of this Nation at a rapidly accelerating pace, creating disaster all the way across the Nation. This is happening in every industrial society in the world—we just happen to be the leader in it.

After a century of discussion of the environment's importance and the importance of the protection of the world environment, the public is finally taking notice of the issue—its significance, its implications to us and all other living creatures all around the planet.

They were lonely voices 100 years ago And 64 years ago, when Teddy Roosevelt called an urgent conference of Governors to discuss the conservation of the resources of this Nation, nobody paid attention to it.

Down through those years a number of organizations and great environmental leaders in the sciences and in the conservation movements warned the country that we will proceed to destroy the habitability of the planet.

In the last decade, following that exceptional book, "Silent Spring" by Rachael Carson, there has been an escalating concern about the deterioration of our environment.

Finally, in the past 2 years the environment has become a significant political issue. It is interesting to note, as an oxide, that in the 1968 campaign neither candidate for President addressed himself at all to the issue of the environment. That tells us something about how rapidly this issue has come into visability, how rapidly millions and tens of millions of people in this country have come to recognize, just in these past 2 years, the world environmental seriousness of the situation.

As we tackle these issues there must first be nationwide and worldwide education and understanding—and that is coming rapidly, as reflected in the vote on the floor of the Senate on the SST issue.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON. Mr. President, I ask unanimous consent for another 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. NELSON. The environmental issues are going to come to us one at a time. We cannot tackle them all at once, though I wish we could. This one has come to us involving the first major specific confrontation in the Congress over the environmental concerns, over the environmental implications of a technological development and a test of whether or not we are prepared to say "No" to the utilization of a technology simply because it works. This is what we have always done in the past, and as a consequence of our indiscriminate use of technology, all in the name of progress, we have polluted every major watershed east of the Mississippi. We are seriously degrading the watersheds west of the Mississippi. We have polluted almost every major river in America. We have destroyed Lake Erie. We have degraded Lake Michigan. We have seen the beginnings of the pollution of Lake Superior the third greatest body of fresh water on earth. We now see the rapid deterioration of all the oceans of the world.

Nobody ever thought, a half century or a quarter century ago, that it would be possible for us to destroy the productivity of the oceans. Nevertheless, we are well on our way. Most marine biologists, and all marine biologists with whom I have discussed the question, agree that at the current accelerated pace of the introduction of industrial and municipal wastes and pollutants, herbicides and pesticides, through the air and water and into the oceans, the productivity of all the oceans of the world will be over, for all practical purposes, within 25 and 50 years.

That will be a worldwide disaster of immeasurable consequences. And yet we continue our merry way, destroying the oceans, the single largest asset on the face of the planet.

Why is it possible to do it, and why is it happening so fast? It is happening so fast because the productivity of the oceans is, in the main, confined to the first dozen miles off the Continental Shelf and in the marine estuaries. These are the breeding grounds of marine creatures. So it is only a small amount of the water and space off the shores of all the continents of the world that have to be polluted in order for the oceans to be destroyed.

Now we are coming to a proposal to build a supersonic transport in order to cut flying time across the oceans by half, so that one could leave New York City and get to London in 3 hours and 10 or 15 minutes, instead of 6 hours and 10 or 15 minutes. The only virtue at all of the SST is that it will save somebody 3 hours in crossing the ocean, at a greater cost than it would to travel in the 707 or the 747—a much greater cost in fact.

Is that a virtue, a benefit that is worth while for the investment, in view of the grave risk of pollution of the stratosphere and the implications of the sonic boom over the oceans?

So far as I know, everybody agrees now that the supersonic transport could not be flown across land at supersonic speed. So the benefit of its speed across any continent is going to be lost. That leaves the oceans.

There are two major questions we are aware of, and I am sure there are many of which we are not aware. One is the question of flying the supersonic transport in the stratosphere at 65,000 feet, in a very fragile environment, and the implications of introducing water vapor into the stratosphere, plus the nitrogen oxides and the other pollutants of that engine. Every scientist agrees that the stratosphere is a very stable environment and that a pollutant introduced into that environment will stay there from 1 to 3 years, because there is very little vertical movement there. The best educated guess of the scientists is that with 500 SST's flying in the stratosphere we will, in a relatively short period of time, introduce an additional 10 percent water vapor into that atmosphere, to say nothing about the nitrogen oxides and the hydrocarbons that will also go in. And that where the plane will be flying, mostly in the northern hemisphere, the water vapor increase will probably go to about 60 percent.

Question: What does that mean? What are the implications of introducing that much water vapor and those pollutants into the stratosphere, and creating a kind of vapor-pollutant shield around the globe?

Nobody knows. But every scientist knows that it may spell serious global trouble. There have been no studies as to what it means.

Many distinguished scientists feel that it may change the climate of the planet at the surface level.

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

Mr. NELSON. Yes.

Mr. PROXMIRE. I think the Senator is making the most profound kind of criticism of what would happen if we proceed with the SST. He argues, as I understand it, that no studies have been made of the full impact in terms of temperature, radiation, and many other factors—smog, fog, cloudiness, the temperature of the earth—no comprehensive, responsible, or acceptable studies have been made.

Does it not make sense that before Congress should go ahead and provide another $290 million, such studies should be made? As I understand, the argument of those on the other side is that such studies are in progress, they will be made in the future, and in the event we find that the atmosphere is going to be too seriously polluted, the SST simply will not be allowed to be built.

Does not the Senator feel it would be far wiser to make the studies first?

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. NELSON. I ask unanimous consent to proceed for another 10 minutes.

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

Mr. PROXMIRE. To make the studies first, and then, after the studies have been made, to proceed?

Mr. NELSON. The Senator is, in my judgment, 100 percent correct. What astonishes me is that we have proceeded years ago—in 1961, for example—to start such studies. The idea of investing the amount of money involved here to develop a plane, and then make the studies, does not make any sense, because these two planes will not help much in making the studies. If my memory is correct—and I shall correct the record if I am using the wrong name—I believe it was Dr. Garvin, who headed the scientific study commissioned by the President through Dr. Egeberg, who testified before the House Committee that all studies could be made without building a prototype, if they could be made at all.

Mr. PROXMIRE. We have an ample number of military prototypes now, if it takes planes to emit pollutants to make a study. We have that in abundance.

What concerns me is that if we go ahead and spend additional funds, then the argument will be that much stronger that we have gone this far, we have to go farther; we have put this money in the pot; we have risked more than $1 billion of the taxpayers' money; we cannot stop now. And what particularly concerns me is that those who would make the judgment, the finding, the report on the effect on the environment, are a group consisting of the Department of Commerce representative, who is chairman, the Defense Department representative, the FAA representative, the representative of McDonnell-Douglas, and the representa-

tive of American Airlines—with no one from the Office of Science and Technology; no one from the Office of Environmental Policy; no one from the office of Health, Education, and Welfare which would be concerned with the ecological effect; no one from the Department of the Interior—none of those who worked on President Nixon's ad hoc panel, and unanimously found the SST could cause pollution of the environment.

Under those circumstances, it seems to me we are really stacking the deck in favor of a finding that would be soft on pollution and hard on the SST benefits, and we would probably come out on the wrong side, in my view, from the standpoint of the taxpayer as well as from the standpoint of the overwhelming majority of our citizens who would not fly overseas.

Mr. NELSON. I think the Senator is absolutely right. And if we give this supersonic transport the momentum of completing the prototype, the world will know that the competition is still on, Britain and France will know that they have got to deploy their Concorde, which they can do much more quickly than we can deploy ours, and the Russians the same. So the race will be on.

Can the Senator imagine that once we have the two prototypes in the air—the Concorde is flying, and the Russian plane is flying—that then we are going to continue the studies and not build the plane?

Moreover, I do not know how they are going to make their studies, anyway. I cannot find a scientist who can tell me how such a study could be made.

So no one knows what it will mean to put pollutants into the stratosphere worldwide, and increase the water vapor by 10 to 60 percent. If we are going to put the pollutants there, we will be playing Russian roulette with the climate worldwide.

How are we going to find out? Are we going to do it with the pilot model? I do not know how we are going to find out the environmental complications no matter what studies we make. I cannot find any scientist who can tell me how they are going to make their studies, nor how they are going to go about determining the effect of the sonic boom over the oceans, where a great variety of creatures live.

The only difference between living things on the ocean and living things on land is that the former do not vote. We worry about flying it over land, because those living creatures vote; but out there on the oceans, they do not. So why worry?

No one knows yet what 2½ to 3½ pounds of pressure per square foot from that sonic boom, in a 50-mile-wide course across the ocean, means to all the migratory birds, animals, and life systems on the surface of the ocean.

Does the Senator know what a sonic boom of 3 pounds per square foot is? That is about 132,000 pounds of bang for every acre across the ocean—132,000 pounds of bang for every acre of the surface. What will that do to all the animals migrating on all the oceans of the world, and all the birds that are migrating, or the other life systems. No one knows.

But any reasonably conservative scientist would start out by saying: "I think it must spell disaster to the environment of the oceans, and until you prove to me it does not spell disaster, do not do it."

Heretofore, we have done everything, in this country, and worried about the disasters later. Now we have the disasters. It is not a question of whether we have ever made a stupid mistake. We have polluted the air envelope around the world. We have polluted the lakes and the oceans. Russia has done the same. Lake Baikal is going down the drain as fast as those Socialists can make it go. They are no better than we are.

Now we have a chance, on a specific issue, to halt it.

As the Senator suggests, once you get this machine going, once you get the momentum of the competition and the momentum of having built it, are we going to stop it? No. The key to stopping it now is to stop it worldwide. Then, if we have to get to Europe 3 hours faster, if that is so important—to whom I do not know—let us study it, all of us together. I have introduced a resolution to refer this question to the United Nations Conference on the Environment in Stockholm, Sweden, in 1972, which is just a year away.

Yes, once we launch the SST, it is on its way. I think we should kill it now. Then we should pass a bill, and that bill should say that no commercial supersonic transport can land within the territorial limits of the United States.

The economics of the SST are highly questionable, at best. The Senator from Wisconsin knows that, the British know it, the French know it, and we know it—everyone knows that the economics are questionable at best. So, if we refuse to permit them to land in this country, that is the end of the Concorde, and that is the end of the SST, because the United States represents the most lucrative market in the world. We at least ought to assume our responsibility for this.

People say, "How can you stop it from landing here?" This is not a restrictive trade proposition. It is not discriminatory. We would be saying to the rest of the world that we will not permit our SST's to land in this country and we apply the same rule, even-handedly, to all the countries of the world. Nobody can complain about that. As a matter of fact, Sweden has established standards. If I understand them, the standards will not permit the current generation of SST's or anything like them to fly over Sweden.

What is our responsibility? The President made the argument, many Senators have made the argument, and the industry has made the argument that the plane is going to be built, anyway. So, no matter if we are going to commit worldwide disaster; they want the United States be a part of it.

After all, we have some kind of syndrome about being the world's leader in everything. We have to be first in everything. Now we want to be first in a great big failure. I do not think we ought to lead in failures.

What is our responsibility? Nobody, no country in the world, has jurisdiction over the oceans or the stratosphere. There is no responsibility. There is no jurisdiction. The most that can be said is that each country has jurisdiction over the oceans within the 3- or 10-mile limit and it has jurisdiction over its land, except that there is a limit on that, because satellites are flying over everybody's land. So the most we can say is that each country has a little piece of the control and the jurisdiction, over the worldwide environment—just a piece. If we have a piece of it, what should we do about it? Should we say, "If everybody else is going to risk polluting the stratosphere and destroying the habitat of the oceans for all kinds of living creatures, we might as well joint in"? That is irresponsible in the extreme.

Our moral responsibility is to say that there are grave questions environmentally that are global and that effect not only human beings but all living creatures. The United States has a moral responsibility to lead in stopping the degradation of the environment worldwide, because we all share the same environment. Since our jurisdiction is confined to the territorial limits of the United States, and since we have a responsibility, in my judgment, to provide moral and practical leadership, we should say, "You may not land here." That ends that argument. Then let us do the studies.

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator has expired.

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

Mr. BYRD of Virginia. Mr. President, reserving the right to object—and I shall not object—first, I want to say that I feel that the Senator from Wisconsin is making a very effective and able presentation. But I rise to ask the Senator how long he anticipates he may continue.

Mr. NELSON. I am near the end of my remarks; not more than 5 minutes.

Mr. BYRD of Virginia. I have no objection, Mr. President.

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

Mr. NELSON. So my point about it all is that we have a moral responsibility to do our part, since we control only a small part of the world's environment, and share the whole environment. If Russia is not going to assume its responsibility and France is not and England is not, then is there some argument that we should not? In fact, the responsibility for the United States is greater, because if we go ahead, England and France have to go. If we open our market, if we are going to have an SST, then they have to be in competition. We are the ones who can stop this competition.

I will have more to say about this matter next week, for several days next week, along with the senior Senator from Wisconsin. I would hope that, after having had a great victory, with 52 votes, the Senate would not turn around now, after all the involvement we have had in this discussion all over this country, with young people saying, "Does the system really work or does it collapse under pressure? Does it work or does not it work?" I think it worked very well, when

we look at the vote on the SST. I think it reflected all kinds of things that have been going on, including Earth Day on April 22, when 10,000 grade schools and high schools, with 8 to 10 million young kids, and 3,500 colleges, 3,000 communities, millions of people all over the country, expressing in a constructive, quiet way, all day long, their concern about the status of the environment.

Columnists wrote articles after that, and I received telephone calls and queries on TV saying, "Well, was it just another day?" I said, "No, it is not just another day. This was a great day, and it will continue, and the environment issue will become more and more important, because we are living with it every day and it is being degraded day by day."

This is the first evidence, the first really specific evidence, on a tough issue. This is not to say that we have not passed some fine legislation. We have done so, some of it led by Senator JACKSON and by Senator MAGNUSON. But this is a specific occasion when the environmental concerns of the people of this country came into a direct confrontation with a tremendous technological development. Are we going to sell it down the river by turning around and collapsing because we have to have a DOT appropriation?

I agree with Senator PROXMIRE that we can pass a continuing resolution and leave the SST money out. I will vote for that. I am not trying to hold up the DOT appropriations and neither is anyone else. But if they insist on including appropriations for the SST, I will talk as long as I am able to talk on the issue, as I know several other Senators will; and they had better start putting turkeys in the Senate dining room for Christmas dinner and New Year's, also, and if necessary, longer than that, because this is a fight that has to be settled now.

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

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, I congratulate the Senator. I think he has expressed the theme of the debate on the SST that will be going on for some days to come—if necessary, up to January 3.

I think we have to recognize that this is not just another bill that we are disappointed we did not get, or another action we are disappointed we did not get. This is the number one ecology issue before Congress, as my colleague from Wisconsin has said so well. There is no question about it. This is the real breakthrough we have made in the last few years.

It is also the No. 1 priorities issue. If there is one dramatic demonstration of how we ought to reorder our priorities, it is right here. Here is a program that will not feed a hungry child, that will not build a home, that will not provide a cure for someone who is ill. It will do nothing of any significant importance for any human being. Yet, we are asked to pour this enormous sum into it.

I think that in the next few days it will be necessary for the Senators from Wisconsin to speak several times at considerable length on this issue. I have talked with a number of Senators, and I am sure many will be anxious to speak, also. I think it is important that we not only talk to our colleagues but also to the country as a whole on this issue.

I thank my colleague for having set such an excellent pace in this talk. His part in this debate will not only be educational and constructive but also of considerable inspiration.

Mr. NELSON. I thank the Senator, who has been leading this fight for several years.

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

Mr. NELSON. I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. NELSON. I did not discuss the question of priorities, which has been raised by my senior colleague and which is so critical.

I conclude by saying that I have a friend in New York who tells me that when we get the SST going, he will be able to get to London quicker than he will be able to drive across New York City. Well, that is a great priority. Who needs that 3½-hour saving, when the whole mass transportation system of America has collapsed? We ought to settle that before we settle this.

I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of Virginia obtained the floor.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Dakota (Mr. YOUNG), without the time being charged to the Senator from Virginia.

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

PROVISION FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. YOUNG of North Dakota. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1181.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1181) to provide for potato and tomato promotion programs which were to strike out all after the enacting clause, and insert:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c (16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been

produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDINGS AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by an person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plans or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purposes is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 nor more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is impowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule, or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: Provided, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocadoes," the following: "raisins, olives (other than Spanish-style green olives), prunes".

And amend the title so as to read: "An act to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

Mr. YOUNG of North Dakota. Mr. President, I move that the Senate concur in the House amendment to S. 1181 with an amendment as follows:

In lieu of the matter proposed to be inserted, insert the text of S. 4560, Calendar No. 1407.

The amendment I am proposing is fully explained in Senate Report No. 91-1400. It would adopt the House provision with respect to promotion programs for milk. It would delete the House provision extending promotion program authority to all commodities that are subject to marketing order authority. It would delete the House provision imposing import restrictions on prunes, raisins, and olives—other than Spanish-type green olives. It would retain the Senate-approved provision authorizing advertising programs for tomatoes, and would retain the authority for potato promotion programs which has been approved by both the House and Senate. The only substantive difference between the amendment I am proposing and S. 1811, as passed by the Senate on October 16 last year, is the authority for milk promotion which is contained in title I of the amendment.

The motion was agreed to.

Mr. YOUNG of North Dakota. Mr. President, the amendment is fully explained in the report. It was approved unanimously by the Committee on Agriculture and Forestry.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1400), explaining the purposes of the measure.

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

EXPLANATION

On October 16, 1969, the Senate passed S. 1181 providing authority for potato and tomato promotion programs. On November 30, 1970, the House of Representatives passed S. 1181 with an amendment in the nature of a substitute providing authority for promotion programs for milk, potatoes, and all other commodities for which marketing orders are authorized by section 8c(2) of the Agricultural Adjustment Act (of 1933). The original bill reported herewith provides for a milk promotion program as provided for by the House amendment to S. 1181, a tomato advertising program as provided for by S. 1181 as passed by the Senate, and a potato promotion program as provided for by both the Senate and House versions of S. 1181. It does not include the provisions of the House amendment which would have provided for paid advertising programs for commodities other than milk, tomatoes, and potatoes, nor does it include the provisions of the House amendment which would have extended the restrictions on imported commodities of section 8e of the Agricultural Adjustment Act (of 1933) to raisins, prunes, and certain olives.

It is anticipated that after the Senate has had an opportunity to study the bill reported herewith, a move will be made to lay the message from the House on S. 1181 before the Senate and concur in the amendment of the House with an amendment substituting the text of the bill reported herewith.

Title I of the bill reported herewith is identical to title I of the House amendment to S. 1181, except that "as required" has been changed to "is required" in the third sentence of the proposed new subparagraph (I).

Title II of the bill reported herewith is identical to title II of S. 1181 as passed by the Senate, except that (1) the word "apples" has been substituted for the word "avocados" to take into account the enactment of Public Law 91-363 on July 31, 1970; and (2) the word "first" has been inserted before the word "proviso" to take into account the enactment of Public Law 91-292 on June 25, 1970, which added a second proviso. Title II of the House amendment, in completely amending section 8c(6)(I) of the Agricultural Adjustment Act (of 1933) to provide for paid advertising promotion for all commodities subject to marketing orders, would inadvertently repeal a provision relating to almonds which was enacted by Public Law 91-522 on November 25, 1970.

Title III of the bill reported herewith is identical to title III of the House amendment to S. 1181, except for the following clerical changes:

(1) In the last paragraph of section 302 the word "of" has been inserted after "carrying out".

(2) In section 310(a) "difference" has been changed to "differences".

(3) In section 310(c)(1) "an person" has been changed to "any person".

COST

It is estimated that Federal costs under title I (milk) would be $200,000 for each of the first 2 years, somewhat less thereafter. The cost under title II (tomatoes) is estimated by the Department of Agriculture to be little, if any. Initiation of a plan under title III (potatoes) is estimated to cost from $180,000 to $325,000 depending upon whether suitable mailing lists can be obtained so that the referendum can be held by mail rather than by the use of polling places.

DEPARTMENTAL VIEWS

Attached are reports from the Department of Agriculture favoring enactment of the various titles of this bill.

DEPARTMENT OF AGRICULTURE,
Washington, August 7, 1969.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 10710, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to provide authorization for the establishment of advertising, sales promotion, educational, and research programs, including marketing research and development, financed by deductions from payments due producers delivering milk to handlers regulated by Federal milk orders.

The Department supports enactment of H.R. 10710. We would suggest minor modifications, including accommodation of refunds to producers under certain circumstances.

The programs authorized by H.R. 10710 would be financed by deductions from funds owed to producers under the order. Deductions could be made directly from the total pool value of all producer milk. An equitable adjustment could be made in areas where a mandatory checkoff from dairy farmers for advertising and research is required by State law.

Funds would be paid to an agency organized by milk producers and associations of producers. This agency could employ persons and organizations for research and promotional programs designed to promote marketing and the domestic consumption of milk and milk products.

Provisions authorizing producer deductions would not become effective unless separately approved by producers in the same manner provided for the approval of orders. Disapproval of the producer deduction provisions would not be considered disapproval of the order, and such provisions could be terminated separately from other order provisions.

In recent years, an increasing number of dairy farmer cooperatives have expressed their support for this type of legislation. The threat of filled and imitation milk in fluid milk markets throughout the Nation has stimulated interest for increased promotion, advertising, and research.

H.R. 10710 would constitute enabling legislation and its implementation in a Federal milk order would require a public hearing as well as producer approval. Thus, a forum will be provided for a careful and thorough review of all the problems which might be associated with the adoption of a promotion program in an individual milk marketing area. It is important that any such program contain provisions which will be fair, equitable, efficient, and fruitful.

Projects carried out under the program would be subject to approval and continuing review by the Secretary to insure compliance with the statute and to protect the public interest.

We suggest that the bill be modified to provide that adjustments for mandatory checkoffs required by State law be allowed only if it is determined that deductions were actually made and used for purposes comparable with the purposes authorized under the bill.

We recommend also that the bill be modified by adding the following after the last sentence of the bill: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

The additional costs that may result from enactment of the legislation would be related to conducting public hearings and general administration of the programs. For each of the first 2 years we would anticipate additional annual costs of about $200,000. Thereafter, costs would be somewhat less. For the most part, additional costs would be associated with amending existing order provisions to authorize producer deductions for research and promotional programs.

Although H.R. 10710 does not mention the source of funds for administration, there is a bill (H.R. 13193) proposed by the Department which is before the Congress, which would permit the Department to recover costs of administration through user fees.

In view of the time situation, we have not obtained from the Bureau of the Budget advice regarding the relationship of the

proposed legislation to the administration's program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

JANUARY 20, 1970.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request of April 21, 1969, for a report on S. 1862, a bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended. This proposal would authorize marketing promotion including paid advertising under marketing orders applicable to tomatoes.

The Department recommends that this bill be passed.

Many industry groups believe that market promotion, including advertising, will not only strengthen their position in the marketplace but also will increase the demand for their commodity. Further, they believe they must advertise in order to hold the present space devoted to their product in the retail stores. The Agricultural Marketing Agreement Act currently authorizes marketing promotion as well as advertising projects for a number of horticultural commodities. The Department supports the extension of the promotion mechanism to tomatoes as contemplated by S. 1862.

There are currently two Federal marketing agreement and order programs in effect for tomatoes, one for tomatoes grown in Florida and the other for tomatoes grown in the Lower Rio Grande Valley in Texas. If this bill were enacted into law these groups would be able to take advantage of advertising programs.

The expense of such projects would be paid from funds collected pursuant to the marketing order. It is expected that little, if any, additional cost to the Department would result from the enactment of the proposed bill. However, should any additional cost result, it would be absorbed within existing appropriations with respect to these programs.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

RICHARD LYNG,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 18, 1969.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of March 3 for a report on S. 1181. The purpose of the bill is to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes.

The Department has no objection to this bill but suggests some modifications.

The bill provides for authority to establish a plan to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assessment rate of 1 cent per hundredweight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed plan be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of their production and not less than a majority of those voting, is required to approve any plan issued pursuant to this bill. If such a plan is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the plan under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to those in Public Law 89-502 (80 Stat. 279) enacted by the 89th Congress, and cited as the "Cotton Research and Promotion Act." Promulgation and referendum proceedings for any plan issued pursuant to this bill are similar to those in marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in marketing orders. There are no provisions for quality control or compulsory inspection in this bill.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able to effectively match this competition because production and marketing of potatoes is performed by numerous individual farmers in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Several potato-producing areas have State orders or commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

The Department recommends the following modifications of this bill: (1) In section 2, page 1, line 6 (findings and declaration of policy), it is recommended that the findings, as contained in the national potato research and promotion bill in the 90th Congress (S. 2862 dated January 23, 1968, predecessor to this bill), be added as a part of section 2 of this bill. The addition would make clear that the legislation is intended to exercise the full sweep of the Federal commerce powers. It would also facilitate administration and enforcement as proof would not be required in each action for enforcement that the potatoes involved were in interstate commerce or directly burdened, obstructed, or affected interstate commerce in potatoes or potato products.

In the event the findings are not added, section 4 should be modified to indicate the intention to exercise the full sweep of the Federal commerce powers. In section 4, page 3, line 25 (authority to issue a plan), add to the end of the sentence the following: "and as are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes or potato products".

(2) In subsection 3(d), page 2, line 20-22 (definitions), revise the term "handler" to read as follows:

"(d) The term 'handler' means any person (except a common or contract carrier or potatoes owned by another person, who handle potatoes in a manner specified in a plan issued pursuant to this Act or in the rules and regulations issued thereunder."

(3) In section 3, page 2, beginning on line 23, delete subsection (e)—the definition of "handle"—and renumber the remaining definitions.

(4) In subsection 10(a), page 9 (assessments), revise the language beginning on line 25 and continuing through the word "potatoes," in line 3 on page 10, to read as follows:

"SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes;".

Also in subsection 10(a), add a sentence at the end to read as follows: "To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.".

The changes in (2) and (3) are recommended in the interest of providing a greater degree of flexibility in designating the various activities that will make a person a "handler." The change in (4) will provide flexibility in designating the "handler" responsible for payment of assessments to, as well as the manner and method of collection of assessments by, the board. These changes follow similar provisions in the Cotton Research and Promotion Act and are desirable in the light of our experience under that act.

(5) In section 6, page 4, line 16 (finding and issuance of a plan), delete "or modifications", as being unnecessary and confusing inasmuch as the Secretary must find that all the terms and conditions contained in the plan as issued will tend to effectuate the declared policy of the act.

(6) In subsection 9(e), page 9, lines 11 and 12 (permissive terms in plans), modify "research and development or advertising and promotion" to read "research, development, advertising and promotion". This change will make the quoted modification conform to other specifications of such activities elsewhere in the act.

(7) In subsection 12(b) (enforcement), delete the word "willfully" in two places on page 13, lines 6 and 8. "Willfully" is an undesirable term because it is difficult to prove and would result in administrative and enforcement difficulties.

Also in subsection 12(b), page 13, line 10, delete the words "liable to a penalty of not" and substitute in lieu thereof the words "fined not less than $100 or"; and delete the balance of the paragraph following the word "offense" in line 11. This change substitutes terminology generally associated with criminal prosecution in place of language relating to civil action. Additionally, specific authorization for civil action to collect unpaid assessments is unnecessary as subsection 12(a) provides the district courts with adequate authority to enforce collection.

We believe the enactment of this bill would result in a cost of $325,000 to conduct promulgation proceedings, a referendum and related items to initiate a plan if it is necessary to conduct the referendum by the use of polling places in each county. However, if the proponents of a plan are able to provide suitable mailing lists of potato producers eligible to vote so that the referendum can be conducted by mail, this would reduce total costs to initiate a plan to $180,000. Additionally, the Department's annual cost for administration is estimated to be $80,000.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT OF 1933

* * * * *

Orders

SEC. 8c.(1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

* * * * *

Terms—milk and its products

(5) In the case of milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

* * * * *

(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producers contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and many designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provisions of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order.

Terms—other commodities

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(I) Establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to orders applicable to almonds, cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, avocados, [or] apples or *tomatoes* such projects may provide for any form of marketing promotion including paid advertising and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity.

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that S. 4560 be indefinitely postponed.

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

VIETNAM—PRESIDENT NIXON'S NEWS CONFERENCE LAST EVENING, AND TROOP WITHDRAWALS

Mr. BYRD of Virginia. Mr. President, last evening, the President of the United States held a significant news conference, the first he has held in Washington for some time.

I am not one of those who condemn the President for not holding more frequent news conferences.

I think his policy in regard to news conferences is sound. He holds them when he feels it will be in the public interest and when he has matters that would be of significance and concern to the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the transcript of the President's news conference of last evening.

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

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, I want to comment on one aspect of the President's news conference and that is the discussion on Vietnam. Let me read into the RECORD one paragraph from the news conference, in which the President said:

> I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there's any chance of a strike against those forces that remain. And we have to watch for the build-up.

Mr. President, the President of the United States, as the Commander in Chief of our Armed Forces, has a dreadful responsibility in attempting, as he is attempting to do, to bring the Vietnam war to a conclusion. He must be ever aware of the safety of the Americans now in Vietnam. Their safety becomes more in jeopardy as we reduce our forces there.

The President has been condemned both on the floor of the Senate and throughout the Nation because he has not acted more quickly to bring the Vietnam war to a conclusion.

I think it is important to emphasize that President Nixon inherited this war, that he was not the President who sent troops into Vietnam, but that he is the President who is now bringing troops out of Vietnam.

When Richard M. Nixon assumed the oath of office as President of the United States on January 20, 1969, the United States had in Vietnam at that time 535,500 troops—Army, Navy, Air Force, and Marines. In addition to that figure, there were offshore 35,000 Navy personnel, and in Thailand 45,000 military personnel.

Thus, when we add the 535,000 to the offshore and the Thailand troops, there were at that point, on January 20, 1969, 615,000 Americans participating in the Vietnam endeavor.

What is the situation today?

On December 3, 1970, the United States had in Vietnam 349,700 troops—Army, Navy, Air Force, and Marines. Offshore in Southeast Asia, the United States had an additional 19,100 and in Thailand 38,400.

When we add the number of troops in Vietnam to the personnel offshore in Southeast Asia and in Thailand, it brings the total of U.S. military personnel in the Vietnam operation to 407,000.

That compares with the 615,000 military personnel who were involved in the Vietnam operation on January 20, 1969.

Mr. President, I ask unanimous consent that the table showing the number of troops in Vietnam on January 21, 1969, and on December 3, 1970, be printed in full at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. BYRD of Virginia. Thus, Mr. President, I think that the President of the United States should be commended for the way he has handled the Vietnam activities in reducing the number of troops which were engaged in combat in that country. Bear in mind, too, that most of the troops which have been withdrawn are combat troops.

I speak today as one who for at least 4 years, and perhaps even longer, has stated publicly and on the floor of the

Senate that I have felt U.S. involvement in a ground war in Southeast Asia was a grave error of judgment. I have said that many times.

I believe it today.

But when the United States became involved there and the then President of the United States sent troops to Vietnam, I fully and completely supported those troops.

I shall continue to support them as long as they are there, as long as they are assigned to the theater of war by our duly elected Commander in Chief.

While the rate of withdrawal of troops by President Nixon may not satisfy everyone in this country, and may not satisfy everyone in the Senate, it seems to me, in fairness to the President, that the Senate must realize President Nixon has made great progress in reducing U.S. commitments in the way of troops to Vietnam.

Thus, today, I believe it is appropriate to present the figures and the facts to the American people, which show that in the space of less than 2 years, a little over 23 months, President Nixon has reduced the number of troops in and around Vietnam from 615,000 to 407,000, a very substantial reduction of 208,000.

I, for one, am pleased to rise on the floor of the Senate today and to present these figures and to applaud the President's assertion yesterday at his news conference.

I read it again for the RECORD:

I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there's any chance of a strike against those forces that remain. And we have to watch for the build-up.

Indeed he does. He has a tremendous responsibility to the troops who remain there.

I submit that as time goes on and those troops are further reduced, the danger to the men who are left becomes even greater.

I am pleased to note the very significant statement that the President made last night, that he will continue reconnaissance over North Vietnam to the end that our troops not be taken by surprise, but that our troops will be protected in every way possible.

We must end this war in Vietnam. But until it is ended and all troops are withdrawn our Nation has an obligation to protect those men who are there.

EXHIBIT 1

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

Won't you be seated, please. Miss Thomas has the first question tonight.

1. U.S. POLICY ON VIETNAM

Q. Mr. President, a question about Vietnam. Our recent air strikes have raised speculation that our policy of not bombing North Vietnam may be undergoing a subtle change. What is our policy? Also, despite the objection by the Saigon Government and the Vietcong, do you plan to propose a unilateral cease-fire from Christmas through Tet in a bid for peace?

A. Let me answer the second part of the question first. We are prepared to have cease-fires on a limited basis over the holiday seasons.

As you know, the North Vietnamese have turned down any extended cease-fire over the holiday seasons out of hand.

We, of course, could not have any extended cease-fire unilaterally, because that would be very dangerous for our forces. It's a brief cease-fire, we will do it. If it's extended, we will not.

With regard to the second part of your question, the bombing of North Vietnam: You may recall that, a few weeks ago, there was bombing of installations in North Vietnam, after the North Vietnamese had fired on some of our unarmed reconnaissance planes.

Now, there's been, I note, some speculation in the press and also some charges from North Vietnam that there is no understanding that reconnaissance planes are to fly over North Vietnam since the bombing halt was announced.

I want to be very sure that that understanding is clear. First, President Johnson said that was such an understanding at the time of the bombing halt. Secretary Clifford did. And Ambassador Vance did.

But if there is any misunderstanding, I want to indicate the understanding of this President with regard to the flying of reconnaissance planes over North Vietnam.

I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there's any chance of a strike against those forces that remain. And we have to watch for the build-up.

If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around that site which supports it also be destroyed by bombing.

That is my understanding.

Beyond that, there is another understanding with regard to the bombing of North Vietnam which at a number of these press conferences, and in my speech on Nov. 3, and in four televised speeches to the nation last year, I have stated. I restate it again tonight.

At a time that we are withdrawing from North Vietnam—from South Vietnam, it is vitally important that the President of the United States, as Comander in Chief, take the action that is necessary to protect our remaining forces, because the number of our ground combat forces is going down very, very steadily.

Now, if, as a result of my conclusion that the North Vietnamese by their infiltration threaten our remaining forces—if they thereby develop a capacity and proceed possibly to use that capacity to increase the level of fighting in South Vietnam—then I will order the bombing of military sites in North Vietnam, the passes that lead from North Vietnam into South Vietnam, the military complexes and the military supply lines.

That will be the reaction I shall take. I trust that that is not necessary, but let there be no misunderstanding with regard to this President's understanding about either reconnaissance flights or about a step-up of the activities.

2. CHANGES IN CABINET

Q. Are you contemplating any further changes in your Cabinet, and, if so, why change the line-ups at half-time or, depending on what happens in '72, at the end of the first quarter?

A. It seems we are in the football season pretty genuinely tonight. First, with regard to changes in the Cabinet, one has already been named, made for reasons that I have already indicated. As far as other changes, I have none to announce tonight. I will announce tonight, however, two, I think important, additions to the Administration.

The first, Mr. Rumsfeld is coming into the White House as a counselor to the President on a full-time basis and Mr. Frank Carlucci will take over as the director of O.E.O.

He is his deputy and has done an outstanding job in that particular position, and I believe in promoting a man who has done such a job to the top spot.

Mr. George Bush, the Congressman who was defeated in his bid for the United States Senate, I talked to yesterday and I'm very happy to report that he has agreed to take a top position in the Administration. That will be announced tomorrow at Mr. Ziegler's 11 o'clock conference. Mr. Bush will be there.

I don't mean that we didn't want to give you the break, Mr. Cormier, but all of the arrangements haven't quite been finished.

3. ACTIONS BY FBI CHIEF

Q. Mr. President, as a lawyer and as his immediate superior, do you approve of the following actions of F.B.I. Director J. Edgar Hoover? One accusation which has been made public—accusing two men of conspiring to kidnap Government officials and/or blow up Government buildings as an antiwar action before any formal charges had been made and a trial could be arranged for those gentlemen. And continuing to call the late Martin Luther King a liar. Do you approve of those actions?

A. I have often been asked about my opinion of Mr. Hoover. I believe that he has rendered very great service to this country. I generally approve of the action that he has taken. I'm not going to go into any of the specific actions that you may be asking about tonight with regard to the testimony, for example, that you referred to. The Justice Department is looking into that testimony that Mr. Hoover has given and will take appropriate action if the acts justify it.

4. POSITION ON HICKEL

Q. Mr. President, considering the rather broad national interest in some of former Secretary Hickel's views, I wonder if you would elaborate for us exactly what he did to lose your confidence and what you expect the new Interior Secretary to do that Mr. Hickel failed to do.

A. The problem of confidence, where you have a Cabinet team or a board of directors, is something that can't really be described that precisely. And there are numbers of things that occur that determine whether or not that confidence is going to continue to exist.

In this instance, I thought that when I appointed Mr. Hickel that we would have that mutual confidence that is essential between a President and a Cabinet officer.

There were some—certain things that happened during the course of his stewardship in which I think I lost confidence in him and perhaps he lost confidence in me.

Under the circumstances I thought a change was right.

I have great admiration for him. I think he rendered sincere service. I wish him the very best.

I just didn't want to discriminate against the other network.

5. DIVISIONS IN THE NATION

Q. Mr. President, another question about confidence, if I may, involving you. There seems to be a feeling in some quarters, not just among blacks and students but also among some of your natural Republican allies, some voters, and, certainly, as you may have noticed, some columnists, that you have yet to convey a sufficiently sharp and clear sense of direction, vision and leadership on many matters to end the divisions in this country as you said you hoped to do two years ago and as your own Scranton Commission on Campus Unrest has urged you to do. Do you recognize this as a problem for yourself and for the country and, if so, what can you do about it and what will you do about it?

A. Well, Mr. Semple, it is, of course, a problem, but I should emphasize that divisions in this country are never going to end—there's always going to be a generation gap and there's always going to be differences between the races and between the religions.

The problem is trying to mute those differences, to mitigate them to the greatest extent possible and to develop a dialogue.

I think we've made some progress in that respect—not as much as I would like. I'm concerned about our relations with youth. I do believe that as we make progress in bringing the war in Vietnam to a close, as we are making it—I was glad to note, or example, that the casualties this week were down to 27, which was a fourth of what they were a year ago and an eighth of what they were two years ago. One is too many, but that's an improvement.

As we end the war, I think that will help some with youth, as the Scranton Committee did indicate. In the other areas, I trust we can give that sense of direction that you refer to and I particularly hope I can give it to the columnists. I want them to have a sense of direction, too.

6. PROGRESS IN PEACE TALKS

Q. Mr. President, does what you said a while ago about bombing of North Vietnam, and indications we've had from other officials of probably more raids to try to free American prisoners—does all that mean that you have abandoned hope for the Paris peace talks to reach a negotiated settlement?

A. Not at all. We're continuing those talks. As you note today, Ambassador Bruce made an offer, which refined the offer we had made earlier of a complete exchange of all prisoners of war. He offered to exchange, upon the part of both the United States and South Vietnam, 8,200 North Vietnamese that we have prisoner for approximately 800 Americans and other allied prisoners that they had. That's a 10-to-1 ratio, but we're willing to do that.

Their failure to accept that offer will pinpoint something that is pretty generally getting known around the world, and that is that this nation is an international outlaw, that it does not adhere to the rules of international conduct. But we are going to continue the negotiations as long as they are willing to negotiate and as long as there's some hope to make progress in the prisoner issue, or on a cease-fire and an earlier end to the war than the Vietnamization process will inevitably bring.

7. SECRET REPORT ON SST

Q. Mr. President, you've had at least two reports on the supersonic transport prepared at your direction. Both of those reports have been kept secret. Now a group of conservationists and others are in court asking that one of these reports be made public and the Attorney General is arguing against this, trying to keep this document kept secret. I'm wondering if you could tell us why the public should not know what is in that report, in view of the fact that you support the continuing expenditure of hundreds of millions of dollars.

A. I have no objection to the substance of reports being made public. The problem here is that, when reports are prepared for the President, they are supposed to be held in confidence. And some of those who participate in the making of those reports have that assurance.

Now, with regard to the SST, I have satisfied myself, after long deliberation and considering both of these reports, that the arguments with regard to the environment could be met, that this prototype should be built.

8. NEWS CONFERENCES

Q. Mr. President, a year or so ago you told us you thought you ought to have a news conference when it was of public interest, not just in your interest or in the press's. Do you or do you not feel that sufficient public interest developed to justify a news conference before the four months since the last one?

A. Mr. Kaplow, I've noted with interest that several members of the press corps have indicated a desire for more news conferences. And let me be quite candid as to what I feel about this.

Incidentally, I was prepared for this question.

What is involved here is not just 150,000 jobs which will be lost if we don't build it, not just the fact that billions of dollars in foreign exchange will be lost if we do not build it, but what is lost here is the fact that the United States of America, which has been first in the world in commercial aviation from the time of the Wright Brothers, decides not just to be second, but not even to show.

Now, not out of any sense of jingoism but because this plane is going to be built, because it's going to bring, for example, Asia—not only Japan but China in the last third of this century—three hours from the West Coast to Asia—I think the United States should build it, and I believe that we can answer the arguments of the conservationists.

First, I believe that I have a responsibility to members of the press. I go by that press building of yours about 11:30 at night from the E.O.B. I see most of you still working there.

I, as President, have a responsibility to help you do your job. But I, as President, also have a primary responsibility to do my job.

Now, my job is, among other things, to inform the American people. Now, one of the ways to inform them is through a press conference like this.

Another way is through making reports to the Nation, as I did on several occasions about the war in Southeast Asia.

Another is an interview—an hour's interview with the three anchor men of the three networks, which mainly dealt, as you may recall, upon Southeast Asia.

I feel that all of these are useful ways to inform the American people. I think the American people are entitled to see the President and to hear his views directly, and not to see him only through the press. And I think any member of the press would agree with that.

However, I would certainly be open to suggestions from members of the press as to how we could make better use of news conferences without dominating the television too much. Because I would recall to you that one network early this summer decided that it would be necessary to give opposition to the President's policy—opponents to the President's policy—equal time because he was on television too much.

And, so, consequently, the televised press conference, perhaps, should be limited. Perhaps we need more conferences in the office, perhaps more one-on-one, perhaps more—someone suggested a television conference which, instead of the anchor men, we have three of the top columnists. But you make the vote. I won't select it.

9. TROOPS FOR CAMBODIA

Q. Mr. President, Secretary Rogers assured the Senate Foreign Relations Committee today that there is no present intention of ever using American ground forces in Cambodia. Can you foresee any circumstances whatever under which we would use ground troops in Cambodia? A. None whatever.

10. ECONOMIC POLICY

Q. With unemployment and inflation rising, do you think it's fair to say that your economic policies have not worked, and do you plan any quick changes?

A. I believe our economic policies are working. First, we've cooled off the inflation. It is beginning to recede—the rate of inflation. Second, we are now moving into the second half of our plan of expanding our fiscal policy and that, together with an expanded monetary supply, we believe will move the economy up.

I should point out, too, that when we speak of the problem we have to keep it in context. It's interesting to note that the unemployment for this year will come out at 4.9 per cent. When we look at that figure, a rate of 4.9 per cent, we see that that is lower than any peacetime year in the sixties. In 1960, 1961, 1962, 1963, 1964, unemployment was always over 5 per cent.

Now, in answering the question that way, I want to say I'm not satisfied that that is as good as we can do. I believe that we can have a lower rate of unemployment than 5 per cent without war, which is the only time we had a lower rate of unemployment without—in the sixties—was at a time that we had it with war. That is our goal. I think we can achieve it.

11. INTEGRATION IN HOUSING

Q. Mr. President, concerning Governor Romney's plan, to what extent does the Federal Government use its leverage to promote racial integration in suburban housing?

A. Only to the extent that the law requires. In two cases, as a result of acts passed by the Congress, that the Federal Government not provide aid to housing or to urban renewal where a community has a policy of discrimination and has taken no steps to remove it.

On the other hand, I can assure that it is not the policy of this Government to use the power of the Federal Government or Federal funds in any other way, in ways not required by the law, for forced integration of the suburbs. I believe that forced integration in the suburbs is not in the national interest.

12. RIGHTS OF DEFENDANTS

Q. Mr. President, at a previous news conference you said that what happened at Mylai was a massacre. On another occasion, you said that Charles Manson is guilty. On another occasion you mentioned Angela Davis by name and then said that those responsible for such acts of terror will be brought to justice. My question concerns the problem of pretrial publicity and the fact that it could jeopardize a defendant's rights at a trial. How do you reconcile your comments with your status as a lawyer?

A. I think that's a legitimate criticism. I think sometimes we lawyers, even like doctors who try to prescribe for themselves, may make mistakes. And I think that kind of comment probably is unjustified.

Let's go to the left now. Mr. Warren.

13. VIEW ON ELECTION ISSUES

Q. Mr. President, in retrospect, do you think that the Republican emphasis on the law-and-order issue paid dividends, and in the future, looking to '72, what do you think will be the big issue then?

A. Mr. Warren, I really expected a lot more questions on the 1970 elections than we've had tonight. But let me answer that one by saying, first, that I feel that it is my responsibility as President to do everything that I can to work for the election of men who will help support me in keeping the pledges that I made to the American people when I ran for President.

I did everything that I could in 1970, to the best of my ability, to meet that responsibility. And after the election I commented upon the election and gave my views on it, views which differed from some of those here in this room.

Having done that, however, it is now my responsibility, now that the people have spoken, to work with those men and those women elected by the people in 1970. And I can only hope that, in the year 1971, Democrats and Republicans will work with the

President in a policy to bring an end to the war, in bringing our economy ahead, in holding down inflation, in moving on such great programs as the health program, which will be one of the highest priority programs I will submit.

14. THIRD-PARTY CANDIDATES

Q. Mr. President, to follow up on the 1970 campaign, in light of what has generally been considered to be purging Senator Goodell of New York, it is likely that you and the Administration will support third-party candidates in other states against Republican nominees who may disagree with some major points of your policies? A. Under no circumstances.

15. CONSULTATION ON SONTAY

Q. Mr. President, on related matters involving the Congress, you've been charged repeatedly that you do not consult enough with members of Congress and the most recent example was the raid on Sontay. Wonder if you might specifically answer the charge as to why you did not consult the members of Congress as the raid was occurring or immediately thereafter, when all the men were safe?

A. The reason that we did not consult with the members of Congress as the raid was occurring or before it was, of course, because of the high risk involved of the men who were participating.

And as far as the information was concerned afterwards, there was a period of time in which it was felt that the full information should be given to the country at a later time.

I believe that when we look at the record here, all of the information with regard to the raid has been completely put out—there's been no attempt to withhold anything. It was a very brave attempt. I'm very proud of the men who participated in it. I regret that it did not succeed. But I think that it gave hope to the men who were there, and I think it also gave a great deal of hope to their wives who were here.

16. WAGE-PRICE GUIDELINES

Q. Mr. President, back to the economy for a moment. At your first news conference, you ruled out exhorting, to use your words, labor and management to follow certain guidelines, saying that they would follow their organization's desire in any case. Now, since then, you've taken some small steps toward bringing Presidential influence to bear on wages and prices through the inflation alert and the steps you took the other night in your N.A.M. speech. In the light of that, do you consider your initial remarks about wage-price guidelines a mistake in controlling inflation?

A. Mr. Lisagor, I consider that at the time I made the first statement it would not have been proper for me, as President of the United States, to urge labor and management to restrain their price increases and their wage demands at a time that Government was the major culprit in contributing to inflation. But, now that Government has done its part in holding down the budget, and a restricted monetary policy, now it is time for labor and management to quit betting on inflation and to start help fighting inflation. I think it's a question of timeliness.

17. SOVIET ROLE IN CARIBBEAN

Q. Mr. President, do you think that United States security is threatened at all by Soviet military activity in the Caribbean, including the submarine base in Cuba? A. No, I do not.

18. U.S. POLICY IN MIDEAST

Q. Mr. President. Sir, does it remain United States policy in the Middle East that Israel must withdraw from all occupied Arab territories, excepting what Secretary Rogers called any substantial alterations?

A. Well, the policy is based basically on the '67 U.N. resolution. Now, that's a matter for negotiation, and to be more precise than that I do not think would be helpful at this time. I would only say that the cease-fire should continue, that I trust that we get the legislation through for the supplemental—not only there but for Southeast Asia—so that we can keep the balance of power in that part of the world so that the parties involved on both sides will be willing to negotiate, and that eventually they start talking.

19. AID FOR CAMBODIA

Q. Mr. President, how do you plan to keep your quarter-billion-dollar aid program for Cambodia from escalating into a guarantee of survival of the Cambodian Government?

A. The quarter-billion-dollar aid program for Cambodia is in my opinion probably the best investment in foreign assistance that the United States has made in my political lifetime. The Cambodians, a people seven million only, neutralist previously, untrained, are tying down 40,000 trained North Vietnamese regulars. If those North Vietnamese weren't in Cambodia, they'd be over killing Americans. That investment of $250-million in small arms and aid to Cambodia, so that they can defend themselves against a foreign aggressor—this is no civil war, there's no aspects of a civil war—the dollars we sent to Cambodia save American lives and enables us to bring Americans home. And I only hope the Congress approves it.

20. POSITION ON TRADE BILL

Q. You said in July that you would veto any trade bill that came to you that went beyond what you yourself had asked for in the way of quotas—import quotas—and you would ask only for taxing import quotas. Is that still your position now?

A. I stated my position on the trade bill, as you may recall, in a letter to the Senate leadership. I believe that the kind of a bill that we should have is one that is limited to textile quotas. I believe that the addition of shoes, for example, or a basket clause which might require the addition of other items would lose us more jobs than it would save, while the textile quotas will save jobs and insofar as any actions we have with the Japanese will not do so. That's the reason for my position.

21. REPORT ON CAMPUS UNREST

Q. Mr. President, the Scranton Commission on campus unrest was mentioned earlier, and that report was turned in quite some long time ago and we haven't had your description of it, although I think Vice President Agnew has called it pablum for permissiveness. How do you describe it?

A. Well, I've read it, and it's certainly not pablum. Of course, they didn't have pablum when I was a baby, so I wouldn't know what it tasted like, but I can only say that I read the Scranton Committee report. I have written to Governor Scranton. In fact, the letter went off last night or early this morning, and it will be released as soon as he informs Mr. Ziegler that he has received it, and that states my views in detail on the report.

22. U.S.-SOVIET RELATIONS

Q. Mr. President, are you concerned, Mr. President, there may be any serious deterioration in United States-Soviet relations as reflected in the progress on SALT talks, Big Four Berlin talks this week?

A. I'd noted the speculation to the effect that United States-Soviet relations, sometimes they're warmer and sometimes they're cooler. I would only suggest that United States-Soviet relation are going to continue to be difficult, but the significant thing is that we are negotiating and not confronting. We're talking at SALT. We're very far apart because our vital interests are involved, but we are talking. And our vital interests—the interests of both the Soviet Union and the United States—require that we have some limitation on arms, both because of the cost and because of the danger of a nuclear confrontation.

And so it is with Berlin and so it is with the Mideast. I'm not suggesting that we're going to find easy agreement, because we are two great powers that are going to continue it be competitive for our lifetime. But I believe that we must continue on the path of negotiation, and in my long talk with Mr. Gromyko I think there are some other areas where we can negotiate.

23. ONE-TERM PRESIDENCY

Q. Mr. President, would you comment on the emergence of Democratic aspirants for the Presidency in '72 and speculation that you might be a one-term President?

A. I think I'll let them speculate about the one-term Presidency.

24. POLICY TOWARD CHINA

Q. Mr. President, since the United Nations vote on China, have you found it expedient for the United States to review our policy towards mainland China?

A. No, our policy wouldn't be based on expediency, it would be based on principle. We have no plans to change our policy with regard to the admission of Red China to the United Nations at this time. However, we are going to continue the initiative that I had begun—an initiative of relaxing trade restrictions and travel restrictions and attempting to open channels of communication with Communist China, having in mind the fact that looking long toward the future we must have some communication and eventually relations with Communist China.

25. PROBLEM OF DEFECTORS

Q. Could you tell us your personal view on the defector problems of this Lithuanian who was beaten on the Coast Guard cutter?

A. Well, as I have already indicated, I was, as an American, outraged and shocked that this could happen. I regret that the procedures, the Coast Guard informing the White House, were not adequate to bring the matter to my attention. I can assure you it will never happen again.

The United States of America for 190 years has had a proud tradition of providing opportunities for refugees. And guaranteeing their safety. And we are going to meet that tradition.

26. RATE OF PULLOUT IN ASIA

Q. Mr. President, you mentioned several times tonight when we bring the war to a close. Is the war going to be over by 1972, for example? How many Americans are going to be in Vietnam by '72?

A. I am not going to indicate the rate of withdrawal of Americans as long as we are still negotiating in Paris. Indicating the rate of withdrawal, indicating when the Vietnamization program will be concluded would completely destroy any reason to continue the Paris negotiations. The Paris negotiations have not produced results. We do not have great hopes for them at this time. But we are going to continue to try in that line, and as long as we're negotiating there, I'm not going to indicate a withdrawal schedule.

27. DISSENT IN ADMINISTRATION

Q. Mr. President. In the light of the firing of Secretary Hickel and the Goodell case, could you tell us how much dissent you will tolerate in your Administration and in the Republican Party?

A. I have always felt that it was very important for a party that was basically a minority party to be as united as it possibly could be particularly as we go into a national election. And I can only say, as I implied rather strongly in answer to an earlier question, that I personally expect to support all of those Republicans who may be running for the United States Senate in 1972, if they want my support. And some of them are as

you know members of what is called the Liberal wing of the party. But they are Republicans. We welcome them. We want them. We need both.

Q. Mr. President, do you feel, do you feel that you could approve the . . .

A. He was up first.

28. TRADE BILL AND JAPAN

Q. Thank you, sir. Do you feel you could approve it in the form that's been approved by the Senate Finance Committee and also in a related issue, sir, do you feel there's any progress being made in the textile talks with the Japanese?

A. Some progress is being made. It is not as hopeless today as it was yesterday, for example, but I'm not satisfied with the progress.

As far as the forum is concerned, I do not want to say what I will do about the bill as long as it is still before the Senate. I have indicated clearly the kind of a bill I want. It should be limited to the textile quotas. It should be limited also in terms of the basket clause and the other items because I emphasize this point: the key question is jobs, and it's all well and good to apply a quota that's going to save jobs in America, but it doesn't make sense if it's going to cost us more jobs in America because of cutting down the exports that we make abroad.

CLOSING STATEMENT

I guess Mr. Cormier says that's all we have. I want to say in conclusion that Mrs. Nixon told me I had to make the last statement tonight. I understand I am to invite all the members of the White House press corps and your families to the annual Christmas party on the 23d of December, and she says there's some new lights that all the children will like to see. Thank you.

EXHIBIT 2

TROOPS IN VIETNAM

JANUARY 21, 1969

Vietnam (authorized) 549,500 (all reductions from authorized):

Army	360,000
Navy (plus Coast Guard)	35,000
Air Force	59,000
Marines	81,000
Total	535,500
Off Shore:	
Navy (plus Coast Guard)	35,000
Thailand	45,000

DECEMBER 3, 1970

Vietnam:	
Army	263,900
Navy (plus Coast Guard)	17,100
Air Force	43,300
Marines	25,300
Total	349,700
Southeast Asia:	
Off Shore (18,500 Navy, 600 Coast Guard)	19,100
Thailand	38,400

ORDER OF BUSINESS

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

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

JOHN PETKEVICH—BEST AMATEUR FREE SKATER

Mr. MANSFIELD. Mr. President, victory or high achievement in any form of sports is a goal many strive for but few achieve. As a Representative or a Senator, it is always an honor to have one of your constituents make such a mark. As a Montanan, I am exceedingly proud of John Misha Petkevich, of Great Falls, Mont., as a friend and a representative of our State. John made a mark for himself in the recent Olympics. He is considered to be the 1971 challenger for the U.S. national senior men's competition and is likely to be in a good position for the Olympic gold medal in Japan in 1972. This young man is considered to be the finest free stylist in skating competition.

John Petkevich is a young Montanan with a definite set of goals—social, cultural, and athletic—in mind. While high achievement as an amateur skater is of prime importance at the present time, he is looking to the future when he plans a career in the medical profession. He is now a student at Harvard University. He is receiving more and more national recognition and the December 9 issue of the Christian Science Monitor carries a feature story which I think will be of interest to my colleagues.

Mr. President, I ask unanimous consent that the feature entitled "On Invisible Skyhooks" be printed at this point in the CONGRESSIONAL RECORD.

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

ON INVISIBLE SKYHOOKS — PETKEVICH'S TRIPLE-REVOLUTION LEAP MAY CARRY HIM TO TOP SKATING HONORS

(By Monty Hoyt)

BOSTON.—Melodic strains of Rachmaninoff's Second Piano Concerto begin to fill the arena. Almost instinctively, the young, pigtailed heads of budding Peggy Flemings and their gangly-legged male counterparts stride swiftly to the barriers. What moments before was a rushing, whirring mass of exercising bodies, becomes a hushed, almost reverent group of youngsters at the musical cue. All eyes are trained on a solitary figure performing on center ice.

Bold, masterful strokes cover the ice surface in a few glides building momentum for a breathtaking triple-revolution jump. The onlookers gasp with approval, then applaud.

The concerto reaches a slower theme momentarily; the outline on the ice is accented by dramatic, sweeping gestures of the arms, complementing the movements of the blond, tousled head. Coming out of a dizzying spin, the figure moves quickly, effortlessly into the buildup for another daring leap, hanging suspended in the air as if by invisible skyhooks. Then, landing gracefully on a single blade-edge, the razor-thin support between superb accomplishment and crashing disaster, the single skater continues his routine in a web of intricate maneuvers, perfectly at one with his musical accompaniment.

John Misha Petkevich.

For several years now, he has bedazzled judges and spectators everywhere with his Paul Bunyan-sized leaps. Rubbing shoulders with the elite of the competitive skating world, he has missed being in the winning circle because his daredevil programs have been almost too much for him to master. And his compulsory school figures (counting for 50 percent of the score in a skating competition) have been notably weak.

But 1971 may change all that. John, twice runnerup in the U.S. National Senior Men's competition, is now heir to the American title. Fellow team member Tim Wood has retired to the professional ranks, vacating the American and World crowns.

"This is the big year," he acknowledges. He and his coach, Arthur Bourke, know that he must place at least second in figures in the World Championships in order to be in shooting position for the Olympic Gold Medal in Sapporo, Japan, in 1972.

Noted as the best amateur free skater in the world today, John recognizes he must be close enough to the leader in school figures so that he can make up any deficit with a superlative free-skating program.

John, or Misha (he responds to both and calls it an even draw as to which he prefers), has been a "charger" in figure skating competition. The U.S. Junior Champion in 1966, he placed 6th in the 1968 Olympics, his first international competition, and 5th in the last two World Championships.

Now he must vault three acknowledged European skaters in order to claim the world title left vacant by Tim Wood's retirement.

In skating, where an established winner is seldom dethroned, the 1971 World Championships in Lyons, France, next February, will likely determine who is to be the next Olympic Champion.

The Gold Medal in the men's Olympic figure skating event has long been an American specialty. Since World War II the United States has won the men's title four out of six times (Dick Button twice, and the two Jenkins brothers, Hayes and David, once each). In 1968, Tim Wood was narrowly edged out for the crown by Austrian Wolfgang Schwartz.

Petkevich is acknowledged by skating experts as the United States' best hope for a "skating Gold" in the 1972 Olympics. But this year's competitive season holds the key to that triumph.

The daily schedule this Harvard University senior adheres to attests the importance of 1971 in his skating career.

Up at 5:15 most mornings, he manages two hours of training on school figures at Harvard's Watson rink before breakfast. He fits in an hour of free skating workouts before rushing off to classes at 10.

On days he has biology labs, lunch usually comes from one of the handy vending machines nearby. On "nonlab" days he usually finds 10 minutes in the afternoon to "goof around" at Harvard's Elliot House before heading off to the Skating Club of Boston for three more hours of practice. Then it's a late dinner and study until 11:30 p.m.

This spartan schedule leaves little time for extras for this dean's list student. But in the spring he varies his routine with tennis; and this fall, in what he laughingly calls his "space time" he has taken up reading the ancient philosophers and some of the literary greats "from Milton onward."

On special occasions like the Harvard-Yale game, "I don't skate at all," John admits, with more than the usual touch of school spirit. "I don't even think about the rink. And, of course, there are no classes."

Musing about the future, John has already outlined a career in the medical profession for himself. He readily announces that 1972 will be his last year in competition—win, place, or show.

"One can only go around in circles for so long," he says, his face breaking into a ready smile.

TOY SAFETY

Mr. MOSS. Mr. President, if anyone had ever doubted the necessity of having a Toy Safety and Child Protection Act which Congress passed more than a year

ago, that doubt should have been alleviated by action taken yesterday in a Federal courtroom here in Washington.

Nine toys found to be dangerous after testing by a very reputable, national consumer organization were left on the market because, although they were dangerous, they were not dangerous enough for immediate removal.

It was argued during the hearings which I conducted on the toy safety bill that no such legislation was necessary, but rather the toy manufacturers should be left to adopt their own voluntary safety code.

Congress in its wisdom thought differently, and the bill was passed and signed by the President.

We are still waiting for the Department of Health, Education, and Welfare to implement the bill, and Senator MAGNUSON and I have expressed concern that the implementation of the bill may not be as strict as was intended by the Congress.

Sharing the concern of Senator MAGNUSON and myself, the Consumers Union undertook its own study of various toys on the market, and found nine such items to be hazardous. They asked the Federal court in Washington to issue an injunction against the sale of the nine toys. All of this is action which should have been done by the Department of Health, Education, and Welfare, as directed by the legislation.

The idea that the industry could be relied upon to police the safety of its own products was shattered by the legal steps taken to fight the injunction. Consumers Union had listed such items as a cap gun which makes more noise than a jackhammer, and is dangerous to a person's ears. They had listed a casting set which heats to 700 degrees.

I do not feel it is to the toy manufacturer's credit that they argued against the injunction when their only plea was that their toys were not dangerous enough to warrant immediate removal from the market. Nor do I find it to the court's credit that it agreed with that argument.

It is still possible for these toys to be removed from sale following another hearing by HEW, if the Department carries out full implementation of the Toy Safety and Child Protection Act.

Mr. President, as the sponsor of the act, I want to make it very clear that I will continue to press for rapid and thorough implementation of this law by the Secretary of Health, Education, and Welfare, and that oversight hearings will be scheduled early next year to discuss the matter, if such implementation is not forthcoming.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT TO 11 A.M. MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. on Monday next.

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

ORDER FOR RECOGNITION OF SENATOR PERCY ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished senior Senator from Ohio (Mr. YOUNG) the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 20 minutes.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Illinois (Mr. PERCY) on Monday next there be a morning hour for the conduct of morning business with a time limitation of 3 minutes attached thereto.

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

ANNOUNCEMENT ON CONSIDERATION OF SUPPLEMENTAL APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, again for the information of the Senate, it is the intention of the leadership to call up on Monday at the conclusion of the morning business, if not before, the supplemental appropriation bill, which will be the last appropriation measure to be considered this year on its basis alone and not on a conference basis.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. MCINTYRE) laid before the Senate the following letter, which was referred as indicated:

REPORT OF FEDERAL TRADE COMMISSION

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report of the Commission covering its accomplishments during the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on Appropriations, with amendments:

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1430).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 17550. An act to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes (Rept. No. 91-1431), together with separate and individual views.

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. BYRD of West Virginia:

Louis Patrick Gray III, of Connecticut, to be an Assistant Attorney General.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

S. 4581. A bill for the relief of Theresa Duffy Wilson; to the Committee on the Judiciary.

AMENDMENT OF SECTION 402 OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—AMENDMENT

AMENDMENT NO. 1098

Mr. MOSS submitted an amendment, intended to be proposed by him, to the bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act, which was ordered to lie on the table and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 11, 1970, he presented to the President of the United States the following enrolled bills:

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

NOTICE ON A NOMINATION PENDING BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, the following nomination has been

referred to and is now pending before the Committee on the Judiciary:

Frederick M. Coleman, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years, vice Robert B. Krupansky, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, December 17, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

MAYOR RAYMOND R. TUCKER OF ST. LOUIS

Mr. EAGLETON. Mr. President, on November 23, 1970, former Mayor Raymond R. Tucker died in St. Louis. Mayor Tucker served the city from 1953 until 1965; previously, he held several appointive positions in city government and on the faculty of Washington University. His most notable contribution to the community prior to becoming mayor was his service as commissioner of smoke regulation, beginning in 1937. His achievements in this difficult job contributed to his fame and later successes in civic life.

Many outstanding mayors were elected in American cities during the 1950's and early 1960's—a period of rebirth and recognition of new urban realities—David Lawrence of Pittsburgh, Joseph Clark and Richardson Dilworth of Philadelphia, John F. Collins of Boston, Richard J. Daley of Chicago, Arthur Naftalin of Minneapolis, Henry Maier of Milwaukee, Richard Lee of New Haven, Ivan Allen of Atlanta. Mayor Tucker was in the forefront of this outstanding group of public officials. In fact, he was a "mayor's mayor," for many of his fellow chief executives would seek his advice and expertise on a particularly sensitive municipal problem.

Mayor Tucker's career exemplified the qualities of leadership, integrity, foresight, ingenuity, excellence, and humaneness. His legacy to St. Louis is one of unexcelled devotion to the public well-being and a commitment to excellence in the pursuit of that goal.

I ask unanimous consent that the following tributes to Mayor Tucker and synopses of his public career be printed in the RECORD.

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

[From the St. Louis Globe Democrat, Nov. 25, 1970]

FINE CIVIL LEADER—RAYMOND R. TUCKER

Few men in a community's history have, through their dedicated leadership and unswerving purpose, done as much to change the face and spirit of their city as Raymond R. Tucker, during his three terms as mayor of St. Louis.

Under his administrations, the whole structure of a decaying downtown was revitalized with the monumental Arch, the towering new buildings and stadium complex at the riverfront.

He would have been the last to assume the credit, and in fact many influential figures of the community were vitally instrumental in renewing the downtown area.

But Ray Tucker was a driving, determined factor in reshaping his city's facade to modern new beauty. He was in the forefront of every move to redevelop the city grown down at the heels, fast drifting into desuetude.

Even before Mr. Tucker became Mayor he was the key engineer in one of the biggest benefactions this city of "diurnal night" had long suffered. He was the father of the smoke abatement law that rid the community of a sooty plague such as modern-day ecologists may hardly image.

Raymond Tucker was a professor turned politician—an official whom the politicians mistrusted. He would not make trades at the expense of superior public administration. He was elected by going over the heads of the organized Democratic apparatus and always preserved his independence.

For years he taught in the School of Engineering at Washington University before entering public service. He was brilliant in his field and did a great amount of consulting work before he exchanged the classroom lectern for the mayor's desk at City Hall.

Not a single political foe—and no man can long serve major office without making some political enemies—ever cast personal or official blemish upon the Tucker stewardship in St. Louis.

Complete integrity was something Ray Tucker took for granted as part of his contribution to public service, and so did everyone who knew him.

The community mourns his death. And its people willingly would write as his epitaph: Raymond Tucker, one of the most effective mayors and respected public leaders St. Louis has ever had.

[From the St. Louis Post Dispatch, Nov. 27, 1970]

RAYMOND R. TUCKER

In a sense, Raymond R. Tucker never left the classroom, and St. Louis is the better for it. His conviction that the people make the right choices once they are aware of the facts led him time and again to consult the citizens directly rather than to operate in political back rooms and through regular party organizations. These consultations on public issues invariably became exercises in educating the public; and they were as honest, as straight-forward and as free of gimmickry and calculated hard sell as was his whole political life.

The three Tucker administrations in City Hall constitute a standard by which all of his successors in the mayoralty can be measured. Under his leadership, vast stretches of the city were rebuilt. The civic renaissance attracted national attention and touched not only downtown and Mill Creek, at its height the largest urban redevelopment program in the United States, but the neighborhoods as well. Better than $110,000,000 in public improvements were installed in the largest such construction program in the city's long history. The Mayor's ability to attract the two-thirds majorities necessary for authorization of so huge a spending scheme rested on the public confidence elicited by his scrupulous handling of public affairs.

Mr. Tucker personally solved the engineering problem of the riverfront train tunnel, which paved the way for construction of the Gateway Arch and the whole downtown rebirth that it stimulated. But he was more than a builder and administrator. He was a political leader in the highest meaning of the term. He stopped the neighborhood-destroying device of spot-zoning that had become a routine feature of almost every aldermanic meeting; he brought sanity to a traffic program in which the aldermen had installed more stop signs than in any city in the country, and by quiet persistence he led the aldermen to adopt civil rights ordinances covering fair employment, fair housing and equal access to public accommodations that at the time made St. Louis unique among the nation's major cities. The Tucker civil rights legacy may well have been why St. Louis avoided the racial troubles that afflicted Detroit, Newark, Cleveland and other troubled cities.

Some of his admirers argue that his defeat in the Democratic primary in 1965 grew out of his failure to assume control of the party apparatus earlier in his career, and they may well be right. But that was not his way. His preference was for direct consultation with his people, and he was faithful to it to the very end.

[From KMOX Radio Editorial, Nov. 27, 1970]

RAYMOND TUCKER

Raymond Tucker is gone now. His friends and his city have laid him to rest. And the words spoken on the occasion of his death carried the same theme which followed Ray Tucker in life. That theme was respect.

Ray Tucker was a man who didn't demand respect . . . he earned it. He was a college professor. But he won the respect of businessmen because he accomplished concrete results . . . not just theories. He was a politician, and an effective one. But he won the respect of his opponents through his integrity, dignity and sense of fair play. Ray Tucker moved comfortably in the circles of the powerful. But he commanded the respect of the poor and the voiceless, because he never forgot that all men were citizens worthy of recognition. Ray Tucker was an outstanding administrator, earning the accolades of urban officials across the nation . . . but he kept his eyes, his heart and his efforts on the problems at home.

Ray Tucker's achievements have been reviewed many times . . . his successful fight against smoke pollution; his streamlining of city administration, and his role as the moving force in St. Louis downtown redevelopment. The achievements are there . . . we only need look at the shining triumph of our Gateway Arch to be reminded of the life and work of Ray Tucker.

But for those of us who knew him well, his greatest achievement cannot be found in the bricks and stones of urban development, or even in the graphs and charts of his scholarly efforts. His finest achievement was in the quality of the man himself. Ray Tucker was, above all, a man of honor. And he honored his chosen profession of politics by elevating it to the level of true public service.

[From KMOX TV Editorial, Nov. 24, 1970]

A REMEMBRANCE OF RAYMOND R. TUCKER

Office holders are called "public servants." To our recollection, regrettably few officials ever measured up to the caliber of Raymond R. Tucker, whose dedication to his city gave true meaning to the term.

Grimy and grubby in the 1930's and '40's, St. Louis became the model city in the nation, by enforcing a smoke abatement program devised by Ray Tucker.

Later, as Mayor, he was dismayed by the accelerating decay and urban rot eating away at the city he loved. It was he who launched the revitalization programs whose fruits we see today in the shining Gateway Arch, the bright new downtown area with the stadium complex, and the clearing of slums in Mill Creek Valley. On the latter, Mayor Tucker conceded he may have erred because of the dislocation of poor families into other areas

ill-prepared to receive them. Yet few remember that Mill Creek Valley was one of the worst slums in the country. Responding to his critics, Tucker would grumble: "The way you talk, that rat-infested slum was the garden spot of America!"

Yet it was Ray Tucker who initiated the city's own anti-poverty programs, anti-discrimination laws, and fair housing and employment ordinances, long before the federal government's interest and dollars penetrated St. Louis.

Ray Tucker wasn't much of a politician. The pros in his party were not pleased by his determined independence. Although elected by large majorities for three terms, he would barely squeak by in the primaries against party stalwarts.

Yet he always insisted that no Mayor of St. Louis ever received as much help from the people as he did. He got that help because people wanted to help him. He was that kind of Mayor.

We of KMOX-TV have particularly fond remembrances of Ray Tucker. We join all of St. Louis in conveying our deepest sympathies to his wife, Edythe, his daughter Joan Marie, and his son John, as we say goodbye to a great Mayor and a true public servant.

RAY TUCKER REDIRECTED ST. LOUIS

In his 12 years as mayor of St. Louis, Raymond R. Tucker, who died this week, established himself as one of the most distinguished local officials America has produced in the post-war years. When he took over in 1953, St. Louis was a municipal disgrace. That city was run-down and on the verge of bankruptcy. By the time he left office in 1965, he changed the direction of one of the greatest U.S. cites.

Mayor Tucker did not accomplish that remarkable feat alone. He once said: "No mayor of St. Louis has ever received the help I've had." Yet throughout those years, he was the undisputed captain of the team, the clearinghouse for ideas and the man of integrity and leadership who was able to rally general support from all segments of the community.

Ray Tucker was a quiet, scholarly man who seemed an unlikely choice for mayor of a city where ward and precinct politics has been a dominant force. His background was in mechanical engineering and he was on the faculty of Washington university in St. Louis before he entered public life in 1934 as secretary to Mayor Bernard Dickman. In that post he drafted the St. Louis smoke control ordinance which was the strongest in the United States at the time. It got outstanding results that immediately won him national recognition.

As mayor he changed the face of St. Louis through slum clearance, major capital improvements and other renewal projects. His interest in people as human beings led to a fair employment practices act, a public accommodations ordinance and a fair housing ordinance. St. Louis became a leader in the field of human relations long before similar laws were approved in many parts of the country.

Shortly before he stepped down as mayor in 1965, to return to Washington university, the St. Louis Post-Dispatch made this editorial comment:

"He has set a high standard that no future mayor can avoid being judged by. He has left the community a legacy by scrupulously honest government, of intelligent leadership in the urban renaissance, of harmonious adjustment to social and racial changes with even-handed justice for all. For years to come, the measure of good municipal government in St. Louis will be the record of the Tucker administration."

To this we would only add that Ray Tucker of St. Louis also set a municipal example that became a yardstick for measuring leadership in Missouri and in communities throughout the nation.

[From the St. Louis Globe-Democrat, Nov. 24, 1970]

EX-MAYOR RAYMOND TUCKER DIES

Former St. Louis Mayor Raymond R. Tucker, 73, died at Barnes Hospital Monday night, Nov. 23, 1970, after being hospitalized for several weeks.

Tucker entered the hospital Nov. 9 suffering from congestive heart failure.

The former mayor, who served three consecutive terms in that office from 1953 to 1965, had only one lung. His other lung had been removed because of cancer.

Mrs. Tucker and other members of the former mayor's family were at his bedside when death occurred at 10:06 p.m., hospital officials reported.

Funeral arrangements were not announced immediately.

Tucker, a college professor turned politician—thought the "pro's" of politics continued to regard him as an amateur—helped instill a new spirit into a decaying St. Louis.

With his help, and that of top citizen groups whose aid he obtained, the face of downtown and near-downtown was charged.

The long-delayed Jefferson National Expansion Riverfront Memorial at last got under way, the Gateway Arch soaring overhead. The stadium complex stimulated new life downtown.

He persuaded experts to draft a new building code and it was pushed successfully through the Board of Aldermen without crippling special-interest amendments. It spurred an unprecedented building boom throughout the city.

Confidence in Tucker, whose integrity was never questioned, easily won two-thirds voter approval in 1955 of bond issues totaling $110,639,000, which set the stage for the new "Spirit of St. Louis."

Under the eyes of the Citizens Supervisory (Watchdog) Bond Issue Committee Tucker created—which took its job as seriously as Tucker took its duties—the city got value for its money.

From those bond issues arose the Planetarium, the city's three expressways, its flood wall protection, new street lighting, voting machines, rubbish incinerators and a City Art Museum auditorium, to name a few achievements.

Clearance of slums in the Kosciusko and Mill Creek Valley areas also resulted from those bond issues. Kosciusko, on the near South Side, turned out well.

But Mill Creek was later to help cause Tucker's defeat by Alfonso J. Cervantes. Some called Mill Creek Tucker's only big mistake. Negroes who lived there called it "Negro clearance."

There was massive community dislocation, with whole neighborhoods disrupted. People who had known each other, known whom to trust and whom not to trust, were moved out—scorning public housing for the most part—to West End areas where lack of money forced overcrowding.

New slums were created, some of which are being razed now. An increase in the crime rate in the West End came, along with the breakdown of neighborhood strength among the new residents who did not know their neighbors.

Years later, Tucker was to admit that "the human factor" had been overlooked in Mill Creek.

It was a factor Tucker did not often overlook.

Before the days of the militant civil rights push, Tucker took action in his usual quietly persuasive but firm manner.

He won passage of a city fair employment practices act in 1956. He also fought in the 1950's for a public accommodations ordinance, banning discrimination, did not get it until 1961, but by personal conferences persuaded some large downtown restaurants to cease discrimination.

He also won a fair housing ordinance.

And in early 1964, a year and a half before enactment of the federal anti-poverty war, Tucker started St. Louis' own effort, with the Human Development Corporation.

Tucker fought for, and got, ordinances setting minimum standards for dwelling and commercial buildings.

He began neighborhood rehabilitation programs which, in their day, produced better results than the city's recent ones have done with massive federal aid.

Part of Tucker's results came from his department heads. He appointed them for their ability.

Early in his years as mayor, Tucker pushed for, and got, fluoridation of the city's water supplies, resulting in stronger teeth for today's teen-agers as well as their younger brothers and sisters.

Tucker also won from the voters the required 60 per cent approval for a 1954 charter amendment giving St. Louis "home rule" on its earning tax. Such a tax had first been enacted in 1948, but it was done subject to continuing approval of the state legislature.

In 1954 the earnings tax was still only ½ of 1 per cent. In 1959 Tucker won passage of an amendment increasing it to 1 per cent. For a time the city was on a sound financial basis.

Despite his many achievements as mayor, Tucker was perhaps as proud of what he did to clean up St. Louis' smoke in the 1930s as of anything else he did.

He had left Washington University's engineering department, where he had been associate professor of mechanical engineering for 13 years, to become secretary to Mayor Bernard F. Dickman in 1934.

In that post he prepared the city's proposed smoke ordinance—first strong one in the nation. When the ordinance was passed, he became the city's first smoke commissioner—with full authority from Dickmann to do what was needed to make it work.

The results made St. Louis the focal point for other big-city representatives who wanted to find out how to eliminate smoke.

Under Dickmann, Tucker also served as director of public safety and, on the side, as secretary of the Citizens' Survey Committee which recommended efficiency measures for city government.

Tucker helped write the city's civil Service amendment in those days too. When the late William Dee Becker succeeded Dickmann as mayor, Tucker served again as smoke commissioner.

In 1941 he returned to Washington University, to head its mechanical engineering department, a post he held until 1953. However, in 1949–50, he was chairman of the board of freeholders which drew up a new charter (defeated by the politicians), and in 1951 and 1952 he also served as the city's civil defense director, by appointment of the late Mayor Joseph M. Darst.

With Darst not running for a second term because of ill health, Tucker entered the race for mayor. He had, in the Democratic primary, the support of only 1½ of the 28 Democratic ward organizations. He won the primary narrowly, but won the general election by a landslide.

One of the first major acts of his first administration was securing passage of a $1.5 million bond issue making the Plaza Apartments possible.

Tucker won his second term in a record landslide, but his bid for a third term was nearly squashed in the primary when, after a dull campaign by both candidates, he beat Democratic challenger Mark Holloran by only 1,200 votes.

Mill Valley—called Hiroshima Flats by Holloran—was largely responsible.

Tucker became the second mayor in St. Louis' history to win three terms, but he lost his effort to become the city's first four-term mayor.

In 12 years, a good many toes had been stepped on. Homer G. Phillips Hospital had become an issue in the black community. In vain did Tucker's Negro supporters plead that he had justified black support. Most of the ward leaders deserted Tucker—whom they'd never really worked well with—for Cervantes. The latter won by 14,000 votes.

The following fall Tucker returned to Washington University as its professor of urban affairs, a post he held until his death.

Many honors had come his way. He was president of the United States Conference of Mayors in 1965, a member of the President's Advisory Commission on Intergovernmental Relations, president of the American Municipal Association in 1960.

He received the St. Louis Award for outstanding public service in 1956, the only mayor to be so honored. He received the St. Louis Newspaper Guild's Page One Award, and a plaque from the St. Louis Chapter of the Missouri Society of Professional Engineers. He was also a fellow of the American Society of Mechanical Engineers.

In October Gov. Hearnes had named Tucker as honorary chairman of a new task force on higher education in Missouri.

Born in St. Louis on Dec. 4, 1896, Tucker had lived since 1908 in the Tucker family home at the same south St. Louis address, 6451 Vermont Ave.

He received his A.B. degree from St. Louis University in 1917 and his B.S. in mechanical engineering from Washington University in 1920. (Both universities awarded him honorary doctor of law degrees while he was mayor.)

[From the St. Louis Post-Dispatch, Nov. 24, 1970]

FORMER MAYOR TUCKER DIES

Raymond R. Tucker, the former Mayor or St. Louis who led the start of the city's downtown building renewal, died last night at Barnes Hospital. He was born in St. Louis on Dec. 4, 1896.

Mr. Tucker entered the hospital Nov. 9 after experiencing breathing difficulties and was placed in an intensive care unit. The cause of his death could not be learned.

The former Mayor died at 10:05 p.m. At his bedside when he died were his wife, Mrs. Edythe Leiber Tucker; their daughter, Mrs. Joan Marie Doxsee, and her husband, Leigh A. Doxsee Jr.

Completion of funeral arrangements were delayed until the arrival today of Mr. and Mrs. Tucker's son, John, from his home at Greenwich, Conn. Surviving also is the former Mayor's brother, Dr. William J. Tucker, a physician at Ashland, Wis.

LUNG REMOVED

Mr. Tucker first suffered serious health problems from respiratory difficulties in 1961 when he developed a malignancy of one lung. He underwent removal of the lung. A hospital spokesman said today Mr. Tucker had developed a malignancy in the remaining lung.

Mr. Tucker was politician, engineer, educator and civil servant. He was the city's first smoke commissioner and didected civil defense for St. Louis while a member of the Washington University faculty.

He returned to Washington University in 1965 as professor of urban affairs after an unsuccessful campaign for a fourth four-year term as mayor.

Alfonso J. Cervantes, the present mayor, defeated Mr. Tucker in his final political campaign.

After his return to the Washington University staff in 1965, Mr. Tucker taught classes in architecture, law, political science and sociology.

FAREWELL SPEECH

In the former Mayor's farewell address to the Board of Aldermen on March 26, 1965, after his defeat in the March 9 primary election, he told the aldermen: "We have together worked out the biggest program of capital improvements in the history of our city, with benefits to every section of the community."

He praised the aldermen for their cooperation and did not mention the sometimes bitter opposition to some of his programs. Mr. Tucker noted that in his 12 years as mayor laws on civil rights and air pollution control had been approved. Rebuilding downtown St. Louis had begun.

In recent years, he and his family had lived quietly, away from the center stage where he had been for most of his adult life.

ENTERED PUBLIC LIFE IN 1934

Mr. Tucker had extensive experience in affairs of municipal government before he became Mayor in 1953.

His introduction to public life was in 1934 when he left Washington University, where he was associate professor of mechanical engineering, to serve as secretary to Mayor Bernard F. Dickmann.

Three years later he took over direction of the smoke elimination campaign. The assignment as the city's first commissioner of smoke regulation was "the toughest" of his career, he said in later years. It was a job of public education as well as law enforcement, and Mr. Tucker convinced businessmen and householders that elimination was not just an ideal, but a practical possibility.

He filled other posts under Dickmann. He served as director of public safety. He was a member of the commission that wrote and won adoption of the civil service amendment. He was secretary of a citizen's committee that made an intensive study of the city's finances and recommended steps to improve efficiency of the municipal government.

When the late Mayor William Dee Becker succeeded Dickmann, Mr. Tucker served another period as smoke commissioner. In 1941 he returned to Washington University to head the department of mechanical engineering, but while teaching he maintained an active interest in civic affairs. In 1949 he became chairman of a board of freeholders elected to draw up a new city charter. The charter was not adopted.

When development of a civil defense agency for St. Louis bogged down in 1951, the late Mayor Joseph M. Darst asked Mr. Tucker to take on the assignment. For two years Mr. Tucker served as director of civil defense while carrying on his work at the university.

DECIDES TO RUN FOR MAYOR

In 1953, physicians advised Mayor Darst to retire and the Mayor asked Mr. Tucker to run as his successor. It was not easy to give up teaching and engineering, and it took some time for Mr. Tucker to make up his mind. The delay had the effect of precipitating a bitter primary election fight among leaders of the Democratic party.

When Darst announced that he would not run again, the politicians got busy at once, recognizing the importance of getting a strong candidate to head the city ticket. By the time Mr. Tucker decided to run, most of the Democratic leaders were committed to Mark Eagleton, a former president of the Board of Police Commissioners.

With more than three-fourths of the ward leaders lined up behind Eagleton, Mr. Tucker turned to citizen's groups for support. Civic, business, neighborhood and women's organizations rang doorbells for Mr. Tucker, while the old-line politicians instructed their precinct workers to get out every possible vote for Eagleton.

Almost 107,000 votes were cast in the primary. Mr. Tucker received 54,200 votes and won the nomination by a margin of less than 1,700.

In the election three weeks later, there was a landslide for Mr. Tucker, who received 144,000 votes and won by a record majority of 62,000.

MAKES DIRECT APPEALS

As Mayor, Mr. Tucker appealed directly to the citizenry for support in his efforts to solve problems that had plagued St. Louis for years.

Citizen assistance was asked in getting the Legislature to reauthorize the municipal earnings tax. Business and banking leaders called on associates throughout Missouri to cooperate as the new Mayor went all over the state to enlist the support of legislators. When the Legislature met, the necessary enabling act was passed.

The project for development of the Jefferson National Expansion Memorial had been stalled for many years when Mayor Tucker led citizen groups to Washington and got the Federal Government to reactivate the project.

Smarting under the defeat they had suffered at Mayor Tucker's hands in the 1953 primary, Democratic leaders long boycotted the Mayor's office. This enabled the Mayor to fill administrative jobs with officials who had no obligation to ward leaders.

Liaison between the executive and the legislative branches of the city government suffered as a result of this situation. Aldermen, highly responsible to ward committeemen, permitted important civic measures to gather dust in committee. Some of these measures ultimately were enacted, but only after prolonged delays and the mobilization of citizen pressure.

The aldermen enacted numerous "spot zoning" ordinances and authorized erection of many unneeded stop signs. When the Mayor vetoed these measures, the aldermen consistently overrode the vetoes, often without any discussion of the objections from the Mayor's office.

Mayor Tucker stood this for a time, but finally began fighting. Personally addressing the Board of Aldermen, he bluntly accused members of creating "blight by ordinance" and of "formalizing our own decay."

The strained relationship between the administrative and legislative branches continued to hamper the administration's program. The Mayor urged election of a board of freeholders to modernize the city charter, but the aldermen stalled month after month. Only when the Mayor set out to bypass the aldermen and organized a citizens' group to circulate petitions for a referendum on the election did the board finally pass an enabling ordinance.

CHARTER REVISION FAILED

After a year's work, the freeholders presented to the voters a new charter proposal calling for reorganization of municipal departments and the city's legislative body. Threatened with loss of jobs and considerable patronage, politicians conducted an intensive campaign of opposition and defeated the charter proposal.

Mayor Tucker then moved to modernize the governmental structure as much as possible by ordinance. The aldermen enacted bills streamlining some of the city departments. A series of charter amendments followed.

RELATIONS IMPROVE

During his second term as Mayor, the relationship between Mr. Tucker and the aldermen underwent a quiet but far-reaching change. A liaison was established with aldermanic leaders who were consulted on important problems, especially those relating to

appropriation and tax measures. The executive and legislative branches finally began to function as a team.

Most members of the Democratic City Central Committee acknowledged Mayor Tucker's popularity and supported him in the 1957 municipal elections. On this occasion, Mr. Tucker's campaign committee made political history after the campaign by returning to donors about 11 percent of their individual gifts, or a total of $7300.

PROGRESS GAINS ATTENTION

Progress in St. Louis under the Tucker administration sky rocketed. Industrial development, urban redevelopment, neighborhood renewal and municipal reconstruction were emphasized by Mr. Tucker. Projects advanced included redevelopment of the Plaza area, clearance of the Mill Creek slum for redevelopment, rehabilitation programs on a number of old neighborhoods, plans for a downtown sports stadium and rehabilitation of the downtown riverfront.

NARROW ESCAPE IN PRIMARY

Mayor Tucker was re-elected for a third term by a substantial majority, but had a narrow escape in the primary, when he won renomination by a margin of only abut 1200 votes. The close vote in the primary was attributed to overconfidence on the part of his supporters and to an unexpectedly large turnout of persons with grievances against the city administration.

His career of public service brought him many honors, including Doctor of Laws degrees from St. Louis and Washington Universities and the presidency of the American Municipal Association.

In 1956 he was presented with the St. Louis Award for "going far beyond the usual obligations of his office" in making this a better city by rallying citizens to public causes. This was the first time that a mayor had been selected for the award. Mayor Tucker turned the $1000 prize over to St. Louis and Washington Universities, which used the money for awards in government essay contests.

Mr. Tucker was born in St. Louis, the son of the late William J. and Ellen Roche Tucker. His father was a heating contractor and former city smoke inspector.

After attending public and parochial schools, the son obtained his B.A. degree from St. Louis University in 1917 and his B.S. in mechanical engineering at Washington University in 1920.

He worked for a time as a safety engineer with Aluminum Ore Co., then became an associate professor at Washington University in 1921. Two years later he re-entered the business world and was associated with an oil company and an oil burner firm. In 1927 he returned to his professorship.

In 1928 he married Miss Edythe Leiber. The Mayor lived at 6451 Vermont avenue in the modest house that has been the Tucker family home since 1908.

THE FALLS CREEK PROJECT

Mr. MANSFIELD. Mr. President, on November 19, 1969, the distinguished Senator from Wisconsin, (Mr. NELSON), introduced the Environmental Education Act of 1970. It was with high hopes for progressive accomplishment that I joined with a great many of my fellow Senators in cosponsoring the proposed legislation. I think it important at this time to briefly review the legislative history on this act.

On August 3, 1970, the House passed these provisions by a vote of 289 to 28, and on September 21, 1970, the Senate delivered a unanimous vote in favor, 64 to 0. The final congressional passage resulted by unanimous voice vote of both Houses.

The mounting concern and accelerated rate of environmental degradation in this Nation prompted me to join in this legislation, genuinely believing that this measure would provide a substantial mechanism in governmental attempts at finding solutions to the problems we face, affecting pollution, our quality of life and the environment. I have in the past and continue to believe that an absolutely essential tool in our approach to these problems lies in the educational processes.

In recent hearings before the Subcommittee on Deficiencies and Supplementals of the Senate Appropriations Committee relative to funding vital for the implementation of the Environmental Education Act, the administration's representative responded to questions regarding an amendment proposed by the distinguished Senator from Wisconsin which would have added $5 million to the fiscal 1971 supplemental appropriation. In that testimony and concurred with in a recent letter from the Secretary of Health, Education, and Welfare, the administration pointed out that the $5 million amendment was not an administrative proposal and recommended that it not be considered as a supplemental appropriation. Rather than recognizing what I believe to be both an essential and clear congressional mandate providing assistance for all concerned in the area of environmental education, the administration rather has chosen to identify some $2 million in existing Office of Education appropriations to apply toward a program for the survey and dissemination of reports on current information to be provided for elementary and secondary schools, to establish environmental demonstration projects with emphasis on the development and expanded use of pertinent curricular material, to support graduate training and fellowships for teachers in environmental education and, last but not least, to aid the cooperation for public broadcasting in developing a television series on environmental problems. The Secretary of Health, Education, and Welfare has further indicated that this same approach will be applied for fiscal year 1972.

At a period of time when a substantial portion of the populace is and has identified environmental degradation as one of the major problems confronting the Nation, when substantial testimony before senatorial committees has attested to the fact that only a substantially increased and concerted program will bring us abreast of our mounting environmental problems, we find the administration willing to approve only $2 million in expenditures.

The public outcry for an awakening to our environmental problems has in most instances been strongly supported by the individual and group efforts of concerned citizens at the grassroots level. This last summer, my office and the offices of the other members of the Montana delegation were visited by two fine young men from Montana who were encouraged and enthusiastic with the prospect of congressional recognition of the environmental problems now facing the Nation. Their visit to Washington was prompted by the desire to participate in a most constructive and worthwhile manner in the provisions provided for in the Environmental Education Act of 1970. I have recently received a copy of an exceptionally fine letter from the Falls Creek project, of Condon, Mont., written as a result of these young men's visit to Washington. I think it important that the content of this letter be brought to the attention of Senators as an adequate demonstration of the type of programs which might be accomplished through the appropriate funding of the Environmental Education Act. I think it eminently appropriate at this time to ask Senators and the administration: At what time are we going to move to be truly responsive to the demands of the national good? For far too long, to paraphrase the distinguished Senator from Maine (Mr. MUSKIE), environmental rhetoric has taken us in one direction and inaction in another.

Mr. President, I ask unanimous consent that the letter from the Falls Creek project of November 19 be printed in the RECORD.

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

FALLS CREEK PROJECT,
November 19, 1970.

Mr. ELLIOTT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. RICHARDSON: Not knowing the format or time schedules for the proposal of grants under the Environmental Education Act, now Pub. law 91-516, we feel a need to submit an application for a grant.

The Falls Creek Environmental Education Foundation, Inc. is a tax exempt, non-profit foundation providing funds for educational and research programs in environmental studies. It provides funds for the Falls Creek Project, an environmental awareness program designed for: 1) building an ecological conscience, 2) providing challenges for self-examination and discovery, 3) acquiring skills and tools with which to build life alternatives and create social change, and 4) involving people in the process of formulating a human community with an orientation toward action which can be translated into the participant's home environments.

The Falls Creek Foundation is directed by seven board members: Meridan Bennett, author and ex-Peace Corps Director; Dr. C. C. Gordon, Professor of Botany and environmental research biologist; Dr. Joseph Hassett; Director of Urban Environmental Education, Wave Hill Center of Environmental Studies, New York City; Dr. James Congdon, Attorney, Missoula, Montana; Edward Slusher, Regional Foresters Staff, N.S.F.S.; Jonathan Foote, AIA architect and partner in Environmental Design Group, New Haven, Conn.; and Jake Kittle, owner of VR Cattle Company, Glenrock, Wyoming.

LOCATION

The Falls Creek Project is directed and coordinated from the Swan Valley—approximately eighty-five miles northeast of Missoula, Montana. It is thirty miles northeast of Seeley Lake, and five miles northeast of Condon. It lies approximately four miles, by trail, from the western boundary of the Bob Marshall Wilderness and five miles east of the Mission Primitive Area.

FACILITIES

Approximately 300 acres, composed of marshes, small lakes, streams, timber and meadows, comprise the Project site. Nearby wilderness, rural and urban environments provide the major study areas for ecological investigations. The main building complex includes three log structures: a lodge, serving as a dining room, administrative office and directors' residence; a large cabin, providing dormitory space, a separate discussion room, a photographic laboratory, equipment repair shop and washing facilities; and a cabin housing the environmental sciences laboratory and library. The library contains a broad selection of periodicals, books and specific scientific papers dealing with investigational techniques and studies on environmental problems. The lab contains field research equipment, i.e. animal traps, bird banding equipment, bacteriological and ion water analysis equipment, etc. One other cabin provides staff housing and a limited space for consultant and visitor sleeping quarters.

STAFF

The staff includes: Director, Geoffrey G. Foote, B.A. (Biological Sciences) Middlebury College, Middlebury, Vt.; M.A. (Botany) University of Montana, Missoula; Teaching Certificate, secondary level: Todd Schlapfer, B.S. (Resource Conservation) University of Montana; Teaching Certificate, secondary level: Meridan Bennett, B.S. (Geology) Yale University, New Haven; post graduate studies in range management, Montana State College, Bozeman: Kathie Foote, the director's wife, will be responsible for nutritional teaching, planning and library organization. She has been involved in translating these subjects to an ecological curriculum for two years.

The staff's range of experience is broad. Mr. Foote worked as a research biologist for the Delta Waterfowl Research Station on ducks and geese, the Montana Fish and Game Department on elk and deer, for the University of Montana on plant ecology and elk and range relationships and taught for the Missoula Public Schools, and the Student Conservation Association. His graduate work was supported by an N.S.F. research grant to Dr. J. R. Habeck. He also worked as a teacher's assistant in an N.S.F. teachers field ecology program at the University of Montana Biological Station. He has done independent ecological consultant work in land planning and has directed the Falls Creek Project for the past two years.

Mr. Schlapfer recently graduated from the University of Montana after following a self-designed curriculum in resource management. He has lived in many different areas of the country, including the wilderness and the city. He has organized and participated in the development of new ideas and curricula for alternative life styles and environmental education. For the past year he has served as associate director of the Project.

Mr. Bennett, one of the early Peace Corps overseas project directors, is an author (Agents of Change) and writer on various subjects related to social change. He is an evaluation and management consultant whose clients range from drug addiction prevention programs to universities and private schools.

A full-time secretary is employed by the Foundation. The secretary also assists in administrative work.

A media specialist, with photographic, art and writing skills and a maintenance man are budgeted, but not yet chosen.

The visiting consultants provide an important aspect of learning for participants. They will be present at the Project for short periods. They include: an environmental research biologist, an urban planner, an architect, a natural resource specialist, a lobbyist, an activist in environmental and social change, an industrialist, a writer, poet or film producer, an environmental lawyer and a governmental resource manager.

THE PILOT PROJECT—1970

We mounted two basic environmental awareness programs in the summer of 1970 as our first effort to implement the Falls Creek Project. Each program involved fifteen students, all between the ages of 15 and 19. Students were selected so as to obtain maximum diversity of background. They came from the following states: Montana (3 students), Wyoming (4), California (6), Texas (1), South Dakota (1), Washington (1), Oregon (1), New York (7), Connecticut (1), Colorado (2), and New Mexico (2). Ten were from minority groups (Indian, Black, Puerto Rican).

Their learning experiences ranged from habitat studies of animals such as elk in the Bob Marshall Wilderness to the study of ecological relationships in rural areas showing varying degrees of human alteration, to the same in industrial areas and the inner-city. In each of these areas, tools of perception ranging from pollution-testing equipment to public opinion surveys were used. The emphasis was on self-evaluation to determine what skills were lacking, then the use of the full range of teaching resources (the staff, the library, the equipment and the skills of the participants themselves) to help participants meet the objectives of the project, cited earlier.

Our success in the pilot project lies in our having been able to turn kids on to their ability to understand today's environmental problems. Since returning home a significant percentage of them have become involved in new and more mature ways of solving their problems in their home environment.

The problems that resulted from the first summer's efforts have induced us to plan the following changes:

(1) We will seek participants with stronger natural science backgrounds.

(2) We will get teachers into the awareness program as participants for greater sharing of ecology-related skills, and to speed the process of implanting living-learning methods in the public schools.

(3) We will extend the length of the session to eight weeks.

(4) We are finding ways to increase curriculum content in ecology, pollution studies and field research.

OTHER PROGRAMS PLANNED FOR 1971

Growth project

This is an action learning experience intended to reinforce the potential that former participants have identified in themselves during the Environmental Awareness program the year before. Certain experiences will be arranged by participants, staff, and directors together to provide action learning primarily to understand and solve environmental problems. The length of time will be determined jointly by the participants and whatever agency or group they may be working with. An important aspect will be selecting the project from among the options available. For instance, a student might discover environmental issues in his own community upon which he could base his growth project. The issues could embrace the field of law, land-use planning, biology, social problems, education—the scope is limitless. Any student completing the Basic Awareness Program will be eligible. In fact, his participation in this phase will be actively sought in an attempt to expand the Fall Creek idea into other regions. The beginning date of this project is to be decided by each participant.

Wildlife-human ecology program, spring 1971

This is a series of three-day workshops illustrating the critical nature of the environmental crisis. These intensive programs are designed to be incorporated into public and private school curricula and involve teachers, students, parents, and other community members. Work has already begun with teachers, students and community people from Whitefish, Montana for three workshops planned for April.

The primary emphasis will be on involvement and action. The same basic emphasis on self-awareness and ecological concepts will be developed as in the proceding programs, with particular attention directed at the Rocky Mountain region. There will be three groups of fifteen people involved. It would be co-educational, with ages ten and up.

Continuity and general follow-up

The most significant part of any of these programs is what happens afterwards. Phone calls, exchange of information, staff and ex-participants gathering together regularly, etc., are important follow-up steps; steps we can't afford to sacrifice. This fall, for instance, there have been visits, plenty of phone calls and mail. This is a signal for us to allocate special time and money for supporting former participants. Since our recruitment is based upon induction—that is, pre-training next year's students by involvement with this years'—follow-up will actually become staff participation in the process.

FINANCIAL STATUS—1971

The financial support for the pilot project came completely from private sources. Last year, excluding the land and buildings, capital and operating funds amounted to approximately $50,000. All of the capital funds, the buildings and land were donated by three individuals. Eighty-five percent of all of the operating funds was donated for scholarships by twenty-eight people, and fifteen percent were obtained from tuition payments. For this reason, participants in the first pilot project were chosen for their qualifications, not on their ability to pay. Next year we will alter the program to meet the growing demand for involving teachers and students together in environmental learning experiences. The skills that develop out of these experiences can then be imparted to the participants' own schools. Our purpose is to stir local involvement in environmental issues and also to increase the effect of the Falls Creek Project on public education. We expect, as a result of this involvement, to begin receiving public funds. In fact, this step has already begun, for this spring some local public funds will support environmental workshops at the Project for teachers and potential drop-outs.

Our operational needs for the educational programs from January through December 1971, total $50,600.00. We are asking for this amount.

We are most anxious to submit a proposal on the basis of this letter. For that reason we would appreciate hearing from you at your earliest convenience.

Sincerely,

TODD SCHLAPFER,
Falls Creek Project,
Associate Director.

SECOND INTERNATIONAL CLEAN AIR CONGRESS MEETS IN WASHINGTON; SENATOR RANDOLPH PROVIDES THOUGHTFUL ADDRESS

Mr. BOGGS. Mr. President, today marks the final sessions of the Second International Clean Air Congress, which has been meeting this week in Washington. During that time, delegates from more than 40 countries have explored the technical, economic, social, and political problems associated with air pollution control throughout the world.

On Wednesday, the distinguished Senator from West Virginia, the chairman of the Committee on Public Works (Mr. RANDOLPH), was scheduled to address the Clean Air Congress banquet. That evening, however, the Senate was in session until after midnight considering emergency legislation relating to a nationwide railroad strike. Senator RANDOLPH was, therefore, unable to attend the banquet. At Senator RANDOLPH's request, the address that he had prepared was delivered by Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, now a part of the Environmental Protection Agency.

Richard D. Grundy, professional staff member of the Senate Public Works Committee, was active in the Clean Air Congress planning.

Mr. President, the message that Senator RANDOLPH had prepared for the delegates was a most thoughtful one. It analyzed several important aspects of the challenge we face in control of international environmental pollution. Because of its importance, I ask unanimous consent that Chairman RANDOLPH's excellent address be printed in the RECORD.

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

WORLDWIDE COMMITMENT IS NEEDED TO END CONTAMINATION OF THE ENVIRONMENT

(By Senator JENNINGS RANDOLPH)

It is a distinct pleasure for me to meet with you tonight to discuss one of the most important problems facing mankind—environmental pollution.

I am honored to share this platform with some of the distinguished individuals whose thought and work are helping to make this Second International Clean Air Congress a productive event. Particular thanks are due to John S. Lagarias, general chairman of the Congress, for his gracious introduction.

Particular notice for their contributions to this meeting should be given to Dr. Christopher E. Barthel Jr., president of the International Union of Air Pollution Prevention Associations, an international leader in environmental pollution control; Arnold Arch, secretary of the union; Joseph W. Mullan, deputy chairman of the Congress; J. K. Jamieson, chairman of the board of Standard Oil Co. of New Jersey and your luncheon speaker tomorrow; and my friend Dr. John T. Middleton, whose agency hosted the reception at the State Department last night and whose lovely wife, Diana, is doing such a superlative job on the women's program of this Congress.

It is pleasant being with Reverend Delmer Van Horn, pastor of the Washington Seventh Day Baptist Church, and his wife, Rowena, who was a West Virginia Randolph before her marriage to my minister who gave our invocation.

You understand the widespread and intense concern being expressed in the United States over the rising levels of pollution that threaten the quality of life.

President Richard Nixon placed the problem in perspective in his environment message last February 10 when he said:

"The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of sitting back and blaming someone else."

In America the new awareness of environmental contamination has raised major political, technological, social and economic questions. They are difficult to resolve, and those of us who must grapple with them are readjusting our thinking to accommodate new realities.

I am encouraged by the response of the American people to the need for action. That they realize the seriousness of the threat to the environment was demonstrated in our elections last month when environment-related issues were given substantial voter support.

While other financial questions on the ballots were being rejected in large numbers, many proposals to pay for environmental enhancement were approved. The people of Florida, for instance, agreed to put the full faith and credit of the State behind local anti-pollution bond issues, and voters in Maine approved a large State bond issue for environmental purposes.

There were many other such instances that demonstrate the willingness of the people to pay the cost of ending pollution.

Our involvement is so acute that we may sometimes tend to believe that only the United States is bothered with pollution and its effects.

It is true that the size of our country and the advanced state of its technology and industrial capacity make environmental controls a paramount matter of significant dimensions.

But we are not alone in facing the crisis of the environment. It is worldwide, and this Congress with representatives of many nations is evidence that the problems and concern are universal throughout our planet.

In the United States we have learned that pollution is not an isolated phenomenon that can only be controlled locally. The sources of pollution are everywhere, and its consequences are even further dispersed to the point of being almost universal. Therefore pollution control is not a provincial problem. We have explored the concept of regional control, and this, too, has its limitations.

It is now obvious that controls must be instituted on a nationwide basis if they are to be effective.

But in our shrinking world, pollution must be viewed in an even broader context, for whatever national pollution problems each of us may have, they have an impact on every other living person. The earth is a living organism with the mechanisms to transport deadly pollutants from one place to another with astonishing speed and efficiency.

When the astronauts of the Apollo 8 mission returned to earth, Earl Ubell asked them on CBS for their impressions of their journey through space. These three daring and valiant men answered that, in essence, they had been awed by the beauty of the earth as compared with the bleakness of space and the grayness of the moon.

They spoke of the uniqueness of the earth among the other planets. As seen from space by these men, the earth was a place of unparalleled, almost incredible, beauty. The surface of the earth was to them alive with color.

There is no other place in God's seemingly limitless universe where life pulsates as it does on earth.

But when the Apollo 13 astronauts returned home, one of them gave a different answer to essentially the same question. From the vastness of space he saw the earth as scarred and marred, mutilated by the thoughtless excesses of its human inhabitants.

The experience with DDT is a dramatic and disturbing example of the transport of contaminants through the global environment. This chemical marvel so very beneficial in the control of diseases such as malaria is now found to be so pervasive that it threatens many forms of biological life and the substructure of ecology on which man relies. Its long life, as well as that of its by-products, now is found in the depths of the ocean and from the Arctic to the Antarctic icecaps. The problem of DDT has become so serious that its use is being severely restricted and even prohibited.

It has been suggested that it is in the interest of global environmental preservation that DDT be banned and the more technologically advanced nations subsidize the more costly alternatives, in effect foreign environmental aid.

In the United States we have learned that the Great Lakes cannot serve as a repository for wastes. We have also awakened to the fact that the oceans cannot be considered as an international dumping ground. These practices have provided many examples of killed animals and plant life in some parts of the seas and resulted in contaminants being spread over large areas.

Much of the opposition to the development of a supersonic transport plane is based on the possibility that such an aircraft might introduce particulates in the upper atmosphere which might increase the cloud cover and effect global weather patterns.

Expert opinion on development of the SST is, however, divided, as evidenced by the recent endorsement of the Administration's SST program by 34 leading scientists.

These are just a few examples of how the application of technology can have widespread impact.

In this application, government and industry are not by themselves responsible for pollution since they are in fact acting to meet social needs. In meeting these needs there is a requirement for worldwide international cooperation in the fields of pollution control and abatement, in order that industrial and economic goals will not override the considerations of a decent environment.

The definition of the term "ecology" is itself a strong argument for multiple involvement. This popular—if sometimes misunderstood—word refers to the close relationship of every living thing to every other and to the single community which all life occupies. It thus makes no sense to view environmental considerations on less than a worldwide scale.

Many of the environmental questions are accentuated by the population explosion. The mere existence of more people creates greater demands, many of which can be met only by expanded technology and industry.

Accompanying this development, there is an increasing demand on development of land and natural resources, hastening their depletion and adding to growing air and water pollution and the mountains of waste with which we must contend.

If we do not learn how to meet the challenges these realities present, the eventual results are easily predicted: deteriorating health, more social instability, lower standards of living and the overall weakening of civilization.

Since our earth is a unit, many of these consequences must be rectified on a unified international basis. At the same time, we must recognize the very real national differences in problems, priorities and abilities to respond.

Just as some nations contribute more heavily to pollution, so must some nations bear a greater share of the cost of alleviating the worldwide situation.

Despite the diversity of nations, there are a number of actions that can be effectively taken now at the international level.

First, before any problem can be successfully attacked, its nature and extent must be known. There is a need for a coordinated worldwide system to monitor pollution in the total environment. We know from past experience with nuclear fallout that radioactive wastes are transported widely and rapidly through the environment. However, we do not have comparable information on chemical pollutants, and there is a demand

for more extensive, continuous data on which to base an international control effort.

For example, such a system would be invaluable in adding to our knowledge of the worldwide increase in carbon dioxide resulting from the burning of fossil fuels. There are many theoretical implications of higher concentrations of carbon dioxide, but they cannot be verified unless there is more information of the kind that can be obtained only by global monitoring. Scientists need to know to what extent and where carbon dioxide concentrations are increasing, the interaction of carbon dioxide with the oceans and its effect on weather and climate.

Another environmental question that lends itself to international study is that of large scale fluctuations in the particulate content of the atmosphere. There is a need to know the rate of increase, areas covered, size and composition of particulates and—again—their effect, as well as ways of removing them from the air.

In both of these areas, effective progress can be made only with the aid of a worldwide environmental monitoring system.

It is apparent, too, that such a system is practical only if there is agreement as to standardized methods of collecting and reporting data.

While these types of activities can contribute immeasurably to the accumulation of information needed to attack the pollution problem, each nation must decide for itself how far it wants to go in committing its manpower and its resources to maintain a desirable environment.

These are difficult decisions that must be based on national goals and priorities and take into account factors other than financial abilities.

That the technical and monetary requirements of preserving or restoring environmental quality might be beyond the ability of some, particularly smaller, nations must be accepted. This is so, when we consider that pollution abatement techniques are not inexpensive, especially when they must be installed and operated on a large scale. They are costly.

It would therefore seem incumbent on anybody seeking an international approach to pollution control to give very serious consideration to subsidization of environmental enhancement programs with both technology and funds by those nations with the greatest assets. This, after all, would be a new form of foreign aid, one that could benefit all mankind without regard to political differences.

Questions of this type must be resolved by international gatherings like the United Nations Conference on the Human Environment planned for 1972 in Sweden, Maurice F. Strong, secretary-general of the conference, discussed with you on Monday how such meetings can focus public and governmental attention on the need for cooperative action as well as provide the mechanisms and guidelines for such efforts.

In recent months we have received increasing evidence that the earth's seas must stop being used as garbage dumps. Intentional and unintentional discharge of often deadly wastes in the oceans is dangerous to the marine environment of the entire world.

Only last week our Senate Subcommittee on Air and Water Pollution conducted an emergency hearing to inquire into the action of our own government in dumping large quantities of waste oil in the Atlantic Ocean.

Government must not only encourage environmental enhancement, it must set the example for others to follow. Thus, we were alarmed and dismayed when we learned that one of our U.S. Naval bases had been practicing a particular odious form of ocean dumping, particularly in light of the National Environmental Policy Act of 1969. This statute requires that each federal agency conducting an activity which will have a deleterious impact on the environment must prepare a report evaluating the potential effects of its activity and circulate it to federal, state and local agencies.

To bring greater governmental effort and international cooperation in the effort to control ocean pollution, yesterday I introduced legislation in the Senate proposing an international conference on ocean dumping.

Such a gathering could be an invaluable preliminary meeting in anticipation of the United Nations conference in 1972.

I do not believe we can afford to delay unnecessarily in mobilizing the world's talent and resources in support of the chance for a healthy, happy life for all peoples.

Without action on an international level, efforts by individual nations must of necessity be less productive. Nations are the creations of men, but the natural environment transcends political boundaries just as do the substances and actions that threaten it.

Attempts in this century alone have shown the difficulty of multi-national political cooperation. Diverse histories, ideologies, economic systems and even climates all contribute to the differences in men that make life exciting and political agreement difficult to achieve. But the nature of the environmental threat requires cooperation and is such that cooperation can be achieved regardless of divergent viewpoints on other topics.

Fume-filled air, dirty water and mountains of garbage are just as dangerous to capitalist as to socialist, to white as to black, to rich as to poor.

I do not suggest that the degree of cooperation and understanding necessary will be easy to achieve, just as the technology to eliminate pollution will not suddenly appear with the signing of some documents of cooperation.

I have long felt that the most formidable barrier to a clean environment is the mind of man. We tend to become fixed in our thinking. We reject the sharp departures from the old, comfortable ways which are needed to reduce the likelihood of man becoming his own executioner.

Thomas Jefferson stated the challenge this way in 1824:

"As new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

Foremost among the efforts we must make is a change of attitude, a willingness to question old concepts and reorder personal and national priorities.

Is, for instance, biggest always best? Must progress be equated with the destruction of nature? Should the production of "things" take priority over meeting human needs? Can science solve every problem?

These are just a few of the questions we must raise, and they relate not only to pollution problems but to all facets of life, once again demonstrating the inseparability of all we do and the world we occupy.

I refuse to accept any suggestion that the task before us cannot be accomplished. The energy and creativity of people working in the context of established governmental structures can be mobilized to produce and maintain a clean, healthful environment.

It is encouraging to me when a noted scientist expresses this same confidence in our people and our system. Dr. Rene Dubos has said: "I think we will find the way, because we always find political solutions when goals are sufficiently well-defined to permit creative and intelligent use of science and technology."

Athelstan Spilhaus, president of the American Association for the Advancement of Science, has proposed a new "industrial revolution," to provide for the recovery and reuse of materials rather than their discard.

His first step involves what I have discussed as a change of attitudes, a revision of our thinking so that we no longer consider ourselves consumers, but merely users of things on a temporary basis.

A major answer to many of our vexing pollution problems will be found when we stop casting aside potentially useful substances, whether in the air, in the water or as solid wastes. As Spilhaus declares, "waste is simply some useful substance we do not yet have the wit to use."

In the final analysis, the success of man's battle against pollution will be determined by his will to break away from old habits, to reject what Abraham Lincoln called the dogmas of the past and come realistically to grips with the fact that the environmental crisis is one of life and death.

Man created environmental pollution, and only man can end it.

To this commitment let us pledge anew our words, but more importantly, let us pledge our deeds.

AN APOLOGY IS IN ORDER, MR. HOOVER

Mr. MONTOYA. Mr. President, in recent months, the Director of the Federal Bureau of Investigation, Mr. Hoover, has been quite free with his opinions of public figures and political groupings within our society. This week's issue of Time magazine, however, carries a quote by him that I find more than a little astonishing. Here is the direct quote from page 16 of that publication.

> You never have to bother about a President being shot by Puerto Ricans or Mexicans. They don't shoot very straight; But if they come at you with a knife, beware.

Mr. President, there are over 8 million Spanish-speaking citizens of the United States. I take immense pride in being one of them. These Americans are second to none in their devotion to our principles and national goals. It is hard to accept the harsh reality of this slur upon them and all they stand for. Mr. Hoover should render a public apology to these citizens for the quote heretofore mentioned. It should be swiftly forthcoming and without qualifications.

Mr. Hoover has occupied a unique place in the minds of many Americans. To millions of people, he embodies American justice and fair play. All the more reason to deplore and resent such a slur.

Spanish-speaking Americans have suffered much because of stereotyping. Advertising campaigns depict them as slovenly, lazy, indolent, violence-prone revolutionaries. They cavort across our television screens, holding up trains, sleeping, avoiding work and responsibility.

Mass media campaigns, such as the Frito Bandito, have sought to extend the reach of such false images. Even now, Cesar Chavez languishes in a California jail because he dares to demand justice for those who toil in the fields to feed America.

Where is justice? Where is decency? How will America understand these good people when public figures make such statements? Yet these nonviolent people

have yet to flash a knife or depart from their peaceful search for justice.

The sons of these people are good enough to wear the uniform of our country in every war. Good enough to die for America. I know, for already too many have come home to my home State of New Mexico to be laid to rest. That statement was an injustice to them as well.

For too long too many ignorant people have perpetuated the stereotyped image of an ethnic or religious minority in our land. Such beliefs have yielded up a bitter harvest of internal struggle and bitterness that even now divides our Nation. It is for outstanding public figures such as Mr. Hoover to educate people toward maturity, not to repeat and give respectability to such statements.

For years Mr. Hoover has stood in the public eye for religious belief, clean living and healthy thought. He has departed from that path with this statement.

Mr. President, of late the Director has found great fault with the late Senator Robert Kennedy, the late civil rights leader Dr. Martin Luther King, Jr., and former Attorney General Ramsey Clark. I believe such public tirades and political opinions are unbecoming Mr. Hoover. While he delivers the public apology to America's Mexican American community, he would do well to ponder the wisdom of such continued outbursts.

NORTH VIETNAMESE OFFERED FURTHER POW DEAL

Mr. SCHWEIKER. Mr. President, at his news conference yesterday President Nixon further refined his proposal for a prisoner-of-war exchange. The Nixon plan had already been presented by Ambassador Bruce to the Paris negotiations.

Under this proposal American and allied prisoners would be exchanged for all of the North Vietnamese prisoners now being held by allied forces in the south. This would involve some 810 American and allied prisoners and over 8,000 North Vietnamese, or an exchange ratio of approximately 10 to 1.

Even with this advantage to be gained, the North Vietnamese have refused to bend from their adamant position that prisoner exchange will be the last item considered in any peace settlement. We must recognize the North Vietnamese disregard for their own people and their willingness to use them as pawns in a much larger game, whereas we Americans have a very high regard for individual humans and are willing to make large concessions for their protection and well-being.

It is noteworthy, however, that the administration is continuing at every level its major efforts to restore American prisoners to their homes and families. We can be encouraged by this.

AGENDA FOR THE NEW MAN AT THE U.S. OFFICE OF EDUCATION

Mr. PELL. Mr. President, the soon-to-be-published January–February issue of Change magazine will contain a most interesting article entitled "Agenda for the New Man at the U.S. Office of Education," written by Samuel Halperin. Mr. Halperin is the director of the educational staff seminar, an inservice staff development program of the George Washington University, and was until 1969, Deputy Assistant Secretary of HEW for Legislation. Prior to that, he was Assistant U.S. Commissioner of Education for Legislation and Director of the Office of Legislation and Congressional Relations.

This article, while ostensibly advice to the new Commissioner of Education, actually is a general statement of the critical problems facing the Office of Education, with respect to its internal operation and the educational problems it will have to face next year. Mr. Halperin's "agenda" is especially noteworthy as an excellent summation of some of the issues which the Subcommittee on Education and the Senate will be grappling with next year.

I ask unanimous consent that Mr. Halperin's article be printed in the RECORD.

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

AGENDA FOR THE NEW MAN AT THE U.S. OFFICE OF EDUCATION

(By Samuel Halperin)

The Nixon Administration hopes the new Commissioner of Education, Sidney Marland, will be a "creative manager"—a man who can mesh the Office of Education's abundant legislative authorities and its $4 billion-plus budget into "an effective strategy for reforming American education." What is wanted, say HEW insiders, is a plan whereby OE, with funds at about the current level for the next several years, will spark the discovery of what is best in the nation's schools. Then, through a vigorous campaign of research, development, demonstration, incentives, and dissemination, OE would seek to "leverage" those practices into schools and colleges. Thereby, OE would become much more than a money-dispensing machine and, instead, lead with the ideas that can make a difference in the education of America's young people.

All of this flows from the theme of Mr. Nixon's recent message on education: "American education is in urgent need of reform." Reform, in turn, requires a federal stress on experimentation, evaluation, research and demonstration, aiding state and local governments in exercising decentralized decision making by the elimination or redirection of narrow categorical grants and outmoded programs, less erratic funding, the lessening of much present federal discretion, and special aid for urgent rational needs, for example, school desegregation.

As in the Johnson Administration, improved education for the disadvantaged remains a top priority of the Nixon education policy team. While the improvement of elementary and secondary education holds highest concern in the thinking of HEW policy makers, there is no discernible intention to ignore problems of higher education. Here, clearest priority is accorded to expanding educational opportunity for lower-income youths to enter college through expanded and reconstructed student financial aid programs. At the same time, one hears less about expanding federal support programs-fellowships, library improvement, and construction—and more about "improving the delivery of federal assistance" through "creative new financing mechanisms," still very much unspecified. (In the elementary-secondary field, Mr. Nixon has appointed a President's Commission on School Finance to examine long-range funding fiscal needs and possible funding solutions.)

Against this background, the choice of Dr. Marland as Commissioner of Education seems particularly appropriate, because he is known to believe that basic reform of the educational systems must go hand-in-hand with any large new influx of federal funds. An experienced public school administrator, Dr. Marland has the reputation of being able to weld disparate social forces into new educational combinations. A pioneer in such innovations as team teaching, early childhood education, compensatory education, magnet high schools, community colleges, and modern technical education, Dr. Marland, former Superintendent of Schools in Pittsburgh, is also a vigorous champion of the special needs of the great cities.

As the new Commissioner takes up the reins of office, it may be useful to survey some of the agenda items and problem areas he will confront. Only by successful attention to all or most of these problem areas can the new Commissioner develop and implement the "strategy for educational reform" desired by the Administration.

RELATIONSHIPS

The most successful commissioners of recent times, Francis Keppel and Harold Howe, sensed the importance of building strong alliances within the Office of the Secretary of HEW and at other critical power points in the Administration: the Office of Management and Budget, the White House staff, and other education-related federal agencies. In recent times, however, communications and relations of mutual confidence between OE and HEW have grown perilously threadbare. While the Washington cocktail circuit buzzed with gossip of discord, educational decision making passed unceremoniously from the Office of Education to other decision makers, most notably in the Secretary's office of program planning and evaluation and to task groups convened by the White House.

The new Commissioner and his top staff will have to work around the clock building relationships of mutual confidence with the new Secretary of HEW, Elliot Richardson, and with various assistant secretaries of HEW who can decisively affect the outcomes of OE's budget, legislation, and program evaluation. The Commissioner will also have to use the momentum of his "honeymoon" period to convince his colleagues in the Office of Management and Budget and on the Domestic Council that the new leadership at OE possesses the intellectual and administrative vigor to effectively advance the goals of the Administration. Without such high-level confidence in him, little that Dr. Marland desires can come to pass.

Specifically, the Commissioner must come to terms with two potentially far-reaching proposals sent to Capitol Hill by his predecessors, Secretary Robert Finch and Commissioner Allen. If enacted, these proposals would establish (1) within HEW, but reporting to the Secretary and, therefore, organizationally independent of the Office of Education, a National Institute of Education; and (2) outside of HEW, a new National Foundation for Higher Education.

The National Institute of Education, spawned by widespread Executive Branch disillusionment with the record of OE in research, development and demonstration—as well as by a genuine desire to upgrade the federal investment in such key areas—is intended as a kind of educational National Institute of Health. Under the plan, NIE would harbor some of the nation's leading educational researchers who would perform high-priority R&D in-house and who would also direct and fund most of the activities now centered in OE's badly decimated National Center for Educational Research and Development. Paid at higher salary levels

than now possible under the Civil Service structure, and freed of much "bureaucratic red tape," NIE officialdom would, its advocates assert, have an esprit de corps capable of attracting a quality of educational talent which could make significant reforms in the American educational system.

Similarly, the National Foundation for Higher Education would fund "excellence, innovation, and reform" in higher education; "strengthen post-secondary educational institutions or courses of instruction that play a uniquely valuable role in American higher education or that are faced with special difficulties"; and house "an organization concerned with the development of national policy in higher education." As an independent agency within the federal government the NFHE would operate some of the programs now administered by OE's Bureau of Higher Education and would develop new ones in a manner analogous to those of the National Science Foundation and the National Foundation on the Arts and Humanities.

Regardless of the merits of the NIE and NFHE proposals (in this observer's opinion they are substantial), there is little doubt that in their present form they could relegate OE to even more profound organizational insignificance than it presently enjoys. With most "innovative programs" mounted by either the NIE or NFHE, OE officials fear that the agency's main function would be that of routine check writing to the states and institutions of higher learning. "Real leadership," in the sense that most management analysts talk of it, would reside elsewhere and the "run-of-the-mill" support programs administered by OE could scarcely expect much support from the Office of Management and Budget or the White House.

To be sure, there are some who see "the new OE" as giving vigorous leadership in identifying educational gaps, developing model solutions, providing technical assistance, and conducting pilot demonstrations. But, as of now, the ambiguity of OE's functions in the context of the NIE and NHFE proposals demands attention. Thus, the new Commissioner must almost immediately clarify with Secretary Richardson—who is also not entirely bound by the proposals of his predecessor—and with the White House the degree of flexibility which will be accorded to him in speaking about and modifying the proposals on Capitol Hill.

One thing seems clear: the educational community expects Dr. Marland to act forcefully for the unity of education and its elevation (through greater status and greater budgets) within the Administration. To the extent that NIE and NFHE are perceived as fragmenting education through the separation of elementary-secondary education from higher learning and through the separation of innovative programs from the support programs of OE—to that extent the proposed new agencies will be widely resisted.

In short, the new Commissioner will have to decide what he wants to be Commissioner over and how he can promote the innovative goals of the Administration without further weakening both the organizational base and the already battered morale of OE.

TOP LEADERSHIP

The tenure of OE commissioners has been notoriously short—less than two years each in the last decade. With every change of the man at the top, of course, ripples of uncertainty run through the agency and morale plummets.

The current personnel-morale equation at OE, however, goes much beyond this "normal" dislocation attending the change of commissionerships. For probably never in its history has OE been so bereft of policy and administrative leadership throughout the various layers of the agency. The Deputy Commissionership, traditionally regarded as the "inside man" who attends to essential administrative functions, has not had a permanent appointee for fully twenty-four months.

The magnitude of the Commissioner's top leadership problem can be gauged by noting that, in addition to the Deputy Commissioner, his personal Executive Assistant, and several special assistants, he will be able to make appointments (subject to political clearance and the assignment of a higher personnel ceiling to OE) to the following major posts (assuming full staffing of the present organizational structure): Deputy Commissioner for Planning, Research and Evaluation; Director, National Center for Educational Research and Development; three Deputy Commissioners (for Higher and International Education, School Systems, and Instructional Resources); Associate Commissioner for Elementary and Secondary Education; and at least forty-two significant posts at the division, branch or comparable levels.

Some observers believe that Dr. Marland will have great difficulty in attracting able educators and other talented professionals to serve in an Administration whose credibility as a constructive friend of education is, to say the least, severely strained. Undoubtedly, the inability to promise potential appointees discretion over large new fiscal outlays will deter many otherwise eligible persons. Likewise, complaints circulating in the field about particularly heavy-handed political interference in the hiring of even junior and middle management personnel will not ease the recruitment problem.

Yet, it is hard to believe that Dr. Marland's persuasive powers—coupled with fairly attractive salaries ($22,800 to $35,000) and a tight job market—cannot fill these vacancies.

Thus, the immediate personnel task of the new Commissioner is inescapable. For, while visions of "creative management" at OE may dance in the heads of White House aides, it is difficult to anticipate much forward movement until the OE shop has first been staffed to meet the challenge.

R. & D. STRATEGY

"Prestige," says Dean Acheson, "is the shadow of power." With a current budget of $4.43 billion, nine times that of a decade ago, an observer might easily conclude that OE possesses substantial power and attendant prestige.

In fact, the nature of most of the laws administered by OE—and, more important, the way OE has chosen to administer them—leaves the agency with real discretionary spending authority over less than 10 percent of its total budget. Most OE programs involve formula grants to the states and relatively routine payments to colleges and universities. As management review teams appointed in the Nixon Administration discovered, OE program specialists rarely challenge the state plans and higher education proposals which come before them for "review." Lower OE echelons generally apply their efforts to ensuring that federal forms have been duly completed. Moreover, higher echelons at OE seldom find cause to reverse their subordinates' preliminary approvals of state plans and other spending proposals. As in most established bureaucracies, such accommodating practices lead to the development of close agency-clientele relationships in which the approval of clientele spending requests in a swift and smooth manner is the administrator's best guarantee that "the field" will solidly support his requests for larger spending.

Thus, the bulk of OE's funds flow to the field year after year with little in the way of substantive program review or what are sometimes termed "new program thrusts of the Commissioner." To be sure, efforts of a new man to "set priorities" within existing programs or to insist upon "effective results" in the spending of federal money, have frequently been resisted by potent portions of the educational community and by much of the Congress—which reacts swiftly and unmercifully to constituents' complaints of "heavy-handed federal control of education."

Over the years, then, the bulk of OE's personnel have been devoted to "getting the money out" with as little controversy as possible. When Presidents, HEW Secretaries, or Commissioners desire "new thrusts" and "new leadership," the tendency, rather than to "turn existing programs around," has been to seek new legislation mandating the desired innovation. "It is far easier to pass a new law," says the conventional wisdom on Capitol Hill and at the White House, "than it is to change a bureaucrat's method of operations."

The other major option open to policy makers has been to return again and again to the few genuinely discretionary authorities possessed by the Office, particularly the Cooperative Research Act and other research, development, demonstration, teacher training, and evaluation programs. Spread throughout the Office, these approximately dozen discretionary programs have no critical mass. The largest discretionary budget area—$90 million under the Cooperative Research Act—must be allocated among eleven policy and research centers, fifteen regional educational laboratories, a new program of experimental schools, major support for the National Assessment Program of the Education Commission of the States, and at least nine other major program areas. Yet, such "free" authorities are the basic ones available to any Administration for its new initiatives, such as "the right to read;" the District of Columbia Anacostia model school system; the President's Commission on School Finance; White House Conferences on education, children, or what-have-you; children's TV workshop-Sesame Street; the Commission on Instructional Technology; and on and on.

New leaders are unlikely to hold ardently to the discretionary priorities of their predecessors while, at the same time, they require funds to do their "own thing" in education. In the insightful words of former OE research chief James Gallagher, old commitments, "their political glamor worn off," have their places taken "by new, bright, and shiny programs that are polished by hope and unsullied by experience. . . . The plans designed in past years become the victims of persons who have no sense of history or respect for programs begun before their entrance upon the scene, but who are eager to pursue their own pet projects 'to make their own mark' in Washington."

The antidote for such research anemia can only be found in vigorous new leadership, specifically through the development of a convincing research strategy and the recruitment of skilled researchers and administrators.

Personnel—Closely related to OE's relative lack of discretionary funds, and the continuity and blueprints to apply them with vigor and wisdom, is a serious lack of personnel to ensure program effectiveness. While not entirely comparable, it is interesting to note that OE program funds expanded about ninefold in the past decade while the number of full-time OE personnel increased only from 1,061 in 1960 to 3,036 in 1968 and has since fallen to 2,669.

Some indication of the severity of the problem can be glimpsed from the fact that President Nixon's current budget for OE requested no funds or reduced funds for twenty-four existing programs. Plans were made for many present personnel, plus a requested eighty-eight new employees, to be allocated to high-priority Nixon programs. But the Congress, while authorizing several new programs requested by the President, refused to cut funds for *any* of the twenty-four "lower priority" programs, nor did it grant even one of the requested eighty-eight

new employees! Indeed, despite the numerous "vacancy" positions which checker its organization chart, OE's authorized personnel ceiling on July 1 permitted the hiring of only seventeen additional persons.

Thus, Dr. Marland must secure the middle management personnel to assure the Administration that OE can function at a level of quality worthy of increased confidence and, hence, increased funds and responsibility. While his own forceful personality and the leadership of associates he will recruit to other key positions may succeed in getting more work from OE's 2,700 employees, it is doubtful whether the present number of personnel, performing their tasks as *presently* constituted, can ever raise OE's performance to such a level of confidence.

REORGANIZATION

OE's personnel plight leads some HEW management analysts to "think the unthinkable"—a massive reorganization of OE. After at least four major revampings in the past seven years, and the creation and abolition of literally scores of bureaus and lesser units, most OE veterans are horror-stricken by the thought. Contemplating the dislocation of offices, telephones and established relationships, few employees would welcome such a move—and many would counsel against it.

Yet, the case for reorganization may be compelling to the new Commissioner. Briefly stated it is that: (1) A concerted attack upon a complicated educational problem cannot be mounted under the present structure of semi-feudal fiefdoms. Discretionary programs now spread around OE must be centralized so that a coordinated battle plan can be mapped.

(2) There is no reasonable prospect of OE's obtaining the needed personnel to give leadership to American education. Most of the educational community, it is held, opposes an active stance by OE in establishing national priorities, or in giving technical assistance to local educational units, or in closer monitoring of educational results in the field, or in whatever manner one defines "educational leadership."

(3) Under the circumstances, argue the advocates of reorganization, the only way OE can lead is by a massive redeployment of the present staff. "Reorganization," in this context, means not so much a juggling of organizational units as a major streamlining of staff functions. Rather than spending so much time perfunctorily reviewing state plans and college grant requests, staff paper work would be shorn to a minimum.

OE staff resources would then be freed for "change-inducing" or "exemplary" activities—discovering through extensive field operations what seems to be "working" in American education; setting up more effective dissemination mechanisms to show the highly decentralized system how other educators have solved similar problems; using discretionary funds to "leverage" change; providing technical assistance to help schoolmen get better results with their nonfederal, as well as federal, funds; and generally acting as gadfly and promoter of promising educational practices. Convincing the Congress and the educators that this is the proper role for OE will require herculean political efforts. Attracting the kind of personnel to OE, or retraining existing personnel, who could carry out such difficult roles in a sensitive and effective manner is also no small task for Dr. Marland's leadership.

LEGISLATION

With almost a hundred education laws enacted in the last five years and authorizations to appropriate $13 billion—three times as much money as OE is now spending—it is no wonder that almost everyone in Washington downgrades the importance of additional education legislation. Nevertheless, political imperatives make it certain that Dr. Marland will spend much of his time in legislative development and in presentations on Capitol Hill.

First, President Nixon has proposed a $1.5-billion "Emergency School Aid Act" to assist public school districts with the extra expense of desegregation. Although the Congress appropriated an initial $75 million for this purpose, congressmen of every political persuasion have numerous questions which must be answered before they vote larger expenditures. OE playea a small role in the development of the Nixon proposal, but it is clear that the Congress will want to have the educational judgments of the new commissioner before very long. Moreover, any successful effort to enact the legislation will almost inevitably involve the new leader in that delicate (and time-consuming) balance of educational wisdom and political sensitivity which is the hallmark of every successful commissioner.

Other legislation also demands attention: the Higher Education and Education Professions Development Acts technically expire next June 30. The Nixon proposals for a National Institute of Education and a National Foundation for Higher Education may get a new lease on life now that there is a new Secretary of HEW and a new Commissioner of Education. Certainly, it is not likely that the Congress would seriously consider these far-reaching proposals, drafted by their predecessors, without considerable exposure to the views of the new men in town.

POLITICS

Some who pride themselves on political realism assert that no Commissioner can succeed in the highly charged political atmosphere of Washington. For, while "internal success" within the Administration—measured by the size and composition of budgets, program directions, legislative content, and quality of management—depends upon the ties of trust and confidence sketched above "external success" depends upon getting along with a host of educational constituencies, each demanding more for its own cause, and a Congress controlled by the other political party. To be sure, the new Commissioner must be a "team player" within the Administration if he is to make any gains for education within HEW and the White House. Yet, the quantity of his relations with the education lobbies and the Democratic-controlled Congress will largely determine what he can do with the initiatives and programs which the Administration permits him to champion.

In the soon-upon-us reelection climate of 1972, does the new man at OE have a chance? While the going will inevitably be rough, difficulties may be eased by according Dr. Marland greater flexibility to bargain than was granted to his predecessor. The key to defusing the political tinderbox may well be to allow the Commissioner and his top associates to work more closely with the Congress than has recently been the case. Recognizing that much of the Congress is wedded to the preservation of existing educational programs and, at the same time, views itself as genuinely committed to strengthening the educational system, the Commissioner (and the Secretary) must be permitted to seek the best accommodation possible with the Congress in furtherance of certain basic principles and objectives of the White House. Instead of a ban on "traffic with the enemy," administrators like Commissioner Marland badly need the opportunity to negotiate for as much of the Administration's program as possible. Without such freedom, we shall see more of the recent situation when two House education subcommittees went to work on key legislation—Emergency School Aid and Higher Education Acts—after first setting aside (not necessarily on the merits) the draft bills submitted by the Administration. In other words, if the White House desires to achieve its principal objectives it will have to permit its appointees to face the lion in its den.

All in all, the weight of problems facing the new Commissioner of Education is such as to discourage all but fools and courageous men. Yet, the challenge is great, for OE's potential to be a creative force in the improvement of American education is undeniable. Fortunately, there are still courageous men around who do not flinch from such challenges.

FAITH IN THE ECONOMY AND AMERICA

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), who is necessarily absent, I ask unanimous consent that a statement by him entitled "Faith in the Economy and America" be printed in the RECORD.

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

FAITH IN THE ECONOMY AND AMERICA

STATEMENT OF SENATOR TOWER

Mr. President, we here often become so embroiled in the vast overview of important national issues of the day that we sometimes forget that our generalizations—while necessary and useful in defining problem areas and forming judgments—are never a complete statement of all aspects of the issue at hand.

For example, the economy has been one of the great issues and, today, in the face of production cut-backs and labor problems and strikes in many important industries, we are even more hard-pressed to define priorities, formulate policies and implement programs to rectify these problems while maintaining the lid on inflation.

However, it is indeed heartening to see that those great individual American qualities of character—imagination, initiative and hard work—can still achieve their mark of success.

I am proud to call to your attention the accomplishments of my fellow Texan, Mr. Cecil Ussery, who, in February of this year, formed a new company, imbued it with imagination, staffed it with business professionals and has seen it grow in this short period of time into a national operation requiring an increase of staff five times over.

Mr. Ussery, chairman of Ussery Industries Inc., has expressed his confidence in the American economy repeatedly and publicly. Only recently the first of a series of billboard advertisements was erected on Dallas' busy Stemmons Expressway by Ussery Industries, Inc., claiming "We believe in our economy: We're hiring not firing." He has also acted on this confidence and been rewarded.

At this time, I would like to express my own confidence, now bolstered by Mr. Ussery and his company, in our economy.

Moreover, I would like to express my confidence in our fellow Americans who daily meet head-on the problems of our current economy, but who have refused to become harbingers of doom.

No, instead, they have—by returning to the basic fundamentals of American greatness—demonstrated once again that the individual, through his own initiative and efforts, can still achieve success for himself and others associated with him.

The *Fort Worth Star-Telegram* recently highlighted Ussery Industries, Inc., in an article reflecting this encouraging optimism of the company and its employees.

Mr. President, I would like to share this article with my distinguished colleagues so that we may all remember that there are hundreds of other stories like this one now

developing every day in this great Nation of ours.

FAITH IN ECONOMY PROFESSED

DALLAS.—Undaunted by layoffs and work stoppages, a Dallas industrialist today attested to the world his faith in the American economy.

The first of a series of billboard advertisements was erected on Dallas' busy Stemmons Expressway by Ussery Industries, Inc., claiming "We believe in our economy: We're hiring, not firing."

Cecil Ussery, chairman of the vending machine manufacturer, said his business has never been better.

"We're in the midst of a nationwide expansion program in major market areas from coast to coast," he said. "We foresee a continuous upturn and we want people to share our optimism."

Since its inception last February the company has multiplied its internal staff by five times and has selected some 3,500 distributors."

SOVIET UNION ACCUSES UNITED STATES OF BEING GENOCIDAL AT THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, yesterday at the United Nations the Soviet Union accused the United States of believing in genocide. In the speech given by the Soviet delegate to the United Nations, Yury M. Rybakov, one of the main supporting arguments used for this accusation was our failure to ratify the United Nations Genocide Convention. According to today's Washington Post, Mr. Rybakov said:

> In the eyes of the United States, genocide reflects the spirit of the 70's—that is why the U.S. refused to sign the Genocide Convention.

Obviously, all of us recognize this statement as a complete misrepresentation of the facts, including our proud heritage in regards to basic human rights of all men. However, I hasten to point out that this is not necessarily the case with the other peoples of the world, who could be misled by our lack of action on this human rights convention.

I have been speaking in this body for almost 4 years on this subject. During that time, one of the main arguments that I have used in urging our ratification of this convention was that our enemies could and did use our inaction on this convention as propaganda against us.

It has happened again. We have given the Soviets an unnecessary weapon to use against us.

All is not lost, as we in the Senate now have the golden opportunity to rectify this sad situation. We have been given this chance by the Committee on Foreign Relations which reported the Genocide Convention to the floor of the Senate by an overwhelming margin. We should now follow their action and remove one weapon from the Soviet's propaganda machine.

"THE CITY MUST BE THE TEACHER OF MAN"—ADDRESS BY WILLIAM D. RUCKELSHAUS

Mr. BAKER. Mr. President, yesterday in Atlanta, William D. Ruckelshaus, Administrator of the new Environmental Protection Agency, made his first major public statement in his new capacity. It is a very important statement, not only for its specific contents but also for the insight that it affords into the approach that Mr. Ruckelshaus will take in the execution of his new responsibilities.

Those who, for whatever reason, have had their doubts about the commitment of this Government to cleaning up the environment will find little in this speech to support that view. Those who, for whatever reason, have hoped that effective action could somehow be forestalled or delayed will find little comfort in Mr. Ruckelshaus's statement of December 10.

During his recent confirmation hearings before the Committee on Public Works, Mr. Ruckelshaus assured the committee that he would seek to be fair but that he would not hesitate to take firm action where necessary, even if he were certain to meet with stiff opposition.

His announcement yesterday of tough new water pollution enforcement actions in three major American cities has brought that kind of tough opposition. The mayor of one city, which has been dumping unconscionable amounts of municipal wastes into Lake Erie, promptly denounced the action as a "cheap political shot." Mr. Ruckelshaus responded to this irrational criticism by calmly noting that he had not expected the mayor to "be elated" at the announcement. The new Administrator is not a man to be easily ruffled, an essential characteristic for such a job.

Mr. President, I commend this speech to the Senate and ask unanimous consent that it be printed in the RECORD.

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

THE CITY MUST BE THE TEACHER OF MAN

It is both fitting and fortunate that in my first week as Administrator of the Environmental Protection Agency I have this opportunity to meet with the annual Congress of Cities. The mayors, city managers, and municipal administrators of this country are in the frontline of the effort to reclaim the environment. For it is the city dweller who bears the heaviest burden of the damage that centuries of neglect have done to the environment.

It is the city dweller who suffers most from the sickening yellow smog that too often irritates our eyes and lungs and blots out the breathtaking skylines we used to see.

It is the city dweller in the last decade who has consistently experienced summertime water shortages; who has witnessed beach after beach declared unsafe for recreational purposes; who has detected a strange new taste in his drinking water as we struggle harder and harder to maintain water quality in the light of diminishing clean water resources.

It is the city dweller who gazes most often on the ugly waste we don't yet know how to dispose of efficiently; and who sees and smells in the rivers that flow through his town the failure to develop ways we can dispose of solid effluents cleanly.

You are in the frontlines, too, because the services you provide your citizens are so closely related to environmental problems. For example, how you dispose of the trash you collect, or the traffic congestion regulations you enforce, can vitally affect the quality of air your citizens breathe. Like all of the aspects of the environmental problem, the issues you face as city administrators everyday are all interrelated. You cannot deal with one problem without considering the effect on another.

The Environmental Protection Agency shares with you an appreciation for the interrelated nature of the problems we must face together. EPA is only a week old. But already it is clear that it is a new departure, a fresh start in meeting the challenge to reclaim the environment—to restore the delicate balance which supports life on this planet. In fact, it is a new, integrated approach to the environmental crisis.

EPA will not deal narrowly with one segment of the problem, ignoring others. It will be a coordinated attack on some of the most persistent manifestations of a deteriorating environment. We know that there is little sense in removing impurities from the air only to pour them back into our rivers and streams. Our charter will be to look broadly at environmental conditions, to keep in mind the whole problem as we deal with each of its parts.

Beyond restoring the quality of the air and water of this nation, we shall be concerned as well with the use of pesticides which threaten both man and animal. We shall be concerned with the disposal of solid wastes which blight our countryside, contaminate both air and water, and befoul our oceans. We shall be concerned, too, with the hazard to human health and water ecology which the increased production of radiation from man-made sources represents.

In the creation of the Environmental Protection Agency the United States has gathered together in a single agency the responsibility for research, standard-setting, monitoring, and enforcement with regard to all of these threats to man and nature. We shall exercise those responsibilities as an independent agency, an agency that has no obligation to promote commerce or agriculture, but rather the awesome obligation to protect and improve our environment.

Besides what we may do technically, our larger mandate is to exercise leadership. To inform and guide as well as serve the people of this nation. None of the issues with which we must deal are so simple as to be reduced to the "pollute or not to pollute" question. There is no one source which we can control that will undo the damage that all of us—individuals, industry, and government at all levels—have done to the environment. Our country is awakened. We must channel this new found awareness to constructive action for a better and cleaner America.

It will be our job in the Environmental Protection Agency to be an advocate for the environment wherever decisions about our common future are made—whether it be in the councils of government, in the boardrooms of industry, or the living rooms of our citizens. That must also become the job of us all. Only the effort of everyone of us will insure that the world our children inherit will be cleaner and healthier than the one we know now.

The responsibilities which are entrusted to this new agency I must meet head-on today. A gross pollution problem exists in Atlanta, Georgia and clearly something must be done about it—and done about it now.

The Chattahoochee River flows clean and clear above Atlanta. But when it reaches this great city 32 million gallons of untreated effluents are dumped into it daily, along with another 40 million gallons with only primary treatment. Beneath the city of Atlanta the Chattahoochee River, an interstate stream, flows into Alabama. It is virtually an open sewer.

This is not alone a judgment of the Federal government. The citizens of this city know it is true, and the State of Georgia itself has reported that the extensive pollution of the river from the Atlanta metropolitan area renders the river unsatisfactory for most

water uses for at least 40 miles below the city.

This massive discharge of pollutants by the city of Atlanta is in violation of State water standards. Both the State and Federal governments have made it clear to Atlanta that more sewage treatment facilities must be added. Initially a deadline of July 1971 was established to correct the problem. Since then an 18 month extension was granted until December 1972.

It is evident now—after the second stage of the Federal, State, local enforcement conference—that Atlanta is falling behind schedule again. Under present regulations we have made maximum federal financial assistance available to the city. A recent proposal, however, to increase the sewer rate to complete the funding of the project has been defeated—raising the specter of even further delays.

Such a condition demands action by all of us at all levels of government. At the Federal level we will adopt the only course presently available to us under Federal law. Today the Environmental Protection Agency is servicing a 180-day notice on the city of Atlanta to halt violation of the federally approved water quality standards of the State of Georgia. City officials have already been so notified. By this process corrective steps must be taken within 180 days from the date of the served notice or the EPA Administrator can ask the Justice Department to file court action against the city.

We do not take this action lightly or vindictively. Every effort has been made to resolve this problem more amicably. But the situation that exists now demands action, and we shall act with the only tool available to us. Sometime it is only by pressure from without that needed but painful actions can be taken within.

Neither do we take this action to single out this great Southern city. I am as well announcing today that 180 day notices are also being served on the cities of Detroit and Cleveland to halt violation of water quality standards in the Lake Erie Basin.

No one disputes the damage that has been done to Lake Erie. Some contend that the lake is dead. But massive corrective action and hard, prompt enforcement proceedings can save the lake. This is just what we intend to do.

Last summer six Lake Erie Federal-State enforcement conference workshops were held to determine which municipalities and industries around the lake were in compliance with pollution abatement schedules. From those workshops emerged some distressing information.

Detroit is the largest of the sources of municipal waste effluent flowing into Lake Erie. She is also behind schedule in the implementation of primary and secondary treatment facilities for sewage.

Cleveland as well is behind the implementation schedule with regard to primary and secondary treatment facilities. The combined sewer system of the City of Cleveland is a major contributor of pollutants into Lake Erie, pouring raw and partially treated sewage from 700 points of overflow into the lake and area streams.

By serving these 180 days notices we are not saying that the Chattahoochee River or Lake Erie can be restored tomorrow. What we are saying is that we have not done enough, fast enough—at any level of government—to meet the needs that exist and to implement the corrective action necessary. It is not our intent to vindicate our policies in the courtroom. It is our hope, rather, to act as a catalyst—to encourage all of us in Washington, in the State Houses, and in the City Halls of this country to address ourselves to the hard decisions which must be made if the environment is to be protected. Our goal is to cooperate with you—to develop a mutual trust, a mutual point of view, and mutual plans of action. The logjam of inertia must be broken somewhere, and we propose to do it at the Federal level.

We do not aspire to usurp your functions or responsibilities, but we do aspire to help you better provide essential services to your citizens while still protecting their right to a clean and healthy environment. A good example of this approach already exists.

EPA is now involved in a special project to improve environmental quality by closing open dumps and upgrading solid waste disposal practices across the country. The National League of Cities is one of 23 organizations supporting this project called "Mission 5000." The goal is to eliminate 5,000 open dumps by June 1972.

The role of the Federal Government in Project 5000, though important, is limited. EPA will render technical assistance, including provision of recommended standards and model legislation. Special training courses in solid waste management will be offered for operators, supervisors, and public officials.

Actual implementation of Mission 5000—the closing of dumps, however—must be accomplished at the local level. And, therefore, your role as city officials is a critical one. Nor do I shrink from recognition of the near penniless state of many of our great metropolitan centers. Environmental protection is not free. The citizens of our country must understand this and all of us must be honest about the cost. This Administration has recommended a system of revenue sharing with the Federal, State and local governments which would more equitably distribute the tax dollar. This plan should be adopted. But whatever the means, the cost of environmental preservation must be borne.

A thousand years ago Plutarch asserted that "the city is the teacher of man." We know now that the city *must* be the teacher of man. Nearly 80% of our people live in and around our cities. It is in our cities also that environmental problems are most aggravated. And it is in the cities where we must pioneer the way to a future in which man lives in harmony with nature.

All of us have a responsibility to face that challenge. To devise strategies to control environmental hazards now, and more importantly, to develop long-term plans to eliminate them in the course of a healthy and balanced growth in the future. Without your inspired leadership no meaningful plan can be developed, no successful strategy devised.

The Environmental Protection Agency was established to coordinate a broad Federal attack on the pollution of our air, water, and land. But we shall not live up to our own expectations if we do not work closely with you who administer the cities where foul air and water are not abstract scientific problems, but the ugly facts of daily life.

The actions I have taken today and similar actions I will take in the future may shock some. They may anger others. In my opinion it is far better that we shock and anger today than that our children inherit an unlivable world tomorrow.

AMERICAN ASSOCIATION OF MUSEUMS

Mr. PELL. Mr. President, recently the Washington Evening Star published an article about the American Association of Museums. The piece succinctly points out the changing attitude and role of the American Association of Museums, a change which has occurred over the past 2 years. Besides an increased awareness by museum officials of the need for greater Federal involvement, this change also must be attributed to the dynamic leadership of Kyran McGrath, who is the executive director of the association.

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:

NEW SITE FOR THE AAM: HOW TO KILL A CULTURE "PAIN"

(By Gus Constantine)

When the American Association of Museums vacated its somber, arcane-looking headquarters on Massachusetts Avenue this year for a "home" in one of upper Georgetown's new, ultramodern office buildings, the move signaled far more than a change of address.

In fact, it reflected a decision by America's museums, which the association speaks for, to do something about the "growing pains" they have experienced in a period of unparalleled growth.

"This rapid expansion, by any yardstick you choose to measure it, has scared the hell out of museum officials," Kyran McGrath, director of the association reports.

"It means that the leisurely pace of the past has given way to continuous demands by the public for more exhibit space, more frequent changing of exhibits, more educational programs.

"And all those things cost money—more money than the traditional private sources can provide," he emphasizes.

So the AAM has launched a multipronged drive in the nation's capital to ensure that those in influential positions on cultural matters understand the museums' needs and their point of view.

For example, AAM representatives "audit" congressional hearings to keep its more than 5,000 museum members informed. At times it is asked to testify on behalf of the museums, opening up more channels of communication between museums and the government.

To promote the image of the nation's museums, it has put into effect an accreditation program. In imitation of similar programs for colleges and universities, museum accreditation is intended to grant a "seal of approval" to museums establishing and maintaining professional standards in their activities.

Not lost sight of in the program is the fact that accreditation can be an invaluable tool for those who must make decisions on contributions, grants or contracts.

ANOTHER PROJECT

On the research front, the association has revised its "bible," the "Museums Directory of the United States and Canada."

In doing the spadework for this reference work, the association discovered that in the five years since it last edition, the number of museums ballooned from about 5,000 to over 6,700.

Still another project which the AAM has undertaken is to keep itself and member museums posted on how the Internal Revenue Service is handling the tax reform law passed in 1969.

That law, which was designed to get at foundations being used as shelters for personal income, in effect created a new obstacle for museums. They must show that they are funded by a "broad segment of the public" before a foundation making a grant can do so and still receive a tax exemption.

"This has made a lot of foundations overly cautious with their grants," McGrath reported.

He said he thought the problem could be cleared up by IRS simply by sending a letter to museums "confirming their public support status."

Two years ago, when McGrath became director of the association, his experience in the museum field was little more than that of an ordinary visitor.

His forte was law and politics, "accredited" in the former with a law degree from Georgetown and learning the latter in stints as legal assistant to former Sen. Paul Douglas, D-Ill., and as chief Washington lobbyist for the state of Illinois.

Youthful in appearance despite a retreating hairline—he is only 35 years old—McGrath has plunged energetically into remaking the image of museums and improving liaison between government officials and the museum community. He is convinced the government must expand its support of museums if they are to keep pace with rising demands.

"Look, that's where the deep pocket is, that's where the help must come from," he says.

THE "BELMONT REPORT"

A measure of American museums' prosperity—and at the same time the source of their problems—was taken in 1968 when a report to President Johnson, the "Belmont Report," found that museum attendance skyrocketed from 50 million visits 30 years before to almost 300,000. "Now it's probably around 560 million," McGrath says.

The growth in attendance caught many museums ill-prepared for their new-found popularity. Antiquated buildings, inadequate lighting fixtures, sub-par humidity control were common characteristics of a "plant" inherited from the days when a museum was thought of as simply a place to hang things and keep track of them.

Nor was the problem simply a case of more people. Schools, colleges and individuals began to press the museums for expanded educational services. This meant more guided tours for classes, more educational materials to be prepared for the schools and more courses offered in cooperation with the schools on museum premises.

Tersely, the Belmont Report summed up the problem as follows:

"The basic reason why museums cannot meet today's demands is that they cannot afford it."

The report called for sharply increased federal aid and also urged that the government recognize museums as educational institutions. The latter would open up additional sources of funding, with the money presumably coming from the Office of Education.

This month, museums won a legislative victory on this point when the Environmental Education Act went into effect. The act, which authorizes federal help to educational institutions offering programs on the environment, specifically lists museums and libraries as such educational institutions.

"That's a precedent," McGrath said.

The act also signaled in clearest terms that the AAM "message" emanating from its new quarters at 2233 Wisconsin Ave. is beginning to get through where it counts.

RELOCATION PAYMENTS TO VICTIMS OF MAJOR DISASTERS

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him relating to relocation payments to be made to owners and tenants who are forced by a major disaster to vacate homes or businesses which are subsequently included in urban renewal

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

RELOCATION PAYMENTS TO VICTIMS OF MAJOR DISASTERS

I am particularly pleased that S. 3619, the Disaster Assistance Act of 1970, now in conference, contains a provision, based on an amendment which I proposed, that will permit needed relocation payments to be made to owners and tenants who are forced by a major disaster to vacate homes or businesses which are subsequently included in an urban renewal project. At present, these people may be denied the payments simply because they are unable to return to their homes or places of business before they are condemned or acquired. Section 254 of the Senate version of the bill is designed to preserve their entitlement to the various kinds of relocation payments that can be made under section 114 of the Housing Act of 1949 notwithstanding this temporary situation resulting from the disaster. Identical language is carried in section 4 of the House version. I believe the proposal legislation will not only provide some much needed assistance but also contribute to the more equitable treatment of many people affected by renewal projects.

A MESSAGE FOR APOCALYPTISTS—ADDRESS BY HARLAN CLEVELAND

Mr. PELL. Mr. President, Harlan Cleveland served our Nation as both an educator and as a diplomat for many years in posts of great responsibility. His record was one of distinction. Many people after retiring from a brilliant career would use the time to read, write their memoirs, or, in Harlan Cleveland's case, do a lot of sailing. However, Mr. Cleveland is an activist and upon retirement from the Foreign Service returned to his first career—that of an educator—and today he is president of the University of Hawaii.

It is interesting to note that as president of the university, he is more than the chief administrative officer of that school, for a unique and farsighted structure also makes him chief officer of all public higher education in his State with a broad responsibility for the other facets of post secondary education.

Recently Harlan Cleveland spoke before the International City Management Association at a meeting in San Diego, Calif. His speech discussed the many problems facing our Nation. Through a wry wit and incisive insight, he, in a very few words, capsulized the situation and touched upon what must be done to meet it. The following paragraph is particularly interesting:

Our problem, in short, is not how to ensure rapid change. It is how man can take control of the changes he himself institutes—how to avoid concentrating on change where it's easy (in science and technology) and neglecting change where it's hard—in the social institutions to control and channel and give ethical content to the new technologies. It is shocking to remember that the Manhattan Project, which produced the atom bomb during World War II, did not employ on its staff a single person responsible for thinking hard about the policy implications of the Project's success; yet we are still neglecting the social fallout of science, in most of the fields where change is most rapid and most predictable.

Does that not sum up our problems in a nutshell? Many of our legislative battles here on the Senate floor are drawn on the same lines. If I may paraphrase Mr. Cleveland, it is easy to fund science and technology, while neglecting funding where it is needed in the social institutions to control, channel and give ethical content to the new technologies.

Mr. Cleveland draws from his insights the lesson that what is needed today are true public executives who will coalesce all the existing factions, but do it with an insight covering all disciplines. Indeed, he discusses in his statement the need for mid-career education for executive leadership. We seek to educate our Nation up to the age of 21, but from that point on experience is the accepted teacher. Why should we not offer to our leaders the opportunity to return to college with Federal support, for a broadening educational experience?

I heartily concur in Harlan Cleveland's call for true public administrators—thinkers, innovators, problem solvers—but also human beings who will understand and take note of the personal drives involved.

I commend this speech to the Senate and ask unanimous consent that it be printed in the RECORD.

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

A MESSAGE FOR APOCALYPTISTS

(By Harlan Cleveland)

Potential saviours of the modern city, good afternoon.

Off and on during the day, I have been debating with some of you whether city managers or university presidents have selected the world's most precarious form of employment. I don't know which it is, but maybe that is why I, who have never managed a city, feel so much at home, and so warmly welcome, in your midst.

We are first cousins anyway, since ICMA shares with the American Society for Public Administration some of the same aims and many of the same members. Two city managers sit on the current ASPA Council—Doug Stark of Petersburg, Alaska and John Matzer of Skokie, Illinois. Two of your alumni—Bob Coop and Kent Mathewson—are working with me on our ASPA Task Force on Goals, which bids fair to revolutionize our honorable but already ancient Society. And we have chosen well, we think, in appointing John Garvey, who has such close ties with state and local government, as ASPA's new Executive Director.

Since I come to you from a university, you are almost bound to inquire apprehensively, "How are things on the campus?" So, I will start by reading you a letter sent to her parents last Spring by a girl at an American college:

DEAR MOM AND DAD: I'm sorry to be so long in writing again, but all my writing paper was lost the night the dormitory was burned down by the demonstrators. I'm out of the hospital now, and the doctor says my eyesight should be back to normal sooner or later.

The wonderful boy, Bill, who rescued me from the fire kindly offered to share his little apartment with me until the dorm is rebuilt. He comes from a good family, so you won't be too surprised when I tell you we are going to get married. In fact, you have always wanted a grandchild, so you will be glad to know that you will be grandparents next month.

Please disregard the above practice in English composition. There was no fire, I haven't been in the hospital, I'm not pregnant, and I don't even have a boyfriend. But I did get a "D" in French and an "F" in Chemistry, and I wanted to be sure you received this news in proper perspective.

Love,

MARY.

How are you and I, as public executives, going to put our performance into proper perspective?

"Dear Mr. and Mrs. City-dweller [we could say]: Without our unremitting and tireless efforts you would by now be stalled in a hopeless traffic jam, up to your necks in solid waste, baffled by the complexity of it all, snarling at each other like beasts and preying on each other like vultures. As it is, you are only mired in traffic for three or four hours a day; you are only waist deep in sludge, and the way you treat each other is sometimes almost human—though not of course in election years. Be thankful for small favors."

I'm serious. The crisis is real, and the apocalypse is now a practical option for mankind. The world, the Nation, and most of its communities are dirty, dangerous and disheartened. And who is responsible for doing something about this state of affairs? We the public executives, we whose profession it is to bring people together in organizations to make things happen in the public interest, we are more responsible than anybody. There aren't nearly enough of us, and not enough of us feel personally responsible for the situation as a whole. Yet we are expected to know what to do about the crisis of our time, and to be doing it.

And as the doctors of urbanitis in a land of city folk, you especially are expected to know how to lead us out of the wilderness. Do we know what to do about the crisis of our time, and *are* we doing it?

I will not apologize for speaking of our collective condition in apocalyptic language. We can hardly prescribe for the crisis of our time until we admit to ourselves how very deep is the *malaise*, how profound the malady, which now, all of a sudden, troubles us all. The trouble is called complexity, and it was clearly formulated by a serious and perceptive humorist almost half a century ago. The memorable sentence appeared in an E. B. White story in *The New Yorker* in 1927: "I predict a bright future for complexity in the United States of America," says one character, and then he goes on to ask the question which is bugging us all in the 1970s:

". . . Have you ever considered how complicated things can get, what with one thing always leading to another?"

America's most readable philosophers have long been its humorists. In capsule words and cartoon pictures, they often capture a public mood even before it is a public mood—forecasting, the best of them accurately, what is *about* to make us all frightened or frustrated, bored or belligerent. The two best humorists of the generation past, E. B. White and James Thurber, were both obsessed with the social complexity which now obsesses us all—but no longer seems quite so laughable—today. White was little afraid of it, treated it with gingerly restraint as if it might bite if roughly handled. Thurber reveled in complexity, wading into it like a small boy into a large puddle.

Thurber, for example, narrated an appalling profusion of accidents resulting from a general impression in the family that the bed had fallen on Father, which it had not. It was more unnecessary trouble than any reader would likely experience, at least in a single evening—but not so much more that the reader missed the implied prediction: if one thing always leads to another, as philosophers say and experience confirms, there is no limit to how complicated things can get. In grotesque but almost believable detail, Thurber was answering White's apprehensive query long before Americans in general had learned to blame their individual frustrations on complexity's accelerating rate of growth.

As Americans zeroed in on complexity as the villain of their lives and labors, the practitioners of comedy helped find the words to complain about it—for what people laugh at is always a serviceable index to what troubles them most deeply. Resistance to parental rule revived that pungent line from a Damon Runyan story: "'Shut up,' my father explained." Worries about conformity gave new currency to Peter Ustinov's claim that one of his teachers wrote on his report card, "Peter shows great originality, which must be curbed at all costs." Small talk in a Great Society was never better parodied than in that Simon and Garfunkel lyric about "the dangling conversation and the superficial sighs." And the Vietnam-induced yen to withdraw from an untidy and dangerous world, enabled Bob Hope to score with that two-word Commencement speech at Georgetown University, "Don't go," was his advice.

The personal reactions to social complexity seemed to fall in two moulds—sardonic acceptance and belligerent rejection.

Belligerent rejection is obviously more fun, and increasingly in evidence in the more "developed" societies. Our reaction to complexity is to vent a generalized anger on the nearest symbol of what bugs us.

Angry students blame the draft and Vietnam war on the college of their choice. Angry parents blame the schools for not keeping their children under better control than they did at home. The sudden converts to ecology blame the public executives for pollution—while throwing beer cans away in the city park and dumping their waste in the nearest stream.

Urban congestion accounts for so much frustration that piquant examples of belligerent reactions are now daily newspaper fare. "Officer," says a woman arrested for going the other way on a one-way street, "has it occurred to you that that arrow may be pointing the wrong way?" She is speaking for all of us, and not only about traffic. The limiting case was recorded in Rome, which routinely has the world's worst traffic congestion. Two drivers almost collided, then emerged from their cars to argue in the presence of a growing audience. One with exaggerated politeness asked the other to go ahead. The other, adopting a similar stance of mock courtesy, said, "No, no, after you!" For five minutes they disputed, this Alphonse and this Gaston, which of them would persuade the other to pass. Finally one of the men went back to his car, reached into the glove compartment, extracted a revolver, and shot his adversary—for *not* going first.

It is in fact a world where belligerent rejection of complications over which nobody seems to have control shades over into direct action; the people in whose name the action is taken often get hurt, and sometimes killed. Small wonder that an applicant for Federal employment, faced with the standard question, "Do you favor the overthrow of the Government by force, subversion or violence?" thought that it was multiple-choice.

Now that the complications seem closer and more menacing they are increasingly hard to accept, even with a sardonic twist to the acceptance. Instead of Thurber we now have Norman Mailer. He too revels in complexity, and writes compellingly about it. But in Mailer's case, it is not so much the society he observes around him that produces his frustrations, but rather the other way around: his frustrations produce the observations he reports as the world around him. And with a sure sense of his market, he is not nearly as funny as Thurber. Too many people are no longer in a mood to regard complexity as comic.

In the industrialized, "modernized," "developed" nations of the Atlantic community, and notably in the United States of America, there is certainly a pervasive sense of crisis, a vague but deeply felt conviction that the real object of our frustration is not traffic jams or nuclear weapons or even worn-out wars, but something irreversible that is bigger than man and permanently beyond his control.

Each generation sees itself at a crucial moment in time, but I think it is now arguable that we are entering one of the really great transitions in mankind's history. Behind us is a spectacular success in achieving power over our environment. By seeking facts and harnessing energy and studying evolution and bending metal and organizing people, man produced consciously directed change. He now is beginning—just beginning—to face the consequences of the changes he has willed, and of which he forgot to calculate the secondary and tertiary effects.

The object of this mastery was freedom to handle physical nature, to build for himself an environment that was the product of his own will, even to change himself. And this was presumed to lead naturally to more freedom for more and more people.

It did—up to a point. In the United States of America, a higher proportion of the population makes a wider range of personal choices (where to live, what to do, what to get excited about) than at any previous time, or in any other society. It is no mean accomplishment, and we can give two cheers for it as we brush past.

But the trouble is, man's extraordinary capacity to organize has produced a new situation, in which more mastery of his environment does not necessarily produce more freedom for more people. "The very qualities that enabled [Man] to raise himself so radically above his fellow-animals carry within them the threat of a new and even more fateful bondage." So says philosopher Herbert Rosinski. "Right on," say I.

Experience is no longer a reliable guide to future actions. One of those nuggets of ancient Chinese wisdom, codified by a Peking rewrite man as the Thoughts of Mao Tse-tung, is still wise: "Experience," says Mao, "is the comb which Nature gives us after we are bald."

This moral baldness we are all beginning to feel, then, is somehow related to the gap between our control of physical "progress" and our loss of control over the disturbing human consequences of that progress.

Quite suddenly, truths about our society all come wrapped in paradoxical packages. Man was bright enough to invent the internal combustion engine, burn off garbage in the open air, and build sewers to get waste out of his own home; but one thing led to another just as E. B. White predicted, and a baffling condition of air and water pollution results. Organized medicine succeeds in lengthening life and reducing infant mortality—and manufacturing a "population problem." Agricultural Science creates the capacity to give every man, woman and child a decent diet, and generates a crisis over our evident failure to do what we now have the capacity to do. The science and mathematics of meteorology improve weather forecasting, which everybody likes. But they also will make it possible to change the world's weather at human command—and we have not even begun to think about the ethical consequences of using *that* power. Modern phychology sweeps away the myths that misled but comforted our forbears—but still gropes for something modern to put in their place. Modern public administration learns how to organize large numbers of people in loose organizations that work well in performing highly complex operations—and generates a revolt against bigness and bureaucracy.

Our problem, in short, is not how to ensure rapid change. It is how man can take control of the changes he himself institutes—how to avoid concentrating on change where it's easy (in science and technology) and neglecting change where it's hard—in the social institutions to control and channel and give ethical content to the new technologies. It is shocking to remember that

the Manhattan Project, which produced the atom bomb during World War II, did not employ on its staff a single person responsible for thinking hard about the policy implications of the Project's success; yet we are still neglecting the social fallout of science, in most of the fields where change is most rapid and most predictable.

Predictable disaster requires a Messiah—to build an ark, to lead us out of the wilderness, to revise our aspirations and revive our faith—in ourselves and in each other. But modern complexity is such that no single new leader will do—our requirement is for multiple Messiahs, to give ethical purpose to a neutral science and technology whose unsatisfactory God seems to be rapid and accelerating change.

In a society based on large-scale organization, the saviours will mostly be public executives, for it is they who bring people together in organizations to make things happen in the public interest.

It used to be that somebody else defined the public interest—the administrator was a non-lethal gun for hire, but the direction of change was set by some boss or bishop, or by groups of political generals or generalist politicians. Alexander Pope summed up the manager's creed, an ethic of manipulation, in one line of poetry: "What e'er is best administer'd, is best."

But nowadays the public executive sets his own direction and makes his own policy. In doing so he has to deal with gloomy experts and greedy interests, silent majorities and shrieking minorities, and with other public executives who also claim the public interest as their touchstone. But the more complicated things get, what with one thing always leading to another, the more true it becomes that if the public executive doesn't know in what direction to push his fraction of the public's business, there is nobody who knows better than he—or she.

It is time to revise Paul Appleby's famous definition of policy as "the decisions made at your level and higher." Policy is now mostly the decisions you make by negotiation with your executive peers. And increasingly the policy you make includes your own legislative mandate; during 20 years in the Federal Government, I seldom operated under a law that wasn't, in its essentials, written in the Executive Branch.

Because one thing always leads to another, those of us who presume to bring people together in organizations to make something happen in the public interest spend most of our time consulting, trying to share the awesome burden of ultimate responsibility with as many interested peers as possible.

It is all too easy to use committees and councils as instruments of decision-avoidance. I think it was Ibsen who had one of his characters say, "When the Devil decided that nothing should be done, he decided to create the first Committee." One of the best bits of administrative doggerel in the literature, that poem in Punch about the Royal Commission on Kissing, makes a similar point:

The necessity for action was clear to everyone,

But the view was very general that nothing could be done,

And the Government courageously decided that the Crown

Should appoint a score of gentlemen to track the trouble down—

Which always takes a long, long time.

Throughout our society, the committee is an instrument of seduction: appointing "a score of gentlemen to track the trouble down" feels like action, but nothing really happens until some one or two or at most three people sit down late at night and write something thoughtful that carries the subject beyond the conventional wisdom.

And the person most likely to do *that* is, the executive who will be stuck with carrying the committee's mandate into action.

In sum:

The more complicated things get, the more collective is the process of bringing people together in organizations to make something happen in the public interest.

The more collective the process of making decisions, the more personal responsibility falls on the public executives who have to think them out before they can carry them out.

There is, therefore, a growing requirement for, and a growing shortage of, executive leaders who can (in Appleby's timeless phrase) "make a mesh of things." In the nation that has grown great on specialization, expertness has run amuck. The bottleneck in our society is here: we know every specialized thing about our environment except how to prevent ourselves from ruining it. We know everything about international relations except how to keep them peaceful. We know everything about the city—its energy and its economics, its sociology and its sludge—everything except how to put all our expert and detailed knowledge together to make the city beautiful, efficient, quiet, safe, and clean.

If there are more and more decisions to be made, if the decisions to be made are more and more complex, if more and more people get involved in each decision, *it follows that the rate at which general decision-makers are produced had better be greater than any other growth rate in our society.* And this, of course, is where the universities come in; the need is for more and more educated people, more *broadly* educated than ever before. It is certainly the business of the International City Management Association, as it is of the American Society for Public Administration, to place a high priority on Federal and State support for mid-career education for executive leadership.

Our professional organizations can do something else, too. They can stop walking away from public policy issues—the "sense-of-direction" issues involving poverty, racial tensions, environment, defense, health, education and the rest. I do not mean that ICMA, or ASPA, should waste their time passing the same tired, obvious resolutions that every other association is passing these days—exhorting an end to the war in Vietnam and a new ordering of national priorities. If we don't have a better idea than the responsible executives how to end the war abroad or ensure peace at home, then let us avoid shooting off our amateur mouths like everyone else. For we are the professionals in bringing change about.

The old aphorism still applies: where we stand depends on where we sit. As public executives we should know what it's like to sit back where the buck stops; we should be better able to judge the means as well as the goals of public policy. Most of the other voices that are raised, on Vietnam or the Mideast or pollution or poverty or public safety, are amateurs describing a desirable end—scientists advocating some political ideal, mechanics discussing the city beautiful, nurses telling us what to do in Southeast Asia. But we are the public executives, who should set a higher standard: we should always be willing to play the "let's pretend" game of executive responsibility, and couch our exhortations in practical and programmatic terms. Otherwise we will merely add to the pollution of the public debate, and the public debate is poisonous enough already.

We who presume to the demanding profession of public executive could easily feel sorry for ourselves. Just when the earth is revealed as polluted and in mortal peril, we seem to have inherited the earth—not because we're meek but, because we're not. We have to decide what to do next from day to day. We have too many gloomy precedents and not enough unwarranted optimism, too much information about the past and only the most primitive tools for controlling the future. We are operating in an environment of growing moral complexity. Codes and counsel from others are likely to be so general as to be useless or so specific as to be unworkable; it is increasingly hard to find criteria for action more valid than those we have worked out for ourselves through study and experience—and through consulting with each other. And when we step forward to do something about the causes of the people's anger and frustration, we become their target as well.

It's a forbidding atmosphere in which to reach for personal leadership on issues that touch the public interest—as more and more issues do. Yet if we can get used to the heat in the kitchen, the chance to work at destiny's business far outweighs the burdens of the bucks that stop at our desks.

For freedom is choice, and if any one is free in modern society it is the public executive.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended, to H.R. 18306.

Mr. FULBRIGHT. Mr. President, I move that the bill (H.R. 18306) be recommitted to the Committee on Foreign Relations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

Mr. COOPER. Mr. President, I move to lay that motion on the table.

Mr. FULBRIGHT. Mr. President, will the Senator withhold that motion a moment?

The PRESIDING OFFICER. Does the Senator from Kentucky withdraw his motion to lay on the table?

Mr. COOPER. Yes.

Mr. FULBRIGHT. Mr. President, after listening to this debate, while, of course, I respect the right of the Senator from Tennessee to express his views about it, and I have no quarrel with the Senator whatever, in view of the extended debate on this matter, and the lateness of the hours, it seems to me, since the administration is deeply interested in this matter, that it is entitled to have some kind of indication on the part of the Senate as to its attitude toward this very important bill.

So, Mr. President, I have made the motion. I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FULBRIGHT. 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. FULBRIGHT. 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. FULBRIGHT. I have moved to recommit the bill. I yield now to the Senator from Pennsylvania, for the purpose of making a motion.

Mr. SCOTT. Mr. President, I appreciate the Senator's courtesy. At this time, I move to lay on the table the motion to recommit.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

Mr. SCOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AIKEN. Will the Chair state the question?

The PRESIDING OFFICER (Mr. EAGLETON). The question is on agreeing to the motion of the Senator from Pennsylvania (Mr. SCOTT) to lay on the table the motion to recommit of the Senator from Arkansas (Mr. FULBRIGHT).

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

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

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

The Senator from Utah (Mr. BENNETT) is detained on official business.

Also, the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from Texas (Mr. TOWER) and the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from New York (Mr. GOODELL), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 47, nays 20, as follows:

[No. 426 Leg.]

YEAS—47

Aiken	Cooper	Inouye
Allott	Cranston	Jackson
Anderson	Curtis	Jordan, Idaho
Baker	Fannin	Kennedy
Bellmon	Fulbright	Long
Boggs	Goldwater	Mansfield
Brooke	Gravel	Mathias
Case	Griffin	McClellan
Church	Hart	McGee
Cook	Hruska	Miller
Mondale	Pastore	Smith
Montoya	Pell	Stennis
Moss	Proxmire	Stevens
Muskie	Saxbe	Tydings
Nelson	Schweiker	Young, N. Dak.
Packwood	Scott	

NAYS—20

Allen	Ervin	Randolph
Bible	Gore	Spong
Burdick	Hartke	Symington
Byrd, W. Va.	Holland	Talmadge
Cannon	Jordan, N.C.	Williams, Del.
Eagleton	Magnuson	Young, Ohio
Ellender	McIntyre	

NOT VOTING—33

Bayh	Hansen	Pearson
Bennett	Harris	Percy
Byrd, Va.	Hatfield	Prouty
Cotton	Hollings	Ribicoff
Dodd	Hughes	Russell
Dole	Javits	Sparkman
Dominick	McCarthy	Stevenson
Eastland	McGovern	Thurmond
Fong	Metcalf	Tower
Goodell	Mundt	Williams, N.J.
Gurney	Murphy	Yarborough

So the motion to table the motion to recommit was agreed to.

The PRESIDING OFFICER (Mr. GRAVEL). The question recurs on the committee amendment as amended.

The Senator from Arkansas (Mr. FULBRIGHT) is recognized.

Mr. FULBRIGHT. Mr. President, as I understand it, the vote was 47-to-20 to table; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. FULBRIGHT. I take that to mean this is a fair indication of the sentiment of the Senate. In other words, roughly 2-to-1, the Senate is in favor of discussing the bill on its merits. That is not completely demonstrated, because there may be other reasons for the votes, but it is a strong indication of support by the Senate as to the merits of the bill.

Possibly some amendments could be considered but generally I am not in favor of amendments and I do not believe a majority are.

We are faced with a difficult situation; namely, we are approaching the end of this session of Congress. But this bill, as I have said before, is a most important one, and that is why I thought it was worthwhile to get a test vote of the sentiment of the Senate. Even if not enacted in this session, the bill will be resubmitted after the first of the year, and the Senate will have another opportunity, under more favorable circumstances, to deal with it.

I would hope that the distinguished senior Senator from Tennessee (Mr. GORE) would allow the Senate to proceed to a vote on the merits of the bill. He has made his objections to it clear, and I understand them and I respect his attitude.

There are many people that do not, under present conditions, feel that we can afford to engage in these activities. I am not one of them, but I would implore the Senator from Tennessee to allow us to get to a vote on the bill itself, if he would be willing to do so, in view of the clearly expressed, I believe opinion of the Senate.

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

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. With all due respect to the distinguished Senator, this bill

contains a great deal of the American taxpayers' money for what are called soft loans. They are not really loans. This money often goes out on the basis of 50 years, no interest, and no repayment on the principal for 10 years.

The distinguished senior Senator from Tennessee and the former Senator from Oregon found, for example, one country to whom we were giving hundreds of millions of dollars, with no interest required and no repayment on principal for years. Then that country lent that money back to private businesses in its own country at 15-percent interest.

If there is sincerity in the Senate from the standpoint of the importance of looking at our increasingly serious financial situation as part of true national security, as well as our physical situation, in my opinion this bill either should be voted down or the soft loan windows eliminated.

Mr. FULBRIGHT. First, I think the Senator from Missouri is mistaken about this bill. What he says about the soft loan window would be applicable to IDA, which is not involved in this. The loans in this bill are not on the same terms which the Senator described as those of the International Development Association, which is a subsidiary of the International Development Bank and is a special organization for very soft loans.

There is a window in the Inter-American Bank which makes loans, not on standard banking terms. They are not hard loans but are repayable in the currency loaned. They bear interest rates. They are repayable in reasonably short terms of years.

I really submit that the Senator is not correct in describing the Inter-American Bank part of the bill in the terms that he did. It is a question of degree. But they are not give-aways. They are loans, repayable in the currency which is borrowed. If they borrow in dollars, they are repayable in dollars. If they borrow in cruzeiros, they are repayable in cruzeiros.

Thus, I believe the Senator from Missouri has overstated the case. The Inter-American Development Bank does have an operation which is intermediate, I should say——

Mr. SYMINGTON. How about the Asian Development Bank?

Mr. FULBRIGHT. The Asian Development Bank has a very small amount, I may say, in that category.

Mr. SYMINGTON. Practically nothing—$100 million.

Mr. FULBRIGHT. It is a new organization. The Senator makes his case, and I respect his views on it.

Mr. SYMINGTON. Will the Senator yield?

Mr. FULBRIGHT. I will yield in a moment. Mr. President, I am as concerned as anyone about the state of our economy. We are doing a great many things with the taxpayers' money.

The Senator from Missouri was at the meeting this morning at which we were discussing how we were going to give money away—actually give away a lot more than is involved here budgetarily in cash to Cambodia.

The pending bill would require $34.61 million expeditures in 1971, $68 million in 1972, and $155 million in 1973.

On hard lending, it is the giving of a subscription to the capital of the bank which they use as a guarantee when they borrow money. Most of this does not create any immediate outlay of cash.

It seems to me, as I have mentioned, that over the long term of years, there will be, of course, an increase in payments. The point is that if we are going to help the less developed countries, this is the best mechanism for us to use. If one is against anything in the development field, it is quite logical to vote against the bill.

I am not making an effort to persuade the Senator from Tennessee and the Senator from Missouri to vote for the bill. All I am asking the Senator from Missouri and the Senator from Tennessee is to allow the Senate to vote on the bill.

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

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. Mr. President, when the Asian Bank was started, I went out with our outstanding representative, at his invitation. For the first time we achieved an agreement whereby another country put in as much as we did. We put in $200 million, the Japanese put in $200 million. Three hundred million dollars more came from Asia, and $300 million more from Europe.

Years later the senior Senator from Tennessee (Mr. GORE) asked how much of that money had been lent. The answer was none.

I said I would support this legislation if they would keep soft loan windows out of it. That was agreed to. We set it up in Manila. There was no soft loan window in the Asian Development Bank. Several years later, however, when the bill came up with a soft loan window in it, the Senator from Tennessee asked how much of that $1 billion had been loaned out.

Much to the surprise of everyone, not one cent had been. They were just waiting for another U.S. soft loan window.

A few weeks later they came up and said there had been a loan out of the $1 billion. We asked how much, and the answer was $5 million.

All they were doing was sitting around, wating for old Uncle Sam to put in a soft loan window.

I feel strongly about this. It is a matter of great importance as we watch the growing problems incident to our financial structure.

Mr. FULBRIGHT. Mr. President, I am glad the Senator was in it from the beginning. He ought to take credit in the fact that only 10 percent of their hard capital may be transferred for the purpose of soft loans.

The delay in getting the Asian Bank underway is perfectly obvious. It was because of the war. It is quite clear that it will never be very effective with the war continuing. But it has been created. It is in being. The Japanese are quite interested. As I have said, we are a minority stockholder. We have only one-fifth.

I do not expect it to do much until the war is over. But everyone anticipates that when the war is over there will be serious problems of redevelopment.

I am certain that we are going to do something because we caused most of the destruction. I am quite sure that the American people will feel that we ought to do something substantial in the way of reconstruction. There would be no better vehicle with which to undertake the long-term reconstruction projects than the Asian Bank.

What this does really is to keep the Asian Bank alive and keep it functioning, looking to the future. It can do relatively little now.

Let me make the record clear that in this bill there is $1.1 billion authorized for soft lending.

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

Mr. FULBRIGHT. I will yield in a minute.

There is $1.1 billion authorized in the bill that can be used for the so-called soft loans. These soft loans are not as soft as the IDA which the Senator described; $1 billion is in the Inter-American Bank in Latin America where we have for many years felt that we had a special responsibility. Those loans, as I have already described, are repayable in the currency loaned.

There is $1.5 billion for the IMF. No one seriously questions the $1.5 billion for the IMF. I do not know of any criticism of it. It serves an indispensable function with respect to the international institutions: keeping the trade of all nations in some reasonable relationship in their currencies and facilitating international trade.

It has been a successful operation. We have a great stake in it. I am very fearful that if this bill is not enacted, we will lose $130 million in special drawing rights, which I would regret.

The other, the $1.1 billion, is for hard loans. It is on the hardest of terms, as in the International Bank. No one complains about that.

How anyone can say that the International Bank has been a failure or has not been a great success in view of its record is hard for me to imagine. I do not think they can.

Mr. President, I yield now to the Senator from Tennessee.

Mr. GORE. Mr. President, I call attention to a statement the distinguished Senator made which, in my view, is in error. He said that all this bill does with respect to the Asian Development Bank is to keep it alive.

Mr. FULBRIGHT. The Senator is correct.

Mr. GORE. I respectfully suggest that is not the case. This initiates a soft loan window for the Asian Development Bank.

Mr. FULBRIGHT. There is a soft loan window. The charter provides 10 percent.

Mr. GORE. The United States has not heretofore contributed to a soft loan window. This enlarges U.S. participation by providing U.S. funds for a soft loan window.

This is the beginning of a giveaway to the Asian politicians. Make no mistake about that. The United States puts up the money.

We have 17.5 percent control, which

is practically none. The loans are made to Asian politicians. The repayments to the bank are in such currencies as may be received back.

There is a revolving fund if the bank is repaid at all, with payment guaranteed only by the governments involved.

The political clique in power, as the record shows throughout Latin America, is involved. The record shows that the political elite receive the loans, and what happens to the project the Senate will not know.

We are asked here to start on a new program. None of this money is ever to be repaid in any form to the United States. The hand of the United States is to be hidden. The people are not even to know that it is U.S. money that they are receiving.

How this engenders friendship, I do not know.

How is it that soft loan windows are used to buy armaments for Pakistan and India? There are a lot of things involved here.

Mr. FULBRIGHT. Mr. President, if the Senator would permit me, I do not know of any case where they use this to buy armaments.

Mr. SYMINGTON. Mr. President, will the Senator yield on that point?

Mr. FULBRIGHT. Mr. President, I will yield in a moment. The Asian Bank has loaned as of the end of October, roughly $170 million in hard loans and approximately $30 million in soft loans. It is money out of the 10 percent and funds contributed by Japan and five other countries.

As I say, we play a part in it and eventually, I assume, we will play a part in the reconstruction of Southeast Asia. We have spent $150 billion destroying it; I assume we will spend something to get them back on their feet.

The Senator, being a politician, should not use the word and say we will give it away to politicians as if there is something wrong with politicians. There are politicians in these governments and sometimes these loans are not successful. I can cite instances where a number of our bilateral programs have gone astray, and not always with politicians. Businessmen have been involved in some of those misguided projects, as much as anything else.

But let me illustrate with respect to soft loans. I will place a table in the RECORD which has been prepared by the staff with respect to soft loans by the Inter-American Development Bank. The table shows that in agriculture, in irrigation and allied activities, the amount loaned by the FSO was $680 million; in water and sewerage, a matter which concerns all of us here, the amount was $230 million, education was $108 million, housing $135 million, transportation $353 million, electric power, principally rural electrification—because our own REA has been down there teaching them to develop—is $191 million, preinvestment is $67 million, and industry, in soft loans, is $149 million, for a total of over $1,900,000,000.

Mr. President, I ask unanimous consent that the memorandum and table to which I have referred may be printed in the RECORD.

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

SOFT LOANS BY THE INTER-AMERICAN DEVELOPMENT BANK

The concessional lending of the Inter-American Development Bank (IDB) is carried out through the Fund for Special Operations (FSO) in contrast with the normal terms and conditions under which loans are made from the Ordinary Capital. Basically, the FSO loans are patterned after those which had heretofore been made from the Social Progress Trust Fund (SPTF), and are principally for the financing of social development projects in the member countries. These loans are for the most part made to public or semi-public intermediate institutions for relending under Bank supervision to the ultimate beneficiaries, who are principally from the lower income sectors of the member countries. The projects thus financed are primarily for low cost housing, water and sewerage, agricultural credits to small farmers and education. Where loans are made in the electric power, transportation and communication fields, it is principally to benefit rural areas and artisan industries.

The overall breakdown of the loans made through October 31 are as follows:

[In millions]

Sector	FSO	SPTF
Agriculture	$680.5	$82.1
Water and sewerage	230.3	159.9
Education	108.1	31.4
Housing	135.7	215.1
Transportation (farm to market roads)	353.5	5.6
Electric power (principally rural electrification)	191.6	
Preinvestment	67.4	1.2
Industry	149.3	
Total	1,916.4	495.3

A review of the loans made in the last 4 months would seem to bear out the Bank's contention of the basic social purpose of the loan fund:

1. $2 million to the Pan American Health and Education Foundation for publication and distribution of modern medical textbooks in Spanish and Portuguese.

2. $17.5 million to bring water for irrigation to small farmers in the Province of Hidalgo, Mexico.

3. $23 million for irrigation and agricultural development in Peru, principally in the area of small and medium-scale irrigation projects.

4. $3.8 million to help expand electric power distribution in Costa Rica.

5. $7.6 million for sewage in Guayaquil, Ecuador.

6. $6.2 million agricultural credits to small farmers in Jamaica.

7. $35 million for reconstruction of earthquake region of Peru.

8. $4.5 million for the technical university of Uruguay.

Several Senators addressed the Chair.

Mr. SYMINGTON. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield to the Senator from Missouri, just for a moment.

Mr. SYMINGTON. One thing that turned me against this soft loan idea was that when it was defended years ago it was defended on the ground most of the money was going to be used in Central America and South America. When we finally found out where the money was going, one loan was made to South America, Venezuela; and over 60 percent of all soft loans had gone to Pakistan and India.

Mr. FULBRIGHT. The Senator is talking about IDA, which is not this program.

Mr. SYMINGTON. It is the whole idea of soft loans. The Asian Bank is in there.

Mr. FULBRIGHT. This does not involve IDA. Why bring that in?

Mr. SYMINGTON. Because it is typical of the way this soft loan business is run. We should not go ahead and make such loans with the taxpayers' money.

Mr. FULBRIGHT. I respect the Senator's ideas.

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

Mr. FULBRIGHT. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. There are two or three things we should not overlook. First, nearly, all, if not all of the surplus and reserves of the World Bank are invested in U.S. securities amounting to a little over $1 billion at this time.

Also I might point out a news item which appeared on December 3, 1970, in the New York Times, which stated in part:

> Officials of the World Bank estimated today that it would cost $185 million to reconstruct the area of East Pakistan that was devastated by a cyclone and tidal wave on November 12 and 13.

I do not know how much that would cost the United States if we undertook to help on a bilateral basis but doing it through the World Bank will undoubtedly cost less.

Mr. FULBRIGHT. Does not that story also state that the bank is undertaking to get as many countries as possible to do it?

Mr. AIKEN. The article states that the World Bank is drawing up a comprehensive plan for reconstruction, as opposed to relief, for recovery from the storm, which killed at least 176,000 people and possibly as many as 500,000 in the cyclone which struck East Pakistan last month.

Mr. FULBRIGHT. Further along the article states, I believe, that the Bank is undertaking to solicit and get participation by many countries to carry out the plan.

Mr. AIKEN. It states:

> The reconstruction plan was intended to dovetail with the current three-year, $1.6 billion flood control and economic development program financed by a consortium that comprises the Bank and 11 nations, including the United States.

Mr. FULBRIGHT. That is correct.

Mr. AIKEN. It is safe to say the people of the United States will go out to help the people of almost any other country afflicted by disaster. The question is, Is it better to do it through a multilateral organization or bilaterally? Also, I might say we do expect the war in Indochina will come to an end.

Mr. FULBRIGHT. We hope so.

Mr. AIKEN. On Cambodia I cannot say too much at this time. One question is whether international banking agencies or the United States is going to continue to finance postwar reconstruction of Cambodia.

The United States has played a part in what has happened to Cambodia. Again the question is whether Cambodia is

going to deal through a bank in which we are one partner, or does Cambodia expect us to take care of them for the foreseeable future all by ourselves?

From the witnesses we have heard during the last 2 days we have virtually had acknowledged the responsibility of the United States for looking after the future of Cambodia. It seems to me it would be better for other Asian countries and the international banks, including the Asian Bank, to take care of the future needs of Cambodia than to expect us to do it alone.

Mr. FULBRIGHT. I agree with the Senator. He has stated the matter well.

Mr. AIKEN. I am satisfied that as far as possible we should help on a multilateral basis.

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

Mr. FULBRIGHT. I yield to the Senator from Michigan.

Mr. GRIFFIN. I thank the distinguished Senator from Arkansas for yielding. I happen to agree very strongly with his position on this issue. I believe that this legislation, while it may not be perfect, moves in the right direction. It is a vehicle for participation by other nations in providing needed foreign assistance in various parts of the world.

But, aside from the merits, it is disturbing to me that we do not seem to be able to get to a vote on this bill. I suggest that it does not reflect well on the Senate as an institution that we seem to be stymied and unable to move to a vote, up or down.

Representing this side of the aisle, I should like to inquire of the distinguished Senator from Tennessee if there is some possibility that we might be able to get to a vote on the merits of this bill sometime this afternoon.

Mr. FULBRIGHT. Mr. President, may I have the attention of the Senator from Tennessee. An inquiry has been made. The Senator from Michigan would like to know, and I would, too, if the Senator from Tennessee would agree to a vote sometime this afternoon. Would it be possible for us to get an agreement?

Mr. GRIFFIN. Of course. It is understandable that some are opposed to this bill or may object to particular portions of it. That is not a unique or different situation. But after spending 3 or 4 days on this bill we ought to be able to proceed to vote. I wonder if it might be possible to reach an agreement to vote this afternoon at 3 o'clock or 4 o'clock, or at whatever hour the Senator from Tennessee would consider appropriate.

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

Mr. FULBRIGHT. I yield.

Mr. GORE. I will be glad later on in the day to address the Senate on the subject by offering a series of amendments which I have been preparing. This is a very important bill. I am surprised that so many Senators attempt to minimize the importance of it. Even the distinguished chairman of the committee seems to regard this as a small matter. It is a matter of $3.6 billion. Make no mistake about it, that is the cost to the American taxpayers.

It is no excuse and no defense to say that all of it will not be paid out this fiscal year. That is true of any bill we pass here, even an appropriation bill. We appropriate $1 million for the construction of a dam. The $1 million is not paid out immediately. It is paid out as construction of the dam proceeds.

The bill involves $3.6 billion. Of that amount, $100 million is for soft loans for the Asian Development Bank and $1 billion is for soft loans for the Inter-American Development Bank. Make no mistake about it, when this bill is passed, we are not just passing an authorization bill in the ordinary sense. We are authorizing by law the representative of the U.S. Government serving on these bank boards to commit the United States to $1 billion for soft loans for the Inter-American Development Bank and $100 million of soft loans for the Asian Development Bank.

Senators may be able to dismiss that as minutia, but so long as my voice is in the Senate, it will not be treated as minutia. This is an unsound principle.

Mr. FULBRIGHT. Mr. President——

Mr. GORE. Mr. President, I have the floor.

Mr. FULBRIGHT. I want to correct that. Nothing I said indicated that I considered that this was minutia. I started my remarks when I introduced the subject by saying it was important. I would not be here asking the Senate to pass the bill if I thought it was insignificant and unimportant. I said before, and I say again, it is one of the most important bills before the Senate. It is extremely important. How the Senator could distort my statement by saying I said it was unimportant and simply minutia I cannot understand. I certainly said nothing that would permit the Senator to characterize my statement as saying that the bill is unimportant. It is important. That is why we want to get a vote on it. If it were not important, it would die.

The only reason we had a vote is that we think it is important. It is important to the whole world. It is important to our country. It is important to our own financial position and our trade, as the largest trading nation in the world. There is no nation to which the IMF and the International Bank are more important than to this country, because, more than any other nation, we are dependent upon the economic health of the rest of the world.

So I plead to the Senator to allow us to vote. It is quite all right that he does not agree with the merits. He is very impressed with our own domestic difficulties. I am, too, but I think there are a lot of better ways to save money than this way. I can name many of them, especially in the field of military expenditures in a war and so on, that are 10 times more than this amount. I can think of many other ways to save money. This is a poor way to economize.

I think the Senator ought to agree to a vote, because it is so important. If it were unimportant and minutia, I would not ask the Senate to go to a vote on it.

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

Mr. FULBRIGHT. I promised to yield to the Senator from Michigan, first. Then I will yield to the Senator.

Mr. GRIFFIN. I thank the Senator.

Mr. President, we are all aware of the schedule announced earlier by the majority leader. On Monday we expect to take up the supplemental appropriation bill, and then go on to consider the omnibus bill reported by the Finance Committee. Surely, we ought to try to get a vote on the pending bill today.

Mr. President, taking into account the fact that the distinguished Senator from Tennessee has some amendments, and leaving adequate time for consideration of such amendments, I ask unanimous consent that there be a final vote on passage of the bill at 5 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I am sure the Senator would want to include waiver of rule XII, which requires the Presiding Officer to call what we refer to as a live quorum.

Mr. GRIFFIN. The Senator is correct.

Mr. GORE. Mr. President, reserving the right to object, I have not only one amendment, I have several amendments, and I am prepared to proceed to speak upon the first amendment I proposed whenever my distinguished colleagues have finished. I have not had yet an opportunity to complete my original argument on the bill. However, I would forgo completion of the argument against the bill as a whole and, at such time as convenient, proceed with the offering of an amendment; but I object to any time limitation at this itme.

Mr. FULBRIGHT. Mr. President——

Mr. GRIFFIN. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. GRIFFIN. The Senator from Tennessee has indicated that he has some amendments. If he would inform the Senator from Michigan how many amendments he has and what he would consider to be a reasonable time to be allotted for consideration of the several amendments, the Senator from Michigan would be more than pleased to incorporate provision for time on each of those amendments in the unanimous-consent request. Would it be possible for the Senator from Tennessee to indicate his response to that suggestion?

Mr. GORE. The Senator from Tennessee is not prepared to give any further advice, except he is prepared to proceed with the process of trying to amend the bill. What I am most vigorously opposed to is soft loans. Our communities all over the United States are begging for repayable loans, at regular interest rates. In fact, there is a backlog of thousands of applications pending now for community facilities, for which appropriated funds are not available; and here we are considering $1.1 billion to be loaned, or given away insofar as we are concerned, and loaned by the International Banks on a soft loan basis of from 1 to 4 percent interest.

The money which we must borrow will cost the American taxpayers 7½ percent. The interest alone on this amount of money is $700,000 per day, and we have neither the principal nor the interest;

we have to borrow not only the $3.6 billion but the $700,000 each day to pay the interest. I want to strike out the soft loans either for one bank or the other, or all.

Reference has been made to the vote we just had as a test vote. I do not think it was a test at all. One Senator after another said he did not know what he was voting on. I do not consider it a test of the sentiment on soft loans. I expect to have a test, but I reserve my right to have a vote when I think it is to the best advantage of my contention.

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

Mr. FULBRIGHT. I yield.

Mr. MILLER. I wish to ask a question or two. The first question is, this is merely an authorization bill, and I understood the Senator from Tennessee to say that this would in effect authorize the American representatives on these international banks to commit the United States to a certain amount of capital or money for banking purposes; but does not the United States representative on these international banks make that commitment always subject to an appropriation by the Congress?

Mr. FULBRIGHT. This bill itself authorizes the money. The executive director does not allocate our part to the bank. We do that through legislation. His function in the bank is that of a director of any bank who is in consultation with the other directors on policy and on specific loans whenever they are important enough they require the attention of the board of directors. He is an executive officer. It is not up to him to take this money, if we authorize it and make it available. This would be part of the institution's capital or callable capital. Much of this stands as a guarantee to be called in case of a default.

The International Bank is the best example. Unless the International Bank had such a default on its own loans that it exhausted most of its resources, which are very large, and it has a large accumulated reserve, there would never be a call on us to pay anything on that type of financing.

Mr. MILLER. How could it be called if the money has not been appropriated by the Appropriations Committee and passed by Congress?

Mr. FULBRIGHT. I think what the Senator means is, if we pass this authorization, that the Appropriations Committee, in the past, always has proceeded to appropriate it. That is what he means; I am sure he does not mean it is really appropriated.

Mr. MILLER. I was not sure what was meant, but I thought I had heard it said that if we passed the appropriation bill, then our representative on one of these banks would be able to commit us to one of these banks.

Mr. FULBRIGHT. No; that is not true.

Mr. MILLER. But he could say, "Here is the amount of money, but incidentally we have to get an appropriation act by Congress"?

Mr. FULBRIGHT. No; the Senator must have misunderstood. If the Senator from Tennessee said that, I am quite sure he did not mean it.

Mr. MILLER. I wanted to make that clear, because my understanding has been exactly as the Senator from Arkansas has just stated it.

I would like the Senator from Arkansas to tell us, is it correct that the $100 million being authorized under the Asian Development Bank is for the purpose of soft loans?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. The reason I ask is because it has been pointed out that Asian Development Bank has $1 billion—half of that has been paid into it—and I believe the Senator from Arkansas pointed out that some $100 million-odd has been loaned.

Mr. FULBRIGHT. One hundred and seventy on the hard basis, 30 on the soft.

Mr. MILLER. That is right. So there is plenty of money in the Bank, but there is not plenty of money for soft loan purposes?

Mr. FULBRIGHT. That is true.

Mr. MILLER. Here is the last question. If I understood——

Mr. GORE. Mr. President——

Mr. FULBRIGHT. Let the Senator finish.

Mr. GORE. I wanted to comment before he leaves this question.

Mr. FULBRIGHT. Very well. I yield to the Senator from Tennessee to comment on that point.

Mr. GORE. Here is what the present law provides:

SEC. 2. The President is hereby authorized to accept membership for the United States in the Asian Development Bank (hereinafter referred to as the "Bank") provided for by the agreement establishing the Bank (hereinafter referred to as the "agreement") deposited in the archives of the United Nations.

SEC. 3. (a) The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank, an alternate for the Governor, and a Director of the Bank.

(b) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor or Alternate Governor. The Director may, in the discretion of the President, receive such compensation, allowances, and other benefits as, together with those received by him from the Bank, will equal those authorized for a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended.

SEC. 4. (a) The policies and operations of the representatives of the United States on the Bank shall be coordinated with other United States policies in such manner as the President shall direct.

(b) An annual report with respect to United States participation in the Bank shall be submitted to the Congress by such agency or officer as the President shall designate.

SEC. 5. Unless the Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional shares of stock of the Bank; (b) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which would change the purpose or functions of the Bank; or (c) make a loan or provide other financing to the Bank, except that funds for technical assistance not to exceed $1,000,000 in any one year may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

Now, that is the law. Here is how the law would be amended by this proposal. It is on page 11:

The Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

I say to my distinguished friend from Iowa and to the distinguished chairman of the committee that this is a commitment. You cannot read it any other way. It is not a simple authorization of appropriations. If this bill becomes law, we have already, by law, entered into this agreement. We have by law established and confirmed the U.S. representative on the Bank, and this amendment thereto authorizes him to enter into an agreement "providing for a U.S. contribution of $100 million."

Now, here is an agreement not only approved by the President and his appointee Governor, the representative of the United States on the Bank, but by this act authorized by the U.S. Congress. This is a solemn agreement, a commitment, for $100 million; and history shows that the Appropriations Committee has never one time questioned the validity of this kind of commitment. Of course this is a commitment; you cannot read it any other way.

Mr. FULBRIGHT. Nobody is saying it is not a commitment. We are saying the money still has to be appropriated, that is all. Of course it is a commitment in that sense.

The whole purpose of passing the act is to commit us to join in this endeavor. This word "commitment" is very illusory, and very slippery. But it still has to be appropriated.

Mr. MILLER. Technically, this is correct. But I am interested in the practical effect, which I think the Senator from Tennessee has been talking about, and my question is, is the practical effect of this that the U.S. representative or the U.S. Governor of the Bank enters into such an agreement, but is it not stated by him that of course it is subject to the money being appropriated by Congress, and if Congress does not appropriate it, it is too bad?

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

Mr. FULBRIGHT. Does the Senator think the President, who appoints this man, is going to have him do it without the money? The Secretary of the Treasury really would be the one who is in charge of our participation, you might say, as a practical matter.

Mr. MILLER. I cannot imagine that happening, but——

Mr. FULBRIGHT. Well, no; but in all the bills we pass around here, we authorize them.

Mr. MILLER. If I may say this to my friend from Arkansas, maybe it would be better, so that our foreign friends do not get a misimpression of what we do here in Congress, if these authorization bills stated, in black and white, that the U.S. Governor of the Bank is authorized, subject to appropriations by the Congress of the United States, to enter into an agreement.

Mr. FULBRIGHT. I wonder if the Senator would allow me to conclude my inquiry as to the position of the Senator from Tennessee on allowing a vote. If there is not going to be a vote permitted in this session, there will be plenty of time to straighten these questions out.

Mr. MILLER. Would the Senator——

Mr. GORE. Will the Senator yield, first?

Mr. FULBRIGHT. Yes. I want to ask the Senator from Tennessee a question, and then he can continue to explain his views to the Senator from Iowa.

Am I to understand that the Senator is unwilling to enter into any unanimous-consent agreement for a vote upon this bill?

Mr. GORE. I am unwilling at the moment. If the Senator will permit me, I can clarify that.

Mr. FULBRIGHT. I will yield the floor, if that is the position of the Senator.

Mr. GORE. Well, if the Senator will be kind enough to yield——

Mr. FULBRIGHT. Yes, I yield.

Mr. GORE. Here is a provision of the bill that we propose to write into law. It shall be the law of the land that "the U.S. Special Resources shall be made available to the bank."

That is an act of appropriation in itself, by law. This $100 million "shall be made available to the bank pursuant to the provisions of this Act." That is not pro forma. That is a solemn provision of the law. I do not know why we shadowbox over this. This is providing $100 million for soft loans, for the soft loan windows of the Asian Development Bank, and $1 billion for the Inter-American Development Bank. This, mind you, only 2 years after the Inter-American Development Bank received $900 million, only about half of which it has yet used.

Mr. FULBRIGHT. I yield the floor.

Mr. MILLER. Would the Senator from Arkansas permit me to ask the third question I was going to ask him?

Mr. FULBRIGHT. Yes. I will do that or yield the floor.

Mr. MILLER. In the chapter relating to the Inter-American Development Bank, we propose to authorize $1 billion for soft loans. The Senator from Arkansas a few moments ago pointed out that this would be paid out over a long period of time, that the immediate budgetary impact would not be very great. I cannot recall the precise figures he gave us, but my recollection is that over the next 3-year period, they would be something a little in excess of $200 million.

Mr. FULBRIGHT. That is correct. It is in the report.

Mr. MILLER. If that is so, this question comes up, and I have been asked this: Why must we at this time authorize $1 billion? Why could we not authorize $200 million or $300 million or $400 million? Why must it be $1 billion?

I know there has been a negotiation—I believe at Punta del Este—involving the United States and our Latin-American friends, in which I guess it was arrived at that the United States would put up $1 billion for soft loans and the other countries would put up $0.5 billion of soft loans. But surely such a negotiation would be subject to approval by Congress.

Mr. FULBRIGHT. That is correct. It is.

Mr. MILLER. I am wondering why the billion dollars is essential.

Mr. FULBRIGHT. It is very difficult for me to answer that kind of question. The extension of this program was negotiated by the executive branch. Of course, this is their judgment as to the needs of the Inter-American Bank. Why it was $1 billion rather than $1.05 billion or $900 million, I cannot tell the Senator. This is the way it was submitted by the executive branch.

It has been customary to supply these funds, to authorize them in advance. They will not use them until they are needed. The funds are drawn down as they are needed.

The Senator from Tennessee is quite correct in saying that for 3 years we have authorized $900 million—$300 million a year for the last 3 years. This is simply picking it up and carrying it on, because that bank is very active.

I might say another thing about that bank. A new president has been appointed. He comes with the highest recommendations. He has been finance minister of Mexico. He is Senor Ortiz Mena, and I am told that he was a very successful finance minister of Mexico for a number of years. Not that that has anything to do with the Senator's question, except to show that I think the administration and everyone with whom I have spoken has very great confidence in Mr. Mena and believes that this bank has made progress and will continue to make it.

I know of no way to say that $1 billion is exactly the amount and that no other amount would be acceptable, other than that the administration, which has the duty of negotiating with the other countries as to what their contribution is going to be, arrived at this amount as a reasonable amount for the needs of the bank.

I could say the same about the other figures with respect to all the other banks. The figures are arrived at by a process of negotiation with other countries—what will you contribute? and so on—and they finally work it out as a kind of sharing proposition.

I may say that we still contribute by far the most—that is true—but the Latin-American countries gradually have increased their share.

Mr. MILLER. The Senator from Iowa understands that, and he understands that one of the pluses for the Inter-American Development Bank provision in the bill is that we have now moved to a point where, as I have stated, the United States would put up $1 billion and the Latin-American countries one-half a billion, which is a much greater proportion of their contributions than formerly.

Mr. FULBRIGHT. That is correct.

Mr. MILLER. Can the Senator from Arkansas tell us this: Is it not the case that when these negotiations are accomplished, such as the one at Punta del Este, to which I have referred, the agreement by the representative of the United States is always, without any question at all, subject to action by Congress?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. So that if he negotiates something that calls for $1 billion, with the other countries putting up a half billion dollars, and Congress decides that, because of the fiscal position of our country, we cannot do that at this time, but that we can do, say, half of it, this is in the ball game, so to speak?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. I thank the Senator from Arkansas.

Mr. FULBRIGHT. It might be very embarrassing to the administration; but, nevertheless, the Senator has stated it correctly. That is true as to nearly any other situation. I would be the last one to say to the Senator that I did not think we ought to have that authority. That is not only in this situation. I wish we had the same determination when it comes to treaties involving soldiers and security, as in the case of Spain. In that case, I was overridden. However, I certainly agree that Congress—the Senate, especially—at this time has the right either to amend or to reject this bill.

I am only saying that with what I know of it and my confidence in the administration and the Secretary of the Treasury, I think he has used good judgment in his negotiations. I know of no reason to suspect that he made any errors in the negotiation of our participation in the Bank. As the Senator has said, there has been a gradual increase in other participation.

I can say the same with regard to the International Bank. Our percentage of the International Bank is less than it used to be. The idea is that our percentage in that is less than our own bilateral program. This is what has always appealed to me, even about the soft loans that the Senator from Missouri talked about in the IDA. We pay only 40 percent instead of the 100 percent we pay in the foreign aid program, which passed this body 2 or 3 weeks ago. I think the conference has not yet been approved. All this is relative.

I want to say one other thing with regard to the Senator from Tennessee. He stated a moment ago that the Senators who voted a few moments ago on the motion to table did not know what they were voting about. I think this is an unnecessary remark that accuses 67 Senators of being ignorant of what they were voting on.

I told a number of them what they were voting on, so I know they were not all ignorant as to what the issue was. I knew what I was voting on. If the Senator from Tennessee did not know what he was voting on, he speaks for himself. To say that all those Senators did not know what they were doing is a remark that the Senate does not deserve.

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

Mr. FULBRIGHT. I must say that I think most of them know what they are voting on when they vote, even though they have not made a speech about it.

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

Mr. FULBRIGHT. I yield.

Mr. GORE. The Senator from Tennessee did not say all; he said one after another. As a matter of fact, I heard more than one say he did not know what he was voting on. It was a complicated motion to recommit and then to table.

Mr. FULBRIGHT. Does not the Senator think he should put the names in the RECORD, so as to clear the rest of us from the charge that we did not know what we were talking about? The Senator did not hear me say that I did not know what I was talking about.

Mr. GORE. I do not wish to personalize anyone.

Mr. FULBRIGHT. Out of regard for those who did know what they were voting on, I think the Senator from Tennessee ought to be more specific.

Mr. GORE. As a matter of fact, it was a contrived, reverse-English vote. It could not properly be interpreted as a vote on the merits of the bill. The author of the bill introduced a motion to recommit, the distinguished leader from across the aisle moved to table the motion, and then the author of the bill and the mover of the motion voted to table the motion to recommit. Is it any wonder that some Senators might be confused by this parliamentary tangle.

Mr. FULBRIGHT. Now, Mr. President, I want to set the record straight. In the first place, I am not the author. I introduced it as chairman of the committee——

Mr. GORE. The Senator is a reluctant dragon.

Mr. FULBRIGHT. I am glad to play that role. As I say, I introduced it as chairman of the committee, which is a routine function. The next thing is, I consulted with the Senator from Tennessee, not only today but also on several other occasions. I said to him first, that I would like to vote on the merits, unless he says he will not allow that, due to difficulties in the Senate. But I think the administration and the Senate are entitled, at least, to a test vote of the sentiment.

I went to the Senator from Tennessee before this recent move and I said to him that I am going to move to recommit and a motion will be made to table and that is the only way I can see to get a test vote. The Senator certainly knew all that, and I certainly knew what I was doing. He cannot, in this case at least, plead personal ignorance of what was going on, because I explained it to him before we ever made the motion to recommit. So the record is clear.

Mr. President, I yield the floor.

ORDER ON PENDING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following joint resolutions of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week";

S.J. Res. 172. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week"; and

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day.

The message also announced that the House had passed the joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks," with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Budkman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam;

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha";

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan;

H.R. 14683. An act to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir;

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake";

H.R. 19857. An act to name certain Federal buildings; and

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has affixed his signature to the following enrolled bills:

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals; and

H.R. 19846. An act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Public Works:

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Budkman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

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H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. GRAVEL). The nomination on the executive calendar will be stated.

U.S. DISTRICT COURTS

The assistant legislative clerk read the nomination of Harry W. Wellford, of Tennessee, to be a U.S. district judge for the Western District of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR BILL TO BE HELD AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that H.R. 212 which came over from the House today be held at the desk temporarily.

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

Mr. MILLER. May I ask the Senator what bill that is?

Mr. BYRD of West Virginia. Yes, indeed, I will be glad to inform the Senator. This is a bill to clarify the status of commissioned officers of the National Oceanic and Atmospheric Administration.

Mr. MILLER. I thank the Senator.

PROGRAM FOR MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. Mr. President, the Senate is on notice that the pending business now will be the supplemental appropriation bill; that we are coming in on Monday next at 11 a.m.; that there are two special orders for two Senators; that there will be a brief period for the transaction of routine morning business; and then the Senate will begin consideration of the appropriation bill.

ADJOURNMENT TO 11 A.M. MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. 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 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 3 minutes p.m.) the Senate adjourned until Monday, December 14, 1970, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 11, 1970:

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

Jeremiah Colwell Waterman, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1973.

DEPARTMENT OF JUSTICE

Robert C. Mardian, of California, to be an Assistant Attorney General.

U.S. CIRCUIT COURTS

Donald R. Ross, of Nebraska, to be a U.S. circuit judge for the eighth circuit.

U.S. DISTRICT COURTS

Franklin T. Dupree, Jr., of North Carolina, to be a U.S. district judge for the eastern district of North Carolina.

Hubert I. Teitelbaum, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Harry W. Wellford, of Tennessee, to be a U.S. district judge for the western district of Tennessee.

EXTENSIONS OF REMARKS

ADDRESS BY SENATOR GOLDWATER TO THE 75TH ANNIVERSARY LUNCHEON OF THE NATIONAL ASSOCIATION OF MANUFACTURERS

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, December 11, 1970

Mr. GOLDWATER. Mr. President, it was my privilege and pleasure to have been invited to address the 75th anniversary luncheon of the National Association of Manufacturers. I ask unanimous consent that my remarks be placed in the Extensions of Remarks.

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

ADDRESS BY SENATOR BARRY GOLDWATER

Mr. Chairman and distinguished guests, I am highly honored to be with you today to help you celebrate the 75th Congress of American Industry and to discuss with you an especially pressing problem which confronts your members as directly as it does my colleagues in the United States Senate.

I wish to discuss with you today the problem of maintaining an adequate defense posture in a time of growing dangers both at home and abroad.

I am sure I do not have to explain to this group the nature of the liberal assault which has been made over the past two years against the portions of American industry which contribute so materially to the American defense establishment. You have all heart, I know, the tremendous hue and cry about the so-called Military Industrial Complex. The arguments against the American military system, and everyone in and out of industry who contributes to it, is well known. It was carefully timed by the critics of American defense to coincide with an understandable disenchantment and irritation on the part of the American public with the long, dirty, frustrating war in Indochina. Popular frustration over Vietnam gave much more currency and authority to the arguments of our defense critics than they deserved. And an additional factor was the prevalence of troublesome domestic problems, such as the rise in major crime on our streets, unrest on our college campuses and anarchist bombings in many parts of the country. There were those among the critics of the MIC who made a business of contending that withdraw of American troops from Southeast Asia coupled with enormous cutbacks in defense expenditures would solve our problems on the domestic front. The American people were told over and over and over by an army of liberal critics mobilized with special strength right after the election of a Republican President that the military services in Vietnam were using up the government funds that should have been going into such problems as urban renewal, new housing and the rebuilding of ghetto areas.

The upshot of all this agitation and criticism has brought about heavy reductions in defense funds at a time when the Soviet Union is going all out to build the mightiest military machine the world has ever known.

Let me emphasize that I am not here today for the sole purpose of defending the Defense Department and all segments of the Industrial Complex in this country which we once proudly described as the Arsenal of Democracy.

Rather, my purpose here today is to compliment and praise American industry generally for the important role it has performed, not only in providing the materials necessary for the defense of 204 million Americans, but also for its vast technological contributions which enabled this country to be the first nation in the world to land men on the moon.

Now let me go a step further. Having voiced my admiration for the past performances of American industry, I am now going to present American industry with what I believe may be the greatest challenge which it has ever confronted. In a nutshell, I believe that the job ahead—the task which must be performed in the mills and the factories, the drawing rooms and the board chambers of American industry—involves providing the United States with a superior and sophisticated defense system in a time of inflation and criticism and provide it at *less* cost. I notice that the theme of your anniversary celebration is "The Quest for Quality." This theme fits nicely into what I am saying here today. I am saying that we can and should have a valid, credible defense posture with more advanced weapons and at less cost.

This might seem like a big order. It is. And the job does not belong to industry alone. The planning, the long-range thinking, and the strategic analysis for such a defense system must be provided by the government. Perhaps this is the greater challenge—whether our officials and experts in the Pentagon and in the various branches of the armed services will be capable of drawing the overall blueprint for industry to follow. Even so, great and unprecedented contributions will be required from many of your association members. If you like, the problem as I see it is a quest for greater quality at less price. The fact is, we are rapidly approaching a position where it is no longer possible to equate an adequate defense posture with a stated level of defense spending. Money, of course, is an important factor, but we have not been using it correctly. We have not fully exploited the latest products of technology in the development of an effective defense at a reasonable cost. It is fundamental that cost effective security demands that defense policy, defense strategy and tactics make the best possible use of the latest devices produced by American know-how. And when a nation, for whatever reason—political, moral, intellectual, or what have you—fails to follow this principle, it eventually prices itself out of a valid security posture.

I must interject at this point in my remarks my personal observation that the attack on the Military Industrial Complex, the attack on the Military itself, the fact that we lost the SST in the Senate yesterday is all part of a pattern that I have addressed myself to before this organization and other

business groups for many years. These are not isolated, singled-out situations, but they link together in an overall attempt to isolate America once again and to change the economic system from one of free enterprise to one of government control. This effort also encompasses the unilateral disarmament of the United States by weakening our military posture to the point that we can no longer respond.

Let me say that the need for maintaining, or now I guess it's recapturing, our strategic superiority throughout the world grows with every passing day. While we were reaching for a status which Mr. McNamara and his whiz kids called "parity" in strategic strength, the Soviet Union was working day and night to achieve superiority. The fact that its efforts are becoming successful can be seen with almost every edition of today's newspapers. Let me just mention a few estimates of Soviet strength made by American military experts within recent weeks.

1. Defense Secretary Melvin R. Laird told the NATO defense ministers in Ottawa, Canada, that the Russians now have 1,400 land-based ICBMs either ready for use or now under construction. This puts the Russians about 350 ICBMs ahead of the U.S. force of deep striking land-based missiles.

2. General Andrew J. Goodpaster, Supreme NATO Commander announced in Bonn, Germany, that the Warsaw Pact nations in Communist East Europe have amassed a "concentration of military power that exceeds anything the world has ever seen." He explained that this buildup included tremendous amounts of conventional military power such as tanks, tactical aircraft and general firepower.

3. Vice Admiral H. G. Rickover, father of the nuclear powered submarine, told a Congressional Committee: "Our defense posture is dangerously growing worse. The Soviets are capable of starting tomorrow the biggest war there has ever been, and I am not confident that the outcome of such a war would be in our favor."

4. Admiral T. H. Moorer, Chairman of the U.S. Joint Chiefs of Staff, told a San Francisco audience that the United States has been making "bare bones" cuts in its military power while the Soviet Union has launched one of its largest and most comprehensive buildups in all areas of its armed forces. He explained that the U.S.S.R. is adding more men, more planes, more tanks, more missiles, more ships and more submarines to its already powerful military establishment.

5. Norman Polmar, editor of the U.S. section of the annual publication "Jane's Fighting Ships," says the Soviet navy is now the world's largest in terms of ocean-going ships and will equal the nuclear submarine strength of the U.S. Navy before 1970 has expired.

Now these warnings certainly should be sufficient to show us that the Soviet Union is moving ahead in all areas of military development. It is proof positive of the fact that this is no time to downgrade and criticize either the American military system or the industrial complex which supplies it. And while I have explained why I believe that long-range plans for the United States must be aimed at better defense at less cost, I want to emphasize that this is aimed at the long haul. It could not possibly become effective soon enough to provide us with the defense system we will need for our protection in the months and years directly ahead. In this question of immediate need we do, of necessity, get down to the question of defense spending.

It would not surprise me a bit if the Nixon Administration is forced by the pressure of world events to ask for substantial increases in the defense spending next year. In view of what we know about Russia's activities, I believe it will be almost mandatory. An indication of what is to come can already be seen in a deliberate but low-keyed prodding by the Air Force for the speedy development of the projected B-1 bomber for future needs. Other essential requirements of weaponry for defense are bound to come up in the near future if we are to avoid becoming a second class military power.

As I have tried to point out, hardly a day goes by that we don't learn of a new movement the Soviets are making to extend their military power around the globe. For example, we now learn it required a specially negotiated "understanding" by the State Department to stop the Soviets from building a powerful submarine base in Cienfuegos, Cuba. At about the same time we learn that the Soviet Union is developing a deep water naval port on the Egyptian coast between Alexandria and the Libyan border. Reliable sources claim that the construction of this base, which will greatly strengthen the Soviet naval position in the strategic Mediterranean, has been underway for more than a year. It is already capable of handling ships as large as destroyers and is being deepened so that it can eventually supply service to guided missile cruisers.

I doubt if I have to explain to this audience that I have a long record of skepticism where Soviet intentions are concerned. I also have been among those who have warned repeatedly that the forces of international Communism are not interested in easing tensions between the East and the West; that they are not mellowing and beginning to take on the trappings of freedom. I wish it were possible for me to accept the thesis that if we assume the lead in disarmament—that if we bagin to dismantle our military establishment unilaterally—that the Soviet Union will be shamed into following suit. I wish it were possible for me to agree with those who even today embrace the McNamara policy aimed at erasing American military supremacy in favor of something called parity.

But I am prevented from adopting these comfortable attitudes by the actions of the Soviet Union itself. I am afraid that we have not only reached the status of military parity with the Soviet Union but that we are now in process of losing even that equal footing.

In fact, the situation has become dangerous enough that men like Chairman J. William Fulbright of the Senate Foreign Relations Committee warn us that it is no longer possible for us to stand up to the Soviets in the Caribbean because we no longer possess the superior strength that the Kennedy Administration held during the Russian Cuban missile crisis of 1962.

Perhaps some of you remember the many arguments advanced by the liberal community for the development of a power parity formula. The theory, at least, was that if we held back, if we failed to move ahead on the development of new weapons systems, if we failed to take advantage of the lead time afforded by our military superiority—that a grateful Soviet Union would take up the slack and observe all the protocol and courtesies of a parity powered world as we envisoned it.

It seems almost fantastic that we ever believed that the Soviets would build the momentum to move them from second place to even-up with the United States and stop there. We know the truth now. We see it in every area of the world. The Soviet Union is hell-bent on establishing a superiority over the United States in every phase of military development, from multiple warhead missiles down to the number of conventional destroyers. And all this, I would remind you, comes at a time when the Soviet Union is testing this nation of ours in almost every section of the world. For years the Russians have been the mainstay of our Communist enemy in Indochina. In the Middle East they are challenging with the weight of weapons supplied to the Arab nations. In the Mediterranean they are probing and challenging the cruising preserves of the United States Sixth Fleet. Our forces in almost every water way in the world are being challenged by a new and growing Soviet navy. In the Western Hemisphere Soviet intentions center around Cuba and this has been an open secret ever since Castro declared his devotion to Marxist Communism and embraced the Soviet Union.

In conclusion, I should like to stress my belief that the defense posture of this nation has both immediate and long-range aspects. And while events now piling up on the international scene require our immediate attention and concern, we must never lose sight of the future requirements that this nation may be called upon to meet in the defense of its citizens and in promotion of freedom's cause throughout the world. In both areas, American industry has an enormous task to perform, a task I am certain that will be carried out with efficiency and dispatch.

AMERICAN POLICY IN SOUTHEAST ASIA

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. DENNIS. Mr. Speaker, recent discussions in the Congress, touching on foreign policy, and particularly in connection with assistance to Cambodia, serve as an occasion, as it seems to me, for a little clear thinking and plain speaking on this general subject, which I believe to be much overdue.

It seems to me that surely Members of the Congress realize that we are engaged in a worldwide struggle of ideology, principle, influence, and power, on which the future fate of our country and that of the world depends. No recent American administration, of either party, has failed to recognize this fact—and, in my judgment, no administration can fail to recognize it.

Sometimes administrations, for political reasons, and subject to political pressures, have, unfortunately, been somewhat less than frank in acknowledging their recognition of this reality, but no administration has seriously deviated from a policy and a conduct of affairs which showed that it had this world situation constantly in mind, and that it fully intended that the successful party in this struggle should be the United States. Sometimes gentlemen here, and in the other body, have indulged in political sniping at various facets of this fundamental policy, but I seriously doubt that very many of these same gentlemen really believe in their hearts that the basic policy is wrong or that the worldwide struggle either can, or should, be abandoned.

The Nixon doctrine—as I understand it—seeks to implement our part in this struggle with as low an American profile as may be possible, and with an increasing emphasis on action by our friends and allies, with American financial aid and advisory assistance preferred, where feasible, to American military support. But I do not believe for one moment that

the Nixon doctrine contemplates an American withdrawal in the world, or, more specifically, an American decision to concede Southeast Asia to the Communist side; and I am confident that this doctrine contemplates—and necessarily contemplates—the retention of a flexibility sufficient to implement the overall goals of our global foreign policy.

It follows that, while withdrawal from Vietnam may furnish the primary and present motive for assistance to Cambodia, for example, it cannot, in the nature of things, furnish the exclusive basis for that assistance, in any long-range point of view. Even if and when the process of Vietnamization has been completed it is obviously quite possible that continued aid to Cambodia or other countries in the area may continue to be essential to the successful conduct of American policy.

Like others in this body I have been out in the field in Southeast Asia, and have observed there the efforts of Americans actively engaged in this global struggle, from the rifleman, to the military adviser, to the Administrator of AID. In my judgment, these people are the frontline soldiers in a war between civilization and barbarism: between liberty and tyranny—a war which, in truth and in fact, involves us all.

I do not intend—from my physically safe seat in the Congress—to cast a vote which might indicate to these people that I fail to understand or to appreciate the nature, the extent, and the overall purposes of the worldwide struggle in which they, and we also, are engaged. Proposals which seek to tie aid to Cambodia solely to withdrawal in Vietnam, or which seek to deny all possibility of the use of American military advisers in that country fails to recognize, or to come to grips, with the actual global situation. Adoption of measures of this character, in the light of history, and with the march of subsequent events, would, I believe, appear, in retrospect, as an exercise in futility, which accomplished nothing—save, perhaps, to help us close our eyes once again to international realities which it is important that we see.

MESSAGE GETS THROUGH

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. BOB WILSON. Mr. Speaker, "Swing Out, Sweet Land" was a moving tribute to America and what is right with our country. This program, without ignoring our national problems, took an entertaining look at what makes America tick. Headed by that indomitable American favorite, John Wayne, this was a truly great show, with an outstanding cast. I hope the networks will bring us more of this type of programing and know that all Americans, young and old, found much to enjoy and ponder during that hour and a half. I am pleased to include in the RECORD the following editorial from the San Diego Evening Tribune of December 1, 1970:

MESSAGE GETS THROUGH

It was all sort of implausible.

Here was this rugged, handsome fellow on the television screen, telling us that all this country needs is confidence on the part of its citizens—confidence in the country and in each other.

But big, solid John Wayne made it believable.

John Wayne, probably, in these waning days of 1970 is the only performer who could cut through the "sky is falling" mood of television programming to assemble the fresh-as-spring NBC special aired Sunday night.

Wayne, an acknowledged flag-waver, used the clout he has accumulated during the years as "nice guy" of the entertainment business to bring to the television spectacular some talented figures best known possibly for sticking pins in flag-wavers.

And Wayne was joined by a host of friends and other performers who share his views.

But "Swing Out, Sweet Land" was not a sermon on patriotism. Wayne's message was there—America is a pretty good place to live—but the show was pure entertainment.

And guests like Dan Rowan and Dick Martin and Tommy Smothers—fellows who like to snipe at the establishment—could be comfortable in front of the cameras even in the company of the establishment's most vigorous defender.

As one frequent critic of the "system" noted, "I thought it was time to stand up and say, 'Hey, this is the best system we've got.'"

Wayne, as host and narrator of the show, wandered through United States history, meeting and talking to figures who shaped America's destiny with roles played by Lucille Ball, Bing Crosby, Jack Benny, Lorne Greene, Ann-Margret, Leslie Uggams, Glen Campbell, Johnny Cash, Bob Hope, Red Skelton, Dean Martin. . . .

The theme was pro-America.

It was coated with humor, music and hope.

"I'm doing this show for my kids," Wayne said. "Before I get too old, I want to do something . . . that will give them an idea about how their country developed."

And kids of all ages must have shared the thrill of pride at the show's square, corny finale with the entire cast singing "God Bless America."

It was enough to make a sophisticated viewer laugh right out loud—after he brushed away a tear or two.

MORTON'S NEW CHALLENGE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. GUDE. Mr. Speaker, among much editorial and press comment commending the appointment of our distinguished colleague, Mr. MORTON, to be Secretary of the Interior, the Evening Capital of Annapolis, Md., points up the fact that he is the first easterner to be chosen for this Interior position in its 121-year history. As a Chesapeake Bay oriented newspaper in the capital of Maryland, the Evening Capital is familiar with our distinguished colleague's record of concern and interest in the preservation of the environment as he has repeatedly displayed in his efforts to maintain the quality of the Chesapeake Bay as a natural resource.

ROGERS MORTON again brings honor and credit to the State of Maryland which has furnished 16 other Cabinet members in the Nation's history.

Mr. Speaker, I wish to commend to my colleagues the editorial of the Evening Capital of November 28, 1970:

MORTON'S NEW CHALLENGE

Despite the fact that we feel Walter J. Hickel performed his duties as secretary of interior courageously and independently it was obvious that his lack of rapport with the administration was a situation President Nixon could not permit to be continued. Rep. Rogers C. B. Morton, whom the President appointed to replace Hickel, has demonstrated that he is very much on the same wave length with the administration.

We are proud that the first Easterner chosen for the interior post in its 121-year history is a Marylander. Morton represents the First Congressional District, sometimes called the "Chesapeake Bay district." We have a very special concern about the Bay because of its proximity and our recognition that it is a natural resource vital to Maryland and the Eastern Seaboard. It will be comforting to have a man in the cabinet post that concentrates on environmental matters sharing this concern.

Because of the great national interest in conservation and fighting air, land and water pollution, that position of secretary of interior is highly significant and sensitive. It requires deep dedication and a strong will to prevent private interests and public agencies from exploiting our natural resources.

Morton has a reputation for being a loyal team player and his lines of communication with President Nixon appear to be excellent. This should place him in an advantageous position for meeting the immense challenges with which the secretary of interior must deal and performing effectively as the public's top advocate of environmental protection and preservation.

REGISTRATION AND VOTING IN THE STATES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. UDALL. Mr. Speaker, last August 13 it was my privilege to introduce, along with 11 cosponsors, H.R. 19010, the proposed Universal Enrollment Act of 1970. On the same day Senator DANIEL INOUYE and 12 cosponsors introduced an identical bill in the Senate. The purpose of this legislation is to bring into our political system the large numbers of eligible Americans who are not now voting; for example, the 47 million who failed to vote in the 1968 presidential election and an estimated 67 million who did not vote in the just-completed congressional elections.

The major barriers to voting are the outdated registration practices that plague our elections. Once people register, as the following report shows, they vote. But the difficulty implicit in registering is just beginning to receive the widespread attention in the courts, in

the State legislatures, and now in the Congress that the problem deserves.

The universal enrollment plan would institute a door-to-door canvass to register for presidential elections all eligible voters who wanted to be registered. It also includes simplified absentee voter procedures for Americans living abroad, military personnel, those not in their jurisdictions on election day, and those who move into a new community less than 30 days prior to the election. Under this plan, the enrollment officials could enroll voters for State and local elections in addition to presidential elections, if the State and local officials requested that they do so; or the completed registration rolls could be turned over to local election officials upon request. The plan is voluntary, but it does provide a practical means for overcoming the greatest hurdle to voting now contained in our laws.

At this time, I am pleased to introduce for publication in the CONGRESSIONAL RECORD one of the most thorough assessments of present registration practices, their development, and their impact on voter turnout. The report is the work of the Freedom To Vote Task Force, established under the chairmanship of former Attorney General Ramsey Clark and the honorary president of the National Council of Women, Mrs. Mildred Robbins. The task force was created to study the reasons for nonvoting and to recommend ways to increase political participation. The task force report recommends simplified registration qualifications for each of the States and a universal enrollment plan for adoption at both the State and National levels.

These materials impressively outline the dimensions of the problem and strongly support the need for a universal enrollment plan. Therefore, I insert them in the CONGRESSIONAL RECORD at this point:

REGISTRATION AND VOTING IN THE STATES

(A Report of the Freedom to Vote Task Force Democratic National Committee, November, 1970)

I. INTRODUCTION

American government is based on the assumption that it represents the will of the people. Individuals elect their public officials and shape the broad outlines of governmental policy through the vote, the single most critical individual act in a democracy. Any devices that prohibit people from voting should be subjected to the most intensive, continuing scrutiny. They can be justified only by the most persuasive of arguments as to their need and the inability to find meaningful substitutes to accomplish the same objectives.

The more people that vote, the better able the government is to reflect their wishes and to satisfy their needs. All benefit. A truly representative democracy makes for a highly stable and vigorous nation.

Yet in a voting population of 120 million in 1968, only 73 million voted. The chief obstacle to the vote in 1968 as in previous elections years was the cumbersome registration demands made upon citizens. Those registered voted. Eightly-nine percent (89.4%) of the 82 million registered Americans cast their ballots in the 1968 presidential election. (See Table 1.)

The following reviews the evolution of registration systems, the requirements presently in effect and their effect on voter turnout, and presents the recommendations of the Task Force for a more reasonable approach to qualifying voters for elections.

Background

The original justification for the introduction of registration requirements was the attempt to insure the integrity of elections. The intention was to free them from fraudulent manipulation.

A 1929 work on the subject, and the only major study to date, presented the rationale used to justify registration limitations. The author, Joseph Harris, noted that:

"Our elections have been marked by irregularities, slipshod work, antiquated procedures, obsolete records, inaccuracies and many varieties of downright fraud. In only a few cities is the administration of elections conducted with a modicum of efficiency." (Joseph Harris, *Registration of Voters in the United States* (1929), pp. 3–4.)

The answer to such abuses according to Harris and those of like mind was a registration system:

"The requirement that all voters shall be registered prior to the day of the election is one of the most important safeguards of the purity of the ballot box. It constitutes the very foundation upon which an honest election system must rest, and if properly administered, prevents many of the more serious frauds which have marked the conduct of elections in the past." (*Ibid.*)

Harris' argument is interesting from a number of perspectives. First, it gives the rationale for supporting registration limitations during the era of their greatest expansion, the mid to late nineteenth and early twentieth century. Second, it represents the thinking of civic reformers who felt, somewhat naively in retrospect, that such checks would purify the elections of many, if not most, of their objectionable features. Third, the statement suggests that registration systems were intended primarily for urban areas.

There were a number of reasons for this selectivity. In rural areas, election officials knew most of the voters and thus argued that there was no need for a prior listing of eligible citizens. The population concentrations in the urban areas, however, did not encourage any easy familiarity with all prospective voters, hence the need for a registration system.

Another factor was the maturation of the urban machine. The machine depended upon a controlled vote to maintain its position of power. Such a system encouraged abuse.

For example, in one Chicago precinct (20th Ward, 24th Precinct) during one primary election in 1926, the Citizens' Association of Chicago reported that the bogus votes outnumbered the valid ones. Of the 566 votes cast, 352 were described as fraudulent, that is, the ballot cast was not done so by a bona fide resident of the precinct. The argument could be made that the same officials who controlled the polls on election days, resulting in a fraudulent vote count, would control the registration procedures, thus insuring no fundamental changes. Nonetheless, those favoring registration emphasized such cases as these to argue the need for the preelection listing of eligible voters.

Until this day, registration systems have been centered in cities and have spread only gradually to smaller towns and rural areas. Ohio, for example, has registration only in urban areas of 50,000 or more. A rural state. North Dakota, that boasts of no city over 55,000 population, has no registration procedures at all. Alaska, a state of only 294,000 inhabitants, has relaxed registration procedures which, similar to many areas of sparse population, allows the registrar leeway in adding to the rolls at his discretion people he knows to be eligible to vote.

Registration procedures do have an effect on voting turnout. The U.S. Census publication shows that of the 32 percent of the electorate not claiming to vote in the 1968 elections, 72 percent were barred because of failure to meet registration qualifications. A study was made by Professor Stanley Kelley, Jr., and associates of Princeton University on registration and voting in the 104 largest cities in the United States during the 1960 presidential election. They studied the effect of socioeconomic factors (age, sex, race, education, income and length of residence); party competition; and registration requirements (residency and literacy tests, permanent or periodic registration systems, the time and place for registration, and the closing dates for registration) on voter participation. The study concluded that "registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered." (S. Kelley *et al.*, "Registration and Voting: Putting First Things First," *American Political Science Review* (1967), p. 362.) The authors found, for example, that better than three-fourths (or 80%) of the variations found between the number of people voting and those of voting age was accounted for by registration demands. There was almost a perfect correlation between the number of people registered and those voting; that is, on the average, for each percentage increase in registration between cities there was a percentage increase in voter turnout. The mean percentage of those of voting age who registered was 73.3 percent with a standard deviation of 14.3. The mean percentage of those registered who voted was 81.6 percent with a standard deviation of 11.7. As the authors noted, the latter set of figures was both higher and varied less than those between voting age population and those registering, thus supporting their contention that the critical hurdle to voting is registration. The authors therefore demonstrate an explicit relationship between registration and voting: for almost every new person registered, a new voter went to the polls. Also, the figures indicate that those registered vote in high numbers, with relatively little deviation from one city to the next.

In the midwest, some counties still have no registration requirements while others, usually the more urban ones, do. Consistently, the turnout is higher in the counties with no registration qualifications. For example, in Missouri the discrepancy in voter turnout between the urban counties (Jackson, St. Louis City, St. Louis County) with registration qualifications and the counties without registration, representing 80 percent of the state's land area, averages between 10 percent and 12 percent. The experience of Pennsylvania for the period between 1920 and 1936 and prior to the introduction of statewide registration procedures and of Ohio for the period 1932–1960, when a variety of practices were in effect ranging from no registration through a partial listing of qualifications to a full-fledged registration system, illustrates the depressing effect of those requirements on voter participation. For the Pennsylvania counties, there is a six percent to 10 percent difference in turnout. The Ohio returns illustrate the same phenomena, a decline in the vote that correlates with the severity of the requirements. (See Table 2.)

History

The North

The spiritual ancestor of later registration systems was a Massachusetts requirement, adopted in 1742, that limited the franchise to property-holders and required

local assessors to compile a list of each man's property assets.

The first actual registration law in the United States was enacted by the state of Massachusetts in the year 1800. This provided for the listing of all qualified voters in each town in the Commonwealth prior to elections. While other New England states adopted similar procedures, the practice was slow in spreading to other areas. When a registration system was adopted prior to 1862, it was done so only in a few selected major urban areas. Columbia, South Carolina instituted registration in 1839 for elections in the city of Philadelphia. And New York City adopted registration qualifications in 1840, but soon abandoned them.

The big push in the adoption of registration limitations began in the 1860's with the accelerated growth of the large urban areas, the industrialization of the nation necessitating large clusters of working people in confined geographical areas, the refinement of machine politics, and the mass immigrations to this country, and particularly to its cities, that took place up until 1920. The steadily increasing electorate culminated in the 19th Amendment giving the vote to women, and also provided pressure for a more systematic enumeration of eligible voters.

Between 1860 and 1880 most Northern States adopted registration procedures. Beginning in 1880, the practice also spread to Western and Southern states, although the Southern experience differed from that of the rest of the nation.

The study by Stanley Kelley, Jr., and associates introduced earlier notes that:

"In the period from 1896 to 1924, when the turnout declined almost steadily, state after state enacted registration laws which typically required registration annually and in person of all voters in the nation's large cities; the registration procedures of this era have been described by one student of registration practices (Harris) as 'expensive, cumbersome, and inconvenient to the voter'. In the period from 1924 until the present, during which time the turnout has gradually risen, more and more states have been liberalizing their registration laws, particularly as these apply to the larger cities. In short, turnout in presidential elections in the United States may have declined and then risen again, not because of changes in the *interest* of voters in elections, but because of changes in the *interest demanded* of them." (S. Kelley, *et al.*, "Registration and Voting . . . ," p. 374.)

Whatever the justification or the original intent, registration systems have a selective effect in whom they bar from voting.

A Gallup poll conducted in December of 1969 found that registration systems had an uneven effect on the electorate: the laws effectively discriminated against certain groups of potential voters. The report released by the Gallup organization was entitled "Registration Laws Boon to Republicans" and indicated that the people most likely to satisfy the registration requirements were prospective supporters of the Republican party. The release stated that two out of three of the people not registered had Democratic leanings. Most heavily hit were the young (50 percent not registered) and those who rented rather than owned their own homes (44 percent not registered).

Gallup concludes from his studies that it is *not* lack of interest but rather residency and other registration qualifications that provide the biggest barrier to voting. The results are not accidental. Registration requirements are more difficult for the less educated to meet. The registration systems favor those in higher social classes, disproportionately increasing their weight in the electorate. The city of Baltimore can serve as an example. Correlation of social class characteristics, as measured by occupation, with the 1960 voter turnout in 83 political units in the city produced the results shown in Table 3.

These figures (Table 3) indicate that the upper classes, as stratified by occupation, have a political weight roughly twice that of the lower classes.

The U.S. Census report on registration and voting in the 1968 election (*Voting and Registration in the Election of November 1968* Series P–20, No. 192, December, 1969) provides a more detailed commentary. The figures are self-reported and they over-represent the number of people registered and voting. Nevertheless, the trends revealed within the categorizations of the returns should provide a reliable index of relative discrepancies within the population.

The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers, and those of lower incomes. The family income and education figures, in particular, show a progressively clearer relationship between an increase in income or educational achievement and percentage registered and voting. As an example, 87 percent (86.5%) of those with a college degree are reported as registered and 83 percent as voting. One-half (49.5%) of those with only one to four years education are reported as registered and only 38 percent of the total as voting.

The registration systems now in effect do not fall on all individuals impartially. (See Table 4.) They place a disproportionately heavier load on those least able to meet them.

The South

The modus vivendi worked out between the South and Republican leaders in the contested outcome of the presidential election of 1876 gave the victory to Hayes in return for the freedom to conduct political affairs in the South much as they had been prior to 1860. To return power to propertied classes favored before the Civil War necessitated the exclusion from the Southern electorate of blacks newly enfranchised since 1865. A number of legal and extra-legal strategies were employed prior to 1890, but beginning approximately in this year and extending through 1920, Southern states settled on restrictive registration procedures as an effective legal means of limiting Negro involvement in elections. There followed during this period such limitations as the "grandfather clause," the "white primary," the poll tax, which effectively barred poor whites as well as blacks, and arbitrarily administered tests of literacy and state and federal constitutional interpretation. Mississippi began the practice in 1890 requiring a "reasonable" interpretation of the Constitution as a prerequisite to voting. By 1915, the U.S. Commission on Civil Rights reports that other Southern states had adopted similar practices, requiring applicants to meet as a criteria for voting standards of "good character," property qualifications, civic knowledge, and other arbitrary restrictions designed to exclude Negroes from voting. For example, offenses believed to be related to Negroes, crimes of petty larceny or illegal child bearing, were grounds for restricting the vote in some Southern states. These were included in the laws to cast a net as widely as possible to minimize Negro political involvement. Once the process of adding provisions to restrict the vote on grounds of acceptable behavior began, there was virtually no limit to the lawmakers' ingenuity in adopting unusual restrictions.

The South, however, was not alone in restricting prospective voters. A listing of the restrictions placed on who may vote by one Southern and one non-Southern state, Louisiana and Idaho, illustrates the extremes to which the process of excluding reputedly undesirable types from the electorate can be taken. (See Table 5.)

It is difficult to say what someone accused of falling into one of these categories outlined in Idaho or a state with similar regulations would do. The restrictions listed do show the potential power of registrars. Should they desire, registrars can limit the number of people voting simply by permitting some to vote while prohibiting others through a restrictive application of their powers.

In the South, the whites depended upon sympathetic local registrars to ease the process. The registrar's discretion was counted on to insure that whites met the registration requirements and blacks did not. The strategy proved highly effective. The U.S. Commission on Civil Rights reports that in 1868 under the Radical Reconstruction legislation, whose political implications were clarified in the Fifteenth Amendment passed in 1870, 700,000 Negroes were registered to vote. The number exceeded the white registration. Negroes also held political office, for example, controlling one house and 87 of 156 seats in the South Carolina legislature. However, no black was ever elected governor, nor did blacks ever control both houses of any state legislature.

The systematic exclusion of Negroes from all forms of political participation received legal sanction in the ingenious "Mississippi Plan," as it was called, of 1890. The plan concentrated on devising restrictions on registration and voting that could be applied with discrimination. The approach was enthusiastically adopted by other Southern states and, by 1900, the Negro vote had been virtually eliminated in the South. As an example, in Louisiana in 1896, 130,334 Negroes were registered to vote. Four years later after the Mississippi approach had been written into state law, 5,320 blacks were registered to vote.

It was not until the Supreme Court decision in *Smith* v. *Albright* which outlawed the "white primary" that the trend was effectively reversed. Subsequent decisions buttressed by the passage of the Civil Rights Acts of 1957, 1960 and 1964 brought an increase in Negro registration. The greatest progress, however, was made with the enactment of the Voting Rights Act of 1965. The Act suspended discriminatory registration requirements, including literacy tests, in any state or political subdivision where 50 percent of the voting age population were either not registered or did not vote. These provisions applied to Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, as well as to 40 of North Carolina's 100 counties. In addition, the Attorney General of the United States was given authority to assign federal examiners to register qualified voters and federal observers to monitor elections in the same counties.

The Voting Rights Act proved to be extremely successful. Federal examiners were sent to 58 Southern counties. By the end of 1967, they had registered 150,767 blacks and 7,327 whites. In addition, local registrars had enrolled 416,000 Negroes under provisions of the 1965 Act for a net gain of 566,000 new black registrants. Also, black registration exceeded 50 percent in all Southern states. As the following table shows, whites as well as blacks benefited from the Act. (See Table 6.)

The seven states primarily affected by the Voting Rights Act showed remarkable gains. In 1956, 20 percent of the blacks in these states were registered. Almost a decade and three civil rights acts later, in August of

1965 when the Voting Rights Act was passed by the Congress, the percentage had risen to only 29 percent. Five years after the passage of the Act, the percentage of blacks registered in the seven states had climbed to 60 percent.

The Negro vote climbed with Negro registration. Exact figures are not available, but the Southern Regional Council estimated that in the 1966 election the following turnouts occurred: Arkansas, 80,000 to 90,000 of a potential 115,000 to 120,000 registered blacks; South Carolina, 100,000 to 191,000; Georgia, 150,000 to 300,000; Alabama, less than one-half of the total 250,000, although 75 percent of the registered black voters participated in the Democratic primary; Mississippi, 50,000 to 55,000 of 170,000; and in a sampling of precincts in Louisiana, 50 to 60 percent of the registered Negroes voted. It is estimated from sample survey results by the Southern Regional Council that two-thirds of the Negroes of voting age were registered in 1968 and that over one-half voted. The voting increases for the period 1940–1968, covering the *Smith* v. *Albright* (1944) decision and the Voting Rights Act of 1965 which represented the biggest spurs to black registration and voting, are shown in Table 7.

The U.S. Census report of December 2, 1969, *Population Characteristics*, in reviewing the turnout from the 1968 general election, does not break the figures on participation down by state. However, it does report regional returns which are somewhat different than those of the U.S. Civil Rights Commission, although the emphasis is the same. Fifty-two percent of the total black population (that is, civilians 21 or over not in institutions) voted in 1968. Of those blacks who reported themselves registered, 84 percent voted in 1968, an increase in black voter participation in the South of approximately 7 percent over 1964.

In summarizing the effect of the 1965 Voting Rights Act, the Staff Director of the U.S. Civil Rights Commission reported to a Committee of the Congress in 1970 that in the five years since the enactment of the legislation:

". . . over two million black voters are registered in the seven states covered by the Act; three-and-a-quarter million Southwide; over 400 black candidates for office were elected; and significant numbers of moderate white officials hold office because white and black voters have been able to turn out of office the Jim Clarkes and the Bull Connors in many counties." (Statement of H. A. Glickstein, Staff Director, U.S. Commission on Civil Rights, before U.S. Senate Subcommittee on Constitutional Rights, February 24, 1970, pp. 22–23.)

He went on to conclude:

"This is what the right to vote is all about: the people have the right to determine who will govern and represent them." (*Ibid.*, p. 23.)

The Southern experience demonstrates the power of registration qualifications to restrict the vote. It also provides a persuasive argument that a comprehensive voter enrollment plan under federal government auspices, such as that proposed in the previous Freedom to Vote Task Force report, "That All May Vote," would result in significantly higher voter turnouts.

II. REGISTRATION REQUIREMENTS OF THE STATES*

Contemporary registration requirements vary greatly. Each was added over a period of time and often at the whim of specific state legislatures or in reaction to a passing public mood. Few states have codified their requirements and systematically evaluated their consequences. As a result, the registration qualifications in effect, as the earlier comparison between the states of Idaho and Louisiana illustrated, can become quite elaborate.

The following reviews the requirements presently in effect. It begins with one of the most common, residency, and discusses this requirement as it pertains to state, county, precinct and city elections. The options, if any, available to voters for a waiver of residency limitations in presidential elections are also presented.

Each of the states with registration systems had some type of residency requirement in effect prior to the enactment of the Voting Rights Act of 1970. For example, for presidential elections these ranged from three months or 90 days in some states (New York, Pennsylvania) up to—until it was revised in 1968 to one year—two years in Mississippi. South Dakota uniquely adds a further stipulation to its one year residency requirement stipulating that a voter must be a resident of the United States for five years.

The enactment of the Voting Rights Act of 1970 superimposes over state procedures limits on residency qualifications for presidential elections. These requirements were restricted to 30 days. The stipulation remains in force, assuming court support, until 1975. At that point, unless the Act or something comparable to it were adopted, previous state practices would be resumed.

American civilians living abroad, estimated in 1960 to be about one-half a million people and in 1968, 651,000 (not including 172,000 civilian military dependents of voting age), are also excluded by residency limitations from voting. American military personnel abroad must qualify for the frequently cumbersome absentee ballots, thus diluting the force of their vote. Of the 2,473,000 military personnel of voting age in November, 1968, 1,142,600, or 46 percent of the total, actually voted.

Several states (e.g., New Mexico, Mississippi, Washington and Utah) exclude Indians not taxed or those, and others, living on federal lands from voting. The legal stipulations covering these exclusions are so varied that it is virtually impossible to estimate the number of individuals excluded from the ballot by these restrictions. Curiously, the U.S. Civil Rights Commission contends that these are legally unenforceable in federal elections, although they have no information as to registration practices at local levels in this regard.

As the following shows, 33 states have one year residency requirements before one can vote, 33 states require some period of residency in the county, the same number in the precincts; and a smattering of states have city requirements as well, although Connecticut's is in lieu of any other residency qualifications.

Thirty-one states relax their provisions for presidential elections, although the effect of several is questionable. Colorado, as an example, substitutes a six month period for the original one year, the mandatory requirement in 14 other states. Several states permit presidential voting under a waiver system only in specific places, the town clerk's office or for maximum inconvenience, only in one city in the state, as is the case in Delaware.

The requirements normally in effect stipulate that to vote a person must be a resident of the state for at least one year, of the county for 30 to 90 days, and of the precinct for 30 days. It is estimated that these requirements exclude from the electorate, through an individual's inability to meet the specific residency qualifications in an election jurisdiction, five percent of the potential electorate. For the 1968 election, this would mean that six million voters were denied participation by residency alone.

The following summarizes the various residence requirements in each of the fifty states and the District of Columbia.* (See Table 8.)

*State Requirements:*** Thirty-three states and the District of Columbia require an individual to be a resident of the state for a period of one year before he may cast his ballot in an election. Fourteen states have residence requirements of six months—Connecticut has no state requirement, but does have a six month residence requirement for cities—and only two states, New York and Pennsylvania, allow an elector voting privileges after three months and 90 days of residence, respectively.

County Requirements: Thirty-five states have county residence requirements of from one month to as long as six months. (Hawaii has a residence requirement of three months in a State Representative District.) Fourteen states have no county requirements.

Precinct Requirements: Thirty-three states have precinct residence requirements of from ten days to six months. Sixteen states have no residence requirements for precincts. Missouri has a precinct residence requirement of ten days in only some of its counties.

City Requirements: Connecticut has a six month residence requirement in cities, but there are no state, county or precinct requirements. Rhode Island and Massachusetts require a six month residence; New Hampshire, six months in ward or town. Vermont and Maine have a three month requirement. Maryland's residence requirement is six months, but may apply to a county or city, and New York's is three months and also applies to a county or city. Michigan has a city residence provision requiring that an individual must reside in the city on or before the fifth Friday before the election in order to qualify to vote. All other states have no city requirements.

Presidential Waivers: Nineteen states and the District of Columbia have no provisions for new residents voting in Presidential elections. Thirty-one states have some type of Presidential waiver, with fifteen of those states requiring lengths of residence of from fifteen days to three months. Delaware, for example, with a three month residence requirement for Presidential elections, requires the individual first to register in person in Wilmington and, second, to vote in Wilmington only on election day. See Table 8 for changes subsequent to 1968.

Former Residents: The states that allow a former resident to vote by a special or an absentee ballot until residence requirements of the new state are met, or for a specified length of time, are as follows:

Alaska: May vote for President until he meets residence requirements in new state.

Arizona: May vote absentee for 15 months after leaving if cannot meet requirements in new state.

Connecticut: May vote absentee for 24 months after leaving if cannot meet requirements in new state.

Michigan: May vote until requirements are met in new state.

New Jersey: May vote by special ballot for President if cannot meet requirements in new state.

Texas: May vote by absentee ballot for President for 24 months if cannot meet requirements in new state.

Wisconsin: May vote by absentee ballot for President for 24 months if cannot meet requirements in new state.

Wyoming: May vote absentee until such

*As of January 1, 1970.

*There have been several changes since 1968. These are noted in Table 8.

**In some states a Presidential election is an exception; see Presidential Waivers.

time as residence requirements are met in new state of residence.

In addition to residency, each of the state registration systems requires U.S. citizenship as a precondition for voting and sets a minimum age for eligibility. Minnesota and Utah stipulate that a person must be a citizen for three months or 90 days. In 1960, restriction of aliens excluded about 2.75 million people from voting. Under the same restrictions, an estimated 3.3 million adult resident aliens were restricted from voting in 1968.

Forty-six states set a legal minimum age of 21 for voting. Georgia and Kentucky permit voting at 18, Alaska at 19, and Hawaii at 20. If the 18 year old vote becomes a reality, it should add from 10 to 12 million new voters to the electorate, a ten percent increase over present levels.

Twenty states also have some form of literacy requirement. These vary in severity from provisions that require a prospective voter to be able to write his own name or read and/or write English to the ability to interpret the state or federal constitution. The state of Hawaii permits fluency in Hawaiian to be substituted for English; South Carolina permits a waiver of the literacy requirement if the person owns $300 worth of assessed property; and Alabama accepts a certificate stating that the holder has completed eight years of formal schooling as presumptive proof of literacy.

In the 1960 Presidential election, literacy requirements directly excluded 1.37 million people from voting. The number excluded in 1968 approximated 2.1 million. The figures are based on the U.S. Census estimates of illiterates of voting age in the 20 states with literacy requirements. Curiously, the Census definition of literacy is considerably less stringent than those provided in state laws for voting. The Census defines literacy as the inability to read or write simple messages in *any* language. Professor William Andrews, in a challenging review of voting requirements (William G. Andrews, "American Voting Participation," *Western Political Quarterly*, 19(1966), p. 643), puts the number of illiterates excluded from voting participation in 1960 at a minimum of 3.4 million. Based on the same calculation, the number for 1968 would be 3.8 million.

In specified states (Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and at least 26 counties in North Carolina) the requirements for literacy tests and similar devices were suspended by the provisions of the federal Voting Rights Act of 1965. Most of the areas that the 1965 Act covered were in the South, but in a few other parts of the country such as Alaska, low voter participation brought the area under the Act. The reenactment of the legislation, the Voting Rights Act of 1970, suspended literacy requirements in all of the states until 1975.

A report of the U.S. Commission on Civil Rights permits a more extended evaluation of the effects of literacy tests as a precondition for voting in non-Southern states. In analyzing the election returns for 1968, the Commission found:

Overall, the states with literacy tests have lower registration and voter turnout rates than those without literacy qualifications.

That Negroes are more adversely affected by literacy requirements than whites. In states with no literacy tests, more Negroes with less than a ninth grade education are registered (76%) than in states with this barrier (55%). The comparable figures for whites are 72 percent and 61 percent. Also, for the same group (8 years or less of education) almost twice as many blacks as whites (27.7% to 15.2%) are listed as not registering because of lack of interest or inability to register, figures that support the contention of this report that individual apathy as a reason for not registering is conditioned by the severity of the requirements a person must meet.

Counties within a state (excluding Hawaii and Alaska) that have a higher proportion of nonwhites or those with Spanish surnames (15% or greater) are more likely to fall behind the state average in registration in states with literacy requirements. This is not true for those states that have no literacy tests.

The Commission thus concludes that: "The data show a negative correlation between literacy tests and voter registration and (voter) turnout levels, both for the general population and for minority groups in particular." ("The Impact of Voter Literacy Tests Upon Voter Registration in States of the South and West: November, 1968," U.S. Civil Rights Commission, January 19, 1970, p. 1.)

A loyalty oath or some certification as to good citizenship is a requirement for voting in seven states: Alabama, Connecticut, Florida, Idaho, Mississippi (amended in 1965 to require an oath only as to the truth of statements in the registration application), North Carolina, and West Virginia. Alabama specifies that in addition to the loyalty oath, a registrant "must be of good character and embrace the duties and obligations of citizenship under the Constitution of the United States and the state of Alabama."

These requirements are summarized in Table 9.

In addition to residency, age, citizenship, literacy tests and loyalty oaths as prerequisites to voting, states prohibit others from the electorate for a wide variety of reasons. Forty-five states disqualify from voting idiots, the mentally ill and those under legal guardianship. In Alaska and the District of Columbia, court adjudication of mental incapacity is needed in order to prohibit a person from participating in elections.

Prison inmates are not allowed to vote in any state. In addition, anyone convicted of a felony is denied permission to participate in elections in 50 states. Of the latter, all but six states temper this provision by returning the franchise to anyone whose civil rights have been restored, a provision that would apply to few former convicts (2% is one estimate). Only two states, Colorado and Oregon, automatically reinstate the individual's civil rights, including the franchise, on release from prison. In the 1960 election, approximately 200,000 were prison inmates and 1.5 million were classified as former convicts. Calculating on the basis of these figures, between 1.5 and 1.6 million people were kept from the electorate by these provisions.

In 1968, the inmates of state and federal prisons numbered 194,896. The number of inmates of correctional and mental institutions in 1968 was 1,078,000. If 1.5 million is a fair estimate of the number of former felons, the total kept from voting in 1968 by state requirements concerning felons and former felons would be 1.7 million. And if all institutionalized persons are included in this estimate, the number so excluded approaches 2.5 million.

Nine states disqualify paupers from voting, although Massachusetts adds the proviso that this restriction does not apply to veterans. There is no reliable analysis of the effect of this restriction on the electorate, although William Andrews hazards, in his terms, a "very modest" guess that possibly 150,000 were so excluded in 1960. An equally modest guess in 1968 would be over 170,000.

Beyond this point, the registration demands enacted by the states become increasingly more complex and increasingly less defensible. Duelers, those who defraud the government, vagrants, those of "bad character", those convicted of improper lobbying or election abuse, those who bet on election outcomes, those who receive a dishonorable military discharge, those who bear arms against the United States, those who do not pay taxes, and those convicted of subversive activities are barred from participation in elections in one state or another. The exotic restrictions in the statutes of Idaho and Louisiana were introduced earlier. Whatever one feels concerning the codes of moral and social behavior involved in many of these qualifications, they hardly appear as valid restrictions on the vote.

A more specific elaboration of the registration codes follows. (See Table 10.)

Registration Procedures

In addition to the registration requirements themselves, there is the additional barrier of the physical means by which prospective voters must qualify to vote. These procedures vary widely from one state to the next and frequently within a state. They are not well understood, but they provide an additional obstacle that those who are otherwise eligible must overcome. (See Table 11.)

As Table 11 shows, the periods provided for registration vary greatly. Some are open for specified periods of time, others are open year around. Some close two weeks or less immediately prior to election day; Texas closes its rolls at the end of January, nine months prior to election day. In all cases, the burden is put upon the individual to familiarize himself with the registration dates and places and then to register himself, should he meet the qualifications.

As Table 11 also points out, the states have a variety of procedures for updating their rolls. Some states have periodic registration, or re-registration for each election. Others have permanent registration, usually with a provision that a person's name be dropped after a specific length of time in which he did not vote (for example, four years or two general elections).

Finally, provisions for absentee voting, as Table 11 shows, can be cumbersome. The initiative is placed on the individual to find the time period in which requests for absentee ballots will be honored and his eligibility can be certified (usually beginning 60 to 90 days prior to the election and ending within the week preceding the vote); to contact, in person or by mail as required by law, the proper official (usually a city or county clerk); and, if he qualifies, to insure that his properly marked ballot reaches the designated election official by the time specified in the law. The total burden is placed on the individual to acquaint himself with the diversity of regulations and to meet the specified time limits and qualifications for absentee voting. The process is awkward and discourages voting. (See Table 12.)

Registration and Non-Voting

The foregoing introduces state registration qualifications and provides some indication of their effects. In an attempt to establish the causes of non-voting and the groups within the population most seriously affected, the U.S. Bureau of the Census has analyzed the results of recent elections and notably that of 1968. In analyzing the 1968 vote, the Census reported that:

". . . higher voter participation was found among men, persons 45 to 65 years old, whites, people living outside the South, those with larger family incomes, and persons in white-collar occupations, particularly professionals and managers. Lower participation was more likely among women, persons under 35 years of age and to a lesser degree those 65 and older, Negroes, residents of the South, those of low educational level, those with small family incomes, and persons in unskilled occupations, such as laborers (both

industrial and agricultural) and private household workers." (*Voting and Registration in the Election of 1968*, (1969), p. 1.)

In exploring the contribution of registration systems to non-voting, the Census found that 67.8 percent of the total voting age population participated in the elections. Most impressively, of all those who claimed to be registered, a striking 91 percent (91.2%) also claimed to have voted.

The Census report is based on a person's response as to whether he voted or registered and thus, by the Census' own admission, overestimates both voting and registration. The figures should be valid as to relative trends and proportional relationships. If this is the case, then the earlier contention that registration systems provide the greatest hurdle to voting has substantial merit.

The 27 million people not registered were asked why they had failed to take this initial step to qualify themselves to participate in elections. The largest group, 53 percent (53.3%) said they were not interested in either politics, the election or political processes more generally; ten percent (9.9%) reported that they did not register because they were not citizens; eleven percent (11.2%) did not meet residency requirements; thirteen percent (13.4%) were barred from registering because of illness, lack of transportation, inability to take time off from work, and related reasons; ten percent (9.5%) gave other reasons for not registering but ones that the interviewers were not able to place in the major categorizations provided; and three percent (2.6%) either did not know why they did not register or the interviewer reported no reasons.

Residency qualifications were given as a reason for not qualifying with increasing frequency as one climbed the educational ladder; for example, approximately 16 times as many people with five years or more of college offered this explanation than did those with nine years or less of total schooling. Disinterest was given as a reason for not registering proportionately more often by those with the least education, declining in importance with the formal educational achievements of the respondents. Residency was a greater barrier to younger potential voters than to those middle-aged or older. Six percent more blacks offered election disinterest or physical barriers to registration as major reasons for their failure to enroll than did whites. The latter reason was of even greater importance for Negro families, averaging nine percent of the norm for all groups.

Overall, the evidence indicates that a reasonable set of limited registration requirements, coupled with a universal enrollment system, would greatly increase voter turnout, bringing into the electrorate groups badly in need of representation, while at the same time making allowance for those who would normally vote but are excluded by physical inconvenience from registering.

Professor Andrews study mentioned earlier adds an interesting perspective to this analysis. Andrews made a detailed analysis of registration and voting in the 1960 election. He estimates that legal restrictions on the vote disqualified approximately 15 million people from participation. In addition, another eight million did not vote because of problems in getting to the polls, traveling, or the like. These factors result in the elimination of between 20 and 25 million people from the electorate. Of these remaining in what he refers to as the "eligible, able" electorate, 83.2 percent voted.

If these figures or those of the U.S. Census are close to being accurate, a modification of registration procedures would have two major results: a) it would substantially increase the number of eligible voters; and b) it would stimulate a considerably higher voter turnout.

IV. TASK FORCE RECOMMENDATIONS

To achieve these ends, the Task Force makes the following recommendations:

Registration Qualifications: I. There should be no *residency* qualifications for presidential and vice-presidential elections. A 30 day residency requirement should be sufficient to qualify to vote in state and local elections.

II. All who have reached their *eighteenth birthday* should vote.

III. Where state law disenfranchises a *person convicted of a felony*, the disability should be automatically revoked at least as soon as he is released from prison. Conviction of any crime other than a felony should not be a reason for disenfranchisement. In the interests of inculcating good habits of citizenship, states should consider as part of their rehabilitation program encouraging inmates to participate in elections by allowing them to familiarize themselves with policy issues and voting procedures.

IV. No *institutionalized person* should be denied the right to vote unless he is adjudged non compos mentis.

Registration Procedures: The states should adopt a form of the Universal Voter Enrollment Plan which places primary responsibility on government to seek out and register voters in a canvass of residences, or they should associate themselves with the plan now being considered by the Congress and prescribed in the Freedom to Vote Task Force's report, "That All May Vote." This plan eliminates the diffusion of places and times for registration and greatly simplifies the entire registration process.

No literacy test, loyalty oath, "good character" provision, dishonorable discharge from the armed services, etc., should be employed to prohibit people from participating in elections. State laws prohibiting special groups such as Indians or those living on federal lands from voting should be abolished. The possibility of including aliens in the electorate should be seriously discussed.

The states and localities should concentrate on enacting the minimal applicable requirements—modest residency qualifications, an age limit set at 18, and provisions for alien resident voting—that would provide for an inclusive electorate while preserving the integrity of elections. The emphasis should be placed on clarifying registration qualifications and simplifying registration procedures through a universal enrollment plan in order to encourage as many people as possible to participate in elections. Only then can we begin to achieve a truly representative democracy.

TABLE 1.—REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,198	1,044,177	75.2	51.3
Alaska[2]	151,000	NA	83,035	NA	55.0
Arizona	1,003,000	614,718	486,936	79.2	48.5
Arkansas	1,188,000	845,759	609,590	72.1	51.3
California	12,052,000	8,587,673	7,251,587	84.4	60.2
Colorado	1,211,000	966,700	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	1,256,232	93.6	69.3
Delaware	306,000	248,915	214,367	86.1	70.1
District of Columbia	515,000	201,937	170,578	84.5	33.1
Florida	3,924,000	2,765,316	2,187,805	79.1	55.8
Georgia	2,824,000	1,850,000	1,250,100	67.6	44.1
Hawaii	421,000	274,104	236,218	86.2	56.1
Idaho	708,000	366,532	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	4,619,749	81.4	70.2
Indiana	2,947,000	2,653,219	2,123,597	80.0	72.1
Iowa[2]	1,653,000	NA	1,167,931	NA	70.7
Kansas[2]	1,339,000	NA	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	1,097,450	75.7	54.0
Maine	596,000	509,888	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	2,331,752	90.0	69.0
Michigan	4,853,000	3,950,000	3,306,250	83.7	68.1
Minnesota[2]	2,097,000	NA	1,588,510	NA	75.8
Mississippi[2]	1,308,000	775,000	654,509	84.5	50.0
Missouri[2]	2,770,000	NA	1,809,502	NA	65.3
Montana	412,000	331,078	274,404	82.9	66.6
Nebraska	891,000	637,719	536,851	84.2	60.3
Nevada	285,000	188,811	154,218	81.7	54.1
New Hampshire	418,000	387,660	297,190	78.5	71.1
New Jersey	4,402,000	3,319,752	2,875,395	86.6	65.3
New Mexico	562,000	445,304	327,281	73.5	58.2
New York	11,773,000	8,113,216	6,691,690	85.5	59.1
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota[2]	370,000	NA	247,882	NA	67.0
Ohio[4]	6,235,000	3,907,000	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	408,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah[2]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin[2]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,739	127,205	89.1	63.0
Totals	120,353,000	82,029,426	73,359,762	89.4	60.9

[1] These figures are from State and US. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.

[2] States which have no Statewide registration, or where registration is not required.

[3] Approximate figures, furnished by Secretary of State.

[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.

NA—Not available.

TABLE 2.—DIFFERENTIAL TURNOUT RATES BY CLASSES OF COUNTIES

I. OHIO

	Registration category by county		
	Full	Partial	None
1932—Mean turnout		67.5	[1] 79.5
Standard deviation		6.31	7.20
N		28	59
1936—Mean turnout		73.1	[1] 82.6
Standard deviation		6.04	6.84
N		28	59
1948—Mean turnout	58.3	58.3	64.3
Standard deviation	5.46	4.70	5.76
N	6	25	57
1952—Mean turnout	66.9	71.4	75.0
Standard deviation	4.43	4.56	5.52
N	17	17	54
1956—Mean turnout	64.6	67.5	71.6
Standard deviation	5.30	3.40	6.14
N	22	15	51
1960—Mean turnout	66.2	73.4	78.6
Standard deviation	13.46	4.46	5.35
N	28	12	48

II. PENNSYLVANIA

	Registration category by county (exclude Philadelphia)	
	Registration	No registration
1920—Mean turnout	41.9	48.2
Standard deviation	5.14	6.61
N	29	37
1924—Mean turnout	46.0	52.8
Standard deviation	5.09	7.05
N	29	37
1932—Mean turnout	51.6	61.6
Standard deviation	5.37	7.81
N	30	36
1936—Mean turnout	70.2	80.0
Standard deviation	5.91	7.43
N	30	36

[1] Exclude Cuyahoga.

Source: Compiled by Professor Walter Dean Burnham, department of political science, Washington University, St. Louis, Mo.

TABLE 3.—OCCUPATION AND 1960 TURNOUT CORRELATED FOR 83 ELECTORAL UNITS, BALTIMORE, MD.

Occupation	1960 turnout
Professional-managerial	+.706
Other white collar	+.610
Skilled and semiskilled	−.572
Unskilled	−.695

Source: Compiled by Prof. Walter Dean Burnham department of political science, Washington University, St. Louis, Mo.

TABLE 4.—REGISTRATION AND VOTING IN THE 1968 PRESIDENTIAL ELECTION, BY SOCIOECONOMIC CHARACTERISTICS

	Population of voting age	Registered	Percentage registered	Voted	Percentage voting
Total	116,535	86,574	74.3	78,964	67.8
Race:					
White	104,521	78,835	75.4	72,213	69.1
Negro	10,935	7,238	66.2	6,300	57.6
Residence:					
Metropolitan areas	75,756	55,593	73.4	51,503	68.0
In SMSA's of 1,000,000 or more	41,395	30,689	74.1	51,503	68.0
In central cities	18,841	13,427	71.3	12,373	65.7
Outside central cities	22,518	17,262	76.6	16,528	72.2
In SMSA's of under 1,000,000	34,397	25,905	75.3	22,873	66.5
In central cities	16,776	12,047	71.8	10,994	65.5
Outside central cities	17,621	12,858	73.0	11,879	67.4
Nonmetropolitan areas	40,778	30,981	76.0	27,461	67.3
Nonfarm	35,255	26,454	75.0	23,501	66.7
Farm	5,524	4,527	81.9	3,960	71.7
Education:					
Elementary:					
0 to 4 years	5,926	2,937	49.6	2,278	38.4
5 to 7 years	9,687	6,108	63.0	5,072	52.4
8 years	14,817	10,627	71.7	9,242	62.4
High school:					
1 to 3 years	20,429	13,987	68.5	12,519	61.3
4 years	39,704	30,859	77.7	28,768	72.5
College:					
1 to 3 years	13,312	11,038	82.9	10,443	78.4
4 years	7,974	6,899	86.5	6,627	83.1
5+ years	4,685	4,120	87.9	4,016	85.7
Occupation:					
White-collar workers	33,709	28,167	83.5	26,898	79.8
Manual workers	25,229	17,434	69.1	15,719	62.3
Service workers	8,078	5,615	69.5	5,068	62.7
Farmworkers	2,987	2,380	79.7	2,087	69.9
Family income:					
Under $3,000	11,293	7,381	65.3	6,037	53.5
$3,000 to $4,999	14,557	9,641	66.2	8,435	57.9
$5,000 to $7,499	22,870	16,475	72.0	15,019	65.7
$7,500 to $9,999	18,920	14,807	78.3	13,806	73.0
$10,000 to $14,999	19,744	16,333	82.7	15,496	78.5
$15,000 and over	9,707	8,521	87.8	8,162	84.1

Note: The numbers are in the thousands and the figures are for the civilian noninstitutionalized population.

TABLE 5. RESTRICTIONS ON THE VOTE IN LOUISIANA AND IDAHO

Persons prohibited from voting include:

IN LOUISIANA

Those who are not U.S. citizens.
Those who do not meet residency requirements.
Those under 21.
Those who fail literacy test.
Those judged insane or placed under guardianship.
Those who commit a felony.*
Inmates of prison.
Inmates of charitable institutions.
Deserters.
Those dishonorably discharged from military service (unless pardoned).
Those of bad character.
Those convicted of a crime carrying 6 months or more imprisonment.
Those in "common law" marriages.
Parents of illegitimate children.

IN IDAHO

Those who are not U.S. citizens.
Those who do not meet residency requirements.
Those under 21.
Those judged insane or placed under guardianship.
Those who commit a felony.*
Prostitutes.
Persons who frequent houses of ill fame.
Persons who lewdly cohabit together.
Those in prison.
Those convicted of a criminal offense.
Bigamists.
Polygamists.
Those living in or encouraging others to live in "patriarchial, plural or celestial marriages".
Those who teach State laws are not supreme.
Those of Chinese or Mongolian descent.

*Unless civil rights have been restored.

Source: See Tables that follow.

TABLE 6.—VOTER REGISTRATION RESULTS FROM VOTING RIGHTS ACT OF 1965, BY RACE

State	Percent registered	
	Prior to act	1968
abama:		
Nonwhite	19.3	51.6
White	69.2	89.6
Arkansas:		
Nonwhite	40.4	62.8
White	65.5	72.4
Florida:		
Nonwhite	51.2	63.6
White	74.8	81.4
Georgia:		
Nonwhite	27.4	52.6
White	62.2	80.3
Louisiana:		
Nonwhite	31.6	58.9
White	80.5	93.1
Mississippi:		
Nonwhite	6.7	59.8
White	69.9	91.5
North Carolina:		
Nonwhite	46.8	51.3
White	96.8	83.0
South Carolina:		
Nonwhite	37.3	51.2
White	75.7	81.7
Tennessee:		
Nonwhite	69.5	71.7
White	72.9	80.6
Texas:		
Nonwhite	[1] 53.1	61.6
White		53.3
Virginia:		
Nonwhite	38.3	55.6
White	61.6	63.4

[1] A breakdown by race is not available.

Source: Political Participation: A Report of the United States Commission on Civil Rights (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 12–13.

TABLE 7.—ESTIMATED NUMBER AND PERCENTAGES OF VOTING-AGE NEGROES REGISTERED TO VOTE IN 11 SOUTHERN STATES, 1940–66

Year	Estimated number	Percentage
1940	250,000	5
1947	595,000	12
1952	1,008,614	20
1956	1,238,038	25
1958	1,266,488	25
1960	1,414,052	28
1964	1,907,279	38
1966	2,306,434	46

Source: Donald R. Matthews and James W. Prothro, Negroes and the New Southern Politics (New York: Harcourt, Brace & World, Inc., 1966), p. 18.

TABLE 8.—STATE RESIDENCE REQUIREMENTS

State	In State	In county	In precinct	In city	Presidential waiver	Former residents
Alabama	1 year	6 months	3 months		None	
Alaska	do		30 days		No residence requirement, special ballot	May vote absentee for President until new State requirements are met.
Arizona	do	30 days	do		Not less than 60 days and registered voter in previous State.	May vote for 15 months after leaving State if cannot vote in new State.
Arkansas	12 months	6 months	1 month		None	
California	1 year	90 days	54 days		At least 54 days but less than 1 year, special ballot.	
Colorado	do	do	22 days if moved to another county within 90 days of election.		Not less than 6 months in State; 90 days in county; 15 days in precinct absentee ballot.	
Connecticut				6 months	At least 60 days but less than 6 months at town clerk's office within 30 days of election.	May vote absentee in old town 24 months if cannot qualify in new State.
Delaware	1 year	90 days	30 days		At least 3 months, may register for a presidential ballot only in Wilmington and vote in Wilmington on election day.	
District of Columbia	do				None	
Florida	do	6 months			No residence requirement, must register between 45th and 75th days prior to election, must cancel old registration, must vote by 5 p.m. of day before election.	
Georgia	do	do			At least 30 days but less than 1 year, and registered voter in previous State, special location.	
Hawaii	do	3 months [1]			Must meet all requirements to vote except residency, special ballot.	
Idaho	6 months	30 days	90 days (for county seat election).		At least 60 days but less than 6 months, special absentee ballot.	
Illinois	1 year	90 days	30 days		Less than 1 year in State or 90 days in county but in election district at least 60 days before election, special ballot.	
Indiana	6 months	60 days (township).	do		None	
Iowa	do	60 days	10 days (for municipal and special).		do	
Kansas	do		30 days		At least 45 days but less than 6 months in township, precinct, or ward, special ballot.	
Kentucky	1 year	6 months	60 days		None	
Louisiana	do	do	3 months		Less than 1 year and registered voter in previous State, special ballot.	
Maine	6 months			3 months	No residence requirement, special ballot	
Maryland	1 year	6 months (or city).	6 months (if less vote in old precinct).		Less than 6 months in State provided resided in ward or election district at least 45 days before election.	
Massachusetts	do			6 months (or town).	Less than 1 year but at least 31 days in city or town preceding election, special absentee ballot.	
Michigan	6 months			(2)	Less than 6 months but more than 30 days & is ineligible to vote in old state-special ballot.	May vote after leaving State if cannot vote in new State.
Minnesota	do		30 days (if less may vote in former precinct if in same municipality).		Less than 6 months must apply at least 30 days prior to election, special ballot.	
Mississippi	1 year	1 year	6 months		None	
Missouri	do	60 days	In some counties precinct residence requirement of 10 days.		Less than 1 year but more than 60 days, special ballot.	
Montana	1 year	30 days			None	
Nebraska	6 months	40 days	10 days		Less than 6 months in State; or less than 40 days in county but more than 2 days—special ballot.	
Nevada	do	30 days	do		None	
New Hampshire	do		6 months (in ward or town)		Less than 6 months but more than 30 days—special ballot.	
New Jersey	do	40 days			Less than 6 months but at least 40 days in State and county—special ballot.	May vote by special absentee ballot for President if cannot vote in new state.
New Mexico	1 year	90 days	30 days		None	
New York	3 months	3 months (city or village).			Must be resident for 3 months and 30 days in election district—special ballot.	
North Carolina	1 year		30 days (may vote in old precinct).		Less than 1 year but more than 60 days—special ballot.	
North Dakota	1 year	90 days	30 days		Was a citizen of another State and meets all other requirements to vote, no residence requirement, special ballot.	
Ohio	do	40 days	40 days		Less than 1 year but more than 40 days and was a qualified voter in former State, special ballot.	
Oklahoma	6 months	2 months	20 days		Less than 6 months but more than 15 days, meets all other requirements and was qualified voter in former State, special absentee ballot.	
Oregon	do				Less than 6 months to 5 p.m. on day before election, special ballot.	
Pennsylvania	90 days		60 days		None	
Rhode Island	1 year			6 months	do	
South Carolina	1 yr.[4] (ministers, teachers, and their spouses 6 months).	6 months	3 months		do.[4]	
South Dakota	1 year (5 years in United States).	90 days	30 days		do.[4]	
Tennessee	1 year	3 months			do	
Texas	do	6 months			Less than 1 year but more than 60 days and was qualified voter in former State—special ballot.	May vote absentee for President for 24 months after leaving State if cannot vote in new State.
Utah	do.[5]	4 months	60 days		None	
Vermont	do			90 days	do	
Virginia	do [7]	6 months	30 days		do	

Footnotes at end of table.

State	In State	In county	In precinct	In city	Presidential waiver	Former residents
Washington	1 year	90 days	30 days		Less than 1 year but more than 60 days, special ballot.	
West Virginia	do	60 days			None	
Wisconsin	6 months		10 days (if less may vote in old precinct).		Less than 6 months and was qualified voter in former State, no residence requirement, special ballot.	May vote absentee for President for 24 months after leaving State if cannot vote in new State.
Wyoming	1 year	60 days	10 days		None	May vote absentee until new State requirements are met.

[1] State representative district.
[2] On or before 5th Friday preceding election (if less may vote in old district).
[3] A constitutional amendment submitted to the voters in the November 1970 election proposing that a Presidential waiver of some type be put into practice was adopted; further details are to be decided by the Nevada State Legislature.
[4] The results of the constitutional amendment submitted to the voters in the November 1970 election to change the requirements to 6 months in the State, 3 months in the county, and 30 days in the precinct, and proposing a Presidential waiver, are pending.
[5] The results of the constitutional amendment submitted to the voters in the November 1970 election proposing a Presidential waiver are pending.
[6] A constitutional amendment was passed in the November 1970 election changing the requirements to 90 days in the State, 60 days in the county, and 30 days in the precinct.
[7] A constitutional amendment was passed in the November 1970 election changing the requirements to 6 months in the State and 30 days in the precinct.

Source: "Election Laws of the Fifty States and the District of Columbia," the Library of Congress, Legislative Reference Service, June 5, 1968; Local Election Officials.

TABLE 9.—REQUIREMENTS TO VOTE (OTHER THAN RESIDENCE REQUIREMENTS)

State	Citizenship required	Age	Literacy required	Loyalty oath
Alabama	X	21	X—Read and write any article of U.S. Constitution in English.[1]	X—Also must be of good character and embrace the duties and obligations of citizenship under the Constitutions of the United States and Alabama.
Alaska	X	19	X—Read or speak English.	
Arizona	X	21	X—Able to read U.S. Constitution and sign name.	
Arkansas	X	21		
California	X	21	X—Able to read Constitution in English and write his name.	
Colorado	X	21		
Connecticut	X	21	X—Able to read U.S. Constitution and Connecticut statutes in English.	X—Also good moral character.
Delaware	X	21	X—Able to read State constitution in English and write name.	
Florida	X	21		X
Georgia	X	18	X—Read and write in English the United States or Georgia Constitution or be of good character and understand the duties and obligations of citizenship under a republican form of government.	
Hawaii	X	20	X—Able to read, write, and speak English or Hawaiian.	
Idaho	X	21		X
Illinois	X	21		
Indiana	X	21		
Iowa	X	21		
Kansas	X	21		
Kentucky	X	18		
Louisiana	X	21	X—Able to read any clause in United States or Louisiana Constitutions in English language or in mother tongue and interpret it and be of good character attached to the principles of the United States and Louisiana Constitutions and interpret sections thereof when read to him.	
Maine	X	21	X—Able to read the Constitution in English and write his name.	
Maryland	X	21		
Massachusetts	X	21	X—Able to read State constitution in English and write name.	
Michigan	X	21		
Minnesota	X[2]	21		
Mississippi	X	21	X—Able to read and write.	X[3]
Missouri	X	21		
Montana	X	21		
Nebraska	X	21		
Nevada	X	21		
New Hampshire	X	21	X—Read the Constitution in English and write.	
New Jersey	X	21		
New Mexico	X	21		
New York	X[4]	21	X—Able to read and write English.	
North Carolina	X	21	X—Read and write any section of the Constitution in English.	X
North Dakota	X	21		
Ohio	X	21		
Oklahoma	X	21		
Oregon	X	21	X—Able to read and write English.	
Pennsylvania	X	21		
Rhode Island	X	21		
South Carolina	X	21	X—Must be able to read and write any section of State constitution or own and pay taxes on $300 of assessed property.	
South Dakota	X[5]	21		
Tennessee	X	21		
Texas	X	21		
Utah	X[6]	21		
Vermont	X	21		X
Virginia	X	21	X—Must make application to vote in own handwriting.	
Washington	X	21	X—Able to read and speak English.	
West Virginia	X	21		
Wisconsin	X	21		
Wyoming	X	21	X—Able to read State constitution.	
District of Columbia	X	21		

[1] 1965 amended Act No. 288—certificate from board of education equivalent of 8th grade education, conclusive evidence of literacy.
[2] At least 3 months before election.
[3] Law amended in 1965. Oath now required only as to truth of statements of applicant to be registered to vote.
[4] Former requirement of a 90-day wait after naturalization before eligible to vote deleted L. 1967, c. 809 2.
[5] Must have resided in United States 5 years.
[6] For 90 days.

Source: Election Laws of the Fifty States and the District of Columbia, The Library of Congress, Legislative Reference Service, June 5, 1968.

TABLE 10.—PERSONS DISQUALIFIED FROM VOTING

State	Idiots, insane persons, under guardianship	Commission of felony or infamous crime	Paupers	Others
Alabama	X	X[1]		Bad character, vagrancy; making false election returns.
Alaska	X[2]	X[1]		
Arizona	X	X[1]		
Arkansas	X	X[1]		
California	X	X[1]		Improper lobbying; aliens ineligible to citizenship; duelers.
Colorado	X	X[3]		
Connecticut	X	X[1]		Bad moral character.
Delaware	X		X	Convicted of election offenses; disenfranchised 10 years.
District of Columbia	X[4]	X[1]		
Florida	X	X[1]		Interest in election wager; if convicted of engaging in duel.
Georgia	X	X[1]		Bad character.
Hawaii	X	X		Election fraud.
Idaho	X	X		Prostitutes or persons who keep or frequent houses of ill-fame; persons who lewdly cohabit together; in prison on conviction of a criminal offense; bigamists, polygamists living in "patriarchal, plural or celestial marriage" or those who encourage others to live in such marriages; teaching that laws of State are not supreme; Chinese or Mongolian descent.

Footnotes at end of table.

TABLE 10.—PERSONS DISQUALIFIED FROM VOTING—Continued

State	Idiots, insane persons, under guardianship	Commission of felony or infamous crime	Paupers	Others
Illinois	X	X		
Indiana	X	X		
Iowa	X	X		While imprisoned.
Kansas	X	X		Dishonorably discharged soldier; bribery, defrauding Government; bearing arms against United States.
	X	X	X	
	X	X	X	
	X	X	X	
Kentucky	X	X[1]		
Louisiana	X	X[1]		Inmates of prison or charitable institution, deserters and those dishonorably discharged from armed service unless reinstated; bad character, convicted of a felony and not pardoned; convicted of misdemeanor and sentenced to 90 days for each conviction of more than 1 misdemeanor; convicted and sentenced to a term of 6 months in jail for misdemeanor; lived with another in "common law" marriage within 5 years of applying to vote; bearing illegitimate child within 5 years immediately prior to applying to vote; having been proven or acknowledging himself the father of illegitimate child within 5 years of applying to vote.
Maine	X		(6)	
Maryland	X	X[1]		Convicted for illegal vote.
Massachusetts	X		(6)	Corrupt election practices; disenfranchised for 3 years.
Michigan		(7)		
Minnesota	X	X[1]		
Mississippi	X	X		Indians not taxed; duelers; bad moral character.
Missouri	X	X[9]	X	While in prison or in poor house.
Montana	X	X[1]		
Nebraska	X	X[1]		
Nevada	X	X[1]		Duelers.
New Hampshire		X[1]	X	Violation of election law; those excused from paying taxes.
New Jersey	X	X[1]		Violation of election law.
New Mexico	X	X[1]		Indians not taxed.
New York	X	X[1]		Election offense cannot vote at that election.
North Carolina	X	X[1]		
North Dakota	X	X[1]		
Ohio	X	X[1]		2d offense under election laws.
Oklahoma	X	X[1]		While in poor house or prison.
Oregon	X	X[10]		While in prison.
Pennsylvania				Election offense; disfranchisement 4 years; bribery at election for such election.
Rhode Island	X	X[1]	X	Residing on land ceded by Rhode Island to United States.
South Carolina	X	X[1]	X	While in prison and if convicted for dueling.
South Dakota	X	X[1]		
Tennessee		X[1]		
Texas	X	X[1]	X	Duelers.
Utah	X	X[1]		
Vermont				Bribery for vote, disenfranchised for that election.
Virginia	X	X	X	Duelers.
Washington	X	X[1]		Indians not taxed; subversive activities.
West Virginia	X	X	X	Bribery in election, while under conviction; dishonorably discharged soldier.
Wisconsin	X	X[1]		Bribery[1] election wager; disfranchised for that election.
Wyoming	X	X[1]		

[1] Unless civil rights have been restored.
[2] Judiciary determined to be of unsound mind unless disability removed.
[3] Release from prison automatically restores rights of citizenship.
[4] Adjudicated.
[5] Under guardianship for reason of mental illness.
[6] Disqualification of paupers deleted in 1966.
[7] Legislature may enact a law excluding persons from voting (168,758 provides that persons in prison cannot vote absentee).
[8] Except war veterans.
[9] Unless civil rights have been restored. Connected with election.
[10] Law amended in 1961; now rights automatically restored.

TABLE 11.—REGISTRATION PROCEDURES, BY STATE

State	Registration— In person	Registration— By mail	Where to register	Registration period	Cancellation, registration, purge
Alabama	P		County board of registrars	Close 10 days prior to the election; open Oct. 1 to Dec. 31 in odd years, the number of days being discretionary with each county; 10 days beginning 3d Monday in January in even years; in larger cities open 4 additional times for 10 days each.	Complete registration of all persons entitled to register every 2 years.
Alaska	P	M	Local election board	Open year around; close 14 days prior to election	1968: No registration required. Present: Cancellation for failure to vote in 4 years.
Arizona	P	M	County recorder	Open year around; close 4 months prior to primary and 7 weeks prior to general election.	Cancellation for failure to vote in neither preceding primary nor general election.
Arkansas	P		Permanent registrar or his deputy.	Open year around; closes 20 days prior to election	Cancellation for failure to vote in 4 years.
California	P	M	County clerk	Open year around; closes 53 days prior to election	Cancellation for failure to vote in preceding general election.
Colorado	P	M	County clerk (Denver-Election Commission).	Open year around; closes 20 days prior to and 45 days after general election and 20 days prior to primary.	Cancellation for failure to vote once in 1 year.
Connecticut	P		Town clerk or registrar of voters.	Open 8th week prior to election and 1 day each month during the year; closes 4th week prior to any election.	Annual canvass to purge registration list.
Delaware	P	M	County Department of Elections	Precinct registration: Open on the 4th Saturday in July, 2d Saturday in Sept., and 3d Saturday in Oct. prior to election. County: any working day.	Cancellation for failure to vote in 2 years.
District of Columbia				Pre-1969: Open Jan. 1; close 45 days prior to election. At present: Open year around; close prior to election.	Pre 1969: Reregistration of all voters each election year. At present: Cancellation for failure to vote in 4 years.
Florida	P		County supervisor of registration.	Open year around; close 30 days prior to election	Cancellation for failure to vote in 2 years.
Georgia	P		County board of registrars	Open year around; close 50 days prior to election except when there is a November general election, then open 1 day a week during the 50-day period.	Cancellation for failure to vote in 3 years.
Hawaii	P	M	County clerk (Honolulu, city clerk).	Open year around; close 5th Friday before primary; open 10 days after primary; close remainder of period between primary and general election.	Cancellation for failure to vote in preceding primary or general election.
Idaho	P	M	County auditor	Open 1st Monday in March; close Saturday next preceding primary and Saturday next preceding general election.	Cancellation for failure to vote in last general election.
Illinois	P		County clerk	Open year around; close 28 days prior to election	Cancellation for failure to vote in 4 years.
Indiana	P	M	County clerk or board of registration.	Open Dec. 1 until 29 days prior to primary; open May 15 until 29 days prior to general election.	Cancellation for failure to vote in 4 years. (Changed to 2 years in 1969.)
Iowa	P	M	City or town clerk or commissioner of registration.	(a) Open year around; close 10 days before election. (b) Open 2d Tuesday and last Saturday prior to election for 3 days and on election day.	(a) Optional permanent system: Cancellation for failure to vote in 4 years; general. (b) Regular system: Cancellation for failure to vote in 2 years.
Kansas	P	M	City clerk (in Johnson, Sedgwick, Shawnee, and Wyandotte Counties with election commission).	Open year around; close 20 days prior to any election	1968: No registration required. Present: Cancellation for failure to vote in November general elections held in even numbered years.
Kentucky	P		County clerk (Louisville—board of registration commissioners).	Open year around; close 59 days prior to and 5 days after general election and primary.	Cancellation for failure to vote in any election during a 2-year period.

State	Registration— In person	Registration— By mail	Where to register	Registration period	Cancellation, registration, purge
Louisiana	P		Registrar of parish	Open year around; close 30 days prior to primary and general election.	Cancellation for failure to vote in 4 years in large parishes; general reregistration every 4 years in small parishes; cancellation for failure to vote in 2 years in certain parishes.
Maine	P	M	Board of selectmen in towns; Board of registration in cities.	Depending on size of city open 4th and 8th, 6th to 10th, 8th to 14th, or 10th to 18th day prior to election; close 3, 5, 7 or 9 days prior to election.	Annual purge by registrar.
Maryland	P		Board of supervisors of election	Open 1st and 3d Tuesday of each month with additional sessions at discretion of board; close 5th Monday prior to and 15 days after general and primary elections.	Cancellation for failure to vote in 5 years.
Massachusetts	P		Town or city clerk	Open year around; close 31 days prior to statewide elections and 20 days prior to city elections.	Combination of annual canvass and checklist.
Michigan	P	M	City or township clerk	Open year around; close 5th Friday prior to election	Cancellation for failure to vote in 2 years.
Minnesota	P	M	City clerk or commissioner of registration.	Open year around: close 20 days prior to election	Cancellation for failure to vote in 4 years.
Mississippi	P		Circuit clerk (county registrar)	Open year around; close 4 months prior to election	General reregistration at discretion of county board.
Missouri	P		County clerk (Kansas City-St. Louis city and county board of election commissioners).	Open year around; close 24 days preceding election in small counties; close 4th Wednesday prior to election in large counties.	Cancellation for failure to vote in 4 years in larger cities; 2 years in smaller cities.
Montana	P	M	County clerk and recorder	Open year around; close 40 days prior to any election	Cancellation for failure to vote in any general election.
Nebraska	P	M	(County clerk, Douglas and Lancaster Counties—Election commissioner.)	Open year around; close on 2d Friday prior to election	Purge by board prior to State general elections and at their discretion.
Nevada	P	M	County clerk	Open year around; close on 7th Saturday prior to primary and 6th Saturday prior to general election.	Cancellation for failure to vote at any general election.
New Hampshire			Board of supervisors of checklist of town or city.	List posted for corrections 30 days prior to election; close to corrections 5 days prior to election.	Checklist.
New Jersey	P		City board of elections or municipal clerk.	Open year around; close 40 days prior to any election	Cancellation for failure to vote once in 4 years.
New Mexico	P	M	County clerk	Open year around; close 42 days prior to any election	Cancellation for failure to vote at last general election.
New York	P	M	Board of elections in county seat	Open year around; close 30 days prior to any election	Cancellation for failure to vote once in each period of 2 successive calendar years.
North Carolina	P		County chairman of board of elections or local registrar.	Open year around; close 21 days prior to election	Cancellation for failure to vote in 4 years; general re-registration at option of county board.
North Dakota					No registration required.
Ohio	P		County election board	Open year around; close 41 days prior to any election	Cancellation for failure to vote in 2 years; cities may call general re-registration every 4 years.
Oklahoma	P		County election board or deputy registrar.	Open year around; close 10 days prior to any election	Cancellation for failure to vote in 4 years.
Oregon	P	M	County clerk (Portland—registrar of elections).	Open year around; close 30 days prior to any election	Annual mail canvass by board.
Pennsylvania	P		County board of elections (Philadelphia—registration division).	Open year around; close 50 days prior to any election and 25 days after primary and 30 days after general election.	Cancellation for failure to vote in 2 years.
Rhode Island	P		Local board of canvassers and registration.	Open year around; close 60 days prior to election	Cancellation for failure to vote in 5 years.
South Carolina	P		County registration board	Open year around; close 30 days before general and primary election.	Cancellation for failure to vote in any election during period since last 2 preceding statewide elections; general registration every 10 years.
South Dakota	P	M	County auditor	Open year around; close 15 days prior to any election	Cancellation for failure to vote in 4 years.
Tennessee	P	M	County election commission	Open year around; close 30 days prior to any election	Do.
Texas	P	M	County tax assessor-collector	Open October 1; close January 31	Annual registration of all voters.
Utah	P	M	County clerk	Open 1st Tuesday; 2d Saturday; and 4th Tuesday of month prior to primary. Open 4th Saturday and 3d Tuesday and 1st Wednesday prior to general election.	Cancellation for failure to vote at last or next previous general or municipal election.
Vermont			Board of civil authority of town or city.	List posted 30 days prior to election: Closes to corrections 36 hours before the election (on Saturday before a Tuesday election).	Check list.
Virginia	P		General registrar of county or city.	Open year around; close 30 days prior to election	Purge at the direction of county and once every 6 years.
Washington	P		County auditor or city clerk	Open year around ;close 30 days prior to election	Cancellation for failure to vote in 30 months prior to April 1st of odd numbered years.
West Virginia	P	M	Clerk of circuit court	Open year around; close 20 days prior to election	Cancellation for failure to vote in 2 years.
Wisconsin	P	M	City, town or village clerk (Milwaukee—Board of Election Commissioners).	Open year around; closes 3d Wednesday prior to election in large cities; closes 2d Wednesday prior to election in small cities.	Cancellation for failure to vote in 2 years in small cities; annual purge in larger cities.
Wyoming	P	M	County clerk	Open year around; closes 15 days prior to and 10 days after election.	Cancellation for failure to vote in any general election.

Sources: League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036, "Year of the 1970 Voter—Get Ready to Vote." Robert Doty, "The Texas Voter Registration Law and the Due Process Clause," Houston Law Review, spring 1970.

TABLE 12.—ABSENTEE BALLOTS

State	Request absentee ballot when	Secure absentee ballot from	Official application	Voted ballot must be received by election officials
Alabama	From 45 to 5th day before election	Register of the county civil circuit court.	Yes	No later than day of election.
Alaska	Not more than 6 months nor less than 4 days prior to election.	Secretary of State—Pouch AA—Juneau 99801.		Postmarked no later than day of election
Arizona	Within 30 days prior to the Saturday before an election.	County recorder		By 7 p.m. of day of election.
Arkansas	Within 90 to 1 day prior to election	County clerk	Yes	By 7:30 p.m. of day of election.
California	Not more than 60 nor less than 7 days prior to election.	County clerk	In some counties	By 5 p.m. of day prior to election.
Colorado	From 90 days to the Friday before an election	County clerk (Denver, election commissioner).		By 5 p.m. of day of election.
Connecticut	Anytime so voted ballot can be received in Connecticut by day prior to election.	Town clerk	Yes	By 6 p.m. of day prior to election.
Delaware	From 30 days to 12 noon of day prior to election	County department of elections	Yes	By 12 noon of day prior to election.
Florida	From 45 days to 5 p.m. of day prior to election	County supervisor of elections	Yes	By 5 p.m. of day prior to election.
Georgia	Within 90 to 5 days prior to election	County board of registrars		By 7 p.m. of day of election.
Hawaii	Not more than 60 nor less than 5 days prior to election if within State: nor less than 10 days if outside State.	County clerk (Honolulu, city clerk)		Postmarked no later than the day prior to any election.
Idaho	Anytime prior to election	County clerk		By 12 noon of day of election. Return ballot by certified or registered mail.
Illinois	Not more than 30 nor less than 5 days prior to election.	County clerk (Chicago Election District—Board of election commissioners).	Yes	In time to be delivered to local precincts by 6 p.m. of election day.
Indiana	Within 90 days prior to election	County election board	Yes	By 6 p.m. of day of election.

TABLE 12.—ABSENTEE BALLOTS—Continued

State	Request absentee ballot when	Secure absentee ballot from	Official application	Voted ballot must be received by election officials
Iowa	Within 20 days prior to election	County auditor	Yes	In time to be delivered to local precinct before 8 p.m. of election day.
Kansas	For primary—between April 1 and Thursday prior to election. For General election—between September 1 and Thursday prior to election.	County clerk or election commissioner	Yes	By 12 noon of day prior to election in counties using paper ballots.
Kentucky	Anytime prior to 20 days before election	County court clerk	Yes	By 6 p.m. of day of election.
Louisiana	Between 60th and 7th day prior to election	Clerk of parish court (New Orleans, civil sheriff of parish).		In time to be delivered to the precinct by 6 p.m. of day of election.
Maine	Anytime prior to election	Town or city clerk		By 3 p.m. of day of election.
Maryland	Anytime prior to 10 days before election	Board of supervisors of elections	Yes	By 8 p.m. of day of election.
Massachusetts	Anytime prior to day before general election	City or town clerk		Before polls close on day of e ection.
Michigan	Anytime prior to election	City or township clerk	Yes	By 8 p.m. of day of election.
Minnesota	Not more than 45 nor less than 1 day prior to election.	County auditor	Yes	Before polls close on election day.
Mississippi	Not earlier than 60 days prior to election	County or city registrar		In time to be delivered to precinct before polls close.
Missouri	Between 30th and 4th day prior to election	County clerk or board of election commissioners.	Yes	By 4 p.m. of day prior to election.
Montana	Between 45th and 1 day before election	County clerk and recorder	Yes	By 8 p.m. of day of election.
Nebraska	Between 90th and 2d day prior to election	County clerk (Douglas and Lancaster Counties, election commissioner).	Yes	By 10 a.m. of Thursday, following day of election.
Nevada	Anytime prior to 7 days before election	County clerk		Before polls close on day of election.
New Hampshire	Anytime prior to election	Town or city clerk		In time to be delivered to local officials before polls close on election day.
New Jersey	Anytime prior to 8 days before election	County clerk		By 8 p.m. of day of election.
New Mexico	Anytime prior to 10 days before election	do	Yes	By 12 noon of day prior to election.
New York	Between 30th and 7th day prior to election	Board of elections of county or borough.	Yes	By 5 p.m. of Friday prior to election.
North Carolina	Between 45th and 5th day prior to election	Chairman of county board of elections	Yes	By 6 p.m. of Wednesday prior to election.
North Dakota	Within 30 days prior to election	County auditor	Yes	In time to be delivered to precinct before polls close on election day.
Ohio	Between 30th and 5th day prior to election	County election board	Yes	By 12 noon of Friday before day of election.
Oklahoma	Anytime but preferably at least 30 days before election.	do		By 5 p.m. of Friday before day of election.
Oregon	Between the 60th and 5th day prior to election	County clerk (Multnomah County, department of records and elections).		By 8 p.m. of day of election.
Pennsylvania	Anytime prior to 7 days before election	County board of elections	Yes	By 5 p.m. of Friday prior to election.
Rhode Island	Anytime, but completed form must be received by board by 21st day before election.	Local board of canvassers	Yes	By 9 p.m. of day of election.
South Carolina	Anytime prior to 30 days before election	County board of registration	Yes	Before polls close on election day.
South Dakota	Anytime prior to election	County auditor	Yes	By 7 p.m. of day of election.
Tennessee	Between 40th and 5th day prior to election	County election commission	Yes	By 10 a.m. of day of election.
Texas	Between 60th and 4th day prior to election	County clerk	Yes	By 1 p.m. of day of election.
Utah	Within 30 days prior to election; earlier if overseas.	do	Yes	By 8 p.m. of day of election.
Vermont	Anytime prior to 4th day before election	Town or city clerk	Yes	In time to be delivered to local election officials before polls close.
Virginia	Between 60 and 5 days prior to election if within United States. Between 90 and 10 days prior to election if outside United States.	Precinct or general registrar	Yes	In time to be counted in precinct before polls close.
Washington	Within 45 days prior to election	County auditor or city clerk		No later than 10 days after primary and 15 days after general election.
West Virginia	Between 60th and 4th day prior to election	Clerk of circuit court	Yes	In time to be delivered to local polls by 7:30 p.m. of election day.
Wisconsin	Between 90th and 3d day prior to election	Town or city clerk (Milwaukee, board of election commissioners).		In time to be delivered to local precinct by 8 p.m. of election day.
Wyoming	Within 40 days prior to election	County clerk		In time to be delivered to precinct official when polls open.

THAT ALL MAY VOTE

(A report of the Freedom to Vote Task Force)

I. LET THE PEOPLE CHOOSE

Forty-seven million Americans did not vote in the Presidential election of 1968.

This shocking fact must warn the American nation of the steady downward trend in voter participation. The number of non-voters in 1964 was 43 million; in 1960, 39 million. In the past eight years, there has been an increase of 8 million non-voters in Presidential elections. If this trend continues in the next 20 years, we can expect to see from 70 to 90 million American people not participating in the election for the highest office in this land.

The non-voter has undeniable power in determining the outcome of a Presidential election. In 1968, the non-voters exceeded by 17 million the total number of people who voted for Richard M. Nixon. For every vote separating the two major candidates in that election, there were 108 people who did *not* vote. In 1960, for every vote separating the major contenders there were 305 people who did *not* vote. Even in the more decisive elections in our recent history, non-voters could have changed the majority. Franklin D. Roosevelt defeated Alf Landon in 1936 by 11 million votes; Dwight D. Eisenhower defeated Adlai Stevenson in 1956 by 9.5 million votes; and Lyndon B. Johnson defeated Barry Goldwater in 1964 by 16 million votes.

Such a pitiful record of voter participation signifies a profound failing of the democratic system. The number of non-voters in the United States now is greater than the *total* electorates of such democracies as France, England, Italy, West Germany, Canada, and Australia, where voter participation is higher than in our own country. In our last Presidential election, only 61 per cent of the potential electorate voted. In the most recent parliamentary elections in Canada and England, at least 75 per cent of the potential electorate participated. Other democratic nations reach turnouts of 80 to 90 per cent.

Ironically, in earlier times more Americans voted. Between 1840 and 1900—a period marked by the beginnings of mass suffrage and preceding the adoption of restrictive voter registration requirements—an average of three out of four (76.9%) of the electorate voted. In the Presidential contest of 1876, the percentage rose to 82 per cent of the electorate.

The United States has changed immensely since 1876. In only 92 years, the population climbed from 46 million to over 200 million. The winning Presidential candidate in 1876 received 4 million votes; in 1964, the winner received ten times as many. And in 1968, in a three-candidate race, the victor received 31 million votes.

If our population growth is incredible, our technological growth is more so. It is still difficult to grasp the reality of placing a man on the moon in 1969. But other advances are also difficult to grasp. Although we live with these conveniences daily, the mere numbers are staggering: 85 million automobiles in 1968; 100 million television sets, 225 million radios. Increased mobility provided by mass transit and automobile travel should facilitate participation. Mass communication—including, along with radio and television, an abundance of newspapers, magazines, and books—should certainly contribute to an informed electorate. And the innovation of electronic voting machines has made the election process speedier.

Yet despite these technological advances, the political participation of Americans has not increased; it has declined.

The decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives. A government that "derives its just powers from the consent of the governed" must be able to hear the voice of the people if it is to make orderly, systematic adjustments to the problems of change. It cannot assume that silence is consent. Silence may well imply alienation, frustration and a widening rift between the government and the governed.

The paradox is that while millions of citizens, at odds with basic national policies, are struggling for a more active role in public decision-making, participation in the elec-

toral process continues to wane. We hear much talk of "participatory democracy" and "community control," but there can be little hope for success in the more difficult roles of self-determination when so many citizens are not even involved to the extent that they participate in the election of a President. If we can involve all people in Presidential elections, perhaps we will open all elections to wider participation. Such involvement will achieve needed reforms if democracy is relevant to mass society.

If the people are to make effective use of their political power, they must begin with the Presidency, the focal point of our political system. The Presidency is more important to the people now than ever before in our history. During the 19th century, when three out of four Americans voted for President, the impact of the Presidency was remote to the average citizen.

This is not true today. Now no individual can escape the constant impact of Presidential decision and action. Presidential policy toward such distant places as Vietnam, Biafra, and the Middle East is of direct concern to all. A cold war, a hot war, the threat of nuclear weaponry, and the vast power of the military-industrial complex affect us all. We must look to the wisdom and leadership of the President to solve such urgent problems as inflation, unemployment, crime, poverty, hunger, racism, repression, the pollution of our environment. The problems are legion, and Presidential action is essential to their resolution.

Yet 40 percent of the people fail to vote for the President. This fact alone warns that the system is not working well.

People who vote believe in the system. They participate. They have a stake in government. But, to the non-participants, their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything in our power to encourage them to vote. Let the people choose.

We must remove all barriers that stand between the citizen and the ballot box. Chief among these is voter registration, which unnecessarily and arbitrarily bars millions of voters in every election. In our earlier history when we had no registration requirements, a much higher proportion of our population voted. Today, areas which have no registration requirements average 10 to 15 per cent higher in voter turnout than those that do.

The historical reasons for extensive registration requirements are no longer valid. Registration was adopted at the turn of the century to prohibit the abuses of machine politics in the growing cities of the North and to disenfranchise the Negro in the South. Some registration qualifications were intentionally designed to exclude people from voting; others were instituted for reasons long since forgotten. The time has come now for an extensive review of the entire registration process in light of modern needs.

State residency requirements alone exclude millions of mobile Americans from voting. Thirty-three states and the District of Columbia require a one year residency before an individual can register and vote. Of these states, only 18 provide any waiver of the one year requirement in Presidential elections. There can be no justification for such practices. Everyone should at least have the opportunity to vote for President.

Long lines, short hours, inaccessible places, and registration periods remote from the date of election limit registration. Periodic registration drives, with high costs and low results, manifest a system working against itself. A major drive to register voters for the New York City mayoral election in 1969 succeeded in qualifying only 70,000 voters, a mere 3 per cent of the unregistered, for a total registration of only 35 per cent of the voting age population. The cost in money and in volunteer hours was high. Other registration drives have been more successful. A highly unusual competition between two cities—Wausau, Wisconsin and Highland Park, Illinois—in 1956 resulted in registering 99 per cent of the voting age population in both cities. But despite the occasional success story, registration is undeniably a costly and losing battle.

As a result, America—history's greatest democracy—has the lowest democratic participation of any modern nation.

This need not be so. Government has a duty to encourage its citizens to vote and to facilitate the process in every way possible. Some nations seek to achieve maximum participation by compelling citizens to vote. This is not the American way. Compulsory voting may be repugnant to us, but even more repugnant are the arbitrary barriers that impede the citizen's right to vote.

II. UNIVERSAL VOTER ENROLLMENT

There is a way of achieving virtually full enrollment. It is tested, safe, inexpensive and effective. It can vastly increase voter participation. It is Universal Voter Enrollment.

Proven in Canada, South Dakota, Idaho, and in parts of California, Washington and elsewhere, it has achieved enrollments of better than 90 per cent of the voting age population. Universal Voter Enrollment shifts the initial burden of registration from the individual to the government. Government must move from old and inadequate methods that serve to inhibit voter participation to a new and effective method of enrollment. The United States is virtually the only advanced democratic nation that does not have such a plan.

The plan

In the weeks immediately preceding an election, enrollment officers would visit every residence in the land and enroll every qualified person to vote who does not refuse.

For enrollment purposes, the 435 Congressional Districts—the smallest federal election unit—would serve as the unit for enrolling voters. This assures a local operation of manageable size and of comparatively equal population, as well as one that reflects population shifts over the years. Each District would be placed under the supervision of a local District Director. Teams of volunteer sworn election enrollment officers would be recruited and trained by professional staff personnel in comprehensive canvass and enrollment procedures. They would be assigned limited areas within the District in which they would be responsible for enrolling everyone of voting age population.

The enrollment officers would begin with existing lists of state and local voting registration. In the canvass of every residence, enrollment officers would confirm the accuracy and completeness of the lists. Those already registered would be offered federal enrollment if they desired it. Errors and omissions in existing lists would be reported to local officials. In addition, every qualified person who is located and does not refuse enrollment would be placed on the rolls of the District.

Each enrollee would be given a certificate which he would sign together with the District Roll in the presence of the officer. On election day the enrollee, if not registered for state purposes, would present his enrollment certificate for validation, countersign the District Roll, and vote on a special ballot for President and Vice President. If registered for state purposes, he would vote on state ballots, but could have his federal certificate validated as evidence of his having voted.

If the proper authority in a state or local district chose to do so, it could request full state or local registration by the federal enrollment officials. Any jurisdiction which followed this course would have virtually full enrollment at no expense. State or election districts which preferred to perform enrollment functions themselves, on giving adequate evidence of non-discrimination and the removal of all arbitrary barriers to qualification and on obtaining an enrollment exceeding 90 per cent would be eligible to receive federal funds which would otherwise be spent in the jurisdiction for federal enrollment. Under either alternative, a full and uniform enrollment of all voters would be achieved.

To assure awareness of the enrollment effort, and because some people will inevitably be missed in even the most careful canvass, advertising on radio, TV, and in newspapers during the weeks of enrollment and for several days immediately preceding the election would inform the people of their duty to enroll and vote and of the procedures for doing so.

No citizen would be barred from voting because of failure to enroll before election day, or loss of enrollment certificate, or absence from his District or from the country. Nor would he be disqualified from voting for President if he changed his place of residence—even the day before the election. He would simply have to complete an affidavit identifying himself, following a procedure no more complicated than that required to cash a check. On completion of the affidavit, he would be permitted to vote, and his ballot would be placed in a sealed envelope with the affidavit attached. If he were voting outside the District—for example, at an American Consulate in a foreign country—his sealed ballot and affidavit would be placed in a special delivery envelope addressed to the District Director of his place of residence. Mailed ballots would receive full franking privileges. When the statements in his affidavit were verified, the envelope containing his ballot would be placed with all other ballots received in this manner, opened, and counted. Perjury or misrepresentation would be a federal offense.

III. THE NATIONAL ELECTION COMMISSION

To administer and supervise the Universal Voter Enrollment Plan, a National Election Commission would be created. A National Director would serve as its chief executive officer. The National Director should be a nonpartisan figure, nationally known and respected. He would be limited to a term of four years, beginning on January 1st of the year following a Presidential election. His primary responsibility would be to achieve full voter enrollment. To assist him in the execution of his responsibilities, an adequate staff of career personnel would be maintained in the national office.

A National Review Board would be appointed by the President from nominations made by the major political parties and independent non-partisan organizations. The Review Board would oversee the performance of the Commission, hear complaints, and recommend methods for improving the elective process. It would report to the President.

The Commission would also be charged with maintaining complete records of all election returns and all laws and procedures for every public election district in the nation. These would be available to the public. At present there is no single depository for such information. As a result, it is extremely difficult to obtain complete and accurate election information from existing sources.

The Commission would be authorized to study and comment on the adequacy and fairness of the election processes of any pub-

lic jurisdiction, but it would have no power over any state, local or special election district officials. The Commission would also be instructed to undertake any study requested by any public election district designed to improve voter participation or guarantee a republican form of government. It would report to the Congress after each Presidential election, evaluating the thoroughness and fairness of the registration effort and presenting the final election returns. Periodically it would make available studies on the quality of American voter participation.

The District Director in each of the 435 federal election districts would be provided with staff and funds in election years to carry out the duties of his office. Federal Election Enrollment Officers would be volunteer workers serving without compensation. Recruited from civic groups, educational institutions, and individual interests, they would be commissioned as federal officers and subject to federal penalties. They would receive suitable recognition for their public service.

Estimated total costs for the operation of the Commission are $5 million in non-Presidential election years and $50 million in Presidential election years. This averages less than 50¢ per eligible voter in election years—a small price to pay for the involvement of all citizens in the electoral process.

IV. NATIONAL ELECTIONS HOLIDAY

The Task Force recommends a national holiday on the date of every Presidential election to assure full opportunity for voter participation and to solemnize this as the most important occasion for the exercise of a citizen's obligations in a free society. The nation can no longer afford to treat voting as a secondary responsibility. The survival of our institutions of government depends on the vitalization of individual participation in the democratic process.

The recommendations embodied in this report do not promise full reform of our system of election. There is no single remedy for so diverse a society. The Universal Voter Enrollment plan does offer an effective and vital reform that assures a substantial increase in voter participation. The need now is for immediate action.

APPENDIX I

The National Election Commission

The National Election Commission would enroll all individuals of voting age population for Presidential elections. In addition, it would perform a number of duties directly related to its principal concern. The National Election Commission would:

1. Enroll all voters for Presidential elections;

2. Report on its enrollment effort and obtain complete and accurate results of each Presidential election;

3. Create an election information center, a public repository of all laws, regulations and procedures and data on voter participation and election results for federal, state, local and special district elections;

4. Study the elective process to assure full voter participation, integrity and efficiency in federal, state and local elections with authority to advise and consult with governmental and non-partisan private groups seeking to improve the democratic process and to report on elections and election practices and recommend techniques for their perfection;

5. Aid and assist governmental and private non-partisan efforts to achieve full voter participation.

6. Train federal enrollment officers and provide training programs for state and local election officials on request.

The National Election Commission would assure all qualified individuals of their right to vote for President and serve an educational function by providing information and analyses relevant to elections. It would collect election laws and the results of public elections held in the United States and make these available to all interested groups and individuals.

The National Election Commission would be non-partisan. The Director would be appointed by the President with the consent of the Senate. The Director would supervise the National Election Commission as its chief executive officer. He should be a national figure known for his integrity. The Director would be limited to one four-year term beginning on the first day of the January following a Presidential election.

The Commission would have professional staff of adequate size to perform its duties. Its division would include: (1) enrollment service, (2) information, (3) research, and (4) training. The operating budget of the Commisison would approximate $5 million annually.

The operating budget would be increased substantially in Presidential election years to approximately $50 million. The major portion of the additional expense would be to cover the costs of enrolling all eligible voters through door-to-door contact.

District Directors: In election years, the Director of the National Election Commission would appoint 435 District Directors—one for each of the Congressional Districts—to supervise the enrollment of voters within their districts.

The District Director's position would be unsalaried.

The District Director would have one responsibility—preparing for and supervising the enrollment of all voters in his district.

The District Director would receive a grant of up to 50¢ for every person of voting age residing in his district to cover enrollment expenses.

Any state or local governmental agency operating throughout a Congressional District where 90 per cent or more of the eligible electorate is enrolled through local efforts prior to July 1 of any Presidential election year may receive the federal funds available for the District as a grant-in-aid to help defray registration and election costs. A state reaching a 90 per cent or better enrollment of its eligible voters may receive a sum equivalent to the federal funds available for all Congressional Districts within its borders that attain a 90 per cent or better registration.

District Staff Director: The District Director would also have responsibility for hiring a Staff Director to serve for a six-month period (July 1-December 31) during each Presidential election year to supervise administration of the enrollment program in the district. This position would be compensated at an attractive salary to obtain the full time services of a well qualified individual who might take leave of absence from business, education or a profession.

The National Election Commission and its Director would provide the local District Director and his staff with supervision, training and all possible aid in enrolling voters in their districts. The emphasis would be on decentralizing administrative responsibilities and performance. The system as a whole must be flexible and with the capacity to adjust to the peculiar demands and enrollment needs of each of the districts.

The District Board: Each district shall have a review board of at least five members nominated in equal numbers by the political parties whose candidates received more than 10 per cent of the vote in any public election covering the entire district within the past four years. Whenever an additional board member is necessary to achieve an odd number of board members, the District Director shall appoint one member to the Board.

The District Board shall:

1. Consult with, advise, and recommend methods for full enrollment and fair election procedures to the District Director.

2. Review complaints and report its findings to the District Director and the National Review Board.

Enrollment Officials: The Staff Director, under the supervision of the District Director, and in consultation with the District Board would recruit individuals to conduct the actual enrollment of citizens. This service would be voluntary and the enrollment officers would not be financially compensated.

The enrollment officials would be drawn from civic groups, political party workers, or other organizations and individuals who might want to volunteer their services. Each district should recruit not fewer than one enrollment officer for each one hundred persons of voting age in the district.

In performing their duties, enrollment officers would be administered oaths of office as public officials and subject to legal penalties for any prospective abuse of their offices.

Enrollment officers would be required to attend training sessions prior to participating in the enrollment of voters.

National Review Board: A National Review Board of fifteen members would be appointed by the President from among those nominated by political parties and independent non-partisan citizen organizations. Nominations from the political parties would equally represent all political parties that received 5 per cent or better of the vote in the previous Presidential election. Combined with the nominations from the non-partisan citizen groups, the Board would reflect the balance of national interests.

It would be charged with overseeing the activities of the Commission. The Review Board would:

1. Consult with, advise, and recommend methods for inclusive enrollment and fair election procedures to the Director of the National Election Commission,

2. Review complaints, and

3. Recommend to the Director of the National Election Commission the improvement of practices in specific districts and order the replacement of individual District Directors where the integrity of the democratic process requires.

APPENDIX II

The Enrollment of Voters

The quadrennial enrollment of voters would begin on the first Monday in October and would be concluded by the end of the third week in October. The enrollment drive would be short and intensive. It is intended to coincide with the interest and enthusiasm generated during the campaign period. Enrollment activities would complement party and candidate efforts and should help to stimulate interest in the election and a higher turnout on election day.

Enrollment officials would be required to make a minimum of two personal calls at every place of residence in the district, if all voting age residents were not contacted on the first visit. If the personal visits fail to reach every voting age resident, the enrollment official would be required to leave notification of the times and places where the individual would be able to enroll.

The enrollment officials would be required to compare their enrollment lists with all other available voting lists compiled by state or local governmental agencies to insure that no eligible voter had been omitted from the enrollment.

If the proper state and/or local authorities requested it, enrollment officials would enroll voters for state and/or local elections at the same time they were enrolling them for the Presidential election.

Also, if the state or local authorities re-

quested it, the federal enrollment lists would be made available to the proper state or local agencies to update their enrollment records or to serve as a guide to the voting age population.

Any enrollment list not turned over to state or local authorities for the purposes specified would be destroyed within one month of the official certification of the election results. No registry of citizens would be maintained at the national or district level.

When an individual was enrolled as a voter he would receive a card certifying his enrollment. The card would bear the individual's name, his address and his signature, in addition to the signature of the enrolling official. The same information would appear on the list compiled by the enrollment official and would be available at the polls on election day.

The individual would present his voter card to the election officials at the polls on election day. The card would be validated by the election officials. The voter would also sign the enrollment registry beside the signature obtained at the time of his enrollment. These procedures would safeguard the integrity of the election.

The enrollment as described would qualify an individual to vote for the President and the Vice President. If an individual has registered under state law prior to federal enrollment, he need not enroll to vote for President.

Any individual who was eligible to vote yet whose name did not appear on the enrollment lists would have two options after the regular enrollment period had ended:

1. He could contact the District Director or other designated officials who would have the power to determine the individual's eligibility and add his name to the enrollment list, or

2. He could appear at the polls on election day, sign an affidavit that he was eligible to enroll and cast a special ballot for the President. The ballot would be sealed and then placed in an envelope with the affidavit supporting enrollment. It would be the duty of the District Director to determine the voter's eligibility. If found eligible, the ballot would then be counted along with all others cast in this manner and the results added to the election tally.

An individual who loses his enrollment card could still vote. His ballot would be held separately, under procedures described above, until his eligibility was determined by the local election officials from the information in the affidavit.

An individual absent from his home district, but otherwise eligible to vote in the election, could vote for the President at another polling place. To do so, he would have to provide the local election officials with proper identification—name, address, signature, plus personal identification similar to that for cashing a check. The burden of proof in this case would be placed on the individual. Special ballots could be provided for these contingencies. These ballots would be air mailed, special delivery—franking privileges would be provided—to the individual's home District Director. He would determine the eligibility of the voter and then count his sealed ballot along with the others received in this manner.

APPENDIX III

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–60, BY STATE

State	1824	1828	1832	1836	1840	1844	1848	1852	1856	1860
Alabama	49.1	54.6	(1)	64.9	89.7	80.3	69.7	45.3	71.0	76.7
Alaska										
Arkansas				28.9	67.6	63.5	55.9	48.6	60.2	79.5
California								75.7	81.6	71.2
Connecticut	14.9	27.2	46.0	52.3	75.7	80.0	72.3	72.3	81.8	73.3
Delaware	(1)	(1)	67.1	69.5	82.8	85.8	80.4	75.0	78.5	79.5
Florida							64.0	56.9	77.6	79.5
Georgia	(1)	31.8	29.0	61.8	88.8	92.6	86.0	54.8	82.8	85.1
Hawaii										
Illinois	24.3	52.4	46.0	43.5	86.0	76.0	70.5	64.7	72.4	80.5
Indiana	37.1	68.7	71.9	69.2	84.4	84.7	78.5	80.3	88.3	89.4
Iowa							90.7	80.2	87.0	94.2
Kentucky	25.4	70.7	74.0	61.1	74.3	80.7	73.9	64.2	76.7	74.1
Louisiana	(1)	36.2	22.3	19.2	39.4	47.1	51.1	48.7	53.6	58.6
Maine	19.1	42.7	66.2	37.7	83.7	71.3	68.4	61.2	78.1	68.9
Maryland	53.7	70.3	55.7	67.6	84.5	81.4	76.0	72.8	80.0	81.1
Massachusetts	29.0	25.7	39.4	43.4	66.7	65.8	64.6	57.8	69.8	65.8
Michigan				35.0	84.9	79.8	74.5	71.3	81.1	80.0
Minnesota										74.9
Mississippi	41.3	56.6	28.0	64.4	88.2	86.1	80.7	61.7	78.3	89.5
Missouri	19.8	54.0	41.0	36.1	75.1	77.8	62.5	46.3	54.7	69.4
New Mexico	18.0	74.3	70.1	38.2	86.3	68.9	67.4	65.7	87.9	80.7
New Jersey	35.6	71.0	68.8	69.2	80.4	87.2	82.7	79.8	83.1	89.4
New York	(1)	80.2	84.2	70.5	91.9	92.1	79.6	84.7	89.9	95.5
North Carolina	41.8	56.9	31.3	53.0	82.4	78.8	71.4	65.8	66.7	70.9
Ohio	34.8	75.9	73.9	75.5	84.5	83.6	77.5	80.6	82.3	88.3
Oregon										97.8
Pennsylvania	18.8	56.5	52.3	53.1	77.5	77.3	76.3	72.6	80.8	78.4
Rhode Island	12.0	17.1	26.3	23.8	33.2	45.1	41.1	57.8	62.9	59.4
South Carolina	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Tennessee	28.3	55.0	31.3	57.3	89.7	89.8	83.4	72.9	82.9	80.9
Texas							69.6	42.6	58.1	67.4
Vermont	(1)	54.5	50.0	52.5	73.8	70.8	70.5	63.5	72.5	63.0
Virginia	11.6	27.7	31.1	35.2	54.7	54.2	47.3	63.3	67.8	71.5
Wisconsin							58.3	39.6	80.8	79.0
Total United States	26.9	57.6	55.4	57.8	80.2	78.9	72.7	69.6	78.9	81.2

PRESIDENTIAL TURNOUT BY STATE, 1864—1900

State	1864	1868	1872	1876	1880	1884	1888	1892	1896	1900
Alabama	(1)	77.9	79.6	72.8	58.8	54.2	56.6	68.5	51.9	38.9
Arkansas	(1)	49.0	67.6	64.7	59.5	59.1	68.9	55.0	48.2	40.8
California	64.6	72.3	57.9	75.9	67.1	68.8	76.5	73.8	75.0	69.9
Colorado				(1)	57.4	52.4	57.4	54.6	65.2	71.2
Connecticut	76.3	80.1	71.3	82.0	81.4	79.9	85.5	85.4	83.3	79.7
Delaware	79.8	84.3	73.3	73.4	81.9	76.0	68.8	80.4	64.6	81.9
Florida	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Georgia	(1)	73.2	55.2	63.5	49.4	41.0	37.6	53.1	34.3	24.4
Idaho								63.1	76.1	77.8
Illinois	69.2	76.7	75.0	87.5	89.9	84.4	82.9	86.0	95.7	89.9
Indiana	82.9	92.5	85.3	94.6	94.4	92.2	93.3	89.0	95.1	92.1
Iowa	95.4	97.7	79.0	99.1	93.7	90.0	87.9	88.5	96.1	91.0
Kansas	31.8	51.3	77.8	65.7	80.8	85.1	88.2	80.7	85.5	91.2
Kentucky	44.0	69.9	66.2	80.9	75.5	70.8	81.1	73.8	89.2	87.0
Louisiana	(1)	75.9	76.4	77.9	50.3	49.8	50.0	45.1	35.8	21.7
Maine	73.2	74.4	57.9	71.5	85.0	75.0	71.7	63.5	63.0	56.0
Maryland	57.7	72.6	75.0	82.7	79.8	79.9	84.8	79.9	87.3	85.9
Massachusetts	63.8	66.9	62.0	72.3	71.2	69.3	71.7	74.6	70.6	67.4
Michigan	66.2	77.4	64.0	78.0	75.5	76.0	80.9	73.2	95.3	89.0
Minnesota	57.6	71.1	67.5	71.3	68.9	68.2	76.3	66.6	75.2	76.7
Mississippi	(1)	(1)	71.1	79.7	50.1	49.2	43.8	18.8	22.1	16.9
Missouri	36.3	43.0	66.6	76.6	78.0	77.0	81.8	77.4	88.5	83.1
Montana								74.2	73.8	75.3
Nebraska		46.1	43.7	53.0	67.7	67.8	75.9	66.2	74.1	80.2
Nevada	57.5	73.7	74.4	90.0	76.5	61.6	71.4	70.1	69.2	71.4
New Hampshire	84.3	82.3	80.9	92.0	93.3	87.4	90.2	85.8	78.1	83.9
New Jersey	81.0	89.5	81.4	94.8	95.4	88.6	91.9	90.3	88.4	85.9
New York	89.3	91.7	80.5	89.6	89.3	87.5	92.3	86.3	84.3	84.6
North Carolina	(1)	91.2	71.9	9 .1	83.0	86.3	85.2	78.0	85.3	70.2
North Dakota								56.6	63.1	65.2
Ohio	87.6	90.4	84.4	94.4	94.4	93.4	91.9	86.2	95.5	91.5
Oregon	91.8	85.8	60.5	70.4	79.1	65.0	93.5	58.4	69.9	58.3
Pennsylvania	85.0	88.3	68.6	83.5	88.8	82.3	83.0	75.7	81.8	75.0
Rhode Island	58.8	46.6	40.2	49.4	48.7	48.1	53.4	63.0	59.2	56.2
South Carolina	(1)	79.6	60.4	101.0	83.9	43.0	35.0	29.1	25.2	18.0
South Dakota								70.7	78.0	85.4
Tennessee	(1)	39.7	66.2	74.6	75.1	73.1	77.6	64.0	70.8	56.6
Texas	(1)	(1)	56.3	54.6	68.8	80.2	78.3	79.4	88.3	61.4
Utah									79.4	84.5
Vermont	77.0	75.9	69.1	83.3	81.6	70.5	71.4	60.4	67.5	57.9
Virginia	(1)	(1)	66.2	77.6	64.1	81.7	83.2	75.3	71.0	59.6
Washington								67.3	63.1	64.9
West Virginia	51.6	58.0	61.2	83.6	82.6	86.7	94.5	90.3	93.6	91.3
Wisconsin	66.8	79.8	70.6	83.9	82.4	82.2	81.1	76.8	84.9	77.5
Wyoming								47.7	50.7	51.1
Total Un ted States	73.8	78.1	71.3	81.8	79.4	77.5	79.3	74.7	79.3	73.2

PRESIDENTIAL TURNOUT BY STATE, 1904–40

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Alabama	24.2	21.5	22.6	24.3	20.6	13.5	19.1	17.5	18.8	18.9
Arizona			38.6	48.7	46.8	44.4	47.9	55.1	52.0	57.0
Arkansas	33.8	40.2	30.7	40.0	20.9	15.3	21.4	22.1	17.3	18.2
California	61.7	60.2	46.9	58.0	47.2	50.8	59.0	64.0	66.0	73.4
Colorado	71.0	65.4	59.1	60.5	56.0	62.5	68.4	75.3	75.5	79.7
Connecticut	80.5	76.3	71.5	73.8	58.7	57.9	72.6	70.8	74.6	77.2
Delaware	82.0	86.2	84.1	86.1	75.1	68.1	75.3	76.3	79.8	79.4
Florida	24.4	26.2	24.2	33.8	30.3	17.0	33.0	30.5	31.3	40.9
Georgia	23.8	22.0	18.9	23.7	10.5	11.5	15.7	16.5	17.7	17.7
Idaho	65.3	65.8	59.8	67.4	61.1	65.2	66.0	74.4	71.8	77.0
Illinois	80.5	81.6	74.7	66.8	60.5	64.1	73.4	74.6	81.6	82.2
Indiana	89.7	89.9	77.8	81.9	71.0	70.7	74.9	78.9	78.7	81.1
Iowa	79.7	77.6	74.2	75.0	64.5	68.4	68.9	69.1	73.6	75.5
Kansas	78.1	82.5	76.3	65.8	58.0	64.1	65.9	71.1	76.6	75.1
Kentucky	77.7	84.0	74.6	82.8	71.8	61.0	67.7	67.4	59.9	59.5
Louisiana	15.6	19.8	19.3	21.6	14.1	12.4	20.1	23.4	27.3	29.4
Maine	49.5	53.2	63.4	65.1	46.9	44.9	60.2	66.3	64.4	65.0
Maryland	69.6	70.9	64.8	68.1	52.3	41.0	56.8	51.2	58.1	57.2
Massachusetts	67.6	65.1	63.4	62.8	53.3	56.6	74.0	69.5	75.9	78.7
Michigan	78.9	75.9	69.8	72.9	55.1	53.7	56.3	62.0	62.1	66.6
Minnesota	64.3	66.1	61.2	65.0	59.5	62.0	68.5	66.2	69.7	72.3
Mississippi	15.6	16.5	15.1	20.0	9.4	12.0	15.2	13.8	14.4	14.7
Missouri	74.9	79.7	74.9	81.5	67.6	63.3	69.1	70.9	77.3	74.4
Montana	65.8	61.9	63.3	68.0	61.4	59.2	65.3	70.3	70.8	72.2
Nebraska	70.1	77.8	77.1	84.5	55.7	63.8	71.5	72.1	75.6	75.4
Nevada	59.2	92.1	68.1	73.6	61.0	56.1	63.0	73.2	69.1	75.7
New Hampshire	81.6	80.8	78.2	77.3	67.5	67.4	77.8	77.5	77.8	79.6
New Jersey	83.6	82.4	69.1	70.7	59.1	60.7	75.6	72.0	75.0	76.1

PRESIDENTIAL TURNOUT BY STATE, 1904-40—Continued

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
New Mexico			59.6	77.8	62.3	61.8	60.3	69.7	68.7	66.6
New York	83.3	79.7	72.1	71.6	56.4	56.3	68.3	66.1	72.6	75.7
North Carolina	46.1	52.0	46.1	49.8	44.6	35.9	43.1	44.0	47.4	42.7
North Dakota	61.4	73.2	60.8	77.7	67.4	63.8	72.4	74.5	78.0	78.4
Ohio	83.1	87.5	74.8	76.5	62.6	57.8	66.9	65.5	71.8	75.4
Oklahoma		71.5	57.4	60.4	48.6	47.4	50.5	54.4	56.4	60.5
Oregon	47.6	47.3	51.8	54.2	52.3	55.3	57.7	60.7	62.5	67.1
Pennsylvania	74.3	71.8	64.4	63.4	42.8	45.8	62.7	53.1	72.5	67.6
Rhode Island	63.4	62.4	62.7	65.8	57.9	66.3	68.9	71.7	78.0	75.6
South Carolina	18.4	20.6	14.6	17.5	8.6	6.4	8.5	12.3	12.5	10.1
South Dakota	73.0	69.5	61.9	60.9	56.6	59.4	72.0	76.5	77.5	79.5
Tennessee	47.7	48.1	45.1	46.6	35.4	23.3	25.7	26.5	30.0	30.6
Texas	29.6	33.6	30.8	35.0	21.7	25.8	24.8	27.2	24.8	30.1
Utah	78.4	73.0	66.4	79.5	69.6	69.7	73.4	80.0	77.9	83.1
Vermont	50.7	48.9	56.8	58.2	45.3	51.3	66.8	66.6	68.5	22.1
Washington	60.9	59.0	50.8	54.7	52.4	51.2	56.6	64.2	66.6	70.6
West Virginia	89.2	86.9	81.9	83.6	71.7	75.2	76 4	81.9	84.9	83.0
Wisconsin	72.0	68.7	68.7	70.7	52.3	57.3	65.9	65.1	68.9	72.4
Wyoming	50.8	49.2	50.3	54.9	52.3	71.0	68.7	74.9	74.0	74.8
Total, United States	65.2	65.4	58.8	61.6	49.2	48.9	56.9	56.9	61.0	62.5

PRESIDENTIAL TURNOUT BY STATE 1944-68

State	1944	1948	1952	1956	1960	1964	1968
Alabama	15.0	12.6	24.2	27.6	31.2	36.0	51.5
Alaska					49.1	48.7	56.4
Arizona	42.2	45.4	53.9	47.8	53.8	54.7	43.6
Arkansas	19.3	21.9	36.9	38.0	41.1	49.9	52.5
California	65.1	63.2	69.4	64.0	67.9	64.7	61.0
Colorado	67.9	64.5	76.2	69.2	71.4	68.0	70.2
Connecticut	73.9	71.2	80.9	75.8	76.8	71.8	68.5
Delaware	66.9	68.5	78.4	72.7	73.6	71.1	71.7
Florida	33.5	34.1	47.6	43.6	50.0	52.7	58.2
Georgia	17.6	21.4	31.9	29.6	31.2	44.9	41.6
Hawaii					53.0	52.5	62.7
Idaho	64.5	63.1	78.2	75.2	80.7	75.8	72.8
Illinois	74.8	70.3	76.0	72.4	75.7	74.0	69.3
Indiana	71.7	67.2	75.7	73.7	76.9	74.0	71.5
Iowa	64.3	62.4	75.8	74.0	76.5	72.3	71.6
Kansas	62.2	65.0	71.7	67.4	70.3	64.8	63.5
Kentucky	51.9	49.6	58.9	58.6	60.5	52.9	46.8
Louisiana	25.1	27.5	40.2	36.0	44.8	47.3	55.6
Maine	57.3	49.0	63.1	61.8	72.6	65.6	67.5
Maryland	46.7	41.7	57.5	54.6	57.2	56.0	57.7
Massachusetts	71.0	71.5	75.0	72.0	73.8	71.3	67.8
Michigan	63.7	55.6	68.5	71.1	72.4	68.9	64.9
Minnesota	63.0	65.7	72.6	68.7	77.0	76.8	71.8
Mississippi	15.0	16.0	23.8	21.0	25.5	32.9	51.6
Missouri	62.2	61.0	71.8	68.8	71.8	67.4	63.1
Montana	59.0	62.3	71.8	71.6	61.4	69.8	65.0
Nebraska	67.9	58.2	71.9	67.6	71.4	66.6	59.9
Nevada	64.8	64.0	69.7	65.9	61.2	55.5	54.2
New Hampshire	73.5	70.3	79.2	74.4	79.4	72.3	70.9
New Jersey	69.1	63.0	72.3	68.9	71.8	68.6	65.1
New Mexico	48.8	53.4	60.5	56.8	62.1	63.9	63.3
New York	70.9	65.0	71.2	67.9	67.0	63.2	57.3
North Carolina	38.0	35.4	51.3	47.4	53.5	51.8	54.7
North Dakota	61.5	61.6	75.5	71.3	78.5	72.2	65.5
Ohio	66.9	58.4	69.7	66.4	71.3	66.6	63.6
Oklahoma	52.8	52.5	68.6	61.4	63.8	62.5	62.9
Oregon	58.4	56.5	69.6	71.1	72.3	69.6	64.4
Pennsylvania	59.8	56.0	66.5	65.5	70.5	68.1	63.2
Rhode Island	65.0	66.0	79.8	73.2	75.1	68.7	68.2
South Carolina	9.8	12.8	29.1	24.7	30.5	38.0	48.0
South Dakota	59.3	63.3	74.4	74.7	78.3	72.6	70.8
Tennessee	28.2	28.7	44.7	45.9	50.3	51.1	53.0
Texas	28.2	26.0	43.5	37.9	41.8	44.4	51.6
Utah	75.0	76.0	82.9	77.2	80.1	76.9	76.9
Vermont	56.9	54.5	66.8	66.5	72.5	68.0	65.5
Virginia	22.3	21.6	29.9	31.8	33.3	41.0	53.1
Washington	67.0	63.2	71.2	70.4	72.3	71.5	65.0
West Virginia	65.5	65.8	76.3	74.6	77.2	75.2	70.0
Wisconsin	65.7	59.8	72.5	67.8	73.4	70.8	68.0
Wyoming	63.3	59.6	72.5	67.4	74.0	73.2	69.3
District of Columbia						40.2	33.5
Total United States	55.9	53.0	63.3	60.6	64.0	61.8	60.6

[1] Figures not available.

Source: Compiled by Professor Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

APPENDIX IV.—TURNOUT IN U.S. SENTATE ELECTIONS, 1946-68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama		(1)	(1)		(1)	(1)		(1)	21.5		40.5	44.4
Alaska							75.6	72.2	51.5		44.8	
Arizona	31.7		43.9	52.0		47.7	48.5		43.8	53.3		50.6
Arkansas		(1)		(1)	(1)	(1)		(1)	(1)		(1)	50.3
California	39.7		51.1	61.9	49.0	63.7	58.7		55.9	65.3		59.7
Colorado		70.8	53.3		56.0	66.8		71.6	57.2		55.8	66.5
Connecticut	49.9		62.0	75.7		76.4	66.2		63.3	71.1		66.1
Delaware	59.9	72.1		77.6	62.7		57.4	73.9		70.7	56.3	
Florida	(1)		(1)	(1)		(1)	(1)		28.3	45.2		52.7
Georgia	(2)	(2)	(2)	(2)	(1)	(1)		(1)	31.7		(1)	(1)
Hawaii								[3] 51.0	59.1	52.9	52.0	
Idaho	56.9	67.4	57.7		64.3	75.2		78.5	67.7		65.1	71.8
Illinois		66.0	60.7		56.1	70.0		74.9	59.5		59.4	67.4
Indiana	53.9		62.9	74.1		72.0	62.4		64.8	73.7		69.4
Iowa		58.2	50.6		51.3	70.7		74.2	48.8		52.4	69.3
Kansas		55.4	41.8		49.1	64.5		67.6	48.4		51.8	59.6
Kentucky	38.6	49.1	35.4	58.0	46.9	54.4		58.0	43.7		37.0	45.7
Louisiana	(1)	(1)			(1)	(1)		(1)	28.1		(1)	(1)
Maine	31.0	39.3		43.5	43.3		50.2	72.6		66.1	55.6	
Maryland	33.7		40.3	56.1		52.5	43.3		38.7	54.3		54.3
Massachusetts	53.8	63.7		73.3	57.5		58.7	74.9	64.7	71.2	60.9	
Michigan	40.9	51.7		66.2	49.2		48.8	71.4		66.5	51.1	
Minnesota	47.2	64.0		73.1	58.5		57.0	76.7		76.5	62.2	
Mississippi	(1)	(1)	16.8	(1)	(1)		(1)	(1)		(1)	31.5	
Missouri	42.8		48.3	70.3		66.3	44.0	70.9	45.9	65.3		61.2
Montana	64.0	69.2		72.5	60.2		57.5	71.5		70.9	65.8	
Nebraska	45.8	55.7	66.0	67.1	48.9		46.7	69.9		64.8	56.6	
Nevada	55.8		57.6	70.5	57.4	64.3	55.2		50.6	54.7		54.1
New Hampshire		61.1	53.7		48.4	71.0		78.4	59.5			67.7
New Jersey	45.4	57.0		66.	50.6		51.5	69.6		65.7	49.7	
New Mexico	48.9	63.9		63.8	49.1		49.1	61.2		63.8	49.8	
New York	51.7		52.7	66.6		64.5	53.1		51.8	63.5		56.1
North Carolina		(1)	(1)	(1)	(1)	(1)		(1)	31.5		31.7	48.8
North Dakota	(2)		50.9	68.0		64.4	54.0		64.3	71.9		65.3
Ohio	43.9		51.2	64.3	45.9	61.8	55.4		50.5	64.4		60.0
Oklahoma		49.3	45.7		43.9	62.9		61.8	46.1	61.6	42.9	59.3
Oregon		44.9	50.2		54.4	68.1		69.4	57.5		58.2	65.6
Pennsylvania	46.6		50.7	64.2		64.3	56.8		61.6	67.8		63.7
Rhode Island	53.1	60.5	55.4	77.1	62.2		63.6	75.0		70.8	59.0	
South Carolina		(1)	(1)		(1)			(1)	25.0		31.1	44.9
South Dakota	64.6	62.6		60.4	60.4	71.4		78.8	63.9		59.3	72.5
Tennessee	(1)	(1)		(1)	(1)		(1)	(1)		47.8	38.0	
Texas	(1)	(1)		(1)	(1)		(1)	(1)	15.8	44.2	24.6	
Utah	55.4		67.8	79.0		75.3	63.6		63.7	78.2		75.5
Vermont	32.2		37.5	66.7		69.6	56.6		52.3	70.2		(1)
Virginia	(1)	(1)		(1)			20.9	27.8		36.8	28.2	
Washington	45.2		47.7	68.6		69.7	54.1		54.8	69.4		67.3
West Virginia	52.2	68.2		77.7	53.1	70.2	55.6	76.3		71.5	46.4	
Wisconsin	48.8		50.2	71.3		65.4	50.1		52.8	70.4		67.0
Wyoming	49.5	60.0		72.3	62.4		62.7	74.5	59.4	74.2	66.0	

[1] Ran unopposed.
[2] Not available.
[3] 1959.

Source: COPE Research Department, Washington, D.C.

APPENDIX VI.—TURNOUT IN GUBERNATORIAL ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	196	1968
Alabama											42.8	
Alaska							75.3		50.2		44.8	
Arizona	33.4	47.0	46.3	52.6	43.3	49.5	48.0	58.4	44.2	53.9	42.6	51.1
Arkansas									31.7	52.9	49.7	52.3
California			52.6		50.3		60.1		57.9		57.7	
Colorado	47.6	68.6	53.4	69.7	56.6	67.7	55.3		57.5		58.1	
Connecticut	48.0	63.6	63.4	75.7	63.1		66.6		63.4		57.8	
Delaware		71.6		77.6		70.9		73.8		70.5		67.6
Florida										47.4	41.2	
Georgia	(1)	(1)	(1)	(1)					35.4		34.6	
Hawaii								[2] 52.4	59.0		52.0	
Idaho	57.3		58.1		65.0		63.6		66.9		65.1	
Illinois		66.0		74.0		70.8		74.2		73.2		68.2
Indiana		63.8		73.6		71.6		76.5		73.6		69.2
Iowa	37.5	57.6	50.0	72.9	51.5	72.3	49.7	74.1	49.5	71.3	54.9	68.9
Kansas	47.1	58.7	49.8	67.0	49.5	67.6	58.3	70.2	49.7	64.0	50.1	62.9
Kentucky			33.5	(3)	45.8	54.2	45.2		47.2		43.7	
Louisiana										49.8		50.1
Maine	31.9	37.4	43.7	45.6	43.8	55.9	49.5	72.7	50.6		56.3	
Maryland	35.0		42.2		44.2		43.9		42.0		44.2	
Massachusetts	52.8	65.0	59.6	73.2	57.9	75.0	59.8	74.8	65.1	72.0	62.1	
Michigan	42.1	53.0	45.7	67.2	50.2	66.4	49.7	72.1	60.0	67.7	51.5	
Minnesota	47.4	63.5	60.7	74.7	59.8	71.9	57.5	77.4	62.1		6.34	
Mississippi												[4] 34.7
Missouri		59.7		70.4		66.6		71.2		65.7		62.2
Montana		69.8		72.9		72.1		72.3		71.1		68.7
Nebraska	45.5	55.2	54.9	67.5	48.4	64.8	47.2	69.9	53.7	66.5	56.8	
Nevada	55.3		56.1	58.1			55.5		50.5		52.5	
New Hampshire	46.6	61.0	54.2	75.7	57.1	72.9	57.3	79.2	61.0	72.1	57.4	67.3
New Jersey						56.9			56.2		52.7	
New Mexico	48.7	64.4	47.9	63.9	49.0	61.6	49.5	62.2	48.4	62.2	50.2	59.7
New York	50.8		50.9		49.3		54.9		52.7		54.0	
North Carolina										51.0		52.9
North Dakota	(1)	62.1	50.1	72.6	52.7	66.6	56.5	78.7	65.7	73.0		67.8
Ohio	45.2	50.1	54.2	67.4	47.5	62.1	57.7		52.5		47.9	
Oklahoma	36.5		46.6		44.5		39.1		49.2		45.5	
Oregon	34.3		49.7		54.2	68.0	55.4		57.5		58.0	
Pennsylvania	46.5		50.1		53.0		56.8		61.6		56.9	
Rhode Island	53.5	61.1	55.2	75.4	62.4	73.8	64.0	75.3	63.1	71.7	60.5	68.4
South Carolina											31.4	
South Dakota	65.3	63.2	72.7	60.6	60.6	71.7	64.6	78.5	64.4	73.9	59.6	71.7
Tennessee											28.7	
Texas									28.0	43.2	23.5	46.0
Utah		74.3		79.2		75.8		79.2		78.4		75.9
Vermont	31.6	51.2	36.9	59.9	48.2	69.0	56.2	71.6	52.3	70.2	57.7	65.5
Virginia											[5] 20.9	
Washington		53.1		69.9		70.1		71.4		71.5		68.9
West Virginia		68.6		78.2		71.3	54.4	76.3		74.1		68.9
Wisconsin	50.0	58.9	50.5	71.7	51.8	66.9	50.4	72.8	53.1	71.3	48.6	68.4
Wyoming	49.4		54.2		61.9		61.8		59.3		65.0	

[1] Not available.
[2] 1959.
[3] Incomplete.
[4] 1967.
[5] 1965.

Source: COPE Research Department, Washington, D.C.

APPENDIX V

TURNOUT IN U.S. HOUSE OF REPRESENTATIVES-ELECTIONS, 1920–68

[Vote as a percentage of the civilian population of voting age]

Year:	
1920	41.4
1922	32.4
1924	41.0
1926	30.1
1928	48.2
1930	34.1
1932	50.2
1934	41.8
1936	54.0
1938	44.5
1940	56.2
1942	32.7
1944	53.0
1946	37.6
1948	48.6
1950	41.6
1952	58.2
1954	42.2
1956	56.6
1958	43.4
1960	59.4
1962	48.9
1964	57.8
1966	45.6
1968	54.8

Source: U.S. Bureau of the Census, Statistical Abstract of the United States: 1962, 83d edition, Washington, D.C., 1962; Congressional Quarterly, Washington, D.C.

APPENDIX VII.—TURNOUT IN SELECTED LOCAL AND SPECIAL DISTRICT ELECTIONS, 1969

City	Type of election [1]	Percentage of turnout
Akron, Ohio	2, 3	39.9
Atlanta, Ga	1, 4, 5, 6, 7	36.4
Austin, Tex	2	27.8
Boise, Idaho	1, 2	43.6
Boston, Mass	2, 8	33.0
Buffalo, N.Y	1	55.7
Birmingham, Ala	2	6.8
Charlotte, N.C	1, 2	25.5
Cincinnati, Ohio	2	37.7
Cleveland, Ohio	1	53.2
Columbus, Ohio	2, 3, 9, 10, 11	53.2
Dallas, Tex	1, 2	9.1
Dayton, Ohio	1, 3, 12	27.1
Des Moines, Iowa	2	33.2
Detroit, Mich	1, 2, 13, 14	58.6
El Paso, Tex	1, 3, 5, 15	17.7
Fort Worth, Tex	1, 2	14.7
Hartford, Conn	1	39.8
Houston, Tex	1, 2, 16	28.4
Los Angeles, Calif	1, 2, 6, 10, 16	48.8
Louisville, Ky	1	26.8
Miami, Fla	1, 2	11.1
Minneapolis, Minn	1, 5, 14, 16, 17, 18, 19, 20	48.5
New Haven, Conn	1, 5, 13, 14, 15, 21, 22, 23, 24, 25.	45.1
New York, N.Y	1	45.2
Oklahoma City, Okla	2	4.4
Omaha, Nebr	1, 2	35.4
Philadelphia, Pa	1, 16, 26, 27, 28	49.7
Phoenix, Ariz	1, 2	28.4
Pittsburgh, Pa	1, 2	56.9
Richmond, Va	11, 14, 21, 29	32.9
Rochester, N.Y	2, 6	47.1
San Antonio, Tex	2	16.9
San Diego, Calif	2, 10	26.6
Seattle, Wash	1, 2, 30	51.2
St. Louis, Mo	1, 5, 16	27.3
St. Petersburg, Fla	1, 2	19.9
Syracuse, N.Y	1, 2, 6	47.9

[1] Key: 1, mayoral; 2, city council; 3, municipal judge; 4, president board of aldermen; 5, board of aldermen; 6, board of education; 7, city executive committee; 8, school committee; 9, city auditor; 10, city attorney; 11, clerk of courts; 12, city commissioners; 13, city clerk; 14, city treasurer; 15, tax collector; 16, city controller; 17, park commissioners; 18, library board directors; 19, school directors; 20, board of estimate and taxation; 21, city sheriff; 22, town clerk; 23, registrar of vital statistics; 24, selectman; 25, constable; 26, district attorney; 27, magistrates; 28, inspectors of elections; 29, commissioner of revenue; 30, corporation council.

Source: Rand McNally, Commercial Atlas & Marketing Guide, Washington, D.C., 1969; Congressional Quarterly, Washington, D.C.; local election officials.

APPENDIX VIII.—TURNOUT IN SELECTED DEMOCRATIC NATIONS, 1920–68

UNITED STATES

Year	Turnout
1920	49.2
1924	48.9
1928	56.9
1932	56.9
1936	61.0
1940	62.5
1944	55.9
1948	53.0
1952	63.6
1956	60.6
1960	64.0
1964	61.8
1968	60.6

GREAT BRITAIN

Year	Turnout
1922	71.3
1923	70.8
1924	76.6
1929	76.1
1931	76.3
1935	71.2
1945	72.7
1950	84.0
1951	82.5
1955	76.7
1959	78.8
1964	77.1
1966	75.9

CANADA

Year	Turnout
1921	70.2
1925	68.7
1926	70.

APPENDIX VIII.—TURNOUT IN SELECTED DEMOCRATIC NATIONS, 1920-68—Continued

CANADA

1930	76.1
1935	76.2
1940	70.9
1945	76.3
1949	74.8
1953	67.9
1957	75.0
1958	80.6
1962	80.1
1963	80.3
1965	75.9
1968	75.7

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TURNOUT IN THE MOST RECENT ELECTIONS IN OTHER SELECTED DEMOCRACIES

Country	Election year	Turnout
Denmark	1968	89.3
Finland	1966	84.9
France	1968	80.0
Germany	1969	86.8
Ireland	1965	75.1
New Zealand	1966	86.6
Norway	1969	82.5
Sweden	1968	89.3

Source: Compiled by Richard M. Scammon, Governmental Affairs Institute, Washington, D.C.

APPENDIX IX—S. 4236, H.R. 18979

A bill designating certain election days as legal holidays

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103(a) of title 5, United States Code, as it will exist on and after January 1, 1971, pursuant to the first section of the Act entitled "An Act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes", approved June 28, 1968 (82 Stat. 250; Pub. L. 90-363), is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every fourth year thereafter."

APPENDIX X—S. 4238, H.R. 19010

A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This Act is to be known as the Universal Enrollment Act of 1970

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 Universal Enrollment Act of 1970.

NATIONAL DIRECTOR OF ENROLLMENT

SEC. 2. (a) The Director of the Bureau of Census shall serve as the National Director of Enrollment.

(b) The National Director of Enrollment may appoint additional staff personnel as deemed advisable and develop the procedures deemed necessary to enroll quadrennially all citizens to vote for President and Vice President who meet the qualifications of the various states except residency.

DUTIES OF THE NATIONAL DIRECTOR OF ENROLLMENT

SEC. 3. The National Director of Enrollment shall—

(a) establish and supervise a Federal system for the enrollment of all persons who meet the qualifications for enrollment in the State in which they reside, except that there shall be no residency requirement for President or Vice President;

(b) assist and encourage all qualified persons to enroll to vote in Federal elections;

(c) conduct a continuing study of Federal, State, and local election practices and procedures;

(d) provide advisory, educational, and informational services to State and local authorities regarding elections.

(e) encourage and foster, to the maximum extent possible, State and local efforts to achieve full voter participation in elections;

(f) collect the results of all Federal elections held in the United States, analyze such results in a manner to enable the voters to better understand such results, and provide for the publication of such results and analyses;

(g) compile and maintain the laws and procedures in effect for each election jurisdiction in the United States and make such information available upon request to any interested person;

(h) provide assistance upon the request of local communities to assist such communities in solving their election problems.

ENROLLMENT OF VOTERS

SEC. 4 (a) The program to enroll all unenrolled persons in any State who have the qualifications for enrollment in such State shall be carried out during a three week period immediately preceeding the week in which the Presidential election is to be held in such State.

(b) During the enrollment period referred to in subsection (a), national enrollment officials acting under the supervision of the National Director of Enrollment shall conduct an intensive drive to enroll all persons who meet the qualifications for enrolling as voters in each election jurisdiction and who have failed to enroll under State law.

(c) No person shall be enrolled by a national enrollment official unless it is determined by such official that such person meets the qualifications prescribed by the laws of the State concerned for enrolling for voting in Federal elections. Whenever such determination has been made with respect to any person his name shall be entered on a enrollment roll compiled by the national enrollment officials for the election district concerned.

(d) Each person who is found to be qualified to enroll to vote shall be issued an enrollment certificate in such form as may be prescribed by the Commission containing the person's name, address, and signature, and the name of the national enrollment official concerned. The identical information shall appear on the enrollment roll referred to in subsection (c). The enrollment roll containing a person's name and other information shall be available at the particular voting place within the election jurisdiction where such person may vote.

(e) Any person enrolled to vote pursuant to this section shall be permitted to vote in the same Federal elections which he would have been permitted to vote had he enrolled under State procedures. When any such person appears at the appropriate voting place to vote he shall be required to present the enrollment certificate issued him pursuant to subsection (d). He shall also be required to sign the enrollment roll a second time beside his first signature.

(f) In any case in which a person has failed for any reason to enroll to vote prior to election day and otherwise meets the State qualifications for voting with the exception that there shall be no residency qualification for voting for President and Vice President as provided in section 3, subsection (a), he may—

(1) contact the election official in charge of the election district concerned and he shall have the authority to validate such person's qualifications and add his name to the enrollment roll, and such person shall be permitted to vote, or

(2) appear at the appropriate voting place on the day of election, sign an affidavit stating that he meets the requirements for enrollment and voting, in which event he shall be enrolled and may cast a special ballot for the offices being contested. A special ballot cast pursuant to clause (2) shall be placed in an envelope and sealed with information relating to the enrollment of the voter. The election official concerned shall have the responsibility of determining the eligibility of such person to vote in such election. If the election official determines such person was eligible to enroll and vote the ballot shall be counted together with other ballots cast in the same manner and shall be added to the final election tally.

(g) Any person who appears at the appropriate voting place on the day of election and signs an affidavit stating that he was issued an enrollment certificate under this section but has lost such certificate shall be permitted to cast a special ballot for the offices being contested. The same procedure with respect to a special ballot cast under this subsection shall be followed as in the case of a special ballot cast under subsection (f).

(h) Any person absent from the election district in which he is eligible to vote shall be permitted to cast a special absentee ballot provided at a voting place in any other election district upon presentation to the appropriate election officials of identification showing his name, address, and signature. A special absentee ballot cast pursuant to this subsection shall be mailed, registered mail, special delivery, air mail to the election official of the election district in which such person is eligible to vote. The election official shall determine whether such person was eligible to vote and, if it is determined such person was elegible to vote, the sealed ballot cast by such person shall be counted in the same manner as special ballots cast pursuant to subsection (f). All special ballots cast pursuant to this section shall be sealed separately from other ballots cast in the same manner or in any manner that would permit identifying a particular voter with a particular ballot. Special absentee ballots mailed pursuant to this subsection shall be transmitted by the United States Post Office Department without charge.

(i) National enrollment officials, as well as all other election officials and the staff under the supervision of the National Director of Enrollment, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

ENROLLMENT INFORMATION

SEC. 5. (a) No national registry of persons shall be compiled or maintained.

(b) The enrollment roll compiled in any congressional district pursuant to this Act shall be made available to any State or local election official upon request and permanent possession of such enrollment roll shall be given to any such official 30 days after the results of the election have been certified if a request has been made therefor. Otherwise, the enrollment roll in each election district shall be destroyed by the election official 30 days after the election results have been certified.

ESTABLISHMENT OF COMMISSION ON FEDERAL ELECTIONS

SEC. 6. (a) There shall be established a Commission to be known as the National Enrollment Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of nine members, seven of whom shall be appointed by the President by and with the advice and consent of the Senate. The Secretary of Commerce and the Director of the Bureau of the Census shall serve as members

of the Commission. Not more than five of the members shall at any one time be of the same political party. Members of the Commission shall be appointed for a term of six years, except that the terms of office for the first members appointed shall be as follows: three members shall be appointed for terms of two years; two members shall be appointed for terms of four years; and two members shall be appointed for terms of six years. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. Neither the Chairman nor the Vice Chairman shall be full-time federal employees. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitations with respect to party affiliations as the original appointment was made.

(e) Five members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 7. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $150 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of chapter 57 of title 5, United States Code.

DUTIES OF THE COMMISSION

SEC. 8. (a) The Commission shall—

(1) consult with, advise, and recommend to the National Director of Enrollment, appointed under section 2 of this Act, methods for effectively carrying out the duties of the Commission under this Act;

(2) review complaints of malfeasance and nonfeasance against the National Enrollment Director or those under his jurisdiction and report to the President the results of the Commission's review;

(3) recommend to the National Enrollment Director how enrollment programs in specific election jurisdictions should be improved;

(b) The Commission shall submit an annual report to the President and to the Congress not later than June 30 each year of its activities under this act together with such recommendation for legislative or administrative action as it deems advisable.

STAFF

SEC. 9. (a) The Commission may appoint and fix the compensation of such staff personnel as it deems advisable; and may procure temporary and intermittent services to the same extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

ADDITIONAL POWERS OF THE COMMISSION

SEC. 10. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated members of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its function under this Act.

DISTRICT DIRECTORS

SEC. 11. (a) In each year in which a Federal election is held, the National Director of Enrollment shall appoint a District Director for each congressional district. District Directors shall be residents of the congressional district.

(b) It shall be the responsibility of the District Director in each congressional district to organize and supervise the enrollment of all persons residing in such district who can meet the qualifications for voting in Federal elections in the State in which they reside but have failed to enroll to vote.

(c) District Directors shall be paid at a rate not to exceed $100 a day for individuals.

(d) Except as provided in subsection (e), in any year in which a Federal election is held in any State the Commission shall allocate not more than $100,000 per congressional district to the District Director for the purposes of carrying out the provisions of this Act.

(e) (1) Where the Commission finds that 90 per centum or more of the persons qualified to enroll to vote in Federal elections in any congressional district were actually enrolled to vote in the most recent Federal election, the Commission shall grant to the appropriate State and local officials of such congressional district the sum of $100,000 to help defray enrollment and election costs incurred in such district. Whenever a grant is made under this paragraph no grant shall be made under subsection (d).

(2) When the Commission finds that 90 per centum or more of the persons qualified to enroll to vote in Federal elections in any State were actually enrolled to vote in the most recent Federal election, the Commission shall grant to such State a sum determined by multiplying $100,000 by the number of congressional districts in such State qualifying for grants under paragraph (1) of this subsection. Grants made under this paragraph shall be for the purpose of helping the State defray the cost of conducting Federal elections and maintaining full voter enrollment.

DISTRICT STAFF DIRECTORS

SEC. 12. The National Enrollment Director for each congressional district not qualifying under provisions of section 7, subsection (e) (1) or (2) shall employ a District Staff Director for a period of six months, beginning July 1, in each year in which Federal elections are held. The District Staff Director shall assist the District Director in supervising the enrollment program carried out in the district. The salary of District Staff Directors shall be fixed by the Commission.

REGISTRATION OFFICIALS

SEC. 13. (a) The District Staff Director, under the supervision of the District Director, in each congressional district shall recruit persons to serve as national enrollment officals. It shall be the duty of such officials to enroll persons who meet the State requirements to enroll and vote in Federal elections with the exception that there shall be no residency requirement for President or Vice President.

(b) Persons who are recruited to serve as national enrollment officials shall be given a brief training course prior to assuming any enrollment duties under this Act. The training program shall be conducted under the supervision of the District Director concerned in accordance with regulations prescribed by the Commission. The duties of national enrollment officials shall be prescribed in regulations promulgated by the Commission and such duties shall be carried out in each congressional district under the supervision and control of the District Director and the District Staff Director of such congressional district. Persons recruited to serve as national enrollment officials shall serve voluntarily without compensation.

(c) National enrollment officials, as well as District Directors, District Staff Directors and their staffs, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

DEFINITION

SEC. 14. As used in this Act, the term "Federal election" means any general or special election held solely or in part for the purpose of electing any candidate for the office of President, Vice-President or presidential elector.

DISTRICT OF COLUMBIA ENVIRONMENT—DRUG ADDICT ON GRAND JURY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RARICK. Mr. Speaker, the administration of justice in our Nation's Capital received attention when a U.S. district grand juror considering narcotics cases was arrested on drug charges.

As if the arrest of a grand juror was not revolting enough, we are advised that the same grand juror was already on probation from a previous narcotics conviction.

With convicted narcotics pushers serving on grand juries, where they can compromise the identity of narcotics agents, one gets some indication of the deterioration in the administration of justice in our Nation's Capital.

In most jurisdictions, responsible public officials screen jury lists to make sure that only citizens of good moral conduct

are accepted. Likewise, on voir dire examination, prospective jurors are questioned to make certain that convicted criminals and those with criminal records are not selected.

Washington, D.C., may be promoted as a model city to some but its officials are not protecting the interests of the population when they allow this kind of breakdown in public justice.

I include a clipping from the Washington Daily News:

POT JUROR HERE CHARGED IN POT CASE

(By Albert Crenshaw)

A member of a U.S. District grand jury, which had been considering narcotics cases, was arrested today outside U.S. District Court on marijuana charges.

U.S. Atty. Thomas Flannery said James C. White, 24, of 1903 Kenyon-st nw, was already on probation when he and the rest of the jury were empaneled yesterday.

Police said the presence of the man in the jury's hearings may have exposed several police undercover agents who will have to be reassigned as a result.

"The man was in a position to view all our undercover agents," said Fourth District Lt. Robert F. DeMilt, whose men made the arrest. "It is hard to say how many he may have recognized, but we know of at least one policewoman who was working in his neighborhood who appeared before him."

The lieutenant said it was difficult to estimate how much information he might have passed on to others in the drug world, but "he's certainly not going to keep that information to himself."

"We are going to have to do some drastic reshuffling to protect the lives of our agents," Lt. DeMilt said.

Police said they became suspicious of Mr. White because of the thoro knowledge of the "glossary of the drug people" he exhibited during the grand jury hearings, Lt. DeMilt said.

Mr. White was arrested on Aug. 25, 1969, and charged with unlawful entry and violation of the Uniform Narcotic Act (possession). He was put on probation until Jan. 26, 1971 on the narcotics charge.

A spokesman at U.S. District Court said that grand jurors are simply picked off the petit jury rolls for the District and no background checks are made. The spokesman said the petit jury lists are made up from tax rolls and the city directory. He said a person can be convicted of a crime and still serve.

He also said that the jury will continue to sit with 22 members instead of 23. He noted that as long as the jury has 16 members—a quorum—it can continue to sit.

The officers reported their findings to the Fourth Precinct, and during their discussions another officer recognized the name as that of a man who he said had made three purchases of drugs from him in October and November.

Lt. DeMilt said the reason Mr. White had not been arrested at the time was that "we always try to get to the suppliers in these cases."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

GOD IS UNKNOWN AT THIS ADDRESS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. LEGGETT. Mr. Speaker, a recent column by satirist Arthur Hoppe, published December 7, 1970, described a hypothetical divine reaction to a military chaplain's prayer for a high body count of Vietcong.

Mr. Hoppe's humor is as excellent as usual. But there is nothing humorous and, unfortunately, there is nothing hypothetical about Colonel—now Brigadier General—George Patton's request that his chaplain pray for death and destruction. General Patton—son of the World War II hero—is the man who talks about how "I like to see the arms and legs fly." He is the man who sent out Christmas cards featuring a color photograph of a stack of dismembered Vietcong bodies. Least humorous of all, he is a man who, to at least some elements of the Defense Department, is just what the country needs; he has been promoted rapidly through the ranks. Someday he may be Army Chief of Staff, and we may find him sitting at the President's elbow in a nuclear crisis. Think of all the arms and legs he could set flying then.

Mr. Speaker, it is an unpleasant fact that the largest item in our budget is the Defense Department, that the largest item in the Defense budget is the Vietnam war, and that for several years the prime objective of that war was a high body count. We would not like to say "Death is our most important product," but this is the appearance we have presented to the world for too long. Now, thanks to General Abrams, we have deemphasized the body count. We must continue the process; we must negotiate a return of our POW's in exchange for withdrawal, and we must get out.

Only then will we be able to turn our attention, our economy, and our chaplains' prayers to constructive purposes.

I insert in the RECORD at this point the Arthur Hoppe column entitled "The Chaplain Who Hasn't a Prayer."

The column follows:

THE CHAPLAIN WHO HASN'T A PRAYER

(By Arthur Hoppe)

A former Army surgeon said the commanding officer of the 11th Cavalry Regiment in Vietnam, Colonel George S. Patton III, asked a chaplain to pray for a big body count of Viet Cong. The chaplain, testified Dr. Gordon Livingston, then delivered the following prayers: "Oh, Lord, give us the wisdom to find the bastards and the strength to pile on."—News item.

Scene. The Heavenly Real Estate Office. The Landlord is seated at his desk, absorbed in his work, as his aide, Mr. Gabriel enters, a yellow sheet of paper in his hand.

LANDLORD. Hmmm, Galaxy 3472 is still wobbling a bit in its path across the firmament. Now if I were to nudge it a few million light years to the left. . . .

GABRIEL. Excuse me, sir. A Prayergram for you.

LANDLORD. Another? What does Billy Graham want this time?

GABRIEL. No, Sir. It's from a chaplain in Vietnam.

LANDLORD (concerned). Oh, the poor man, trying to serve brotherhood in the midst of all that killing. What does he ask for, Gabriel?

GABRIEL. Wisdom and strength, sir.

LANDLORD. Request granted. No man more needs the wisdom to see what's right and the strength to do it. Ah, it's good to grant a prayer again. It's been a long time. Now, where was I? If I take two parsecs of stardust . . .

GABRIEL. Excuse me, sir. But the request is for—let me read it—"the wisdom to find the —— and the strength to pile on."

LANDLORD. Pile on? Dear me, is that one of those touch-and-feel religious services? I may be a bit old-fashioned but . . .

GABRIEL. No, sir. It's a soldier's term for mass killing, as in pile bodies on bodies.

LANDLORD (shocked). But why would a chaplain want to kill masses of illegitimate children?

GABRIEL. He's using the term "bastards" in the vulgar sense, sir, to express hatred for the intended victims.

LANDLORD (rising to his feet). Vulgarity? Hatred? Blood lust? This, from one of my shepherds? Why, Gabriel? Does he think that if he kills more of his fellow men, the world will be a better place?

GABRIEL. I doubt it, sir. He simply wants to kill those he hates because he fears them. And he fears his fellow man because he has lost faith.

LANDLORD. Yet, to show his faith he sends a prayer. But what a strange concept he has of me, Gabriel, to ask that I spread hatred, promote vulgarity and act as his accomplice in mass murder. By me! The man believes I'm Jack the Ripper.

GABRIEL (angrily). It's the vilest blasphemy of all! Punish him! Afflict him with boils! Rot his teeth! Tear out his . . .

LANDLORD (covering his ears). Gabriel, Gabriel, sometimes I think you're only human.

GABRIEL (crestfallen). I . . . I'm sorry, sir. I guess I got carried away. (All businesslike again.) Do you want to answer this prayer, sir? You haven't answered many lately. I'm afraid they're beginning to lose faith in the effectiveness of their prayers.

LANDLORD (sadly). How can I answer them, Gabriel? How can I? No, stamp it with the usual message.

Gabriel, sighing, takes out a rubber stamp and unhappily inks across the face of the Prayergram:

"Unknown at This Address"

TERROR IN SOUTH VIETNAM—THE PULPING OF A PEOPLE—II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHMITZ. Mr. Speaker, the North Vietnamese Communists and their South Vietnamese terrorist arm continue to operate according to the guidelines set down by Lenin:

If we had tried to sway them by words and arguments, if we had tried to sway them by anything but terror, we would not have held out for even two months, we would have been fools. Lenin's Selected Works, Vol. III, p. 66, 1943 edition.

On December 2 this year I inserted in the RECORD the first of a series on Communist terror in South Vietnam. This series consists of the daily roundup of terrorist activities published by the national police of South Vietnam. This is simply a brief description of the terrorist incidents which have been reported in the previous 24 hours. Let me point out that the daily roundup of terrorist activities does not include military casualties but only civilians—men, women, and children—who have been murdered, maimed, or kidnaped by the Communist terrorists.

The mass media tends to be generally mum on the subject of continuous, organized, policy guided, enemy atrocities. Perhaps this is because this type of terror is so commonplace that it is no longer newsworthy. However, it is my opinion that this protracted pulping of the population is one of the essential factors which must guide our view when considering what our actions should be toward the enemy in Southeast Asia and on the subject of communism in general.

The bulletins follow:

ROUNDUP OF TERRORIST ACTIVITIES—NOVEMBER 21, 1970

Two 122mm rockets landed in the Citadel, Hue city (Thua Thien Prov.) at 0015 hours Nov. 19th. The rockets struck about 500 meters north-west of the 1st ARVN Division's Headquarters. Five civilians were wounded in the attack and three houses were severely damaged.

Including the above incident, there were 10 enemy terrorist attacks reported in which 3 Vietnamese civilians were killed, 30 wounded and 21 kidnapped. Details follow:

Nov. 18—One civilian was wounded when he stepped on a mine just outside Phu Cuong hamlet, Phu Loc dist., Thua Thien Prov.

Nov. 16—In Kontum Prov., a 7-man enemy squad entered Piei-or hamlet in the Kontum dist., 10 km south west of Kontum city. They extorted food from the residents and, on departure, kidnapped one man.

Nov. 15—One civilian was wounded by small arms fire in Nhon Phu hamlet, Phong Dien dist., Phong Dinh Prov.

Nov. 14—A Vietnamese military vehicle ran over a mine near Mo Cong hamlet, Phuoc Ninh dist., Tay Ninh Prov. The truck was heavily damaged, but the driver escaped injury. A woman, passing by when the mine exploded, was wounded.

Nov. 13—A plastic explosive detonated in the Tan Tien Theater, Dien Khanh dist. town, Khanh Hoa Prov. Eight civilians and eight military were wounded.

One member of the PSDF was assassinated in Lai Thieu hamlet, Phung Hiep village, Phong Dinh Prov.

Two VC, disguised as ARVN soldiers, entered Loc Khe hamlet, Trang Bang dist., Hau Nghia Prov., and assassinated the hamlet chief.

Nov. 12—Also in Hau Nghia, a VC platoon entered Binh Ha hamlet, Cu Chi dist. at 2000 hours. They abducted 20 PSDF, but released them all at 0600 hours the next morning.

Nov. 11—A bus ran over a mine in Huu Thanh village, Tra On dist., Vinh Long Prov. One passenger was killed and three children and 11 adults wounded.

ROUNDUP OF TERRORIST ACTIVITIES—NOVEMBER 23, 1970

Ten incidents of terrorism have been reported in which 4 Vietnamese civilians were killed, 6 wounded and 11 kidnapped. Details follow:

Nov. 19—Four 122mm rockets landed near Binh Phung hamlet, Phu Ninh dist., Tay Ninh Prov. Two teenagers were wounded.

One PSDF member was wounded in Cai Ranh hamlet, Kien Thien dist., Chung Kien Prov.

Nov. 18—Two civilians were wounded in a VC attack on Quoi Dien village, Hung My dist., Kien Hoa Prov.

Nov. 17—While collecting money for the flood victims of MAI, the Ngoc An hamlet chief was assassinated by a VC unit in Ngoc Hoa hamlet, Duc Long dist., Chung Kien Prov.

In Tay Ninh Prov., a PSDF dealer was assassinated while working in a rice paddy near Phuc Hai hamlet, Kien Hanh dist.

The Truong Phu hamlet chief was killed in an engagement with an enemy force in Truong Khanh village, Long Phu dist., Ba Xuyen Prov.

Nov. 16—Six PSDF members were abducted in Binh An hamlet, Cu Chi dist., Hau Nghia Prov.

Nov. 15—Ten M-70 grenades were fired into Thanh Hong village, Thien Giao dist., Binh Thuan Prov. One civilian was wounded.

A Hoi Chanh was assassinated in Binh Long hamlet, Duc Hoa dist., Hau Nghia Prov.

Nov. 12—Five PSDF members were captured by the VC when they walked into an enemy ambush in Phu Hai village, Phung Thuan dist., Phung Dinh Prov.

ROUNDUP OF TERRORIST ACTIVITIES—NOVEMBER 24, 1970

Eleven acts of terrorism have been reported in which 4 Vietnamese civilians were killed, 13 wounded and 7 kidnapped. Details follow:

Nov. 22—One civilian was wounded when seven mortar rounds landed in Ba Vat hamlet, Don Nhon dist.. Kien Hoa Prov.

Ben Tre city, the capital of Kien Hoa, received four 82mm rounds, wounding two civilians.

One civilian was wounded when three 60mm mortar rounds hit in the Dai Loc dist., Quang Nam Prov.

Nov. 21—Two national policemen were wounded in the defense of Phu Tri hamlet, Phong Thuan dist., Phong Dinh Prov.

Nov. 20—The enemy fired on a motor sampan going to market in Dinh Thuy village Mo Cay dist., Kien Hoa Prov. Two civilians aboard the sampan were killed.

A three-wheeled bus carrying 14 passengers hit a mine while traveling through Hoai Duc dist. of Binh Tuy Prov. Five civilians were wounded. Two more mines were discovered in the immediate vicinity and were destroyed in place.

A policeman was wounded when he stepped on a mine while patrolling in Phong Dien dist., Thua Thien Prov.

In Phuoc Long Prov., terrorists kidnapped a truck driver and also took his vehicle. The enemy has demanded 500 liters of rice in return for the release of the victim.

Nov. 18—One child was killed and another wounded in a terrorist attack in Can Duoc dist., Long An Prov.

An NVA company and an unknown number of VC entered Phu Van hamlet, Hoai An dist., Binh Dinh Prov. They extorted rice and money from the residents and took a number of ARVN uniforms. Upon leaving, they assassinated one male resident, kidnapped five children and took medicine and documents from the village headquarters building.

Nov. 15—One youth was kidnapped from Binh Lam hamlet, Thien Giao dist., Binh Thuan Prov.

ROUNDUP OF TERRORIST ACTIVITIES—NOVEMBER 25, 1970

Eleven terrorist incidents have been reported in which 14 Vietnamese civilians were killed, 6 wounded and 1 abducted. Details follow:

Nov. 25—One woman was wounded by an explosion near the 2nd Precinct Saigon Information Office at 0540 AM.

Nov. 23—A VC squad abducted one man from Long Ho Thuong hamlet. Huong Tra dist. in Thua Thien Prov.

Nov. 21—In Binh Dinh Prov. terrorists abducted and later assassinated a farmer who was seized while working in a rice field in An Loi hamlet, An Nhon dist.

A pregnant women and a child were killed by a terrorist near Rung Dau hamlet, Hieu Thien dist., Tay Ninh Prov.

A PSDF inter-team leader in Phuoc Lai village, Can Giuoc dist., Long An Prov. outwitted an enemy group sent to assassinate him and captured an NVA with his pistol and an M.26 grenade. The PSDF leader was slightly wounded.

Nov. 20—One man was wounded in Bau Vung hamlet, Hieu Thien dist., Tay Ninh Prov. when terrorists fired on a motorbike.

Nov. 19—In Kien Phong Prov. a woman and a child were killed and two children were wounded when enemy units fired fifteen 82mm motar rounds into Binh Han Chung village, Kien Van dist.

Five persons were assassinated by a VC unit that entered Thuan My village, Binh Phuoc dist., Long An Prov. The victims included the village clerk, a PSDF, two other civilians and an ARVN soldier home on pass.

Nov. 18—One child was killed and another wounded by a terrorist set explosive in Xom Xoai hamlet, Ben Cat dist., Binh Duong Prov.

The 8th Precinct Saigon Chieu Hoi Service Chief, and two other civilians were killed in a VC ambush near Binh Tri hamlet, Binh Phuoc dist., Long An Prov.

Nov. 13—A 14 year old boy was killed by terrorists in Xom Xoai hamlet, Ben Cat dist., Binh Duong Prov.

ROUNDUP OF TERRORIST ACTIVITIES—NOVEMBER 26, 1970

Ten terrorist incidents have been reported in which four Vietnamese civilians were killed, nine wounded and 12 kidnapped. Details follow:

Nov. 23—One squad of VC entered Cho Hamlet, Ben Luc dist., Long An Prov. The enemy checked the homes of 25 disabled veterans before taking two of the veterans outside their homes and assassinating them.

Six civilians were wounded when terrorists exploded a bomb in Thu Bon hamlet, Duc Duc dist., Quang Nam Prov.

An enemy platoon, dressed in ARVN uniforms, wounded the driver of a three-wheeled bus when they stopped the vehicle on Highway 1 near Dai Thuan hamlet. Phu My dist., Binh Dinh Prov. The enemy unit kidnapped one passenger.

Nov. 22—Two civilians were wounded when a VC platoon skirmished with local defense forces in Bau Vung hamlet. Hieu Thien dist., Tay Ninh Prov.

Nov. 21—A VC unit infiltrated Hoa Thanh hamlet, Thien Giao dist., Binh Thuan Prov. They kidnapped two civilians, extorted 60 kilos of rice and left a number of handbills.

In Phu Yen Prov., a VC squad entered Ngoc Phong hamlet, Tuy Hoa dist., damaged the hamlet Administration building and kidnapped four children.

Nov. 20—Four women members of the PSDF were kidnapped from Ben Cui hamlet, Ben Cat dist., Binh Duong Prov.

One man was assassinated in Thanh Lien hamlet, An Nhon dist., Binh Dinh Prov.

Nov. 18—A PSDF group leader was kidnapped from Phuoc Thuan hamlet, Khien Hanh dist., Tay Ninh Prov.

Nov. 17—A child was killed when he stepped on an enemy booby-trap in Bao Dieu hamlet, Cu Chi dist., Hau Nghia Prov.

ROUNDUP OF TERRORIST ACTIVITIES—NOVEMBER 27, 1970

Eleven incidents of terrorism have been reported in which four Vietnamese civilians were killed, six wounded and nine kidnapped. Details follow:

Nov. 25—A terrorist squad entered Phuoc Hung hamlet, Phu Loi dist., Thua Thien Prov. and kidnapped an 39-year-old woman. Her husband has been reported kidnapped during the 1968 Tet offensive.

In Kien Hoa Prov., a terrorist threw a grenade at a police position. One civilian was wounded.

Nov. 24—The local RD team leader was wounded when he stepped on a booby trap near Trung Tay hamlet, Hoa Vang dist., Quang Nam Prov.

Nov. 20—One man was assassinated in An Dinh hamlet, Duc Hue dist., Hau Nghia Prov.

Also in Hau Nghia, a woman was assassinated in Dinh Thuy hamlet, Duc Hoa dist.

Two civilians were wounded when a logging truck hit a mine in Trang Bom village, Duc Tu dist., Bien Hoa Prov.

Nov. 19—In Lam Dong Prov., terrorists kidnapped the R'r'Hang Ung deputy hamlet chief.

Also in Lam Dong, a woman was kidnapped from Lam Loc hamlet.

In Pleiku Prov., a VC company conducted a raid on Plei Tong Dau hamlet.

They wounded one civilian and kidnapped five, including the hamlet chief.

Nov. 17—One civilian was kidnapped from Phu Hoa hamlet, An Phu dist., Chau Doc Prov.

In an attack on My Dien hamlet, Gia Rai dist., Bac Lieu Prov., the enemy killed one child and one member of the local PSDF. One woman was wounded.

ROUNDUP OF TERRORIST ACTIVITIES—NOVEMBER 28, 1970

Nine incidents of terrorism have been reported in which 2 Vietnamese civilians were killed, 19 wounded and 7 kidnapped. Details follow:

Nov. 25—Five PSDF were wounded in a terrorist attack on Phuoc Thanh hamlet, Phuoc Long dist., Bac Lieu Prov. The hamlet chief and his deputy were wounded.

Six civilians were wounded by an enemy mine which exploded in Giao Thanh village, Thanh Phu dist., Kien Hoa Prov.

Also in Kien Hoa, one civilian was wounded when enemy mortar rounds damaged a public office building in Tan Loi hamlet, Ham Long dist.

An enemy unit, attempting to enter Loc Tu village, Phu Loc dist., Thua Thien Prov., engaged the local PSDF and RD cadre. One PSDF member and one civilian were killed and two others wounded.

Terrorists kidnapped a 16-year-old boy from Loc Hai village, Phu Loc dist., Thua Thien Prov.

A 4-man VC team entered Truc Lam hamlet, Huong Tra dist., Thua Thien Prov. and attempted to assassinate a 40-year-old woman. The victim was wounded and another woman was kidnapped when the enemy were forced out of the hamlet.

Nov. 24—Also in Thua Thien, one civilian was kidnapped from Loc Thuy village, Phu Loc dist.

Nov. 22—Four boys, all aged 14, were kidnapped from Hoa Quang village, Tuy Hoa dist., Phu Yen Prov.

Nov. 21—Terrorists threw an M-26 grenade at a PSDF unit in Son Hoa hamlet, Tinh Bien dist., Chau Doc Prov. The explosion wounded two PSDF.

ROUNDUP OF TERRORIST ACTIVITIES—DECEMBER 1, 1970

Nineteen incidents of terrorism have been reported in which 11 Vietnamese civilians were killed, 34 wounded and 9 kidnapped. Details follow:

Nov. 28—Five policemen were wounded when one of them stepped on a mine near Phu Ninh hamlet, Ham Long dist., Kien Hoa Prov.

A grenade was thrown into a PSDF training class in Danang City's Third District injured an instructor and a PSDF trainee.

Nov. 27—One man was kidnapped from Con Phong hamlet, Que Son dist., Quang Nam Prov.

Nov. 26—The halmet chief and the deputy hamlet chief were killed and five PSDF members wounded in a terrorist attack on Vinh My hamlet, Phuoc Long dist., Bac Lieu Prov.

The enemy fired twenty 82mm mortar rounds into Phuoc Long dist. town, Bac Lieu Prov. One woman and two policemen were wounded.

In Dinh Tuong Prov., two mortar rounds landed in My Tho city, killing one child and wounding three adults.

One woman PSDF member was kidnapped from Phong Hoa hamlet, Dien Ban dist., Quang Nam Prov.

Also in Quang Nam, another civilian was kidnapped from Con Phong hamlet, Que Son dist.

Two B-40 rockets wounded a Hoi Chanh in Vi Nghia hamlet, Duc Long dist., Chuong Thien Prov.

One woman was wounded by a grenade thrown into a house in Ninh Thanh hamlet, Kien Thien dist., Chuong Thien Prov.

Also in Chuong Thien, an enemy unit of approximately 200 men attacked Ta Soul hamlet, Kien Thien dist. Six civilians were killed and seven wounded.

Nov. 25—The hamlet chief and three PSDF were wounded in a terrorist attack on Binh Ta hamlet, Bac Hoa dist., Hau Nghia Prov.

Terrorists entered Tho Loc hamlet, An Nhon dist., Binh Dinh Prov. and assassinated an inter-family chief.

Six terrorists entered Binh Cong hamlet, Binh Phuoc dist., Long An Prov. and assassinated a PSDF team leader.

Nov. 24—A child stepped on a booby trap wounding himself and a PSDF member standing near-by. The incident occurred in Ngan Son hamlet, Tuy An dist., Phu Yen Prov.

Also in Phu Yen, four civilians were kidnapped from Phu Hoi hamlet, Tuy An dist.

One young boy was kidnapped from a field in Binh My Thuan village, Thien Giao dist., Binh Thuan Prov.

Also in Binh Thuan, a young girl was kidnapped from An Thuan hamlet, Thien Giao dist.

Nov. 17—One civilian was wounded when he stepped on an enemy booby trap near An Phu hamlet, Trang Bang dist., Hau Nghia Prov.

ROUNDUP OF TERRORIST ACTIVITIES—DECEMBER 2, 1970

Two Vietnamese civilians were killed, five wounded and six kidnapped in nine terrorist incidents reported. Details follow:

Nov. 29—Two civilians were kidnapped from Tan Rai hamlet in Lam Dong Prov.

Nov. 28—Six VC entered Thanh Ha village, Ben Luc dist., Long An Prov. and kidnapped three members of the PSDF.

The hamlet chief of Gia Luong hamlet, Phu Loc dist., Thua Thien Prov. was wounded by enemy sniper fire. His son, who was walking with him, was also wounded.

Nov. 25—One PSDF was wounded when he stepped on a mine near Khuong Tho hamlet, Ly Tin dist., Quang Tin Prov.

Another enemy mine killed a civilian on his way to a ricefield near Khuong Binh hamlet, also in Quang Tin's Ly Tin dist.

In a third Quang Tin incident, one PSDF was killed in a VC attack on Khanh Tho hamlet, Tam Ky dist.

Nov. 24—The enemy exploded a mine in Hoa Long village, Hoa Vang dist., Quang Nam Prov. The PSDF leader was wounded.

Nov. 23—One man was kidnapped from Binh Thanh village, Hieu Thien dist., Tay Ninh Prov.

Nov. 15—The enemy fired an M79 round into Phuoc Hoa hamlet, Phu Giao dist., Binh Duong Prov. One man was wounded.

POVERTY—A TRAGEDY FOR OLDER AMERICANS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. GIAIMO. Mr. Speaker, earlier this week, I pledged my full support to a proposal to create a House Select Committee on Aging. For the benefit of any of my colleagues who fail to see the urgent need for such a committee, I would like to quote from a statement made on December 4, 1970, by John B. Martin, Director of the 1971 White House Conference on Aging:

Our older people are falling steadily behind other age groups in their income position. *Lack of income has become the Number One problem for a substantial number of the 20 million Americans who are age 65 or older.*

There have been some improvements in the overall economic position of the older population through increased Social Security payments and from Medicare and Medicaid. Nevertheless, *the income status of millions of older people is intolerable.*

In 1969 the median income of older families was less than 48 percent of the median income of younger families. Older people living alone or with non-relatives had a median income only 43 percent of that for younger people. When older people retire there is a drop in income from one-half to two-thirds despite Social Security benefits or other income sources. *Many are plunged from a modest standard of living to the poverty level. They are becoming the new poor of America. . . .*

Some of the basic facts are these:

Almost nine out of ten older people now receive Social Security benefits. Of these, one quarter of the married couple beneficiaries and one half of the non-married beneficiaries had other income of less than $40 per month per person. Average Social Security benefits are $117 a month for retired workers.

One quarter of all older people live in households whose income falls below the poverty level. In the 10-year period for which poverty data is available, the number of poor has declined. But it has declined much faster for those under age 65 than it has for the 65-and-older group. The aged poor now represent 20 percent of the total poor as compared with only 15 percent in 1959.

Despite the decline in the number of aged poor over the years, the actual total increased from 4.6 million to 4.8 million between 1968 and 1969.

Seventeen percent of the families headed by older persons and 47 percent of the older people living alone or with non-relatives are living below the poverty level for their types of households. Among black older Americans, 42 percent of the families headed by older persons and 75 percent of the individuals living alone or with non-relatives are living in poverty.

It should be noted that even the level of living set by the Bureau of Labor Statistics in its retired couples budget is well below the means of most older people. The average Social Security budget for a couple retired in 1950 met one-half the BLS budget cost at that time. Today it meets less than one-third of that cost.

Inflation hits older people the hardest because their incomes rise slowly and because the greatest price increases have taken place in such necessities as home maintenance, insurance, taxes, medical care and transportation.

More Americans are spending more years in retirement than ever before. This puts a greater strain on their available resources. The most seriously affected are older widows or unmarried women who form the largest single element in the older population.

About two million older people are receiving Old Age Assistance, but for many the amount they receive is below the poverty level, averaging as low as $50.40 last June in two States.

Private pension systems and coverage have been growing, but the rate of growth has dropped off in recent years. Vesting, portable pensions, coverage and survivor benefits (mainly for widows) constitute serious unresolved problems. Pension income provides about five percent of the total income of the older population.

Individual savings toward retirement are impossible for most people because of low earnings, necessary expenditures and taxes.

The principal assets of older people are in home ownership and other non-liquid assets that cannot be used for daily expenses.

Eighty-three percent of all older people are not in the labor force and probably fewer than 500,000 could return to regular, gainful employment. Based on current trends low income in old age does not appear to be a problem that will solve itself. Unless action is taken, the problem will not go away . . ."

These are the facts, Mr. Speaker. Who can deny that they are tragic and disgraceful? Who can deny that the elderly American is not getting his fair share of this Nation's prosperity? Who can deny the need for immediate action to provide the elderly American with the comfort and security he so richly deserves?

I urge, Mr. Speaker, that all standing committees of this House with the proper jurisdiction turn their attention to this critical problem. I urge further that legislation to create a Select Committee on Aging be passed as quickly as possible when the 92d Congress convenes next month.

The elderly American cannot afford to wait. He needs our help now. I will do all I can to see that he gets it.

CAPITOL HILL EMERGENCY BLOOD DRIVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. HOSMER. Mr. Speaker, I rise to call attention to a critical situation.

During the past 22 years, the American Red Cross has performed an outstanding humanitarian service by collecting and storing whole human blood for medical purposes. Once collected, Red Cross blood is used to save the lives of those injured in accidents, American soldiers wounded in battle, citizens needing whole blood during surgery and children suffering from leukemia and other blood diseases. Any of my colleagues who have ever needed blood for themselves or for their families know that there is no substitute for human blood and no substitute for this valuable public service which the Red Cross performs without charge.

For the past two decades, the generosity and kindness of Americans has been overwhelming. Hundreds of thousands of our fellow citizens have given their blood on a regular basis. Untold thousands of lives have been saved because of their willingness to donate.

Today, the Red Cross faces a critical and a unique situation. The need for blood continues to rise; new surgical techniques—such as open heart surgery—as well as new methods of blood processing and use have created enormous demands for blood. All of us welcome these new blood-use methods because they mean that more lives can be saved. Additionally, the rash of highway accidents during the Christmas holidays demands that large stores of blood be kept available for treating injured motorists.

However, the level of public blood donations has not kept pace with the growth in needs for blood. Hospitals and research organizations now must pay anywhere from $15 to $50 per pint of blood. Many commercial donors are found unreliable and the dependence upon transients—whose medical histories cannot be investigated—has resulted in regional outbreak of hepatitis.

The Red Cross must depend upon the good will and generosity of donors who give out of a desire to help their fellow men. The Red Cross cannot afford to pay donors for their blood. For these reasons, we now face a serious and a critical shortage of blood. Regular donors find it especially difficult to take time to give their blood during the busy holiday season.

In response to this situation, a group of congressional staffers is organizing the "Capitol Hill Emergency Blood Drive." They are asking all eligible Capitol Hill workers to donate a pint of blood over the holidays. On Tuesday, December 22, they will bring buses to Capitol Hill to transport donors to the Red Cross donation center.

I urge my colleagues to support this worthwhile effort themselves and to urge their staffs to do so, too. I hope that many from the Hill will take time to donate a pint of blood here in Washington or at home, in their communities. I am sure that all offices will look benevolently on the time off for 1 to 2 hours it may take to go down to the Red Cross and donate a pint of blood.

In a recent syndicated writing, columnist Sylvia Porter states the need for programs such as the "Capitol Hill Emergency Blood Drive" as follows:

BLOOD BANK PROGRAM FACING 22-YEAR LOW

(By Sylvia Porter)

One of the worst shortages of blood since the Red Cross Blood Program began 12 years ago will threaten us this Christmas—unless you, an employer, employe or just plain concerned citizen, take the steps in the days immediately ahead to avert it. Volunteer blood donations always plunge to a very low level at Christmas. While donations decline during most other holiday periods too, the downtrend is acute at Christmas because you're so busy with activities outside your normal routine and you simply prefer not to schedule yourself to donate blood.

The supply of blood from volunteers is already running about 20 per cent below demand—a chronic deficit mounting to more than 1,000,000 pints a year—and it's growing steadily. If the usual trend develops this Christmas, the deficit might soar to 40 per cent. Says Dr. T. J. Greenwalt, national medical director of the American Red Cross Blood Program: "We have not yet found ways to freeze blood at reasonable cost so we can store it for future use. This drastic shortage, therefore, could have disastrous results."

Among those results surely would be: postponement of all but the most urgent surgery at a time when the accident rate skyrockets; sharply increased reliance on blood bought from donors at prices ranging from $4 to $25 a pint. Studies show that the overwhelming incidence of hepatitis traced to transfused blood involves blood sold by donors.

The areas for improvement are obvious. Less than 3 per cent of all eligible donors contribute our total volunteer supply; less than 20 per cent of all donors are "new" each year; donations are rising at a sluggish 2 per cent annual rate despite a nationwide network of collections via 1,680 local Red Cross chapters and 1,200 institutional blood banks belonging to the American Assn. of Blood Banks; industrial plants and businesses furnish only 27 per cent of all whole blood, a percentage which should properly be doubled.

To combat the shortage, the American Red Cross is preparing an intensive program of collections and publicity. "We will redouble our cooperative efforts with all blood groups in the community," George Elsey, newly-elected president of the ARC, told me. "It is essential that we prevent a dangerous emergency."

Meanwhile, as an employer, this is what you can do:

Call a meeting at once of your employe groups responsible for blood donations to make sure your recruiting program is at its peak efficiency during these next few weeks.

Get from your local Red Cross chapter or the community Blood Bank a supply of their excellent promotion materials on the blood program and make them available to your employes.

Arrange with the local Red Cross chapter or Blood Bank to have the bloodmobile come to you at the time your employes prefer.

Ask your employe group to make themselves into an "emergency donor" unit to be ready on short notice to meet unusual blood needs during the Christmas period.

Give those donating blood extra time off—on top of the customary one-half day.

Give your Christmas party after the bloodmobile has gone.

As an employe or just a citizen, this is what you can do:

Vow to make a Christmas gift of your blood and get a friend (between ages 18 and 66) to go with you to contribute too.

Encourage the college students home for the holidays in your neighborhood to visit the bloodmobile and provide blood coverage for their parents and younger sisters and brothers for a year.

Check the last time you donated and, if you're eligible, donate now.

While you're at it, join a blood donor group, build a blood "bank account" for

your own—or a dear one's—use whenever needed. You could save yourself thousands of dollars in a future emergency.

And just don't ever forget: No amount of dollars can ever fill a blood bank.

Further details about the "Capitol Hill Emergency Blood Drive" will be provided by staff volunteers David Luken and Gary Donnelly of my office at extension 6987.

PRESIDENT ALFREDO STROESSNER GIVES PARAGUAY GREAT LEADERSHIP

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. COLLINS of Texas. Mr. Speaker, Paraguay has made tremendous progress under its capable President Alfredo Stroessner. I visited with President Stroessner while I was in Asuncion, Paraguay, this week.

We have all heard so much regarding the living legend of General Stroessner. And I found that even more should be said.

Since 1954, he has provided the guiding leadership that has built stability for Paraguay. We arrived at the airport around 9 in the evening. As we drove in through the suburbs, I noticed everyone walking on the streets with complete ease. We saw eight teenage girls walking in a group and I asked if there were any danger. And the answer was definite: Women and children are completely safe, night and day, because of the positive direction of President Stroessner.

In the entire country there are less than 20,000 men in the army, navy, air force, and the police. But these men are dedicated to maintaining peace and protecting their neighbors. In the United States, we could learn from the example of Paraguay where law and order is respected. The people in Paraguay are all happy, relaxed, and walk the streets with confidence.

I asked U.S. Ambassador Raymond Ylitalo about the successful leadership that President Stroessner had given Paraguay since 1954. Ylitalo is impressed with the President's ability. Stroessner knows the job of every Minister of his Cabinet, and could take any desk and do a superior job. Ylitalo told me the President stays in close contact with every Government activity. To top it all, General Stroessner is a very hard worker, starting in each morning at 4:30 in his office.

While I was in Paraguay he was busy traveling around the country to all the graduations to hand out the diplomas. He likes people and is proud of his young, clean-cut high school graduates.

And Alfredo Stroessner is a religious man. The day I left Paraguay he was attending a 4:30 breakfast and then joining the 100,000 pilgrims who walked to Caacupe to celebrate mass honoring the Virgin Mary.

Paraguay has stable foreign affairs under the direction of the Ministry of Dr. Sapena-Pastor. While inflation has run rampant in most South American countries, Paraguay has kept level with the American dollar for the past 12 years. When I asked Dr. Sapena-Pastor how they held the line, he put his hand on his belt and tightened it up, because the President believes in a balanced budget.

When I had a conference with President Stroessner I was impressed. He is alert and a very intelligent man. He runs his office on schedule and he is always on time. And I might add that this driving dynamo keeps everyone around him very much on time.

Stroessner is a warm, friendly man. Saturday afternoon he went fishing and caught a 40-pound dorado. He had his driver bring it by to give it to Ambassador Ylitalo just like neighbors do in the States. If you have never tasted dorado, I want to tell you to try it, as it is the most delicious fish you ever tasted.

Wherever I went in Paraguay, everyone spoke highly of President Stroessner. The man on the street, the government official, the soldier, the housewife—to all of them Alfredo Stroessner is "The Excellency" and he is respected by all.

Many South American countries have rich minerals. Venezuela has oil; Chile has copper; Bolivia has tin; and Peru has gold. But Paraguay with no minerals, has the greatest asset of all—it has warm, friendly people.

And up beyond the Equator, the people of the United States respect and admire Alfredo Stroessner and the patriotic country of Paraguay. When we look for friends at the U.N., Paraguay always stands beside us. When there was turmoil in the Dominican Republic, Paraguay quickly rushed a volunteer battalion. And as the President remarked:

> We had no AWOL's—when the plane loaded up we found two men extra, but I gave them permission to also go.

We live in a mixed-up world today. Sometimes we wonder who are our real friends. There is one thing of which the United States is always certain. The people of Paraguay are always our friends. Alfredo Stroessner is a man you can depend on. When the chips are down, when the tough decisions must be made—and we need to know who the United States can count on—we turn to Alfredo Stroessner and the great country of Paraguay—our true friends.

HARRIMAN ADDS SMUDGE TO ALREADY POOR RECORD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. DERWINSKI. Mr. Speaker, a frank and penetrating commentary on the diplomatic record compiled by Ambassador W. Averell Harriman was contained in an article by the international correspondent of the Copley Press, Dumitru Danielopol, in the November 26, San Diego, Calif., Union. Mr. Danielopol, a former Rumanian diplomat, is well equipped by virtue of his training and experience to analyze the Harriman record. The subject matter is quite timely in its reference to Southeast Asia, and I insert the article into the RECORD at this point:

HARRIMAN ADDS SMUDGE TO ALREADY POOR RECORD

(By Dumitru Danielopol)

The time: summer 1962.

The place: Tokyo, Japan, a briefing room at the U.S. Embassy.

The treaty for the "neutralization" of Laos had just been signed despite vehement opposition from Laotian Prime Minister Gen. Phoumi Nosavan, who wanted to continue fighting the Reds. They would not respect the treaty and withdraw their troops, he argued.

But the U.S. chief negotiator, Ambassador W. Averell Harriman, had stood firm. He pushed the treaty through.

"The pipsqueak (Nosavan) wants to tell the President of the United States what is best for Laos," Harriman told U.S. reporters.

Nosavan proved to be right, however. The country was never neutralized.

It has remained a battleground and a route for North Vietnam troops into South Vietnam. Nosavan lives in exile in Thailand.

The story is so familiar.

Harriman did the same thing in Romania in 1946. He offered U.S. Government guarantees for "free and unfettered" elections to persuade a reluctant King Michael and the three heads of the democratic parties, Iuliu Maniu, Dinu Britianu and Titel Petrescu, to recognize a Soviet-imposed Communist front government under Petru Groza.

Harriman knew at the time that the Reds would not stick to the promise of free elections and that they would ultimately take over. But he insisted.

King Michael is now in exile in Switzerland. The three Romanian leaders died in Communist jails.

Now the same Harriman is at it again. He is trying to undermine the South Vietnam government.

In an article in Look Magazine entitled "Vietnamization Is Immoral," the veteran ambassador accuses the Thieu government of refusing to agree to a coalition government with the Reds, of sabotaging the peace talks in Paris, of leading an unpopular and repressive regime, etc.

The ambassador is bitter toward Thieu for refusing to rush to Paris in October 1968, when President Johnson halted the bombings a few days before elections that brought Richard Nixon to the White House.

"Some believe," Harriman says, "that if we had started actual negotiations during the week before election day, it might well have a small, but vital, difference in the elections."

Obviously, Harriman, a life-long Democrat, believes it would have been enough to elect Hubert Humphrey.

He goes on to accuse President Nguyen Thieu of "scuttling" the negotiations. "If Humphrey had been elected," he says, "we would have been well out of Vietnam by now."

Harriman does not explain why President Johnson did not make his move sooner and the suspicion is deep that it was more of a political tactic to save Humphrey than a diplomatic move to secure peace.

Only two weeks earlier Sen. Everett Dirksen, Republican of Illinois, had warned about a "gimmick" such as an election-eve bombing halt.

Why has there been no sign since 1968 that the Reds were ready to negotiate? Harriman says, "the chair was broken." That's not good enough. Ambassador Philip Habib, who has been in Paris since the talks began, says flatly that Hanoi has never made the slightest move toward compromise.

Harriman followed his article with an unpardonable insult to President Nixon. He appeared at the Soviet Embassy in Washing-

ton for the 53rd anniversary of the October Revolution and in the presence of Soviet diplomats publicly criticized an official U.S. boycott of the celebrations.

The boycott was called to emphasize U.S. indignation over Russia's treatment of three Americans, two generals and a major, who were being held in violation of the Consular Treaty.

Harriman is venerated by many as an elder statesman and an oracle. I prefer to judge him by his record. It is not impressive.

PROPOSED CHANGE IN TRUTH IN LENDING REGULATION ON AGRICULTURAL CREDIT TRANSACTIONS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mrs. SULLIVAN. Mr. Speaker, many of the Members, I am sure, will be interested in knowing that the Federal Reserve is contemplating a change in its truth in lending regulation dealing with agricultural credit transactions, specifically, the requirement under regulation Z that when a farmer's residence is made part of the collateral for credit, there has to be a 3-day waiting period before a credit transaction can be completed, during which time the debt can be canceled.

The 3-day right of rescission period on credit transactions involving a security interest in one's home is one of the cardinal protections accorded homeowners under the Truth in Lending Act, and is intended to eliminate one of the worst pretruth in lending abuses in the consumer credit field, particularly in home improvement sales. Homeowners were frequently persuaded to sign contract forms without realizing that they were, in effect, giving the seller or lender a mortgage on the residence. If the work contracted for were not done properly, or not done at all, the homeowner's subsequent refusal to pay the contract amount often led to foreclosure and loss of the home.

The hearings of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency in 1967 on the legislation which later became the Consumer Credit Protection Act of 1968 contained many references to this kind of credit abuse. Hence, we were delighted to accept a floor amendment to the truth in lending title, proposed by the present Governor of New Jersey, the Honorable William T. Cahill, providing for a 3-day cooling-off period for credit transactions involving a security interest in the debtor's residence. This amendment was modified somewhat in conference but was enacted in a form generally faithful to the Cahill proposal.

MANY AGRICULTURAL CREDIT TRANSACTIONS AFFECTED

As interpreted by the Board of Governors of the Federal Reserve System in regulation Z, the rescission clause applied not only in instances where a second mortgage on the residence was utilized as part of a credit transaction, but also where State law permits the filing of mechanic's or materialmen's liens which could lead directly to foreclosure of the residence.

Since agricultural credit is covered under Truth in Lending, many ordinary transactions between farmers and their suppliers or bankers or other creditors have been covered by the rescission clause unless the creditor waives any rights he might have under State law to take action leading to foreclosure of the farmer's property, including his residence, for failure to pay the debt. As a result, many of these routine transactions have required a 3-day waiting period between contracting for a sale or loan and its consummation, unless, of course, a bona fide emergency situation required immediate delivery of the goods, or performance of the work, in which case the farmer could waive his rescission rights.

PROPOSED CHANGE IN REGULATION Z

The Board of Governors now proposes to eliminate the 3-day waiting period on extensions of credit "primarily for agricultural purposes." Because of the many inquiries my subcommittee has received from time to time from Members of the House on the operation of the agricultural aspects of Truth in Lending Act, I am submitting for inclusion in the CONGRESSIONAL RECORD at this point the announcement of the Federal Reserve on this proposed amendment in the regulation. Comments are being invited by the Board until January 18, 1971.

The material referred to is as follows:

FEDERAL RESERVE PRESS RELEASE

DECEMBER 10, 1970.

The Board of Governors of the Federal Reserve System today issued for comment a proposed amendment to its Truth in Lending Regulation Z relating to the extension of credit for agricultural purposes involving the right of rescission. Comments should be received by the Board no later than January 18, 1971.

The proposed amendment would permit farmers to obtain funds, goods or services in agricultural credit transactions without waiting for the expiration of the three-day rescission period when their residence is part of the collateral for credit.

A copy of the proposal is attached.

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

Truth in lending

Delay of performance in agricultural credit transactions subject to the right of rescission

Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601), the Board of Governors is considering amending § 226.9(c) of Part 226 to read as follows:

(c) *Delay of Performance.* Except as provided in paragraph (e) of this section, the creditor in any transaction subject to this section, other than an extension of credit primarily for agricultural purposes, shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

(1) Disburse any money other than in escrow;

(2) Make any physical changes in the property of the customer;

(3) Perform any work or service for the customer; or

(4) Make any deliveries to the residence of the customer if the creditor has retained or will acquire a security interest other than one arising by operation of law.

The amendment consists of the insertion of the words "other than an extension of credit primarily for agricultural purposes." The purpose of the amendment is to permit farmers to obtain money, goods, or services in agricultural credit transactions involving the right of rescission without being obliged to wait until the expiration of the rescission period.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 18, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, December 10, 1970.

(signed) KENNETH A. KENYON,
Deputy Secretary.

INTERGOVERNMENTAL COOPERATION ACT OF 1970

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. FOUNTAIN. Mr. Speaker, I want to inform the House that last Monday the Intergovernmental Relations Subcommittee voted to report out a clean bill incorporating the susbtance of H.R. 7366, Intergovernmental Cooperation Act of 1969; H.R. 10954, Grant Consolidation Act of 1969, and H.R. 17112, Program Information Act. I introduced the clean bill (H.R. 19933) on Wednesday with the cosponsorship of the gentlewoman from New Jersey (Mrs. DWYER), the gentleman from Ohio (Mr. BROWN), and the gentleman from Michigan (Mr. VANDER JAGT)—all members of the subcommittee.

During the past year and a half the subcommittee has carefully studied this legislation and coordinated and conferred with appropriate officials of the executive branch concerning its provisions, especially those dealing with grant consolidation. I am, therefore, satisfied that the clean bill represents a sound and feasible vehicle for achieving the objectives of the three bills which the subcommittee considered.

The President and his administration are especially interested in the grant consolidation provisions of this legislative proposal.

While the subcommittee did not view enactment of H.R. 19933 as a practical possibility so late in the session, the measure was approved by the subcommittee and voted out during these closing days so that Members will have an opportunity to study the clean bill prior to its introduced at the beginning of the 92d Congress.

We would be most pleased to have the present sponsors of H.R. 7366; H.R. 10954, and H.R. 17112, as well as all our col-

leagues, join us next year in cosponsoring this valuable legislation for the improvement of intergovernmental relations in the United States, including the more efficient and effective administration of Federal grant-in-aid programs.

Mr. Speaker, I include the text of the clean bill, H.R. 19933, at this point in the RECORD for the information of the Members:

H.R. 19933

A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act be cited as the "Intergovernmental Cooperation Act of 1970".

TITLE I—DEFINITIONS

SEC. 101. The definition of "Federal assistance", "Federal financial assistance", "Federal assistance programs", or "federally assisted programs", in title I of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; Public Law 90–577) is amended to read:

"(7) The term 'Federal assistance,' 'Federal financial assistance', 'Federal assistance programs', or 'federally assisted programs', means any assistance provided by a Federal agency in the form of grants, loans, loan guarantees, contracts (except contracts for the procurement of goods and services for the Federal Government), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a and 47–2501b)."

SEC. 102. Title I of the Intergovernmental Cooperation Act of 1968 is further amended by adding the following definition at the end thereof:

"(8) The term 'functional area' means any general category of activity having a common objective, such as education, health, housing, manpower, or transportation."

TITLE II—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

SEC. 201. Such Act is further amended by adding at the end thereof a new title as follows:

"TITLE VII—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to encourage simplification and standardization of financial reporting requirements of Federal assistance programs, to promote among Federal agencies administering such programs accounting and auditing policies that rely on State and local financial management control systems meeting certain criteria, and to authorize the issuance of standards for the audit of Federal assistance programs.

"MORE UNIFORM FINANCIAL REPORTING

"SEC. 702. The President shall, to the extent feasible, promulgate rules and regulations simplifying and making more uniform the financial reporting required of recipients under Federal assistance programs.

"FEDERAL AGENCIES' RELIANCE ON THE FINANCIAL MANAGEMENT CONTROL SYSTEMS OF STATES AND THEIR POLITICAL SUBDIVISIONS

"SEC. 703. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, rely on evaluation of accounting and auditing of such programs performed by or for States and local governments without performing a duplicate audit unless deemed necessary.

"(b) Pursuant to rules and regulations promulgated under section 702 hereof and the standards issued under section 704(a) hereof, heads of such agencies, or such agency as is designated by the President in subsection (h) of this section, shall determine the adequacy of the financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (i) whether reports are prepared in accordance with applicable requirements and are supported by accounting and other records; (ii) whether audits are carried out with adequate coverage in accordance with the auditing standards issued; and (iii) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Heads of such agencies, or such agency as is designated by the President in subsection (h) of this section shall evaluate audits performed to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. To the extent that audits are acceptable, duplicate audits will not be performed. Where audits are not acceptable, the agencies shall make whatever audits are necessary to assure that Federal funds are properly expended.

"(d) Periodic review and testing of the operations of such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purpose of section 703(a).

"(e) Each Federal agency administering Federal assistance programs shall encourage greater cooperation with the personnel operating the financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, and by collaborating in the development of accounting systems, audit standards and objectives, and audit schedules and programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate and make uniform the auditing requirements of such programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency would conduct the audits for another.

"(h) The Office of Management and Budget, or such other agency within the Executive Office of the President as the President may designate, shall be responsible for overseeing the effective implementation of this section and is hereby authorized to prescribe such rules and regulations as are deemed appropriate for its administration.

"STANDARDS OF AUDITING TO BE DEVELOPED

"SEC. 704. (a) The President of the United States or such agency as he may designate, in cooperation with the Comptroller General, is hereby authorized to develop and issue standards of auditing for the guidance of Federal agencies and State and local governments, as well as independent public accountants, engaged in the review and audit of Federal assistance programs. Such issuances shall serve the purpose of providing guidance to the various audit organizations but shall not be construed as relieving such audit organizations of the responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall, in the course of carrying out his audit responsibilities, consider and report to the Congress on the utilization made by Federal agencies of the audits performed by State and local governments, or independent public accountants, and on the implementation of the standards issued pursuant to subsection 704(a). A summary report shall be made at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of this Act.

"SEC. 705. Nothing in this title shall be construed to diminish the authorities and responsibilities of the Comptroller General of the United States under existing law."

TITLE III—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 301. Such Act is further amended by adding after title VII, as added by section 201 of this Act, the following new title.

"TITLE VIII—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

"PART A—DEVELOPMENT AND TRANSMITTAL OF CONSOLIDATION PLANS

"STATEMENT OF PURPOSE

"SEC. 801. The President shall from time to time examine the various Federal assistance programs provided by law and with respect to such programs shall determine what consolidations are necessary or desirable to accomplish one or more of the following purposes:

"(1) to promote better administration and more effective planning;

"(2) improve coordination;

"(3) to eliminate overlapping and duplication; and

"(4) to promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"PREPARATION, TRANSMITTAL, AND REFERENCE OF PLAN

"SEC. 802. (a) When the President, after investigation, finds that a consolidation of Federal assistance programs is necessary or desirable to accomplish one or more of the purposes set forth in section 801, he shall prepare a Federal assistance consolidation plan (hereafter in this title referred to as a 'consolidation plan') for the making of program consolidations, and shall transmit the plan (bearing an identification number) to the Congress, together with a declaration that, with respect to each consolidation included in the plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 801, and a declaration as to how each program included in the plan is functionally related.

"(b) Each such consolidation plan so transmitted—

"(1) shall place responsibility for administration of the consolidated program in a single Federal agency;

"(2) shall specify in detail the terms and conditions under which the Federal assistance programs included in the plan shall be administered, including but not limited to matching, apportionment, and other formulas, interest rates, and planning, eligibility, and other requirements; except that the President shall, in selecting applicable terms and conditions, be limited by the range of terms and conditions already included in the Federal assistance programs being consolidated: *Provided*, That all of the Federal assistance programs being consolidated shall terminate and their authorizations expire not later than the earliest termination or expiration date specifically provided for any of

such programs under the law in effect when the plan was submitted;

"(3) shall set forth in the message transmitting the plan to the Congress the difference between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and those that will be applicable after the plan goes into effect, and shall also set forth the reasons for selecting such terms and conditions;

"(4) shall provide for the transfer or other disposition of the records, property, and personnel of individual Federal assistance programs affected by the consolidation;

"(5) shall provide for the transfer of appropriations or other budget authority in such manner that the aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in the plan shall be available for the consolidated program, and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed authorization of appropriations and other budget authority for the consolidated program; except that any appropriations or portions of appropriations which are made for or transferred to the consolidated program and which are unexpended by reason of the proviso in paragraph (2) or otherwise by reason of the operation of this title may not be used for any purpose, but shall revert to the Treasury;

"(6) shall provide to the extent appropriate for determining the affairs of a Federal agency or part thereof whose programs have been transferred as a consequence of the consolidation; and

"(7) may authorize an officer to delegate any of his functions under the plan.

"(c) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(d) consolidation plan may not provide for, and may not have the effect of—

"(1) consolidating any Federal assistance programs which are not in the same functional area;

"(2) providing any type of Federal assistance included in the plan to any recipient who was not eligible for Federal assistance under any of the programs included in the plan, nor excluding any recipient from eligibility for any type of Federal assistance for which such recipient was eligible under one or more of the programs included in the plan; or

"(3) transferring responsibility for the administration of the programs included in the plan to any agency or officer who was not responsible for the administration of one or more of such programs prior to the taking effect of the plan.

"(e) The President shall have a consolidation plan delivered to both Houses on the same day and to each House while it is in session, except that no consolidation plan may be delivered within thirty calendar days following the delivery of a previous plan in the same functional area.

"(f)(1) Each consolidation plan transmitted to the Congress under subsection (a) shall be promptly referred to the committee of each House of Congress having legislative jurisdiction over the programs involved for its consideration, and any such plan so transmitted which involves the consolidation of Federal assistance programs coming within the legislative jurisdiction of two or more committees respectively of either House of Congress shall be promptly referred to each such committee for its consideration; and in any such instance the provisions of sections 814 through 817 shall apply to each such committee.

"(2) A consolidation plan shall also be referred to the Committee on Government Operations of each House in each instance where a reorganization described in subsection (b) and to be accomplished pursuant to such plan would be subject to the jurisdiction of such committees if submitted in the form of substantive legislation or a reorganization plan; and in such instance the provisions of sections 814 through 817 shall apply.

"EFFECT ON OTHER LAWS AND REGULATIONS

"SEC. 803. (a) To the extent that any provision of a consolidation plan which becomes effective under this title is inconsistent with any provision of any statute enacted prior to the taking effect of the plan, the provision of the plan shall control to the extent that such plan specifies the provisions of the statute to be superseded.

"(b) Any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, or other action made, prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan which becomes effective under this title shall be deemed to be modified to the extent of any inconsistency thereof with the plan but shall otherwise continue in effect.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of any Federal agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a consolidation plan under this title. On motion or supplemental petition filed at any time within twelve months after the plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the plan or, if there is no successor, against such agency or officer as the President designates.

"EXPIRATION DATE

"SEC. 804. A provision contained in a consolidation plan may take effect only if the plan is transmitted to the Congress before April 1, 1973.

"PART B—CONGRESSIONAL CONSIDERATION

"EFFECTIVENESS OF PLAN

"SEC. 811. (a) Except as otherwise provided in subsection (c) of this section, a consolidation plan shall become effective at the end of the first period of ninety calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the ninety-day period, either House passes a resolution stating that the House does not favor the plan.

"(b) For purposes of subsection (a) of this section—

"(1) continuity of session is broken only by an adjournment of the Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety-day period.

"(c) Under provisions contained in a consolidation plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

"(d) A consolidation plan which becomes effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"RULEMAKING POWER OF SENATE AND HOUSE

"SEC. 812. Sections 813 through 817 are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in the succeeding sections of this part; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"TERM OF RESOLUTION

"SEC. 813. For the purpose of sections 811 and 814 through 817, the term 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the —— does not favor the consolidation plan numbered —— transmitted to Congress by the President on ——, 19—.', the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.

"REFERENCE OF RESOLUTION TO COMMITTEE

"SEC. 814. A resolution with respect to a consolidation plan shall be referred to the appropriate committee or committees in accordance with the provisions of section 802 (f) (and all resolutions with respect to the same plan shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"DISCHARGE OF COMMITTEE CONSIDERING RESOLUTION

"SEC. 815. (a) If any committee which has had jurisdiction over a consolidation plan for a period of sixty calendar days and to which a resolution with respect to such plan has been referred has not reported such resolution within ten calendar days after introduction of that resolution, it will be in order to move to discharge all committees to which such resolution has been referred from the further consideration either of such resolution or of any other resolution with respect to the plan in question, except that no such notion to discharge may be made after any committee to which the resolution has been referred has reported a resolution with respect to the same plan.

"(b) A motion to discharge is highly privileged and may be made only by an individual favoring the resolution. Debate thereon shall be limited to not more than two hours, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(c) After the motion to discharge is agreed to, the motion may not be renewed, nor may another motion to discharge a committee be made with respect to any other resolution with respect to the same consolidation plan.

"PROCEDURE AFTER REPORT OR DISCHARGE OF COMMITTEE; DEBATE

"SEC. 816. (a) Anytime after any committee has reported or has been discharged from further consideration of a resolution with respect to a consolidation plan, it is in order to move to proceed to the consideration of the resolution even though a previous motion to the same effect has been disagreed to. If resolutions concerning the same plan have been reported by two or more committees, the motion shall be directed to that report which was earliest reported. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(b) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable

An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"DECISIONS WITHOUT DEBATE ON MOTION TO POSTPONE OR PROCEED

"SEC. 817. (a) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a consolidation plan, and motions to proceed to the consideration of other business, shall be decided without debate.

"(b) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a consolidation plan shall be decided without debate."

TITLE IV—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 401. Section 601 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Each committee of the House and Senate having legislative jurisdiction over grant-in-aid programs shall separately or jointly conduct studies of such programs at least six months prior to their expiration or, in the case of grant-in-aid programs covered by subsections (a) and (b) of this section, six months prior to the expiration of the period specified in such subsections. Each such committee shall advise its respective House of its findings and recommendations, with special reference to the considerations cited in clauses (1) through (4) of subsection (a) of this section. Nothing in the section shall preclude the Committee on Government Operations of each House from conducting studies of such programs and requesting assistance under sections 602 and 603 of this title."

SEC. 402. Title VI of such Act is amended by adding at the end thereof the following new section:

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs not later than January 31 following the end of each fiscal year, beginning with the first full fiscal year after the date of enactment of the Intergovernmental Cooperation Act of 1970. Such reports shall, among other things, describe—

"(1) the overall progress and effectiveness of administrative efforts to carry out each program's statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination at headquarters and in the field with other related Federal assistance programs;

"(4) efforts and progress in simplifying and making more uniform (i) application forms and procedures and (ii) financial reporting and auditing requirements and procedures;

"(5) efforts and progress in relying on the internal or independent audits performed by or for States and units of local government;

"(6) the feasibility of consolidating individual Federal assistance programs with others in the same functional areas, where such exist;

"(7) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(8) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(9) the extent to which such programs are adequate to meet the growing and changing needs for which they were designed."

TITLE V—PROGRAM INFORMATION ACT

SEC. 501. Such Act is further amended by adding after title VIII, as added by section 301 of this Act, the following new title:

"TITLE IX—PROGRAM INFORMATION ACT

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Program Information Act'.

"DEFINITION

"SEC. 902. For the purposes of this title—

"(a) The term 'Federal domestic assistance program' means an activity of a Federal agency which provides assistance or benefits, whether in the United States or abroad, to any State or local government, or any instrumentality thereof, any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

"(b) A 'Federal domestic assistance program' may in practice be called a program, an activity, a service, a project, or some other name regardless of whether it is identified as a separate program by statute or regulation and which can be differentiated from any other such program on the basis of its legal authority, its administering office, its purpose, its benefits, or its beneficiaries.

"(c) 'Assistance or benefits' means grants, loans, loan guarantees, scholarships, mortgage loans and insurance; assistance in the form of provision of Federal facilities, goods or services, donation or provision of surplus real and personal property; and technical assistance.

"(d) 'Administering office' means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

"EXCLUSION

"SEC. 903. This title does not apply to any activities related to the collection or evaluation of national security information.

"CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

"SEC. 904. The President shall transmit to Congress no later than May 1 of each regular session a catalog of Federal domestic assistance programs, referred to in this title as 'the catalog,' in accordance with this title.

"PURPOSE OF CATALOG

"SEC. 905. The catalog shall be designed to assist the potential beneficiary identify all existing Federal domestic assistance programs wherever administered, and shall supply information for each program so that the potential beneficiary can determine whether particular assistance or benefits might be available to him for the purposes he wishes.

"REQUIRED PROGRAM INFORMATION

"SEC. 906. For each Federal domestic assistance program, the catalog shall—

"(1) identify the program, including the name of the program, the authorizing statute, the specific administering office, and a brief description of the program and its objectives.

"(2) describe the program structure, including eligibility requirements, formulas governing the distribution of funds, types of assistance or benefits, uses and restrictions on the use of assistance or benefits, and obligations and duties of recipients or beneficiaries.

"(3) provide financial information, including current authorizations and appropriations of funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent financial information.

"(4) identify the appropriate officials to contact, both in central and field offices, including addresses and telephone numbers.

"(5) provide a general description of the application process, including application deadlines, coordination requirements, processing time requirements, and other pertinent procedural explanations.

"(6) identify closed related programs.

"FORM OF CATALOG

"SEC. 907. (a) The program information may be set forth in such form as the President may determine, and the catalog may include such other program information and data as in his opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

"(b) The catalog shall provide in separate sections: (1) information concerning all Federal domestic assistance programs for which State and local governments or their instrumentalities may be eligible, and (2) information concerning all Federal domestic assistance programs for which recipients other than State and local governments or their instrumentalities may be eligible. The catalog may include, at the discretion of the President, additional sections in which there is provided information on other types of assistance programs not specified in section 902(c).

"(c) The catalog shall contain a detailed index designed to assist the potential beneficiary to identify all Federal domestic assistance programs related to a particular need.

"(d) The catalog shall be in all respects concise, clear, understandable, and such that it can be easily understood by the potential beneficiary.

"QUARTERLY REVISION

"SEC. 908. The President shall revise the catalog at no less than quarterly intervals. Each revision—

"(1) shall reflect any changes in the program information listed in section 906.

"(2) shall further reflect addition, consolidation, reorganization, or cessation of Federal domestic assistance programs, and shall provide for such Federal domestic assistance programs the program information listed in section 906.

"(3) shall include such other program information as will provide the most current information on changes in financial information, on changes in organizations administering the Federal domestic assistance programs, and on other changes of direct, immediate relevance to potential program beneficiaries as will most accurately reflect the full scope of Federal domestic assistance programs.

"(4) may include such other program information and data as in the President's opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

"PUBLICATION AND DISTRIBUTION OF THE CATALOG

"SEC. 909. (a) The President (or an official to whom such function is delegated pursuant to section 910 of this title shall prepare, publish, and maintain the catalog and shall make such catalog and revisions thereof available to the public at prices approximately equal to the cost in quantities adequate to meet public demands, providing for subscriptions to the catalog and revisions thereof in such manner as he may determine.

"There is authorized to be distributed without cost to Members of Congress and Resident Commissioners not to exceed five thousand copies of catalogs and revisions.

"There is authorized to be distributed without cost to Federal agencies, State and local units of government and local repositories not to exceed ten thousand copies of catalogs and revisions as determined by the President or his delegated representative.

"(b) The catalog shall be the single authoritative, Government-wide compendium of Federal domestic assistance program information produced by a Federal agency. Specialized catalogs for specific ad hoc purposes may be developed within the framework, or as a supplement to, the Government-wide compendium and shall be allowed only when specifically authorized and developed within guidelines and criteria to be determined by the President.

"(c) Any existing provisions of law requiring the preparation or publication of such catalogs are superseded to the extent they may be in conflict with the provisions of this title.

"DELEGATION OF FUNCTIONS

"SEC. 910. The President may delegate any function conferred upon him by this title including preparation and distribution of the catalog, to the head of any Federal agency, with authority for redelegation as he may deem appropriate."

TITLE VI—EXTENSION OF CERTAIN PROVISIONS OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968 TO POLITICAL SUBDIVISIONS

SEC 601. Section 202 of such Act is amended to read as follows:

"SEC. 202. No grant-in-aid to a State or a political subdivision therein shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State or political subdivisions therein. All Federal grant-in-aid funds made available to the States or to political subdivisions therein shall be properly accounted for as Federal funds in the accounts of the State or of the political subdivisions therein. In each case the agency of the State or of the political subdivisions therein concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States or by the political subdivisions therein or to the sub-grants made by the States or by the political subdivisions."

SEC. 602. Section 203 of such Act is amended to read as follows:

"SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the date of transfer of such funds from the United States Treasury and the date of disbursement thereof by a State or by a political subdivision therein; or between date of disbursement by a State or by a political subdivision therein and the date of transfer by the United States Treasury. States and the political subdivisions therein shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes."

BRYCE HARLOW

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I enjoyed on yesterday listening to the euphoniums of praise in honor of departing Presidential counselor, Bryce Harlow. In sketching his background, the illustrious majority leader, the gentleman from Oklahoma (Mr. ALBERT), made reference to the fact that he had risen above a Democratic background to become a leader in the Republican Party. I was reminded then that proselytes by conversion are often even more zealous than those who are originally born into the faith. It has surely been so in the case of Bryce Harlow whose dedicated service to the Republican Party in so many ways can scarcely be matched by any other living American. We view his departure from his present post with genuine regret. However, we are certain that his counsel and advice will continue to be available. We wish him every happiness and much success as he rejoins his former associates.

SENATOR PEARSON, OF KANSAS, WORKING ON A "RURAL RENAISSANCE"

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SEBELIUS. Mr. Speaker, in the December 1 issue of the Hutchinson News, there is an editorial in reference to my good friend and colleague, the senior Senator from Kansas, JIM PEARSON.

As a Congressman representing rural and smalltown America, I am concerned over what I consider to be a serious imbalance in our Federal effort to improve our Nation's social and economic well-being.

Too often it seems as if the social and economic needs of rural and smalltown America have been overlooked or ignored as we try to mount an effective program of improvement for the 1970's. JIM PEARSON recognizes his need and has repeatedly sponsored programs based upon the philosophy that the social and economic needs of both urban and rural America are interdependent. If we are going to achieve a more even distribution of our population and improve both our overcrowded urban areas and our countryside, our social and economic programs in the 1970's must benefit and be applicable to all of our citizens.

As the Hutchinson News editorial points out, Senator PEARSON has been working on a "rural renaissance" for his entire political life. Those of us vitally interested in the revitalization of rural and smalltown America owe him a debt of gratitude for his leadership and continued efforts in this regard. The editorial from the Hutchinson News follows:

FIGHTING RURAL BLIGHT

Sen. James Pearson has been hammering away at a rural renaissance for most of his current term.

He began with the Rural Job Development Act, to provide tax incentives for new industries locating in rural areas. This was followed by a proposal for a Rural Community Development Bank, to provide credit for expansion in the same areas, and a Rural Development Highways Act to improve transportation facilities.

Despite some support from Presidents Johnson and Nixon, it has been slow going.

Partly, as Sen. Pearson noted last week, because new ideas take a while to mature in Washington. Partly because of a lack of strong administration leadership.

But mostly because of a lack of sympathy from urban Congressmen, the majority, who practice the same foot-dragging in this problem as do rural Congressmen toward the plight of the city poor.

The city legislators also have expressed some fear that these programs will deepen the metropolitan plight by siphoning badly-needed jobs. This is a short-range view. The bills are aimed at creating new jobs, not re-locating old ones. Even if the cities should lose some workers to the country this would benefit both.

The Pearson program may come about by evolution. Cities rapidly are losing their appeal, particularly to students and young adults. Urban blight may force some relocations. But this natural development could stand a prod from the government, and Pearson's proposals are a good start.

CONGRESSIONAL REPORT TO THE NINTH DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CURRENT PERFORMANCE OF THE NATION'S ECONOMY

The current performance of the American economy is without historical precedent. With prices and unemployment rising simultaneously, the President and his economic policy-makers are confronted with a real dilemma.

During 1969, the government's restrictive monetary and fiscal policies achieved, in part, their purpose of slowing demand, output and employment. The rate of Federal spending has been reduced and the cost of borrowing money has been increased.

Unemployment has increased from 3.5 percent to 5.6 percent, however. Factories are producing about 80 percent of capacity, or less, and there is a gap between actual and potential production in this country at an annual rate of perhaps $40 billion.

For a while it seemed as if the aim of slowing inflation was being achieved. But last October's increase in consumer prices (representing an annual rate of 7.2 percent) showed that the situation had worsened again. The typical U.S. worker lost 64 cents in buying power in October alone as a result of higher prices and a drop in the average weekly pay.

In the past, a decline in output and demand eventually had a stabilizing effect on price levels. But recent figures showing continued price increases, along with a decline in production, make our traditional economic indicators extremely perplexing.

Part of the answer to the puzzle is that we are in the longest period of inflation that the Nation has experienced, and that fact in itself has created an inflationary psychology with upward pressures on price levels, especially wages.

It has now become apparent that the government's fiscal and monetary policies should be aimed at expanding demand and production, which should gradually reduce un-

employment. The degree of expansion is the point of a continuing debate.

Some of the President's advisors are advocating a rapid expansion of the economy next year—increasing the total, output of goods and services as much as 8 percent. With this kind of growth, unemployment surely will decline. Others, however, regard this target as too ambitious and likely to create worse inflation.

The President has been exceedingly candid about the economy and has conceded past errors in policy. He told U.S. manufacturers recently, ". . . we can, and must, do better." He has announced, too, a decisive turn in his economic policy making it clear that the government will now take a strongly expansionary direction.

The President has said he will plan his fiscal 1971 budget as if the country were at full employment and the economy was producing full revenue. This means the budget will show a deficit, since the economy is operating at less than full employment. Increased government expenditures, however, should spur an increase in the economy.

Although he came into office strongly opposed to "jawboning" against wage and price increases, as one columnist put it, ". . . the White House jaws have begun to click." The President now raises the threat of action in areas where the government has—through law or regulation—an impact on supply or wages. He has moved to increase domestic production and foreign imports of crude oil, and he has called for a change in construction industry bargaining.

He has remained as opposed as ever to mandatory wage and price controls. The President has edged closer, by these recent actions, to an incomes policy in which he uses government persuasion or pressure in specific cases to hold down wages and prices.

It is clear that the President's economic policy has decisively shifted from the fight against inflation to the fight against unemployment.

A LIFE OF DEVOTION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. MIZELL. Mr. Speaker, at this time I would like to ask my colleagues to join with me in honoring the memory of William Yost Preyer, the father of my distinguished colleague in the North Carolina delegation, RICHARDSON PREYER.

"Mr. Will," as he was affectionately known to hundreds of people in the Piedmont area of North Carolina, passed away Tuesday at the age of 82, following a life of devotion to his community, to American free enterprise, to his church, and to his family.

I am sure that all the Members of this House join me in extending our deepest sympathy to our colleague, Mr. PREYER, and to his family.

I would like to insert in the RECORD the following article and editorial chronicling the life and contributions of William Yost Preyer. Both pieces appeared in the Greensboro Daily News of December 9, 1970.

WILLIAM YOST PREYER DIES AT 82 AFTER A LONG ILLNESS

Funeral for William Yost Preyer, 82, of 603 Sunset Drive, former president of Vick Chemical Co. (now Richardson-Merrill Inc.) and long-time Greensboro civic leader, who died Tuesday morning at his home after a long illness, will be held at 11 a.m. Thursday at the First Presbyterian Church.

He was the father of Congressman L. Richardson Preyer, who, with his other four brothers, was at their father's bedside for his last illness.

Conducting the funeral will be the pastor, Dr. John A. Redhead, and the associate pastor, the Rev. William Currie. Burial will be in Green Hill Cemetery. Elders of the church and the Greensboro Kiwanis Club will attend as a group.

Memorial gifts may be made to the Presbyterian Home in High Point, the Children's Home Society of North Carolina in Greensboro and Greensboro College.

In addition to Congressman Preyer, Mr. Preyer is survived by four sons, William Y. Preyer Jr. of Greensboro; Dr. Robert O. Preyer of Cambridge, Mass., professor of English at Brandeis University; Dr. Norris W. Preyer of Charlotte, professor of history at Queens College; and Fred L. Preyer of Kirkland, Wash., president of the Advance Muffler Co., headquarters in Los Angeles, Calif.

Also surviving are a sister, Mrs. N. L. Eure of the Presbyterian Home in High Point; and 17 grandchildren.

"Mr. Will" joined Vick Chemical Co., in 1919 "at the bottom of the ladder." He retired as president in 1948 after serving in that capacity for 10 years.

He continued as a director and a member of the company's finance committee for a number of years after his retirement as president.

Mr. Preyer once said that he was "a lover of music and fun" and that his hobby was "acting as toastmaster and hearing and telling good jokes."

He delighted in telling one story about the early days of Vick Chemical Co. The late Lunsford Richardson, head of the company and very frugal, went on a trip leaving his son, H. Smith Richardson, in charge.

Preyer said, "I was in the shipping department and Smith suggested that we straighten things up while his father was away. Well, I really followed orders and cleaned out a lot of stuff we hadn't used in years—materials used in a lot of home remedies we'd discontinued.

"Mr. Lunsford returned and complimented me on how neat everything was. Then he discovered I'd thrown out those old materials, and he hit the ceiling . . . He let me know he was the boss."

His sunny personality affected all who knew him, and his ability to make civic undertakings seem like fun brought success to the many campaigns he led.

Those who attended the countless luncheon and dinner meetings at which he presided or spoke could attest that he excelled at his hobby. To see him at the speakers' table was to know there was going to be some humor in the program.

Mr. Preyer's attributes were recognized while he was a very young man. At 21 he was made a steward in the West Market Street Methodist Church. At that time, he was the youngest man ever to hold that position.

In his work with the church he was instrumental in bringing one of the first Chautauqua programs to Greensboro and was largely responsible for the presentation of Lyceum courses here.

A big man in business circles, Mr. Preyer also was big physically. Those who did not know him in his youth might find it surprising to learn that he was quite an athlete.

At one time he held the high jump record at the Greensboro YMCA, and he and his late brother, A. T. Preyer, won the doubles championship in local tennis for several years.

Mr. Preyer came to North Carolina from Cleveland, Ohio, where he was born on June 4, 1888.

When Mr. Preyer was 16, his father, the late Robert O. Preyer, bought an interest in the Greensboro Sash, Door and Blind Co. and the family moved here.

Not long after that, his father died and the lumber business was hit by a depression. Mr. Preyer gave up his plans to attend Trinity College, now Duke University, and went to work for the Guilford Lumber Co. as a salesman.

On June 15, 1916, he married Mary Norris Richardson of Greensboro. Two years later, his father-in-law, L. Richardson, founder of the Vick Chemical Co., asked him to assist in the real estate end of the business.

Because he foresaw great possibilities for the Vick company, Mr. Preyer quit his $150 a month job at the lumber yard and went to work for Richardson at $85 a month.

He advanced rapidly and worked in the production phase of the Vick business, after which he devoted several years to purchasing.

The big flu epidemic of World War I struck the nation in 1918 shortly after Mr. Preyer went with Vick. The company's "croup and pneumonia cures" were in great demand and the business grew and grew by leaps and bounds.

Mr. Preyer became the company's second vice president in 1929 and later that year became first vice president. He remained in that position until 1933, when he became treasurer and first vice president, then executive vice president in 1937. He was president from October, 1938, to November, 1948.

His duties with Vick required him to make regular weekly trips to New York. For almost 20 years he spent four days a week in New York and three days in Greensboro. He claimed he was the world's champion commuter.

In New York he came to love the theater, but at home he preferred to play golf in the afternoons and bridge in the evenings. For vacations he went to his summer house at Southport, Conn., but in 1949 he remodeled a house at Roaring Gap and spent most of his vacations there.

Several years after his marriage, he joined his wife's church, the First Presbyterian Church of Greensboro. He was elected a deacon in 1929 and an elder in 1934.

In New York he was a member of the Rockefeller Center Luncheon Club, the Cloud Club, New York Athletic Club, Advertising Club and Metropolitan Club.

In his long active career he was a director of the National Amusement Co. of Greensboro; a director of Richardson Realty Inc., chairman of the board, vice president and a director of the Re-Insurance Corp. of New York, an honorary alumnus of Davidson College, president of the North Carolina Society of New York, president of the Greensboro Chamber of Commerce, on the executive committee of the local Boy Scout council, president of the Greensboro Kiwanis Club, president of the Greensboro Country Club (twice), and a member of the Sedgefield Country Club.

He had recently been made an honorary trustee of Greensboro College.

WILLIAM YOST PREYER

Larger than life is a cliche; but it accurately describes a few individuals we encounter.

"Mr. Will" Preyer was that kind of man.

It was true of him, we are told, when he was a young man, making his way in Greensboro of the depression years—bestowing the gifts of a genial personality on all he met, possessed of a keen mind, a generous heart, an energetic body, an understanding spirit.

It was equally true in his maturity as corporation executive in New York City, a farseeing and effective leader in his wife's family's enterprise, the old Vick Chemical Company, today Richardson-Merrill.

It was also true in the fullness of his

years when he returned to Greensboro in 1948, where he identified immediately with the community's church, civic and educational leadership.

Nobody should misjudge the ingredients that comprised Mr. Preyer's radiant personality. He was no Pollyanna. He knew full well the tragedies of life. But he made it his business never to curse the darkness. Always instead he espoused, actively and joyously, those activities which would help produce light—and enlightenment. No job was too menial for his attention; no person too humble for his concern.

Mr. Preyer once called himself "a lover of music and fun." His hobby, he said, was "acting as toastmaster and hearing and telling jokes." True. But that was only part of the story. Nobody could make a better informal speech or preside over an occasion or a happening with more aplomb. He made his associates enjoy the business of fund-raising and other tedious endeavors. It was delightful to watch him conduct a meeting, to see his mind probe toward a consensus, always steadily but humanely. He knew how to inspire the best in people to make them work together.

Mr. Preyer's awareness of the importance of the qualities of the spirit grew with his advancing years. Few men are born with such insight. The list of his public benefactions and secret charities is lengthy. In area after area, from serving as Santa Claus every year for the Presbyterian Home to imposing corporate and civic decisions in New York and Greensboro, he made his impact felt. Only his friends and associates know all the details—from young post-college girls first set adrift in the big city and made to feel at home to small children (now grown) who still treasure Kennedy half-dollars he gave them in a moment of inspiration.

In his church, Mr. Preyer was a strong oak, perennially ready to support every constructive enterprise. In his home he reared a fine family of five boys, who in varied ways reflect his sterling qualities. In the community he served tirelessly always with a smile and loving hand.

So Greensboro not only is saddened by Mr. Preyer's death on Tuesday. It is greatly bereft. Yet the memories of such a splendid pilgrimage give us inspiration. Being larger than life, he somehow showed us life's potential.

MATHER AFB COMPLETES SEVEN YEARS OF ACCIDENT-FREE OPERATION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. LEGGETT. Mr. Speaker, on December 2, 1970, the 3535th Navigation Training Wing at Mather Air Force Base in my district completed its seventh year of accident-free flying. These 7 years involved a total of more than 400,000 flight hours.

The 3535th is the only Air Force navigator, bombardier, and electronic warfare school in the country. It has been turning out about 1,000 navigators per year, and plans are under way to increase output to 1,200 per year.

Col. William H. Luke and the officers and men of the 3535th are to be commended for this brilliant and outstanding safety record.

THE ANNALS OF POLITICS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. HARRINGTON. Mr. Speaker, last Thursday, I inserted in the RECORD the first part of a New Yorker magazine article by Richard Harris entitled "The Annals of Politics" describing how the Senate defeated the nomination of Judge Harrold Carswell. Today I would like to commend to the attention of the Members of the House the second and final installment of this most incisive article.

Harris brings into close analytical perspective the strategy used to defeat the Carswell nomination and the story it tells about the character of our political institutions, most specifically the character of the Nixon Presidency. As Harris quotes one Senator who voted for Carswell and who then attempted to put the controversy into some perspective:

> That's all part of the way we do business here. It's just politics . . . I'm sure the debate showed the people, including the people in Congress, what the Supreme Court should be and what the Senate could be.

Certainly this article articulates in a most comprehensive manner the dynamics of the Carswell nomination defeat and should be read for any in depth understanding of the issues and personalities involved:

ANNALS OF POLITICS: DECISION II

(By Richard Harris)

Few lines of work make one less disposed to defy established authority than the law. When that authority is the President of the United States and the issue involves his policy and his prestige, only a lawyer who is uncommonly relaxed about the opinions of his colleagues and his fellow-citizens, about his relations with his clients, including those with cases before the government, and about the state of his tax returns would ordinarily be eager to stand up to him openly. Yet President Nixon's nomination, last January, of George Harrold Carswell to be an associate justice of the Supreme Court finally brought lawyers rallying by the thousands—from Wall Street, from law schools, from large cities and small towns across the country, and from the Administration itself—to challenge the President. Only a handful of lawyers had come out against the nomination of Clement F. Haynsworth to fill the same vacancy on the Court a few months earlier; the case against Haynsworth concerned not his legal qualifications but his sense of ethics, and apparently that was not enough to arouse many members of the legal profession sufficiently for them to risk open opposition. However, once Carswell was shown to be unfit as a judge that his taking the seat once occupied by Oliver Wendell Holmes would demean the Supreme Court as an institution, even lawyers who had cautiously avoided any kind of public controversy throughout their professional lives set out to do what they could, both publicly and privately, to defeat the nomination.

Senator Birch Bayh, Democrat of Indiana and leader of the opposition to Carswell in the Senate, where the nomination was being considered last winter and spring, felt that his side probably needed the support of the nation's lawyers more than anything else if undecided senators were to be persuaded to vote against the nomination. Nearly two months after Mr. Nixon sent Carswell's name to the Senate, four prominent lawyers in New York got four hundred and fifty colleagues—attorneys in private practice, law-school deans and professors, heads of local bar associations, and former high government officials—to sign an open letter calling on the Senate to reject Carswell's nomination. Not long afterward, Bayh decided that it would be more helpful if a number of top lawyers in Washington's leading law firms who had formerly served in high posts in the government were to put their prestige and their contacts to work in a more direct fashion. Accordingly, he got in touch with a number of men who possessed such credentials—among them Joseph A. Califano, Jr., President Johnson's top aide; Harry McPherson, another Johnson aide; Lee White, special counsel to Presidents Kennedy and Johnson; Lloyd Cutler, director of the President's Commission on the Causes and Prevention of Violence; Clifford Alexander, former member of the Equal Employment Opportunity Commission; and John Douglas and Stephen Pollak, former Assistant Attorneys General. The men, all of whom were eager to do whatever they could to defeat the nomination, gathered in Bayh's office on March 19th. "We went over head-count sheets and discussed ways of influencing individual senators through their more important constituents and campaign contributors," Califano recounted later. "Bayh was in his shirtsleeves, and it reminded me of going over head counts with L.B.J." The group devised and agreed upon a number of tactics—a high-level attack on the American Bar Association's Committee on the Federal Judiciary for its careless examination of Carswell's qualifications and for its decision to make, in his case, only a distinction between the terms "qualified" and "not qualified" instead of employing the more precisely descriptive terms that had been used in evaluating Supreme Court nominees in the past; refutation of Attorney General John N. Mitchell's public claim that the American Bar Association had "unanimously" found the nominee "highly recommended," whereas actually only twelve of the hundred and fifty thousand lawyers who belonged to the Association had made the determination, and then had said only that he was "qualified;" and a concerted effort to get in touch with lawyers throughout the country who might be able to influence members of the Senate. To a large extent, this last approach had to be kept secret, in order to protect those who were unwilling to let their part in the anti-Carswell campaign be known. To keep the operation more or less under cover, Bayh set up a separate office in his suite and assigned a volunteer named Ronald Platt, who had taken a week off from his job with the Matt Reese political consulting firm, to coordinate all the contacts made; only Platt was to know who was calling whom and what the results were.

When the meeting broke up, Califano and Cutler went directly to Califano's office at Arnold & Porter and drafted a telegram to Lawrence E. Walsh, the head of the American Bar Association's committee, stating that Carswell failed to meet "the minimum requirements of professional ability and judicial temperament to sit on the Supreme Court" and requesting that the committee reconvene to hear the most recent objections to the nomination and then present the facts to the Senate. Once the text was ready, the two men got on separate telephones and talked eight leading members of the bar into signing it—the deans of the Harvard, Yale, University of Pennsylvania, and U.C.L.A. Law Schools; Samuel I. Rosenman and Francis T. P. Plimpton, who had worked on the open letter; Neal Rutledge, a prominent Miami lawyer and the son of a former Chief Justice; and Warren Christopher, Deputy Attorney General under President Johnson. "It was a hell of a tough document, and we had

some doubt about whether the men we called would sign it," Califano said afterward. "I was especially uneasy about Mr. Plimpton, but he merely suggested a couple of minor changes and agreed on the spot. I understand that he was an absolute tiger throughout this whole thing." Califano and Cutler decided not to make the telegram public, because they feared that its disclosure would be interpreted by Walsh as an attempt to force his hand. As it happened, Walsh didn't answer the wire until the case was closed, and, as far as was known, he didn't mention it to the other members of the committee. After a week had passed without a reply, Cutler and Califano drafted another telegram, signed by the same men, and demanded a response. Once again Walsh ignored their request, whereupon they released the text of both wires to the press. That, too, had no effect on Walsh, but it had a strong effect on Charles A. Horsky, a member of the committee, who was infuriated by Walsh's high-handed behavior and edged closer to making the move that several people had been pushing him toward—disclosure of a crucial and, at this point, generally unknown meeting he had had with Carswell the night before the Senate hearings on the nomination began. Although Horsky held off for a time, his private discussions about the episode soon leaked out, and before many days had passed just about everyone on the Hill had heard about it.

During this period, John Douglas, one of the other participants at the lawyers' meeting in Bayh's office, set out to pull off a scheme of his own—a letter against the nomination to be signed by former clerks to Supreme Court justices. Within a matter of ays, more than two hundred of them had signed the letter—a list ranging alphabetically from Dean Acheson, former Secretary of State, to Edwin Zimmerman, former Assistant Attorney General. On the theory that a large proportion of the law professors in the country had studied at Harvard and Yale Law Schools, Douglas then asked Dean Derek Bok, of Harvard, and Dean Louis Pollak, of Yale, to get in touch with whomever they or anyone else in their schools knew on law faculties everywhere. Again within a matter of days, letters opposing the nomination poured in from the faculties of most of the major and many of the minor law schools in the country. Heads of local bar associations rallied to the cause, too, and then specialists in various legal fields added their protests—among them that in property law Carswell had been unable "to state the facts in any comprehensible fashion," that in tax law he had "adduced conclusions . . . unsupported by any reasoning," that in criminal law his opinions were "characterized, at best, by unimaginative, mechanical mediocrity," and that in contract law he had shown that he was "an absurd constructionist."

The principal targets of the lawyers' work were undecided senators. For instance, in the course of an attempt to get Senator Frank E. Moss, Democrat of Utah, to join the opposition, Dean Pollak recalled that a former dean of the University of Pennsylvania Law School was close to several professors at the University of Utah Law School, so Pollak called him and he called his friends, who immediately began organizing the faculty there and working on prominent lawyers and businessmen in Salt Lake City. Shortly afterward, Senator Moss announced that he would vote against Carswell. When the rumor that Senator J. William Fulbright, Democrat of Arkansas, was unhappy about the nomination reached a young lawyer on Bayh's staff, P. J. Mode, he called Dean Bok and asked if he knew anyone who was close to Fulbright. Bok replied that he didn't but that Francis Plimpton was close to George Ball, former Under-Secretary of State, who was close to Fulbright. Bok asked Plimpton to get in touch with Ball, and when Ball learned that his old friend the chairman of the Foreign Relations Committee was badly in need of advice on this domestic matter he dropped in to see him.

The lawyers working with Bayh were astonished by the response to their appeals. "It was fantastic," Califano said not long ago. "Those of us who knew government from the inside tried to recall all the important contacts we had, however remote, and we used them to the hilt. Ordinarily, most people in this town are reluctant to use up their credit with somebody unless some personal advantage is involved. But this time nobody cared about anything like that. One of the lawyers I called was a man of considerable influence in his state, and I hardly knew him and had nothing to offer in return. He responded immediately, and said that he was utterly opposed to Carswell and that he was willing to do anything—anything at all—to stop him from going on the Court. Time after time, men said things like 'I wanted to help, but I didn't know anything could be done. Just tell me what to do and I'll do it.' I discovered a widespread apprehension among lawyers that the integrity of the judiciary was at stake. A tremendous number of lawyers around the country are deeply disturbed by what's been happening to the law *within* the government and about how it's being perverted for political ends. I talked to men who have done nothing but practice straight law and who were frantic about what's been going on at the Justice Department, about its part in carrying out the Southern strategy and turning out all those phony and un-Constitutional anti-crime bills. A lot of new law-school graduates from the top schools won't go near the place now, whereas they used to flock there to get experience. And men who've been in the Department for ten or twenty years are leaving in droves. Anyway, the lawyers of America were really shaken by the Carswell nomination. They set out to defeat it, and they succeeded."

On March 22nd, three days after the group of lawyers went to work, Senator Fred R. Harris, Democrat of Oklahoma, proposed on a television interview show in the capital that the best way to settle the Senate debate on whether Carswell's nomination should be confirmed might be to recommit the nomination to the Judiciary Committee, which had approved it back in mid-February by a vote of thirteen to four, for further study. This parliamentary device was by no means unusual, but it had not been suggested before in the Carswell case, and it struck everyone as perhaps an ideal way out of what was becoming an embarrassingly awkward dilemma for many members of the Senate. By that time, the feeling there was that if senators were free to vote as they wished, Carswell would be overwhelmingly defeated; in fact, one conservative Southerner who publicly supported him confessed in private that if the nomination were to be decided by secret ballot he would get perhaps ten votes. Recommitting the nomination, most agreed, would let those who wanted to oppose it, but didn't dare to for political reasons, say that they merely wanted answers to the questions which had been raised since the hearings ended before they sent Judge Carswell to the Supreme Court—an explanation that neither the President nor ordinary citizens could decently argue with. At the same time, it was generally admitted that if the nomination was sent back to committee it would die there, because its opponents on the committee would block action on it until either the President or Carswell himself withdrew it to avoid further humiliation. Senator Fulbright particularly favored this solution—in fact, he had recommended it to Harris—and the day after it was broached on television he told Bayh that he not only would vote for a motion to recommit the nomination but would offer the motion personally if Bayh liked. Bayh mentioned this to the Majority Leader, Senator Mike Mansfield, of Montana, who instructed an aide to poll the Democrats on how they would vote on such a proposal. On March 23rd, two days before the Easter recess, Mansfield told Bayh and the Republican leader of the anti-Carswell forces, Senator Edward Brooke, of Massachusetts, that a recommittal motion would probably carry if they could produce twelve Republican votes in favor of it. Brooke had been working ceaselessly among his fellow-Republicans, and by this time he was fairly Confident that six of them—Richard S. Schweiker, of Pennsylvania; Charles McC. Mathias, Jr., of Maryland; Robert W. Packwood and Mark O. Hatfield, of Oregon; Charles H. Percy, of Illinois; and Winston L. Prouty, of Vermont—would line up with those who had already announced their opposition to Carswell—Charles Goodell and Jacob K. Javits, of New York; Clifford P. Case, of New Jersey; and Brooke himself—to make ten votes. If Marlow W. Cook, of Kentucky, who had led the fight for Haynsworth, came around, as Brooke believed he would, that would provide the eleventh vote and it would almost certainly persuade two or three other Republicans to go along with him.

That day, a conference committee between the Senate and the House approved the Elementary and Secondary Education Act and sent it to both bodies for a final vote. To the dismay of Southerners in the Senate, the conferees had nullified the bill's so-called Stennis amendment, which had been tacked on as a rider by Senator John Stennis, Democrat of Mississippi, to require that the civil-rights guidelines, which were applied to seven states in the Deep South, be applied uniformly throughout the country. The purpose of the amendment was to compel the Justice Department to deploy its already undermanned forces outside the South and thereby weaken their effect where it was most needed. When the conference report reached the Senate, Mansfield—now clearly impressed by the Bayh-Brooke teamwork and the growing roster of Carswell's opponents—announced that the report would be the pending order of business. The Southerners saw that Mansfield had outmaneuvered them and intended to use the report to force them to accept a bill they didn't want so they could get to vote on Carswell before the opposition built up any more strength. Senator Robert Griffin, of Michigan, the Minority Whip, came to their defense and angrily objected to the move, but Mansfield, unruffled as always, replied that, under the rules of the Senate, conference reports took precedence over bills and executive nominations.

By now, it was clear to anyone who could count that the nomination was in grave peril—anyone, that is, outside the White House, where confidence in Carswell's confirmation was still high. One prominent Republican senator was later to suggest that the White House staff be required to take a refresher course in addition, but others put the failure down to the White House intelligence system, for although Schweiker, Mathias, Packwood, Percy, and Fulbright had been shaken loose from the pro-Carswell column, no one on the liaison staff downtown seemed to be aware of it. Around this time, Brooke happened to be at the White House on other business, and he took the opportunity to tell the President, "I want you to know that I am working day and night to defeat your nomination to the Supreme Court." Mr. Nixon, who apparently concluded that Brooke was merely playing to the liberal and black grandstands back home, smiled indulgently and went on with the previous conversation. On the afternoon of March 24th, Senator Griffin visited the White House

and assured John Ehrlichman, one of the President's two or three closest advisers, that the nomination was in grave danger. Ehrlichman refused to believe it. "We sort of got to rely on the staff down there," Bayh remarked later. "Its failure to assess the situation clearly meant that the enormous pressure the White House can always exert wasn't present until it was too late." Finally, Griffin's warning was checked out, and when the President was told of the danger he summoned Deputy Attorney General Richard Kleindienst, who was acting head of the Department of Justice while Attorney General Mitchell was on vacation in Florida, and angrily told him that since he was officially responsible for screening candidates for federal judgeships and for getting him into the Carswell mess, he had better get them all out of it.

On March 25th, Bayh met in the Majority Leader's office with the other leaders of the anti-Carswell forces—Brooke and Javits, along with Democratic Senators Joseph Tydings, of Maryland, and Philip Hart, of Michigan (Senator Edward M. Kennedy, the Majority Whip, who was one of the original senators to work against the nomination, was out of town)—to discuss what might be done to obtain two more weeks before the vote was taken, a period that all of them agreed was essential to create the maximum opposition at the proper time. Bayh asked how the others felt about filibustering to delay a vote that long, and Javits flatly refused to engage in one, saying, "I will not filibuster against my own President." Hart refused, too, because he opposed filibusters in principle, and Tydings and Brooke took no position. Although Bayh felt that they weren't doing their utmost if they didn't use whatever means were available to them, he dropped the idea of a filibuster. Then they discussed a maneuver that Mansfield had tested on Carswell's supporters earlier that day on the floor—an agreement by which they would allow a vote on the education bill on April 1st if Bayh's side would agree to a vote on recommittal on April 6th and, that failing, to a vote on confirmation on April 8th. Senator Roman Hruska, Republican of Nebraska, who was leading the fight for Carswell's confirmation, feared that the opposition might filibuster if he refused to accept this arrangement, so he had agreed to it; now, once the filibuster idea was discarded, the Bayh-Brooke side agreed, too. That provided the two weeks, and it also raised the question of who would be the best person to move for recommittal. Bayh mentioned Fulbright's offer, but Brooke was against accepting it, and pointed out that the White House was still unaware of Fulbright's change of mind, and that if it saw him break ranks and join the leadership of the opposition more danger signals would be raised all over the place and pressure would be turned on at once. Instead, Brooke went on, it would be far better for Bayh himself to make the motion. "As surprising as it may seem, you should do it because they don't dislike you downtown," he explained. "They feel you're simply doing what a liberal senator should do."

Late the same afternoon, Bayh offered the motion that both sides had accepted—in the form of a unanimous-consent agreement—and it was adopted at once. Then Fullbright took the floor and announced that he would vote for recommittal, although he said nothing about how he stood on confirmation. Hatfield also announced that he would vote for recommittal and went on to indicate that he would vote against confirmation as well by releasing the text of a telegram he had sent to the President urging him to withdraw the nomination as the only way to resolve "the crisis of confidence that confronts our governmental process." In a radio interview, Packwood angrily attacked the recommittal move, saying, "There are probably six to eight senators who don't want [Carswell] and who don't have the guts to vote against him." Then he demonstrated that he wasn't one of them by announcing that he would oppose both recommittal and confirmation. It was widely assumed that the White House had put Packwood up to this, but he privately denied it and said that actually he was sorry he had made such an intemperate remark about his colleagues, even though he felt it was true. Still, one anti-Carswell aide said that at the time "the soundings coming out of Packwood's office turned bad, so bad that his name was placed on the questionable list." To put it back firmly where Packwood said it would be, appeals were made to some leading members of the Dorchester Conference, a group of several hundred liberal Republicans that Packwood had organized in Oregon some years earlier for a dual purpose—to air topics that were not often aired in orthodox Republican circles, and to help him reach the Senate—and they went to work to make sure that he kept his promise to vote against Carswell. Despite the growing list of defectors, the White House didn't seem unduly alarmed and did nothing more than put out a statement saying, "The President is firm in his support for Judge Carswell."

On the day that the unanimous-consent agreement was reached, the *Washington Post* ran a front-page story describing the meeting that took place in Carswell's Washington hotel, on January 26th, at which Carswell had met with Horsky and Norman P. Ramsey, another member of the American Bar Association's Committee on the Federal Judiciary, which was about to vote to recommend the nominee as "qualified" for a seat on the Court. The *Post* reported that in 1956, when Carswell was U.S. Attorney in Florida, he had helped transform a segregated municipal golf club into a segregated private club to circumvent a recent Supreme Court ruling prohibiting segregated public recreation facilities. Then the article went on to assert that Carswell had admitted to the two men that he had been "an incorporator of a segregated Tallahassee country club on the night before he swore to the Senate that he had no such role." (Actually, the story had been broken several days earlier by Fred P. Graham, of the New York *Times*, but the editors had buried it in the back pages in the first edition and then, deciding that it was "too soft," had cut it out entirely.)

Now that the story was no longer mere gossip, a young lawyer on Kennedy's staff, James Flug, telephoned Horsky and asked what conditions he wanted before he would recount the details of his meeting with Carswell in a letter or a memorandum. After thinking it over, Horsky replied that if a member of the Judiciary Committee asked him for such a document he would honor the request but that under no circumstances would he divulge the committee's deliberations on the subject. Flug informed Kennedy, Bayh, Tydings, and Hart of the offer, and got authorization from Kennedy to make the request officially. Flug passed on Kennedy's request, and Tydings also called Horsky to accept his offer personally. Following several lengthy telephone conversations with Flug, who acted as intermediary, Horsky drafted a memorandum describing the encounter, got Ramsey to approve it, and sent copies to Kennedy and Tydings. The memorandum, which came to be known as the Horsky memo, began by stating that Horsky and Ramsey had visited Carswell at the committee chairman's request to ask about the golf-club episode. After that, the key section stated, "Mr. Horsky, who had brought to the meeting photostatic copies of a number of papers having to do with the corporate organization of the club, then showed Judge Carswell the papers from the Certificate of Incorporation on which the names and signatures of the incorporators of the club appeared, showing him as an incorporator."

Since Carswell had assured the committee, under oath and on two separate days, that he was utterly unfamiliar with the contents of these papers, there could be no doubt now that he had deceived the Senate. As it was, though, Horsky's revelation came too late to have much effect. By this time, most of the senators who were finally to vote for Carswell had already announced their intention, and they were, as the Washington saying goes, "locked in." For instance, a couple of days before news of the Horsky memo was published, Senator John Sherman Cooper, Republican of Kentucky and one of the most respected men in the Senate, had announced that he would vote for Carswell and then refused to withdraw his support despite the appearance of the memo and the pleas of some of his oldest friends and closest associates that he change his mind. Cooper had provided a good part of the ten-vote margin against Haynsworth's nomination, for when he revealed that he would oppose it there had been a stampede of other Republicans to line up with him. Cooper's endorsement of Carswell shocked liberals and moderates both in the Senate and out, since he had often been their leader—in the fight against the A.B.M., for example—and was almost always their ally. Perhaps the most surprised of them all was Clarence Mitchell, head of the Washington branch of the N.A.A.C.P., who had talked with Cooper before both the Haynsworth and the Carswell votes and had come away as strongly convinced by his second visit as he had been by the first that the Senator would vote no.

To Cooper, the cases were essentially different. "My general position has been to support a President's decision in such matters," he explained later. "I expected to support Abe Fortas for Chief Justice, but then the facts that were brought out changed my mind. In the Haynsworth affair, I felt that although he hadn't personally profited from his decisions in the cases where he held stock in companies that were litigants before his court, he had violated the federal statute and the judicial canons, both of which instruct judges to disqualify themselves in such cases. Since Haynsworth was a good lawyer, he must have known this, and yet he neither disqualified himself nor disclosed his violations during the Senate hearings on his nomination. That forced me to oppose him. With Carswell, the main questions for me were whether he was a racist and whether he had deceived the committee about the golf-club incident. To vote against him on the ground of the 1948 speech, where he promised he would always defend white supremacy, I would have had to conclude that his bias had continued. I read most of the hearing record and twenty of his opinions, and I couldn't conclude that. While he wasn't as competent a judge as could have been nominated, I finally decided that to vote against him I would have had to be as biassed as they said *he* was. On the second question, I would have had to be convinced that the golf club was made into a private corporation solely to exclude Negroes. That wasn't it at all. The place was bankrupt, and they were trying to keep it open."

Passing over affidavits from numerous Tallahassee citizens, black and white and high and low, along with newspaper articles published at the time stating that the exclusion of Negroes was generally accepted as the reason for making the public course private, and also passing over the question of how a municipal facility—whether it is a waterworks or a golf club—can go bankrupt, Senator Cooper went on to say that neither had he found the Judge dishonest in his appearance before the Judiciary Committee. "In the first morning's hearing, Carswell ad-

mitted two or three times after his first lie that he had been an incorporator," the Senator explained. "Since he admitted this, however belatedly, I couldn't see how he had deceived the committee." Ignoring Carswell's repeated insistence on the day *after* these admissions that he had never seen the papers in question and had no idea of what they contained, Senator Cooper went on to concede that Carswell did not have an exemplary judicial record. Just the same, he added, he did not feel that the Judge had been unfair in civil rights cases, as a number of witnesses had charged, and cited a decision in which Carswell ordered his own barber to serve black customers, an order desegregating rest rooms in Tallahassee, a ruling that a one-hour notice before holding demonstrations was too arbitrary, and his role in setting up the Florida State University Law School and insisting that it be open to all races. To Carswell's opponents, of course, these cases seemed like a machine-gunner's putting a couple of blanks among the live bullets in his ammunition belt. As for stories about Carswell's hostility to civil-rights lawyers, Senator Cooper argued that most of the testimony on this point was hearsay, although he failed to explain how the three witnesses who testified about it had relied on hearsay when they had discussed only their own experiences in Judge Carswell's court.

In the end, the sole argument against Carswell that the Senator found persuasive was one made by Senator Hart—namely, that whether or not Carswell was a racist, the black community believed that he was, which was just as bad. (In one of the most eloquent speeches made during the debate, Hart had asked, "If I were a black American, would I ever be able to convince myself that that little part of G. Harrold Carswell, in his pledge always to support white supremacy might not be a part of him tonight and tomorrow when I am in front of him?") "That point had some weight with me," Cooper went on. "But then I wondered if I could decide the issue on that basis when I believed he had no animus toward Negroes. On that basis, one would have to oppose *any* judge from the South, because every judge, as Justice Holmes once said, is to an extent a product of his environment, like anyone else." Environment notwithstanding, no one had ever levelled the charge of racism against such men as Elbert P. Tuttle, who had been chief judge of the Fifth Circuit Court of Appeals until he retired in 1967 and who had withdrawn his earlier endorsement of the Carswell nomination after some of the more damaging facts about Carswell's record—his apparent racism and his extraordinarily high reversal rate—were revealed; or John Minor Wisdom, who sat on the Fifth Circuit with Carswell and who had said when asked for his appraisal of the nominee, "I stand with Tuttle." Finally, Senator Cooper disagreed that Carswell's record on the bench was an obstacle. "That argument against him rested upon subjective judgments concerning his ability and capacity for growth, which are a matter of speculative opinions," he explained. To Carswell's critics, there was little of a speculative nature about his record on civil-rights and habeas-corpus cases. As for subjective judgments, few senators who felt free to decide the issue on its merits were willing, in these perilous times, to put a man with such a record on the Supreme Court, where he might sit for thirty years or more, in the hope that he would turn out all right.

No one in Washington questioned Senator Cooper's sincerity, which was regarded with much the same awe as his rocklike integrity. In some quarters, it was speculated that his staff, which was largely conservative, had been dismayed by his leadership of the fight against the A.B.M. and his pivotal role in blocking Haynsworth and may not have fully informed him about Carswell's record. Various other explanations went the rounds, among them one to the effect that President Nixon had promised to make him the Administration's leader in the Senate debate on the Strategic Arms Limitation Treaty (SALT) talks in exchange for his vote for Carswell. But others felt that no one, including the President, would dare offer a man like Cooper a deal of any kind. On this point, the Senator himself said later, "The President didn't talk to me about Carswell on his own initiative. I just happened to be in the White House during the SALT discussions, and I told him that I had decided to vote for Carswell. In fact, I had made up my mind to a week before. Having told him this, I said that I would make a statement and a speech about my position when the Senate reconvened after Easter. Afterward, one of the President's aides called my decision right away—four days earlier than I had planned. Since I was going to announce it anyway, I agreed." Still, there were lingering doubts, because he was not content merely to cast his vote in favor of the nomination but worked actively for Carswell among other senators. As one of them said later, "John was really out there in the trenches on this one."

Soon after Cooper's announcement, the two leading Republicans in the Senate—George Aiken, of Vermont, and John J. Williams, of Delaware—also came out for Carswell. Aiken had voted against a major Presidential nomination only once in his thirty years in the Senate, and now he jovially told a colleague that he would vote for anyone the President named, unless the fellow had murdered someone—lately. As for Williams, who has been called the conscience of the Senate, one of his fellow-Republicans said after his public statement, "It's true that he has a big conscience, but it's also true that he usually brings it down on the side of conservative causes." Around this time, the White House released a telegram from eleven of Carswell's eighteen active and semi-retired colleagues on the Fifth Circuit Court of Appeals endorsing him. This move, which was interpreted as an attempt to cancel the effect of the Horsky memo, was credited to Kleindienst. It was also put down as an exceedingly clumsy maneuver, because it demonstrated not so much that nearly two-thirds of Carswell's fellow-judges supported him as that more than a third of them opposed him. "Haynsworth didn't solicit his fellow-judges for an endorsement, as Carswell did," Senator Cook said later. "They made it on their own initiative. Carswell had to solicit, and even then he couldn't get seven out of the eighteen. There were judges who said they absolutely wouldn't endorse him. Imagine what they faced. If Carswell went on the Supreme Court, their decisions would be subject to his review and comments. Or if he lost they would have to face him constantly in person. That they still refused to endorse him had a big effect on many senators." Some of them were also said to have been affected by a statement that Judge Wisdom made explaining why he had refused to put his name on the telegram. "I think the Court [of Appeals] has no business as a court endorsing or not endorsing a man as a nominee for the Supreme Court," he said." It seems to me it violates separation of powers. But when it comes to individual opinion, I think that this moment is not the time to appoint a reactionary to the Supreme Court. It shows a lack of understanding of the urgency of the situation."

During the Easter recess, most senators went home to get a bit of rest and to mend a few fences. Many of them ran into surprisingly deep feeling against the President's choice for the Supreme Court, but few of them found quite the angry mood that confronted Senator Hiram L. Fong, Republican of Hawaii, when he got home. Although he had good reason to oppose Carswell—chiefly because of the islanders' resentment of any taint of racism—Fong had voted for the nominee in the Judiciary Committee and was expected to support him the rest of the way. At the beginning of his visit, the Senator announced that while he would vote against recommittal, he hadn't yet decided whether or not he would vote for confirmation. Subsequently, Fong's chief aide, Robert Carson, was asked what pressures had been brought to bear for and against Carswell in the Senator's case, and he answered, "There was no pressure on the Senator. No one would try to exert pressure on him because it is well known that he is not susceptible to any form of pressure. On an issue like this, he simply takes a judicious stand. He gathers all the facts, puts them in the proper legal and social balance, and then, keeping an entirely open mind, decides the issue solely on its merits." It was a nice civics-book description of a senator at work, but it was somewhat at odds with the facts. Actually, Fong was probably the object of as much pressure as any other Republican senator, and just about everyone involved believed that of the Republicans who finally voted against Carswell he was among the few who had decided the issue entirely on the political merits. To begin with, the White House had promised him a federal judgeship for one of his friends and help in setting up an East-West trade center in Hawaii if he voted for Haynsworth. He did, but when that nomination went down to defeat the White House offered the same rewards for his vote in favor of Carswell. That, it was reported, didn't sit well with Fong, and to help him take a judicious stance the other side began to create counter-pressure.

This assignment fell to Gary Burns Sellers, a young lawyer who served as one of the top commanders of Nader's Raiders and was that outfit's specialist on Capitol Hill. At the time, Sellers was on loan to Representative Philip Burton, Democrat of California, to help in his efforts to devise a coal-mine-safety bill, and Burton gave him time, if he saw fit, to work against the nomination. At the outset, Sellers had concentrated on stirring up opposition to Carswell in Hawaii during his spare time. (Most of the work had to be done by telephone, and Fong was an ideal subject for Sellers to work on in his spare time, since the difference between Washington time and Hawaii time allowed him to spend his evenings in Washington talking to people during their afternoons in Hawaii.) At first, Sellers was at a loss about what was the best way to proceed, but then he recalled a classmate and fraternity brother from his days at the University of Michigan Law School named Stuart Ho, whose father was reputed to own a sizable part of Honolulu and was undoubtedly a man of great influence. Sellers rang up Honolulu Information and learned not only that young Ho had three telephone numbers, perhaps indicating that he was a man of some influence, too, but that one of them was the number of the state legislature. Sellers called this number and found that Ho, a Democrat, was the majority leader of the house of representatives. Sellers got through to Ho after several calls, reminded him of their university ties, and went on to describe what was happening in Washington over the Carswell nomination. To Sellers' delight, it turned out that Ho had introduced a resolution condemning the nomination and had just been wondering how he could pry it out of the committee where it was languishing. Sellers told him that Fong was one of the swing votes, and urged Ho to press for action on his resolution as one way of bringing pressure to bear on Fong. Ho promised to do what he could, and then gave Sellers

the names of several people in Washington who were close to Fong and might be able to influence him. Sellers got in touch with them at once, and while they went about softening up the Senator he tracked down, through another contact from his university days, a couple of newspapermen in Hawaii. When he got through to them on the telephone, he found that, like Ho, they were unaware of Fong's pivotal role in the fight against Carswell. Assuring Sellers that they were dead set against the nomination, they promised to help and asked what they could do; he said that the most effective approach would probably be to hammer away at how crucial Fong's part in the affair was, since this would encourage his constituents to write and urge him to oppose the nominee. "That was what we needed most," Sellers said afterward. "We wanted Fong to come into his office when he got back to Washington and find letters stacked to the ceiling." To keep the pile of mail and the pressure on Fong mounting, Sellers called his press contacts in Honolulu almost every day to fill them in on the latest developments—usually the news that another senator had come out against Carswell, which, Sellers pointed out, made Fong's role even more crucial. The papers played up these stories and ran editorials demanding that Fong stand up against the nomination, whatever the President's displeasure. One dividend of the campaign was that it gave Ho the lever to pry his resolution out of the lower house and push it through both bodies. At the same time, Representative Patsy Mink, Democrat of Hawaii, who was also home for the holiday, went around the islands attacking Carswell and calling on the voters to demand that Fong vote against him. If he didn't, she told several audiences, she might be compelled to run against Fong when he came up for reelection the following fall. In the end, these efforts created a typhoon of feeling against Carswell. When Fong was asked by reporters, just before he left for Washington, where he now stood, he replied that he still opposed recommittal but that he had examined the merits of the issue and had decided he would have to vote against confirmation, too.

Sellers' attempts to persuade other senators to consider the same merits that had brought Fong around proved less successful. The next target was Senator James B. Pearson, Republican of Kansas, whose political views ranged from moderate to liberal but whose state was inflexibly conservative. Pearson was Brooke's closest friend in the Senate, but Brooke had not approached him for his vote, because he knew that leaders of the Republican Party in Kansas had threatened Pearson with the fiercest primary fight of his career in 1972 if he opposed the President now. Once again Sellers turned to his university friends and acquaintances, and finally located several alumni who were lawyers in Kansas. He explained the deep concern in Washington over the prospect of Carswell's reaching the Supreme Court, and, as before, just about everybody offered to help. They gathered signatures on petitions, arranged for letter-writing campaigns, and appealed directly to Pearson's closest friends. Recalling that the Senator was known as a deeply religious man, Sellers discussed this with a friend in Washington who came from Kansas and who knew the Senator's minister there. The friend was as concerned about the nomination as Sellers, and agreed to telephone the minister and ask him to help. When the request was made, the minister replied that he had already tried and had failed. Undaunted, Sellers set out to verify a rumor that had been going around for some time—that Judge Carswell had told the chancellor of the University of Kansas, who was a native of Florida and a friend, that he must have moved North "to get away from the niggers," a move that, according to the rumor, Carswell said he had been contemplating, too. The chancellor was on vacation in Mexico, but Sellers tracked him down and called to ask that he publicly confirm the story if it was true. The chancellor refused to make any comment. He also refused to confirm the rumor privately, which might have been enough to persuade Pearson to change his vote. Unaware of Sellers' appeals, Kennedy's aide Flug made a similar call, with similar results. "I knew that if we got the chancellor to tell the story, that alone would knock Carswell out," he said later. "I pleaded with the man for confirmation, but I just got nowhere." Afterward, Sellers called a couple of faculty members at the University of Kansas School of Medicine and described his efforts to certify the rumor. When the chancellor alighted from the airplane bringing him home from vacation, practically the entire medical faculty was waiting on the tarmac, and their spokesman demanded that they be told whether the story was true. Again the chancellor refused to answer, saying only that he might not get the usual state grants if he rocked the boat. While that may have seemed to be an admission that Carswell had made the reported remark, it wasn't enough for Pearson, and he stayed with the Administration.

Sellers also went after Senator Jennings W. Randolph, Democrat of West Virginia, in the hope that if a senator from a border state were shaken loose senators from the Deep South who were unhappy about the nomination might use the opening as an escape route. Randolph was due to come up for reelection in 1972, and it was believed that his opponent in the Democratic primary would be Representative Ken Hechler, author of "The Bridge at Remagen," who had settled in Huntington some years earlier to launch a political career. Since West Virginia is a desperately poor state, with what seems to be an incurable unemployment problem, its voters had more to worry about than whether a "son of the South" was being mistreated by Northerners, and this inclined Sellers to believe that Randolph would be taking little or no political risk if he opposed Carswell but would get some valuable credit with liberals at home who might otherwise line up behind Hechler. To get this message across, Sellers and a couple of associates got in touch with the lobby that, under Hechler's leadership, had pushed through compensation for West Virginia coal miners who had contracted black-lung disease. While this group worked on Randolph, Sellers worked on his staff, who promised to do what they could. Then he turned to John D. Rockefeller IV, a Democrat and the West Virginia secretary of state. Sellers asked Rockefeller's aides to do what they could to persuade his Republican father-in-law, Senator Percy, to persuade Randolph to join the opposition. Randolph wouldn't be persuaded. "In fact, he wouldn't even swerve," one of the men involved in this effort said later. "He's completely out of touch with the times, and just lumbers on like an aged elephant headed for its doom." His doom promised to be fairly comfortable. Just before the Haynsworth vote, the Administration announced, through Randolph's office and without mentioning Hechler, a three-million-dollar grant for an urban-renewal project in Hechler's district. Randolph, as it turned out, voted for Haynsworth.

Up to the Easter recess, Carswell's critics made no serious mistakes, but during the recess one of them, a newcomer to the fray, made such a spectacular blunder that he endangered the entire cause. Near the end of March, Senator Alan Cranston, Democrat of California, heard that Charles F. Wilson, a Negro who had written the Judiciary Committee stating that in his numerous appearances as a private civil-rights lawyer before Judge Carswell he had been treated with unfailing courtesy, had later told Vincent H. Cohen, another Negro lawyer, that the letter was a fraud; Wilson had signed it, Cohen told Cranston, but he hadn't written it. According to the story, the author of the letter was Assistant Attorney General William H. Rehnquist, who had taken this step on Kleindienst's orders, after it was learned that Wilson now worked for the government—for the Equal Employment Opportunity Commission in Washington. According to Cohen, he had asked Wilson to sign an affidavit relating this episode, but Wilson had declined, whereupon Cohen drew up his own affidavit describing the conversation. The issue was of some importance, for the Wilson letter constituted the only favorable report on Judge Carswell's treatment of civil-rights lawyers. Ten others had testified or submitted affidavits stating that he had been unfailingly rude to them, and Wilson's letter stating that in his numerous appearances before Carswell "there was not a single instance in which he was ever rude or discourteous to me" had been endlessly cited, in the Senate and out, on Carswell's behalf. In any event, Cranston's staff collected what information it could find on short notice—some of it inaccurate, such as the allegation that the Administration could fire Wilson if he refused to sign the letter (he was protected under Civil Service regulations). Cranston compounded this sloppy staff work by failing to ask Wilson if he could substantiate what he had told Cohen, on the ground that it would be unfair to pressure the man as the other side had. At a well-attended press conference on March 30th, Cranston revealed the Wilson story, but when reporters called Wilson he immediately denied it and said that although he had been "assisted" in drafting the letter, Cranston's charges were "absolutely untrue." Three hours later, Kleindienst and Rehnquist held a press conference, too, and said that Cranston's charges were "deliberately misleading" and "absolutely false." But each time Kleindienst tried to substantiate this, Rehnquist got up and unwittingly refuted him—as, for instance, when Kleindienst said that the Department had had nothing to do with Wilson's letter and then Rehnquist described how he had visited Wilson at his home to discuss the matter and had drafted the letter himself. However, this sort of contradiction received far less coverage and attention than Wilson's denial. Afterward, several senators were believed to have been so angered by what appeared to be a vicious smear that they were tempted to vote for Carswell. Cook was thought to be one of them, but he privately denied that the episode had had that effect on him. "It may have said something about Cranston, but it said nothing at all about the man we were concerned about—Carswell," he explained. Whatever effect the affair had on the outcome finally, it undeniably left a bad impression of Carswell's opponents, who now began to look not just desperate but ruthless.

In the end, responsibility for the debacle was taken by Joseph L. Rauh, Jr., vice-chairman of the A.D.A. and counsel to the Leadership Conference on Civil Rights, who had been deeply involved in the Carswell fight from the start. "Wilson came to me first and offered to hold a press conference under the auspices of the Leadership Conference to reveal that the letter was a fake," Rauh said not long ago. "I asked him to put the facts in an affidavit, but he refused. So I refused to have anything to do with him. One of the basic rules of legal practice is that if somebody is willing to rat on somebody else, you'd better get a sworn statement or he may rat on you, too. Guys who are on the level will go along, and guys who aren't won't. If he was willing to tell his story to the press, why wasn't he willing to put it in writing? I should have warned the others on our side, but it never occurred to me that

anyone with experience—least of all a senator—would get snared." There was doubt in other quarters whether Wilson had intentionally laid a trap for anyone. Instead, these people felt, he had succumbed to internal and external pressures almost concurrently—he wanted to expose Carswell, but when the time came and the risks loomed ahead of him he backed away. In any case, Sellers was less inclined to place the blame for the fiasco on Rauh than on Cranston, who, he felt, was more gentleman than politician. "He should have called Wilson in and told him what he was going to do and bluffed him into going along or being made to look like an Uncle Tom," Sellers explained. "A lot of people in this town want to be neutral about everything. At a time like this, you have to say to them, 'You're not neutral, you're opting for the status quo, and in this case, that's bad. If Cranston had charged Wilson with betraying his own people to keep a cushy job, he could have driven him into a corner and *made* him tell the truth. You don't win in this game by being polite."

The day after the Cranston press conference, Rauh stopped off at the New Senate Office Building to deliver a letter he had composed, containing twenty points against the nomination, to a senator who was reported to be having difficulty in making up his mind. On the way to his office, Rauh passed the suite occupied by Senator William B. Saxbe, Republican of Ohio, who had been telling everyone that he, too, was uncommitted. Deciding to drop in and see what he could do to persuade Saxbe to join the opposition, Rauh went in and found the Senator free and happy to discuss the subject. He showed Rauh a copy of a letter he had written to Mr. Nixon asking whether his continuing silence meant that he no longer fully supported the nomination and suggesting that if he did he might make that known and might also personally answer the charges that had been raised since the hearings. Impressed by Saxbe's concern, Rauh showed him *his* letter, and after reading it carefully Saxbe said, "Great!" and asked if he might show it the following day to the other members of the Wednesday Club, a group of a dozen or so moderate and liberal senators who meet for lunch on most Wednesdays for political talk. Rauh decided that it would be far more effective to have the letter presented by a senator to several senators than for him to present it to only one senator, and he quickly agreed.

Seven senators attended the Wednesday Club luncheon—Brooke, Case, and Goodell, who had already announced that they would oppose Carswell; Mathias and Schweiker, who indicated that they would, too; Cook, who said, for the first time in front of his colleagues, that he planned at that stage to vote against both recommittal and confirmation; and Saxbe, who wasn't uncommitted after all, having made up his mind a week earlier to support Carswell. The lunch got under way with a discussion of whether recommittal was the proper course to take. Cook didn't like the idea, because, he argued, it was nothing more than a sneaking attempt to avoid the issue. Goodell disagreed. "I don't see any difference between recommittal and an up-or-down vote," he said. "I might prefer the latter as a cleaner and more direct method, but since some senators feel easier, politically speaking, about recommittal as a way to kill the nomination, I don't care about procedure. The point is to kill the nomination." Saxbe tried to argue the others out of their stand against Carswell, and then he presented Rauh's letter—not, as Rauh had expected, to support the opposition but, rather, to support the nomination. "If this is the best the opposition can come up with, you can't vote against Carswell," Saxbe said, and threw the letter down before them. Several of those present agreed that Rauh's case was not as compelling as it might have been, because it attempted to cover too much ground. To give it the concentrated force it lacked, Goodell presented three points instead of twenty—that Carswell had a lamentable record when it came to civil rights, civil liberties, and honesty. Then Case said that a fourth point, which he felt was more important than all the others together, was that the nation was racked by tremendous social upheavals, particularly racial discord, and that moderate black leaders had to be convinced that the system could be made to work on their behalf. "If we accept Carswell, they'll never listen to us again," he said.

Saxbe's letter to the President had been discussed at the White House several days earlier—in fact, even before it was written. During a breakfast meeting between the President and Republican leaders in Congress, one participant asked whether it might not be wise for Mr. Nixon to make a strong public statement on Carswell's behalf to rally public support and thereby to bring the troops in the Senate into line behind the Administration. Senator Griffin, the Minority Whip, mentioned that Saxbe was thinking about writing the President a letter asking where he now stood on the nomination, and it was agreed that an answer from the President would be a good way to handle the problem. To expedite matters, Griffin told Saxbe about the plan, and a lawyer from the White House and two lawyers from the Justice Department got together to prepare an answer to Saxbe's letter, which hadn't arrived yet. They studied the Constitution, "The Federalist," and books on the Constitutional Convention, and then composed a letter that ignored all of them. After assuring Saxbe that the Administration stood behind Carswell all the way, President Nixon's letter went on:

"What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment The question arises whether I, as President of the United States, shall be accorded the same right of choice in naming Supreme Court Justices which has been freely accorded to my predecessors of both parties.

I respect the right of any Senator to differ with my selection. It would be extraordinary if the President and 100 Senators were to agree unanimously as to any nominee. The fact remains, under the Constitution it is the duty of the President to appoint and of the Senate to advise and consent. But if the Senate attempts to substitute its judgment as to who should be appointed, the traditional constitutional balance is in jeopardy and the duty of the President under the Constitution impaired.

For this reason, the current debate transcends the wisdom of this or any other appointment. If the charges against Judge Carswell were supportable, the issue would be wholly different. But if, as I believe, the charges are baseless, what is at stake is the preservation of the traditional constitutional relationships of the President and the Congress.

By prearrangement, Saxbe released the President's letter—what came to be known as the Saxbe letter—on April 1st, at a large press conference held in a committee room of the New Senate Office Building. The reaction in the Senate was uniform indignation. "The Senate doesn't like to do very much, but it doesn't like to be told that it doesn't have the right to do very much," Senator Packwood explained later. Most members resented the President's attempt to usurp their powers, and just about everyone there agreed with Bayh when he told his colleagues later, "This interpretation is wrong as a matter of Constitutional law, wrong as a matter of history, and wrong as a matter of public policy." To begin with, the President's insistence—stated several times in the letter—that he alone was empowered to "appoint" justices was a stunning misinterpretation of the Constitution, which stipulates, in Article II, Section 2, "The President . . . shall nominate and by and with the advice and consent of the Senate shall appoint . . . judges of the Supreme Court." In short, the appointive power was to be divided between the President and the Senate; he had the power to name a judge, and the Senate had the power to approve or reject his choice. In "The Federalist," Hamilton described this divided responsibility as a "powerful" and "excellent check" on the President, and added, "If by influencing the President be meant restraining him, this is precisely what must have been intended." Further, President Nixon's peevish claim that he was being denied the right given other Presidents flew in the face of history from the first Administration on down. In 1795, President Washington's choice of John Rutledge as Chief Justice was defeated by the Senate, and over the years twenty-three other nominations to the Court either were rejected or were delayed until they lapsed or were withdrawn because of Senate opposition—the last two being President Johnson's nominations of Abe Fortas and Homer Thornbery. In answer to the charge raised against Carswell that he had lied under oath to the Judiciary Committee about his part in the golf-club affair, the President presented the same defense that Senator Cooper had—namely, that Carswell had first erred about the golf-club incorporation but had subsequently corrected himself; nothing was said about his firm denials the following day without later retraction. As for the charge of racism, the best that Mr. Nixon could do was to cite a letter from a shipmate of Carswell's during the Second World War stating that he had always treated the black sailors aboard his ship decently; the President did not mention that the Navy had been firmly segregated at the time.

In an editorial entitled "The President's Trump," the Washington *Evening Star*, which supported Carswell, observed that "Mr. Nixon's initiative in permitting the publication of his letter to Senator Saxbe, will put powerful new pressure on wavering senators." The editorial writer was about the only person outside the White House who thought so. In the days following the release of the letter, senator after senator rose on the floor to denounce the President for demanding that the Senate abdicate its responsibilities and give up its rights. Senator Brooke publicly called the letter "shameful," and Senator Hugh Scott, the Minority Leader, who publicly supported the nomination, privately said, "One more stunt like that and Carswell will get two votes." Various opinions were expressed about the President's motives. One was that he was trying to make the case one of personal loyalty in order to becloud the basic issue. Another was that he was going over the head of the Senate to the public and employing the same kind of distortion that had helped win the Presidency. Still another was that the letter was a clumsy attempt to lay the basis for an attack on the Senate if Carswell was beaten. Whatever the motives, the letter was believed to have shaken some senators who were inclined to support the nominee—among them Margaret Chase Smith, Republican of Maine, who reacted with uncommon fury to any attempts to deny the Senate its rights. Even Saxbe was put out by the affair. "I thought the President's letter was a poor job," he said in a private conversation afterward. "If it had any effect at all, it was an adverse one. I had hoped he would deal with the questions I raised in my letter. But he dismissed those in

one sentence. Then he beat a dead horse, because I had already admitted in my letter that the nomination was his prerogative. I had been hoping for a tight legal brief, but instead I got all this irrelevant stuff."

Despite his feelings about the letter, Saxbe had been willing to be the one to release it because he needed some way to justify his vote back home. Local branches of the major labor unions and civil-rights organizations had stirred up strong sentiment against the nomination in the northern, and more liberal, part of the state, and his mail from Ohio, some four thousand letters in all by the end, was running eight to one against Carswell. When Saxbe held the press conference and gave reporters copies of the President's letter, he also anounced that he would vote for the nominee—and pointedly held his nose as he did. "My main reason for endorsing Carswell was that I wanted to protect Senator Scott," Saxbe later explained. "Many of us very much want a new image for the Republican Party. We fought for Scott, and if he loses, all chance for that new image will vanish, because the Hruskas and the Goldwaters will take over. To protect his own position as Minority Leader, Scott *had* to support Carswell. But he wasn't any more enthusiastic about it than I was. My feeling was that if I backed off from Scott on this one and left him standing alone, it would show that he couldn't line up even the moderates and liberals who are supposed to be his faithful followers."

Perhaps Saxbe was able to take this stand because, unlike most other moderate-to-liberal Republicans in the Senate, he did not, as he admitted, share a feeling of reverence toward the Supreme Court. Some of Saxbe's colleagues, whether or not they shared that feeling, saw that it unquestionably had to be reckoned with. During the debate over Haynsworth's nomination, Senator Griffin paid a visit to Camp David to beseech the President to withdraw that nomination as an act of statesmanship, and argued that it would revitalize the Republican Party nationally and would increase the President's stature immeasurably, both in the Senate and out. "But he just couldn't get the idea across," a man who was close to Griffin said recently. "Nixon simply doesn't understand the gut feeling that the Court is sacred and must not be used for political ends." In the view of a reporter who had long experience on Capitol Hill, both as a journalist and as a senatorial aide, much of the President's attitude could be traced to the influence of Attorney General Mitchell. "The President was a senator for only two years before becoming Vice-President, and has never fully understood the Senate," he said. "And Mitchell has demonstrated time and again that he has no awareness of, or sensitivity to, the senators' political needs, their problems, and, most of all, their pride. It's pretty easy to see what must have happened. When even moderates like Griffin urged the President to withdraw Haynsworth's nomination, Mitchell, who had to defend it, since he was responsible for it in the first place, must have told Nixon, 'This is not what they claim it is. Actually, it's a political trap, an attempt to get you. If you back down now, you'll never be master in your own house again.' And if the President believed this in the Haynsworth case, the Carswell fight could only have confirmed it in his mind."

Some of the younger Republicans in the Senate felt, as a couple of them admitted in private, that the President was placing his own narrow political advantage above the general good of the nation, and they bitterly resented his attempts to coerce them into going along with him and to impute base motives to them for refusing. With each day, these senators became increasingly convinced that they could not serve their President and the public interest at the same time. "Opposition to the Carswell nomination—however painful it might be for the Republican senators—is a necessary step," David Broder wrote in his Washington *Post* column during this period. "It is necessary for their own political future. It is necessary as a sign to the Administration that there are limits to its compromising of the civil-rights cause. It is necessary as a political corrective to the all-out 'Southern-strategy' advocates. And it is necessary, most of all, if the Republicans are to be a national party capable and worthy of governing this country."

As Saxbe left his press conference, another senator entered to take over the room—and the attention of the large gathering of reporters. To their amazement, the new arrival—William B. Spong, Jr., a conservative Democrat from the conservative state of Virginia—went to the lectern and announced that he would vote for recommital of the nomination. Though surprising at first, Spong's decision made political sense when one considered some recent developments. For one, Senator Harry Byrd, Jr., his senior colleague, had recently broken with the Democrats in Virginia to become an independent, and his departure from the party that his family had controlled inflexibly for two generations left Spong open to a primary challenge by its more conservative wing—a move that Byrd would not have allowed. For another, in 1969 Virginia elected its first Republican governor, a moderate, in more than eighty years, and it was expected that any candidate he chose to run against Spong in the next election would be either a moderate or a liberal. In short, Spong was threatened from both the right and the left. The likeliest solution to his problem, political observers felt, would be for him to attempt to occupy the center and quietly go after the black vote, since Negro registration in Virginia, as in the rest of the South, had risen so rapidly that black citizens were now believed to hold the balance of power. This analysis satisfied those who viewed politics as a game in which senators cynically manipulated power blocs by altering their own views to fit the prevailing sentiment. As it happened, though, these facts of political life in Virginia had no effect whatever on Spong. "If those factors had weighed with me, I would have voted against Haynsworth, too," he pointed out in the course of a conversation on this subject. "Actually, I was unhappy to vote against Carswell." What made Spong unhappiest was the realization that he would not simply be voting against a nomination but would be subjecting a man to the worst kind of public scorn and humiliation. Next in importance for Spong was his desire to see a conservative Southerner on the Court. These factors had pushed him toward an endorsement, but then Carswell's record on the bench pulled him back. In time, the push-and-pull created such an agonizing dilemma for Spong that he nearly became ill. "He was supercharged, really highly tense over this in a way that I had never seen him before," a friend remarked later. To complicate matters, outside pressures were almost as unendurable as inner pressures—demands from close friends and large campaign contributors that he endorse Carswell; thousands of letters, many of them vituperative and obscene; and, finally, six threats to assassinate him if he opposed Carswell. At that point, Spong took his family to their home outside Norfolk for a rest and a chance to think things over.

Spong took with him the hearing record; two studies made by a group of Columbia Law School students showing that Carswell had an extraordinarily high reversal rate while on the bench; a document describing seventeen civil- and human-rights cases in which he had been not only reversed but reversed unanimously; an unedited, free-swinging copy of the minority report prepared by aides to the four senators who had opposed the nomination in the Judiciary Committee; several of Carswell's opinions on federal tax cases that had been recommended by two fellow-Southerners who had recently held high positions in the government, Louis F. Oberdorfer, former Assistant Attorney General of the Tax Division in the Department of Justice, and Mortimer M. Kaplan, former head of the Internal Revenue Service; and, finally, a batch of Carswell's opinions on contract-law cases. Spong was deeply impressed by the Columbia study and by the seventeen unanimous reversals. "Then I read the hearings, and concluded that Carswell had been evasive, as charged," Spong recounted later. "After that, I spent a couple of days reading some of his opinions." Several of these were the tax-case opinions sent to him by Oberdorfer and Kaplan, but most of them dealt with contract cases, which had been Spong's specialty in his private law practice before he entered the Senate. On the basis of these, he concluded that he could have written better opinions as a first-year law student, and when he took them to a law firm in the building where he had his home office and asked some friends for their appraisal, they concurred. "But I felt that none of these things, in themselves, were sufficient reason to vote against him," Spong went on. "I felt that he ought to have a chance to straighten out his evasive testimony, to explain these cases and Tuttle's withdrawal, which had also affected me, and that it would be best to reopen the hearings and ask him back. When charges were made against Fortas and he refused to reappear and answer them, that turned me off and I voted against him. When charges were made against Haynsworth and he came back and explained to my satisfaction what had happened, I voted for him. My support for recommittal was not a maneuver to kill the nomination. If Carswell had cleared up the questions that bothered me, I would have been delighted to vote for him. But as it stood his testimony just wasn't satisfactory." Although Spong did not reveal whether he intended to vote up or down on confirmation if the recommittal motion failed, his aides, who firmly opposed Carswell, were convinced that he would vote no—as in fact he did. Of course, everyone in the opposition was delighted by Spong's arrival—no one more than Fulbright, who now had some protection against the expected charge that he was a traitor to the South. Spong, on the other hand, could take no comfort from his alliance with Fulbright, whose stand against the war in Vietnam made him a traitor to the entire country in the eyes of the hawkish residents of Virginia.

While Spong's announcement offset the Saxbe letter—an accident of timing, as it happened—Senator Cook immediately offset Spong by announcing, that day, his intention to oppose recommittal. That created consternation in the anti-Carswell camp, because it suggested that Cook might also support confirmation. Actually, Cook had already made up his mind to vote against Carswell in the end, as he had told those at the Wednesday Club lunch, but he didn't want to reveal it publicly and provoke howls of protest back home. However, he had told the White House where he stood, and asked to be left alone. For a time, he was, apparently because the staff there realized how hard he had worked for them in leading the fight for Haynsworth, and because they knew that Cook's constituents would keep up the pressure on him anyway. Although Kentucky is a border state, it is intensely proud of its Southern heritage—rather like a man whose uncertainty about his forebears makes him a snob—and is deeply conservative in general. Republican county chairmen, the men who get out the vote on Election Day and who tend to be even more conservative than the average voter, could be expected to be infuriated by Cook's vote. If they were sufficiently angry, of course, they might take the

step that all incumbents fear the most—a primary challenge the next time around, which divides one's potential supporters and invariably leads many of them to sit out the general election. But, like Spong, Cook was having trouble with his conscience. In the Haynsworth contest, he had set down standards for a Supreme Court nominee to demonstrate that his support for this one was by no means casual. One standard was that experience on the federal bench was not enough to qualify one for the Court unless it was accompanied by a record of distinction, and now Cook found that he was stuck with it, since Carswell clearly didn't measure up. His opinions were undistinguished, he had mistreated lawyers in his court, and his reversal rate was shocking, Cook concluded. Even in straightforward civil cases, as opposed to controversial civil-rights suits, in which the law was sometimes unclear, his reversal rate was almost twice as high as other judges'. "I tried to figure out how a federal judge could get himself overruled that often," Cook said later. "When you examine Carswell's cases, you have to conclude that really and truly the man must have some hang-up with the doctrine of *stare decisis*—that is, precedent. His failure, or refusal, to follow that rule, which is the basis of our judicial system, proved that he was the opposite of a strict constructionist." Another factor that weighed heavily with Cook was Judge Carswell's testimony at the hearings, which Cook, as a member of the Judiciary Committee, followed carefully. "I remember so vividly that on the first day Jim Eastland was reading Carswell's biographical sketch, and asked him if it was correct," Cook recalled. Taking a copy of the hearing record off his desk, he opened it and read the Judge's answer: "'Yes, Senator, [but] there is one small error in date. My present memory is that my military service should read 8-9-42 instead of 8-27-42, because I entered on active duty with the Navy in South Bend, Indiana, Notre Dame University, on August 9, 1942.'" Closing the volume, Cook went on, "Now, he remembered that twenty-eight years before he had gone into the Navy on August 9th, not August 27th. But then on the question of the incorporation of the golf club he suddenly didn't remember anything. He had a twenty-eight-year memory, but he couldn't remember that he had seen the incorporation papers the night before. He must have thought, 'I signed some papers on some place that discriminated, and I have to get out of it.' Instead, he should have pointed out that just about every golf club in the country discriminated then and many still do, that it was done in a place where the question never arose, and that, indeed, he had been wrong even so to sign it. If he had done that, he probably would be on the Supreme Court today." Still another factor that had influenced him, Cook went on, was the warning—expressed earlier by Senator Goodell—that Carswell might be on the Court for thirty years or more, and the argument made by others that while undistinguished men had been put on the Court in past years, that was no reason that they should be now. "The errors of a legislator in Congress are only for two or six years' duration," Cook added. "Then, if the people don't like what he did, they can recall him. But the errors of a Supreme Court justice can hurt a whole nation and can't be remedied. I couldn't be a party to allowing that and remain in the Senate."

Over the Easter recess, eight members of the Senate left Washington to attend a conference of the Interparliamentary Union in Monaco. Scott was among them, despite the pleas of Bryce N. Harlow, the President's director of liaison with Congress, that he stay in town during the last crucial days before the vote on Carswell. Scott retorted that if the period wasn't crucial enough to keep the President and the Attorney General from going to Florida, it wasn't crucial enough to keep him from going to Monaco. Kleindienst also made the same plea, and got the same response—in somewhat harsher language. During the conference, however, Scott took advantage of the relaxed and amiable mood of his colleagues to work on a couple of uncommitted members of the official party. Bayh was also on hand, and he worked on them to cancel Scott's effect. In any event, Scott remained in Monaco until April 4th, two days before the recommittal vote, but Bayh was too worried about what was happening in his absence to stay that long, and returned on April 1st. On his flight back to Washington, he received a message during a refueling stop that his wife's father had killed her stepmother and himself. When the plane landed in Washington, Bayh's chief aide, Robert Keefe, was waiting for him with a car and immediately drove him to his home. Mrs. Bayh had decided to stay over in Monaco until the official party left on the fourth, and didn't get word of the murder-suicide until after her husband had departed. By now, she had left, too, and was due in Washington early the next morning. Shaken by the family tragedy and deeply concerned about its effect on his wife, Bayh paced restlessly through the house for a long time, until he decided that he could do nothing about it until his wife arrived. With that, he turned his attention to the Saxbe letter, which had been released that afternoon and which Keefe had given him a copy of on the way back from the airport. Although the letter struck Bayh as an absurdly concocted gimmick, he was worried about the effect it might have not on members of the Senate but on the public. Finally, he called Bill Wise, his press officer, to talk it over and to get his views on whether it would be inexcusably bad taste, in view of the circumstances, to make a speech on the subject the following day, Thursday, April 2nd. Wise thought that could be handled by including a line in the speech to the effect that the importance of the issue overrode even the deepest personal concerns, and finally Bayh agreed and said, "O.K., let's go."

Wise telephoned his colleague P. J. Mode, who had just arrived at Senator Kennedy's home to attend a farewell party for one of his aides, and Mode left for his office at once. Shortly after he joined Wise there, Keefe and Joseph Rees, Keefe's deputy, arrived, and the four men worked throughout the night drafting a speech. At 6 a.m., they went home for a couple of hours' sleep, after which they returned to the office, went over the speech with Bayh, had some secretaries type up the draft, and mimeographed copies of it for the press. Although by this time everyone knew about Horsky's meeting with Carswell, the memorandum describing the details hadn't arrived yet. Informed early that morning by Tydings' office that it was expected momentarily, Wise inserted a couple of references to it in the speech so that Tydings would have an opening to engage Bayh in a colloquy on the subject and then put the memorandum into the record. Apparently, the other side got word that Bayh and Tydings now had Horsky's version of the meeting, for when Bayh finally got the floor, around four o'clock that afternoon, two Republican senators, Robert Dole, of Kansas, and Edward J. Gurney, of Florida, who was Carswell's original sponsor, continually interrupted him to delay Tydings' maneuver until after the press deadline for morning papers, which is normally around four-thirty. To outflank them, Wise gave key reporters copies of the memorandum, which had also been given to all members of the Senate, and copies of the speech, so that they could use them in their stories for the next morning, and promised that both documents would be a part of the record by adjournment time if Bayh and Tydings had to keep the Senate in session all night. To fulfill Wise's promise, they kept the Senate in session until well after nine o'clock. Although the Horsky memo was clearly the more important document, the next day's papers gave far more attention to Bayh's rebuttal of the President's letter to Saxbe.

It is impossible to assess the effect of the Horsky memo on the outcome, but certainly it was not as great as it would have been if Horsky had not temporized so long—until after most of those who were going to vote for Carswell had made their position known and thereby locked themselves in. One known effect, though, was that it gave those of Carswell's backers who were already uneasy about their stand a few bad hours. For instance, Senator Griffin said afterward, "I was bothered by the Horsky memo. For a whole weekend, I gave that a lot of thought." Some of his aides tried to persuade him that the memorandum was more than enough to justify him in retracting his support, and one of them said later, "He was within a hair of turning around. But the White House had him locked in, and finally he bit the bullet and said he would stay where he was." To justify *that*, Griffin instructed a lawyer on his staff to draw up a memorandum on the memorandum to show that it did not prove Carswell a liar. Over that weekend, Griffin also talked to Senator Cooper, of Kentucky, and Senator Williams, of Delaware, to see if the Horsky memo had forced them to withdraw their endorsements, which would have made it easier for him to follow the same course. When they replied that they meant to stick with the White House, he saw that he would have to go along with them. "He couldn't leave the kitchen when the heat was on if no one left with him," one of his assistants explained.

Despite his reservations, Griffin returned to the fray with the kind of determination that only a politician can summon under such circumstances, and began working harder than ever to persuade uncommitted colleagues to join Carswell's backers. The first was Senator Prouty, of Vermont, who was eager to support the President but was up for reelection and was being hounded by critics of the nomination back home. Prouty's opponent was the former governor of Vermont, Philip Hoff, who had been approached by the anti-Carswell lobby in Washington and was now travelling around the state calling Prouty's earlier promise to vote for Carswell the act of a rubber stamp, not a senator. With independent-minded voters like Vermonters, the charge worked, and the mail opposing Carswell, and anyone who voted for him, began pouring into Prouty's office. Finally, he gave in, or so it seemed, and promised Brooke his vote. But now, when Griffin showed him the memorandum on the Horsky memo, Prouty promised to cast his vote for Carswell if it was needed. His intention, it appeared, was to vote for recommittal once it was sure to lose, which would allow him to tell his constituents that he wanted the matter reexamined to make sure that the nominee was qualified and was treated fairly. When recommittal failed, he could then vote for confirmation and justify it by saying that the sense of the Senate had been to accept the nominee's credentials. "That was one of our basic mistakes—counting on Prouty," an outside lobbyist said later. "We put to much work in and too much emphasis on him. We should have known all along that he would go whichever way the strongest wind blew." There was also some doubt about the firmness of a promise elicited from Senator Thomas J. Dodd, Democrat of Connecticut, to oppose confirmation. Not long before, the Justice Department had announced that it was dropping its case against Dodd for allegedly misusing campaign funds and misreporting his income, and many people concluded that this decision was half of a deal, the other half being Dodd's guarantee that he would support the Administration when

it needed him. In the Haynsworth case, for instance, Dodd abstained on the first roll call, and then, when it was clear that the nomination was defeated, he cast his vote against it. He had voted for Carswell in the Judiciary Committee and showed every sign of planning to vote for him on the floor until one of his opponents in the forthcoming primary race in Connecticut, the Reverend Joseph Duffey, national chairman of the A.D.A., and local labor unions began going after him, whereupon Dodd reaffirmed his promise to oppose Carswell on the final vote.

As the date for the vote drew near and the Administration discovered the extent of the trouble it was in, panic ensued. To counter the effect of the Horsky memo, Deputy Attorney General Kleindienst enlisted the help of judges on District Courts in the Fifth Circuit, and persuaded fifty of the fifty-eight who were on the bench and seven of the thirteen who had retired to endorse Carswell by way of another telegram. In the press and in the Senate, Kleindienst's maneuver was put down as outright intimidation. Whatever the impropriety of his efforts, there could be no doubt about the impropriety of the judges' lobby, for the Judicial Conference, which is made up of federal judges representing all eleven circuits, specifically forbids any political activity by any federal judge for any reason. One judge who was charged with having ignored that was the highest of them all—Chief Justice Warren E. Burger. Although the Chief Justice has angrily denied the charge that he lobbied among several senators to get their votes for Carswell, at least one of them still asserts that he did.

A number of Republican senators observed that they had never seen such incompetent liasion work by an Administration as there was in the Haynsworth case—until the Carswell nomination. In at least one instance, the lines of communication broke down completely in the latter fight. Senator Mathias had been out of the country on Senate business during the Carswell hearings, and since he was a member of the Judiciary Committee, he felt obliged to read the record of the hearings when he got back. Afterward, he was dissatisfied, mainly because he had not had a chance to assess Carswell in person. "All my instincts were directed toward justifying a vote for Carswell," he said later. "I felt that another fight over the Court after Haynsworth was harmful to the Court, to the President, to the Senate, to the Republican Party, and to the country, and I didn't want to be the one who caused that harm if the vote was close, as everyone expected. But as I went into the record and the newspaper reports, I found it more and more difficult to reconcile myself to the nomination. Finally, I asked to meet Carswell." Mathias made his request to Hruska, and, when nothing happened, to Gurney, and, when nothing happened, to John Dean, the Justice Departments' liaison man, who passed it on to Kleindienst. Still nothing happened. Perhaps Kleindienst decided that since Mathias had opposed Haynsworth, he would undoubtedly oppose Carswell and merely wanted to demonstrate to his constituents that he had done everything he could to bring himself to vote for the nominee. If this was the case, Kleindienst ignored the obvious indication that Mathias hadn't made up his mind. "If I had, I wouldn't have asked for a meeting, which was bound to be painfully embarrassing for both Carswell and me," he said. "Anyway, we were getting down to the wire, and I was becoming increasingly distressed, particularly about Carswell's abominable record on the bench. I was worried about the terrible position Scott was in, and wanted to help him if I could. I talked to Cooper, and he argued that Carswell was being held to unreasonable standards, but I couldn't see that. Finally, on April 1st, I renewed my request for a meeting, this time in writing, and sent it to the Justice Department. I never got an answer. That was unprecedented in something as critical as this, where one vote really mattered. I didn't hear from a single person in the executive branch—not from the President, not from the Attorney General or his Deputy, not from anyone lower down—even though I had asked for information and guidance." Finally, Mathias mentioned this to Gurney, who was stunned by the Administration's bumbling, and he called the White House and demanded that it make amends. Almost immediately, Mathias got a call from an aide there who offered to have Carswell flown up from Florida for a meeting with him the night before the vote. Mathias turned down the offer. "I told him that clandestine midnight meetings on judgeships were not in our tradition," he recalled afterward. "Obviously, a meeting under such strained conditions could not have been helpful."

Once the Administration realized that if it lost on the motion to recommit the nomination it would, unlike the opposition, have no second chance, it let fly with everything in its arsenal. By the day before the recommittal vote, the mood in the White House was buoyant, and the press secretary confidently announced that, with four senators being absent, the vote would be fifty to forty-six against the motion. Unknown to the White House, Bayh fully agreed with its expectation of victory and estimated its winning margin would be even larger. Also unknown to the White House, he had given up any hope of recommitting the nomination and, in a secret tactical switch, had turned his attention to the final vote, which the White House, in its frantic concern about recommittal, was ignoring. Late in the week before the first vote—set for Monday, April 6th—Bayh had concluded that his side would probably lose that because of all the pressures applied by the Administration. He discussed this with Mansfield, who suggested that he might dispense with the recommittal motion and move to take a vote on confirmation in its place. After thinking that over, Bayh finally disagreed, on the ground that many senators who wanted to see Carswell lose also wanted to vote for him in some way—in the case of Republicans, to soothe the President and, in the case of Democrats, to soothe those of their constituents who were for Carswell—and that if the recommittal motion was dropped that would close the door to any token support. No sooner had Bayh made this point that he discovered the solution to his problem—allowing these senators to meet their political needs by releasing them from their commitments to vote for recommittal as long as they kept their commitments to vote against confirmation. "It was one of those split-second decisions," Bayh said later. "I saw that the Administration had assumed that the recommittal and confirmation votes would be pretty much the same. In its panic, the White House had pursued a policy of overkill to win on recommittal, and I realized that we could use this to undercut it on the final vote." Accordingly, Bayh, Brooke, Kennedy, Tydings, and Hart quietly let the others on their side know that it was all right to vote as they pleased on Monday if they voted against confirmation on Wednesday.

The shift in strategy was an amazingly well-kept secret, and the White House staff members, blindly pursuing their course, stumbled into the trap. To assure victory on the recommittal motion, they went after four key votes—those of Fong, Dodd, Packwood, and Percy—and won them with what should have seemed suspicious ease. "That meant the White House had the Monday vote sewed up," Bayh's aide Rees recalled later. "By then, we were delighted to let them expend all their steam on that, because, although the White House didn't know it, those four men had promised to be with us on Wednesday. That gave us forty-seven votes to forty-five for Carswell on the Wednesday vote. Four senators would be absent, and four more were unknown quantities. If we kept Quentin Burdick, of North Dakota, who seemed to be leaning our way, it would be forty-eight. If Cook, Prouty, and Mrs. Smith all went with the Administration, that would make it a tie, which, of course, the Vice-President would break in favor of the nominee. But while the White House needed all three to win, we needed only one to give us the magic number—forty-nine." It was generally assumed, however, that these three Republicans would vote alike, in order to protect themselves and each other by creating a margin that they could take refuge in; otherwise, of course, the one who cast the deciding vote would be open to attack, whichever way he or she cast it, by political opponents at home.

The recommittal vote was set for one o'clock Monday afternoon, and shortly before the roll was called, disaster nearly befell the anti-Carswell cause. Bayh happened to run into Senator Burdick, and learned that through an oversight no one had told him about the new strategy. Burdick was one of those who felt they had to vote once for Carswell, and he was still planning to vote for recommittal and, if that failed, for confirmation. Stunned to learn this, Bayh hastily told him that the plans had been changed, and asked him to switch his votes around. Burdick listened to his plea, nodded as if to indicate that he would go along, but refused to commit himself openly. To a degree, his was the key vote that afternoon, and when he cast it against recommittal, Bayh and Brooke turned and grinned at each other, for now it was clear that he would be with them on the final vote. Another senator who was watched closely that afternoon was Prouty; as expected, he abstained the first time the roll was called, and then, when it was clear that the motion had lost, voted for it. By this time, the vote was anticlimatic, except that the final tally—fifty-two to forty-four against the motion—showed that the White House staff couldn't count any better when it won than when it lost. That also surprised no one, and about the only unexpected occurrence took place during the debate preceding the vote, as Senator Aiken rose and put in question his reputation for sagacity by delivering a one-sentence speech on behalf of the nomination: "We need some law and order and to stop apologizing to every criminal." Afterward, a Republican colleague shook his head in disbelief and said, "George must have got a new speechwriter—Strom Thurmond."

In the course of the debate, Scott casually remarked to Mansfield that the anti-Carswell forces now clearly had the votes to defeat the nomination on Wednesday. Nodding, Mansfield went over to Bayh and suggested that after the recommittal motion failed he move to take an up-or-down vote on the nomination not two days later but two hours later. Bayh liked the idea, and as soon as the votes were counted and the result was announced he rose and asked for a unanimous-consent agreement to take a final vote at three o'clock that afternoon. Hruska was so flabbergasted by the proposal—a clear sign that Scott hadn't mentioned it to *him*—that he jumped up and shouted, "The Nebraska from Senator objects!" The objection may have been backwards—it was later reversed in the *Congressional Record* by one of Hruska's aides, since senators are allowed to edit their remarks on the floor—but it was enough to kill the motion. After the session broke up, Hruska confidently assured reporters that the Administration would win the contest on Wednesday by at least three, and perhaps four, votes. At lunch in the Senate dining room a little later, Brooke stopped at Hruska's table and twitted him about the remark, saying, "Roman, you can count, and so can I. If you had the votes, you would have agreed to Birch's motion on the spot."

That afternoon, everyone's attention turned to Cook, Prouty, and Mrs. Smith. Although Cook had been in the Senate only a couple of years and wasn't well known there, he was regarded as a man of honor, and Brooke considered his promise as being firm. However, Cook was also known for his exceedingly complicated nature, and there was always the possibility that the White House would find some way of appealing to a part of it that others were unaware of. Prouty, it was assumed, would take the least thorny path of political expediency. And, as usual, no one had any idea what Mrs. Smith might do. At the age of seventy-two, with twenty-two years in the Senate, Mrs. Smith is known, variously, as "the grand old lady from Maine," "the Senate's most independent member," and "the best argument against women's liberation in town." She has carefully nurtured a reputation of fiercely resenting any pressure exerted on her, whatever the motive and whatever the issue. Her unapprochable stand has long been highly popular with her Down East constituents and rather unpopular with many of her colleagues who, unlike her, have polyglot constituencies and have to bargain and compromise endlessly to hold on to their seats. Mrs. Smith plays her role with the skill of a great actress. When an issue of moment is before the Senate, she invariably holds off announcing her decision, and then when the time comes for the vote she demurely enters the Senate chamber, which falls utterly silent as her name is called, and in a small, soft voice she makes her will known.

Just about everyone was afraid to give any appearance of violating the sanctity of Mrs. Smith's independence openly, but now a couple of moves were made to violate it covertly. Toward the end of the contest, Sellers, who had worked so hard to bring Fong around, happened to mention to Bayh's staff that if Carswell was confirmed he would be the justice who oversaw the First Circuit, which took in Maine, and would have jurisdiction over stays of execution, contested federal actions in the region, and other legal affairs that would be of concern to a politician with both local and national responsibilities. Sellers was asked for a memorandum on this, and when it arrived Wise, Bayh's press officer, telephoned the Boston office of the A.P., where the news was rejected by the acting night editor, who told him that it was "a Washington story," and then the Boston *Globe*, where the assistant managing editor was very interested (and rather put out that his staff hadn't thought of it). Wise dictated the information contained in Sellers' memorandum, and a story on it appeared on the front page of the next day's edition. That was said to have impressed Mrs. Smith, who had been unaware that Carswell would have such an effect on her domain if he reached the Court.

A surprising number of other senators turned out to be unaware of even the latest and hottest news, including the Horsky memo and Tuttle's withdrawal, which were the most important stories of all. When aides to the leaders of the opposition discovered this, they quickly alterted the press, which set out to inform senators who had neglected to inform themselves. For instance, the Washington *Post* ran a lengthy article on the memo's implications, which was believed to have impressed a number of senators who were wavering. Then Hruska, who had a long history of being unable to remain silent when anything he said could only make a bad case worse, wrote the paper an angry and inaccurate letter denying the charges, which prompted the *Post* to run a persuasive point-by-point rebuttal of his claims, and that impressed the undecided senators even more. Mrs. Smith was also unaware of the Horsky memorandum's meaning, it appeared, for after the recommittal vote she told Brooke that she was troubled by the charge that Carswell had been less than frank with the Judiciary Committee and wanted to know more about it. Brooke promised to send her some material on it, and called Bayh's office for help. The job fell to Mode, who drew up a four-page document describing the situation in the simplest terms, underlined the relevant passages in the hearing record and placed paper clips on the pages where these appeared, and then appended copies of the affidavits submitted by Tallahassee residents stating that everyone in town who knew anything knew that the gold course was incorporated privately to get around the recent Supreme Court desegregation ruling. Brooke sent the material to Mrs. Smith early the following morning. By then, he was deeply apprehensive, because he had just learned that the President had summoned her to the White House the night before and presented *his* case for Carswell. It was reported that she refused to tell Mr. Nixon how she would vote, and the next morning, a few hours before the roll was called, she told Brooke that she wouldn't decide until her name came up.

"When we agreed to a two-day delay between the votes on recommital and confirmation, we hadn't thought the latter was important at all," Keefe, Bayh's chief aide, said later. "Like the Administration, we figured the big vote would be on whether the nomination should be sent back to committee. But when our strategy changed, those two days became nerve-rackingly vital, because the White House was turning on everything it had." One thing it didn't have was any chance to persuade the four senators who had promised to vote against recommittal to vote its way on confirmation, too. Before the Administration saw what was happening, the four publicly stated that they would oppose both recommittal and confirmation. Finally seeing the trap, the White House appealed to them to vote for Carswell on Wednesday, but they pointed out that all they had been asked for was their support on the first vote, and that since they had told their constituents where they stood on confirmation, they couldn't back down now and let it appear that they didn't know their own minds.

The Administration apparently also imagined that Fulbright had merely made a gesture toward his liberal friends in voting for the recommittal motion, and that his vote would be in its column when the motion to confirm the nomination came up. Once again, the White House intelligence system had broken down, because several developments in Fulbright's political life clearly pointed in the opposite direction. For one, in his 1968 Democratic primary campaign against Jim Johnson, a white-supremacist, Fulbright for the first time openly appealed for black votes, because he believed that he couldn't win without them and that the "seggies," who hated him for his stand on the war in Vietnam, would vote against him no matter what he did. Then, at the beginning of 1969, Fulbright was the only Southern senator to support the nomination of Dr. James Allen, a Northern integrationist, as Commissioner of Education, and was one of only three Southerners to support the Voting Rights Act back in March. While various arguments against Carswell had impressed Fulbright, probably more important to his thinking was the case made by Dr. Robert Leflar, who had formerly held the deanship of the University of Arkansas Law School, a post that Fulbright had held before becoming president of the university and then senator.

Most of the law school's faculty came out against Carswell, and then Leflar, who knew and had supported Haynsworth, flatly told Fulbright that Carswell simply was not fit to sit on the Supreme Court. That, plus the outpouring of protests against the nomination from other law-school deans, jurists, and prominent legal scholars, convinced Fulbright that he had no choice but to join them. The White House intelligence operators finally got wind of this—several days after everyone else knew it—and set out to recapture the vote they had never had. Their principal tactic was to ask friends and contributors to Fulbright's past campaigns who were indebted to the Nixon Administration—for its slowdown on school desegregation, say, or for government contracts—to demand that he change his mind. But when these people called Fulbright, they were reluctant to demand anything, and made it clear that they were calling only because the White House wanted them to. Of course, that drained off any strength their appeals might otherwise have had. Still another influence on Fulbright was his wife, who had been astonished and infuriated during the squabble over Haynsworth when Attorney General Mitchell's wife telephoned her and threatened to organize members of the Cabinet to campaign against Fulbright if he betrayed that nominee. As it turned out, Fulbright voted for Haynsworth, but the threat left his wife so embittered that she let him know she wouldn't mind at all if he came down against Carswell, whatever the reprisals.

Another Southerner, Senator Albert Gore, Democrat of Tennessee, had long stood as one of the few exceptions to the racist mood among Southerners in the Senate, and had voted for almost all of the civil-rights measures that counted. But this year his problem was compounded by the fact that he was up for reelection and was in graver danger of defeat than ever before in his thirty-two years in Congress, because the President had made his seat the prime target in his Southern strategy and his attempt to take over the Senate. Gore was as resistant to outside influence as Mrs. Smith—but never waved the banner of his independence as she did—and lobbyists on both sides in the Carswell fight were careful not to let their work in Tennessee be visible. Halfway through the contest, they got the impression that Gore had not made an announcement on the Carswell nomination because he had not heard from the labor unions back home.

At one of the strategy meetings that were held every few days in Bayh's office, the union representatives were told that they had fallen down on the job, and they immediately mounted an anti-Carswell mail campaign among workers in Tennessee. In all likelihood, the mail had little effect, for Gore must have known that the labor vote would be in his corner as usual. Probably he waited for the mail to come in not so much to be sure before he made a commitment as to make sure that he would be able to call on the unions for help the following fall. In any event, it was believed that both Fulbright and Gore relied chiefly on Hruska to help them out of any difficulties they could expect from angry voters at home. His astonishing defense of mediocrity provided a likely solution, for now they could tell their constituents that they, too, wanted a Southerner and a strict constructionist on the Court, but not one who wasn't smart enough to deal with the damn Yankees.

Out in Texas, Senator Ralph Yarborough, a liberal Democrat of the old-fashioned populist variety, was also faced with the strongest challenge of his career—a formidable primary contender and, if he got through the primary, a formidable Republican opponent in the fall. The contest over Carswell was largely an underground matter in Texas, for all that mattered to many people there was that he was a Southerner, which to them meant a segregationist. That was seldom mentioned—not nearly as often, for instance, as the prayer-in-the-schools issue, which was entirely aboveground and was being used to great effect against Yarborough, who stood by the Constitutional dictum separating church and state despite the bitter resentment that

created at home. None of those on the anti-Carswell side had any doubt about where Yarborough would stand if he voted as he wanted to. His greatest fear was that if he opposed the nomination he might end up as one of the usual ten or twelve liberals who could be counted on to vote their consciences; if that had been the case, he would have found great difficulty in taking the risk of joining them.

Above all, he needed concealment—enough other votes against Carswell to make his own seem commonplace. As soon as that happened, he was prepared to vote with them. Once he made this decision, Yarborough turned to local labor leaders, who had pressed him to make that choice—after the anti-Carswell labor lobby in Washington had pressed *them*—and asked that they now protect him by convincing the ordinary workingman that Carswell's presence on the Court would be against his interests. But the union heads, whose support has increasingly proved in recent years to be less help than hindrance in political campaigns, were more worried about harming themselves among their followers than about Yarborough's harming himself among his, and they failed to do the job. The final vote on the nomination was due a couple of weeks before the primary election in Texas, and as it approached it became clear that Yarborough would probably lose. No one, it appeared, could help him if he voted against Carswell. Even Hruska was of little use, for, as one of Yarborough's closest associates said later, "mediocrity isn't a marketable issue in Texas."

The day before the final vote, the Administration once more demonstrated its capacity for inepitude by dispatching Eugene Cowen, a White House liaison man with Congress, in search of an anti-Carswell senator who would agree to pair his vote with Senator Karl E. Mundt, a conservative Republican from South Dakota, who had been hospitalized for several months following a severe stroke and who presumably would be in favor of the nomination. (The other absentees were Clinton P. Anderson, Democrat of New Mexico, who had just undergone an operation for glaucoma, and Claiborne Pell, Democrat of Rhode Island, and Wallace F. Bennett, Republican of Utah, both of whom were in the Far East on Senate business. The absence of the four was understood to have no effect on the vote, since two were for Carswell and two were against him.) Pairing is a parliamentary procedure by which votes are recorded but don't count in the final tally—that is, it gives those who are not able to be present when the roll is called a chance to state how they would vote if they were.

Anyone who is present and agrees to vote in a pair ordinarily does so because he knows that his vote won't matter anyway or because he wants to sidestep, at least formally, an issue that is particularly delicate for him. Of course, in this instance the vote was particularly delicate for half the members of the Senate, and anyone who threw his vote away on a pair would be open to the bitterest criticism from constituents and political enemies. That circumstance aside, Cowen's search was still futile, for Mundt was thought to be almost totally incapacitated, and if a paired vote had been announced in his name several senators would have demanded an official investigation to make sure that it hadn't been cast by one of Mundt's or the White House's aides.

While Cowen was frantically looking for someone to pair with Mundt, others on the White House staff were frantically trying to persuade Senator Howard W. Cannon, Democrat of Nevada, to come over to the Administration's side. Nevada is a deeply conservative state, and its residents tend to be most conservative of all on the law-and-order issue, focussing a great deal of resentment against the Supreme Court's rulings on the rights of defendants. (Probably nowhere in the country is the breakdown of order more difficult to attribute to the Court than in Nevada, where the high general crime rate is largely due to legalized gambling, which has brought hordes of organized and unorganized criminals into the state, and where the high murder rate is largely due to the absence of any statewide gun laws.) Cannon had won his last race by only eighty-four votes, and since he was up for reelection in the fall, there was every reason for him to share whatever of his constituent's strongest views he could. He had chosen, above all, to share their views on the Supreme Court. "Frankly, I would like to see the Court more conservative, so Carswell seemed fine at first," he explained later. "I felt that the President was entitled to a man with any philosophy he wants. But in time it became clear that his choice wasn't an outstanding jurist. I was influenced by the failure of Carswell's colleagues to support him. Then came Hruska's statement defending mediocrity, which made it much easier for all of us to oppose the nominee. Then came the reversal rate. Then came the Horsky memo. Still, I had a lot of hard decisions to make and was subjected to a lot of pressure from both sides. Anyway, I was on the fence until the day of the vote." To bring him down on the Carswell side, an Administration spokesman called and promised that if he voted for the nominee he would get "a free ride" in the fall—that is, a weak Republican opponent.

In the last days before the vote, the White House also worked hard on Senator Burdick by promising that his opponent in the fall in North Dakota would be left on his own if Burdick voted right, but that President Nixon and Vice-President Agnew would campaign for the challenger if Burdick voted wrong. Confident that his opponent would be too weak to benefit from such help, Burdick held fast—as he undoubtedly would have in any case. Then the Administration turned to Senator Schweiker, of Pennsylvania, whose defection from both the President and Scott it found impossible to believe. In one of the crudest miscalculations of the entire battle, the Administration released to a reporter from *Newsweek* a list of the people it had called in Pennsylvania to bring pressure to bear on Schweiker, among them large campaign contributors, county chairmen, mayors, state legislators, federal judges, and personal friends. This clumsy attempt to browbeat Schweiker infuriatied him. He was also bewildered by the move, and said later, "If they knew anything at all about me, they wouldn't have been so stupid, because it was bound to boomerang." When an anti-Carswell lobbyist heard about the maneuver, he laughed and said, "They figured that since this sort of gambit works with Scott it should work with Schweiker, too. Of course, they forgot one elementary point—Scott is up for reelection and Schweiker isn't."

While the Administration's repeated blunders created a good bit of amusement, some people were alarmed by its persistent inability to understand what was going on—a failure that could be calamitous in an international crisis, for instance. Senator Cook, who visited the White House on both Monday and Tuesday before the vote and was frequently telephoned by aides there when he wasn't on the premises, was reported to have come away convinced that none of them could believe anyone in Congress could ever behave in anything but a purely political way.

In Cook's view, it was far too late to expect a last-minute switch by a senator with the least notion of his public responsibility. "I don't think that someone who deals with an issue as serious as the elevation of a man to the Supreme Court can accept the idea that he is open to a switch at a crucial time," he said. "It just isn't that fluid once you've studied and thought about it." Above all, the Administration's apparent conviction that in politics there could be no principle led it to persistently overestimate the effects of pressure on members of the Senate and to ignore their consciences. "There's probably not a man here who is unaware that in our system one Supreme Court justice is equal to eleven senators," an aide to a Republican senator who was *not* close to the White House said later. "Those who were most concerned about Carswell's fitness to serve on the Court were also aware that he would probably be there a lot longer than most of them will be here, and might do irreparable damage to our country. Even more important, as these men viewed it, was the likelihood that Carswell's confirmation might well be the final blow for the blacks, and that if the Senate turned its back on them their moderate leaders would lose any chance of keeping them within the system."

Bayh had flown out to Houston to keep a speaking engagement before the Texas League of Women Voters the afternoon before the final vote, and when he returned the next morning and went to his office, around nine o'clock, Keefe and Rees filled him in on the latest rumors that were swirling about the Capitol. He calmly shrugged off the stories that Carswell would win, and said that the vote would be fifty-one to forty-five against the nomination. Rees, who believed that forty-nine votes were the most they could hope for, remarked that the Senator was obviously very tired, and suggested that he get some sleep. But Bayh had another pressing family matter to attend to; his father had been hospitalized with an angina attack the day before in Washington, while Bayh was in Texas, so he set off for the hospital, saying that he would meet them on the floor of the Senate at ten-thirty, shortly after the beginning of the three-hour debate that was to precede the vote.

Another aide, Mode, rode with him to the hospital and then to the Capitol, and went over with him all the papers he might need, including a secret memorandum that Bayh had asked Mode to prepare in the event of a tie vote. The first part was entitled "Scenario for Tie Vote on Carswell." It began, *"Upon Announcement of Tie Vote*—rise trying loudly to raise questions of order. This fails since can't be raised until division complete, (Rule XX, Sec. 1) . . . *When the Vice-President Votes*—rise shouting 'I raise the point of order that the Vice-President cannot vote to advise and consent to a nomination to the Supreme Court.'" The memorandum went on to suggest what to do "if he ignores point of order," "if we're lucky," "if he's on the ball," "after the parliamentary hassle," "if they move to reconsider," and finally "if they move to notify the President immediately." Attached to this document was a three-page speech presenting the case against the right of the Vice-President to cast the deciding vote in such a situation. In short, the argument was that while his implicit Constitutional authority to break a tie vote in a legislative matter or a nomination to the executive branch was well established, there had never been a test of his authority to break a tie in nominations to the federal courts. The argument was more ingenious than legally sound, but no one expected it to prevail anyway. It was merely part of a parliamentary maneuver by which Bayh might force the Vice-President to delay his tie-breaking vote. If that worked, then Bayh was to filibuster until Andrew Biemiller, the A.F.L.-C.I.O lobbyist, could fly out to New Mexico in a chartered jet, snatch Senator Anderson out of his sickbed, and fly him back to Washington to cast the deciding vote against Carswell.

Early on the morning of April 6th, Sena-

tor Cook telephoned Mrs. Smith and told her that he was going to vote against Carswell, and that since she and Prouty held the other swing votes, he thought they should know what he would do when the roll was called. She thanked him, and remarked that perhaps her vote wasn't needed then. Cook also talked to Prouty, who said that he, too, intended to vote against the nomination. Then Cook telephoned the White House and told them what he intended to do. To soften the blow, he mentioned that apparently they could now get Mrs. Smith's vote, and added that with Prouty's vote, which everyone knew was available if needed, the White House would have to find only one other vote to create a tie. With that, Bryce Harlow and his staff set to work—or, as others saw it, they panicked.

On Harlow's orders, Cowen got on the line to Schweiker and told him that Mrs. Smith had promised to support the nomination, that Prouty would, too, and that now his own vote was the one that counted, the one that could save the President from a humiliating defeat. Schweiker hadn't announced his intention to vote against confirmation, because he believed that would bring immediate demands from Pennsylvania for Scott to take the same course. By not revealing his intention, Schweiker also made the decision appear more difficult than it was—another maneuver to protect Scott as much as he could. Apparently, the White House mistook these adroit precautions for indecision, and decided to apply all the pressure it could. In any case, the call left Schweiker reeling. "The President clearly was making personal loyalty the final test," he said later. "I knew that whatever the vote was in the end, it would really be a one-vote decision, because the balance of the margin would simply be made up of the votes cast after the swing man cast his. That made my responsibility deeper than ever when I realized that my one vote could turn it around." As it happened, Senators Percy and Mathias got identical calls from the White House—a tactic known in the political trade as "pancaking," or, as Mathias called it, "a case of multiple uniqueness." Percy was in a quandary about which side he should vote with. He had campaigned for the Senate in 1966 on a liberal platform, but much of his support came from voters in the conservative southern portion of Illinois, who were convinced that he had to appear liberal in order to beat the noted liberal incumbent, Paul Douglas; they were also convinced that Percy would be a different man once he got into office, and were embittered to discover that he voted almost as liberally as he talked. Illinois was also strong Nixon country, and the Republican governor, Richard B. Ogilvie, a Nixon stalwart, had threatened Percy with a primary opponent in 1972 if he let the President down this time. On the other side, Brooke kept after Percy following the recommital vote, and pointed out that whatever the leaders of the Party in Illinois said now, they would discover later on that they needed him more than he needed them. In the end, Percy agreed with Brooke's reasoning. In the case of Mathias, he had decided to follow his conscience and vote against Carswell. "My decision created hideous political problems for me at home," he said afterward.

"Orthodox Republicans, Democrats who voted for me last time on the ground that a Republican would be more pro-South than a Democrat, and many of my personal friends were aghast at my even thinking about voting against the nomination. They were bound to be furious with me when I did. Of course, that could mean a primary opponent next time around and far less in the way of money and help." But Schweiker was undoubtedly the most distressed of the three who heard from the White House. "Half an hour before the time for the vote, I still had the problem," he racalled later. "Finally, I forced myself to put aside the responsibility of what one vote could do and tried the judge the issue solely on its merits. I had to convince myself in the few remaining minutes that the one-vote idea was irrelevant to my decision. Once I did that, I saw that in all conscience I had to vote no."

Shortly after eleven o'clock, as the final debate on the nomination was in progress, a woman on Brooke's staff told him that she had just learned from the Minority Leader's office that Mrs. Smith had promised the White House her vote. Brooke began looking for Mrs. Smith at once, but it was over an hour before he found her—at lunch in the Senate dining room, just below the Senate chamber, where Senators Cooper and Tydings were engaged in a bitter floor debate about which side had misrepresented Carswell's record. Brooke reminded her that she had told him she would not decide how she would cast her vote until the time came, and asked if it was true, as the White House was claiming, that she had promised to vote for Carswell. She colored, and he hastily added that he had no intention of trying to influence her one way or the other but thought she should know what was happening if indeed she had not made up her mind yet. Furious at this development, Mrs. Smith went to a telephone, called Harlow, and demanded to know whether he had told other senators she would support the nomination. Harlow tried to sidestep the question, whereupon Mrs. Smith cursed him, slammed down the receiver, and hurried off to the Senate chamber. She went first to Schweiker and asked if he had got such a call, and he assured her that he had. Then she asked Mathias the same question and got the same answer. With that, she went to her desk and sat, tight-lipped, waiting for the roll call to begin.

At a little before one o'clock, two deep buzzer signals—for a quorum call, the preliminary step to a vote—rang throughout the Senate office buildings across the broad lawns of the Capitol to summon those who were not already on the floor or in the cloakrooms. Even elevator boys and the greenest secretaries knew what this particular signal meant, and everyone watched solemnly as senators, followed by batteries of aides, emerged from their offices and walked down the long marble-floored corridors toward the elevators and thence to the subways connecting the office buildings to the Capitol. The Senate chamber was more crowded than anyone could remember seeing it. The galleries were packed with the lobbyists who had fought for and against the nomination, and with Senate assistants and secretaries. The rear of the Senate floor was jammed with rows of aides who had floor passes, congressmen who had taken advantage of the exchange of floor privileges between the Senate and the House, and even a couple of former senators, who retain for life the right to visit the Senate. Outside, the corridors were filled with people who hadn't been able to get inside.

Promptly at one o'clock, a single buzzer rang, signalling the beginning of a roll-call vote. The first four votes were for Carswell, and then the clerk called, in his deep, resonant voice, "Mr. Bayh," and Bayh had the privilege of casting the first negative vote. Echoing his "No" with a long-drawn-out "No-o-o-o," the clerk resumed the roll, and it stood at nine to four in favor of the nomination when he called, "Mr. Cook." Cook faced the front of the chamber, where Vice-President Agnew was seated as presiding officer, and thundered, "No!" A gasp rose from the audience, for most of those on hand knew that this was the crucial vote, unless the White House had managed to break loose someone who had been thought to be locked in with the opposition. Then some of the votes that might have been changed—Dodd, Fong, and Fulbright—came in quick succession, and as each of them called out, "No," another gasp rose from the audience. When the clerk got to Prouty and he registered a "No," applause burst out briefly, but the Vice-President quickly silenced it with a rap of his gavel.

Then Schweiker voted his conscience, and everyone turned to watch Mrs. Smith, who was seated impassively, wearing her usual red rose. The clerk called her name, and she answered, in a quiet, utterly unemotional voice, "No." That brought a roar of approval from the galleries and more applause, for her vote made twelve Republicans opposed—the number necessary to defeat the nomination.

At the end of the first roll call, the tally stood at forty-six to forty-four against the nomination; six senators either had not voted the first time around or had not reached the chamber in time to answer when their names were called. But there was no question about the outcome now, since it would take four votes for Carswell out of the six to produce a tie, and three of the six were firmly opposed. In the end, five of the six went against the nomination, and one went for it. Precisely as Bayh had predicted, the final tally was fifty-one to forty-five. When Vice-President Agnew announced the result, the galleries burst into applause, whistles, and shouts, with a scattering of catcalls and boos. Senator Richard B. Russell, the Democratic patriarch from Georgia, who had originally suggested Carswell's name to Senator Gurney, angrily demanded that the galleries be cleared. The Vice-President obeyed, and the guards tried to carry out his order, but by then, of course, everyone was leaving anyway. Among the aides in the back of the Chamber, James Flug was laughing and weeping at the same time. "I just can't believe it!" he kept saying. "It's too good to believe." John Conyers, a black congressman from Michigan who had worked hard to defeat the nomination from the House side, was present on the floor, and when he emerged from the chamber he had an expression compounded of disbelief and delight. "Carswell's defeat is an incredible symbol of how public sentiment can work its will even in this insulated system called Congress," he said when he finally collected himself. "It was a terrific psychological victory to show that the people can still have their way."

Later that day, Senator Cook, the hero or villain of the hour, held a press conference to explain why he had voted against the nomination—principally, he said, because Judge Carswell did not have the support of all the judges on the Fifth Circuit and because his "extraordinarily high reversal percentage" refuted the claim that he was a strict constructionist. Cook also took this opportunity to explain why he had not revealed his position earlier, saying that in light of his leadership in the Haynsworth fight his opposition to Carswell might have influenced others to go along with him and he had not wanted to affect the outcome in any way except by his own vote. "Consequently, I have kept my own counsel and have now cast what I consider to be the most politically dangerous vote of my public career," he added. "I say this because I know that the people of my state are anxious for a Southern judge to be put on the Supreme Court. Well, so am I. I know that our people would like to see a conservative approved for the Court, and so would I. But, most of all, I know the people of Kentucky want an outstanding Southern conservative on the Supreme Court, and so do I. . . . I do not see that man in Harrold Carswell. Therefore, I cast my vote as I did because I could not in good conscience do otherwise." Afterward, an aide to a Democratic leader of the opposition to Carswell said, "Cook was a pillar of strength. His decision must have been excruciatingly difficult." It was. Knowing that most of his constituents would be enraged

by his act and would fail to see that he must have known he would incur their wrath but *had* to vote as he did, Cook took a further step to mollify them by recounting how he had finally made up his mind the day before the vote after attending a White House ceremony at which President Nixon awarded twenty-one Medals of Honor posthumously. "When I came back from the White House, I thought, those were men who did their best and lost their lives. And all of a sudden I thought that we were going to vote for someone who didn't fulfill the degree of excellence in the legal field that I thought those men deserved." Most people in Washington dismissed this statement as a piece of sentimental hokum. Harlow, for instance, asked him, "Marlow, are you serious?" Cook assured him that he was.

That night, Cook stayed in his office late to catch up on his work, and when he left he ran into a group of Senate aides who were winding up their celebration over Carswell's defeat. He stopped to talk with them for a few moments, and mentioned that one of the influences he had not revealed in his press conference was a letter from a former law partner in Kentucky, who had appealed to him to reject Carswell as the only way to stop the deep discontent among Negroes from bursting into a bloody upheaval. Cook paused thoughtfully, then grinned and added, "I hope they send the Attorney General's name up next, so we can turn him down, too."

Senator Yarborough was beaten in his primary by about a hundred thousand votes out of one and a half million cast, and he was convinced that his stand against Carswell had cost him his seat. News of Yarborough's defeat was received with dismay by most of his fellow-Democrats in the Senate, especially by those who had voted the same way and were also facing reelection contests. Few were more dismayed than Senator Cannon, who soon learned that instead of the free ride promised by the White House if he supported Carswell he was in for the costliest ride of his political life for opposing him. At the time of the vote, it had appeared that the Republicans would be unable to find a powerful candidate to run against him, because the two strongest Republican figures in Nevada were vying with each other for a crack at the governorship. Now, however, the White House interceded, and Vice-President Agnew, on instructions from the President, persuaded one of them—William Raggio, the district attorney of Washoe County, which includes Reno—to run against Cannon, and promised that both he and the President would campaign for him. Even more unsettling to Cannon was the Republican Party's promise to spend half a million dollars on Raggio's campaign, an enormous sum for a small state like Nevada. "The Administration has said that it can win a Senate seat at less cost in Nevada than anywhere else in the country," Cannon explained. Of course, he could not hope to raise that kind of money, nor could the Democratic Party in Nevada or the Democratic National Committee, both of which were deeply in debt already.

As it turned out, though, Cannon fought a hard campaign—in the opinion of some, abetted by the Vice-President's and the President's intercession, which was resented by the voters—and won by nearly three to two. At the start of his campaign, Senator Scott tried to soothe his liberal and black constituents by saying publicly, "Perhaps I erred in judgment on the Carswell case." As for the Judge's defeat in his primary race for the Senate, Scott remarked that it was "fortunate that Florida has not nominated a racist." Scott won with fifty-two per cent of the vote.

Senator Gore, who had always played the underdog in election campaigns and had won seven terms in the House and three in the Senate, discovered that he was an authentic underdog at last. Although the President unwittingly came to his aid during the primary by threatening to personally campaign against him, thereby showing the independent-minded voters of Tennessee that Gore was in trouble because he was independent, he won that election by the narrow margin of thirty thousand votes. That was only a third of what he, and others, felt he needed to beat his Republican opponent in the fall. Toward the close of that campaign, his votes against Haynsworth and Carswell became one of the four main issues his opponent concentrated on. In the end, Gore lost by less than fifty thousand votes out of more than a million cast, and it was believed in his camp that if he had voted in favor of either nominee, that would probably have been enough to switch twenty-five thousand votes and reelect him. Senator Tydings also went down to defeat in November, and he believed that he lost because of his support for the civil-rights cause, which, of course, included his vote against Carswell. Senator Fulbright was also in difficulty at home for his vote against Carswell, but since he wasn't up for reelection until 1974, and rumor had it that he meant to retire then, he didn't need any help from the Administration. He got it anyway. At two o'clock on the morning following the vote, Attorney General Mitchell's wife telephoned the *Arkansas Gazette*, said, "I'm little Martha Mitchell," rambled on for a few minutes about her childhood in Arkansas, and added, "I want you to crucify Fulbright, and that's it."

The *Gazette*, which had opposed Carswell from the start, printed an account of her call on the front page of the next edition, and Fulbright's stock soared in Arkansas. A senator from the Deep South who confessed to having some admiration for the idea of the Southern strategy cited the Administration's failure to implement it by way of the Haynsworth and Carswell nominations to prove that it would never succeed. "Mr. Nixon has no feeling for, and no understanding of, the South," he said shortly after Carswell was defeated. "One of the things he doesn't understand is that among Southerners' many antidiluvian attitudes is the attitude of fierce independence."

Carswell's announcement that he was resigning from the bench to run for the Senate in Florida led even some of his staunchest defenders to conclude that his enemies had been right in charging that he was more politician than judge and lacked the temperament to serve on any high court. That his sponsor was the governor of Florida, Claude Kirk, a white-supremacist, also convinced many of them that the racial charges against Carswell were true. In addition, some senators were puzzled by his desire to join a club that had already blackballed him. After his stunning defeat in the primary—by nearly two to one—Carswell apparently retired from public life. He was obviously an embittered man.

But no one seemed as embittered as the President who had nominated him. Summoning the White House press corps the day after the Senate vote on Carswell, Mr. Nixon, with Attorney General Mitchell at his side, delivered a tirade against the Senate. "I have reluctantly concluded—with the Senate presently constituted—I cannot successfully nominate to the Supreme Court any federal appellate judge from the South who believes as I do in the strict construction of the Constitution," he began. Going on to charge that the vote had been the result of "vicious assaults," "malicious character assassination," and an "act of regional discrimination," he wound up by saying that he would be compelled to find his next nominee in the North.

Many people felt that this was merely a political statement, but one prominent lawyer who was deeply involved in the Carswell fight said, "He meant it. Those of us who raised our heads out of the trenches in this fight will never be forgiven. As far as the President is concerned, anyone who was against him on this one is just plain against him."

In the Senate, the reaction to the President's remarks ranged from outrage to disbelief to amusement. Republicans, by and large, were the angriest—with good reason, as Bayh saw it. "These senators felt that the President had handed them two lemons, had gone to the mat for his choices when he didn't have to, and then had attacked the Senate for doing its job," he said. Schweiker was particularly distressed by the President's attack, and called it "a total misreading of the mood, the temper, and the meaning of what the debate was about." Brooke found it "incredible that the President would make such a mistaken and unfortunate statement." And Tydings rose on the Senate floor and ticked off a list of federal judges in the South whom he and just about everybody else would have been happy to confirm. When tempers had subsided a little, a senator who had worked and voted for Carswell—John Sherman Cooper, the Senate's most courtly member—attempted to put the furious charges and countercharges into perspective. "That's all part of the way we do business here," he said with a smile. "It's just politics. I don't see how the attacks have hurt anybody. Whatever I may personally feel about the outcome, I'm sure the debate showed the people, including the people in Congress, what the Supreme Court should be and what the Senate could be."

WHAT IS PARITY?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. ZWACH. Mr. Speaker, parity today is at 68 percent, the lowest it has been since the depths of the great depression.

Parity is the farmers' yardstick. It is the price for farm products which will give the farmer the same purchasing power for the return on each unit of his products as in a reasonable base period. The base period is one where those relationships are considered normal.

Full, 100-percent parity would give the farmer only a fair return on his investment, far less than that received by the rest of industry, particularly the food processing and distribution industries.

But parity is only at 68 percent.

Organized labor is protected by wage contracts.

Businesses are protected by agreements.

Utilities are assured a fair return by regulatory bodies.

Only the farmer has no predetermined price protection, except as the government offers price support on some commodities. In addition, the farmers' production is at the mercy of the weather and other factors.

Mr. Speaker, ever since I have been in Congress, I have fought for 100-percent parity for the farmer. Even at that figure, rather than the 68-percent figure for parity today, the producer would be receiving only a fair price for his product.

During the depression years, from 1933 to 1940, parity was 81 percent.

For the period 1946 to 1952 it had risen to 107½ percent. From 1953 to 1960 it was 84½ percent.

During the period 1961 to 1968 it had dropped to 77 percent, in 1969 it was 74 percent and today 68 percent.

During the greatest prosperity in the history of man, the producer who supplies the food suffered his greatest economic pinch.

Can we expect our producers to continue on this downward path?

CURRENT ISSUES IN STRATEGIC ARMS CONTROL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. VANIK. Mr. Speaker, I wish to insert in the RECORD a complete and corrected text of a recent article by Dr. Joshua Lederberg which appeared originally in a recent Sunday Washington Post. Unfortunately the text of that important article was not printed correctly and many errors were found. Since it is such an important article I asked Dr. Lederberg for permission to insert the article as originally written for the benefit of the Members of this body and of the public. Dr. Lederberg's credentials are impeccable and what he has to say in this far-reaching and astute article is of importance to all of us. The article follows:

CURRENT ISSUES IN STRATEGIC ARMS CONTROL

(By Joshua Lederberg)

(NOTE.—Dr. Lederberg is a Nobel Prize-winning professor of genetics at Stanford University who is also a student of the arms race and efforts to achieve arms control.)

The strategic arms limitation talks (SALT), which will resume next month in Helsinki, have been labeled the key to world survival through the next decade. Even if we frame the arms race as a byproduct of international politics rather than as a living, demoniacal being with independent existence, no one doubts the value of a critical search for practical limitations on the arms spiral.

Arms investment is shaped by dynamic interplay of domestic and international forces, actions and reactions, as much as by negotiated agreements. More than any other process, nevertheless, these explicit agreements require us to examine the assumptions that underlie our strategies of defense and of conciliation.

In my own view the most important function of the arms limitation conferences is their educational value for the participants, so that the many internal policy-making forces within each country may better understand the full depth of their national interests, and how these may be pursued in the light of the perceptions of the other nations. It would then be a mistake, as Fred Ikle stressed for other reasons in "How Nations Negotiate," to judge the value of diplomatic negotiations solely in terms of the agreements formally concluded.

Complicated multinational interests, or more often the confusion of internal debate, may demand the evidence of a formal treaty to affirm a mutually rewarding accommodation. But, at times, the negotiators should be congratulated for refusing a pretense of agreement when such an understanding was beyond the comprehension, the ingenuity, the interests, or the power of the parties.

The sentimental idea that agreements should be not only discussed, but accepted, in a spirit of willingness to compromise national interests will make it more difficult to get countries into active negotiation and exploration of the congruence of their true interests. It leads to such absurdities as refusing to discuss arms control with the USSR after combative actions in Czechoslovakia or the mid-East, as if we would otherwise be granting them a favor contrary to our own interests as part of an arms control package.

BAN MISSILE TESTS

General disarmament, whether unilateral or by treaty, is emphatically not in question. Nothing would throw the world in greater turmoil than to leave its resources to appropriation or hijacking by any pirate with a left-over hand grenade or machine gun. Nor are we politically, socially or economically ready for the peaceful coalescence of sovereignties into the unified world government that must precede the disappearance of national military forces. To paraphrase the still cogent arguments of the naval strategist A. T. Mahan, the peaceful borders between the U.S., Canada and Mexico are quiet just because there is no ambiguity about the distribution of military power. Had we solved the problems of cultural accommodation, as well as economic and political adjustment, among people of the continent, we could also consider the actual merging of sovereignty and of military power. This is an ideal we must pursue with more realism than piety; but the harsh news of the day points the other way, that we may still fail to halt the division of the nations into blacks and whites, and Chicanos, or French and English. Even a threat of common doom may be insufficient to enforce the dissolution of national sovereignties against the resistance of economic disparities like those between India and the West. Both sides know that every chance of industrial modernization would evaporate if the world's capital were equally diffused and consumed in a population explosion. The "white man's burden" in contemporary terms is to find some way that does work for the effective sharing of capital for the development of the poor countries; if not, we will be relieved of that burden willy-nilly.

ECONOMIC FACTORS

In the eyes of the poor countries, our commitment to the arms race has drained the very resources that might finance international development. Their political pressure (like an implicit threat that India might join the nuclear club) is certainly among the main forces that have dragged the United States and the U.S.S.R. to the conference tables in Vienna, Helsinki and Geneva.

Whether the pattern of arms limitation now under negotiation within the SALT framework will result in much savings from arms budgets is problematical. This benefit may be a long-range consequence of the political stability that is the central aim of strategic policy. In the short run, there is more likely to be only a shifting of expenditures to the programs left out of the agreements.

The obvious, and in many ways desirable, contender here is the naval option. Despite its expense as a launch platform, the submarine has long been advocated as the way to separate the retaliatory force from vulnerable cities, and to provide another resource for assured destruction of an attacker.

Missile-launching surface ships, despite their vulnerability, may also be undeservedly neglected as inexpensive decoys and early-warning lures to dilute an enemy's first strike capability. The mix of cheap, vulnerable platforms must, however, be carefully calibrated in order not to be confused with a force useful only for a first strike. There will be no lack of alternative proposals, some quite plausible, to buy more reliability and to plug potential gaps in systems dedicated to infinite security.

Another stated argument for arms control is that the very accumulation of the stockpile, with its vast potential for overkill, makes it more likely that nuclear war will break out. There is a core of rationality to this argument. The technology of nuclear weapons is likely to leak and proliferate in some proportion to the total effort devoted to them. The nonproliferation treaty would have been unnecessary if every nonnuclear country had first had to finance a Manhattan project to learn to make a bomb. Furthermore, the chance of an unauthorized psychotic or accidental firing with its potentially catastrophic consequences, is larger the more weapons abound, other things being equal.

However, the superpowers are technically and politically constrained to invest more effort in protective systems for their large stockpiles, and countries like France and China which are still developing their nuclear capabilities probably present more serious threats of significant accident.

As to "overkill," the metaphor makes sense for a first-strike capability—a small percentage of the stockpile of either superpower could wipe out civilization—but a credible deterent must still be perceived as inflicting intolerable injury after having absorbed a preemptive attack. Overkill potential is exactly what stabilizes the system to make unlikely the actual use in anger of a nuclear weapon.

From this point of view, it is pointless to discuss nuclear parity or sufficiency or superiority in terms of numbers of missiles, which is the fashionable game. The accuracy of intelligence about the location of missile launch sites, the precision of guidance, the shrewdness of target selection, the security of command and control, and above all how well these are perceived by an enemy and by ourselves—these now become far more cruical to deterrence than an advertisement of crude numbers of missiles or of warheads. The essential function of strategic arms is to ensure that they will never be used by either side, and that any threat of their use works to stabilize rather than to inflame the relations of competing nations.

WILL STALEMATE LAST?

The arms race having progressed to an effective stalemate, which has worked better than anyone could have hoped 25 years ago, its main hazards today come from its side effects on both international and national policies. The most serious of these is an unremitting anxiety and suspicion about possible technical breakthroughs that might break the stalemate.

At one level, this leads to the mutual reinforcement of distrust about each side's intentions and plans. At another it provokes the constant search for the technology to do it first here. The main argument openly leveled by most academic physicists against the ABM is that it simply will not do any of the several jobs for which it is purportedly designed. The real force of their anxiety is that a long-range program of ABM research might eventually develop methods that more credibly offer a prospect of anti-missile defense.

Needless to say, it would be comforting to devise a world in which defense had a real margin over attack, but how do we get there except through closely monitored mutual agreements? In the process, the existing balance will be broken, and we will face the most serious risks of either side's feeling compelled to undertake a pre-emptive attack. At the very least both sides would

strive to redouble their offensive weaponry in order to sustain the credibility of their retaliatory potential.

Effective defense against missiles evidently remains quite remote, but it might be technically achieved at the far end of an extensive program of trial and development, of which Safeguard is the first step. This is a technological "Race to Oblivion," the history of which has been authoritatively documented in Dr. Herbert York's recent book of that title.

Dr. York recounts how the arms race mentality was exploited with great skill and mendacity in the 1960s to fund redundant and useless weapons systems, and to ensure that each of the services in an imperfectly unified defense establishment would be placated. He believes, as I do, that the security of the country depends only in part on technical innovation, and that we must address our greater efforts to stabilizing the security of the world if we are to have any for ourselves.

But we cannot overlook the need for technological creativity, which will rapidly disappear if we do not repair the sources of the cynicism of our youth about the legitimacy of our national goals. By building so heavily on technological bases of security, while neglecting the causes of internal disaffection, we have impaired our military security far more than any missile deficit imply.

SPUTNIK OVERRATED

Mutual misperceptions of strategic posture undoubtedly fueled the gravest international confrontation to date, the Cuban missile crisis in 1962. Dr. York recalls how we grossly overrated the military significance of Sputnik in 1957. The Soviets had, in fact, overbuilt their rockets in a way that suited them for space flight but slowed up their deployment in strategically significant numbers. The missile gap myth of the 1960 election campaign was based on vastly inflated estimates of the Soviet operational capability. This is a difficulty inherent in any intelligence organization, which will never be criticized as much for drawing the most extensive implications out of fragmentary data as it would be for overlooking any possibility.

Arthur M. Schlesinger Jr., in his "A Thousand Days," makes the curious remark that the Soviets in 1960 were "innocent of the higher calculus of deterrence as recently developed in the U.S." Therefore, they could not comprehend the stabilizing purpose of President Kennedy's plans to enhance U.S. missilery. Knowing the actual strength of their own forces, they may in fact have viewed Kennedy's missile program in the same way that Secretary Laird construes the SS-9s, namely the development of a first strike potential that could smother the ability to retaliate.

"Too bad, that's their problem," some might say. But that confusion may explain Khrushchev's Cuban gambit, a desperate move that would have been senseless as a direct strategic threat against the United States—provided the Russians really had an ample long-range missile force based on their own soil.

When your opponent has nuclear weapons, his jitters are your problem, too.

The Cuban gambit had to be resisted for its potential side-effects on Latin-American politics, more than as an element in strategic deterrency. It does suggest one avenue that might be opened up for a negotiated program of low-cost mutual security.

AN OVERDRAWN PARABLE

In 1961, the late Leo Szilard wrote a fictional parable, "The Mined Cities," wherein the superpowers had exchanged the capability of assured destruction by allowing the major cities to be mined by the other side. The idea has been revived from time to time—but like Rep. Craig Hosmer's suggestion that we multiply world security by giving every country four A-bombs—it does an ingenious metaphor the worst injustice to take it too literally. The parable does point out that our cities are hostages to one another, whether the bombs are underground or need to be delivered by a 30-minute rocket flight. (This reasoning also makes one question whether Moscow and Washington are the right cities to be shielded with ABMs, when the potentates would make the most credible hostages.) Why not then agree that the problem of mutual security has some technical solution, achievable at the lowest mutual cost?

The establishment of a Soviet missile base in Cuba, or American bombers in Libya, entailed political complications almost as unacceptable as giving extraterritorial access into the U.S. capital to a Soviet bomb squad. And where would we fit the French and the Chinese?

The nondeployment of a potential ABM system is a constructive equivalent to cheapening the hostage system, with the fewest side effects. MIRVs (multiple warhead missiles) complicate the deterrence equations, giving the first-striker a better chance to destroy a deterrent, but the naval option and a multiplication of feints are as plausible answers as any foreseeable ABM. As far as arms control is concerned, once the potential for MIRV was understood, little room was left for any verifiable control over its further development. Indeed, the need to play out this act so that both sides could work out the implications of MIRV may have compelled the postponement of SALT until now.

If we separate the gimmickry from the parable behind "The Mined Cities," we can see that the naval options may give us the greatest room for mutual advantage. Ironical schemes can be composed that point up some of the absurdities of the world system. For example, it would be more to our advantage if Soviet submarines refuel at Portland, Maine, rather than at Cienfuegos, Cuba; and we might offer to exchange base privileges on U.S. shores for their equivalent on the Black and Baltic Seas.

But even if such superrational exchanges could be negotiated, they would raise untold mischief through disputes over the interpretation of the guaranteed free access on which they would have to be based. Better that we work out a de facto equilibrium, provided that this is based on the clear understanding that any solution must provide for a zone of strategic security on both sides, or nothing but desperate maneuvering can follow.

WORKING OUT THE BUGS

The greatest anxiety about surprise attack in the next decade—for both sides are in fact expanding the naval option—is that new technology may impair the invulnerability of the submarine. It is absolutely inconceivable that antisubmarine detection and warfare could reach the point of reliably removing the bulk of a retaliatory force in a single surprise attack, without having first been widely exercised and tested. Mutually advantageous agreements to limit such testing should be fairly amenable to verification. They could be a logical extension of the existing ban on testing nuclear weapons under water.

There is also a danger that units of the naval strategic force may become involved in tactical conflicts, with a consequent erosion of the line that marks nuclear weapons off from all others. This will require very careful attention to our own doctrine.

The problem of surprise attack can be formulated in more precise, quantitative terms than any other aspect of defense strategy. There are still many uncertainties, for example the operational reliability of immense computer programs, and the level of nuclear retaliation that would be so "unacceptable" to a potential attacker as to deter him. Nevertheless, the analyst can make a fairly simple model of the array of forces, and ignore the complexities of mass psychology and serpentine recalculation that blur the scientific predictability of any political confrontation.

The simplicity of the problem to the rational analyst, and its appeal to the paranoia of the antirational, have captured our attention and resources out of proportion to the role of surprise attack in world conflict. By overdesigning our solutions to that problem, we leave ourselves ever less prepared to cope with the actual difficulties of today's world.

The nuclear deterrent can play no direct role in dealing with the Soviet penetration of Africa, harassment by air pirates, or the re-enslavement of Czechoslovakia. These have no easy answers, but they clearly require the rebuilding of a sense of community with our allies and friends, who are inevitably isolated by a historic trend of unilateral force commitments and defense investments typified by Vietnam and by the ABM.

WHAT TO DO?

All sides are approaching the conclusion that mutual defense against surprise attack needlessly consumes an inordinate portion of world resources. We seek a new pattern of reciprocal arms disposal whose very momentum would be the best assurance that it was not merely a gambit for strategic advantage. This would be hard to construct, merely against the fears, angers and entrenched interests of important elements within both superpowers.

A simple moratorium on the emplacement of strategic weapons has been suggested, but it is likely to be entangled in contentious differences over whether it should embrace aircraft, tactical missiles, and so on.

From a technical standpoint, the most amenable place for controls is testing; a comprehensive freeze on all missile tests would be most easily verified, and would provide the utmost assurance against the perpetuation of a costly technology race.

It would complicate some peaceful applications of space technology. However, none of these require precise re-entry after a brief, high velocity flight. Furthermore, nothing would be lost in requiring a definite pattern of international participation in space missions to assure that these were a net benefit to the whole earth from which they have embarked.

DISCRIMINATION AGAINST FEED GRAIN PRODUCERS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHERLE. Mr. Speaker, today I have introduced legislation pertaining to the feed grain provision of the Agricultural Act of 1970. My proposal would eliminate the section which proportionately reduces the preliminary payments for corn below 32 cents per bushel if the feed grain set-aside is less than 20 percent. Secretary Hardin has jurisdiction over this matter.

The present provision in the bill blatantly discriminates against feed grain producers. There is no similar restriction on wheat or cotton in the present law. If conditions ever warranted a set-aside below 20 percent, the consequences would be abruptly disastrous. For example, if the set-aside were placed at 10 percent, the participant would receive only 16 cents a bushel for corn instead of 32 cents.

As a representative of the Corn Belt, I cannot tolerate this rank inequity threat-

ening the feed grain producers and their allied business interests. The future economic health of Iowa must be protected against this menace.

Next week, I intend personally to urge the chairman of the House Agriculture Committee and high officials at the White House to support my proposal.

RELOCATION LEGISLATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RYAN. Mr. Speaker, on Monday, December 7, the House passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970—S. 1. I want to take particular note of this bill, because the problem of persons and businesses displaced from their homes and places of business by governmental and institutional construction projects is a serious and persisting one.

Previous steps have been taken by the Congress, but as a cogent, well-presented recent report details, the administration of the laws which have been passed has been extremely inadequate. In this report, "The Legal Lawbreakers: A Study of the Nonadministration of Federal Relocation Requirements, written by Edgar S. Cahn, Timothy Eichenberg, and Roberta V. Romberg under the aegis of the Citizens Advocate Center, a brief description of the existing legislation is given:

For the past six years, Congress has engaged in an almost yearly ritual of restating its command to provide adequate relocation. Each time leeway for discretion has been perverted into a license to continue evasion.

In 1964, Congress ordered the Secretary (of Housing and Urban Development) to issue rules and regulations implementing the requirements of the 1949 Act and setting forth in some detail the minimal necessary requirements of a satisfactory relocation assistance program. (42 USV 1455(c)).

In 1965, Congress went further in detailing the essential elements of a relocation assistance program and required that: "the Secretary shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the local public agency that decent, safe, and sanitary dwellings . . . are available for the relocation of each such (displaced) individual or family." (42 USC 1455(c)(2)).

In 1966, Congress attempted to grapple with the phenomenon of slums being replaced by housing for the affluent while the available stock of housing units for the poor dwindled steadily. It therefore required that a "substantial number" of standard housing units in areas redeveloped for predominantly residential uses be for moderate and low-income people. (42 U.S.C. 1455 (f)).

In 1968, the number of units for low and moderate income families was raised to a "majority" of each communities (sic) total of which at least 20 percent of that majority, as of 1969, must be for low-income families and individuals.

In 1969, Congress, spurred by the continuous frustration of its mandates, required the Secretary of HUD to review local relocation plans and their effectiveness every two years. (42 USC 1455 (c)(3)). Moreover, in an attempt to make up lost ground, Congress directed that housing be provided "at least equal in number" to the number of units that existed prior to demolition if a vacancy rate of less than 5 percent exists in LPA's (local public agency's) jurisdiction. (Pages 21–22)

Despite the legislative endeavors of the past, the problems of relocation remain. The enormously important objective set by the Douglas Commission—that is, the National Commission on Urban Problems—in its 1968 report, "Building the American City" has not been met. There, the Commission said, at page 90:

A large and steadily increasing proportion of those displaced, including those of low income, should be able to go directly into a decent home and suitable living environment, regardless of who or what displaced them.

This was a relatively modest goal. Actually, all of those displaced must be immediately afforded decent housing and business sites.

Some progress had already been made this year prior to the consideration of S. 1, with the passage by the House on November 25, 1970, of H.R. 19504, authorizing appropriations for highway construction. This bill, in section 117, embodied my bill H.R. 18240, which permits the Secretary of Transportation to approve as part of the cost of construction of any Federal-aid highway project which he administers the construction and acquisition of replacement housing, and the relocation of existing housing.

S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, is a major step in meeting the problem of persons and businesses displaced by Federal projects, or by projects being conducted by State agencies receiving Federal financial assistance. But, it leaves a very significant gap, because it does not cover displacement arising from construction by private institutions—such as schools and hospitals—even though they, too, may be receiving Federal financial assistance.

This is a very regrettable flaw in S. 1, and it is one which I particularly addressed when I appeared before the Committee on Public Works on December 4, 1969, to discuss relocation legislation. In fact, one of the bills which I have introduced—H.R. 609—not only accomplishes the same end as S. 1 by expanding relocation assistance to all Federal projects and federally assisted State projects, but it also covers federally assisted private institutional expansion.

Similarly, two other bills which I have introduced cover the relocation problem following upon private institutional expansion. I have introduced legislation—H.R. 10266—to provide that recipients of grants or loans for construction under the Higher Education Facilities Act of 1963 be required to satisfy the Federal Government that relocation benefits similar to those available under the Housing Act of 1949 will be provided as a condition of receiving Federal assistance. And H.R. 10651 establishes the same requirement as to recipients of grants or loans for the construction of hospitals and other public health facilities.

In brief, I have always maintained that relocation assistance should not be limited just to persons displaced because of urban renewal or highway construction. Anytime the Federal Government is involved, whether directly or indirecty, in the displacement of persons and businesses, relocation assistance should be provided. My bill H.R. 609 addresses this. S. 1 does so only partially; its omission of private institutional expansion from its coverage is very unfortunate.

I would note, however, that S. 1, as passed by the House, does liberalize relocation payments—another prime concern of mine which I have expressed by the introduction of H.R. 600.

Two of my bills concerning relocation have not been included in S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. H.R. 597 would prohibit the construction of luxury housing in the redevelopment of urban renewal areas. This bill was not before the Public Works Committee, but rather, has been referred to the Committee on Banking and Currency. I testified before the Subcommittee on Housing of that committee regarding H.R. 597, on June 3, and I hope that action will be taken in the future to report it out. So long as moderate and low-income people are displaced and so long as adequate housing is not available for them, luxury housing should be barred from the sites of their previous homes, in order to assure that new housing for them will be constructed.

H.R. 599, as to which I also testified before the Subcommittee on Housing on June 3, 1970, similarly requires affirmative response. This bill amends title I of the Housing Act of 1949 to provide that individuals, families, and business concerns displaced by an urban renewal project shall have a priority of opportunity to relocate in the project area after its redevelopment.

Unfortunately, section 212 of S. 1 authorizes State agencies involved in relocation assistance programs to "enter into contracts with any individual, firm, association, or corporation for services in connection with such programs." My bill, H.R. 598, specifically bars this with regard to urban renewal relocation. It requires local public agencies to undertake relocation rather than less responsive, detached private organizations merely undertaking contracts for profit.

My criticisms aside, S. 1, the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970, is an important piece of legislation. It addresses a problem which is not new, but which remains inadequately and insufficiently resolved.

I should like to add, however, that I hope that in the Senate-House conference on S. 1, certain provisions of the Senate bill, as opposed to the House bill, will be retained. For example, section 102 of the House bill changes the judicial review section of the Senate bill—section 401. The House change makes the final determinations of the administrators of Federal programs calling for the relocation of individuals unreviewable in a court of law. Judicial recourse is an essential component of the relocation process, and it should not be barred.

Also, the clause "to the extent that can reasonably be accomplished" has been added, in section 205(e)(3) of the House bill to the replacement housing guarantees prior to displacement con-

tained in section 212(c)(2) of the Senate bill. Thereby, an escape clause, subject to administrative abuse, is provided.

The Senate bill, in section 241, permits the President to intervene to correct and assure equitable relocation payments and rehousing assistance when either are found to be deficient. No comparable provision is present in the House passed version of the bill.

Furthermore, the Senate bill includes in the definition of "displaced person" those who move in the "reasonable expectation of acquisition." The House bill, in section 101, excludes those who voluntarily move, and requires that such a move be the result of the acquisition of real property.

S. 1, the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, does not solve all the problems of relocation. But it is a significant step forward. It should be enacted into law.

At this time, I should like to insert a copy of the testimony which I presented before the House Committee on Public Works on December 4, 1969 regarding my relocation legislation:

STATEMENT OF HON. WILLIAM F. RYAN

Thank you very much. It is always a pleasure to appear before this distinguished committee and your distinguished chairman and members. It is a pleasure which I have enjoyed frequently in the past.

Today I should like to express my concern about the thousands of Americans who are displaced every year from their home and places of business as a result of construction facilitated by Federal programs. These programs include urban renewal and other housing programs, highway construction, Federal facilities such as post offices, university expansion, hospital construction, and a host of other programs.

The effect upon the affected individual is the same whether he is displaced as a result of the action of a Federal agency, a State agency using Federal assistance, a local public agency, or a private institution using a Federal grant or loan program.

The need for a uniform policy for Federal agencies and State agencies using Federal assistance is recognized in S. 1 which the Senate passed. But the problem of displacement by private institutions through federally assisted programs requires a legislative solution.

In previous years and this year, I have introduced legislation to provide that recipients of loans or grants for construction under the Higher Education Facilities Act of 1963—H.R. 10266—or for hospital and other public health facilities construction under the Public Health Service Act—H.R. 10651—be required to satisfy the Federal Government that relocation benefits similar to those available under the Housing Act of 1949 be provided as a condition of receiving Federal assistance.

When the Higher Education Facilities Act of 1963 was on the floor on August 14, 1963, I offered an amendment to that bill to require relocation benefits. In the past I have also offered similar amendments to the Hill-Burton Hospital Construction Act. The last time I did so was on June 4, 1969. In November 3 of this year I testified before the Special Subcommittee on Education which held hearings on my bill H.R. 10266 and the bill H.R. 14008 sponsored by Representative Edith Green.

The problem of dislocation resulting from institutional expansion in densely populated urban areas is becoming increasingly acute and has been the focal point of conflict between the community and the university in the Columbia University area and other areas and a source of campus unrest.

Federal assistance for the construction of higher education facilities is necessary so that our colleges and universities are able to prepare the young men and women of America for the future. However, in our cities, where there is little vacant land available, college and university expansion often conflicts with other important social interests.

My bills are aimed at alleviating an effect of institutional expansion—dislocation of families and businesses in the surrounding community.

When an education institution expands, it not only causes the personal hardship and expense of displacement, but also, in many cases, there is additional hardship because little or no relocation assistance is provided. The desirability of a university's expansion plan from an educational standpoint is often offset by the undesirability of the inconvenience and displacement it forces on local residents.

When institutional expansion is aided by Federal funds, the Federal Government should bear the responsibility of making relocation assistance a prerequisite to the granting or loaning of funds.

The Federal Government has accepted this responsibility when urban renewal funds are involved. Section 114 of the Housing act of 1949 requires that local public agencies pay dislocation benefits to families, businessmen and nonprofit organizatons displaced by urban renewal. These benefits were expanded in the Housing and Urban Development Act of 1965 to include displacement resulting from low-rent public housing, mass transportation, public facility loans, open-space land and urban beautification, and neighborhood facilities.

Why, then should there not be a provision to include assistance for displacement by federally assisted institutional expansion?

The owner of the building is compensated. And in New York City, if the building is under rent control, a minimal payment is made to the tenant. But in most cases, the tenants have no legal right to relocation benefits or to assistance with their moving expenses. And usually, they are unable to find housing of comparable quality or cost.

The same situation faces the businessman. The small businessman often is displaced on short notice. A proprietor who may have spent his whole life building up his business is faced with a move which may force him to pay large moving expenses, to pay a higher rent, and to lose his clientele. He may even be forced out of business.

I have pointed out the inconsistency of providing relocation benefits under urban renewal and the Federal-aid-to-highway program but not under other federally assisted construction, such as higher education facilities.

There is another anomaly in that assistance is provided for expansion when the land is acquired through urban renewal and then turned over to the institutions. The University of Chicago is an example of such expansion. This, however, is a rare occurrence.

This means that if a university were to expand for two blocks: and this did happen in the University of Chicago situation—one block being included in an urban renewal plan and the other not—the residents and small businessmen in the urban renewal block could receive assistance; those in the nonurban renewal block could not.

This is not merely a city problem. It exists wherever construction results in people being dislocated.

I am pleased that the distinguished chairman of the Special Subcommittee on Education (Mrs. Green) has introduced H.R. 14008 which is simliar to H.R. 10266. Her bill requires relocation payments and assistance as provided in the Federal Aid Highway Act of 1965, whereas my bill uses the urban renewal benefits.

While I have offered legislation directed to specific Federal assistance programs aiding institutional expansion, I recognize the need for an overall relocation policy. Therefore, I have introduced H.R. 609 to establish a uniform Federal relocation policy, which would be administered by a central Relocation Assistance Bureau, located in the Department of Housing and Urban Development.

The basic standard of payment would be that which is now provided for persons and businesses displaced by urban renewal action in section 114 of the Housing Act of 1949, amended as follows: the ceiling on compensated moving expenses would be removed and actual losses covered; tenants would be paid the difference between former rentals and the rental in new comparable housing for 1 year; in the case of businesses, certain losses of profit and goodwill would be covered. The location benefits for small businesses would include an amount equal to the loss of profit for the first year after relocation; also, if reasonable efforts to obtain a reasonable replacement site fail, benefits would include an amount equal to the fair and reasonable market value of the trade or business unless the businessman is offered a priority of opportunity to purchase or lease substitute facilities to be constructed or provided in connection with the development project.

Payments would be made directly to the relocatees by the Bureau of Relocation Assistance.

H.R. 609 provides that no Federal agency shall approve an application for loan or grant assistance, not undertake direct construction without first identifying persons to be relocated, informing them of their rights, and providing the Director of the Relocation Assistance Bureau with information sufficient to make the consumption of relocation benefits.

H.R. 609 charges the Director of Relocation Assistance with the responsibility of keeping a current file on all Federal assistance and construction programs and the need for relocation assistance. It also requires that he take actions to insure that individuals and businessmen displaced as a result of federally aided activities be fully informed of their rights and given assistance in relocating. He is further required to coordinate his activities with other Federal agencies.

All Federal grants, direct loan and direct construction programs are covered.

The Senate has passed S. 1, but it does not touch the problem of displacement caused by federally assisted expansion of private institutions.

Institutional expansion—whether of an educational facility or medical facility—too often disrupts families and businesses in the surrounding community.

The need for expansion is often offset by the undesirability of the inconvenience and displacement it forces on local residents. Not only is there the personal hardship and expense of displacement, but also, in many cases there is additional hardship because little or no relocation assistance is provided.

The time has come for Congress to insist that relocation assistance be provided to those displaced by all federally assisted projects.

REPUBLICAN ADMINISTRATION'S RECORD—NOT A DIME'S WORTH OF DIFFERENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RARICK. Mr. Speaker, as the 91st Congress draws to a close, political observers are analyzing the President's leadership and the direction of his ad-

ministration. Tragically, the conclusion of many unalined observers is that there is not a dime's worth of difference between the present administration and the several preceding ones.

Maj. Gen. Thomas A. Lane, USA, retired, in his column, "Public Affairs," summarizes, "Richard Nixon makes the same mistakes which were made by Franklin D. Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, and Lyndon Johnson. Now, however, we have lost the superiority of military power which made the mistakes of his predecessor tolerable."

Mr. Edward Hunter, publisher of TACTICS, in his February 20, 1969, forecast the type of advice President Nixon was getting and identified the source; namely, the same appeasement, unilateral disarmament and surrender elements that had infiltrated the Democratic administrations, destroying their chances for continued power, rather than accept even a compromise, have now infiltrated and shifted their operations to the Nixon administration.

Our people must be constantly reminded that the "peace" which the Communists use to disarm us is the same "peace" that its agents say can only be found at the end of a gun barrel.

The American people must understand that those at the helm of our Government react only to pressure groups and special-interest lobbies. Those in positions of authority possess neither the courage nor the leadership to correct our Nation's direction. If there is to be any change in our country it can only come from the people themselves.

For the perusal of our colleagues, I insert General Lane's column and the TACTIC's report in the RECORD:

A POLICY OF QUIET SURRENDER?

WASHINGTON.—There is growing evidence that the Nixon foreign policy is coming apart at the seams. It lacks any inspiration and direction which can hold the free world together. Consequently, more free nations are turning to the "peace" which the communist powers offer rather than to the peace about which the President speaks.

In Latin America, the Kennedy move to the left was damaging. It propagated the marxist philosophy which the communist share. It prepared the way not for development but for socialism. The performance of socialist countries demonstrates that socialism is a barrier to development. Nevertheless the Kennedy program showed concern and friendship for our neighbors and to that extent had some beneficial results.

President Nixon has seemingly abandoned Latin America to the wiles of communism He has had two hostile revolutions in as many years and the recent installation of a communist-dominated regime in Chile. He has confused a tactful respect for the internal autonomy of our neighbors with indifference to their hostility.

In Europe, Chancellor Willy Brandt of West Germany has been negotiating agreements with the Soviet Union and Poland. It is the view of many observers that the Chancellor is undermining the war powers of the western allies, to the delight of Moscow.

The Chancellor could not carry out these initiatives without the approval of the United States. We have forces in Germany which could be jeopardized by the Brandt policies. Why does the Nixon administration cooperate with a Soviet strategy designed to promote euphoria and disarmament in western Europe even as it asserts that our continuing military presence in Europe is required?

For twenty-five years, the United States has complacently allowed the Soviet Union to occupy East Germany in lieu of concluding the peace treaty which was to end the occupation. Will President Nixon now renounce our war powers and allow the USSR to keep East Germany? We move from weakness to surrender in the illusion that this is progress.

The Nixon administration accepted complacently the recent majority vote in the United Nations for the expulsion of free China and the seating of Red China. Is the principled United States opposition to such an outrage now to be abandoned? Administration propagandists are already preparing the American people to accept defeat next year. The fraudulent arguments for seating Red China which previous administrations had long rejected now enjoy a new vogue, with administration acquiescence, if not outright promulgation. The seeming reluctance of the Nixon administration to confront the communist powers has moved Canada, Italy and Ethiopia to recognize Red China. Other allies are poised to follow.

In Vietnam, the war continues apace. U.S. battle casualties in the first two years of the Nixon administration will reach about 110,000, with some 13,500 of these killed in action. U.S. battle casualties in 1970 are about one-half the 1969 casualties but the reduction in American casualties is balanced by a corresponding increase in South Vietnamese casualties. The scale of war has not diminished. Nothing has been achieved at Paris, Peace is as distant as ever.

These signs—and others, such as the forcible return of the Lithuanian refugee sailor from U.S. to Soviet custody—reflect the continuing failure of U.S. foreign policy to address the reality of Soviet power and purpose. Richard Nixon makes the same mistakes which were made by Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy and Lyndon Johnson. Now, however, we have lost the superiority of military power which made the mistakes of his predecessors tolerable. The policy of retreat is no longer tolerable.

It is the remarkable record of three decades that our soothsayers have, through a steady series of defeats, managed to preserve a spirit of public optimism about the promise of our diplomacy. The true significance of events has been screened from public view.

It is not enough in this real world we inhabit to extend goodwill and toleration to all. If we do not have more prudence in the management of the hopes we cherish, we can expect war without end, until we are destroyed.

APPEASEMENT AND BETRAYAL PROGRAMS GETTING TO HIM: THE SORT OF ADVICE NIXON IS GETTING

A program for so-called "change" in American policy toward Asia that is a betrayal and surrender program has been brought into the White House. Although anti-communists specializing on Asia or anywhere else are taboo at the White House at present as they were when the Democrats occupied it, a policy recommendation for a not so subtle sellout has reached its destination. The signatories show that anti-anticommunists still have the entree. Except for one professor each from Columbia and M.I.T., they are all from Harvard. The J. F. Kennedy School of Government put it across.

The signatories: Jerome Alan Cohen, professor of law, Harvard, chairman; John K. Fairbank, director, East Asian Research Center, Roy Hofheinz, assistant professor of government, Dwight Perkins, professor of economics, Edwin O. Reischauer, professor, Benjamin I. Schwartz, professor of history and government, James Thomson, assistant professor of history, Ezra Vogel, professor of social relations, all of Harvard; A. Doak Barnett, professor of government, Columbia, and Lucian Pye, professor of government, Massachusetts Institute of Technology.

The document is particularly important because it presents in doubetalk, slanting and falsifying by omission and selectivity in the choice of facts, the appeasement line being pressed upon us as a settlement for our Asia problems. It was no more intended to become public than was the notorious Fulbright memorandum at the start of the Kennedy Administration, whose implementation deprived the U.S.S. Pueblo, for example, of physical and moral preparation for an attempted seizure. The document follows without change or deletions. A few observations by this editor have been inserted in the text, inside brackets.

MEMORANDUM FOR PRESIDENT-ELECT NIXON ON U.S. RELATIONS WITH CHINA

NOVEMBER 6, 1968.

As scholars in the field of East Asian studies who have completed a year of private discussions of America's relations with East Asia under the auspices of the Institute of Politics of Harvard's J. F. Kennedy School of Government, we write to give you our thoughts on the pivotal issue of United States relations with China.

United States Objectives: The past two decades of American-East Asian relations has been dominated by the central reality of Sino-American hostility and deadlock. It seems evident that, whatever the nature or timing of a Viet Nam settlement, the China problem will continue to dominate our East Asian relations in the years of the new Administration and, indeed, through the decade of the 1970's.

Communist China's size, ideology, relative isolation, potential power and current internal upheaval increase the dangers of instability in a chronically unstable part of the world. The central objective of America's China policy has been and should continue to be to avoid war with China and to minimize its disruption of surrounding areas.

Since the end of the Korean War, previous Administrations have generally followed a twofold policy to achieve these objectives: On the one hand, military containment in order to deter possible Chinese aggression; on the other hand, a limited and tentative effort at communication with the China mainland through ambassadorial talks and, from time to time, proposals for unofficial contacts. Through much of this period, of course, the first of these approaches has been given such priority as to dwarf the significance of the second.

It seems to us that the time has come for a more equal balance between these two approaches, so that, while continuing to avoid war with China and to discourage Chinese military intervention abroad, we move more positively toward the relaxation of tensions between China and the United States, and the eventual achievement of reconciliation.

The specific steps we propose below in pursuit of these objectives require some important words of caution. Although the outcome of the domestic turmoil that has disrupted mainland China for the past three years remains unclear, we do not now anticipate any Chinese desire to improve relations with the United States. It is therefore highly likely that any and all of the initiatives that we propose will be rejected out of hand by Peking's leaders in the foreseeable future.

We propose these initiatives, nonetheless, because of our conviction that our national interests in Asia will best be served by an American policy that offers the Chinese the clear option of a less hostile relationship with the outside world. At a minimum, we will

complicate a Peking decision-making process that has all too easily been based on a theory of implacable American hostility; at the same time, we will be speaking—through our deeds as well as our words—to present or future Chinese leaders who harbor doubts about Mao Tse-tung's vision of the world. Unless we achieve this better balanced policy, we may at least miss significant opportunities to moderate Peking's behavior and, at the worst, may help lay the groundwork for a war with China that neither side can hope to "win."

[*Editor's observations:* The casual reference to "domestic turmoil that has disrupted mainland China for the past three years" is particularly cynical, in view of the recommendations that we, on our part, without expecting any reciprocity by Peking, engage in secret and circuitous deals with the Chinese reds. This memo recommends our support for the Red Chinese who want to destroy us, and betrayal of the free Chinese who have remained loyal to us. The "turmoil" presented us with an opportunity to encourage and support the Chinese people in their quest for freedom. Anything else betrays our friends on the Chinese mainland and helps save and strengthen those who aim at our destruction, for which they are hastening their nuclear bomb and missile facilities. Such a policy as urged, if implemented, would provide our enemies with the means for our conquest by the socialist-communist complex. This is a masochistic objective.]

PROPOSALS

A. Relations with mainland China

1. Exploratory Meeting. You should seriously explore the possibility of arranging confidential—perhaps even deniable—conversations between Chinese Communist leaders and someone in whom you have confidence. Your emissary would convey the new Administration's interest in hearing Chinese views on a wide spectrum of subjects including Viet Nam and disarmament and in probing, unofficially and in a more informal setting than at Warsaw, the prospects for a normal relationship. . . .

2. Viet Nam Negotiations. The arduous process of a Viet Nam settlement may well offer an opportunity for the improvement of relations with China and engagement of China in the international order. Despite China's present hostility to a negotiated solution, the new Administration should be alert to opportunities to involve Peking in some state of the Viet Nam negotiating process—perhaps through a reconstructed forum, perhaps through a packaged end-product that would bring China, both Viet Nams, and other divided nations into the United Nations. The chief consideration: Viet Nam negotiations should be looked upon as a possible step toward a wider Asian settlement, and, thereby, an instrument for the potential inclusion of China in the international community.

3. Lowering of Polemics. It is essential that all Administration spokesmen refrain from provocative statements in their comments about China, regardless of Peking's hostile rhetoric. In the past, pious hopes for "reconciliation" have often been undermined by press releases such as those that compared the Chinese Communists to the Nazis. Especially galling to the Chinese Communists is the apparent American stand that Taiwan is the only China. The new Administration should find an early opportunity to erase this lag between rhetoric and reality. Since 1955, under two parties and three Presidents, the U.S. Government has dealt, in Geneva and Warsaw and in Taipei, with two regimes that call themselves "China". It would be most useful for you or your Secretary of State to find an occasion to take note of the fact—without fanfare—that we have in effect accorded Peking de facto recognition for a decade and a half, but that de jure recognition is obviously a far more complicated matter that remains to be discussed.

4. Anti-Ballistic Missile (ABM). The new Administration will have to decide whether to continue with the recently authorized "thin" ABM system. In our view, insufficient consideration has been given by the present Administration to the consequences for Sino-American relations that this system may entail. Aside from the questions of the Soviet-American military balance, plans for an ABM are not only militarily unnecessary as a deterrent to Peking but may well be viewed by the Chinese Communists as evidence of American intent to attack Peking. We urge that the ABM decision be reconsidered.

5. Trade. The new Administration should seek an early opportunity to modify America's trade embargo against China, a residue of the Korean War which denies China nothing she needs, is supported by none of our major allies, acts as periodic irritant in our relations with third parties, denies America even the possibility of marginal economic leverage in a changing China, and prevents our businessmen from sharing in the China market. In this regard, the new Administration should build on the tentative rhetoric of its predecessors and place our trade with China on the same basis (non-strategic goods) as our trade with the USSR and Eastern Europe.

6. Travel and Other Contacts. The new Administration should likewise remove the last vestiges of control on the travel of Americans to China and, at the same time, should make known its willingness to admit as visitors to the U.S. any Chinese the Peking government is willing to send to our shores. These steps will not only reflect the confidence and strength of a free society; they will open the door to the possibility of deisolation when some future Chinese leadership is ready to choose that option. In addition to official contacts, the new Administration should encourage private and unofficial meetings, between Chinese and American journalists, educators, scientists, artists, and others.

[*Editor's observations:* Practically every sentence in this section is fifth columnism, the presentation item by item of the red propaganda tactics by which they expect to destroy the United States. We are to engage in unilateral disarmament psychologically, militarily and any other manner, on the premise that some day, a future Red Chinese leadership would see the error of its ways and become friendly to us. How many generations are we to wait, and would we not be destroyed long before? Of course. No wonder the proposals start right out with an injunction to the new President to engage in tactics of deceit, not against the enemy but against the American Congress, press and public. In the doing, of course, we would have to engage in renewed news management and press controls, and a gradual abandonment of American freedoms. This is the form that is being taken by the gradualism and convergence strategy of the Marxist complex.

[Nixon is told in this memo, in the manner President Kennedy was told by Sen. Fulbright in his notorious memo, to "refrain from provocative statements" and "press releases such as those that compared the Chinese Communists to the Nazis." He is being urged to lie to the Congress and the voters, in the way these advisers distort, falsify and deceive in this memo, which was never intended for publication, exactly as the Fulbright memo was supposed to be kept secret.

[This pro-Red China clique obviously betrays itself as a Red China lobby in this memo and deed. Indeed, it has been the "China lobby" all along, seeking to conceal its Marxist nature by a tranfser tactic, making it seem that the anti-reds were the "China lobby." We recognize Free China, but this clique abstains from identifying the mainland as red-ruled, but refers to it as just China, not Communist China or Red China. This is a subtle, propaganda deceit. The secret recommendations, too, advise the Nixon Administration to proceed as if we recognized Red China, and to seize the opportunity to bring the maneuver into the open, "without fanfare," thus betraying those on our side once more. Although this Marxist clique took the pro-red line that the Russian missiles in Cuba were "defensive," here they urge us to do away with an anti-ballistic missile system in the United States as being "provocative," demonstrating "American intent to attack China." When has a wall ever been an offensive weapon? But where these fake "liberals" and pro-reds are concerned, truth and falsity, right and wrong, are relative factors, to be exploited in whatever way helps their side in its tactics. The statement, "Taiwan is not legally part of China," is a lie, which for professors of history to propagate is particularly reprehensible. We should consider Free China as our enemy, not Red China, they imply. But read on.]

B. Relations with Taiwan. The foregoing steps involve preliminary attempts to restructure the Washington-Peking relationship. Simultaneous with such steps should come, inevitably, a restructiuring of the Washington-Taipei relationship. Here again the aim should be to bridge the gap between rhetoric and reality. The United States recognizes the Chinese Nationalists as the Government of the Republic of China, purporting to rule the mainland as well as Taiwan and the Pescadores; but Washington has long since begun to treat them as a government restricted to Taiwan and the Pescadores, tacitly accepting the fact that the Nationalists will not reconquer the mainland. Ever since 1951 every Administration has made it clear that Taiwan is not legally part of China, leaving the question of its status open to future developments. The new Administration should now build upon this reality. It should reaffirm America's commitment to the defense of Taiwan and the Pescadores, so long as people in Taiwan wish to retain a separate identity from mainland China. But by taking four particular steps it should anticipate and defuse Chinese Nationalist potential for causing Washington embarrassment.

1. Your Administration should send as Ambassador to Taiwan a man who understands the Administration's broad China strategy and can communicate it. In order to demonstrate the importance that you attach to political rather than military considerations, he should not be a military man.

2. As long as relative peace prevails in the Formosa Strait, the Administration should use this opportunity to press anew for orderly Nationalist evacuation of the offshore islands, Matsu and Quemoy. (While occupied by the Nationalists, these islands provide a lever by which *either* "China" can draw American forces into an unwanted Asia conflict. It should also press for an end to provocative Nationalist acts against the mainland.

[*Editor's observations:* Pravda never distorted the truth any more than has been done in this paragraph on these decisive offshore islands by A. Doak Barnett, John F. Fairbank and several others on this panel who certainly know the facts, but deliberately conceal them. Others on this surrender panel may plead ignorance; they have little knowledge of China. Red China has been periodically bombarding these islands, which have been made practically impregnable, and safeguard Taiwan. Quemoy was the scene of a decisive military victory by the Free Chinese that saved Taiwan.]

3. The Administration should prepare the ground, in frank discussions with the Chinese Nationalists, for a gradual shift in America's relationship with Peking and

specifically, for the complex problems which will undoubtedly arise in the United Nations. (See below.)

4. Finally, the Administration should be alert to political froces that are at work beneath the surface in Taiwan and, when opportunity offers, should press Chiang Kai-shek and/or his successors to offer the 11,000,000 Taiwanese and the 2,000,000 mainlanders on the island an opportunity for fuller participation in political life.

C. Broader problems. 1. The United Nations. The problem of Chinese representation in the United Nations will probably not confront the new Administration until the autumn of 1969. By that time the search for a Viet Nam settlement as well as earlier China-related initiatives may have tested the prospects for normalization of relations. In the unlikely event that these previous steps have borne fruit in our relations with China, the U.N. situation would present a similar problem. If not, however, it is nonetheless our conviction that the Administration should not seek to block the PRC's representation in the United Nations. For several obvious reasons, UN representation in Peking will undoubtedly come before—and is probably a prerequisite to—improved relations between China and America. In our view, the de-isolation of China requires Chinese participation, whenever possible, in international forums and the long-term "socialization" that such contacts may produce. U.S. policy-makers should therefore accept Peking's membership in the General Assembly and the Security Council while seeking simultaneously to preserve a General Assembly seat for Taiwan, whether as the Republic of China, an independent nation, or an autonomous region of China. Such objectives may best be achieved through acquiescence rather than active leadership by Washington; but they will require careful advance planning.

2. *China's Neighbors.* A gradual shift in our China policy, while welcome to our major allies, will cause anxiety among some of China's neighbors who have tailored their actions to the containment aspect of our policy. It is imperative that we ease the transition for these states by keeping them informed of our progress and plans and by assuring them of our continuing interest in their welfare.

3. *Japan.* It is especially important that we take Japan into our confidence in every step of our strategy. Although Japan will favor the substance of our strategy, if we abruptly shift gears without prior notice, we will create acute embarrassment for the Japanese Government.

4. *Third Country Contacts.* We should welcome the efforts of countries such as Japan to develop increasing contacts with mainland China, in the hope of involving the Chinese Communist regime more substantially in the world community.

5. *Washington-Moscow-Peking.* Implicit in the foregoing suggestions is the hope that the new Administration will attempt to view Sino-American relations as a separate problem from Soviet-American relations, though inevitably a related problem. The Sino-Soviet split provides us with an opportunity to treat each party separately and to scrutinize our national interests in each relationship with care. We urge that the new Administration, in its proper concern with the bilateral superpower balance, avoid judgments about China and its development that derive from Moscow's views of Peking. A Soviet-American alliance against Peking may serve Russia's interests; but it may not automatically serve U.S. national interests.

We believe that the recommendations outlined above will establish an American posture of firmness in our declared purposes and yet of reasonableness, prudence and willingness to resolve political problems by going halfway to meet the other side. This is a posture that will command the support of the broad center of the American electorate and of most of the nations of the world.

[*Editors observations:* This memorandum constitutes a warning that the appeasement, unilateral disarmament and surrender elements that infiltrated the Democratic Administrations, and destroyed its chances for continued power rather than accept even a compromise, have not given up. They have shifted their operations to the Nixon Administration. We can use the above policy recommendations as evidence of the proved trap being set for it, that it must avoid.]

TRANSPORTATION DEPARTMENT ENVIRONMENTAL POLICIES MODEL FOR GOVERNMENT

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. PELLY. Mr. Speaker, it has been almost 1 year since President Nixon signed into law the National Environmental Policy Act of 1969. He said at that time that in 1970 we were commencing "the decade of the environment." As the ranking minority member of the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries, I have had a unique opportunity to observe the implementation of this act by the executive department of Government. In my view, the Department of Transportation, headed by Secretary John A. Volpe, has set the standard by which all departments in this administration should be judged. In appearing before our subcommittee, Secretary Volpe made a statement which, in its clarity and completeness, should serve as a model for all other departments of Government. In order that this statement be given the broadest possible distribution, his statement appears at this point in the RECORD:

STATEMENT OF JOHN A. VOLPE, SECRETARY OF TRANSPORTATION

Mr. Chairman and members of the Committee: I am pleased to have this opportunity to appear before you to discuss how the Department of Transportation is implementing the policies and procedures of the National Environmental Policy Act of 1969.

At the outset I wish to state my firm belief that there need be no inconsistency between the dual goals of progress in our Nation's transportation systems and the preservation and enhancement of the quality of the environment. Undoubtedly, the scope of the Department of Transportation's activities, which include Federal aid grant programs for highways, airports, and urban transit facilities located in nearly all parts of our country, will provide a critical test for my convictions. But, I feel that with proper planning, our transportation systems can be developed in a manner which meets both our need for transportation services and our need to improve the quality of our environment.

As you are fully aware, Mr. Chairman, in addition to the National Environmental Policy Act, the Department of Transportation has very specific environmental responsibilities arising from section 4(f) of the Department of Transportation Act of 1966, section 16 of the Airport and Airways Development Act of 1970, and section 14 of the Urban Mass Transportation Assistance Act of 1970. The Office of the Assistant Secretary for Environment and Urban Systems is responsible for coordinating the Department's actions in the environmental area including, of course, the responsibility for overseeing the implementation of the National Environmental Policy Act within the Department.

The Department began implementing the National Environmental Policy Act immediately after its enactment. In January, I called a meeting for the Office of the Secretary and our operating Administrators, at which time we discussed the application of the Act to the Department, and I emphasized the importance which I personally attached to the Act and to its effect on the Department's programs. In late February a memorandum was distributed to each of our operating administrations requesting that they provide my office with a statement of their tentative plans for compliance with the Act. In April, I requested their formal submission of proposed procedures for implementing section 102(2)(C). In close consultation with the CEQ staff, the Office of Environment and Urban Systems prepared a draft Departmental Order which was officially submitted to CEQ on June 1. The draft order was reviewed and rewritten during the summer, and I signed into effect a final DOT Order implementing section 102(2)(C) on October 7, 1970. As you recall, Mr. Chairman, you were sent a copy of that Order as soon as it became effective.

Under the terms of that Order, each Administration is directed to draft implementing instructions to be cleared with the Assistant Secretary for Environment and Urban Systems. The Federal Aviation Administration has already cleared and implemented such instructions for its airport development program, and the Federal Highway Administration completed last week its implementing instructions and has sent them to its regional offices for implementation. My staff is currently working with the Federal Railway Administration, the Urban Mass Transportation Administration and the Coast Guard on the preparation of their instructions.

I will now briefly describe certain key provisions of the Order relating to the implementation of section 102(2)(C). This section, which requires that an environmental impact be prepared for each legislative proposal and other major Federal action significantly affecting the quality of the human environment, gives teeth to the Act. Firstly, the preparation of these statements will assure that consideration of environmental factors will be an integral part of the planning and decision-making process on Federal projects. Secondly, the circulation of those statements among all interested Federal, State and local agencies and their availability to the public, will provide an early warning of potentially adverse environmental consequences arising from specific Federal actions so that alternate approaches to a particular action may be considered.

The DOT Order actually sets forth in one document a single procedure facilitating compliance with all of our environmental legislation (section 102(2)(C), section 4(f) of the DOT Act, and portions of section 16 of the Airport and Airway Development Act of 1970). This procedure consolidates into one statement all of the required environmental findings for any one particular project.

The Order specifically sets forth its applicability to the whole range of Departmental activities, including the grant and loan programs, contracts, construction, research and development, rule making and regulatory actions, certifications, plans, formal approvals of non-Federal work plans, legislative proposals, program or budget proposals (except for continuation of existing programs at approximately current levels, i.e., plus or minus 25 percent), and any renewals or reapprovals of any of the foregoing. The following departmental activities are exempted from the Order:

Administrative procurements and contracts for personal services;

Normal personnel actions;

Project amendments (for example, increases in costs) which do not alter the environmental impact of the action; and

Legislative proposals not originating in the Department relating to matters not the primary responsibility of the Department.

The Order instructs that all Departmental actions applicable thereunder must include a statement in conformance with section 102(2)(C) or a "negative declaration" that the proposed action will not have a significant impact on the environment. The Order indicates that if there is doubt whether or not a statement should be prepared, one should be prepared. Section 102(2)(C) provides that a detailed statement be prepared for, among other things, *"major Federal actions significantly affecting* the quality of the human *environment."* With respect to the foregoing language the following definitional guidelines are found in the Order: The Order states that any Federal action which significantly affects the environment is deemed to be "major Federal action" within the meaning of the Act and a statement shall be prepared. In so doing, we elected not to place an arbitrary dollar limit on actions requiring 102(2)(C) statements. It was our judgment that a statement should be prepared for any Departmental activity which significantly affects the environment regardless of its dollar cost.

The term "Federal actions" is defined to include the entire range of Departmental activity, including direct Departmental action and the administration of our grant programs. Undoubtedly our grant programs will raise most of the environmental issues which will confront the Department. The Order requires that an environmental statement be prepared for each grant that may have a significant environmental impact.

The phrase "significantly affecting the environment" is defined to include any action which is highly controversial on environmental grounds and any matter falling within section 4(f) of the DOT Act of 1966, or key parts of section 16 of the Airport and Airway Development Act of 1970. Additionally, the Order sets forth a number of effects which, if produced by a Federal action, would be likely to result in a significant effect on the environment, including the following:

A noticeable change in the ambient noise level for a substantial number of people;

The displacement of significant numbers of people;

The division or disruption of an established community;

Adverse aesthetic or visual effects;

Adverse affects on areas of unique interest or scenic beauty;

Alteration of the behavior of species or interference with important breeding, resting or feeding grounds;

An increase of air or water pollution levels, or an adverse affect on the water table or water supply of an area; and

Disruption of the ecological balance of a land or water area.

It is intended that these general definitions will be supplemented in further detail as appropriate by the internal instructions drawn up by each Administration with regard to their specific programs and requirements.

The Order directs that draft statements shall be prepared at the earliest practicable point in time so that analysis of the environmental effects and the exploration of alternatives are significant items for consideration in the ultimate decision-making process. The implementing instructions prepared by the Administrations will also specify the precise time when a statement shall be prepared.

For the Department's grant programs such as the Federal-aid Highway Program, the FAA's Airport Development Program, or the Urban Mass Transportation Program, the applicant for Federal aid will be required to submit along with his application a draft 102(2)(C) statement, or a "negative declaration" stating that the project will have no significant effect on the environment. This material will be reviewed in the regional office of the Administration and may be returned to the applicant if more information is needed.

In addition, the Order requires that all draft statements whether prepared by the Department, an Administration, or by an applicant for Federal aid, be coordinated with appropriate Federal, State and local agencies at the regional level, with a copy of the draft being submitted to the Department's Assistant Secretary for Environment and Urban Systems and to CEQ. The Order provides a list of agencies with expertise in various areas with whom coordination should take place when appropriate. The draft statements and all of the comments received from such other agencies and sources shall accompany the project through the Departmental review process.

It is Departmental policy that all 102(2)(C) draft statements be made available to the public with respect to any Departmental action affecting them. In those cases where a public hearing will be held on a proposed Federal action, it is my intention generally to ensure that the environmental impact statement is made available to members of the public prior to the hearing so that interested persons can be fully informed of the issues. Hopefully, the availability of the draft environmental impact statements prior to public hearing will afford the opportunity for significant dialogue between the various governmental agencies and interested private parties. In this way, the concerns and viewpoints of the public regarding a particular Federal action may be expressed and become part of the relevant matters for consideration in the making of the final decision regarding such action.

After the draft statement has been fully coordinated, a final environmental impact statement will be prepared incorporating, where appropriate, changes or additional information received through the coordinating procedure. These final statements will include a presentation of the problems and objections raised by various Federal, State and local agencies and by private citizens and the disposition of the issues involved. The final environmental impact statement will be submitted to the Assistant Secretary for Environment and Urban Systems for his concurrence. If he finds the statement acceptable, it will be transmitted to CEQ and other interested parties in accordance with CEQ guidelines.

I now will briefly focus on the Department's review under section 103 of the Act. This section requires that the Department review its statutory authority, regulations, and current policies and procedures to determine whether deficiencies or inconsistencies exist which would prohibit our full compliance with the Act.

An initial review indicates that there is no conflict or inconsistency which prevents full Department of Transportation compliance with the provisions of the Act. Clearly, however, more can be done to further the broad purposes of the Act, and we have initiated many programs directed toward this end. The Act directs agencies to develop alternatives to recommended courses of action, to utilize a systematic interdisciplinary approach, and to give environmental amenities appropriate consideration in decision making.

I will mention just a few examples of the kinds of activities which the Department has undertaken to indicate our efforts in this regard:

Implementation of the Urban Mass Transportation Assistance Act of 1970, the Rail Passenger Service Act of 1970, and the Airport and Airway Development Act of 1970 to encourage the development of alternative modes of transportation;

A study of the current urban transportation planning process in an effort to integrate into the process factors such as a broader assessment of transportation alternatives, how an interdisciplinary team approach which ties comprehensive planning to project design can be used in planning, consideration of the environmental impacts of the transportation alternatives, the role of citizen participation, and making the process more responsive to metropolitan needs. I want to make special mention of the significance of the Act to the urban transportation planning process. Consideration of the environmental implications of transportation decisions must become an integral part of the planning process. We are attempting to define a way by which the Department's planning money can be used to stimulate a process at the metropolitan level which would best produce sound environmental analysis. This may imply a stronger role for metropolitan, areawide planning agencies.

Support of legislation to expand significantly the highway beautification program;

Support of legislation to provide more flexible authority with respect to relocation of persons displaced by highways;

Expansion of efforts to prevent, detect, and clean up oil spills;

Specific research projects, including, "Environmental Factors in Airport Site Location", "Environmental, Social and Aesthetic Factors in Urban Transportation Planning", and "Interdisciplinary Approach to Transportation Planning", "Reserved Freeway Lanes for Buses and Car Pools" and "DOT Policy and Procedures on the Environmental Policy Act" which study is including interviews with 57 private interest groups seeking their advice and comments as to the Department's response to the Act;

Rule making activities in areas such as sonic boom, aircraft smoke emission, noise retrofit, and noise standards for supersonic commercial aircraft; and

Examination by the Coast Guard of the environmental implications of bridge permit applications.

I wish to emphasize that this list is not exhaustive, but merely suggests our extensive effort to better fulfill the broad mandate found in the National Environmental Policy Act to encourage productive and enjoyable harmony between man and his environment.

Although the Department's Order implementing the National Environmental Policy Act has only been in effect since this October, the Department has been operating to some extent under the draft guidelines submitted to CEQ in June. With the preparation of the implementing instructions by the Administrations, which should be completed in the near future, this Department will have its entire procedural response to section 102(2)(C) basically completed.

Our experience with the Act has surfaced the following problems:

The delay in implementing the full thrust of the Act's policies and procedures due to the size of our grant programs, and the fact that the administration of these programs is delegated to our field offices.

The problem in making the applicants for Federal-aid appreciate the significance of the Act so that the environmental statements prepared pursuant to 102(2)(C) reflect a meaningful change in procedure and not just a new level of meaningless paperwork.

The added project review time that will result from the coordination procedures.

I feel that with time these problems are fully capable of being resolved favorably.

The Committee has also expressed an interest in any staff changes necessitated by the Department's implementation of the National Environmental Policy Act. I mentioned ear-

lier that the Assistant Secretary for Environment and Urban Systems has the main responsibility in the Department for overseeing the implementation of the Act. His staff will be increased significantly from 35 positions in January 1, 1970, when the Act was signed into law to 62 positions requested for fiscal year 1971. (The Department's Appropriation Bill has not been approved as yet).

At the present time, there have been no additions to the staffs of the Administrations as a direct result of the Act, but it is anticipated that they will require staff increases during the next fiscal year when the full impact of the Act will be realized at their level. However, within the Administrations there has been a redeployment of personnel to offices directly involved with environmental matters. Several Administrations have also made organizational changes to account for the increased emphasis on environmental considerations. For example, the Federal Highway Administration has recently reorganized and created a new position of Associate Administrator for Right of Way and Environment and has upgraded their Division of Environmental Policy to an Office of Environmental Policy. The Federal Aviation Administration has reorganized its Office of Noise Abatement to the Office of Environmental Quality, which includes responsibility for the entire environmental field. In addition, each Administration has designated a specific office as the focal point for coordinating and overseeing the responsibilities of the particular Administration in environmental matters.

In conclusion, Mr. Chairman, I would like to reemphasize my interest and concern with the goals and purposes expressed by the National Environmental Policy Act of 1969, and my confidence that our transportation needs can be met in a manner fully consistent with the Act.

At this time, I request to submit for the record, Mr. Chairman, as an appendix to my remarks, a detailed statement which sets forth some of the other actions taken by the Department of Transportation in furtherance of the broad purposes of the National Environmental Policy Act and in response to our other environmental responsibilities.

This concludes my prepared statement, Mr. Chairman. I shall be happy to answer any questions the Committee may have.

APPENDIX TO STATEMENT OF JOHN A. VOLPE

I. ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION BEYOND THE NEPA

The Department of Transportation has been actively concerned with the need for environmental quality for several years before the National Environmental Policy Act of 1969 became law.

Sections 2(b)(2) and 4(f) of the Departmental operations promote and preserve enabling legislation that created the Department of Transportation, direct that Departmental operations promote and pressure environmental quality. Section 2(b)(2) states:

"It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites.

"Section 4(f) prohibits the Secretary from approving any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, state, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

Additionally, section 106 of the Historic Preservation Act of 1966 requires that the head of any Federal agency with jurisdiction over a proposed Federal or federally assisted undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking, take into account its effect on any district, site, building, structure, or object that is included in the National Historic Register.

Legislation relating to the Federal-aid Highway program has been broadened over the years so that environmental factors can be taken into account. Policies and procedures established by the Federal Highway Administration have required full consideration of construction procedures and elements to prevent, control, and abate water pollution, and to minimize soil erosion in the course of the construction of Federal-aid highways. Landscaping and roadside development along highways are eligible for Federal funding and are actively promoted by the Highway Administration. The Highway Beautification Act of 1965 which authorized and appropriated funds for the acquisition and enhancement of areas of scenic beauty adjacent to Federal-aid highways, gave the Department greater authority in this area. Although this program has been handicapped by lack of full funding, the Department is hopeful that this year the funding levels will be increased so the program can be fully implemented.

The office of the Assistant Secretary for Environment and Urban Systems, created with a specific mandate to coordinate the Department's actions in the environmental area, has been active for nearly two years within the Department.

Operating under these earlier mandates, the Assistant Secretary for Environment and Urban Systems has reviewed a number of specific transportation projects, and his recommendations to the Secretary of Transportation have been instrumental in withholding or withdrawing Federal funds from the following projects:

Expansion of a training field near the Everglades National Park into a major International Jetport, which would have seriously endangered the Park.

Extension of an Interstate Freeway link through Franconia Notch in New Hampshire, where such a project would have disrupted the historic "Old Man in the Mountain".

Construction of a highway in New Oreans which would have adversely impacted the historic French Quarter.

Additionally, significant changes were made to numerous other highway projects to minimize their adverse consequences in instances where there was no alternative to the taking of parkland or no provision for the replacement of parkland.

More than three years of experience in operating under these earlier provisions has given the Department of Transportation a meaningful head-start in taking environmental factors into account in its policies and programs. While the National Environmental Policy Act of 1969 does mandate broad new policies, the Department has been better prepared than many agencies to implement the new directives because of our past environmental responsibilities.

At present, environmental responsibilities are placed on the Department not only by the National Environmental Policy Act and section 4(f) of the DOT Act, but also by section 16 of the Airport and Airway Development Act of 1970 and section 14 of the Urban Mass Transportation Assistance Act of 1970. The 1970 Highway legislation will also contain broader social and environmental considerations.

II. THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

As soon as President Nixon signed the National Environmental Policy Act of 1969 into effect in January of 1970, Secretary Volpe made the importance of that Act clear to the employees of the Department of Transportation and he has re-emphasized his dedication to the goals cited in the Act on numerous occasions since that time.

The broad spirit of the Act as it relates to the activities within the Department of Transportation, is contained in requirements that Federal agencies shall:

Utilize a systematic, interdisciplinary approach in decision making.

Insure that environmental amenities and values are given appropriate weight in decision making along with economic and technical considerations.

Study, develop, and describe alternatives to courses of action where a proposal involves unresolved conflicts concerning alternative uses of available resources.

Administratively, it is relatively simple to assure that a procedural requirement, such as the filing of an environmental impact statement, is accomplished. The broader policy statements articulated in the Environmental Policy Act are much more difficult to quantify and integrate into actual Departmental procedure. However, the Department of Transportation is attempting to do just this in an attempt to meet both the letter and the overall spirit of the Act.

The National Environmental Policy Act of 1969 is a potent force in the Department of Transportation, not as a tool to stop all new transportation projects because of environmetal considerations, but as a source of broad guidance to encourage fundamental changes in procedure to insure that environmental considerations and a study of alternatives become an integral part of transportation planning at the earliest instance. In this way, transportation growth can be made fully compatible with environmental quality.

The following is a short description of some of the activities undertaken by the Department of Transportation either as a direct attempt to meet the broad directives of the National Environmental Policy Act, or as methods designed to further the goals of a balanced transportation system, which also compliment the policies of the Act.

1. Providing transportation alternatives

The Department is implementing the new legislative mandates received in 1970 to provide Federal funds for transportation alternatives. The Urban Mass Transportation Act of 1970, the Rail Passenger Service Act of 1970 and the Airport and Airway Development Act of 1970 improve and expand the Department's authority to assist all modes. For the first time Federal assistance is available to fund all modes of travel. In implementing each program, an emphasis is being made to provide a choice of transportation alternatives from which local areas can choose. The optimum process would be one by which an urban area would define its own growth goals and land use policies, and then choose the most appropriate transportation mode to implement its defined goals.

2. Improvement of the urban transportation planning process

The Department, through the Assistant Secretary for Environment and Urban Systems, is studying the urban transportation planning process initiated under section 134 of the 1962 Highway Act, looking toward an improvement of the process. The Department has a significant amount of money available for transportation planning through its Highway, Urban Transportation, and Airport Development programs. The Secretary is interested in using Departmental planning money to implement the broad policy directives of the Environmental Policy Act such as the

concepts of a systematic interdisciplinary approach in planning and decision making, a study of alternative courses of action (alternative transportation modes), and giving the environmental amenities appropriate consideration in decision making. Changes at the Departmental level in administering the planning grants, or new requirements concerning the agency at the local level which receives the planning money may be required to accomplish the above mentioned goals. Centralizing the Department's planning money into a single area-wide planning agency in a metropolitan area that does both land use and overall transportation planning for all modes is one approach that could promote the study of transportation alternatives and their environmental implications. The Department now has Federal grant money available to finance alternative modes of transportation, but changes in the urban planning process in metropolitan areas may be necessary to make sure that the money is best utilized to meet the needs of urban areas in a way that is compatible with the Environmental Policy Act.

3. Single transportation trust fund

The Department of Transportation has under study the concept of a single transportation trust fund to provide Federal grants, without a model identification, to states and local areas to spend on the transportation mode that best suits the needs of that area. Such a concept would help to encourage the development of alternative transportation systems by eliminating some of the modal biases in Federal-aid that presently exist.

4. Research

A. Departmental Policy and Procedures and the NEPA

The Department has contracted with Arthur D. Little, Inc. for a study of the impact of the National Environmental Policy Act on the Department of Transportation. The contract call for an analysis of current legislation and policies in light of the Act, and for the contractor to provide a discussion of policy alternatives, a draft manual on the involvement of public interest groups, and recommended actions to comply with the Act.

B. Environmental, Social and Aesthetic Factors in Urban Transportation Planning

The Department has contracted with Real Estate Research Corporation for a study of means to incorporate environmental, social and aesthetic factors into the urban transportation planning process. The contractor will conduct on-site studies of four cities and will prepare a manual summarizing pertinent experience and developing recommended procedures to improve the transportation planning process.

C. Environmental Factors in Airport Site Selection

The Department has contracted with CLM Systems Inc., for a study of the environmental factors which should be considered in airport site planning. The contractor is to prepare a handbook on assessing sites in terms of intermodal planning, pollution, noise, aesthetics, community disruption, and land use and development.

D. Environmental Effects of Miami Jetport

The Department of Transportation and Interior are assisting Miami-Dade County in monitoring the impact of the training strip on the Everglades National Park and in the consideration of alternative jetport sites.

E. Noise Factors

The Department is pursuing through several research projects methods by which transportation noise can be reduced.

F. Environmental Research on Supersonic Flight

The Department has assembled a $26.68 million 3-year research program plan to provide more precise answers to the environmental aspects of supersonic flight.

G. Interdisciplinary Approach to Transportation Planning

The Department has contracted for an analysis of the use of interdisciplinary design concept teams to do urban transportation planning.

5. Rulemaking activities

The Department of Transportation, through the Federal Aviation Administration is proceeding with rule-making activities in the following areas:

Prohibition of supersonic flight over the United States at speeds that would cause a sonic boom.

Establishment of aircraft noise type certification standards for subsonic and supersonic aircraft.

Regulation of aircraft engine emissions.

Civil airplane noise reduction retrofit requirements.

6. Legislation

The Department is actively supporting legislation in the following areas:

Legislation that would broaden the Federal-aid Highway Act to give the Secretary greater flexibility in the use of money from the Highway Trust Fund for social and environmental purposes.

Legislation to significantly expand the highway beautification program.

Legislation to provide more flexible authority with respect to relocation of persons displaced by highways.

7. The Coast Guard

The Department is supporting an expanded role for the Coast Guard in the area of prevention detection, and cleaning up of oil spills.

The Coast Guard reviews all applications for bridge permits which it receives for the possible environmental impacts that would arise from the issuance of the permit.

FIRST WESTERN SPACE CONGRESS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. MILLER of California. Mr. Speaker, I am privileged to include in these remarks an address given by Dr. Edward C. Welsh at the First Western Space Congress which was held in Santa Maria, Calif. on October 28, 1970.

Dr. Welsh is one of the most knowledgeable people in the field of space and his remarks are worthy of careful perusal, as follows:

FIRST WESTERN SPACE CONGRESS

This opportunity to talk with such a learned group on space matters is appreciated, although I state with appropriate modesty that it is a situation of the informed informing the informed. Those opposed to, or ignorant about, the space program are the ones who should be assembled and talked with. While I find these meeting very gratifying and productive, it would seem much more efficient if we all stayed in our offices and listened to or participated in the discussion via direct two-way satellite broadcast to receivers which we could tune in or tune out. We can be doing this soon if we only decide to. On an annual basis, it would cost less in time and money—not that the latter is of much moment these days so characterized by huge surplus cash flows and excess profits. I might, in deference to those from government, also make reference to burgeoning travel funds.

Practical applications.—I am impressed with the attention in this Space Congress' schedule to the practical applications of space technology, space experience, and space-related management. This is the way of the near-future and certainly the soundest basis for an appeal for support. Those espousing more investment in space competence must, in the political battleground, be able to show how the lives of individual families and communities are bettered or could be in better shape because of space developments. An appeal to greater national security, or even a suggestion that the United States may well fall behind the USSR in technology, while sound arguments, do not have the desired effect on the general public, since the individual finds it difficult to relate such matters to his own family conditions.

Backward progress.—I would be less than honest if I did not express my thorough disappointment in the slowdown in United States space activity during the past several years, in both R & D and technical utilization. With the last national election, I expected an economic slump, but, up until the decisions were made, I was hopeful that the new Administration would try to maintain technological progress through adequate funding of the space program—both for the civilian and for the military partners in this effort. In that, I was wrong. The MOL cancellation, plus the reduced and inflation-weakened budget figures, are incontrovertible evidence to the contrary.

After much effort and some tough decisions in the 1960's, we went ahead of the Soviets in space technology and space accomplishment. This took political guts. We need a show of such fortitude again, as our present trend is to atrophy our acquired ability and to make obsolete our developed hardware. There is, of course, plenty of blame to go around, in case some politically partisan listeners think I am blaming the whole debacle on the current Administration.

Reverse recent trend.—However, I have not given up. I'm just discouraged. It is still possible that we can reverse the decisions which have weakened our nation, economically, internationally, and defensively. We can improve our treaty monitoring, our reconnaissance, our surveillance, our weather-communications-navigation capabilities, our natural resources census, our manned and unmanned exploration of outer space, our medical advances through space technology, and our application of space-oriented management techniques to the solution of social problems. Let me emphasize that this is not an either/or situation—social welfare as opposed to space and national security. We can and must have both, and the one nourishes the other.

I promise to be brief, but I do want to be a little more specific regarding the direction our space science and technology should be taking us. As an optimist, I would ordinally refer to the direction we "will go," but "should go" is the best I can do at this time.

Space communications.—In the area of communications, so much can be done that it strains the imagination of the most creative scienec fiction writer. For example, just think of the potentialities of education from the use of satellites. The treasures of libraries can be made available to the millions who have never even seen a library, let alone used its resources. The shortage of competent and up-to-date teachers at all levels of instruction can be swiftly overcome by a practical combination of the best teachers with the most modern space technology. Nineteenth century educational facilities and techniques cannot, and indeed should not, try to meet the needs of the present or the future. Through the use of modern technology, I believe the quality of education would be raised and the cost per student decreased.

The role of space communications is not limited just to improving education, al-

though that is sufficient justification for the entire investment in the field of space. Navigation and traffic control are arenas in which practical application of advanced technology would add greatly increased safety in the civilian part of our economy and vastly improved effectiveness to our military hardware. Again, these are developments awaiting only the will to put them to use.

Space observations.—As for the competence to make space observations of the earth and of men's activities on earth, no further delay is excusable. This is particularly critical as we rely increasingly on international treaties and agreements which can be monitored only from space. Equally as important is the immediate and continuing awareness, in this nuclear age, of the nature and location of equipment which threatens our security. Only through satellites, manned and unmanned, can this be acquired with a reasonable degree of assurance.

In the field of natural resources and weather observations—and I might add "control" as far as the latter is concerned—hunger can be alleviated on a worldwide scale; scarce supplies of metals, oil, and water can be augmented; and lives as well as property can be protected from the forces of nature. Why should we move so slowly to do these things which would give tremendous human and material returns for each dollar invested?

Space medicine.—As we suffer through the mounting costs and the inexcusable loss of lives in the field of health care, we must hasten the marriage of computer and medical knowledge. The shortage of doctors and nurses, the delays even in cases of greatest emergency, the prohibitive costs of preventive medicine and hospital care, can only be drastically decreased by the use of space-stimulated technology already available.

Space and men.—And, when we refer to medicine let us not overlook for a second the major benefits which can be derived from manned flight—knowledge of healthy individuals, under both controlled conditions and conditions of special stress and strain. Certainly we cannot afford to slow down our efforts to obtain re-usable flight vehicles, permanent space stations, and sharply reduced per passenger-mile flight costs. We need people in space for sophisticated observations toward and away from earth; for maintenance and repair of space equipment; and for manufacturing, space hospitalizations, and scientific experimentation. Of no less importance are the addition to man's scientific knowledge, his greater understanding of origins as well as clearer views of the future, and the vast uncharted but most promising application of space oriented technology and managerial experience to the solution of social ills. Can we afford not to strive for such objectives?

A choice.—Are we going to use space science and space technology to the extent of our capability, or are we going to say we can't afford it? As you know, we have throughout man's history seen an abundance of illustrations of his stupidity. I hope that we do not now try to exceed the errors of the past.

The rapid and constructive growth of our gross national product in the 1960's was due in considerable measure to the investment in space technology. The decline in GNP growth rate in the last few years is in large measure due to a starvation of such endeavors. I indicated that there is plenty of blame to go around for the recent decline in space progress, for the niggardly investment of funds in this country's future, and for our economic and scientific slow-down. We have all heard some politicians, some businessmen, some academicians and other professional men preach slow-down and give support to those who would bury our talents in the sands of time. They are wrong, and they need to be educated or outvoted.

We should have a change in policy or be resigned to becoming a second-rate nation.

SELECT COMMITTEE'S REPORT ON OLD DOMINION SUGAR CORP.: SBA BLUNDERS IN OLD DOMINION SUGAR CASE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on four separate occasions I have laid before my colleagues information regarding the sorry record of the Economic Development Administration, as it related to the use of public moneys in funding a financial fiasco doing business under the name of Maine Sugar Industries, Inc. Today, I will not take the time of the House to restate the facts in this deplorable case of poor judgment; compounded by excessive leniency in extending deadlines for payments on principal and interest—and for throwing good money after bad. For those of you who are interested, I refer you to my remarks of April 8, which appear on page 10734 of the CONGRESSIONAL RECORD.

Today, instead, I rise to compliment my good friends and colleagues, the able gentlemen from Tennessee (Mr. EVINS) and the able gentleman from Illinois (Mr. KLUCZYNSKI), for the public service they have rendered in investigating and reporting on still another potential disastrous use of public funds—this time by the Small Business Administration.

As a part of my April 8 comments, I made reference to a lease guarantee commitment by SBA in the amount of $27.4 million to the Old Dominion Sugar Corp. This is a corporation which proposed construction of a new cane sugar refinery in Portsmouth, Va.—with the aid and abetment of taxpayers' money. At that time I called attention to a review of this project that was in progress, by a subcommittee of the House Select Committee on Small Business—under the chairmanship of the distinguished gentleman from Illinois (Mr. KLUCZYNSKI).

Since I last addressed the House on this subject, the committee has completed its review of the Old Dominion case and has issued a report condemning the entire venture. It is particularly critical of SBA's role in it.

This report was published on October 20, 1970, as House Report No. 91-1612.

The committee points out in its conclusion:

> The maximum exposure of SBA is about $27.4 million. The feasibility study was performed by a company which will be paid only if the refinery becomes operational.

I doubt, Mr. Speaker, that this is the usual arrangement between companies and consulting firms. The subcommittee also finds, after examining a great deal of evidence, that—

> SBA does not have a reasonable basis to conclude that the Old Dominion Sugar Corp. would be financially profitable.

It is evident, therefore, SBA's proposed lease guarantee can be summarized as taxpayers' money being used to guarantee rent payments by a company which has never been in the sugar business, has no experienced management and has no real knowledge of the sugar market.

This is an extremely strong criticism of both the SBA and the Old Dominion Sugar Corp. This criticism is justified. As the report describes, specialists within SBA have advised against this lease guarantee, including the chief SBA underwriter.

This project does not really qualify—at $27.4 million and a potential 1,800 employees—as small business.

There is one statement in the report that is perhaps the greatest indictment of this program that I have heard.

> Although SBA testified that they have studied the Maine Sugar Industries, Inc., project in order to avoid their pitfalls, it is the subcommittee's opinion that the Maine Sugar project is a blueprint of the future of the Old Dominion Sugar Corporation.

That blueprint, Mr. Speaker, is a blueprint for failure.

The excellent report from which I have quoted is very brief. But it reflects the careful examination of this lease guarantee conducted by the members of the committee and its staff. It is well worth reading. So that my colleagues may be completely informed on this, I submit this short, but well-written report for the RECORD:

SBA LEASE GUARANTEE (OLD DOMINION SUGAR CORP.)

INTRODUCTION

At the opening of the 91st Congress, Representative Joe L. Evins (D., Tenn.), chairman of the Select Committee on Small Business, assigned jurisdiction over "Small Business Problems in Smaller Towns and Urban Areas" to Subcommittee No. 3 and designated the following as members:

Representative John C. Kluczynski, Democrat, of Illinois, chairman;

Representative Tom Steed, Democrat, of Oklahoma;

Representative James C. Corman, Democrat, of California;

Representative Frank Horton, Republican, of New York;

Representative Daniel E. Button, Republican, of New York.

Additionally, Chairman Evins and Representative Silvio O. Conte (R. Mass.), ranking minority member, are ex officio members of the subcommittee.

SCOPE AND PURPOSE OF HEARINGS

Hearings were conducted by Subcommittee No. 3 on the lease guarantee program of the Small Business Administration. Particular emphasis was given to the proposed lease guarantee to Old Dominion Sugar Corp.

The subcommittee had received many reports raising serious questions concerning the conditional commitment by the Small Business Administration guaranteeing a lease to Old Dominion Sugar Corp. in the amount of $27.4 million. Information provided the subcommittee indicated that the corporation did not have adequate financial resources; that the amount of total guaranteed rent was in excess of SBA's regulations which placed a $9 million ceiling on such guarantees; that the corporation was not a small business concern; and that the proposed business venture by the corporation was not economically feasible and, therefore, would ultimately result in an unjustifiable loss.

The lease guarantee program of the Small Business Administration has held the interest and concern of the committee since the program's inception. There is great potential for lease guarantees to aid and assist small business. Small businesses which lack the necessary credit rating are able to obtain prime business locations to assure growth and success.

In view of the reports received by the subcommittee, and the continuing interest

in this particular SBA program, it was decided that hearings would be held to inquire further into the lease guarantee program and in particular the Old Dominion Sugar Corp. transaction.

Hearings were held on February 19 and 25, 1970, in Washington, D.C., at which time the subcommittee heard the testimony of the Administrator of SBA, other officials of SBA and representatives of private industry and financial institutions. Further testimony was also presented during hearings by the full Select Committee on Small Business on July 20–22, 1970, regarding this same subject.

FINDINGS

The Small Business Administration issued a letter of conditional commitment to the Old Dominion Sugar Corp. to guarantee a lease of that company in the amount of $27.4 million over a 20-year period. The actual insurance policy for the guarantee is proposed to be issued at some future date provided the company meets certain requirements set by the SBA.

Testimony revealed that SBA set a limitation of $9 million for lease guarantees in June 1969. SBA contended that this regulation did not apply in regard to Old Dominion since Old Dominion's application had been pending for 1 year prior to promulgation of the regulation. An attorney-adviser to the SBA lease guarantee program stated as his opinion that this SBA regulation was applicable. He was overruled by the SBA Office of General Counsel.

When asked about the possibility of Old Dominion being bought out by a large sugar firm after the lease guarantee had been made, SBA replied that they had no control over such a contingency.

It was revealed that an official of Old Dominion had supplied Dun & Bradstreet with figures regarding the size of the proposed operation. Dun & Bradstreet reported that 300 employees would be hired in the initial stages and that 1,800 would be eventually employed. These figures were disputed by SBA. SBA regulations provide that to be a "small business" for this type of operation, there can be no more than 750 employees.

An outside consultant, F. C. Schaffer & Associates, retained by Old Dominion Corp., reported that the project was financially feasible. It was pointed out that the F. C. Schaffer & Associates received 50,000 shares in the company (10.5 percent of the total stock) as part of their fee, in addition to $83,074 to be paid if and when the project proceeds.

One of the procurement and management assistance coordinators of SBA advised against the venture because it would have to compete against long-established and well-financed cane sugar firms in addition to corn sweeteners. The consultant had not considered the corn sweetener competition in making their analysis.

An SBA financial adviser to the lease guarantee program had rated the corporate structure as very poor. The Philadelphia office had recommended against the commitment, but stated that in the event the Washington office, which has primary responsibility, decided to go ahead, two conditions be placed in the guarantee. Only one of the conditions was adopted.

The chief SBA underwriter stated that the venture did not appear feasible and that it was not the type of risk the Government should be guaranteeing.

The size of this proposed guarantee ($27.4 million) is greater than all of the guarantees issued by SBA up to that time (79 lease guarantees).

There was testimony by individuals in the sugar industry in direct conflict with that of SBA. It was stated by them that the company would have to make an 8.8-percent gross profit in order to survive. SBA consultants had forecast a 4.3-percent profit. It was also stated that a marketing study which ignored corn sweeteners would be invalid. Testimony also revealed that Old Dominion would use foreign machinery and equipment. Furthermore, it was claimed that the Old Dominion venture could cost the taxpayer $8,173,579 at the minimum and $23.4 million at the worst.

CONCLUSIONS AND RECOMMENDATIONS

SBA has issued a letter of conditional commitment for a lease guarantee to a corporate shell which has never done any business of any kind and which was run by a man who had no experience in the business. The letter of conditional commitment contains no safeguards to relieve the Government of its guarantee if a large business takes over Old Dominion and no criteria upon which to base a fair market value of the plant if the project fails.

The maximum exposure of SBA is about $27.4 million. The feasibility study was performed by a company which will be paid only if the refinery becomes operational.

The subcommittee finds, based on the testimony it received, that SBA does not have a reasonable basis to conclude that the Old Dominion Sugar Corp. would be financially profitable.

It is evident, therefore, SBA's proposed lease guarantee can be summarized as taxpayers' money being used to guarantee rent payments by a company which has never been in the sugar business, has no experienced management and has no real knowledge of the sugar market.

SBA projected earnings plus the loan payments amount to more profit per unit than anyone in the industry currently earns. This is entirely unrealistic.

Since the hearings, SBA has required Old Dominion to have a new feasibility study conducted by a firm approved by SBA. It will be very enlightening to learn the results of that study in comparison with the one investigated during the hearings.

It is, therefore, the conclusion of the subcommittee that the proposed undertaking by SBA to guarantee a 20-year lease for Old Dominion Sugar Corp. in the amount of $27.4 million is not in the Government's best interest and constitutes poor stewardship of public funds. Although SBA testified that they had studied the Maine Sugar Industries, Inc., project in order to avoid their pitfalls, it is the subcommittee's opinion that the Marine Sugar project is a blueprint of the future for the Old Dominion Sugar Corp. It appears extremely doubtful that the Government can collect over $12 million loaned to the Maine Sugar project.

The intent of Congress in establishing the lease guarantee program was to aid and assist the small businessman such as the local merchant who wishes to move to a shopping center but is unable to obtain the necessary credit rating. A guarantee for more than $27.4 million is not small business in terms of lease guarantees.

The committee recommends that SBA critically reevaluate their conditional commitment in regard to this particular lease guarantee. A full report should be submitted to the subcommittee when a final descision has been made with a complete explanation of all factors upon which the decision was based. Until such time as a final decision is made, it is recommended that SBA keep this subcommittee fully informed of all developments concerning this lease guarantee.

The subcommittee recommends that SBA review the maximum limitation of $9 million for a single lease guarantee and advise the subcommittee of the results of such review.

The subcommittee recommends that SBA include a clause in all lease guarantees eliminating the Government's liability in the event the small business is taken over in any way by other than a small business.

ADDITIONAL INDIVIDUAL VIEWS OF HON. FRANK HORTON, REPUBLICAN FROM NEW YORK

This report includes certain conclusions which are not fully substantiated by facts contained in the report. The report affords the Small Business Administration the opportunity to submit further information to the committee at the time a decision is reached on the subject lease guarantee, and I am certain the Small Business Administration will cover these questions when it submits its further comments.

WILLIAM O. DOUGLAS—PART-TIME JUSTICE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. GRIFFIN. Mr. Speaker, Justice Douglas has recently conducted himself with a circumspection which is as unusual in its degree as it is revealing of his many heretofore unknown extrajudicial activities.

He has withdrawn himself from an abnormally high number of cases, 21 to be exact, in the last 9 weeks. In short, he has become a part-time Justice.

Of course, it is right and proper for one to excuse himself from sitting on a case wherein he is personally involved or personally acquainted with the party litigants of attorneys. However, Douglas' high rate of withdrawal from participation in Court work is surely founded in his attempt to allay the many suspicions his sub rosa activities have provoked.

Mr. Speaker, Douglas' prompt resignation would certainly expedite the work of an already overloaded Court and would remove a cloud of doubt which hovers over every action taken by the Supreme Court. Such an act on the part of Douglas would be a great benefit to the public good and would give evidence of his concern over the common interest—for which he so piously proclaims.

Following is a report from Washington's Evening Star of Wednesday, December 9, 1970, regarding his numerous withdrawals from cases before the Court:

DOUGLAS DISQUALIFIES HIMSELF IN 21 CASES

(By Lyle Denniston)

Supreme Court Justice William O. Douglas, apparently using special caution to keep from arousing his House critics further, has disqualified himself from court cases 21 times in the last nine weeks.

That is an unusually high rate of withdrawal from cases for any justice, and it is well above Douglas' own rate of disqualification in the past.

Sources close to the justice say that he feels obliged, at least for the time being, to go almost to an extreme to avoid contact with cases in which someone could say he had a personal interest.

Among charges against him by House critics are complaints that he has participated in Supreme Court action on an obscenity case and a savings and loan association dispute even though he had some prior contact with persons involved in each.

PANEL MEETING TUESDAY

Douglas hopes to be able soon, perhaps next week, to return to the customary practice of taking himself out of cases only when his interest or past involvement is clear-cut, it is understood.

The full House Judiciary Committee is to meet Tuesday to receive a report from a five-man special subcommittee which has concluded—in a split decision—that there are no grounds to impeach Douglas and remove him from the court.

If that meeting results, as some sources now expect, in a committee decision to drop the matter of impeachment, Douglas is likely to resume promptly his fuller participation in the high court work.

However, critics have vowed to renew in January their demand for a separate investigation outside the Judiciary Committee.

Meanwhile, Douglas this week took himself out of cases five times in two days of public activity by the court.

In one of those, his withdrawal could have made a clear difference. Dividing 4 to 4, the other justices approved lower court decisions that bolstered the Interstate Commerce Commission's power to approve across-the-board increases in railroad freight rates.

AUTOMATIC APPROVAL

When the court is equally divided, the result is automatic approval, without explanation, of the lower court action under review.

Douglas, like all other justices, never explains publicly why he takes himself out of a case.

However, there are indications that this term he is withdrawing from any case that involves a law firm in which some partner has been helping him in the legal defense against the impeachment challenges in the House.

In that effort, Simon H. Rifkind, a former federal judge who is a leading partner of a Washington and New York firm, has been Douglas' main legal adviser. It is routine for Douglas now to avoid any role in court cases involving Rifkind's firm.

MISSED ARGUMENTS

For example, the justice did not listen to oral arguments made in a libel case Monday and Tuesday by one of Rifkind's partners, former Atty. Gen. Ramsey Clark.

Rifkind has enlisted some of Douglas' former law clerks in handling the House challenge, and that, too, has led the justice to some disqualifications.

For example, one of the ex-clerks who has helped is Charles Miller of the Washington law firm of Covington and Burling. That firm was involved in the railroad freight rate case decided yesterday by the 4 to 4 vote.

Covington and Burling is also involved in a major lawsuit which Atty. Gen. John N. Mitchell has filed at the high court in an offshore lands dispute with all the East Coast states. Douglas has disqualified himself from that case.

ASSISTED JUSTICE

Another former law clerk who has assisted Douglas during the House challenge is Warren M. Christopher, a former deputy attorney general now in private practice in the Los Angeles law firm of O'Melveny and Myers.

The firm was involved with a labor case, concerning the Hearst newspapers in California, from which Douglas disqualified himself on Oct. 12.

Christopher is personally involved in a major test case which the high court has agreed to review this year. It raises the question of whether plans to put low-rent public housing in a community may be vetoed by citizens voting in a referendum. Douglas has twice disqualified himself on preliminary orders on that case.

The justice has taken himself out in a series of cases—several involving obscenity prosecutions—because of actual or assumed association with the distributors who are involved.

MISTAKE SEEN

In fact, sources indicate that Douglas may have made a mistake by taking himself out of one obscenity case on Nov. 23 when he thought the case involved, at least indirectly, a firm which had published one of his out-of-court articles. In fact, there was no connection, these sources said.

With Douglas out of that case, the court voted 4 to 4 to uphold a lower court decision which gave constitutional protection to so-called "stag" movies.

On the same day, the justice may also have disqualified himself unnecessarily from a Massachusetts obscenity case on the belief that one of the publishers was somehow related to Grove Press.

Grove Press is the U.S. distributor of the controversial Swedish movie, "I am Curious (Yellow)," and it is also the publisher of Evergreen Review, which carried excerpts from a Douglas book.

FILM IN TEST CASES

"I am Curious (Yellow)" is involved in test cases from Maryland and Massachusetts, now awaiting high court rulings and Douglas has not taken part in considering them.

The justice also is believed to be staying out of an important antitrust case involving a group of publishers because some of his past books were handled by firms involved.

There are only a few disqualifications by Douglas during recent weeks for which there is no known reason, except possibly some personal connection with lawyers involved. One such case involved a challenge by a Montgomery County, Md., political group seeking to be placed on the ballot for the Nov. 3 elections.

Among all of the 21 disqualifications by Douglas so far in the current term, there appears to be only one that would fit the usual court custom of withdrawing.

He has taken a direct "personal interest" in the controversy involved, and that is the usual ground for disqualification. The case, granted review this week, involves a conservationists' challenge to construction of a highway through a park in downtown Memphis.

Douglas has been a vocal spokesman for conservationist causes for years, and he has spoken out on the Memphis controversy.

A CITIZENS ADVISORY COMMITTEE FOR THE PENN CENTRAL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. OTTINGER. Mr. Speaker, one of the major reasons for the decline of rail passenger service in the United States has been the industry's failure to recognize its responsibilities to the traveling public and the Interstate Commerce Commission's failure to protect the public interest in a modern, efficient rail passenger service system.

A historic petition seeking approval of a citizens advisory committee to represent and promote the interests of the public in the reorganization and management of the Penn Central has been filed in the U.S. District Court for the Eastern District of Pennsylvania. Among the petitioners are consumer advocate Ralph Nader and the National Association of Railroad Passengers.

This petition, if granted, might well set an important precedent for other industries in which the public interest has for too long been neglected. It certainly represents a landmark in the consumer protection movement and because I am sure it will be of interest to my colleagues, I present it herewith for inclusion in the RECORD:

[In the U.S. District Court for the Eastern District of Pennsylvania, Bankruptcy No. 70-347]

In the Matter of Penn Central Transportation Company.

PETITION FOR APPOINTMENT OF CITIZENS' ADVISORY COMMITTEE

To the Honorable John P. Fullam, Judge of the United States District Court for the Eastern District of Pennsylvania: Come now the petitioners Ralph Nader, Reuben B. Robertson, III, Jonathan A. Rowe, Anthony Haswell and National Association of Railroad Passengers, having previously petitioned this Court regarding the appointment of one or more trustees specifically to represent and promote the interests of the public and consumers in the reorganization and management of the Penn Central, who now further urge the court to establish and appoint a Citizens' Advisory Committee to advise and assist the trustees with regard to various aspects of the public interest. The reasons and authority for such appointment and the powers and duties of the proposed Committee are set forth in the accompanying memorandum in support of this petition.

Respectfully submitted.

THOMAS K. GILHOOL.
REUBEN B. ROBERTSON III.

JULY 22, 1970.

[In the U.S. District Court for the Eastern District of Pennsylvania, Bankruptcy No. 70-347]

In the Matter of Penn Central Transportation Company.

MEMORANDUM IN SUPPORT OF PETITION FOR APPOINTMENT OF CITIZENS' ADVISORY COMMITTEE

The Court's duties in protecting the public interest in a railroad reorganization proceeding under Section 77 of the Bankruptcy Act do not, of course, end with the appointment of Trustees to manage the estate. The petitioners, who include rail passengers, consumers and parties professionally and institutionally committed to the advocacy of various consumer, safety and environmental causes, have urged the Court to take whatever measures may be necessary and appropriate to advance community and consumer interests in overseeing the Penn Central's reorganization. We believe that these interests can be significantly aided by the appointment of a special committee of advisors to the trustees which can make studies and recommendations to them—and to this Court—regarding the many facets of the public interest. While novel, this action appears to be well within the clearly established powers of the Court. This memorandum spells out in further detail the proposal and the legal authority of the Court to adopt it.

PURPOSES OF THE COMMITTEE

There can be no serious argument that the first priority in the management and reorganization of a bankrupt railroad must be the public interest, including specifically the right of the people to be assured safe, dependable, adequate and economical transportation by rail. *St. Joe Paper Co.* v. *Atlantic Coast Line R. Co.*, 347 U.S. 298, 309 n. 12 (1954); *In re Denver and Rio Grande Western R. Co.*, 38 F. Supp. 106 (D. Colo. 1940); *In re Long Island R. Co.*, 83 F. Supp. 971 (D. N.Y. 1949). The public's multiple and complex needs require thoughtful, coordinated analysis and implementation which the trustees alone, absorbed in the day to day problems of management and operation, may not be able to fulfill adequately.

Penn Central serves a region under siege by a massive transportation and environmen-

tal crisis. The urban areas of the Northeastern United States are already congested and overcrowded, its highways and airways are clogged, its rivers becoming open sewers and its air a potential source of epidemic asphyxiation. The incessant parasitic demands of railroad management upon the public for higher and higher passenger fares and freight tariffs, the degrading of service and safety standards, the Penn Central's relentless drive to rid itself of customers and of all obligations to provide intercity passenger service, capped finally by the initiation of bankruptcy proceedings have intensified the crisis and made an ugly joke of the corporation's basic legal commitment to serve the public continuously and adequately. This background underscores the urgency of special provisions by this Court and the trustees on behalf of the public.

The interests of consumers, passengers, shippers, communities and the public at large must no longer be short-changed with respect to Penn Central operations. To this end it would be appropriate and useful to have a special committee to advise the trustees on various aspects of the public interest. Without in any way interfering with the daily operations and management functions of the trustees, the committee would be in a position to analyze public complaints, tariffs and schedules, population trends as related to available service, environmental considerations, maintenance and safety standards and other aspects of the public interest. The proposed committee could make reports and recommendations to the trustees as to developing problems and ways in which the quality of the railroad's public service might be improved. Further, the committee would evaluate the efforts of the trustees from a public interest perspective and could make reports to the Court on any changes that might be necessary for fulfillment of the railroad's basic mission of public service. One possible format for the composition of such a citizens' advisory committee has been set forth for the Court's review in Appendix A to this memorandum.

AUTHORITY OF THE COURT

While we are not aware of any previous railroad bankruptcy proceeding in which such a public interest advisory committee has been appointed, the Court's power to take such action is clear. Section 77(a) of the Bankruptcy Act, governing railroad reorganization, confers upon the District Court having jurisdiction the full panoply of powers over the debtor and the trustees that apply generally in bankruptcy proceedings. For example, Section 11(a)(6) of the Act, amended by the Chandler Act in 1938 so as to apply unequivocally to proceedings under Section 77, see Hanna & MacLachlan, *Cases on Creditors' Rights*, 1965 Supplement, 9, explicitly provides that the Court has the power to "bring in and substitute additional persons or parties in proceedings under this title when necessary for the complete determination of a matter in controversy." Similarly, Section 343 of the Act expressly states that a receiver or trustee shall manage the debtors' business and property "subject to the control of the court." The power thus conferred on the Court in general bankruptcy proceedings is made specifically applicable to the court in railroad bankruptcies by section 77(a), which gives the bankruptcy court "all the powers not inconsistent with this section which a court of the United States would have had if it had been appointed a receiver in equity of the property of the debtor for any purpose." Additionally, of course, the Court has inherent and express powers to enter appropriate orders and impose such restrictions and conditions as may be necessary in the management of the debtor's affairs, e.g., Bankruptcy Act, Secs. 11(a)(15), 11(b).

Nothing in the Act or in the decisional law interpreting the Act appears to restrict or prohibit the Court from appointing advisors or advisory committees. In the Long Island Railroad bankruptcy proceedings, the appointment of a firm of engineering consultants as advisors to the trustees, whose principal role was to make studies, determine the facts and submit reports and recommendations to the trustees, was discussed at length and expressly approved by District Judge Kennedy. *In re Long Island R. Co.*, 91 F. Supp. 439 (D. N.Y., 1950). No cases has been found limiting or denying the Court either the power to pass upon the appointment of or to appoint directly consultants or advisors to the trustees for the purpose of gathering and analyzing facts and making recommendations to the trustees or the Court. Certainly where the stakes are so high and the identification and implementation of the public interest are so critical, such restraints should not be read into a statute the primary purpose of which is to protect the public.

Respectfully submitted,

THOMAS K. GILHOOL,
REUBEN B. ROBERTSON III.

JULY 22, 1970.

APPENDIX A. POSSIBLE COMPOSITION AND CHARTER FOR CITIZENS' ADVISORY COMMITTEE

TO TRUSTEES IN PENN CENTRAL REORGANIZATION

The Citizens' Advisory Committee would be composed of three to five members, appointed by the Court for terms of five years, and drawn from groups or organizations representing such interests as

(a) railroad passengers, including commuters;

(b) consumers of commodities transported by rail;

(c) environmental quality, including conservation and aesthetic interests, city and regional planning, population distribution, and clean air and water advocates;

(d) shippers by rail;

(e) railway labor.

The Committee's basic mandate shall be to protect and promote to the fullest extent possible within its powers during the Penn Central reorganization, the needs of the public for safe, clean, modern, efficient, economical and reliable rail transportation; sound regional planning including comprehensive intermodal transportation planning; conservation of natural resources including pure air, water and open spaces. To achieve these ends, the Committee shall have the following powers and duties:

(a) Examination of all books and records of the debtor and any company controlling, controlled by or under common control with the debtor;

(b) Attendance of any meetings of the trustees and officers of the debtor, and the right to be kept informed of all actions, plans and proposals regarding operation of the Penn Central and to receive copies of all company correspondence and memoranda;

(c) Making studies of and reporting to the trustees periodically and at all appropriate times upon the actual or potential impact of Penn Central operations and any proposed or suggested plans or changes on any aspect of the public interest; and making such recommendations as the Committee deems appropriate to protect and advance the interests of consumers and the public generally;

(d) Studying and reporting to the trustees and the Court on the effects of past Penn Central policies and practices upon the public, and on the causes of the financial collapse precipitating the petition in bankruptcy;

(e) To report annually or at any other appropriate time on the adequacy of actions taken by the trustees to implement the recommendations of the Committee, on the impact of the debtors operations on the public interest, and on any problem in the management of the estate that the Committee deems necessary or appropriate to bring to the Court's attention;

(f) To apply for and receive any federal, state, local or private grant of funds, research, facilities or assistance of any kind to advance the purposes for which the Committee is established.

[In the U.S. District Court for the Eastern District of Pennsylvania, Bankruptcy No. 70-347]

PETITION FOR REPRESENTATION OF CONSUMER INTERESTS

In the Matter of Penn Central Transportation Company.

To the Honorable John P. Fullam, Judge of the District Court of the United States for the Eastern District of Pennsylvania:

This petition is filed on behalf of various individual and institutional parties concerned with the effect of the Penn Central Transportation Company reorganization upon the interests of consumers and other national and community interests, to urge this Court to take certain measures to assure effective representation of those interests in the management of the Penn Central at all times during the reorganization and thereafter. Specifically, petitioners request the Court to appoint one or more trustees for the purpose of representing and promoting public consumer and community interests, as distinct from the private interests of management, creditors, and shareholders. Petitioners in support thereof respectfully represent:

PETITIONERS

1. The petitioner Ralph Nader, a resident of Winsted, Connecticut, is an author, lawyer, and advocate of the public interest in various consumer, safety and environmental issues.

2. The petitioner Reuben B. Robertson, III is a resident and member of the bar of the District of Columbia.

3. The petitioner Jonathan A. Rowe is a resident of North Sandwich, New Hampshire, and a third-year law student at the University of Pennsylvania Law School in Philadelphia.

4. The petitioner Anthony Haswell is a resident of Chicago, Illinois, a member of the bar of the State of Illinois, and Chairman of the National Association of Railroad Passengers.

5. Each of the above individual petitioners is a frequent passenger by railroad, including the Penn Central, and a consumer of commodities transported by railroad. The individual petitioners are and have been engaged in the analysis and advocacy of consumer, environmental, safety and community interests in various modes of transportation, including railroads.

6. The petitioner National Association of Railroad Passengers is a not-for-profit corporation organized under the laws of the State of Illinois to represent and promote the interests of railroad passengers. The Association at present has approximately 7,000 dues paying members. Membership in the Association is open to all users of rail passenger service and to other citizens who believe that modern trains are an essential element of a balanced transportation system. Its national headquarters are at 417 New Jersey Avenue, S.E., Washington, D.C. 20003.

PUBLIC INTEREST CONSIDERATIONS

7. Penn Central performs essential transportation services for the public. In 1969, it carried 88.2 billion ton-miles of freight,

10.2% of the national total of 768 billion. It carried a total of 91.4 million passengers, of which 54.0 million were commuters and 37.4 million were intercity travellers. These amounts were 32.1%, 26.0%, and 42.6% respectively of the national totals of 295.9 million, 208.1 million, and 87.8 million. Penn Central's 1969 total passenger-miles of 3.4 billion were 28% of the national total of 12.2 billion.

8. Continuation and improvement of Penn Central freight services is vital for the health of the national economy, in that the cost of transporting its freight load by other modes would be several times the $1.3 billion it was paid by shippers in 1969.

9. Continuation and improvement of Penn Central passenger services is vital for the national interest in personal mobility and a better environment. If all Penn Central's passengers were forced to use air and highway facilities, the result would be massive air and highway traffic congestion, bordering on paralysis in some areas. Expansion of these facilities to adequately accommodate the additional traffic would cost an enormous amount of money and scarce land area, and create intolerable levels of noise and air pollution.

10. The quality of Penn Central freight service has steadily deteriorated since the 1968 merger despite assertions by management that it is interested in this business as a profit making operation.

11. The quality and quantity of Penn Central commuter service has deteriorated to an abysmally low level. Management has repeatedly stated that it has no interest in this operation unless it is supported with public funds.

12. The quality and quantity of Penn Central intercity passenger service, other than between New York City and Washington, D.C., has deteriorated at least as much as commuter service. Dozens of Penn Central communities have already lost their passenger service. The present management has requested the Interstate Commerce Commission for authority to discontinue all passenger service west of Buffalo, New York, and Harrisburg, Pennsylvania. Were this request granted, such major cities as Indianapolis and Terre Haute, Indiana; Ann Arbor, Jackson, and Kalamazoo, Michigan; Cleveland and Springfield, Ohio; and Erie, Pennsylvania would have no rail passenger service. This could be a crippling blow to the economies of these important cities, as well as to innumerable smaller communities. A principal objective of Section 77 bankruptcy proceedings is to keep essential service running, not to facilitate its discontinuance. *St. Joe Paper Co.* v. *Atlantic Coast Line R. Co.*, 347 U.S. 298, 309n.12 (1954); *In re Denver & R.G.W. R. Co.*, 38 F. Supp. 106 (D. Colo. 1940).

13. There is evidence of serious deterioration in maintenance and safety standards in Penn Central operations. In a recent report on the probable cause of a June, 1968 Penn Central passenger train derailment at Glenn Dale, Maryland, the National Transportation Safety Board was strongly critical of Penn Central for failure to require proper maintenance of its welded rail main tracks, and for inadequate monitoring of factors which might adversely affect the track or train operations. The degradation of safety performance in Penn Central operations is demonstrated by the following statistics based on official reports of the Federal Railroad Administration:

TRAIN ACCIDENTS PER MILLION LOCOMOTIVE MILES

Railroads	1963	1966	1969
NYC	3.91	5.53	
PRR	6.87	12.50	
NH	1.97	5.39	
PC			12.58

14. Despite the rapid, sustained deterioration in availability, quality and reliability of freight and passenger service since the 1968 merger, Penn Central management has continued to seek authority from the Interstate Commerce Commission and State regulatory bodies to institute still higher tariffs which have resulted and will continue to result in substantial increases in consumer costs.

15. Legislation is now pending before the Congress to establish a quasi-public corporation to operate all intercity passenger service. The success of this corporation will be directly dependent upon the degree of cooperation extended by the railroads in such matters as reasonable track use fees, adequate track maintenance, rights of trains, etc. The attitude of present Penn Central management toward passenger service gives little hope for such necessary cooperation with the proposed rail passenger corporation. Moreover, establishment of the passenger corporation will not affect or assist Penn Central's commuter services.

TRUSTEE APPOINTMENT

16. Under Section 77(c)(1) of the Bankruptcy Act, 11 U.S.C. Sec. 205(c)(1), as amended, it is the duty of the Court to appoint one or more trustees of the debtor's property. The petitioners submit that the purposes of those provisions of the Bankruptcy Act which relate to reorganization of railroads can only be met by the appointment of one or more persons as trustees whose express duty it is to represent and promote the interests of consumers and the public in the operation and management of the debtor's estate. These interests necessarily include the availability of adequate and economical commuter and intercity passenger service; availability of adequate, economical freight transport; assurance of the highest possible degree of safety; alleviation of air and water pollution and other sources of environmental contamination; and development and promotion of a coordinated national transportation system involving all modes of surface and air transportation. In light of the unique nature and public responsibilities of a major railroad such as the Penn Central, the Court must establish at the outset the priority of such concerns over the claims of creditors, stockholders and other private interests. The real and effective representation of these concerns can be assured only by appointing as trustees persons expressly committed to advancing them.

17. The court clearly has the power to appoint representativves of the public interest as trustees. See, *e.g.*, *In re Long Island R. Co.*, 83 F. Supp. 971 (D.N.Y. 1949). Judge Kennedy, setting forth the rationale impelling his choice of two trustees specifically for the purpose of representing the interests of commuters and communities in the Long Island Railroad bankruptcy proceeding, stated as follows:

"Everything I know personally about the situation and everything that was said at the hearing, compels the conclusion that the appointment of a trustee or trustees representing the community is absolutely essential . . . the management, pending reorganization, should be such that the community as a whole will feel that its peculiar interests are in competent hands at every stage of the proceeding." 83 F. Supp., 976–978.

Thus, it is clear that the court can and indeed should name trustees who will represent the public as a party with a vital interest in the railroad's management.

18. To fulfill the underlying public purposes of Sec. 77 of the Bankruptcy Act, and of the very expectations and conditions under which Penn Central acquired its vast properties, assets and special privileges, it is essential that the public be represented in the choice of trustees. Section 77 of the Bankruptcy Act provides a special and unique process for the reorganization of insolvent railroads; it was written to make certain that railroad service would not disintegrate and that the public would not lose the vital services of a railroad which had gone, or been led, into bankruptcy. During Congressional debates on a 1935 amendment to Sec. 77, Congressman Sumners of Texas pointed out on the floor of the House:

"The purpose of this legislations is to avoid the scrapping of a road and selling it . . . The Bankruptcy Act of which the measure before us is supplemental, was designed to aid crippled railroads and bring about reorganization so that they might render improved service to the public and prevent stockholders and owners of securities from sustaining irreparable losses." *Congressional Record*, Aug. 15, 1935, p. H–13299.

To the greatest extent possible, the transportation service is to be continued and even improved, regardless of the interests of creditors and stockholders. *In re Denver and Rio Grande Western R. Co.*, 38 F. Supp. 106, 115 (D. Colo. 1940). The purpose of the law under which these trustees are to be appointed requires that the needs of the transportation-consuming public be represented in the management of the railroad during the critical period of its reorganization. This requirement is especially urgent in the case of Penn Central, the current management of which has pursued a course of steadily curtailing both freight and passenger service and has publicly expressed the view that still further cutbacks are the means by which it intends to regain the economic viability of the enterprise.

19. The business and properties of the Penn Central clearly are affected with a public interest. Under various state and Federal laws and regulatory provisions, they are tools to be used for the benefit of the public at large. The Penn Central acquired its original franchises and many of the properties on which it operates under special agreements with the states. These agreements expressed the expectation and imposed the duty that the railroad would in return use these franchises and properties to the benefit of the public. As just one example, the Pennsylvania Railroad—a predecessor of the Penn Central—bought its so-called "western works" from the State of Pennsylvania under the explicit command that it would be

". . . bound ever thereafter to keep up and in good repair and operating condition, the line of said railroad . . . and the said railroad shall remain forever a public highway . . . and kept open and in repair . . . for the use and enjoyment of all parties desiring to use the same." An Act For The Sale of the Main Line of the Public Works, No. 579, Laws of Pennsylvania of the Session of 1857, Sec. 5.

This point is crucial: that the claim of the public to transportation service from these properties precedes the right of the purely private claimants under liens, mortgages, and other encumbrances. Creditors, stockholders, and other parties with private interests will be tempted to turn the railroad properties towards the fullest possible satisfaction of their own claims. The very conditions under which the properties were acquired and private profits have been reaped from them make clear and urgent that during the reorganization there should be at least one trustee whose first and basic concern is that the railroad's ability to serve the public not be impaired.

20. Petitioners further contend that no trustee should be appointed who is or was an officer or director of Penn Central Misguided and inept management policies were a major cause of the company's downfall. Based on interviews with railroad industry officials, financial analysts, shippers, regulatory officials and others, the *Wall Street Journal* recently concluded in an article that the Penn Central's problems fundamentally stem from the poor and continuously deteri-

orating service the railroad has provided its customers:

"According to shippers, Penn Central's service failures include every type of complaint ever registered, and in greater numbers than ever encountered on any other line. The list includes inability to furnish cars to shippers in sufficient numbers, lengthy delays, chronic jam-ups at terminals and connecting points with other railroads, misdirected cars and cars lost for weeks or months at a time. Major shippers even report examples of loaded cars leaving their plants only to return some weeks later still fully loaded." *Wall Street Journal*, June 12, 1970, p. 1.

The same article continued as follows:

"Some regulatory officials and financial analysts make it clear they distrust statements made by Penn Central officials. For example, company officers had prepared financial plans indicating a first-quarter loss from railroad operations of about $50 million; in fact, the deficit was much larger. 'Financial people don't know if Penn Central is deliberately deceiving them, or whether the company just doesn't know what it's doing,' one observer says.

"Some Penn Central directors feel this lack of credibility, whether or not it's intentional, has extended even into the boardroom. According to knowledgeable sources, some of the oustide directors felt they had been 'hoodwinked' by management after they picked up highly important financial information from a company debenture prospectus—information that hadn't been given them as directors." *Id.*, p. 16

Only a person having no previous connection with Penn Central's management could be relied upon to make the difficult decisions as to necessary personnel changes, and to be free of all constraint or inhibition in investigating the causes of the railroad's financial demise, including possible conflict of interest or other improprieties on the part of Penn Central directors or officers.

21. The petitioners urge, in addition, that the Court use extreme caution in appointing as trustee any individual from a financial institution involved with the Penn Central. Reports since the filing of the petition in bankruptcy have revealed that conflicts of interest between the railroad and those financial institutions which are creditors, holders in trust of stock, or connected by interlocking directors, may well have contributed to the decline of railroad service and even to the financial debacle. A recent staff report of the House Banking and Currency Committee stated that "preliminary investigation reveals heavy involvement by banking institutions in nearly every one of Penn Central's operations. Every aspect of the issues involved in the collapse of the corporation appears to lead back to some banking institution." The Penn Central's 1968 ownership records reveal that 17 of the 31 largest shareholders were commercial banks, and that they held in sum 22.1% of the outstanding stock. The influence of these institutions, so entwined in the railroad's affairs, must be minimized in the interest of healthy and independent management of the railroad.

CONCLUSION

Consumers of all kinds, including freight shippers, commuters and intercity travelers, have a vital interest in the manner in which Penn Central operations are conducted under the supervision of this Court. The law is clear that public interest considerations must be given priority in the operation and financial reorganization of the railroad. The trustees will have pervasive power to control the affairs and policies of the railroad for a period of several years and perhaps decades. Under the circumstances, it is imperative that one or more trustees be named who will specifically represent the interests of the consumers and users of Penn Central services.

Respectfully submitted,

ANTHONY HASWELL,
REUBEN B. ROBERTSON, III,
Attorneys for Petitioners.

JULY 20, 1970.

[Letter sent to all Penn Central trustees]

AUGUST 27, 1970.

Mr. RICHARD C. BOND,
Philadelphia, Pa.

DEAR MR. BOND: We are writing to urge you, as a court appointed trustee in the reorganization of the Penn Central, to give serious and favorable consideration to the establishment of a "citizen's advisory council" such as has been proposed in a recent petition to Judge Fullam. A copy of the petition is attached.

The "failing company" doctrine is a well-known exception to the normal operation of the anti-trust laws. We propose here a "failing concept" doctrine which should be recognized in the reorganization of the Penn Central.

The failure of our past concepts of regulation is tragically illustrated in the bankruptcy of the Penn Central. Every phase of the fundamental and operational decline of the railroad from the terms of the merger itself to the downgrading of passenger and freight service can be traced back to failures in the regulatory process.

In fact, the appearance of regulation was worse than no regulation at all. The public felt protected. Railroad policies were graced with the stamp of legitimacy which otherwise could not have withstood critical public appraisal.

Numerous studies, from the Landis Report of the early sixties to the recent student investigations under the aegis of Ralph Nader, Congressional Committees and even the President himself, have attested to the inadequacies of many of our precepts of transportation regulation. The present situation calls for recognition of these failures. We need imaginative innovation and courage to depart from ancient procedures. At the same time it calls for touching base afresh with the basic premises and purposes of public "regulation" of transportation enterprises. The bankruptcy and reorganization of the Penn Central presents a timely and unique opportunity to break with established patterns and test new ways to provide for the public accountability of a regulated transportation enterprise. One such way can be a step toward the ideal end of self-regulation. This way is through a citizen's advisory council.

A citizen's advisory council could do away with much that is wrong with our present methods of regulation.

It would restore to the public a measure of voice in the policies of the large corporations which have such pervasive effect upon their daily lives. But this voice would extend only as far as the public's legitimate concern. The council would not interfere in any way with the daily, profit-making operation of the railroad. It would only advise on the broader matters of policy in which the public clearly has a vital and growing stake. It could also help bridge the gap between the business and academic communities. Professors could be members of citizen's advisory council to which they could bring an undivided loyalty as advocates of the public interest. Students could provide studies and background information for the use of the council in advising the corporation, lending a vital sense of immediacy and importance to undergraduate and graduate work which now seems mired in irrelevancy.

These positive benefits of a citizen's advisory committee are urgently needed in the Penn Central reorganization. The Penn Central plays a vital role in the economic, social and ecological well-being of the entire Northeast. Yet the citizens, both passengers and freight shippers have felt slighted, abused, and powerless to halt the deteriorations and downgrading of their communities' transportation lifeline. A citizen's advisory council could infuse into Penn Central a spirit of public concern; and perhaps even more important, it could restore to the citizens a sense of participation in this huge enterprise which so vitally affects their lives and businesses.

For these reasons we urge the trustees to give this matter the most serious and careful attention. Although our petition originally asked the court to act, it would be even more appropriate and useful for the trustees themselves to create an advisory council on their own initiative. We have not attempted to prescribe the specific form a citizen's advisory council might take in this and in other situations. The appendix to our petition merely suggests one possibility.

We put ourselves at the service of the trustees to help work out the specific form and manner in which a citizen's advisory council could serve most constructively in the reorganization of the Penn Central.

Sincerely,

JONATHAN ROWE,
REUBEN R. ROBERTSON, III.

PETITIONS OPPOSING S. 2108, THE FAMILY PLANNING ACT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHMITZ. Mr. Speaker, in view of the fact that both Houses of Congress this week gave final approval to the Family Planning Act, S. 2108, without a roll-call vote, and that the Senate has never put its Members on record at any point on this very important legislation, I would like to call to the particular attention of my colleagues evidence of very deep concern about this bill and strong objections to it throughout the Nation. In the past 2 weeks alone, petitions opposing S. 2108 have come to my office from 24 States, bearing nearly 1,500 signatures. Over 5,000 signatures on similar petitions were sent to the chairman of the Rules Committee early in November.

In addition to 243 signatures from my own State of California, there are 499 from Kentucky, 307 from Montana, 305 from Minnesota, 275 from Ohio, 201 from the State of Washington, 140 from North Dakota, 135 from New York, 130 from Massachusetts, 112 from Illinois, and smaller numbers from Connecticut, Florida, Indiana, Iowa, Louisiana, Maine, Michigan, Missouri, New Jersey, Pennsylvania, South Dakota, Texas, Virginia, and Wisconsin.

I will be happy to make these petitions available on request to my colleagues who represent the States from which they come. In the future we ought to listen more to the "grass roots" on legislation in this area and less to the self-interested "experts" in population control who were apparently the only people the Senate ever consulted about S. 2108, and who had an altogether disproportionate influence on our own deliberations on this measure.

A 15-YEAR-OLD'S LETTER TO COLUMNIST ANN LANDERS DESCRIBES SOME IMPORTANT MARKS OF A MAN'S SUCCESS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mrs. SULLIVAN. Mr. Speaker, I am indebted to columnist Ann Landers for printing in her Thanksgiving Day column a letter from a 15-year-old girl, written on the night of her father's death, describing a great man in terms of the things which really make a man a success—a success as husband, father, brother, son, friend.

In our work in the Congress, in correspondence with many thousands of individuals in our districts who bring problems to our attention, or who write to us on legislation, we are frequently faced with the difficult task of expressing condolences on the death of a loved one. We can all, therefore, appreciate the simple eloquence of this girl's letter in which she describes what makes so many men heroes; that is, in the kindness and decency with which they shoulder their responsibilities to family and friends.

I was so impressed by this appreciation of the role of the American husband and father by a sensitive 15-year-old daughter that I am sure other Members of Congress would also find it heartwarming to read. We hear so much about the disunity in family life today, but there are still many families—millions of good, solid American families—which share not only a residence but the love which makes it a home.

The excerpt referred to from Ann Landers' column of Thursday, November 26, 1970, as it appeared in the Washington Post is as follows:

ANN LANDERS

DEAR ANN LANDERS: A great man died today. He wasn't a world leader or a famous doctor or a war hero or a sports figure or a business tycoon. But he was a great man. He was my father.

He didn't get his picture in the paper for heading up things. I guess you might say he was a person who never cared for credit or honors. He did corny things, like pay his bills on time, go to church on Sunday and hold an office in the PTA. He helped his kids with their homework and drove his wife to the shopping center to do the grocery buying on Thursday night. He got his kicks hauling his teen-agers and their friends to and from football games. He enjoyed simple things like a picnic in the park, country music, mowing the grass and running with the dog.

Tonight is the first night of my life without him. I don't know what to do with myself so I am writing to you. I am sorry now for the times I didn't show him the proper respect. But I am thankful for many things. I'm thankful because God let me have him for 15 years. And I'm thankful that I was able to let him know how much I loved him. He died with a smile on his face. He knew he was a success as a husband and a father, a brother, a son, and a friend. I wonder how many millionaires can say that? Thanks for listening, Ann. You've been a great help.

HIS DAUGHTER.

DEAR DAUGHTER: I am printing your beautiful letter on Thanksgiving. Thank you for providing my readers with food for thought on a most appropriate day.

YOUTH TO BE POLITICALLY EXPLOITED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RARICK. Mr. Speaker, we now understand that as a people Americans are to be indicted for a vast neglect of their children. At least so reports a group of nonchildren who have been mobilized into a new leftwing assault on our society which has taken over the White House Conference on Children.

It is frightening to learn that there are people in our country who would exploit little children as ideological ploys by turning them against their own parents and country and then, they—the exploiters—accuse the parents and our Nation of being the wrongdoers.

The successful perpetuation of every Fascist-Communist state has always depended upon the indoctrination of its subjects' youth to accept the exploitation of the system. What clear threat against parental stewardship is there than for adults to hide behind little children and accuse the parents of being guilty of every injustice the same accusers can promote for their advantage.

Of course, the promised youth revolution is to be financed by the guilty parents' tax dollars, just as was the civil rights revolution, the poor people's revolution, the sex revolution, the dope revolution, and the homosexural revolution.

Consider the proposal of a federally financed cultural voucher system for children between 3 and 16 years old. The paper currency is to be used by the child to purchase cultural goods and services necessary to the child's identity. What cultural goods would a 3-year-old child buy? Who would tell him that his purchase was necessary for his identity?

Thus far, no one has questioned the accuracy of the allegation that millions of children have been consigned to the scrap heap by uncaring Americans. Perhaps the source of these statistics is best identified by the approved change of family environment with the conference defense of communal living—where the members share sex and children and homosexual couples who adopt children. If the Conference is concerned only with illegitimates, unwanted and abandoned children why not say so. Why seek to involve all youth and indict all adults.

All in all, agitation, national mental cruelty and additional animosity can be the only result of this latest revolutionary movement.

I include several related newsclippings which follow:

[From the Washington Daily News, Dec. 9, 1970]

WHITE HOUSE CHILD SESSION TO "INDICT NATION"

(By Dale McFeatters)

The White House Conference on Children, which begins Sunday, will consider a stack of preliminary reports that "indict the nation for a vast neglect of its children," according to the conference chairman.

The reports were made public yesterday by Conference Chairman Stephen Hess, 37, a White House urban affairs specialist, after a meeting with President Nixon.

Final recommendations will be hammered out next week by 3,400 delegates to the conference on the basis of the preliminary reports. They were prepared over the past six months by 24 16-member panels led by educators, doctors, social scientists and child psychologists.

The reports, which Mr. Hess said "shatter the myth that this is a child-centered society," predictably call for a wide range of new federal laws, expenditures and institutions. Among the recommendations are:

Child Health: A national health insurance program for children and a "children's fund," established by Congress to finance medical and health-care facilities.

Day Care: A federally financed but locally controlled system of day care centers and a presidential task force to broaden public understanding and mobilize support for the centers.

Education: A presidential commission to study the possibility of children starting public school at age 3 or 4 and a national institute of creativity under the Department of Health, Education and Welfare to publicize research on improved educational techniques.

Employment: A federal commission for children and families to press for employment reforms that would reduce employe transfers that tear children away from their friends and schools; to limit out-of-town, night and weekend work for parents, and provide flexible work schedules that would permit parents more time with their children.

Television: Legislation enabling the Federal Communications Commission to set aside two cable TV channels solely for children's programming and establishing an institute for child development and the mass media to monitor and encourage children's programming.

Another proposal would have the FCC ban advertisers from urging children, "tell mommy and daddy to be sure to buy. . . ."

One suggestion repeatedly mentioned in the reports is the establishment of a federal, state and local system of child advocates. The advocate would be an ombudsman with powers to intervene in cases where the health, property, welfare or rights of a child were at stake.

A panel led by Miss Jennine Schmid, an expert in Montessori education, proposed a federally financed cultural voucher system, described "as a separate paper currently," for children between 3 and 16 years old. The vouchers, some worth as little as $5, would be used by the child to purchase cultural goods and services "necessary to the child's identity."

One of the few panels that did not advocate more funds was one headed by Dr. Dwight Allen, dean of the University of Massachusetts School of Education. Dr. Allen urged more imagination and experimentation in the public schools. "Education needs money," he said.

However, a panel chaired by Dr. John I. Goodland, dean of graduate education at UCLA, argued for a "massive infusion" of federal funds to improve the education system.

The reports that didn't argue for legal and institutional changes argued for changes in official attitudes.

Dr. Marvin Sussman, a professor at Case Western Reserve University in Cleveland, chaired a panel which observed that the nature of the American family is changing faster than the "narrow and static conception of family held by most policy makers."

More different types of families will be having children, he said, among them communes where the members share sex and children; homosexual couples who adopt children, legally or otherwise; and unmarried single parents.

The 1970 conference on children is the 10th since Theodore Roosevelt's time.

[From the Washington Daily News, Dec. 9, 1970]

MILLIONS CONSIGNED TO SCRAPHEAPS MONDALE CITES KIDS' PLIGHT

Sen. Walter F. Mondal, D-Minn., complaining that millions of children have been consigned to the scrapheap by uncaring Americans, today urged a new adult commitment to the nation's youth.

In a 70-page speech prepared for the Senate, he challenged everyone—from President Nixon on down—to revamp his attitudes toward children before it is too late.

He specifically urged formation of a Children's Advocacy Center to carry out recommendations of the White House Conference on Children that begins Sunday and said he would organize a bipartisan "Members of Congress for Justice to Children" to carry the crusade on Capitol Hill.

"Our national myth is that we love children," he said. "Yet, we are starving thousands. Other thousands die because decent medical care is unavailable to them. The lives of still other thousands are stifled by poor schools and some never have the chance to go to school at all. Millions live in substandard and unfit housing in neighborhoods which mangle the human spirit. Many suffer all of the mutilations simultaneously.

LIVING IN POVERTY

"In every society some people are consigned to the scrap heap to pile up and up. The most obvious victims, of course, are the 10 million children living in poverty and the untold millions maimed by racism . . . but the victims are most emphatically not just the poor and the minorities," he said.

Sen. Mondale, Chairman of a Special Committee on Equal Educational Opportunity, said that all children are "victimized" by forces ranging from misguided politicians to corporations that pollute the environment and televise violence.

He was critical of preliminary reports issued Tuesday by the staff of the Children's Conference. He complained they barely mentioned such problems as hunger and school desgregation.

"The total impression created by the reports," he said, "is more than slightly paternalistic . . . (they have) a faint ring of the brave new world where the state knows what is best for everybody."

He urged the 4,000 delegates to the conference "not to leave town" until they receive a commitment from the Nixon administration for a Washington office to push for implementation of their recommendations.

THE LITTLE RED HEN

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. DENNIS Mr. Speaker, I present this modern version of "The Little Red Hen," which I recommended to the attention of the House:

THE LITTLE RED HEN

Once upon a time, there was a little red hen who scratched about and uncovered some grains of wheat. She called her barnyard neighbors and said, "If we work together and plant this wheat, we will have some fine bread to eat. Who will help me plant the wheat?" "Not I," said the cow. "Not I, said the duck. "Not I," said the goose. "Then I will," said the little red hen, and she did.

The wheat grew tall and ripened into golden grain. "Who will help me reap my wheat?" asked the little red hen. "Not I," said the duck. "Out of my classification," said the pig. "I'd lose my seniority," said the cow. "I'd lose my unemployment insurance," said the goose.

Then it came time to bake the bread. "That's overtime for me," said the cow. "I'm a dropout and never learned how," said the duck. "I'd lose my welfare benefits," said the pig. "If I'm the only one helping, that's discrimination," said the goose.

"Then I will," said the little red hen. And she did.

She baked five loaves of fine bread and held them all up for the neighbors to see. They all wanted some, demanded a share. But the red hen said, "No, I can rest for a while and eat the five loaves myself."

"Excess profits," cried the cow. "Capitalistic leech," screamed the duck. "Company fink," grunted the pig. "Equal rights," yelled the goose. And they hurriedly painted picket signs and marched around the little red hen singing, "We shall overcome," and they did.

For when the farmer came, he said, "You must not be greedy, little red hen. Look at the oppressed cow. Look at the disadvantaged duck. Look at the underprivileged pig. Look at the less fortunate goose. You are guilty of making second-class citizens of them."

"But . . . but," said the little red hen. "I earned the bread."

"Exactly," said the wise farmer. "That is the wonderful free enterprise system, anybody in the barnyard can earn as much as he wants. You should be happy to have this freedom. In other barnyards, you'd have to give all five loaves to the farmer. Here you give four loaves to your suffering neighbors." And they lived happily ever after, including the little red hen, who smiled and clucked: "I am grateful. I am grateful."

But her neighbors wondered why she never baked any more bread. End.

SENATE—*Monday, December 14, 1970*

The Senate met at 11 a.m. and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

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

Lord God Almighty, king of glory and love eternal, worthy art Thou at all times to receive adoration, praise, and blessing, but especially at this time we praise Thee for entering man's life as man, for whom our hearts now wait with great expectation. Keep us in the spirit of Christmastide. Cleanse us of all evil and open our lives that they may not be busy inns which crowd Thee out—but dwellings which welcome the Redeemer. May the joy and peace of this season light up our daily duties and lead us to the truth of the Christ-Child in whose name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 14, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On December 7, 1970:

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

On December 9, 1970:

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) 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.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. THOMPSON of New Jersey, Mr. BRADEMAS, and Mr. SCHWENGEL were appointed managers of the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers