ment for the people of North Viet-Nam; they imposed restrictions on the access to the points of departure in the north (the cities of Hanoi and Haiphong). I myself among many others in this audience—one of whom was with me on that dark and rainy night when we escaped—still recalled vividly how hard it was for us to march on the road to freedom.

As we reflect on the partition, however, we want very much to forget the awful past and to look forward to a brighter future. As a private citizen, I join another 37 million people, 20 million in the north and 17 million in the south, to express our desire and impatience for a free and peaceful Viet-Nam. Together with them, I wait for the day when other people will no longer have to refer to us as "North Vietnamese" and "South Vietnamese," but as "Vietnamese"—a day when our country may cooperate with other nations in the Southeast Asian community to march along the road of development and prosperity.

Let all those who claim to fight in the name of the people listen to the voice and aspirations of the people. Let all the leaders put forward their platforms to the people and allow them to decide for themselves: What system of government—how much of that government—and who is going to govern. A people who have made sacrifices beyond imagination for nearly one century in order to defend the principle of self-determination deserve the right to choose and to have that choice respected by their leaders. In my opinion, there is no other way more reasonable for this right to be exercised than through a genuinely free and orderly election for the entire population of Viet-Nam.

This road, which may be very long and difficult, is the only road which will eventually lead to a peace which will endure and to a country which will prosper. We seek, therefore, *not just a peace—but a just peace.*

MARYLAND SOLDIER KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1969

Mr. LONG of Maryland. Mr. Speaker, Lt. James P. Ward, an outstanding young officer from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

BETHESDA MAN IS KILLED IN VIET ACTION

An Army lieutenant from Bethesda, Md., was killed in action in South Vietnam last Friday, the Pentagon reported yesterday.

First Lt. James P. Ward, 21, an adviser for a unit of the South Vietnamese Army, was killed in Phu Yen province when the unit was attacked during a night patrol.

Lieutenant Ward, the son of a Foreign Service officer, attended schools all over the world, including Southeast Asia and some Communist countries. He graduated from Walt Whitman High School in Bethesda.

He attended Montgomery County Junior College briefly before enlisting in the Army.

Lieutenant Ward graduated from Officers Candidate School at Fort Sill, Oklahoma, and then was assigned to the 82d Airborne Division at Fort Bragg, N.C.

He was sent to Vietnam 10 months ago and served as a paratrooper there with the 173d Airborne Brigade.

He recently joined the Military Adviser Team as an adviser to the South Vietnamese Army. He was scheduled to come home in six weeks.

A SKI ENTHUSIAST

Lieutenant Ward was a ski enthusiast and was interested in automobiles. While he was at high school, he was the night manager for a Bethesda service station.

Survivors include his parents, Mr. and Mrs. James R. Ward, of 6429 Earlham drive, Bethesda; and two sisters, Sara K. Ward of Bethesda, and Mrs. Mary Ann Burrow, of Bainbridge, Md.

Lieutenant Ward's father said of his son's attitude about the Vietnam war: "He understood why we were there."

BLOOMFIELD'S NONAGENARIAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1969

Mr. RODINO. Mr. Speaker, the town of Bloomfield, N.J., has been blessed with the presence of Mr. Frank Masinda since 1905. He has recently celebrated his 93d birthday and I want to join all his many friends in wishing him many many more.

I include an article about Mr. Masinda from the Bloomfield Independent Press of July 24, 1969, at this point in the RECORD:

NONAGENARIAN'S RECIPE FOR LONGEVITY IS TO BE HAPPY

Frank Masinda of 227 Broughton avenue, Bloomfield, observed his 93rd birthday on July 19. Helping him celebrate at a family fete held at his home were his 85 year old wife, Monica, and many children, grandchildren and immediate members of the family.

Masinda was born in Austria. He came to this country in 1893. He settled in New York and was employed by General Electric Co. In 1904 he married the former Monica Menchek of Czechoslovakia. The couple met in New York. A year after their marriage, the couple moved to Newark.

After saving up enough money in 1905, Masinda bought a piece of land in what was referred to, at that time, as the "country." The land that Masinda purchased had only a dirt road. There were only three houses in the area. Masinda built a home on the acquired property and has lived there ever since. Today, the "country" land that Masinda purchased is known as Broughton avenue, Bloomfield.

During his lifetime, Masinda built four additional homes on neighboring properties. He gave these houses to two of his three sons and to two daughters. His sons are Richard of Cedar Grove; William of Bloomfield, and Frank of Los Angeles, Calif. Masinda's daughters are Mrs. Lois French of Bloomfield, and the late Mrs. Elsie Visakay, who was also of Bloomfield. He has six grandchildren and two great-grandchildren.

Masinda worked for the Consolidated Safety Pin Company, Bloomfield, 17 years. While employed at this concern, Masinda assisted in the development of automatic pin-making machines. When the concern moved its operations to Massachusetts in 1943, Masinda went into business for himself. He operated the sheet metal firm called Bloomfield Manufacturing. The firm is now located in Fairfield and is being operated by Masinda's son, William. The company employs 85 workers.

During the 1920's, Masindas wife, Monica, tended the dairy cows on the Masinda homestead. She delivered fresh milk throughout Bloomfield for approximately eight years. Mr. and Mrs. Masinda both sold a variety of fruits and vegetables which they grew on their farm.

For his own pleasure and enjoyment, Masinda tends a small garden on his property. An active individual, Masinda rises each morning at 6 a.m., and retires around 9 p.m. He enjoys watching TV.

Commenting on the astronauts landing on the moon, Masinda stated "that he feels the money that was spent on the moon landing could have been spent better here on earth."

Masinda has been smoking cigars for 70 years. Lately, he has been thinking about giving up his 70 year old habit. Masinda stated the health advertisements regarding smoking are not influencing him in any way. "I'm just loosing the taste for cigars," said Masinda.

Masinda, who still enjoys his daily glass of wine, said that he has lived a "good, full life" and that he has no regrets. "I have never tried to be rich, just to be happy." Masinda has no fear of death and he says that he is ready to go whenever his time comes.

For a long life, Masinda advised, "A person must favor his body. Do not do anything that you think is not good for your body, such as overeating or over indulgence in alcoholic beverages. Physical exercise is also very good. I have always worked outside and have had plenty of exercise. I have always tried to take good care of myself."

SENATE—*Thursday, July 31, 1969*

(Legislative day of Wednesday, July 30, 1969)

The Senate met at 11 o'clock a.m. on the expiration of the recess, and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

The Reverend Douglas G. Ebert, pastor, St. Andrew's Methodist Church, Alexandria, Va., offered the following prayer:

Almighty and eternal God overflow our hearts with thanksgiving and praise as you have overflown our storehouses with blessings. It is reassuring to realize that we can rely upon Thy steadfast laws. By means of the vast knowledge that man has acquired from Thee, he has been capable of journeying to another realm of Thy creation. We thank Thee for these dedicated men of faith and discipline. May their efforts be rewarded through unity and peace for all of Thy creation. Help us, even in our amazement of man's ingenuity, not to lose sight of the power that hath made and preserved us a nation.

We are grateful for the opportunity to live in a democratic nation, for sincere and dedicated officials of Government, and for a nation seeking for peace and good will for all mankind. We pray Thy strength, courage, and divine guidance

upon our President, Vice President, the Senators, and all other officials of our Government. May we never cease in our struggles to make all men free from hunger, fear, and tyranny over the minds of men and to give them the opportunity to worship God freely enabling mankind to have a clearer vision of Thy divine perfection.

In the name of our Lord, we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 31, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, July 30, 1969, be approved.

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

COLLECTION OF FEDERAL UNEMPLOYMENT TAX

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 9951) to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

RECOGNITION OF SENATOR THURMOND

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Chair recognizes the senior Senator from South Carolina (Mr. THURMOND) for a period of not to exceed one-half hour.

MEETING NATIONAL COMMITMENTS THROUGH MILITARY PROCUREMENT

Mr. THURMOND. Mr. President, just recently, during the debate on the 1970 defense procurement bill the distinguished Senator from Nevada (Mr. CANNON) brought up a vital matter which is fundamental to a complete understanding of the bill when he outlined the military planning which is necessary to support our national commitment.

This brief explanation immediately caught the attention of the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the ensuing exchange indicated it would be useful to the Senate in this debate if the contingency planning to support our national commitments were better known. The purpose of my remarks today is to draw attention to the requirements placed upon our military in order that the requests contained in this bill might be better understood by all.

Mr. President, for some time our overall military contingency planning was classified information. The details of it remain so even today. However, former Defense Secretary Robert S. McNamara declassified the broad outline of it in the mid-1960's when testifying before committees of Congress at various hearings. The planning to support our commitments was largely done by his administration in the Department of Defense and, so far as I know, it has not changed appreciably.

Today, we are engaged in a great debate spurred by an economy drive which in my opinion amounts to putting the cart before the horse. That such is the case has already been acknowledged here on the floor by leading protagonists on both sides of this great debate. And it is a great debate, Mr. President, possibly one of the greatest debates which will unfold within the historic walls of this history-laden Chamber for some time.

But allow me to return to the point drawn earlier—our national commitments and the contingency planning necessary to fulfill them. This subject was broached by the distinguished Senator from Nevada (Mr. CANNON) when he stated:

I feel it is imperative to point out to the members precisely what our national policy is. It is that our military forces are charged with the responsibility of being able to fight a war of indefinite duration in Asia—as we are currently doing in South Vietnam—and at the same time have the capability to wage a large scale conventional NATO war for a stipulated period of time. (The exact duration is classified). The responsibility of the military establishment is to insure that we have on hand sufficient military forces and hardware at all times to successfully carry out this very important responsibility. If we do not provide our military leaders with sufficient forces to meet our stated national policy objectives then I feel it is essential that (a) our stated national policy objectives should be changed or (b) we should recognize that national policy objectives may exist which the military is incapable of carrying out.

The distinguished Senator from Nevada stated further:

I feel, Mr. President, this is a most important principle which must be understood by all members of the Congress. Reducing the military establishment in funds is a desirable objective but we must know what risks we will run when we do so. I am not stating that the funds requested by the military are sacrosanct, but I do feel they should be scrutinized most carefully before reductions are made.

Thus, here we are today in a great debate about which military requests should be approved and which should not. What we must understand is that the budget requests are not based on arbitrary requirements laid down by the various services; they are related to high-level policy decisions as to the commitments we have assumed from various bilateral and multilateral treaties and judgments as to what is needed to protect our own interests throughout the world. These decisions are based not upon desires of the military Chiefs of Staff to build some superforce but upon well-considered military needs to provide for our defenses and upon decisions of the National Security Council.

Although civilian control in this area is exercised through the Secretary of Defense and the President—the latter having the final say on the military requests submitted to Congress—it stands to reason much weight must be given to judgments of the professional military men such as the Joint Chiefs of Staff. Our leading military experts, after a thorough analysis, have concluded that certain armaments are necessary if we are to be able to respond to the national commitments, such commitments assumed and approved by civilian authority. We recognize and fully support civilian authority over the military, but testimony presented to the Senate Committee on Armed Services and its various subcommittees shows the cuts in the fiscal year 1970 Defense authorization bill have already been substantial.

The Clifford budget, submitted in January prior to the inauguration of a new President, called for authorizations of $23.1 billion. The new Secretary of Defense, Melvin Laird, submitted requests of $22.4 billion and then revised it downward to $21.9 billion, which was the amount taken under study by the Senate Armed Services Committee. Now the Senate committee has reported out a bill which calls for authorizations of an even $20 billion, representing cuts of some $2 billion from those requested.

Mr. President, we have thus seen the $23.1 billion Clifford requests which were projected by an administration with no ax to grind, reduced to $20 billion. We have already cut out the fat. If other large cuts are made, they will cut into the bone and muscle. The cuts already made are nearly 20 percent from the Clifford budget submitted in January.

In the comments which followed the remarks by the distinguished Senator from Nevada, the chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS) pointed out that our national policy called for the capability to fight two conventional wars, one in Asia and one in Europe, as well as the ability to handle a small contingency problem in a third area. This commitment has been referred to in military circles as the two and one-half requirement.

Now, the Senator from Mississippi (Mr. STENNIS), in commenting on this point noted the United States has defense

agreements with more than 40 nations and so long as these exist we must make some kind of effort to defend ourselves and live up to our obligations or the free world alliance will crumble.

We are witnessing today a great deal of pressure and criticism of our military even though all they are trying to do is see that we are adequately armed and prepared to meet our national policy and fulfill our commitments. Rather than castigating the military so much it seems we should be examining these treaties, all of which have been ratified by the same Senate which today is perilously close to emasculating our ability to meet the very obligations which we have previously approved.

Mr. President, perhaps we should refresh our memories on these treaty commitments. We have multilateral and bilateral treaty agreements with more than 40 countries on five continents.

These can generally be broken down into four main groupings as follows:

First. The Inter-American Treaty of Reciprocal Assistance, better known as the Rio Treaty of 1947. This is the basic collective security instrument of the inter-American system and has been ratified by all 21 American republics.

Second. The North Atlantic Treaty Alliance, better known as NATO. This was signed by the United States, Canada, and 10 nations of Western Europe in April of 1949. Since that time Greece, Turkey, and West Germany have become partners and France has withdrawn all of its military forces from participation but still retains its membership.

Third. The United States entered into a treaty in 1951 with Australia and New Zealand better known as the ANZUS Pact.

Fourth. In 1954 the Southeast Asia Collective Defense Treaty was drawn and signed at Manila. Better known as SEATO, its signators included the United States, France, the United Kingdom, Australia, New Zealand, Pakistan, the Philippines, and Thailand.

In addition to these four main categories the United States has entered into bilateral treaties with a number of nations. They include the Philippines, Japan, Korea, Nationalist China, Iran, Pakistan, Turkey, and Liberia.

This country has also demonstrated its interest in the Middle East by our association as a nonmember with the Central Treaty Organization better known as CENTO.

Thus, we see our various defense agreements are very extensive. In fact they involve 44 countries and in addition to the bilateral and multilateral treaties include bilateral executive agreements or general treaties.

The Senator from Mississippi placed a list of these countries in the RECORD on July 10 and touched on the two and one-half requirement when he stated:

> Up to now, we have been trying to prepare for two conventional wars. We already have one going on. Everybody knows where that is. The other war we are thinking about primarily would be in Western Europe. It seems to me we also have a policy to go where there is trouble in a little country wherever it may be. In view of all this, the committee has tried to arrive at a sound, effective minimum military program. This is the purpose of the items in this bill.

Also, it should be noted at this point the requirement of handling two major conflicts and one minor conflict is not a maximum requirement but the minimum one in today's world. In other words, at the very least we should have this capacity and then some.

Now, Mr. President, that is what this great debate is all about. We are now considering a defense procurement request here which is not the product of the whims and desires of the admirals and generals but one designed to conform to our national policy and meet the commitments agreed to by our civilian authorities. All of these treaties were entered into prior to the Nixon administration. Furthermore, they were considered by the Committee on Foreign Relations and reported out favorably to the full Senate.

We have reviewed briefly these treaty obligations. The Preparedness Investigating Subcommittee conducted a complete review of the Armed Forces required to counter the most probable military force likely to be deployed against us, an assessment calling for the exercise of responsible military judgment. This report is still classified. On this point I wish to comment later.

However, at this juncture it should be noted this study of our world commitments was merely factfinding. Realistically, it falls within the responsibility of the civilian heads of Government and the Congress to determine how much of a nation's total resources should properly be devoted to defense purposes without an adverse impact upon our economic structure.

Thus we must bear in mind that the actual forces we have in being and the equipment in hand amounts to a compromise between that which is required in the judgment of our military leaders and that which the Nation can afford in the judgment of our civilian leaders.

This argument is at the heart of many of the well-intentioned moves being taken to cut our military procurement budget. Most of the advocates of these cuts do not basically disagree with a strong military force, they just feel we have more strength than needed while neglecting vital social welfare and economic needs. On the other hand, there are none of us who are defending this budget request who do not share a deep concern for fulfilling our justifiable social welfare and economic requirements.

Another point worthy of consideration, although one of such depth would require an extended discussion of weeks or even months, is the validity and extent of each treaty obligation. This point, of course, weighs heavily in deciding the military posture needed to meet these commitments.

To draw on the complexities of this subject let us address ourselves briefly to two of our major treaties, NATO and SEATO. First, NATO article 5 provides that an armed attack against one or more of the member nations in Europe or North America shall be considered as an attack against all. Article 5 also states that each member of NATO obligates itself, individually and in concert with others, to take whatever action each may deem necessary, including the use of armed force, to restore the security of the area attacked.

Thus, in a cursory examination of this treaty, considered to be one of our strongest commitments, we learn that we could commit Americans troops to a land war in Europe or take practically no steps at all under the "take whatever action each may deem necessary" clause. Certainly it is the feeling of the Members in this Chamber that, should a NATO ally be attacked, it would be necessary for the United States to respond in the fullest degree if our own security is to be maintained, but nevertheless there is the out if you wish it.

Now, let us look at our SEATO obligations. The country of South Vietnam is not a member of SEATO, but it was designated a protocol state by the signers under article 4 of the treaty and thereby comes under the umbrella of SEATO in that the loss of their security would result in a direct threat to the security of the SEATO members. Thus, we find ourselves deeply committed in South Vietnam with casualties now surpassing those resulting from the Korean war, although we had a clear treaty obligation with South Korea and a lesser one with South Vietnam.

We, therefore, come to the question of interpretation of our commitments, and that is a subject of great study here in the Congress as well as in the Pentagon.

The two major wars, and one minor war requirement placed on our military early in the Kennedy administration was adapted from an assessment judgment of our treaty obligations and our own defensive needs. Today, we live in a world where "Fortress America" is a dream of the past. We have fought two World Wars and two lesser wars in this century with not a single bomb striking American soil. But that is behind us, for today it is our parents and our children who will feel the fury of bombs, fire, hunger, devastation, disease, and hardship if we fail to maintain our military superiority.

During the Eisenhower years we moved from the conventional war concept to the nuclear war concept. We began building ICBM's with nuclear warheads and developing long-range bomber forces capable of delivering A-bombs and H-bombs on potential enemy forces at great distances from our homeland. We also developed a continental air defense and the outlying DEW line to warn us of enemy attack, as the threat then to our soil was from long-range enemy bombers carrying nuclear bombs. It is odd today we are having such difficulty in gaining approval for Safeguard which would provide similar warning and some defense against ICBM's.

In the early years of the McNamara regime it was realized the forces of communism would continue to push forward

in ways short of nuclear war, and we returned to the idea that to defend ourselves we must have a conventional war capability in addition to nuclear forces. Thus developed the 2½ wars requirement and a policy of flexible response.

This has been our national policy for a number of years now, and it was developed and implemented by past administrations which happened to be headed by Democrat Presidents, and which happened to have been relatively free of any call to make heavy slashes of our military budget such as we are witnessing today. The antimilitary thrust has just blossomed to a significant role since President Nixon took up residence in the White House and our former colleague, Mel Laird, took over in the Pentagon.

Actually, when the 2½ requirement was developed we were enjoying a period of relative peace compared to the situation today. Vietnam was just on the horizon. Europe and South America were relatively stable. Such is not the case today. Communism is spreading through Asia as fast as its soldiers are allowed to move, the Russians have just finished using tanks and other military force to subdue a liberal regime in Czechoslovakia, and the situation in South America is anything but stable if Governor Rockefeller's recent trip is any guide. Further, we have a truly explosive situation in the Middle East in which the free world's oil supply is involved, not to speak of the very existence of a friendly nation we helped establish.

This brings me around to the point that today's world foretells obligations upon us greater than when the contingency planning to support our military commitment was first laid down. The inference here is not that we inevitably face further military involvements such as Vietnam; on the contrary, we should avoid them wherever possible. On the other hand, we must be prepared to meet them when a deployment of American forces is required, and in being so prepared history has proven such requirements are less likely to develop.

Now it is simply a question of whether or not we are going to meet those obligations. Surely we cannot safely approach the point of failing to fulfill our commitments. The worst situation for us to be in would be to have almost but not quite enough. Surely the distinguished and able members of this body realize our enemies are watching to see how far we will cut and how far this antimilitary trend will go. Surely it is recognized the world is now looking to see what actions will be taken in this great debate by the Senate of the United States. Surely we must not falter here; we cannot falter. The consequences of such a failing could well be the burden of this generation and generations unborn. We have seen nothing in recent years which should make us think communism has altered its goals. In fact, the Washington Post, which has repeatedly taken a softline approach to the threat of communism, has just completed publication of a series of articles by Anatole Shub in which he clearly states Russia is reaffirming its Stalin-like policies. Mr. Shub was the Moscow correspondent for the Post the last several years, and he is telling it like it is. The Post is to be commended for printing these articles in such prominent displays, despite the fact they run counter to their editorial expressions for the past 20 years.

Some would point to the confrontation between China and Russia. I would be the first to admit this dispute could be turned to great value for the free societies of the world, but you cannot move me from the belief that when the chips are down between West and East, the Communists will stick together. This argument between Russia and China is essentially an argument over the best way to do us in and bring about worldwide communism. It manifests itself in the present border dispute, a historic argument which will always be an abrasive issue in the relations of these two countries. But Mao Tse-tung cannot live forever. What will be the situation then? For that matter, what will be the policies of the next dictator in Russia? Who is to say; no one knows. But if you understand communism you know one does not rule a Communist nation without fighting his way to the top in the most violent of circumstances. I hope for the best, but I refuse to take a chance on the worst.

Now, let us return to a point made earlier, that the requests before us were not the whims or wishes of the generals and admirals, but the result of hard bargaining within the military, and by the appropriate civilian agencies and committees. And that it is all weighed to fulfill the requirements of our national policy or to enable us to meet our military commitments, if you will. Further, let us not forget that besides these hard commitments in various treaties and agreements we have very definite interests around the world which are not spelled out in a piece of public paper or voiced by officials of the administration daily. We cannot ignore these interests, an example of which would be our oil sources in the Middle East. These interests extend worldwide.

So, we have these commitments and these interests, and the military is charged with the responsibility of structuring its forces to fulfill our national policy and obligations. The result of this structure by the military is scrutinized, and final decisions made by the civilian authorities of the Pentagon and the President, and then the Senate Committee on Armed Services. In this procurement bill, $3 billion, or nearly 20 percent, has been cut from the Clifford budget to the budget you are considering here today.

Now, we also should recognize that in past years these requests fell short of what the military estimated their needs to be, if we were to fulfill our national commitments. This was the case during the McNamara administration, which told the Congress the forces requested were sufficient to meet this commitment. An example of this shortage would be in the area of aircraft requirements needed around the world. Secretary McNamara thought they were sufficient, and it was a matter of judgment; but if the General recently decorated at the White House with the highest awards the President can give was correct in his military judgment of our aircraft needs, then Secretary McNamara's estimate was greatly in error.

This situation existed in the Navy also as regards submarines, naval aircraft, and support ships. We have discovered in meeting the Vietnam situation how much we have underestimated our needs. Our ability to meet other contingencies during the Vietnam commitment has been less than it should have been.

The point being made here is that military estimates are taking a beating before they even reach the Congress. The desire to hold down spending exists in the Pentagon and the Bureau of the Budget, just as much as it exists here on the Senate floor. Management of weapons systems programs is another matter, but the actual desire to keep defense expenditures at the barest level of requirements has existed for a number of years. In fact, this attitude has resulted in a net loss in our military strength in recent years, and has brought us to the position today that if we cut further, we are tampering with the strategic balance of power between Russia and the United States. That, my colleagues, is a serious, and perhaps catastrophic, matter.

Now, to bring my comments together, this is what I am saying in a nutshell: We have assumed military commitments through treaties; we have a national policy growing out of these elements; the military is called upon to provide a force to meet our national obligations; their recommendations are made to civilian authorities in the Pentagon and thence to the President; and, finally, we receive the requests here.

It is not my implication that all of these elements are perfect and that we should submit to them without inquiry or investigation. Neither the recommendations of the military nor the Pentagon are sacrosanct, but we have already witnessed a $3 billion tightening of this procurement bill, with past history showing the requests often fall short of our real needs. This has certainly been demonstrated by the experience in South Vietnam.

This brings us back to the cart-before-the-horse situation, mentioned earlier in my remarks. While the military budget has been trimmed and cut to a considerable extent, it appears ill advised for the Senate to undertake further emasculation in view of our national commitments.

We must provide the means to fulfill our commitments. Now, if the Senate wishes to review that commitment, then such a review would have my support. I have already heard some of the Members state opinions to the effect that we should reduce our worldwide obligations. This is certainly a question worth studying. Perhaps we are overextended. If so, we should recognize it. Maybe we should reduce our treaty commitments, but, if so, let us do that before cutting our ability

to meet those commitments. It would seem to me the Senate Foreign Relations Committee would have a singular responsibility in this area.

That is the cart—our treaty obligations. The horse is our military strength. If we are going to sign for the cart, then we had best have the means to pull it.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The 30 minutes of the Senator from South Carolina have expired.

Mr. THURMOND. I ask unanimous consent to have an additional 10 minutes.

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

Mr. THURMOND. Mr. President, I think there are those among us who would say outright that we should reduce our treaty obligations. They may not be as quick to say which ones should be dropped. But surely a study of this area would be helpful to us in the future. Also, it must be remembered that we are treading in an area traditionally recognized within the jurisdiction of the Chief Executive, except for the advise-and-consent function of the Senate.

It would be of interest to the Members to know what some of the committees now dabbling in military matters have done on this subject. Have they looked into our commitments? Have they a basis to challenge our national policy? Have they written the President and raised the point that military spending is high, and we should review the commitments which require such an outlay? What has been done other than taking potshots at the military, which is merely trying to provide us with the means to fulfill the obligations incurred by treaties ratified by this body?

Certainly all of us would like to see less money spent on defenses, provided we still maintain our military superiority. What good are housing, jobs, and food, if they are laid to waste by an enemy force? I am ready to cut anywhere it can be shown cuts can be made without placing us in a position of military weakness, or forfeiting the promises we have made to our allies.

Some feel we could reduce some of our commitments. But I am frankly at a loss to say which one it might be. Should it be in NATO, which is on the front-lines of the East-West confrontation? Should we abandon Japan before they can defend themselves? Should we withdraw from our obligations in South America in face of the violent activities now underway by Communist infiltrators from Cuba and elsewhere? Where should we pull back? Can someone answer that question?

For the most part, all of us have supported ratification of the treaties to which this country is honor bound. Let us provide the means to meet these obligations, or let us reduce these obligations. I submit that further reductions in the 1970 fiscal year Defense procurement bill is not the place to begin this great undertaking.

Mr. FANNIN subsequently said: Mr. President, I wish to commend the distinguished senior Senator from South Carolina for his expert and thorough analysis of our spending for military needs. I know him to be a longstanding member of the Committee on Armed Services, well qualified by reason of his own distinguished military career to comment on these matters.

I wish to draw special attention to and extend commendation for the distinction which he has made in the area of foreign commitments. He wisely points out that we simply must have the military strength to meet our commitments. These commitments were, presumably, not entered into lightly and not without the advice and consent of the Senate, notwithstanding the change of mind or outlook or philosophy that may have overtaken certain members of the Foreign Relations Committee in recent years.

Just the day before yesterday the distinguished chairman of the Committee on Armed Services made the point in an exchange with the Senator from Wisconsin (Mr. PROXMIRE) that it is all very well to be for a reduction in military expenditure, and those that do not have the responsibility of writing the bill can be quite free with their criticism; but when we come down to the nub of how shall we reduce expenditures, which systems shall be left out, or which commitments shall be left without renewal, then we find more than simple criticism or verbal handwringing becomes necessary.

Mr. President, I commend the Senator from South Carolina for his detailed and searching analysis of our military procurement situation and feel sure it has contributed substantially to the substance of this debate.

Mr. TOWER subsequently said: Mr. President, I congratulate the distinguished Senator from South Carolina (Mr. THURMOND) for the most perceptive speech he has just delivered on the military procurement bill. I wholeheartedly agree with the argument he has presented.

Opponents of the military procurement bill have been speaking against the bill because they hold to the assumption that the United States is militarily overcommitted around the globe. Therefore, the opponents of the bill argue, the United States must cut back on the military equipment needed to honor these commitments. This argument, I believe, is not plausible and, as Senator THURMOND has already remarked, is not the correct way to go about debate over the U.S. role in the world.

Senator THURMOND has recommended that the Committee on Foreign Relations debate the present and future U.S. military commitments. That is indeed the place to take up such matters, not on the floor of the Senate during the debate on a military procurement bill. It is only logical that a discussion about changing U.S. military commitments should not take place during a substantive debate over appropriations needed to honor past commitments which, whether we like it or not, we must carry out. I would be most open to any recommendations made by the Committee on Foreign Relations in this most important area, but I do not feel that this is either the time or the place to debate the issue of military commitments. I hope that the opponents of the bill have listened with an objective ear to the words of the distinguished senior Senator from South Carolina. Again, I would like to congratulate him for his wise thoughts on this subject.

The PRESIDING OFFICER. Under the previous order the Senator from Vermont is recognized.

DEFENSE DEPARTMENT DOWNGRADES DEVELOPMENT AND USE OF A NUCLEAR NAVY WHILE ADVOCATING THE ABM

Mr. AIKEN. Mr. President, as a member of the Joint Committee on Atomic Energy since 1959, I have been concerned with the efforts of competitive fuels to prevent the development of electric energy from the atom.

I have been even more concerned by the efforts of these same interests to block the development of a U.S. Navy which in the future would be second to none.

I was privileged to be on the nuclear submarine *Skipjack* when on its trial run it broke all existing undersea records for speed and depth.

Its operation was quiet, making it difficult to be detected by an enemy, while the sonar system of the *Skipjack* could detect the more noisy submarines of an enemy at a distance.

In the spring of 1962, I was again privileged to spend a night on the aircraft carrier *Enterprise,* which was then lying off Guantanamo Bay.

The *Enterprise* was, and is, the finest and most effective carrier in the world.

I watched takeoffs and landings both by day and by night with the safety of the flyers insured by the fact that the speed of this atomic carrier could be accelerated at several times the speed of acceleration for an oil-burning carrier.

On December 2, 1965, with the Senator from Montana (Mr. MANSFIELD), I was in Saigon the day that the *Enterprise* joined our fleet in the Vietnamese war.

Our men in South Vietnam were unstinted in their praise.

The *Enterprise* literally ran rings around the oil-burning ships of the fleet.

It was one drawback, however—because of its speed and rate of acceleration its escort vessels could not keep up—but like its smaller undersea atomic relatives it could sail for weeks at a time and for virtually unlimited distances without refueling.

As matters stand now, the *Enterprise* will have been at sea for 11 years before it receives its full complement of nuclear-powered frigate escorts.

And, may I add that, except for vigorous insistence on the part of the Joint Committee on Atomic Energy and the Congress, the *Enterprise* would not get them even then.

Since the construction of the *Enterprise* we have improved our nuclear fleet, but only because of the insistence of the Congress.

There has been consistent foot dragging by the Defense Department regardless of the insistence of the Congress, and over the urgent advice of Adm. H. G. Rickover, admittedly the world's greatest expert on nuclear submarine research and development.

Let me read you a statement found on page VI of the foreword of the report on hearings before the Joint Committee on Atomic Energy on April 23, 1969:

However, the Joint Committee is distressed by a memorandum signed last month by the new Acting Assistant Secretary of Defense for Systems Analysis which says that the electric drive submarine is not needed. This was the same memorandum recently reported in the press which contained the ridiculous suggestion that we should consider saving money by sinking 10 of our 41 Polaris submarines.

Mr. MANSFIELD. Mr. President, will the Senator yield before he leaves that point?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Could the Senator give us any reason why the recommendation was made that the Government would be saving money and retaining its efficiency by sinking 10 of our Polaris submarines?

Mr. AIKEN. If the Senator could read some of the unabridged classified testimony before the Joint Committee on Atomic Energy, that would be explained. I am now reading from the public report of the committee itself, and I feel that is as far as I should go, in view of the fact that much of the testimony we received was classified, and still is classified.

Why the recommendation was made to sink 10 of our 41 Polaris submarines I could not say, except that I will say emphasis was put upon the ABM system rather than strengthening our Polaris fleet, without doubt our most powerful deterrent.

Mr. MANSFIELD. The suggestion was made that 10 be sunk, though?

Mr. AIKEN. I am reading from the public report of the committee, which states that that was true:

The record of the electric drive submarine is one of exhaustive review and study at the highest levels of our Government. Last year the Secretary of Defense, Deputy Secretary of Defense, Director of Defense Research and Engineering, Secretary of the Navy, Chief of Naval Operations and many other senior officials of the Department of Defense and the Navy personally spent many hours of their time going into the details concerning the justification for developing this important submarine prior to the announcement of the decision to proceed by Secretary Clifford. There have been extensive Congressional hearings published concerning the urgent need for this submarine. The Joint Committee wishes to again state that the electric drive submarine should be built as soon as possible and must not be held up for additional studies.

The systems analysts have a long record of causing delays or cancellation of naval nuclear propulsion projects that Congress considered vital to our national defense. The record is clear that the systems analysts stanchly—

Opposed nuclear propulsion for the carrier John F. Kennedy in fiscal year 1963 and again in fiscal year 1964,

Opposed the nuclear frigate authorized by Congress in fiscal year 1966 which the Department of Defense refused to build,

Opposed the nuclear frigate authorized by Congress in fiscal year 1967 for which the Department of Defense held up the release of funds for 18 months,

Opposed the nuclear frigate authorized by Congress in fiscal year 1968 for which the Department of Defense held up the release of funds for 22 months,

Opposed continuation of the nuclear attack submarine building program beyond a force level of 69,

Opposed the electric drive submarine authorized by Congress in fiscal year 1968 which the Department of Defense held up from May through October, 1968,

Opposed the high-speed submarine which Congress authorized starting in fiscal year 1969 over the objections of the Department of Defense.

Is it surprising that we are forced to wonder what power it is that seemingly has greater influence with our own Defense Department than does the U.S. Congress?

And what irony lies in the fact that the name John F. Kennedy, the President who favored a strong Navy, appears on an oil-burning carrier.

The Defense Department, in estimating the cost of this oil burner, ignored the cost of an essential oil supply ship or the fact that the nuclear ship could carry an additional squadron of planes, as well as charging a 7-year supply of fuel up to the nuclear carrier estimate, as construction costs.

Only by this juggling of cost estimates could an oil-burning carrier be justified over the recommendation of the Joint Committee on Atomic Energy.

The Joint Committee's report of the hearings into the controversy, released in December 1963, revealed that the Defense Department overestimated the costs of nuclear propulsion for surface warships.

I quote from page 4 of the 1963 report:

For example, it was claimed that a nuclear-propelled carrier would be capable of carrying an additional squadron of aircraft. Then the purchase and operating costs of the additional aircraft squadron were charged to the nuclear-propelled ship and used as a cost argument against nuclear propulsion. This nearly tripled the extra cost attributed to the nuclear carrier over its lifetime. Obviously, the additional costs are not related to nuclear propulsion and can be eliminated by not supplying the additional squadron of aircraft. (Actually, Navy witnesses testified that it was intended to provide both the conventional and nuclear-powered aircraft carriers with the same number of aircraft.)

Also, in the construction of cost comparison, the initial reactor cores, which provide fuel for at least 7 years, were charged against the cost of the nuclear carrier while no comparable fuel costs were attributed to the conventional carrier.

In spite of the opposition and the foot dragging by the Defense Department, however, we have over the past 10 years built up a truly effective undersea fleet of 41 Polaris and an equal number of nuclear attack submarines.

Should any nation in the world fire a single SS–9 or any other ICBM at the United States, our submarines could promptly launch atomic devastation on any part of the attacking country.

The Polaris fleet is without doubt our greatest deterrent to enemy missiles and an all-out war.

To advocate the downgrading of this powerful deterrent and putting the money into an ABM system—as has been proposed—certainly is not in the interest of our national security.

The success of the United States in deploying the nuclear submarine has prompted Russia to go all out in an effort to surpass us in this field.

The Russians have made almost spectacular progress and will probably surpass us in numbers by 1970—not only in numbers but in speed, quietness of operation, and general maneuverability as well.

While presently the maximum range of a Russian submarine missile is estimated to be 1,500 miles—well below the range of our own—this quality too may be improved.

It is a matter of public estimate that by 1974 Russia could have 165 atomic submarines compared to our 105. This assumes that Congress can maintain our present rate of building and that none of our existing fleet will be destroyed.

It is most unfortunate that much of the information relating to the present debate is classified.

If I may speak frankly, I will say that much of the material which is classified ought to be made public.

A great deal of it is known to foreign governments—largely through our own generosity—and classification is frequently resorted to keep the American public from knowing what it properly should know.

I am divulging no secrets, however, in telling the Senate that over a year ago after hearing testimony from U.S. Defense Department officials, I reluctantly came to the conclusion that a move was underway to slow up efforts to improve our atomic seapower and offer as an alternative the ABM system.

I consoled myself only with the comforting thought that at least competition was not dead.

Now as to the ABM itself, its virtues and its vices have been so thoroughly debated on this floor that I see no need for expanding on that part of this discussion.

The proponents claim that it will not be a provocation to war, and with that I agree.

If anything, Russia may be indulging in smiles rather than frowns over the proposal.

The administration feels that authority to proceed with the ABM will be an asset in discussing the matter of arms limitation with the Russians.

On this score, I am skeptical.

The proponents claim that the ABM will protect our retaliatory powers from enemy missiles. But with Russian submarine missiles now having a range of 1,500 miles this can be of little consolation to the industries and population located within range of the sea.

Proponents claim that ABM would protect our retaliatory power after a first strike by an enemy.

This claim is rather fantastic because whether we like it or not both Russia and the United States have or will have multiple reentry vehicles.

Suppose a thousand 1-megaton nuclear bombs were to land on either country as a first strike—there would not be much left in either country worth retaliating for.

It is only a question of time—and not a very long time—before both the SS-9's and the Minuteman are as obsolete as dodos.

Only from the sea, with the knowledge we now have, can we be sure that an effective retaliatory power will be retained.

This awesome power from under the sea would virtually guarantee that no country would be willing to commit suicide through the first-strike process.

It would be a national calamity to substitute the ABM for a stronger nuclear undersea deterrent.

Reference has been made on this floor to the loss of jobs which thousands of skilled workers would sustain if work on the ABM were to be terminated.

Here, indeed, is an argument we should listen to.

The United States today undoubtedly has the most efficient industrial complex and the most skilled scientific groups the world ever knew.

They have come to us from many countries and many of them speak in broken English. They supplement the growing force of highly trained American scientists.

The work these people do will determine the progress of mankind in the generations of the future.

The corporations they work for produce the necessities and luxuries which make life better for humanity.

These corporations get Government contracts, negotiated contracts, outrageous contracts in some cases.

And it is common knowledge that many, probably hundreds, of contractors and subcontractors are anticipating much work and much income from the proposed ABM program.

Most of these contracts will relate to the research and development phase of the ABM although deployment would undoubtedly provide work for many others.

To the research and development phase, we find very little objection.

Whether the final product would be as ineffective as many scientists claim is a matter in dispute, but there can be no argument that deployment would provide work for scientists and skilled workers and income for contractors and stockholders.

What we have to decide is whether the deployment of ABM is the best way to keep the industrial complex busy.

I agree completely with those who maintain that our first interest should lie in the needs of people—low-income people—people who are necessarily on public welfare—middle-income people in the $5,000 to $20,000 income brackets and, in fact, all people.

Health and education and standards of living should concern us above all else.

Otherwise, national security becomes academic.

There is no question that the industrial complex does contribute to meeting our social needs but these very needs in turn could keep our scientists and industries fully employed.

The ocean bed, the outer space, the control of pollution, the proper development of nuclear activities and a hundred other needed endeavors could keep them all busy for years to come.

High altitude and supersonic air transportation is now in its adolescent stage.

Interplanetary travel and exploration is already toddling around.

Why should we spend our funds and efforts on a so-called deployment program which is almost certain to follow its progenitors, the Nikes and the Atlas, into obsolescence.

It is true, as the Senator from Kentucky (Mr. COOPER) has already pointed out, that research work in radar and other components of an ABM system cannot help resulting in knowledge and developments useful to our social and economic world.

For that reason alone, research and development work should be authorized.

But to authorize the deployment of the ABM or the major component parts of radar and computers which cannot be ready for a year at the earliest would be shortsighted.

A month ago, I felt that the installation of radar and computer units at Grand Forks and Malmstrom would probably be advisable.

But information received since convinces me that to do so now is both unnecessary and unwise and that if further research shows deployment of the ABM to be feasible, a delay of a year in authorizing it will not in any way be harmful to our national security.

I have been told repeatedly by those promoting the ABM that its approval is necessary to save the prestige of the President.

This argument is sheer nonsense.

The efforts of President Nixon to reestablish our prestige in the family of nations, the fair and sensible manner in which he approaches our relations with the countries of Asia and the South Pacific, and the personal credibility which he has established in his dealings with other governments will completely bury the ABM as a political issue.

His prestige certainly does not hang on whether the Congress does or does not approve the ABM program without modification.

I recommend our wholehearted support for the Cooper-Hart amendment.

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

Mr. AIKEN. I yield.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I commend the distinguished senior Senator from Vermont for a well thought out, very effective, and most statesmanlike speech. As usual, he approaches this particular subject only after assuring himself of the facts. To buttress his arguments, he has cited for the Senate the privileges he has had of serving on the Joint Committee on Atomic Energy, he has indicated his extreme expertise on the question of nuclear energy, and he has tried to put in perspective a portion of the argument against the ABM which has not yet been given much consideration on this floor.

I believe the Senate is indebted to the distinguished Senator for his remarks. I am in accord with one of the main tenets of his argument, and that is that what we have to achieve—if I may transpose slightly the Senator's thoughts—is not necessarily a superiority in the field of defense but, rather, a balance between the field of defense on the one hand and our domestic needs on the other. As the Senator has indicated, we could have the strongest and most expensive defense system in the world; but if we did not have some stability at home, if we did not take care of our people, we would not have a great deal upon which to base our security.

Once again, it is a great pleasure to listen to the Senator from Vermont and to be the beneficiary of his wisdom and his detailed thinking on this most important subject.

Mr. AIKEN. Mr. President, I know of no one from whom I would prefer to get words of commendation than the distinguished majority leader, the Senator from Montana.

I have tried to present facts in what I have just said. I wish I could have told the Senate more of the things which prompted me to take the position I have taken this morning, but many of the facts are classified. Everything I said here is a matter of public record. If you know where to look you can see I have confined my remarks to what is in the public record.

I thank the Senator.

COLLECTION OF FEDERAL UNEMPLOYMENT TAX

The Senate resumed the consideration of the bill (H.R. 9951) to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Louisiana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. For the benefit of attachés of the Senate, I say it will be a live quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. MANSFIELD. Apart from the time limitation. I think in this instance we could do it.

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

The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 59 Leg.]

Aiken	Goldwater	Prouty
Allen	Gore	Ribicoff
Bellmon	Holland	Scott
Bennett	Hollings	Sparkman
Bible	Kennedy	Spong
Byrd, Va.	Long	Talmadge
Byrd, W. Va.	Mansfield	Thurmond
Curtis	Metcalf	Tydings
Dirksen	Miller	Williams, Del.
Dole	Murphy	
Ervin	Muskie	

Mr. KENNEDY. I announce that the Senator from South Dakota (Mr. McGOVERN) is necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott	Gravel	Moss
Anderson	Griffin	Mundt
Baker	Gurney	Nelson
Bayh	Hansen	Packwood
Boggs	Harris	Pastore
Brooke	Hart	Pearson
Burdick	Hartke	Pell
Cannon	Hatfield	Percy
Case	Hruska	Proxmire
Church	Hughes	Randolph
Cook	Inouye	Russell
Cooper	Jackson	Saxbe
Cotton	Javits	Schweiker
Cranston	Jordan, N.C.	Smith
Dodd	Jordan, Idaho	Stennis
Dominick	Magnuson	Stevens
Eagleton	Mathias	Symington
Eastland	McCarthy	Tower
Ellender	McClellan	Williams, N.J.
Fannin	McGee	Yarborough
Fong	McIntyre	Young, N. Dak.
Fulbright	Mondale	Young, Ohio
Goodell	Montoya	

The ACTING PRESIDENT pro tempore. A quorum is present.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Chair inquires of the Senator from Montana, to whom is the time to be charged?

Mr. MANSFIELD. On the bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. STENNIS. Mr. President, may we have order, real order, quiet?

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Senate will not proceed until the Senate is in order. The Senator from Tennessee may proceed.

AMERICAN SERVICEMEN IN VIETNAM

Mr. GORE. Mr. President, as a youngster I taught elementary mathematics in high school for a short while. Yet I admit the new mathematics gives me problems. I find the statistical formula for reduction of U.S. forces in Vietnam particularly puzzling.

I made inquiry of the Pentagon, and these statistics were supplied to me. On January 18, 1969, there were 532,500 American servicemen in Vietnam.

On July 17, 1969, there were 535,200 American servicemen in Vietnam.

On July 26, 1969, the Pentagon reports there were 536,000 American servicemen in Vietnam.

This is an increase of 3,500 over the number in Vietnam 2 days before President Nixon's inauguration, an increase of 800 from last week to this week. Yet, I read and hear every day that our boys are being withdrawn. There has been some mention of 25,000.

I am also having difficulty understanding how we can have a policy one day to avoid more Vietnams, and 2 days later to find the Vietnam war "our finest hour." As Alice said in her "Adventures in Wonderland," things are getting "curiouser and curiouser."

Mr. President, there are, unfortunately, some statistics from Vietnam that are easily understood, though they give us much sadness.

The casualties last week in Vietnam were 1,212—110 killed by hostile action, 46 killed by nonhostile action, and the remainder wounded.

This brings to a total, according to the statistics given me by the Department of Defense, of 54,184 casualties since January 18, 1969.

Mr. President, this war must end.

COLLECTION OF FEDERAL UNEMPLOYMENT TAX

The Senate resumed the consideration of the bill (H.R. 9951) to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

Mr. LONG obtained the floor.

Mr. LONG. Mr. President, I really do not think the amendment requires any debate. I think all Senators understand the question. It is a simple extension of the 10-percent surtax until the end of this year.

If someone cares to speak in favor of the amendment, I would be happy to yield for that purpose; otherwise, I am prepared to yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senate is not in order. The Senate will please be in order.

Mr. LONG. Mr. President, as I said, I really do not think that my amendment requires any further debate. I think every Senator understands it and knows how he wishes to vote.

I am prepared to yield back the time on my amendment if the other side will yield back their time.

It is my understanding that time must be used up on the amendment before we can consider an amendment to the amendment. That being the case, I propose to yield back my time.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized for 2 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I might say that——

Mr. STENNIS. Mr. President, a point of order. It is not possible to hear what is going on. We do not know what the issue is. We do not know what Senators are saying. The Senate should be called to order.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Will the Senator from Delaware please indicate to whom time will be charged?

Mr. WILLIAMS of Delaware. I said I yielded myself 2 minutes.

Mr. President, I completely agree with the chairman of the committee that there is nothing that can be said in defense of his amendment. I quite agree that it just does not do the job. I think that is clearly understood.

I will yield back my time, and I am ready to vote.

Mr. LONG. Mr. President, I yield myself 1 minute. It is better than nothing.

Mr. WILLIAMS of Delaware. I should like to quote briefly what every living former Secretary of the Treasury publicly and jointly stated in June of this year in connection with this question. This is every living Secretary of the Treasury, including John Snyder, George Humphrey, Robert Anderson, Douglas Dillon, Henry Fowler, Joseph Barr, all made the following statement:

> We are joining together to express our firm conviction that the financial health of the nation demands prompt action by the Congress to extend the income tax surcharge for 1 year.

Mr. President, I completely agree with that, and I agree with the Senator from Louisiana that there is nothing much that can be said in defense of any other position.

With that understanding, if the Senator wants to, we can yield back the remainder of our time.

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

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island will state it.

Mr. PASTORE. What is the pending business?

The ACTING PRESIDENT pro tempore. The pending question is on the adoption of the amendment offered by the Senator from Louisiana, amendment No. 109.

Mr. PASTORE. I thank the Chair.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 1 further minute.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized for 1 additional minute.

Mr. WILLIAMS of Delaware. As I stated earlier, the uncertainty as to what Congress will or will not do on this surtax, whether to extend it at all and if so, at what rate and for how long, is vital. The uncertainty as to what we will or will not do——

The ACTING PRESIDENT pro tempore. The Senate will please be in order. The Senator from Delaware will suspend. The Senate will be in order.

Mr. DIRKSEN. Mr. President, I ask that the Senate be cleared of everyone not entitled to the privilege of the floor.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Sergeant at Arms will clear the Chamber of all attachés and other personnel not entitled to the privilege of the floor.

The Senate will be in order.

All attachés will immediately leave the Chamber.

All attachés will completely leave the Chamber, and quickly.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Mr. President, if I may finish, I just said that the uncertainty in the financial community and in the minds of our taxpayers as to whether Congress will or will not meet its responsibility in answering the question of extending the surcharge and if so, at what rate and for how long, and whether we will or will not repeal the investment tax credit and if so, at what effective date, are all questions which must be settled today. Immediately after this amendment is disposed of amendments to carry out this objective will be offered. However, we cannot proceed until this amendment is disposed of, then amendments will be offered to extend the surtax for the full year, phased out as the administration recommended and as reported by the Finance Committee, along with the proposal to repeal the investment tax credit.

The ACTING PRESIDENT pro tempore. The Senator from Delaware will suspend until the Senate is in order. All attachés will leave the floor at once.

Mr. WILLIAMS of Delaware. Mr. President, I think that the Senate should beat down this——

The ACTING PRESIDENT pro tempore. Did not the Senator from Delaware yield back the remainder of his time?

Mr. WILLIAMS of Delaware. Yes. I am willing to vote now. I hope that the Senate will reject the amendment.

Mr. SCOTT. Mr. President, will the Senator from Delaware yield for a clarification?

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. As I understand it, a vote "nay" on the Long amendment is not a vote against the extension of phasing out the surtax but Senators may regard it as an opportunity, then, to go on to having a vote on the Williams amendment.

Mr. WILLIAMS of Delaware. That is correct. The only way I can offer my amendment is to get rid of the Long amendment first, which I hope will be rejected by the Senate.

Mr. LONG. Mr. President, I yield myself 1 minute on the bill.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HANSEN. Has not all time been yielded back?

The ACTING PRESIDENT pro tempore. All time has been yielded back.

Mr. LONG. Mr. President, I yield myself 1 minute on the bill.

Mr. MANSFIELD. Mr. President, I yield 1 minute on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Montana has yielded 1 minute on the bill.

Mr. LONG. Mr. President, if this amendment is agreed to, the bill is still subject to amendment. It is subject to amendment relating to extension of the surtax beyond January 1. It is also subject to amendment on the repeal of the investment tax credit. It is right there in the unanimous consent agreement, a copy of which is on each Senator's desk.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. DIRKSEN. Mr. President, I yield myself 1 minute on the bill, only to ask the chairman of the Finance Committee a question. What is in the bill now also takes care of the withholding tables which the House tried to cover in the bill that came over here a day or two ago and gave a 15-day extension on the withholding tables? That is now taken care of?

Mr. LONG. Yes, that is taken care of.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Louisiana.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from South Dakota (Mr. McGOVERN) is necessarily absent.

The result was announced—yeas 51, nays 48, as follows:

[No. 60 Leg.]

YEAS—51

Aiken	Gravel	McIntyre
Anderson	Harris	Metcalf
Baker	Hartke	Mondale
Bayh	Holland	Moss
Byrd, Va.	Hollings	Muskie
Case	Hughes	Pastore
Church	Inouye	Pell
Cranston	Jackson	Randolph
Dirksen	Javits	Ribicoff
Dodd	Jordan, N.C.	Russell
Eagleton	Kennedy	Sparkman
Eastland	Long	Spong
Ellender	Magnuson	Stennis
Ervin	Mansfield	Symington
Fulbright	McCarthy	Talmadge
Goodell	McClellan	Tydings
Gore	McGee	Yarborough

NAYS—48

Allen	Fannin	Packwood
Allott	Fong	Pearson
Bellmon	Goldwater	Percy
Bennett	Griffin	Prouty
Bible	Gurney	Proxmire
Boggs	Hansen	Saxbe
Brooke	Hart	Schweiker
Burdick	Hatfield	Scott
Byrd, W. Va.	Hruska	Smith
Cannon	Jordan, Idaho	Stevens
Cook	Mathias	Thurmond
Cooper	Miller	Tower
Cotton	Montoya	Williams, N.J.
Curtis	Mundt	Williams, Del.
Dole	Murphy	Young, N. Dak.
Dominick	Nelson	Young, Ohio

NOT VOTING—1

McGovern

So Mr. LONG's amendment was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment, and ask that it be stated.

Mr. PASTORE. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate will be in order. The clerk will not proceed until order is restored.

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

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

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

The amendment offered by Mr. WILLIAMS of Delaware is as follows:

At the end of the bill add a new section:

"EXTENSION OF TAX SURCHARGE

"SEC. 1 (a). SURCHARGE EXTENSION.—Section 51(a) of the Internal Revenue Code of 1954 (relating to imposition of tax surcharge) is amended—

"(1) by inserting at the end of paragraph (1)(A) the following:

"CALENDAR YEAR 1970

"TABLE I.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURN

"If the adjusted tax is: At least	But less than	The tax is—
0	$155	0
$155	175	$1
175	195	2
195	215	3
215	235	4
235	255	5
255	275	6
275	300	7
300	340	8
340	380	9
380	420	10
420	460	11
460	500	12
500	540	13
540	580	14
580	620	15
620	660	16
660	700	17
700	740	18
740	780	19
780	820	20
820	860	21
860	900	22
900	940	23
940	980	24
980 and over, 2.5% of the adjusted tax"		

"TABLE 2.—HEAD OF HOUSEHOLD

"If the adjusted tax is: At least	But less than	The tax is—
0	$230	0
$230	250	$1
250	270	2
270	290	3
290	310	4
310	330	5
330	350	6
350	370	7
370	390	8
390	410	9
410	430	10
430	460	11
460	500	12
500	540	13
540	580	14
580	620	15
620	660	16
660	700	17
700	740	18
740	780	19
780	820	20
820	860	21
860	900	22
900	940	23
940	980	24
980 and over, 2.5% of the adjusted tax"		

"TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

"If the adjusted tax is: At least	But less than	The tax is—
0	$300	0
$300	320	$1
320	340	2
340	360	3
360	380	4
380	400	5
400	420	6
420	440	7
440	460	8
460	480	9
480	500	10
500	520	11
520	540	12
540	560	13
560	580	14
580	620	15
620	660	16
660	700	17
700	740	18
740	780	19
780	820	20
820	860	21
860	900	22
900	940	23
940	980	24
980 and over, 2.5% of the adjusted tax",		

"(2) by striking out the table in paragraph (1)(B) and inserting in lieu thereof the following table:

"Calendar year	Percent: Estates and trusts	Percent: Corporations
1968	7.5	10.0
1969	10.0	10.0
1970	2.5	2.5".

"(3) by striking out 'July 1, 1969' the first time it appears in paragraph (2)(A) and inserting in lieu thereof 'July 1, 1970', and

"(4) by striking out paragraph (2)(A)(ii) and inserting in lieu thereof the following:

"'(ii) a fraction, the numerator of which is the sum of the number of days in the taxable year occurring on and after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year.'

"(b) RECEIPT OF MINIMUM DISTRIBUTIONS.—The last sentence of section 963(b) of such Code (relating to receipt of minimum distributions by domestic corporations) is amended by striking out 'June 30, 1969' and inserting in lieu thereof 'June 30, 1970'.

"(c) EFFECTIVE DATES.—

"(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to taxable years ending after December 30, 1969, and beginning before July 1, 1970.

"(2) DECLARATIONS OF ESTIMATED TAX.—If any taxpayer is required to make a declaration or amended declaration of estimated tax, or to pay any amount or additional amount of estimated tax, by reason of the amendments made by this section, such amount or additional amount shall be paid ratably on or before each of the remaining installment dates for the taxable year beginning with the first installment date on or after the 30th day after the date of enactment of this Act. With respect to any declaration or payment of estimated tax before such first installment date, sections 6015, 6154, 6654, and 6655 of the Internal Revenue Code of 1954 shall be applied without regard to the amendments made by this section. For purpose of this paragraph, the term 'installment date' means any date on which, under section 6153 or 6154 of such Code (whichever is applicable), an installment payment of estimated tax is required to be made by the taxpayer.

"SEC.—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

"(a) PERCENTAGE METHOD.—Section 3402(a) of the Internal Revenue Code of 1954 (relating to requirement of withholding) is amended—

"(1) by striking out 'July 31, 1969' in paragraph (1) and inserting in lieu thereof 'June 30, 1970';

"(2) by striking out 'August 1, 1969' in paragraph (2) and inserting in lieu thereof 'January 1, 1970'; and

"(3) by inserting after paragraph (2) the following new paragraph:

"'(3) In the case of wages paid after December 31, 1969, and before July 1, 1970:

"'Table 1—If the payroll period with respect to an employee is WEEKLY

"'(a) Single Person—Including Head of Household:

"'If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	$0.
Over $4 but not over $13	14% of excess over $4.
Over $13 but not over $23	$1.26, plus 15% of excess over $13.
Over $23 but not over $85	$2.76, plus 18% of excess over $23.
Over $85 but not over $169	$13.92, plus 21% of excess over $85.
Over $169 but not over $212	$31.56, plus 26% of excess over $169.
Over $212	$42.74, plus 31% of excess over $212.

"'(b) Married Person:

"'If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	$0.
Over $4 but not over $23	14% of excess over $4.
Over $23 but not over $58	$2.66, plus 15% of excess over $23.
Over $58 but not over $169	$7.91, plus 18% of excess over $58.
Over $169 but not over $340	$27.89, plus 21% of excess over $169.
Over $340 but not over $423	$63.80, plus 26% of excess over $340.
Over $423	$85.38, plus 31% of excess over $423.

"'Table 2—If the payroll period with respect to an employee is BIWEEKLY.

"'(a) Single Person—Including Head of Household:

"'If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $27	14% of excess over $8.
Over $27 but not over $46	$2.66, plus 15% of excess over $27.
Over $46 but not over $169	$5.51, plus 18% of excess over $46.
Over $169 but not over $338	$27.65, plus 21% of excess over $169.
Over $338 but not over $423	$63.14, plus 26% of excess over $338.
Over $423	$85.24, plus 31% of excess over $423.

"'(b) Married Person:

"'If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $46	14% of excess over $8.
Over $46 but not over $115	$5.32, plus 15% of excess over $46.
Over $115 but not over $338	$15.67, plus 18% of excess over $115.
Over $338 but not over $681	$55.81, plus 21% of excess over $338.
Over $681 but not over $846	$127.84, plus 26% of excess over $681.
Over $846	$170.74, plus 31% of excess over $846.

"'Table 3—If the payroll period with respect to an employee is SEMIMONTHLY.

"'(a) Single Person—Including Head of Household:

"'If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $29	14% of excess over $8.
Over $29 but not over $50	$2.94, plus 15% of excess over $29.
Over $50 but not over $183	$6.09, plus 18% of excess over $50.
Over $183 but not over $367	$30.03, plus 21% of excess over $183.
Over $367 but not over $458	$68.67, plus 26% of excess over $367.
Over $458	$92.33, plus 31% of excess over $458.

"'(b) Married Person:

"'If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $50	14% of excess over $8.
Over $50 but not over $125	$5.88, plus 15% of excess over $50.
Over $125 but not over $367	$17.13, plus 18% of excess over $125.
Over $367 but not over $738	$60.69, plus 21% of excess over $367.
Over $738 but not over $917	$138.60, plus 26% of excess over $738.
Over $917	$185.14, plus 31% of excess over $917.

"'Table 4—If the payroll period with respect to an employee is MONTHLY

"'(a) Single Person—Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	$0.
Over $17 but not over $58	14% of excess over $17.
Over $58 but not over $100	$5.74, plus 15% of excess over $58.

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Over $100 but not over $367	$12.04, plus 18% of excess over $100.
Over $367 but not over $733	$60.10, plus 21% of excess over $367.
Over $733 but not over $917	$136.96, plus 26% of excess over $733.
Over $917	$184.80, plus 31% of excess over $917.

"'(b) Married Person:

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over $17	$0.
Over $17 but not over $100	14% of excess over $17.
Over $100 but not over $250	$11.62, plus 15% of excess over $100.
Over $250 but not over $733	$34.12, plus 18% of excess over $250.
Over $733 but not over $1,475	$121.06, plus 21% of excess over $733.
Over $1,475 but not over $1,833	$276.88, plus 26% of excess over $1,475.
Over $1,833	$369.96, plus 31% of excess over $1,833.

"'Table 5—If the payroll period with respect to an employee is QUARTERLY

"'(a) Single Person—Including Head of Household:

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over $50	$0.
Over $50 but not over $175	14% in excess over $50.
Over $175 but not over $300	$17.50, plus $15% of excess over $175.
Over $300 but not over $1,100	$36.25, plus 18% of excess over $300.
Over $1,100 but not over $2,200	$180.25, plus 21% of excess over $1,100.
Over $2,200 but not over $2,750	$411.25, plus 26% of excess over $2,200.
Over $2,750	$554.25, plus 31% of excess over $2,750.

"'(b) Married Person:

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over $50	$0.
Over $50 but not over $300	14% of excess over $50.
Over $300 but not over $750	$35, plus 15% of excess over $300.
Over $750 but not over $2,200	$102.50, plus 18% of excess over $750.
Over $2,200 but not over $4,425	$363.50, plus 21% of excess over $2,200.
Over $4,425 but not over $5,500	$830.75, plus 26% of excess over $4,425.
Over $5,500	$1,110.25, plus 31% of excess over $5,500.

"'Table 6—If the payroll period with respect to an employee is SEMIANNUAL

"'(a) Single Person—Including Head of Household:

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over $100	$0.
Over $100 but not over $350	14% of excess over $100.
Over $350 but not over $600	$35, plus 15% of excess over $350.
Over $600 but not over $2,200	$72.50, plus 18% of excess over $600.
Over $2,200 but not over $4,400	$360.50, plus 21% of excess over $2,200.
Over $4,400 but not over $5,500	$822.50, plus 26% of excess over $4,400.
Over $5,500	$1,108.50, plus 31% of excess over $5,500.

"'(b) Married Person:

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over $100	$0.
Over $100 but not over $600.	14% of excess over 100.
Over $600 but not over $1,500.	$70, plus 15% of excess over $600.
Over $1,500 but not over $4,400.	$205, plus 18% of $1,500.
Over $4,400 but not over $8,850.	$727, plus 21% of excess over $4,400.
Over $8,850 but not over $11,000.	$1,661.50, plus 26% of excess over $8,850.
Over $11,000	$2,220.50, plus 31% of excess over $11,000.

"'Table 7—If the payroll period with respect to an employee is ANNUAL

"'(a) Single Person—Including Head of Household:

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over $200	$0.
Over $200 but not over $700.	14% of excess over $200.
Over $700 but not over $1,200.	$70, plus 15% of excess over $700.
Over $1,200 but not over $4,400.	$145, plus 18% of excess over $1,200.
Over $4,400 but not over $8,800.	$721, plus 21% of excess over $4,400.
Over $8,800 but not over $11,000.	$1,645, plus 26% of excess over $8,800.
Over $11,000	$2,217, plus 31% of excess over $11,000.

"'(b) Married Person:

"'If the amount of wages is:

	The amount of income tax to be withheld shall be:
Not over $200	$0.
Over $200 but not over $1,200.	14% of excess over $200.
Over $1,200 but not over $3,000.	$140, plus 15% of excess over $1,200.
Over $3,000 but not over $8,800.	$410, plus 18% of excess over $3,000.
Over $8,800 but not over $17,700.	$1,454, plus 21% of excess over $8,800.
Over $17,700 but not over $22,000.	$3,323, plus 26% of excess over $17,700.
Over $22,000	$4,441, plus 31% of excess over $22,000.

"'Table 8—If the payroll period with respect to an employee is a DAILY payroll or a MISCELLANEOUS PERIOD

"'(a) Single Person—Including Head of Household:

"'If the amount of wages, divided by the number of days in the payroll period, is:

	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50.	$0.
Over $0.50 but not over $1.90.	14% of excess over $0.50.
Over $1.90 but not over $3.30.	$0.20, plus 15% of excess over $1.90.
Over $3.30 but not over $12.10.	$0.41, plus 18% of excess over $3.30.
Over $12.10 but not over $24.10.	$1.99, plus 21% of excess over $12.10.

"'(a) Single Person—Including Head of Household—Continued

"'If the amount of wages, divided by the number of days in the payroll period, is:

	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Over $24.10 but not over $30.10.	$4.51, plus 20% of excess over $24.10.
Over $30.10	$6.07, plus 31% of excess over $30.10.

"'(b) Married Person:

"'If the amount of wages, divided by the number of days in the payroll period, is:

	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	$0.
Over $0.50 but not over $3.30.	14% of excess over $0.50.
Over $3.30 but not over $8.20.	$0.39, plus 15% of excess over $3.30.
Over $8.20 but not over $24.10.	$1.13, plus 18% of excess over $8.20.
Over $24.10 but not over $48.50.	$3.99, plus 21% of excess over $24.10.
Over $48.50 but not over $60.30	$9.11, plus 26% of excess over $48.50.
Over $60.30	$12.18, plus 31% of excess over $60.30.'

"(b) WAGE BRACKET WITHHOLDING.—Section 3402 (c) (relating to wage bracket withholding) is amended—

"(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"'(1) WAGE BRACKET WITHHOLDING.—At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax (in lieu of the tax required to be deducted and withheld under subsection (a)) determined in accordance with tables prescribed by the Secretary or his delegate. The tables so prescribed shall be the same as the tables contained in this subsection as in effect before June 1, 1969, except the amounts set forth as amounts and rates of tax to be deducted and withheld shall be computed on the basis of table 7 contained in paragraph (1), (2), or (3) (whichever is applicable) of subsection (a).'; and

"(2) by striking out paragraph (6).

"(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to wages paid after July 31, 1969."

The ACTING PRESIDENT pro tempore. How much time does the Senator from Delaware yield himself?

Mr. WILLIAMS of Delaware. I yield myself 5 minutes.

Mr. PROUTY. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Senator will not proceed until the Senate is in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Mr. President, in my opinion the surtax should be extended for the full year on the basis of phasing it out at 10 percent for the first 6 months and 5 percent for the next 6 months.

I would much prefer—and I think it would be better procedure—to vote for this as a package, because then we would have solved the problem. However, the Senate has decided otherwise and has

now approved a 6-month extension of the surtax at 10 percent, and I respect the decision of the Senate.

The purpose of the pending amendment is to extend the surcharge for an additional 6 months from January 1, 1970, to July 1, 1970, as has already been approved by the House of Representatives and by the Senate Finance Committee. It is exactly as approved under H.R. 12290, now on the Senate Calendar.

So, what the amendment proposes to do is to put back the other 6 months of the surcharge as it was reported by the Finance Committee.

I do not want to belabor the Senate with the thought of how necessary it is in the opinion of some that Congress should settle this point for once and for all in order to remove this continued uncertainty from the markets and from the country as to what we intend to do.

I again read, the unanimous recommendations of the six former Secretaries of the Treasury. The six—John W. Snyder, George M. Humphrey, Robert B. Anderson, Douglas Dillon, Henry H. Fowler and Joseph W. Barr—made the following statement:

We are joining together to express our firm conviction that the financial health of the nation demands prompt action by the Congress to extend the income tax surcharge for one year. Combined with control of expenditures, this is essential to produce the budgetary surplus so urgently needed to dampen inflation and maintain orderly financial markets.

If inflation continues unabated, we will put into jeopardy the economic prosperity we have all worked so hard to achieve.

The risks of inaction are great:

At home, rising prices—and the expectation of further rises—will create new distortions and inequities that will unbalance our economy.

Businessmen will continue to see their goods priced out of foreign markets as our exports become more expensive. At the same time, they will see this inflation produce a strong demand for imports.

The burden of fighting inflation cannot be left to monetary policy alone. Recent developments carrying interest rates to the highest levels in a century make plain the severe pressures already operating in financial markets.

We recognize that important questions of tax reform remain to be settled at a later date, and we pronounce no judgment on the structural tax changes proposed by the Administration.

But we are united in the conviction that—in the interests of the nation's economic stability and its future prosperity—extension of the surcharge for one year must not be delayed.

I now read what former Secretary Robert Anderson had to say just 2 weeks ago on the same subject:

As we consider our domestic fiscal and monetary policies three thoughts should always be in our minds: (1) The dollar is the most integral part of the world monetary system. (2) The ultimate safety of the dollar and its value does not rest exclusively in our hands but is largely and perhaps finally in the control of those abroad who hold our currency and short term debt. (3) Foreigners who do hold our short term securities have a legitimate interest in how we manage our domestic affairs when the value of our money is involved.

Today the whole world watches what we do about the surtax. It is regarded as a strong indication of whether, as a nation, we have either the will or the ability to slow the rapid erosion of the currency. . . .

As a nation we want to slow down excessive spending and inflation. We want to avoid the stagnation and fear that uncertainty helps to establish. . . .

Whether we do our utmost to preserve and protect the monetary system essential to our own welfare and the improvement of standards of living here and abroad is now the essential question that is raised by the vote on the surtax.

In the past six months I have twice seen most of the banks and bankers and a great many businessmen of Europe. They are most important to the safety of our dollar and the system of payments and international settlements the dollar supports. This is the life blood of trade and commerce—a major governing force in our exports and balance of payments.

I can assure you that all the people who concern themselves in trying to contribute to the endurance of a sound monetary system for our nation and their nations are focusing on this Congress at this hour to determine whether we elect to act responsibly in our efforts to preserve the dollar's value and the world's economic hopes.

I read what former Secretary Fowler, the immediately preceding Secretary under the previous administration, had to say in a statement made 2 weeks ago in connection with the pending measure:

The risks that are involved in delaying the definitive and final action on the surtax extension are risks that I would hesitate to accept. . . .

The risk at home in an inflationary psychology, instead of being weakened during this period, may be strengthened with the consequence that the risk that wages and prices will accelerate rather than decelerate, that there will be anticipatory buying of plant equipment, goods and services, and that there would be pressure in the monetary market and on interest rates out of the uncertainty as to whether or not Federal financing is going to step in and pre-empt a significant part of the market as would be the case if the surtax were not extended.

We cannot exercise that very necessary ingredient in leadership unless, it seems to me, by the month of September we have this matter of necessary fiscal action behind us.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, will not the Senator admit that the 12-month extension, together with tax reform, would better fortify the fiscal position of the Nation both domestically and internationally?

Mr. WILLIAMS of Delaware. All of the Secretaries of the Treasury have gone on record, as I stated, in favor of tax reform.

Mr. PASTORE. I know they have. And so have we. But the fact is that we have not been able to have tax reform, and this is the last clear chance we have.

That is the reason why many of us have voted for the 6-month extension rather than the 12-month extension.

I would be very pleased to vote for the 12-month extension if it were to include tax reform. However, we have had promise after promise after promise. And we have never had tax reform. This is the only chance we have, and that is the reason why I favor the 6-month extension.

Mr. WILLIAMS of Delaware. The Senator will have to speak on his own time.

Mr. PASTORE. Mr. President, may I have time?

Mr. MANSFIELD. Mr. President, I yield 5 minutes on the bill to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, do I have the Senator's indulgence to interrupt him on my time?

Mr. WILLIAMS of Delaware. Yes.

Mr. PASTORE. Mr. President, I will make the point again. The thing that disturbs me is not so much the 6 months as against the 12 months. As a matter of fact, I would be for the 12-month extension providing I would have assurance that we are going to have tax reform. There is no Member of the Senate who knows more about the parliamentary gimmicks than does the Senator from Delaware. And he knows that if we dispose permanently of the surtax problem and then treat the tax reform independently, we will have no chance to have tax reform.

The Senator knows that. He has tried to reduce the oil depletion allowance time after time. And the Senator from Rhode Island has supported him. And each time we have been unsuccessful.

All I am saying to those who feel that it is good fiscal policy to have a surtax for 12 months is, let us see how they feel about doing something to help bring about equity and justice to the whole tax structure of the country. That is the question.

We are missing the point entirely. It is not a question of what one Secretary said or what some other Secretary said. I know how they feel about the surtax. I feel the same way myself. The reason why I am for a temporary extension rather than an extension for the full period at this time is that if we go for the extension for the full period, we will never have tax reform.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 30 minutes remaining.

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

Mr. WILLIAMS of Delaware. I will yield in a moment. First, I would like to reply to the Senator from Rhode Island. He has made a very good point.

Mr. President, I am just as much in favor of tax reform as is the Senator from Rhode Island or any other Member of the Senate. I think the time is long past when we should stop making speeches and get down to voting.

I most respectfully suggest to the Senator, however, that I think we are going to have major tax reform because the Democratic Policy Committee, of which he is a member and which controls the U.S. Senate, has firmly promised that such a measure will be before us. I believe them.

However, the Senator is a member of the policy committee and may be in a

better position to judge their sincerity than I am.

I must respectfully remind the Senate that for 8 years the Democratic Party has had control of the Government, and we have not had tax reform yet.

I think it is time that we get busy. Nor am I unmindful of the fact that as a member of the Finance Committee I have seen the members of the past administration come before the Finance Committee and testify against practically every reform that has been suggested to date. I offered most of them as amendments to various tax bills.

I say that the time has come to vote and not have speeches. Speeches do not help the American taxpayers.

I want to be sure, however, that we get positive assurance that the matter will go through the policy committee. I trust them; however, I want to make it clear that if someone on the other side does not trust them he should follow my earlier suggestion that we stop the tax reform package when it comes from the House to the Senate, put it on the calendar, and then move to recommit to the Finance Committee with specific instructions to report back to the Senate on a date certain.

I will support such a proposal. That is the way to get positive assurance, and I will join with the Senator from Rhode Island in that step. However, I would still like to continue quoting the statements of other Secretaries.

While we may all be for and will vote for tax reform, the tax reform will not provide the $8 billion or $9 billion a year that we need to restore the government some semblance of fiscal responsibility.

I took the same position toward fiscal responsibility, the Senator from Rhode Island will remember, last year under the preceding administration. I fought just as hard for fiscal responsibility last year as I am fighting here today. I was then supporting the enactment of President Johnson's request for a 10-percent surcharge for a full year. I said that in the face of the $25 billion deficit we had then and in face of the inflationary psychology building up in our country I felt that for the good of the country we had to pass that bill.

I feel strongly that a similar situation exists today. I believe that the time to vote is when the roll is called and to remove this uncertainty.

I should now like to quote what the Chairman of the Federal Reserve Board, Mr. William McChesney Martin, said on this subject the other day:

> I think this is the worst period of inflation that we have had since the end of World War II.
>
> I think expectations of inflation have been built into the economy in a way that has occurred and this has become a part of the psychological deterioration of our budget since early 1965. But I think we are making progress in the present time and what we have been trying to do with monetary policy is to disinflate without having disastrous deflation.
>
> That is a very difficult thing to do and it takes a great deal of balance to keep it in that perspective. Now, this psychological problem has become very real recently and I think we are making progress currently. I think abroad and in this country there are still skeptics of whether we will be able to do this and carry through. This skepticism will be heightened and not by any sense diminished by any delay that occurs in the surtax. . . .
>
> We are not going to get lower interest rates until we get this inflation under control. . . .
>
> All I want to do is to say amen to what has been said and to say that monetary policy wants to do its part, but without complimentary fiscal policy I think we are going to get into an even more serious quagmire than we are in at the present time. I think it is essential that we disinflate without bringing on a serious deflation.

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

Mr. WILLIAMS of Delaware. I promised to yield to the Senator from Florida.

Mr. PASTORE. I have 3 minutes remaining.

I should like to remind the Senator from Delaware that while he and I agree with the statements he has just read, there are Members of the Senate who genuinely and sincerely do not entertain the same alarm. As a matter of fact, we have had galloping inflation all during the time that we have had the surtax on the books. As a matter of fact, it has been worse after the surtax than it was before the surtax. I am not saying that the surtax did it. All I am saying is that the surtax did not completely cure it.

I am one of those who believe, with the Senator from Delaware, that it has a tremendous psychological effect. There is no question about that.

We of the policy committee did not say, "Let us do away with the surtax." We are apprehensive that many Members of the Senate feel that there should be tax reform, and they sincerely feel that if we let this opportunity slip through our fingers at this time, that chance will be lost. Therefore, all the policy committee has done—and the members have been very compromising—first, it was argued that we would go until October 30, and then it was November 30; and then, when our very genial and eloquent minority leader rose on the floor the other day and said he would be willing to subscribe to December 31, we immediately assembled the policy committee again, met jointly with the Committee on Finance, and said that is a reasonable request and we readjusted the date to December 31.

I was very much refreshed to see that the minority leader and his son-in-law came along with the promise, but I do not think he was too much successful with the remainder of his group.

So what happened? All we were trying to do here was to get a little assurance that we would get some chance at tax reform. That is all it amounts to.

Mr. President, I happen to be one of those trusting souls who believe that the Democratic Policy Committee, which includes the Senator from Rhode Island as a member, can be trusted, although I admit that he is in a better position than I to evaluate their sincerity.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. I yield 3 minutes to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, the Senator from Louisiana has yielded to me, so I will be proceeding on my time.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. If I may have the attention of the Senator from Delaware, I thoroughly agree with him that the 5-percent surtax should continue through the first 6 months of the next year. I expect to vote that way when the appropriate time comes. I am sorry that I cannot vote that way now, because I think it is clearly indicated that the only thing we can possibly do today is to accomplish the extension of the 10-percent surtax through the last 6 months of this calendar year.

I am probably as distressed as he is that other features of the bill as reported by the committee are not now involved. I am sorry the investment credit is not involved, because I expect to vote for the repeal of the investment credit. I am sorry that the provision which takes care of some low-income families—I know that my friend the Senator from Montana is particularly interested in that—is not before us so that we can also approve that. I am sorry that the continuation of the excise taxes is not before us. And I am committed to vote for the bill as reported by the committee. The Senator from Louisiana well knows this, because I so advised him when the bill was pending before his committee.

What we are really trying to do is to get something done. While I am not a member of the policy committee and not a party to its maneuvering on the House bill on this subject during the last few days, I just want to make it very clear that I hope we shall get soon to the time when we can accomplish the full scope of that bill as reported.

I hope—and in this respect I differ somewhat from my distinguished friend and seatmate, the Senator from Rhode Island—that there will be no coupling of reform to that bill when it comes up. I understood from the commitments made yesterday by the Senator from Louisiana and the Senator from Montana, the majority leader, that we would have a separate chance to pass upon that tax reduction bill before we got the reform bill which I also expect to support. I shall expect to support the House bill, H.R. 12290, but I am not going to kill the chance of affirmative action today, of accomplishing what is possible and all that is possible at this time, by attaching more amendments to this particular bill.

I regret that I cannot support the Senator on his amendment to attach the investment credit repeal. But there is a time for everything, and this is not the time for those things. I just want to make that clear for the record.

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

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

Mr. LONG. Mr. President, will the Senator yield 30 seconds?

Mr. WILLIAMS of Delaware. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I ask unanimous consent that Mr. Tom Vail, the chief of staff of the Committee on Finance, and one other expert on taxes

from the Joint Committee on Internal Revenue Taxation, may have the privilege of the floor to advise Senators on technical matters.

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

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

Mr. WILLIAMS of Delaware. I yield..

Mr. SCOTT. To distinguish pragmatism from fragmentism, I should like to get back to what we are really doing.

Will the Senator advise me at this point: In our proceedings, what we have done is to refuse at this time to phase out the surtax, but to continue it for 6 months, and if we do not adopt the amendment of the Senator from Delaware, then we are refusing to reduce the impact of the surtax next year, and we are refusing to phase out the surtax; and all we are left with is an extension of the 10 percent to the end of the year, plus a number of highly pious and friendly assurances. That is not what the Senator wants to do.

Mr. WILLIAMS of Delaware. To a large extent; yes.

Mr. President, the Senator from Florida has pointed out that he is for extending the surtax the full year. I most respectfully suggest that all he would have to do is to vote for it, and we will have it for the full year. It is now before us in the pending amendment.

There is no question but that the House would prefer the full year extension. They turned down the 6 months once, and they did vote for the full year.

The Senator from Rhode Island raised the question—and I will yield in a moment to other Senators who wish to speak on this matter—that the surtax last year was not as effective an instrument to control inflation as had been expected. That is true. But let us look at some of the reasons why the surtax enacted last year was not as effective a control over inflation as those who pushed for that bill thought it would be.

No. 1, it was enacted a year and a half late. President Johnson first recommended it in January 1967 and again in January 1968. It was not until June 1968, 6 months after the second recommendation, that it was enacted, and that delayed action had an adverse effect on the economy by adding fuel to the fires of inflation. Then after it was recommended in January 1967, the administration switched signals, and instead of continuing to support the tax increase, which many of us thought had to be enacted in the face of a prospective $25 billion deficit in fiscal year 1968, they reinstituted the suspended investment credit, which represented a $3 billion tax reduction and subsidy for industry. That was an inflationary act, and was recognized by nearly everyone at the time that it would have an adverse effect.

There is another point. After the bill was enacted, even at the late date, the Federal Reserve misjudged the situation and pumped money into the market at an abnormally fast rate. This, too, increased the inflation.

Then on another point, we had the $6 billion mandatory reduction in expenditures as a part of that bill, but Congress, by its actions, whittled that away and exempted $4 billion from the expenditure reduction. That went into the economy as increased spending.

Therefore, while it did not achieve all the results hoped for, the question we may well be asked, What would have happened if we had not done it? I will quote only from a former Secretary of the Treasury who was backed up by a former Secretary of the Federal Reserve. They said the American dollar would have gone down the drain if Congress had not enacted the surtax.

This is justifiable, Mr. President. I ask that we remove the cloud of uncertainty and let the American people know what the tax rate is going to be for a full year. That is essential. The question of repeal of the investment credit will be offered separately later on.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. PERCY. Mr. President, with all due respect to the distinguished Senator from Maryland, I think he underestimates the slowing down effect this surtax has actively had on the economy. We have had a slowdown, as the Senator knows. It is not as much as we might expect and it did not come as quickly as we thought, but we should look at the figures to see if we have not started to reverse the upward-spiraling trend.

The tax surcharge was oversold last year. People talked as if its enactment would produce instant economic stability. It did not and should not have been expected to. We should not now jump to the other extreme and think that the enactment of the surcharge last year had no effect and that its expiration would have no effect.

In fact, there has been a significant change in the economy since the surcharge was enacted. The annual rate of growth of total spending declined from 10.7 percent in the first half of 1968, before the surcharge, to 8 percent in the second half and 7.4 percent in the first half of 1969. The annual rate of growth of total real output declined from 6.6 percent in the first half of 1968 to 3.6 percent in the second half and 2.5 percent in the first half of 1969. This slowing down in the growth of spending and output is the necessary prelude to the slowdown of inflation which we seek and which will come if we continue patiently on the course we have set.

All of this change in the economy was not due to the surcharge, but some it certainly was. We should not conclude that because moving from a budget deficit to a surplus did not solve all our economic problems in 12 months we can now safely move back to a deficit by cutting taxes.

Our experience requires us to be modest in claiming to know just how big the effect of a tax increase or tax reduction will be, or how fast the effect will come. Still, there is no reason to think that a tax reduction now will be beneficial from the standpoint of inflation and high interest rates. Even recognizing all the uncertainties of economic prediction and prescription, a decision to cut taxes while inflation is still galloping would be a bad gamble.

One reason why the slowdown in spending and output has not yet slowed down inflation is the common expectation that the Government will not stick to its anti-inflationary policy. Many businessmen think they can safely raise prices because they think that Government deficits and easy money will be pumping the economy up again and they will be able to sell all they can produce at higher prices. In the first half of this year major union settlements have called on the average for annual increases of 7 percent in compensation, often for 3 years to come. In construction the increases have averaged 15 percent. Why do workers think they can demand such increases without a big risk of unemployment? How do employers expect to be able to pay them? It is simply because they think that inflation is going to continue at a rapid rate.

By our conduct now in delaying action on the surcharge we are feeding these expectations of more inflation. We are giving substance to the idea that the Government cannot be counted on to take timely anti-inflationary action. Every day that passes builds more inflation into the future and will make later control of inflation more difficult.

The Nation is actually suffering from an epidemic, and its name is inflation. It cannot be controlled by quarantine, because all are infected. It cannot be cured by half measures, especially half measures which ignore the facts of international competition. It will not just go away.

What is the extent and intensity of this epidemic? To equal his buying power in 1939, a worker must earn three times as much in 1969. Even more alarming, the pace of inflation is accelerating. In May 1969, the Consumer Price Index was up 5.4 percent over 1 year ago. In the same period, beef prices had risen 9.2 percent, homeownership costs were up 11 percent, and medical care services were up 8.5 percent. In terms of the 1957–59 dollar the May 1969 dollar was worth 78.9 cents. From March 1968 to March 1969, eggs were up 26 percent, insurance and financial services were up 11.6 percent, and men's and boys' clothing rose 7.2 percent. The American housewife concerned with raising her family may not be familiar with every statistic, but she knows what life is like at the grocery store checkout counter.

Few things reveal the extent of the inflationary disease and its basic causes more vividly than our declining position in international trade. As inflation has accelerated, our manufactured goods have become less and less competitive in the world market. Since 1958, our imports of manufactured goods have quadrupled while our exports have only doubled. And in recent years, our merchandise trade surplus has dwindled from over $7 billion to virtually nothing. Why? One major reason for this disastrous

decline is the great disparity between our labor costs and those in competing countries.

It is precisely this fact of world trade competition that limits our options on how to deal with inflation. Our global economy will no longer permit us to rationalize away inflationary wage and price increases as an internal phenomenon that will eventually equalize out.

The labor rate aspect of the problem of inflation is a subject which is understandably avoided by politicians but which now requires frank discussion.

Here is what has been happening. Major labor settlements in the first half of 1969 provided a median wage and benefit increase of 7.1 percent a year. As I said before, the median increase in the construction industry alone was 15 percent.

A close look at construction industry contracts negotiated thus far in 1969 tells the story. In Buffalo a new 3-year contract for 8,500 construction workers resulted in a $3.35 an hour increase, or 15 to 16 percent a year over the 3-year contract. Laborers alone were up 18 percent a year.

In Philadelphia 10,000 carpenters received a 2-year contract calling for a $2.71 an hour increase, or 21 percent a year over the 2-year period.

In Dade County, Fla., 1,800 laborers received a new 3-year contract with a $2.50 an hour increase, or 19 percent a year over the 3 years.

In Detroit 2,500 ironworkers received a 1-year contract with a $1.40 an hour increase, or 20-percent increase over the next year.

In northern Ohio 1,400 carpenters just received an 18-month contract with an increase of $2.05 an hour, or 21 percent yearly increase.

These statistics, together with other cost increases in land, interest, and materials, throw into great doubt the probability of the United States meeting its housing goals over the next decade.

Labor leaders are understandably negotiating contracts to take into account future expected price increases. In other contract settlements so far this year, in May, Chicago union lithographers gained a wage increase amounting to 20 to 34 percent over a 2-year period; in March 1969, union demands on airlines were settled with a 25.5 percent wage increase; in Buffalo, a recent settlement with the electricians union included a $3.40 hourly raise, which will bring their wage-fringe payments to nearly $10 an hour by mid-1971. Productivity increases are nowhere near these levels.

While increases of this kind seem most attractive to those who receive them, they should ask themselves, as we all must ask ourselves, what such settlements are doing to our economy in general, and to the job security of American workingmen in particular. Unit labor costs are soaring, with May 1969 unit labor cost for manufacturing being the highest on record. In 1968 the increase in hourly compensation outstripped increases in productivity by more than 4 percent.

We are in critical times. In 1970, contracts will be negotiated for close to 6 million workers in major industries. Will any reasonable restraint be exercised? I am not encouraged. The railway clerks have announced wage demands of about $1.50 per hour; a Teamster's union in the west coast soft drink industry has demanded a "per container royalty" which would mean an estimated $19,500 per year per employee.

It is difficult to blame the leaders and members of labor unions for wanting more, just as it is difficult to blame business leaders for passing their increased labor costs on to their customers, whenever possible. Yet, sooner rather than later, we must face up to the facts that these inflationary wage increases:

Rob us all of purchasing power;

Pick the pockets of those who are on fixed incomes;

Seriously damage our position in competitive world markets; and

Undermine the job security of American workers.

How should we deal with this corrosive problem? Wage and price controls? I sincerely hope not. The destruction of free collective bargaining and the ending of business decisions made free of government coercion would be a bitter price to pay.

We are all aware of the courageous and constructive steps already taken or proposed in the fiscal and monetary fields. The extension of the surtax, careful control of the money supply, and substantial cuts in Federal spending, among other measures, are essential to success. They are essential, but they are not enough. In the completely free market of classical economics they would probably have been sufficient, but we now live in a different world.

It seems to me that there is another dimension to the problem, an intangible, a human dimension. Recent days have seen the culmination of one of the great enterprises in the history of mankind. Surely the spirit of cooperation, of self-discipline, of restraint and devotion demonstrated by the people of this country in putting our men on the moon, can and should be applied to other great challenges facing the Nation.

What is now needed in the struggle against the disease of inflation is another national commitment, a moral commitment, if you like. A commitment by labor leaders to practice restraint and lead their members responsibly; a commitment by business to hold prices in line; a commitment by workers to produce more and earn every dollar of increased wages, and a commitment by the administration and Congress to do everything in their power to foster productivity, equity, stability, and hold down the cost of Government.

The top bill we are voting on today will not be sufficient to do the job of fighting inflation alone. To subdue inflation will require what has been called a spirit of creative collaboration among business, labor, and government. We dare wait no longer. We need wait no lonegr. We must act now.

Mr. President, indications I have from many, many businessmen and bankers that I have talked with in recent days leads me to believe that inflation is as much psychological as anything else. This is why it is very important that the amendment to extend the surtax for 5 percent from January 1 to June 30, 1970 pass, because if we act on this measure for a 6-month period only, the banking community, the business community, labor, and the consumer may not take seriously our intention to stick to the difficult and demanding course we have set to fight inflation. We must eliminate the uncertainty about whether this tax will die at the end of the year. The trend set by the administration to fight inflation is the trend we should keep until the battle has been won.

Mr. President, I shall ask to have printed in the RECORD a series of telegrams I have received today from some of the Nation's most prominent and respected businessmen and from prominent bankers throughout the State of Illinois. Virtually without exception—every one of these deeply concerned, knowledgeable men urge that the surtax be extended, and they mean for a full year—not just a half a loaf, but a full loaf. It would stand as the most concrete indication of our serious intention to meet this problem of inflation head on which is doing such irreparable damage to farmers, consumers, businessmen, working men, retirees, people living on fixed incomes, just to mention a few.

Mr. President, I ask unanimous consent to have printed in the RECORD the telegrams to which I have referred.

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

NEW YORK, N.Y.,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

I would respectfully urge support of the President in his request for extension of the surtax, and I would hope for the full year. Uncertainty as to the future does not make for stability in the market place. The fight against inflation has yet to be won, and without the surtax may well be lost. Government must lead this fight and Congress must give it the tools for it to succeed. High regards.

LUCIUS D. CLAY.

Senator CHARLES PERCY:

It is my deep conviction that no issue facing the nation today is more critical than the threat of further inflation. Therefore, I join my associate, Arthur Larkin, President of General Foods, in urging prompt Senate action to extend the surtax on income. The danger to our economic strength which is implicit in today's attack on the value of the dollar is real and present and requires every reasonable step to avert it.

CHARLES G. MORTIMER,
Chairman, Executive Committee, General Foods Corp.

NEW YORK, N.Y.,
July 31, 1969.

Senator CHARLES PERCY,
U.S. Senate,
Washington, D.C.:

In my judgment, the immediate passage of the surtax is important, first, to reassure the foreign holders of our short term debt that we are resolved to maintain the soundness of our currency and to curb inflation. Secondly, to reassure the market and those who accumulate capital in all walks of life that we are going to relieve this uncertainty

in our fiscal affairs and protect our dollar value. Finally, we want to assure our business and labor leaders that we will continue to have capital accumulation and capital expenditures so as to ensure growth, development and employment. It is periods of uncertainty which cause the postponement of development programs and can seriously and adversely affect our economic growth.

Best regards,

ROBERT B. ANDERSON.

NEW YORK, N.Y.,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate Building
Washington, D.C.:

DEAR CHUCK: Surtax is more important to the country and its economic capability for all the needs so plaguing it than the unfortunate politics now in its way. I plead for statesmanship and passage.

FRED R. KAPPEL,
International Paper Co.

CINCINNATI, OHIO, *July 31, 1969.*

Hon. CHARLES H. PERCY,
U.S. Senate:
Senate Office Building,
Washington, D.C.:

In reply to your telegram this message is to communicate our full support for the extension of the Federal surtax. In our opinion the extension is essential to the economic well-being of the country. It is needed to help curb inflation and to demonstarte our sense of fiscal responsibility to the rest of the world. Unless every effort is made to curtail inflation, we forsee serious economic consequences.

NEIL MCELROY,
The Procter & Gamble Co.

AKRON, OHIO,
July 31, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

The President's surtax program is on the right track in fighting inflation and the best interests of business labor and the consumer will be served by acting favorably now. In my opinion and many others in our shop the cycle of increased wages due to inflation and its accompanying rising prices has already reached a very dangerous point adversely affecting the future well being of all these groups.

E. J. THOMAS,
Goodyear Tire & Rubber Co.

SAN FRANCISCO, CALIF.,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR CHUCK: It is imperative that the surtax be extended as recommended by the President unless inflation is stopped. Business, labor and the consumer will suffer the serious effects of a recession. I urge you to give full support to passage of the surtax measure.

D. J. RUSSELL,
Chairman, Southern Pacific Co.

TOLEDO, OHIO,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate, Washington, D.C.:

Immediate enactment of surtax important to protect position of outstanding billions of dollars abroad and even more urgent to leave inflationary pressures reflected in skyrocketing wages and explosive prices as well as excessive interest rates here at home. Latter includes cost to government of borrowed money. Witness 110-year record rate of 7.75 percent set yesterday on refunding notes. Continuing uncertainty bound to stem from piecemeal extension of surtax and this distorts timing and stabilization of business policies and plans. Appreciate your forceful interest.

Personal regards,

HAROLD BOESCHENSTEIN,
Owens Corning Fiberglas Corp.

NEW ORLEANS, LA.,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
New Senate Building,
Washington, D.C.:

Failure to enact surtax in my opinion will: First, simply serve to further increase inflation, attest, the increase steel prices. Second, at some point labor must become more aware of the problems involved, and thirdly, consumer price index would indicate that if inflation is not checked we will hardly be able to escape recession. Most important, the indecision on this surtax to me has been one of the contributing factors to the recent market decline. If the American public has a bad dose of medicine to take I believe they would rather know about it.

Best regards,

ALVIN H. HOWARD,
Weil Labouisse Friedrichs & Co.

NEW YORK, N.Y.,
July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

I take the liberty of urging your support of the re-enactment of the surtax coupled with great efforts to reduce government expenditures. It is imperative that inflation which is doing so much harm to all the people of this country be checked. Greater taxes which would reduce consumer buying power and slow up business expansion, provided these taxes are not spent by the Government but used to create a surplus in the Federal budget, are necessary at this dangerous time. My company and I personally will gladly pay our share of this increased tax as a means of correcting something that is damaging our country now and may be catastrophic in the future unless proper steps are taken to correct the situation. With great respect,

LANGBOURNE M. WILLIAMS,
Chairman, Executive Committee,
Freeport Sulfur Co.

SAN FRANCISCO, CALIF.,
July 31, 1969.

Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C.:

In response to your request for views on the surtax, am convinced that an extension is of urgent importance for both international and domestic reasons.

This extension certainly should be no less than through December 31 and ideally should continue through the first six months of 1970. I accept without reservation the President's statement of July 29 with respect to the surtax as to the effects of inflation on major sectors of the American economy. It is my firm conviction that the consequences of continued escalation in prices would be to erode the international financial and political position of the United States to adversely affect all major sectors of the American economy and to greatly intensify those social problems with which both government and business must deal.

EMMETT G. SOLOMON,
Chairman of the Board, Crocker Citizens National Bank.

DETROIT, MICH,
July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Building,
Washington, D.C.:

Doubts concerning continuation of the surtax have already dangerously reinforced popular skepticism as to the government's resolution to press the fight on price inflation to a finish. Inflationary actions based on these doubts aggravate incalculably the difficulty of that goal. Also every added dollar of Treasury deficit from lower tax revenues required a dollar of inflationary deficit financing. I urge an end to this damaging uncertainty by prompt action in continuing the surtax. We know from experiences elsewhere that price inflation is worse than any known alternatives.

ROLAND A. MEWHORT,
President, Manufacturers National Bank of Detroit.

WASHINGTON, D.C.,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Urge utmost effort to secure immediate extension of surtax to help curb the present rate of inflation which is causing rapidly rising consumer prices, excessive interest rates and damaging wage increases. Uncertainty over surtax compounds these problems, renders business planning difficult and further contributes to a confused economic situation. I cannot overemphasize how important this is to industry.

BIRNY MASON, JR.,
Chairman of the Board, Union Carbide Corp.

ST. PAUL, MINN.,
July 31, 1969.

Senator CHARLES H. PERCY,
U.S. Senate Office Building,
Washington, D.C.:

It is my hope that the U.S. Senate will immediately enact extension of the surtax, preferably at the present rate of 10 percent with reduction to 5 percent Jan. 1, 1970, followed by expiration June 30, 1970, with fiscal and monetary restraints beginning to show effect in the efforts to control inflation, continuing the surtax is imperative. Soaring interest rates, prices, wages, and the rising cost of living continue to threaten our Nation's economic position and the well-being of all our people. I respectfully request that you and your colleagues give your full support to extension of the surtax because of its prime importance in bringing inflationary pressures under control.

BERT S. CROSS,
Chairman of the Board and Chief Executive Officer.

NEW YORK,
July 31, 1969.

Hon. CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.:

The continued strength of inflationary pressures, despite the strong fiscal and monetary measures which have been in effect for a number of months, points to the urgent need for immediate action to extend the surcharge. Such action will allow further time in which the corrective forces working on the economy may have their results and will also demonstrate internationally that we intend to maintain the strength of our economy and our currency. The proposed program of progressive reduction in the surcharge will also require increased restraint in Federal expenditures. I therefore hope that the Senate can complete action on the House-approved bill immediately. I fully agree that tax reform should be given a very high priority, but I strongly urge that major tax legislation should only be enacted by Congress after further careful analysis.

M. L. HAIDER,
Standard Oil Co. of New Jersey.

JULY 31, 1969.

Senator CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Those of us who have long advocated the extension of the surtax and believe strongly the surtax is a necessary measure against in-

flation and essential to the well being of the Nation are encouraged by reported agreement in the Senate to extend surtax at 10 percent for six months. We also strongly urge a second six month extension at the tapering off rate of 5 percent.

MORGAN TRANSFER CO.

SARASOTA, FLA.,
July 31, 1969.

Senator CHARLES H. PERCY,
Washington, D.C.:

Immediate enactment of surtax is absolutely vital to sound fiscal and economic policy.

FREDERICK H. MUELLER,
Former Secretary of Commerce.

ST. LOUIS, MO.,
July 31, 1969.

Hon. CHARLES H. PERCY
Senate Office Building
Washington, D.C.:

Extension of the surtax is vital as one of the tools to help cool our inflationary economy. Our deteriorating position in balance of trade is going to accelerate and put further pressure on *balance of payments* as we are slowly pricing ourselves out of *world markets* as the rate of inflation is not being offset by productivity or technological improvement.

CHARLES H. SOMMER,
Monsanto Co.

GREENSBORO, N.C.,
July 31, 1969.

Hon. CHARLES PERCY:

Strongly urge and support extension of surtax for the six months period. Many unknowns fiscally both here and in *international money* markets. Highly desirable in my opinion to show this fiscal responsibility.

CHARLES F. MYERS, JR.,
Chairman, Burlington Industries Inc.

JULY 31, 1969.

Urge members of U.S. Senate, place national interests above partisan considerations and extend 10% surtax through December 31, 1969 and continue surtax at 5% level for 6 months following January 1, 1970.

CHARLES P. MCCORMICK,
Chairman of the Board, McCormick Ink & Company, Inc., Baltimore, Md.

RICHMOND, VA., *July 31, 1969.*

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

I sincerely hope that you can support the currently proposed six month extension of the surtax because I believe that some action in this area is needed now to fight inflation. At the same time I urge you to strongly resist coupling the surtax extension with the repeal of the investment credit which is as necessary to keep United States business competitive in world markets as halting inflation.

RICHARD S. REYNOLDS, JR.,
Chairman of the Board, Reynolds Metals Co.

WORCESTER, MASS.,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Urge immediate enactment of surtax with reduction next year. This is the major method Congress has in halting inflation.

MILTON P. HIGGINS,
Chairman, Board of Directors, Norton Co.

BOSTON, MASS.,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

I earnestly urge continuation of the Federal surtax for as long as Vietnam war continues and significant minorities question our national resolve to tackle threatening domestic problems.

LOUIS W. CABOT,
Chairman of the Board, Cabot Corp.

CLEVELAND, OHIO,
July 31, 1969.

Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C.:

Inflation is the real danger in this country affecting all business, labor and the consumer. Immediate reinactment of the surtax is the most important contribution Congress could make to the country's welfare.

GEORGE H. LOVE,
Hanna & Co.

CINCINNATI, OHIO, *July 31, 1969.*

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

We urge the prompt extension of the surtax as an essential notice to the nation that America means to halt the inflationary spiral that is presently eroding the consumers purchasing power. We believe the enactment of the surtax to be probably the most important step in the stabilization of prices, labor, and costs. In our judgment extension of the surtax coupled with Federal frugality will do a lot to put our fiscal house in order.

RALPH LAZARUS,
Chairman, Federated Department Stores.
FRED LAZARUS, JR.,
Chairman, Executive Committee, Federated Department Stores, Inc.

CLEVELAND, OHIO,
July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate Office Building,
Washington, D.C.:

Congress will do irreparable damage to the economy if it fails to extend the surtax for 12 calendar months as requested by President Nixon. Inflation must be slowed to keep American industry competitive in worldwide competition.

Loss of this position will cause high unemployment and great damage to the consumer. I urge immediate enactment of the surtax to avoid these consequences.

Sincerely,

G. W. HUMPHREY,
Chairman of the Board, the Hanna Mining Co.

THE LANE CO., INC.,
Alta Vista, Va., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.:

While I don't like to pay taxes any better than any one else, I think reducing our inflation to produce a sound dollar is one of the most important things we can do. Therefore, I am for renewing the surtax as per the President's recommendation.

E. H. LANE,
Chairman.

FAIRCHILD PRINTING SERVICE, INC.,
Bensenville, Ill., July 30, 1969.

Hon. CHARLES H. PERCY,
Senate Building, Washington, D.C.:

Tight money has caused sharp drop in orders. The surtax will not curb inflation. With union wage demands even higher, try for compromise at five percent.

Mr. BURTON FAIRCHILD.

MONTANA POWER CO.,
Butte, Mont., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.:

I believe that inflation is our Nation's most serious domestic problem, but that very important progress now is being made to halt its erosive effects. Failure to extend the surtax would nullify the progress being made, would stimulate inflation, would adversely affect the cost of living, the building of new houses and the ability of the consumers of America to buy what they require. I urge you to favor the continuation of the surtax.

JOHN E. CORETTE,
Chairman.

CINCINNATI, OHIO,
July 31, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

Immediate enactment of surtax necessary to help stop inflation which is the major problem facing the Nation today. Labor, business, consumers, and Government all are being damaged seriously by rapidly increasing prices. Recommend immediate passage of the President's bill.

JOSEPH B. HALL.

SENCORE, INC.,
Addison, Ill., July 30, 1969.

Hon. CHARLES PERCY,
Senate Office Building,
Washington, D.C.:

Tight money has caused new booked orders to drop drastically for past month. I fear over correction of economy and concern that surtax will not curb inflation as long as union leaders get settlements they are now getting. Strongly suggest not reinstating surtax or to compromise at 5 percent level.

HERB BOWDEN,
President.

GENERAL FOODS CORP.,
July 31, 1969.

Senator CHARLES PERCY,
New Senate Office Building,
Washington, D.C.:

On behalf of management of General Foods Corporation I wish to advise you of our continuing conviction that extension of the income surtax is in the best economic interest of the whole Nation. Despite added burden that surtax implies for our corporation and for all of us as individuals, we agree with President Nixon that enactment is imperative to prevent still higher living costs and further erosion of the dollar. We are particularly sensitive to rising cost of living because of our direct interest in food prices and we believe that all reasonable steps must be taken to ease inflationary pressures. Consequently we hope the Congress will act promptly and decisively on this crucial issue.

ARTHUR E. LARKIN, JR.,
President.

CONTINENTAL ILLINOIS
NATIONAL BANK & TRUST CO.,
Chicago, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

We believe that the need for immediate enactment of the surtax extension is imperative to curb inflation and assure the stability of the dollar. Prompt congressional action will serve to dissipate the inflationary expectations which are prevalent in the minds of many members of the business community and the consuming public.

DONALD M. GRAHAM,
Chairman.

CENTRAL NATIONAL BANK
OF CHICAGO,
Chicago, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

Respectfully urge upon you and all Members of the Congress enactment of the surtax extension today. The need to curb inflation as the number one order of domestic business seems too clear to require further comment. Without it, no effort to protect

the working man in the value of his labor, or the consumer in the solvency of his household can succeed. The surtax is clearly the cornerstone of both economic and psychological evidence that this vital job will be done. I am firmly convinced that failure to extend it today will be universally taken as a clear signal that runaway inflation will continue to be our way of life and will lead to an uncontrollable surge to anticipatory inflation throughout the economy. This is the time to say we mean it, and surtax extension is the way of saying it.

ROBERT I. LOGAN,
President.

NATIONAL SECURITY BANK,
Chicago, Ill., July 31, 1969.

Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C.:

I am strongly in favor of the extention of the surtax and agree with the President's statement with respect to the importance of this action as it effect the general economy of this country.

HARRY F. PAVIS.

MID CITY NATIONAL BANK,
Chicago, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

For sound economic and military policy essential to pass appropriation for ABM extend surtax for 12 months.

E. M. BAKWIN,
President.

CITY NATIONAL BANK OF KANKAKEE,
Kankakee, Ill., July 31, 1969.

Senator CHARLES PERCY,
U.S. Senate,
Washington, D.C.:

Trust that you and your colleagues will vote for surtax extension today. Seems to us that Government can show that it is exercising fiscal responsibility to our citizens as well as the world by passage. Almost to a man our customers complain about our inflationary economy. My personal opinion is that failure to extend surtax will aggravate an already bad situation.

DON R. FRANK,
President.

THE NORTHERN TRUST CO., CHICAGO,
Chicago, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR PERCY: We urge you to press for extension of the ten percent surtax. Continuation of this legislation is essential if administration efforts to contain inflation are to be effective. We consider the danger of uncontrolled inflation the most critical problem facing business and labor.

Sincerely,

EDWARD BYRON SMITH,
Chairman of the Board.

CITY NATIONAL BANK.,
Metropolis, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
Senate Building,
Washington, D.C.:

Our present inflationary trend must be permanently halted. Monetary restraint is not enough and at present levels is too severe on many sectors of our economy.

Fiscal policy must continue to be such to show *dramatically* and *internationally* for determined efforts to get our economy house in order.

Continued inflation in U.S. has grave financial and economic consequences world wide.

Surtax would be continued to re-assure our economic allies abroad of our desire to combat inflation and to reestablish international monetary stability.

We certainly should move as quickly as possible towards tax reforms but for the sake of our economy sur-tax extension cannot wait.

Opinion of banker of 50 years experience.

LYNDELL W. STUGGIS,
President.

STATE NATIONAL BANK,
Evanston, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Immediate extension of the surtax is necessary to combat inflation. Lack of fiscal irresponsibility caused our present problems. Please show some fortitude now.

ROBERT HUMPHREY,
President.

FIRST ARLINGTON NATIONAL BANK,
Arlington Heights, Ill., July 31, 1969.

Senator CHARLES A. PERCY,
Senate Office Building,
Washington, D.C.:

Failure to pass surtax at this juncture would be interpreted by business community as retreat from administration position. In fight on inflation price increases not yet slowed much less arrested. Tight money makes no appreciable dent in demand for money to expend. Consider surtax passage crucial.

DOUGLAS W. DODDS.

SPRINGFIELD MARINE BANK,
Springfield, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

Tremendously important to enact surtax. If the current acceleration of inflation at better than a 4% rate is not checked, business, labor, farmers and the consumer will suffer. Without a strong fiscal and monetary stand, it seems to me, the only answer will be enactment of stringent credit, wage and price controls.

Sincerely,

WILLARD BUNN, JR.,
President.

DOWNERS GROVE NATIONAL BANK,
Downers Grove, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

We strongly urge immediate passage of bill to continue the surtax. At last we are making an honest effort to cure the economic disease, don't stop the medicine at the first sign of recovery. Let's go for the total end of deficient spending and reduction of debt. We concur completely with President Nixon's statement of yesterday on this subject.

WILLIAM WESTRUP,
President.

NATIONAL BOULEVARD BANK OF CHICAGO,
Chicago, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Strongly endorse continuance of surtax as requested by President. Tax urgently needed to stabilize money markets and in battle to control inflation so damaging to consumers, labor, and business.

H. W. WANDERS,
President.

STATE BANK,
Glenview. Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

DEAR MR. PERCY: Urge that the Senate extend the surtax immediately in order to retard inflation which is a threat to all consumers and eventually will bring about a precipitous decline in business.

JOHN H. EEAULIEA,

FIRST TRUST & SAVING BANK,
Taylorville, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.:

Continuance of surtax mandatory to help curb devastating inflation. Erosion of the dollar penalizes farmer, small business man and ultimately labor. Consumers especially retired on fixed income seriously injured. Surtax must be coupled with fiscal responsibility and cutback in Government spending or surtax may have negative effect.

W. B. LARSEN,
President.

THE FIRST NATIONAL BANK OF PEORIA,
Peoria, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

We urge you to vigorously support extension of the surtax as recommended by the administration. Inflation is our country's greatest enemy and it is about to overwhelm our economy with disastrous impact to business, labor, farmers and the consumer. Failure to support the surtax extension would be unwitting sabotage to what should be an all out national cause.

JAMES L. JOHNSON,
President.

CHICAGO, ILL., *July 13, 1969.*

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

The need to control inflation through sound monetary and fiscal policies is a matter of top national priority. Monetary controls through the banking system cannot do the job alone. The immediate enactment and continuance of the 10% surtax, along with control and reduction of Government expenditures, will prevent the continued increased cost of living and restore confidence in the dollar. We urge your support of sound Government fiscal policies.

LASAPLE NATIONAL BANK.

EDGEMONT BANK & TRUST CO.,
Belleville, Ill., July 31, 1969.

Senator CHAS. PERCY,
Senate Office Building,
Washington, D.C.:

I favor extension of surtax. If this is not done I am fearful of the inflationary results.

CHAS. L. DAILY,
President.

ALTON BANKING & TRUST CO.,
Alton, Ill., July 31, 1969.

Hon. CHARLES PERCY,
U.S. Senate Building, Washington, D.C.:

Inflation is the number one enemy of this country and the enactment of the surtax is vital to the well being and security of every American. Preservation of the purchasing power of the dollar at or near present level must be maintained. Savings of millions of our countrymen are at stake. Please do all you can to stop dead in its tracks this insidious monster (inflation) bent on destroying all that the people of this country have worked and struggled to achieve.

LAWRENCE KELLER,
President.

FIRST GRANITE CITY NATIONAL BANK,
Granite City, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
Senate Office Building, Washington, D.C.:

It is not possible to overstress the importance of extending the 10 percent surtax along the lines requested by President Nixon. Failure of Congress to do this would without question result in an inflationary upsurge which could be fatal to our economy. I strongly endorse an intelligent approach to tax reform but this cannot be on a crash

basis. I am convinced that the Nixon administration is firmly committed to tax reform and will do everything in its power to assist in the passage of an equitable bill. Please urge your associates in the Senate to "stop playing politics with the life savings of the people they represent."

PAUL H. LICHTENBERGER,
President.

SPRING VALLEY CITY BANK,
Spring Valley, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
Washington, D.C.:

Imperative that Congress pass extension of the surtax in order to sustain the fight against inflation.

R. J. LUTHER,
Vice President.

CANTON STATE BANK,
Canton, Ill., July 31, 1969.

Senator CHARLES PERCY,
Senate Office Building,
Washington, D.C.:

We urge the enactment of the surtax immediately.

C. C. MASON,
President.

ELMHURST NATIONAL BANK,
Elmhurst, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Urgently request immediate enactment of surtax extension. The curse of inflation is almost unbearable to all segments of the economy.

DONALD M. CARLSON,
President.

STATE BANK OF FREEPORT,
July 31, 1969.

Senator CHARLES H. PERCY,
U.S. Senate, Washington, D.C.:

An immediate enactment of the surtax is most important now to lessen the chance of further inflation. Our momentum of inflation is now reaching alarming proportions and must be slowed to avoid disaster later. The only real serious attempt to cut inflation however will be governments leadership in cutting their own expenditures.

EVERETT L. WRIGHT,
President.

EXCHANGE NATIONAL BANK OF CHICAGO,
July 31, 1969.

Continuation of the surtax imperative. Inflation has reached record-breaking proportions and monetary policy alone simply cannot do the job necessary to reverse it. Sky high interest rates and tight credit are badly hurting small businesses, housing, and state and municipal improvements, but the imbalances they cause are damaging to the entire nation. Failure to extend surcharge would make such distortion even worse.

SAMUEL WILLIAM SAX,
President.

FIRST NATIONAL BANK,
Centralia, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

Out of town yesterday, hope statement still useful. Strongly urge Senate approve immediate enactment of surtax as recommended by President. Agree with Representative Hale Boggs that Democratic leadership of the Senate should not play a game of brinkmanship with this crucial fiscal measure. Business, labor, farmers and consumers can ill afford continuation of inflation at present rate. Enactment of surtax will help slow down present inflationary spiral.

BEN OBER,
President.

SOUTHSIDE TRUST & SAVINGS BANK,
Peoria, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Continued inflation will cause our areas largest employer to lose sales in the international market thus causing wide spread economic hardships in Peoria. The farmers are already hurt by this inflation. A great majority of our senior citizens have had to lower their standard of living because of inflation. The continuation of the surtax is a must and I hope you will do everything in your power to see that it does continue.

Very sincerely,

WILLIAM R. WARD,
President.

COMMERCIAL NATIONAL BANK,
Peoria, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR CHUCK: Letting surtax die would be an act of political delinquency, a substitution of narrow partisanship for statesmanship. Inflationary psychology is still rampant in downstate Illinois. People don't believe the government means it. Consequences of overbraking are real but not nearly as disastrous as releasing brakes too soon. Small business men including farmers already are pressed, cannot pass inflationary costs on, increasing the probabilities of failure. Retired people and public employees are being seriously victimized by inflation. Strongly urge support of President Nixon's plan for extension of the surtax.

DAVID E. CONNOR,
President.

MILLIKIN NATIONAL BANK,
Decatur, Ill., July 30, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate Office Building,
Washington, D.C.

DEAR MR. PERCY: An urgent line to encourage your support of continuing the income surtax. Our over-stimulated, over-inflated economy is starting to show early signs that the tax and other measures are starting to be effective. Consider this tax imperative to assist in the staunching of the inflationary trends in the economy.

Respectfully,

RAY G. LIVASY,
President.

ST. CLAIR NATIONAL BANK,
Belleville, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: We strongly wish your support for immediate extension of the surtax as proposed by President Nixon as imperative to the stability of the economy and the exercise of fiscal responsibility. To allow this measure to expire would have serious effects on all phases of the economy and would further worsen an already tense situation as to business, labor, farming, and consumers. Also enactment at once would certainly further international understanding of financial developments of United States and Western Europe. It will assist in restraining inflation in the United States and restoring equilibrium in balance of payments.

HAROLD KNOLLHOFF,
President.

GRANITE CITY TRUST & SAVINGS BANK,
Granite City, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

We urge immediate enactment of the surtax.

Every facility of our economy is dependent upon retardation of inflation. Our industrial community, including labor, business and farmers, are all adversely affected and it is high time that we recognize the imperative necessity to put an end to inflation.

This is a fight that we must win for the good of all.

Sincerely,

ERNEST A. KARANDJEFF,
President.

ELLIOTT STATE BANK,
Jacksonville, Ill., July 30, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.:

We urge immediate enactment of the surtax; agree wholeheartedly with the President's statement of July 29, 1969. We cannot believe the Senate would be so irresponsible as to let partisan politics stand in the way of the good of the country.

GILBERT H. TODD,
Vice President.

FIRST BANK & TRUST CO.,
Cairo, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
U.S. Senate Building,
Washington, D.C.:

We are concerned about the continued inflationary trend in our economy which is putting unbearable pressure on certain segments of our economy, especially farmers, small businesmen and older citizens. We urge immediate enactment of the surtax.

R. N. TAAKE, Jr.,
President.

DIXON NATIONAL BANK,
DIXON, ILL.,
July 30, 1969.

Hon. CHARLES H. PERCY,
Capitol Building,
Washington, D.C.:

Urge immediate enactment of the surtax Believe the need is great to settle inflation and without passage all business, labor, farmers, and consumers will be drastically affected and conditions could become chaotic. Immediate passage could help in the settlement of interest rates, markets and so forth. Urge you use all your efforts in behalf of everyone for this cause.

DONALD R. LOVETT,
President.

TOWN & COUNTRY BANK,
Springfield, Ill.,
July 30, 1969.

Senator CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

Retention of the surtax is vital in the fight against inflation. Inflation is working an extreme hardship on retired pensioners, small businessmen and farmers. Rising costs due to inflation are outpacing incomes.

Sincerely,

HENRY KIRSCHNER,
President.

COSMOPOLITAN NATIONAL BANK,
Chicago, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
Washington, D.C.:

Continuation of the income tax surcharge is imperative to help control the harmful effects of runaway inflation. I strongly urge your support of legislation extending the surtax for at least 1 year.

DONALD D. MAGERS,
President.

JEFFERSON STATE BANK OF CHICAGO,
Chicago, Ill., July 30, 1969.

Hon. CHARLES H. PERCY,
Senate Office, Washington, D.C.:

Urgent that the Senate pass the extension of the surtax in order to help prevent further inflation and erosion of the U.S. dollar. The high cost of living and the ever increas-

ing cost of labor must be controlled to preserve our economy.

Sincerely yours,

BERNARD FEINBERG,
President.

FIRST NATIONAL BANK & TRUST CO.,
Alton, Ill., July 30, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

Surtax continuation without tax reform. Inflation must be stopped. Alternatives are controls or spiraling costs, either of which is untentable. Surtax action need now. Reforms need much more consideration.

M. RYRIE MILNOR,
President.

FIRST NATIONAL BANK,
Lake Forest, Ill., July 30, 1969.

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

Delighted to hear that agreement has been reached to extend surtax for six months.

FRANK S. READ,
President.

CHICAGO TITLE & TRUST CO.,
Chicago, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.:

I believe that enactment of continuation of the surtax vitally important in restoring price stability. Every effort should be made to maintain fiscal responsibility and prevent further dislocations in the economy. I urge passage of this important legislation.

PAUL W. GOODRICH,
Chairman of the Board.

O'HARE INTERNATIONAL BANK,
Chicago, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

We are delighted to hear that an agreement has been reached to extend the surtax. That action will do much to slow down inflation and may help to stabilize interest rates which will stimulate the housing industry.

NILS JACOBSON,
President.

FIRST NATIONAL BANK,
Waukegan, Ill., July 31, 1969.

Senator CHARLES PERCY,
U.S. Senate,
Washington, D.C.:

We strongly urge immediate enactment of surtax extension. Coupled with this there must be severe reduction in governmental spending.

CHAS. M. STEELE,
President.

NATIONAL BANK & TRUST CO.,
Chicago, Ill., July 31, 1969.

Senator CHARLES H. PERCY,
Senate Building,
Washington, D.C.:

Strongly recommend immediate enactment of extension of surtax. The fight against intensifying inflationary pressures, fueled by increasing prices and wage settlements requires total restraining effort of both monetary and fiscal policy. The apprehension caused in minds of business, labor and consumer as spiraling prices continue upward requires an increased effort on part of Congress to enact and maintain legislation that will begin to combat existing inflationary psychology. Abandoning one of the basic economic tools, that of fiscal restraint, on the basis that its effect on the economy has been slow to take hold is not a valid reason to permit the surtax to expire at this time and intensify the already critical monetary pressures. Furthermore the removal of the surtax would amount to an expansionary fiscal policy and contribute to existing inflationary trends now endangering this country's longer term economic growth.

ALLEN P. STULTS,
President.

FIRST NATIONAL BANK,
Maywood, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.:

If the surtax will help inflation, pass it. Rising wastes are increasing inflation pressure. Sooner or later labor must stop asking for increases. The consumer is really feeling the pinch of inflated prices and will be making himself felt by controlling buying.

LOUIS E. NELSON,
President.

EXCHANGE NATIONAL BANK,
Chicago, Ill., July 31, 1969.

Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C.:

Continuation of the surtax imperative. Inflation has reached record breaking proportions and monetary policy alone simply cannot do the job necessary to reverse it. Skyhigh interest rates and tight credit are badly hurting small businesses, housing, and State and municipal improvements but the imbalances they cause are damaging to the entire Nation. Failure to extend surcharge would make such distortions even worse.

SAMUEL WM. SAX,
President.

FIRST NATIONAL BANK,
Evergreen Park, Ill., July 31, 1969.

Senator CHARLES PERCY,
Senate Office Building,
Washington, D.C.:

In our opinion it is extremely important to maintain the surtax in order to curb inflation because of the necessity of establishing a fiscal policy that will balance income and outgo for our national economy. It can only be attained by a continuation of restriction by everyone. The cruelest tax to mankind is inflation, and the surtax at the present time is the best alternative.

MARTIN OZINGA, Jr.,
President.

FIRST NATIONAL BANK,
Skokie, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.:

Urge you vote at this time favor enactment of extension of surtax. Our country's financial stability requires that we maintain sound fiscal and monetary policies. Reenactment of the surtax is such a step—vote for it. To permit the surtax to lapse without any measures to implement its purposes may release forces that would not be in the best interests of our national economy, both at home and abroad.

Sincerely,

W. C. GALITZ,
President.

WILMETTE STATE BANK,
Wilmette, Ill., July 31, 1969.

Hon. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

Imperative my judgment that the surtax be extended through December 31. Failure to enact surtax extensions would be fiscal irresponsibility and would place undue burden on monetary authorities in their fight to slow inflation rate. All segments of economy including labor and consumers are being adversely affected by steadily rising rate of inflation which is nothing more than insidious indirect taxation.

H. L. EDWARDS,
President.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. In just a moment I am going to yield to the Senator from Utah, who has been very patient, but first I wish to comment on what the Senator from Illinois has said.

Only yesterday our Government paid 7.75 percent interest in refinancing its debt on an 18-month note. Something must be done. This is not my opinion only. I repeat that the unanimous opinion of every living Secretary of the Treasury, every one of them, was that Congress should face up to this situation and make its decision on the surtax, not for 6 months but for 1 year. Certainly Congress has a responsibility to do so. Let us make that decision now so that not only this country but the world will know that we really mean business, that we are going to control inflation, and that we can correct this inflation psychology. I think it is very important for us to act and to act today.

How much time does the Senator from Utah request?

THE PRESIDING OFFICER (Mr. GRAVEL in the chair). The Senator from Delaware has 12 minutes remaining.

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

Mr. WILLIAMS of Delaware. I yield 3 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, it distresses me to hear members of the other party express their lack of faith in their own leadership. There is a tax reform bill almost at the door. It has been agreed to by the House Ways and Means Committee. The program by which it will be passed through that House in the next week or so has been announced; and I believe the leaders over there will carry out that program.

The way this message comes across to me is that the tax reform is 5 years away, or 10 years away. The bill will be here, certainly, before we begin our recess.

It distresses me to hear the expressions of lack of faith in the chairman of the Committee on Finance, because he has assured them over and over again that as soon as that bill comes over, the committee will pay attention to it and go to work on it.

The other party controls the Committee on Finance. The other party can set the schedule. The other party can set the pace at which that tax bill will come out.

The inference I get from that argument is that, "It is you Republicans who are preventing us from considering tax reform and until you break down and let us consider tax reform, we have to hold out on you on this extension of the surtax."

I have never heard any indication from the other side that even when we get into the subject of tax reform they will consider a further extension of the surtax.

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

Mr. MANSFIELD. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, no one made that accusation. We do not believe the Republicans were blocking tax

reform. But the Senator will have to admit that it has been the action of the policy committee of the Senate that somehow has prompted the House to act a little more expeditiously in the last few weeks than before then, and that is exactly the point.

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

Mr. BENNETT. Mr. President, will the Senator yield to me for 1 additional minute from the other side so that I may respond to the Senator from Rhode Island?

Mr. PASTORE. I understand I have a minute and a half left.

The PRESIDING OFFICER. Who yields time?

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

Mr. WILLIAMS of Delaware. I yield to the Senator for 3 additional minutes.

Mr. BENNETT. Mr. President, I said it was my impression that this was the way. I am perfectly willing to give the Democratic senatorial policy committee credit for hurrying the House, but the fact is they have hurried. The bill is right on the edge.

I have learned that the chairman of the Committee on Finance indicated that maybe he is going to keep the committee here over the recess to make us work on this tax reform bill. So I do not think that as of today there is a very valid reason for saying that the Senate is being denied the opportunity to consider tax reform, and that, therefore, we must have only one-half loaf on this extension of the surtax.

I am as concerned as the Senator from Delaware about the uncertainty our action today will create and the uncertainty that will be created again in October or November when we come back to face the question of whether or not we will, in fact, have another 6-month extension. The men in business who have to make basic decisions, certainly further in advance than 6 months, have now no basis on which to make those decisions.

The stock market has reacted and I think will react to this thing we are seeing here today. I do not know what effect it will have on the September meeting of the International Monetary Fund when they come here to discuss the new drawing rights program. We have told the world that we are unable or unwilling to consider the longrun policy of the United States. We are going to take it literally a day at a time in terms of important time to make plans. It is for that reason I voted against the 6-month extension and will certainly vote, now, to carry out the program recommended by President Nixon to add an additional 6 months at 5 percent.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to my distinguished colleague from Montana.

The VICE PRESIDENT. The Senator from Montana is recognized for 2 minutes.

Mr. METCALF. Mr. President, I voted for the Long amendment. I am not going to vote for a bill, I am not going to vote for an extension of the surtax, until we have tax reform. I think it is dishonest and immoral when all of us, from the President on down, acknowledge that we have an inequitable and unjust tax system, to say that we will extend the surtax and compound the inequity for another year.

I am perfectly willing to vote for a surtax after we have tax reform.

I can say to the Senator from Utah that the international bankers can take scant solace from the vote we have had here, and the vote which I cast on the last vote, to declare our position for tax reform so far as the surtax is concerned. If the Senator will permit us to get a tax reform measure through, I predict that we will have a unanimous or well-nigh unanimous vote on a surtax continuation.

The only proposition that I am suggesting is that we must have tax reform before we invoke and impose upon the people of America another surtax which will not do anything to those who pay no tax whatever. Ten percent of no tax is nothing. But, 10 percent of an inequity is compounding an inequity. That is the only proposition that we are confronted with today.

Mr. WILLIAMS of Delaware. Mr. President, I am very glad to welcome the distinguished junior Senator from Montana. In fact, I was just sitting here basking in his enthusiasm when he said that we are going to have tax reform unanimously passed by the Senate. As one who for years has been trying to correct the inequities, such as the depletion allowance, I am delighted to welcome the Senator as a convert to that proposal. I will join him, and he and I will be marching down the aisle toward the cutting of the depletion allowance and a real tax reform. I am delighted to welcome the Senator to our side.

Mr. METCALF. Well now, Mr. President, if the Senator will yield, the Senator has made the suggestion. Let me say that this Senator has been as active for tax reform as has the Senator from Delaware.

Mr. WILLIAMS of Delaware. I know that.

Mr. METCALF. I have introduced bills——

The VICE PRESIDENT. Who yields time?

Mr. METCALF. The Senator does not have to welcome me as a new advocate of tax reform.

Mr. PROUTY. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield 3 minutes to the Senator from Vermont.

The VICE PRESIDENT. The Senator from Delaware has the floor.

Mr. METCALF. Who has the floor? The Senator has yielded to me.

Mr. WILLIAMS of Delaware. I do not have to. [Laughter.]

Mr. METCALF. The Senator does not have to welcome me as a convert to tax reform.

The VICE PRESIDENT. The Senator from Delaware has the floor.

Mr. METCALF. Has not the Senator yielded to me?

Mr. WILLIAMS of Delaware. I have yielded to the Senator from Vermont.

The VICE PRESIDENT. The Chair inquires of the Senator from Delaware, how much time has he yielded to the Senator from Vermont.

Mr. WILLIAMS of Delaware. Three minutes, Mr. President.

The VICE PRESIDENT. The Senator from Vermont is recognized for 3 minutes.

Mr. PROUTY. Mr. President, I think that one thing should be recognized at the outset, and that is that the greatest impact on present inflation falls upon those in the low-income brackets and those on fixed incomes. If we are going to control inflation, they will be the first beneficiaries.

Let me point out that the other body, on yesterday, voted to increase appropriations for education by approximately $1 billion. I happen to believe that most of those increases are justifiable and desirable. But, if we start reducing Federal income and add to the inflationary problem, can we, in good conscience, support programs of that nature and other much needed domestic programs?

We have got to face the whole question. We have many domestic problems to solve. If we are going to start cutting taxes now, we will hurt those in the low-income brackets first, and we will make it impossible to carry out many of the desperately needed programs at the domestic level.

I think that those points should be considered by the Senate.

I thank the Senator from Delaware for yielding to me.

The VICE PRESIDENT. The Chair would inform the Senator from Delaware that the Senator from Delaware has 4 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, the minority leader said that it would be all right and I yield 5 minutes on the bill to the Senator from Nebraska (Mr. CURTIS).

The VICE PRESIDENT. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, I thank the Senator from Delaware.

Mr. President, I am aware that there are many Senators who have advocated tax reform who are sincere. They are right. It should come. I remind Senators of this, however, that to hold back part of the program to extend the surtax will not aid tax reform but will hinder it.

What we need to get a tax reform package passed is some benefits, some sweetness to put in it, not an increase in taxes.

Now, if Congress can consider a package that carries some much needed reforms and at the same time grants relief to certain segments of the economy, it will be passed. But to withhold part of the surtax extension as an aid to bringing about tax reform will be entirely a futile effort. It will not work.

It has often been said that we have had a surtax and inflation has still gone on. There is nothing magic in a surtax to stop inflation. It is a deterrent to inflation only insofar as such tax tends to balance the budget.

I do not know anything about economic theories. I would hate to have to decide which group of economists is right. This one thing I know: In fiscal 1968 we had a deficit of $28.4 billion in the budget, exclusive of trust funds, that the estimate of the deficit for last June

30 was $8.6 billion, and that for fiscal 1970 we will have a deficit estimate of $4.3 billion. I do not think that that is a coincidence.

I am supporting the surtax for a full year, not because I like it, but because we are facing a deficit. We have a deficit this year. We will have one next year. We have had deficits for some time. I will support every effort that I can to hold down expenditures, but they have not been held down. The money has been spent. We need the revenue from a full year of the surtax. If I had my way, it would be 10 percent for the full year. We need it in order to notify the world, in order to notify our own people, that the U.S. Government is facing up to the realities and is trying to set its house in order.

Congress consists of two bodies. We should not yield to the House of Representatives without reason. On the other hand, we have an obligation to cooperate with them. We have an obligation to see how they look at things. The House of Representatives is proceeding on tax reform. It will come about. They will send us a bill.

The VICE PRESIDENT. The 5 minutes yielded to the Senator from Nebraska have expired. Who yields time?

Mr. CURTIS. It is very doubtful that the bill will be accepted without this 1-year provision.

Mr. MURPHY. Mr. President, will the Senator from Delaware yield me 1 minute?

Mr. WILLIAMS of Delaware. I yield 1 minute to the Senator from California.

Mr. MURPHY. Mr. President, it is getting "curiouser and curiouser." I hear on both sides of the aisle the unanimous feeling that the surtax is needed. I hear nobody objecting to the extension of the surtax. It is needed, as recommended by the five living Secretaries of the Treasury and all other financial experts. There is no argument on that score.

I also hear that there is another condition—that of tax reform. It is needed. I have heard no voice raised here against tax reform. I remind the Senate that the Senator from California has talked about tax reform for some time.

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

Mr. MURPHY. Mr. President, may I have about 10 seconds?

Mr. WILLIAMS of Delaware. I yield 1 minute to the Senator from California.

Mr. MURPHY. Everybody wants tax reform. Everybody realizes that we need the surtax. I cannot understand why there is the delay.

Mr. WILLIAMS of Delaware. Mr. President, how much time have I remaining?

The VICE PRESIDENT. The Senator from Delaware has 1 minute remaining.

Mr. JAVITS. Mr. President, will the Senator from Illinois give me 2 minutes on the bill?

Mr. DIRKSEN. Yes.

Mr. JAVITS. Mr. President, the Senator from Delaware and I have been arguing for a long time that it is essential, in the highest interests of all the people of our country, that the world be reassured that we are purposeful in our fight against inflation. As evidence of that purpose, it is proposed that we have a 1-year extension of the surtax.

I realize that we have the problem of a very nice balance. Many Senators feel we should hold the tax extension as a hostage for the purpose of tax reform. Also, I feel somewhat obligated to give the necessary votes to accomplish the basic purpose which the unanimous-consent agreement would accomplish, which was done by all of us in concert.

This is the only amendment I expect to vote for. I feel it is a visual presentation to the world, so critically needed in the highest interest of our people, that we are determined to halt inflation. This would be more meaningful even than tax reform itself in stemming inflation. Therefore, I feel dutybound to vote for the effort to make this a 1-year proposition. I do not think we need to hold ourselves hostages for that purpose. I accept the pledges of the majority and minority that we will have a tax reform package. I am willing to depend on these pledges. Although to my people it may seem I am imposing more taxes on them momentarily, it will come out "in the wash" long before October 31, because I have that faith. I shall support the amendment.

Mr. MILLER. Mr. President, will the Senator yield me 2 minutes on the bill?

Mr. WILLIAMS of Delaware. I yield the Senator 2 minutes on the bill.

Mr. MILLER. Mr. President, I want to underscore what the Senator from New York said and to emphasize that today, even more than yesterday, action on the 12-month extension is necessary. In the House yesterday—and I regret that it was pretty much on a party-line vote—the majority of the House added approximately $1 billion to a Health, Education, and Welfare appropriation bill over and above the administration's budget. People in other countries who are looking to see whether or not we are going to keep our fiscal house in order are wondering even more today than they were yesterday. So the need for the full year extension is more today than it was yesterday.

That does not mean that we are going to accept the action of the House yesterday, but the warning signals are up, and they are up higher today than they were yesterday.

I feel we should follow the administration's guidance on this question. If we do not—and I regret to say this—I think we will face a continued inflationary psychology, with all its overtones, both here and abroad. I hope the amendment will be adopted.

Mr. LONG. Mr. President, I yield myself 3 minutes.

The amendment that the Senate agreed to assures that the administration, based on its May estimates, will have a surplus of $1.6 billion in its unified budget. In other words, by the vote we have already taken, $5.6 billion will be added to the Government's revenues—$3.9 billion from the income tax on individuals and $1.7 billion from taxes on corporations. So already we have voted enough taxes to assure a balanced budget for this fiscal year.

I am not averse to voting for more taxes. If it is necessary, I am willing to do it. But the majority of the Democrats are determined that they shall have an opportunity to vote on a tax reform measure. They do not want to pass all the revenue bills that this administration is requesting at this point, because they want us to bring out a tax reform package. The majority of us on the committee have undertaken to assure them that we will do exactly that.

Meanwhile, on some bill—not on this one, I would hope, but on some future bill—we will undertake to perfect the investment tax credit repeal, and that will give the administration another $1.35 billion in this fiscal year and $2.6 billion for the fiscal year 1971. This means that for the fiscal year 1970 the budget surplus will be about $3.0 billion.

If more revenue is needed, I suppose we will provide it; but we should keep in mind that it is not the surtax that is needed to stop the inflationary trend. I hold in my hand statistics which show that Government borrowing is down by $14 billion. Household borrowing is down by $3 billion—from $32 billion to $29 billion. Foreign borrowing is down by $1 billion.

What is up? Business borrowing, from $36 billion to $47 billion, an increase of $11 billion this year over last year. There is where the mischief is occurring, and that is why we must repeal the investment tax credit. I hope it will not be proposed as an amendment to this bill.

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

Mr. LONG. Mr. President, I yield myself 2 minutes, or at least 1 minute, more.

We have responsibly provided enough revenues to assure a balanced budget for this year. We will provide more if necessary. Senators need not have any concern about that. But we will not do it on this bill, because Senators want an opportunity to have a vote on their ideas about tax reform. The Senator from Rhode Island wants to reduce the oil depletion allowance. I would like to reduce the tax benefits some foundations receive. The oil industry pays billions of dollars; the foundations pay nothing. I would like to tax them. But that is something we will consider when the time comes.

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

Mr. LONG. I yield to the Senator from Nebraska.

Mr. CURTIS. I commend the chairman for his very realistic view of all the problems involved in getting tax reform that is acceptable, that can get enough votes to pass the bill.

I ask him this question: Would the incorporation in a tax reform bill of a provision to extend the surtax for 6 months aid its passage?

Mr. LONG. I do not think so.

Mr. CURTIS. I do not think it would either. I respect those who are opposed to the surtax and voted against it. But, certainly, it is of no value to hold it back as an aid to tax reform; it would be the contrary.

Mr. LONG. I understand the Senator's argument. That is why some Senators think we ought to have two bills, one for the surtax and another for tax reform. But they want to hold up the surtax measure until we have had an opportunity to vote on reform. As to that I think I have made my position clear. I have stated it so many times in the last

6 weeks, I cannot conceive of its not being understood by everyone.

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

Mr. LONG. I yield to the Senator from Rhode Island.

Mr. PASTORE. I do not know what the chances of tax reform would be on a 6-month extension of the surtax, but I will say to my good friend from Nebraska that he and those who feel as he does will have a better chance to extend the surtax for an additional 6 months if they pass a tax reform bill.

Mr. LONG. Mr. President, I think I have made my position clear. If I thought it would change any votes, I would talk longer, but I do not, and I am ready to yield back the remainder of my time if the Senator from Delaware is.

The VICE PRESIDENT. Does the Senator from Louisiana yield back his time?

Mr. LONG. No; I said that when the Senator from Delaware is ready to do so, I shall be ready.

Mr. WILLIAMS of Delaware. I yield myself 3 minutes on the bill.

I should like to make just one point in connection with the surplus of around $4 billion claimed for next year, assuming the surcharge is extended for 6 months, as already approved by the Senate.

I point out that when they talk about a projected surplus of $4 billion next year they are proceeding on the premise that we can use as normal Government revenues between $10 billion and $11 billion that will be building up and accumulating in the various trust funds. There is not a Senator who will not acknowledge that under no law can either the administration or Congress dip into the trust funds and spend that money to defray the normal operating costs of the Government. We cannot rob the Social Security trust funds to pay for educational or welfare programs; we cannot rob the Railroad Retirement Fund; we cannot rob the other trust funds of which the Government is only trustee.

To count those funds as though they were normal revenue of the Government has but one purpose; namely, to deceive the American people as to the true state of our financial picture.

It has been suggested that last year—just this last fiscal year—we had a $3.1 billion surplus. When we take into consideration all the money that was taken out of the economy through governmental agencies, including trust funds, as related to all the money that poured in, it is true the Government took out $3 billion more than we took in, and that has to be taken into consideration. But that does not mean we had a balanced budget. Included in that figure was $8.4 billion of trust fund accumulations in the last 12 months. In addition we collected in the last fiscal year 18 months of surtaxes from corporations, because the 10-percent surcharge for corporations was retroactive to January 1, 1968, though the law was not enacted until July 1.

So in fiscal 1969 the Government had the benefit of the collection of 18 months of corporate surtaxes, and in the last fiscal year, the Government collected 15 months of individual surtaxes. The individual surtax was enacted July 1, 1968, retroactive to April 1, 1968.

These two items accounted for an extra $2 billion. There was in this same fiscal year accelerated payments of corporation taxes and excise taxes amounting to $700 million and $200 million, respectively, and altogether in fiscal 1969, counting trust fund accumulations, a total of $11.3 billion abnormal revenue. Actually our Government closed its books last year with a deficit of around $8.25 billion; that is, under the administrative budget with all its welfare and various other programs for which Congress appropriated funds, it spent $8.25 billion more than it took in. Right now we are operating, even with the surcharge, with a monthly deficit of around $600 million. Therefore, I say we have no choice except to extend the surcharge.

In making its plans the Government must take into consideration its prospective revenues for the fiscal year. It cannot project what Congress may or may not do. If we do not extend the surtax for a full year now, the Government and all others interested in fiscal and monetary policies must assume that so far as Congress is concerned, the surcharge will not be extended at a later date. Therefore, I think it is very important that we take the proper action here today and settle this question by providing for the full 1-year extension.

Mr. President, I promised to yield a minute or two on the bill to the Senator from Vermont.

Mr. AIKEN. Mr. President, I have two or three very short questions to ask the Senator from Delaware, because I should like to vote for his amendment.

Is the Senator from Delaware reasonably sure that real tax reform legislation can be enacted before next year?

Mr. WILLIAMS of Delaware. No one is absolutely sure of anything, but there is no doubt in my mind that it will be before the Senate.

The majority leader and others in cooperation with him have pledged that they want it; the Committee on Finance has said it wants it; the House is going to pass a reform bill within the next 10 days; and the chairman of the Committee on Finance has promised that that committee will expeditiously consider tax reform and report a bill I think he has said not later than October 31, if I recall correctly.

I think tax reform will be enacted for another reason: The American people are going to demand that this Congress take action.

But as the chairman of the committee very ably stated a few minutes ago, it does take time to hold hearings and give those interested an opportunity to present their views after the House of Representatives has acted. It will take a little time, and we just do not have time to wait on this question.

Mr. AIKEN. My next question is this: Yesterday the news reports showed that farm prices have dropped 2 percent in the last 30 days, and that steel prices have gone up 4.8 percent. Is this a sign that inflation is coming under control, or if not, what is it a sign of?

Mr. WILLIAMS of Delaware. Inflation is not under control, and inflation will not get under control in my opinion until Congress faces up to its responsibilities, both as to providing the necessary monetary restraints and as to reducing expenditures.

In addition I think it is going to take other actions. I do not think we in Congress can do it alone; it will require the cooperation of all in government as well as in industry and labor.

There is no question that inflation is out of control. I think that to a large extent we as a government and perhaps as individuals have too often been living beyond our income in the last few years. We are going to have to cut down and start living within our incomes and the Government certainly ought to set an example.

Mr. AIKEN. I want to make certain that everybody cuts down, not only the farmers.

I have one other question, a simple question—maybe too simple. Would it be easier to enact meaningful, if I may use that word, tax reform in the middle of an election year or in the latter part of a nonelection year?

Mr. WILLIAMS of Delaware. I should like to think that Senators will vote on tax reform proposals and various other measures according to what they think is in the best interest of the country, whether it be in an election year or not. Last year it was said that Congress could not pass a tax bill in an election year. President Johnson recommended a tax bill, and the former Senator from Florida, Mr. Smathers, and I felt that it had to be enacted. We joined in a bipartisan effort and put that bill through in an election year because it had to be done.

I think that what we are seeking to do today has to be done. I hope that we may vote for the measure as a bipartisan effort.

Mr. President, on the pending amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. In addition to the funds anticipated by a year's extension of the surtax, are there not also some additional revenues that were taken into account, on which the Senate has taken no action?

Mr. WILLIAMS of Delaware. That is correct. The so-called budget surplus projections were made on the premise that Congress would further raise the social security tax, effective January 1, by $1.6 billion. I have not heard of that being seriously considered. This so-called budgetary surplus is also based on the premise that the Congress would retroactively—I emphasize retroactively—raise first-class postage as of July 1. That item would have raised another $519 million.

User taxes were proposed to provide $400 million in additional revenue to be effective around July 1. Those have not been considered as yet. But even assuming all of them were enacted, even assuming those funds were being provided, even assuming that revenue holds up as projected and expenditures are made as projected, and the surtax enacted for the full year—let us face it—the Government of the United States will still be operat-

ing at a deficit projected as $5 billion. Such a deficit just cannot be allowed to be incurred at this time.

Mr. LONG. Mr. President, I yield myself 2 minutes. One can look at the budget in more than one way. At the time—in 1967—when Mr. Kennedy was appointed by Lyndon B. Johnson to be chairman of the committee to study the budget and make recommendations, Mr. Kennedy recommended putting the budget on a consolidated basis, now we call it the unified budget, so that one could look at the whole budget, not merely a part of it, and determine whether the Government was taking in more money than it was spending.

In Mr. Kennedy's view it is necessary to look at the unemployment and social security revenue and at all the other revenue the Government is receiving, on a consolidated basis, and then determine whether more is being spent than is being taken in.

Mr. Kennedy came to Washington as Mr. Nixon's Secretary of the Treasury and kept the unified budget form. That is what his committee had unanimously agreed to and that was the way they believed the budget should be kept. In addition, President Johnson said it ought to be kept that way, and Richard Nixon has said it ought to be kept that way. I agree with both of them because that is how I think the budget ought to be kept—but, maybe I am an optimist. In any event, here is David Kennedy's publication from the Treasury speaking in terms of the books being kept that way. And here is how JOHN WILLIAMS thinks they ought to be kept.

If one wants to be an optimist and look at the whole thing instead of the hole in the donut, speaking concretely about this fiscal year, we would have a possible deficit of $4 billion. With the 6 months extension of the surtax we have voted for $5.6 billion in additional revenues so that we would now have a surplus of $1.6 billion.

That is the way David Kennedy looks at it. That is how Lyndon Johnson would look at it. That is how Richard Nixon would look at it. And that is how I would look at it.

We cannot persuade the Senator from Delaware to look at it in that way. If we have to take a gloomy viewpoint and look at it in his way, we have a projected deficit of about $14 billion.

If we do everything that we can in the bill and everything that the Senator is recommending, we will still have a huge deficit. In effect, the Senator from Delaware would pass an act of Congress to declare the richest Nation on the face of the earth bankrupt by an act of Congress. If the Senator wants to do it, let him do so.

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

Mr. LONG. Mr. President, I yield myself 1 additional minute.

The VICE PRESIDENT. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG. Mr. President, all I am saying is that the Government this year will take in more money than it pays out. When we do that, we do not contribute to inflation, and we act responsibly. In the final analysis, the Senator from Delaware need not worry. We will provide the administration with whatever money is needed before the year is out.

Mr. WILLIAMS of Delaware. Mr. President, I congratulate the Senator from Louisiana on his remarks. I am always interested in listening to them, and I am always amused.

Mr. President, I would like to have a vote.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD a table prepared by the Treasury, on July 18, showing how they keep the Government's books and how some feel the budget ought to be kept. The way they do it now is how I would like to have it done. We can then see both sides of the argument.

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

THE FEDERAL BUDGET

[In billions]

Fiscal year	Unified budget	Administrative budget
1965	−$1.6	−$3.9
1966	−3.8	−5.1
1967	−8.8	−14.9
1968	−25.2	−28.4
1969 (estimated)	+.9	−8.6
1970 (estimated)	(1)	(2)

[1] Without the enactment of the administration program, there would be a budget deficit of $4,000,000,000. If that program is enacted the budget would be $6,300,000,000 in surplus.

[2] Without the enactment of the administration program, there would be a budget deficit of $14,600,000,000. If that program is enacted the deficit would be $4,300,000,000.

Source: Treasury Department, July 18, 1969.

Mr. WILLIAMS of Delaware. Mr. President, I have no objection.

I respect the Senator from Louisiana as highly as I do any other Senator; however, I do not delegate to him the power to interpret what I am thinking. The Senator may put his tables in the RECORD; however, I want to have it clear that they are his views.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[No. 61 Leg.]

YEAS—41

Aiken	Fong	Pearson
Allott	Goldwater	Pell
Baker	Goodell	Percy
Bellmon	Griffin	Prouty
Bennett	Gurney	Saxbe
Boggs	Hansen	Schweiker
Brooke	Hruska	Scott
Cooper	Javits	Smith
Cotton	Jordan, Idaho	Stevens
Curtis	Mathias	Thurmond
Dirksen	Miller	Tower
Dole	Mundt	Williams, Del.
Dominick	Murphy	Young, N. Dak.
Fannin	Packwood	

NAYS—59

Allen	Eagleton	Hughes
Anderson	Eastland	Inouye
Bayh	Ellender	Jackson
Bible	Ervin	Jordan, N.C.
Burdick	Fulbright	Kennedy
Byrd, Va.	Gore	Long
Byrd, W. Va.	Gravel	Magnuson
Cannon	Harris	Mansfield
Case	Hart	McCarthy
Church	Hartke	McClellan
Cook	Hatfield	McGee
Cranston	Holland	McGovern
Dodd	Hollings	McIntyre
Metcalf	Proxmire	Symington
Mondale	Randolph	Talmadge
Montoya	Ribicoff	Tydings
Moss	Russell	Williams, N.J.
Muskie	Sparkman	Yarborough
Nelson	Spong	Young, Ohio
Pastore	Stennis	

So the amendment of Mr. WILLIAMS of Delaware was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The amendment will be stated.

The bill clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

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

At the end of the bill add a new section, as follows:

"SEC. 4. TERMINATION OF INVESTMENT CREDIT

"(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new section:

" 'SEC. 49. TERMINATION OF CREDIT

" '(a) GENERAL RULE.—For purposes of this subpart, the term "section 38 property" does not include property—

" '(1) the physical construction, reconstruction, or erection of which is begun after April 18, 1969, or

" '(2) which is acquired by the taxpayer after April 18, 1969,

other than pre-termination property.

" '(b) PRE-TERMINATION PROPERTY.—For purposes of this section—

" '(1) BINDING CONTRACTS.—Any property shall be treated as pre-termination property to the extent that such property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 18, 1969, and at all times thereafter, binding on the taxpayer.

" '(2) EQUIPPED BUILDING RULE.—If—

" '(A) pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time after such date and before the taxpayer placed the equipped building in service), the taxpayer has constructed, reconstructed, erected, or acquired a building and the machinery and equipment necessary to the planned use of the building by the taxpayer and

" '(B) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such building as so equipped is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such building as so equipped (and any incidental property adjacent to such building which is necessary to the planned use of the building)

shall be pre-termination property. For purposes of subparagraph (B) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied. For purposes of this paragraph, a special purpose structure shall be treated as a building.

"'(3) PLANT FACILITY RULE.—

"'(A) GENERAL RULE.—If—

"'(i) pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time after such date and before the taxpayer placed the plant facility in service), the taxpayer has constructed, reconstructed, or erected a plant facility, and either

"'(ii) the construction, reconstruction, or erection of such plant facility was commenced by the taxpayer before April 19, 1969, or

"'(iii) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facility is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such plant facility shall be pre-termination property. For purposes of clause (iii) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied.

"'(B) PLANT FACILITY DEFINED.—For purposes of this paragraph, the term "plant facility" means a facility which does not include any building (or of which buildings constitute an insignificant portion) and which is—

"'(i) a self-contained, single operating unit or processing operation,

"'(ii) located on a single site, and

"'(iii) identified, on April 18, 1969, in the purchasing and internal financial plans of the taxpayer as a single unitary project.

subsection, if—

"'(C) SPECIAL RULE.—For purposes of this

"'(i) a certificate of convenience and necessity has been issued before April 19, 1969, by a Federal regulatory agency with respect to two or more plant facilities which are included under a single plan of the taxpayer to construct, reconstruct, or erect such plant facilities, and

"'(ii) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facilities is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

such plant facilities shall be treated as a single plant facility.

"'(D) COMMENCEMENT OF CONSTRUCTION.—For purposes of subparagraph (A)(ii), the construction, reconstruction, or erection of a plant facility shall not be considered to have commenced until construction, reconstruction, or erection has commenced at the site of such plant facility. The preceeding sentence shall not apply if the site of such plant facility is not located on land.

"'(4) MACHINERY OR EQUIPMENT RULE.—Any piece of machinery or equipment—

"'(A) more than 50 percent of the parts and components of which (determined on the basis of cost) were held by the taxpayer on April 18, 1969, or are acquired by the taxpayer pursuant to a binding contract which was in effect on such date, for inclusion or use in such piece of machinery or equipment, and

"'(B) the cost of the parts and components of which is not an insignificant portion of the total cost, shall be treated as property which is pre-termination property.

"'(5) CERTAIN LEASE-BACK TRANSACTIONS, ETC.—Where a person who is a party to a binding contract described in paragraph (1) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (1), succeed to the position of the transferor with respect to such binding contract and such property. In any case in which the lessor does not make an election under section 48(d)—

"'(A) the preceding sentence shall apply only if a party to the contract retains the right to use the property under a lease for a term of at least one year; and

"'(B) if such use is retained, the lessor shall be deemed for the purposes of section 47 as having made a disposition of the property at such time as the lessee loses the right to use the property.

For purposes of subparagraph (B), if the lessee transfers the lease in a transfer described in paragraph (7), the lessee shall be considered as having the right to use of the property so long as the transferee has such use.

"'(6) CERTAIN LEASE AND CONTRACT OBLIGATIONS.—

"'(A) Where, pursuant to a binding lease or contract to lease in effect on April 18, 1969, a lessor or lessee is obligated to construct, reconstruct, erect, or acquire property specified in such lease or contract, any property so constructed, reconstructed, erected, or acquired by the lessor or lessee shall be pre-termination property. In the case of any project which includes property other than the property to be leased to such lessee, the preceding sentence shall be applied, in the case of the lessor, to such other property only if the binding leases and contracts with all lessees in effect on April 18, 1969, cover real property constituting 25 percent or more of the project (determined on the basis of rental value). For purposes of the preceding sentences of this paragraph, in the case of any project where one or more vendor-vendee relationships exist, such vendors and vendees shall be treated as lessors and lessees.

"'(B) Where, in order to perform a binding contract or contracts in effect on April 18, 1969, (i) the taxpayer is required to construct, reconstruct, erect, or acquire property specified in any order of a Federal regulatory agency for which application was filed before April 19, 1969, (ii) the property is to be used to transport one or more products under such contract or contracts, and (iii) one or more parties to the contract or contracts are required to take or to provide more than 50 percent of the products to be transported over a substantial portion of the expected useful life of the property, then such property shall be pre-termination property.

"'(7) CERTAIN TRANSFERS TO BE DISREGARDED.—

"'(A) If property or rights under a contract are transferred in—

"'(i) a transfer by reason of death, or

"'(ii) a transaction as a result of which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a), 374(a), 721, or 731,

and such property (or the property acquired under such contract) would be treated as pre-termination property in the hands of the decedent or the transferor, such property shall be treated as pre-termination property in the hands of the transferee.

"'(B) If—

"'(i) property or rights under a contract are acquired in a transaction to which section 334(b)(2) applies,

"'(ii) the stock of the distributing corporation was acquired before April 19, 1969, or pursuant to a binding contract in effect April 18, 1969, and

"'(iii) such property (or the property acquired under such contract) would be treated as pre-termination property in the hands of the disturbing corporation,

such property shall be treated as pre-termination property in the hands of the distributee.

"'(8) PROPERTY ACQUIRED FROM AFFILIATED CORPORATION.—For purposes of this subsection, in the case of property acquired by a corporation which is a member of an affiliated group from another member of the same group—

"'(A) such corporation shall be treated as having acquired such property on the date on which it was acquired by such other member,

"'(B) such corporation shall be treated as having entered into a binding contract for the construction, reconstruction, erection, or acquisition of such property on the date on which such other member entered into a contract for the construction, reconstruction, erection, or acquisition of such property, and

"'(C) such corporation shall be treated as having commenced the construction, reconstruction, or erection of such property on the date on which such other member commenced such construction, reconstruction, or erection.

For purposes of this subsection and subsection (c), a contract between two members of an affiliated group shall not be treated as a binding contract as between such members. For purposes of the preceding sentences, the term "affiliated group" has the meaning assigned to it by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

"'(9) BARGES FOR OCEAN-GOING VESSELS.—In the case of any ocean-going vessel which is—

"'(A) pre-termination property,

"'(B) constructed under a binding contract which was in effect on April 18, 1969, to which the Maritime Administration, Department of Commerce, is a party, and

"'(C) designed to carry barges,

then the barges specified in such contract (not in excess of the number specified in such contract) constructed, reconstructed, erected, or acquired for use with such vessel, together with the machinery and equipment to be installed on such barges and necessary for their planned use, shall be treated as pre-termination property.

"'(10) CERTAIN NEW-DESIGN PRODUCTS.—Where—

"'(A) on April 18, 1969, the taxpayer had undertaken a project to produce a product of a new design pursuant to binding contracts in effect on such date which—

"'(i) were fixed-price contracts (except for provisions for escalation in case of changes in rates of pay), and

"'(ii) covered more than 60 percent of the entire production of such design to be delivered by the taxpayer before January 1, 1973, and

"'(B) on or before April 18, 1969, more than 50 percent of the aggregate adjusted basis of all property of a character subject to the allowance for depreciation required to carry out such binding contracts was property the construction, reconstruction, or erection of which had been begun by the taxpayer, or had been acquired by the taxpayer (or was under a binding contract for such construction, reconstruction, erection, or acquisition),

then all tangible personal property placed in service by the taxpayer before January 1, 1972, which is required to carry out such binding contracts shall be deemed to be pre-termination property. For purposes of subparagraph (B) of the preceding sentence, jigs, dies, templates, and similar items which can be used only for the manufacture or assembly of the production under the project

and which were described in written engineering and internal financial plans of the taxpayer in existence on April 18, 1969, shall be treated as property which on such date was under a binding contract for construction.

"'(c) LEASED PROPERTY.—In the case of property which is leased after April 18, 1969 (other than pursuant to a binding contract to lease entered into before April 19, 1969), which is section 38 property with respect to the lessor but is property which would not be section 38 property because of the application of subsection (a) if acquired by the lessee, and which is property of the same kind which the lessor ordinarily sold to customers before April 19, 1969, or ordinarily leased before such date and made an election under section 48(d), such property shall not be section 38 property with respect to either the lessor or the lessee.

"'(d) RATE OF CREDIT WHERE PROPERTY IS PLACED IN SERVICE AFTER 1970.—In the case of property placed in service after December 31, 1970, section 38 and this subpart shall be applied by reducing the 7 percent figure of section 46(a)(1) by one-tenth of 1 percent for each full calendar month between November 30, 1970, and the date on which the property is placed in service, except that in the case of property placed in service after December 31, 1974, 0 percent shall be substituted for 7 percent.'"

"(b) LIMITATIONS OF USE OF CARRYOVERS AND CARRYBACKS.—Section 46(b) (relating to carryback and carryover of unused credits) is amended by adding at the end thereof the following new paragraph:

"'(5) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1968, AND ENDING AFTER APRIL 18, 1969.—The amount which may be added under this subsection for any taxable year beginning after December 31, 1968, and ending after April 18, 1969, shall not exceed 20 percent of the higher of—

"'(A) the aggregate of the investment credit carrybacks and investment credit carryovers to the taxable year, or

"'(B) the highest amount computed under subparagraph (A) for any preceding taxable year which began after December 31, 1968, and ended after April 18, 1969.'"

"(c) RULES RELATING TO CERTAIN CASUALTIES AND THEFTS.—Section 47(a)(4) (relating to rules with respect to section 38 property destroyed by casualty, etc.) is amended by adding at the end thereof the following.

"'Subparagraphs (B) and (C) shall not apply with respect to any casualty or theft occurring after April 18, 1969. In the case of any casualty or theft occurring on or before April 18, 1969, to the extent of any replacement after such date (with property which would be section 38 property but for section 49) this part shall be applied without regard to section 49.'"

"(d) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new item:

"'Sec. 49. Termination of credit.'"

Mr. WILLIAMS of Delaware. Mr. President, this is an amendment which should receive the overwhelming support of both sides of the aisle. We have heard much said today about the fact that Members wanted tax reform at the same time we extended the surtax. This amendment is a major tax reform. It would repeal the 7-percent investment credit. On an annual basis this credit represents $3¼ billion a year in the form of a subsidy for American industry at a time when we are utilizing only 84 percent of our plant capacity, at a time when one of our major problems in combating inflation is the fact that there are strains on the money market and strains on the demand for labor and materials. Certainly this is not the time to keep this subsidy on the books.

It is generally admitted by all concerned that last year's restoration of the investment credit did accelerate the inflation at that time. The administration is now asking that it be repealed. The Democratic policy committee in the House and the Senate has endorsed the repeal. Republicans and Democrats have publicly endorsed this repeal. It was voted out of the Finance Committee by 9 to 8, but that did not represent the true sentiment of the committee on this measure, as I am sure the chairman of the committee will bear me out. Many of those Members who were not ready to report the bill at that time for various reasons say they are in favor of this proposal. Certainly this is one step toward reform that we can take today.

As I have stated, it not only would bring in $1.3 billion in the next fiscal year, but on a full year's operation it represents about $3.25 billion.

Surely with all of the great speeches we have had here today about support of tax reform everybody must be looking forward to this vote. We can get tax reform now by our votes on this amendment. Now, under the unanimous-consent agreement, we have this amendment before us. This is an opportunity to vote "yea" and close this subsidy which in my opinion, particularly at a time like this, is unwarranted.

This investment credit which is now on the books means that, with respect to the equipment subject to the credit, industry is in effect being subsidized 7 percent of the cost. Certainly at a time when we are hearing much criticism about the farm support program costing too much and that other subsidies must be rolled back this is one area where Congress can act by repealing this tax credit and take one step forward toward major tax reform.

Mr. President, I withhold the remainder of my time.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MAGNUSON. Mr. President, does not the Senator believe there should be some further consideration of the repeal of this particular tax credit? I think we should hesitate to enact a complete repeal of the investment tax credit without consideration of the effects on some segments of the business community.

For instance, we must consider the time lag between the original order and the delivery date on certain capital investments. I speak from what we see in our Committee on Commerce and in the entire transportation field. This tax credit has been relied upon by nearly everyone in the transportation field. It involves the building of freight cars, barge lines, the delivery of airplanes, and the major rolling stock of nearly every form of transportation.

In the merchant marine, for example, from the time a ship is ordered to the time that ship is put into operation sometimes is well beyond the period stated in the bill. Perhaps the orders were made, based on legitimate and valid assumptions, and the firms involved took advantage of this particular tax credit of 7 percent. As a result of circumstances like these, the rolling stock of all types of transportation has been able, heretofore, to keep up with demand. But repeal of the investment tax credit without regard to this problem could have a drastic and immediate effect.

I have no doubt that if we repeal the entire investment tax credit there will be another freight problem, another problem on the railroads, among the airlines, and in the barge lines—particularly the barge lines—because the delivery date of capital stock in those fields is months or even years after the initial order.

I shall give an example. When airlines order airplanes, they might order all they need within a 2-month period, but the planes are not delivered in a 2-month period because the contractor can only roll out so many so fast.

In addition, the contractor is producing other aircraft which our Nation needs—some jumbo types or some smaller types—and the delivery date for any particular aircraft may be far down the line in order of priority.

Mr. President, these are some of the reasons why I think the committee should take a new look at repeal of this tax credit, so there will be no injustice to industries with these particular problems.

I hope the committee will consider this matter more closely. It is a matter that deserves a more complete hearing before the Senate Committee on Finance.

Mr. WILLIAMS of Delaware. I agree. Hearings should be and were held. Extended hearings were held in the House.

Mr. MAGNUSON. I am speaking about the Senate and the responsibility of the Senate.

Mr. WILLIAMS of Delaware. Mr. President, I remind the Senator that Senate hearings were held on July 8, 9, 11, 14, and 15.

Mr. MAGNUSON. I know, but I would suggest that the particular problems I have been discussing have not received as complete and thorough a study as they deserve, although repeal of the tax in general has been studied extensively.

Mr. WILLIAMS of Delaware. We did hold hearings on this matter.

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

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WILLIAMS of Delaware. Hearings were held in July for 5 days on this subject, and the bill has been reported to the Senate.

I remind the Senator that this is a measure first introduced and reported by the House after long and adequate hearings. It was reported to the Senate by the Committee on Finance after 5 days of hearings. So all of this has been taken care of, and all we have to do now is vote.

Mr. ALLOTT and Mr. TALMADGE addressed the Chair.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I have been concerned about this same ques-

tion that has been raised by the Senator from Washington. I should like to ask the Senator one or two questions. The first one is: Does he think that the investment tax credit should be utilized in its imposition, or doing away with it, as a means of controlling the fiscal policy of this country?

Mr. WILLIAMS of Delaware. Not altogether.

Mr. ALLOTT. As one of the elements.

Mr. WILLIAMS of Delaware. Yes, as one of the elements. Because there is no question that when the investment credit was reinstated plant expansion did accelerate; there is no question that each time it has been repealed there was a slowdown. At this time that is what we are trying to promote. I do not believe there is any question but that this is an equally important part of the inflationary controlling package.

Mr. ALLOTT. Would the Senator say that he feels this can be imposed or taken off without placing the various competitive industries, whether it be steel, oil, or motors, or the corner grocery store, whether it can be put on and replaced without placing competing industries and competing businesses in an unfair competitive situation?

Mr. WILLIAMS of Delaware. I do not see that it would except perhaps that it would be less competitive as between industries——

Mr. ALLOTT. No, no——

Mr. WILLIAMS of Delaware (continuing). That compete with foreign countries. It can and to that extent——

Mr. ALLOTT. That is not my question. If we have a cut-off date of the 1st of April, say, and one company has committed itself before this time with a purchase of capital investments, and another one has decided it is in its best interest to put it off until the last half of the year, and it is imposed as of the 15th of April, or the 18th, as I believe it is in the bill, would not the Senator agree that as between the two competing businesses, it places one in an unfair competitive situation?

Mr. WILLIAMS of Delaware. There is no question that that situation could arise and would arise. No matter what dates were picked we would find the same situation developing, and perhaps more so with other dates. The same inequities would develop when two companies bought their equipment 3 days or the day before the bill was originally enacted; one lost it, but the other got it. When we take a bill of this kind we cannot help having such an inequity develop whenever we do it. Frankly, I do not like the idea of having this on-again off-again tax legislation. I personally would prefer, rather than ever considering restoring the investment credit again, the liberalization of the depreciation allowance. Then all businessmen could compute their depreciation rather than have a subsidy.

Mr. ALLOTT. I want to say that I agree with the Senator on that point, but along the same line, we maintain and he has just discussed, whether it would apply to the removal of the tax investment credit. The same inequities that the Senator has discussed would arise upon the repeal of the income tax credit as between competing industries as would apply to the imposition of the investment tax credit.

Mr. WILLIAMS of Delaware. That is right.

Mr. ALLOTT. The Senator mentioned the date. The date in this particular bill is April 18. There are five dates, as I see it, which might constitute a reasonable cutoff date. One would be the date the President's message came up to Congress. One would be the date it was introduced in the House. One would be the date the House passed it. One would be the date the Senate passed it. The last would be the date it actually became law.

In this case, as I recall the facts, the date of April 18 precedes the President's message by 3 days. Will the Senator explain that?

Mr. WILLIAMS of Delaware. Yes. It has always been customary, heretofore, that on a change in tax law, such as is embraced in the change in the investment tax credit, whether reinstatement or repeal, the date of the President's message would be the effective date. Such a date was utilized in preceding actions, whether we repealed or enacted the tax credit.

Now, in this instance the reason it was rolled back the 3 days is that in some manner—which I do not understand, and no one else seems to—there apparently was a leak on the administration's decision. The President on Monday morning, April 21, recommended repeal of the investment tax credit as of midnight Sunday night, or effective that day. Later it was called to our attention in the committees that on the Sunday just preceding the President's message, about $900 million worth of equipment had been purchased by companies which had opened up their offices on a Sunday and bought in order to get ahead of the deadline. The Ways and Means Committee and our committee concurring felt that in all fairness we would have to roll the date back to April 18 so that at least the inequity would be on a basis of all getting caught without any advance information. I understand there were about $900 million involved in purchases by one or two companies; so for that reason the committee rolled it back to the 18th of April date, which was agreed upon by both tax writing committees.

Mr. ALLOTT. But since the practice has been to take it, upon the basis of tax matters, as of the date of the President's message, does the Senator not think that this is bad practice, to roll it back, when the average businessman in the United States did not have access to this roll back and, therefore, might get caught in the trap with respect to——

Mr. WILLIAMS of Delaware. No; I do not think anyone got caught in a trap, because the average businessman does not normally open his office and buy $800 or $900 million worth of equipment on a Sunday.

Most businesses are closed on Saturday and Sunday. When one opens an office on a Saturday or Sundays and buys such a large amount of equipment it is usually for a specific purpose. Thus I do not believe that anyone got caught in this particular case.

Mr. ALLOTT. I thank the Senator from Delaware very much.

Mr. MILLER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield 1 minute to the Senator from Iowa.

The VICE PRESIDENT. The Senator from Iowa is recognized for 1 minute.

Mr. MILLER. I should like to add to what the Senator from Delaware has had to say in response to the questions of the Senator from Colorado.

As I understand it, what is done is to pick a date, after which the public in general could be said to have been placed on notice. I suggest to the Senator from Colorado that April 1 would be another date that could be used, because that is the date when the report on the Joint Economic Committee came out and the majority opinion recommended repeal of the investment tax credit. So, from that standpoint one could say that the general public was placed on notice that this was in the picture and perhaps even more so.

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

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, almost every Senator that I have talked with is in favor of the repeal of the investment tax credit. The Finance Committee has twice voted to repeal it. Each time we have made it clear that we intend to repeal it as of April 18, 1969, the date contained in the committee report and the House version of H.R. 12290 and in the amendment offered by the Senator from Delaware.

I also point out the Democratic Policy Committee unanimously had pledged itself accordingly. But the bill to repeal it is yet to be perfected, even though the Finance Committee reported it.

As a matter of fact, Mr. President, the bill came before the Finance Committee in executive session, several Senators had perfecting amendments they intended to offer. We did not have a chance to offer a single amendment, not even to cross a "t" or dot an "i".

There are many provisions of this bill that do indeed need careful study. The investment tax credit is one of them that needs the most study of all.

The amendment I had intended to offer in the Finance Committee, and I had every reason to believe it would have been accepted because I had talked to Members on both sides of the aisle, related to the harsh effect of the phase-out rules on a business which must of necessity order its assets well in advance of the expected delivery date. It would also relieve the harsh effect of the carryover rules contained in the House version.

Several Senators have indicated that they want to offer amendments to preserve some part of the investment tax credit for small business and for farming. I might say that a number of amendments have been offered with this purpose in mind. Senator STEVENS, of Alaska, has introduced amendments to try and preserve the credit for investments in depressed areas. We should explore that before we finally vote on the repeal rules. There are Senators who want to try and do something for the transportation industry, the rolling stock

of railroad, and so on. We should explore that question in committee.

The so-called Lockheed amendment contained in the House bill is drafted in such a way that it does an injustice to the Douglas Aircraft Co., which competes with Lockheed in the airbus market. We should not give either one of those companies a competitive advantage over the other. Rather, we should try to treat them both alike.

Senator PROXMIRE wants to delete the Lockheed amendment. Senator SYMINGTON wants to extend it to Douglas Aircraft.

The lease rules which the House wrote into the repeal bill are deficient in a number of respects, making them very inequitable, depending on how the taxpayer worked out his lease arrangement.

The House provision respecting the tax credit for barges used on the modern new barge-carrying cargo ships is deficient in that only the subsidized lines get relief. We should explore this question in greater detail in committee and try to bring some equity into the provision so that the nonsubsidized shipping lines will not be further discriminated against.

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

Mr. TALMADGE. I yield myself 3 additional minutes.

The coal industry and the oxygen and compressed gas industries also have a legitimate complaint about the House bill. They were covered and protected with respect to their contractual commitments by the investment credit suspension bill in 1966. The House adopted all of the 1966 transitional rules except for this one dealing with coal and oxygen contracts. Some of the members of the Finance Committee are still unable to understand the logic of the House action, and we want to inquire into that matter further.

These are just some of the reasons why we would be premature if we acted on the Williams amendment at this time.

As for business certainty, I think that by now business is certain the investment tax credit is going to be repealed. I think by now business is certain that the repeal date is going to be April 18. Against this background, I do not believe that business has a right to think that the investment tax credit is not going to be repealed, and they ought to go ahead and make their business plans and commitments on the very definite assumption that the credit is going to be repealed.

But, I say again, we should repeal it only after the Finance Committee has had an opportunity to explore, discuss, and vote on the inequities in the House bill.

I may say that I have discussed this matter with some members of the Ways and Means Committee. They think it needs clarifying action. Members of the staff are unanimous in their view that it needs clarification, perfection, and amendment. The provisions of this bill, as presently written, take money from taxpayers, not only retroactively, but take money from taxpayers earned before the time that the President of the United States made his recommendation.

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

Mr. TALMADGE. I am delighted to yield to my distinguished chairman.

Mr. LONG. Something was said about hearings. We conducted 2 weeks of hearings. Just look at this list of witnesses. We heard from the whole broad spectrum of the economy—members of industry, farmers, laborers, and everybody else. Everybody who is affected by it came in to describe the inequities the bill contained. The gist of their position was, "If you are going to repeal, please do justice; please do equity. You would be unfair if you did it only for one taxpayer or group of taxpayers and did not do it for us."

For example, on the so-called barge amendment, the unsubsidized people say it is completely unfair: "We are in much worse shape than the subsidized steamship companies of the country." Because we are proposing to except the subsidized people from the repeal of the investment tax credit, and these poor unsubsidized people do not get such an exception, they ask, "What kind of justice is that?"

Certainly, if we give it to one, we should give it to others.

The Senator from Missouri (Mr. SYMINGTON) says, "If you are going to do it for Lockheed, you should do it for Douglas as well."

The Senator from Wisconsin (Mr. PROXMIRE) says, "You should not do it for either one."

So if this question is to be considered, we ought to be able to vote on both amendments, one to give to Douglas the same benefit we gave to Lockheed; and the other not to give it to either one of them.

This volume contains nothing but 530 pages of inequities. Read it. And we did not vote on a single one of them, as the distinguished Senator from Georgia has indicated.

Mr. TALMADGE. The distinguished Senator is entirely correct. I hold in my hand a list of 19 witnesses who appeared before the Finance Committee, every one of them complaining of inequities in the phaseout of the investment tax credit.

I ask unanimous consent at this point that it be inserted in the RECORD.

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

Roscoe L. Egger, Jr., U.S. Chamber of Commerce.
G. W. James, Air Transport Association.
Peter K. Nevitt, GATX, Armco, Boothe.
John B. Huffaker, Federal Tax Committee of the Greater Philadelphia Chamber of Commerce.
Harry A. Poth, Jr., Minnesota Power and Light Company.
Thomas M. Goodfellow, Association of American Railroads.
Edwin A. Locke, Jr., American Paper Institute.
Herbert B. Cohn, Edison Electric Institute.
Walker L. Cisler, The Detroit Edison Company.
Bradford S. Magill; Naylon, Huber, Magill; Lawrence and Farrell, attorneys.
Reeves E. Ritchie, President, Arkansas Power and Light Company.
Charles I. Derr, Machinery and Allied Products Institute.
T. F. Patton, Republic Steel Corporation.

And these witnesses testified in opposition to the special limitation on the use of accumulated tax credits:

Roscoe L. Egger, Jr., U.S. Chamber of Commerce.
Thomas M. Goodfellow, Association of American Railroads.
G. W. James, Air Transport Association.
Eric A. Trigg, Alcan Aluminum Corporation.
John M. Randolph, Computer of Lessors Association, Inc.
Edwin A. Locke, Jr., American Paper Institute.

Mr. LONG. One of the witnesses, speaking for agriculture, said complete repeal would not be fair to agriculture and asked for an exemption. Another one spoke for the paper industry, saying, "You ought to consider our particular problem."

The House added five amendments to take care of these types of situations, in some cases to take care of a single company. Now all of these other people are saying, "If you are going to consider their problem, you ought to do justice for our problem."

Mr. TALMADGE. All we would be doing would be simply ignoring the pleas of the witnesses who came before the committee. The trouble is we are in the dark, sailing on without knowing what we are doing.

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

Mr. TALMADGE. I yield.

Mr. SPARKMAN. I recognize the conditions under which we are proceeding at the present time, but I submitted to the committee an amendment which I felt was entirely just.

Mr. TALMADGE. We did not have a chance to consider the amendment of the Senator from Alabama.

Mr. SPARKMAN. That is what I am saying.

Mr. TALMADGE. We did not have a chance to consider anything. A Senator moved that the bill be reported. The motion was put. It was voted on. By a vote of 9 to 8, it was reported to this body. I have been here 12½ years, and this is the first time I have seen such a thing done in this body.

Mr. SPARKMAN. Let me remind the Senator that the amendment I had intended to offer would have provided a good deal of relief for small businesses, which today are under heavy financial pressure. They must compete with foreign companies—having the advantage of laws comparable to our investment credit—in export markets and throughout this country. Small U.S. firms really need to have the credit continued in order to bring their plants up to date and to get new cost-cutting equipment. This is highly important for the balance of payments. I would certainly want that amendment to receive attention when this matter was brought up.

Mr. TALMADGE. It deserves consideration.

Mr. SPARKMAN. If the committee does not adopt it, I propose to offer it as an amendment on the Senate floor, because I think it is just, equitable, and right. I certainly want an opportunity to present it.

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

Mr. TALMADGE. I yield.

Mr. MANSFIELD. Mr. President, I wish the Senate to take seriously the remarks

just made, because they were not made in jest. It is my purpose, at the appropriate time, to move to table the pending amendment. Hopefully, that motion will succeed. If it does not, I wish to assure the Senate that what will develop—which will go beyond the hour of midnight, in my opinion—will be a Christmas tree bill, because I have it on excellent authority that there are at least six amendments in Senators' hands, and perhaps 27, to consider, with an hour on each.

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

Mr. MANSFIELD. I yield.

Mr. MUNDT. I simply want to appeal to the noble sense of fair play that the majority leader has always manifested, in the interests of future tranquility in the Senate—we have to get unanimous consent so frequently to do so many things—I express the hope that he will not move to table this Williams amendment until the Senator from Iowa (Mr. MILLER) and I, who have an amendment to that, will have a chance to offer it. Otherwise, he would block us out of offering and discussing our amendment.

Mr. MANSFIELD. Oh, no; no more than we would be blocking a lot of Senators over here who have amendments to offer to the Williams amendment.

Mr. MUNDT. If we are going to establish a practice, Mr. Majority Leader; if we are going to use this tactic of unanimous consent in this kind of fashion, to bar us from offering amendments through taking action so the basic amendment is laid on the table, we are going to have a lot of trouble with unanimous consent requests in the future.

Mr. MANSFIELD. Mr. President, this is not through unanimous consent. This will be a tabling motion, and I have discussed this with the Senator from Delaware and the minority leader before the unanimous-consent agreement was arrived at yesterday. So this is not something being pulled out of the hat.

Several Senators addressed the chair.

Mr. TALMADGE. Mr. President, I had a perfecting amendment in mind which I intended to offer, but I am perfectly content with the procedure the distinguished majority leader has outlined. I do not think we ought to write tax legislation of this complexity on the Senate floor. It is difficult to understand. You need the advice of experts. You have to sit around the table. Sometimes highly competent lawyers will differ on meanings. You have to analyze it, sometimes for hours and sometimes for days on end.

I think this thing ought to be considered in the Committee on Finance, where we can have expert testimony from the Treasury, from our staff, and from the Joint Committee on Internal Revenue, and where we can write a reasonable bill, instead of trying to write it on the floor of the Senate. This is an impossibility.

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

Mr. TALMADGE. I am happy to yield to my distinguished chairman.

Mr. LONG. Mr. President, I have discussed, with Senators on this side of the aisle—may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. LONG. I would like the Senate to hear this. I have discussed with Senators on this side of the aisle our problem with regard to amendments. Let us take a simple example. The Senator from Georgia (Mr. TALMADGE) has an amendment that should be agreed to if the Williams amendment is to be added to the bill. He would have to offer that amendment before the Williams amendment comes to a final vote; otherwise, he would be foreclosed from his right to offer the amendment. He would lose his parliamentary rights.

Likewise, other Senators have good amendments that should be considered, that they would like to offer. But if the Williams amendment is not to be agreed to, we would find it out with a tabling motion. If it is to be agreed to, there are at least a dozen amendments we will have to consider, and, of course, they would all be subject to debate. How would we know whether the amendment is likely to be agreed to or not, other than to wait until all the time is expired, and after the time is expired on the Williams amendment, move to table?

If the Williams amendment is not tabled, the Senator from Georgia (Mr. TALMADGE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Wisconsin (Mr. PROXMIRE), and others will have amendments to offer. They are content not to offer their amendments if this amendment is not to be added to the bill. If it is to be added to the bill, then they want to offer their amendments.

How better to get a test of strength, to see where the votes are, than to move to table? If it is tabled, we will consider all these other amendments in the Committee on Finance and bring the investment tax credit bill back in due course. If it is not tabled, Senators will proceed to offer amendments, with the understanding that it is to be added to the bill.

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

Mr. LONG. I yield.

Mr. MUNDT. I should like to explain my purpose. I have been around here quite a while. I think the minority can always find a way to express itself, and one protective device one can always use, even when you dwindle the minority down to one and a unanimous consent is requested for a procedural device such as we have here, is that one Senator can object.

Mr. MANSFIELD. What unanimous consent?

Mr. MUNDT. The one the Senator made yesterday for this procedure.

Mr. MANSFIELD. All right; and if one Senator had objected, we would not have a bill before us, and the surtax would expire at midnight.

Mr. President, the Senator from Delaware is here now; I will ask him directly, if I may, did I discuss with you and the minority leader and other Senators yesterday the possibility of a tabling motion?

Mr. WILLIAMS of Delaware. Yes. Mr. President, I want to make it clear that while I have differed with the views the Senator from Montana has taken on this bill before us today he has been fair, he has lived up to everything he has said, and the motion to table is in order. I hope it will not be approved, but I find no fault with its being offered or the procedure. I want to make it clear that no man in the Senate could have been more fair than the majority leader.

I say to the Senator from South Dakota, I would like to see him get a chance to offer his amendment. He could change his amendment and make it eligible for a vote as a separate amendment, but that, too, would be subject to a tabling motion.

I want it clear that while I may have differed with some of his views, the Senator from Montana has lived up to everything he has promised, and I support him completely on the procedure he is following.

Mr. MUNDT. Mr. President, here is one Senator, for example, whose vote on the tabling motion, or on the Williams amendment, if it comes to a vote, would depend in part upon what kind of attitude the Senate has expressed in connection with the amendment I have prepared. It has been introduced and printed. It deals with small business and farm exemptions.

All I am asking is the right to offer that amendment to the Williams amendment before we table it; otherwise, I have no vehicle on which to work. I could not object at all, having offered and argued it, if any Senator or the majority leader moved to table my amendment. That certainly is a perfectly sound procedure.

Mr. MANSFIELD. The Senator knows that if he starts this procedure, others will follow, and first thing you know, it will be midnight and there will be no extension of the surtax. We are facing this situation realistically.

I, for one, would like to see the investment tax credit repealed. As I say, I think there are 12 Senators on this side of the aisle alone with as many as 27 amendments and there may be as many on the other side as well. I do not intend to cut off debate if this measure is to be considered on the merits. We have an agreement. But every minute of that time can be used; and even time on the bill.

It is my intention to preserve to the best of my ability, the rights of all Senators having an interest. And this applies to many other Senators besides my longtime friend, the distinguished senior Senator from South Dakota; he is not being singled out. He is interested in small business and the farmers. What about the Senator from Wisconsin (Mr. PROXMIRE) who is he interested in? What about the Senator from Missouri (Mr. SYMINGTON)? What about Senator MAGNUSON? What about the Senator from Montana, now speaking, and his interest in the transportation industry, the railroads? They want some relief, and they are entitled to be heard, also.

Furthermore, let me say this before I yield: I stated yesterday and I state again today that the investment credit is still on the calendar, along with the excise tax and the exemptions for the lower-income groups. I have given my word that that bill will be brought up

before October 1, provided, of course, in the meantime a tax reform bill is laid before the Senate. And what could be more fair?

Mr. LONG. Before November 1.

Mr. MANSFIELD. Before October 31, or at about the time the reform bill will be reported.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. I realize fully the situation of the Senator from South Dakota, but I think he is being a little premature. After all, even if he does bring up his amendment to the Williams amendment, and it does survive, and we prevail on the tabling motion, we will not only have killed the Williams amendment, we will have killed his amendment to it.

So the best thing is first to determine whether we are going to carry on with the Williams amendment, and if we do, that opens up the floodgates.

Mr. MUNDT. May I say to my friend, if the determination is to table, we would not have a chance to argue, to offer our amendment, or to try to persuade other Senators to accept it. My decision as to how to vote on the Williams amendment rests, in large part, on what the decision of my colleagues is in connection with small business and farm exemptions, and I will not have a chance to determine that.

Mr. PASTORE. That is not the purpose.

Mr. MANSFIELD. Oh, yes, that is the purpose of the tabling motion. If it carries, that is it. If it does not, every Senator will have his chance; there will be a Christmas tree right in the middle of this floor, and we will never finish with the bill.

Mr. MUNDT. The Senator has the perfect right, after my amendment has been offered, and any other amendment—and I certainly would not take any umbrage at that—to move to table my amendment, but at least I would have had a chance to be heard. I am a realist. If the Senate tables my amendment to the amendment, and there is a Symington amendment tabled, and another one, the show is over, and we give up; but we will have tried and the Senate will have had the chance to vote yes or no on our proposed amendment.

Mr. MANSFIELD. After 27 such attempts, with an hour apiece, it will be late tomorrow, and there will be no surtax, because it expires at midnight. I think in all candor, the way to face up to this realistically and cleanly, is to move at an appropriate time to table the pending amendment. In that way, all Senators will then be afforded an opportunity to have their amendments considered in an orderly fashion first at the committee level and later this session on the floor.

What applies to the distinguished senior Senator from South Dakota applies to at least 12 Senators on this side of the aisle.

It has been stated that a tax reform bill will be reported not later than October 31. On that we can rely. I would also want to see the other bill H.R. 12290, that is on the calendar brought up. However, in the meantime the things that the Senator and other Senators are interested in ought to be taken up in the Finance Committee, so that each individual Senator representing industries in his State or region would be given an opportunity to present his views.

Mr. MUNDT. Mr. President, if I may have some time yielded to me by the Senator from Montana, I have something further to say.

Mr. MANSFIELD. I will yield the Senator some time on the bill.

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

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, I should like to know what is being proposed on the investment tax credit bill which the Senator from Louisiana said we would have a chance to consider before October 31.

Is it the plan to have this referred back to the Finance Committee where the Senator from Louisiana and the Senator from Georgia have said we should sit down and carefully consider the matter, if we do not understand what the procedure is going to be? I am in sympathy with the idea of the Senator from Louisiana and the Senator from Georgia of considering this matter. However, how is the Finance Committee supposed to consider it if it is on the calendar?

Mr. MANSFIELD. I will let the Senator answer for himself, or I will answer.

Mr. LONG. Mr. President, I did not hear the whole question.

Mr. MANSFIELD. The question concerns how the amendments to the investment tax credit—which is now a part of H.R. 12290 on the calendar—are to be considered?

Mr. LONG. Mr. President, we would simply meet in executive session and discuss all of this. Any Senator could move any amendment he had in mind or that anyone else had in mind.

We would come out with a committee amendment that would try to do justice and try to take into consideration all 500 pages of testimony that the Senators have loyally and diligently already heard. We would consider everyone's problem and vote on the amendments and bring out our best suggestions. When it came up for consideration, the committee amendment would be subject to amendment.

Mr. MANSFIELD. Mr. President, the offer which the Senator extended earlier this month or late last month to all Senators to appear before the Finance Committee beginning July 18 would be renewed, I am certain; and an opportunity would then be open to all.

Mr. LONG. I am still offering that opportunity to any Senator. The bill was reported from committee by me by a vote of 9 to 8 without Senators having had an opportunity to be heard.

I was somewhat disappointed that this was done. However, the Senators will be accorded an opportunity to appear before the committee if the Williams amendment is not adopted today.

Mr. MILLER. Mr. President, that is exactly the reason for my question. How is that chance going to be achieved or how could it be achieved if we move to refer the bill back to committee with instructions to report? Then the committee could massage the bill along the lines talked about by the Senator from Louisiana and report the bill. Another way would be to have the committee hold hearings. We would then have a committee amendment or a series of committee amendments to the bill.

I have heard questions as to how this is supposed to be done. I do not think I have had any answer yet.

Mr. LONG. Mr. President, as far as I am concerned, it would be satisfactory to me—and I am not asking it—if it would solve the problem, to do what we do sometimes in committee and just agree by unanimous consent that if the amendment is agreed to, it will remain subject to further amendment. That would not be the case here on the floor, but it could be done by unanimous consent. If one or two Senators are not happy, this might make them happy. It is very difficult to make 100 Senators happy.

Mr. MANSFIELD. It is impossible.

Mr. LONG. The majority leader says it is impossible. I imagine that is right.

If we cannot get unanimous consent, we should move to table and see where our votes are. We think that we have the votes to defeat the Williams amendment. We would like to have an opportunity to find that out sooner or later, before midnight.

Mr. MANSFIELD. I do not know whether we have the votes. However, we would have a clean-cut test. And if the amendment is not tabled, then other amendments could be offered; amendments affecting the railroads in Montana, corporations in Los Angeles, and other corporations in other States.

Mr. LONG. And some subsidies for the ship lines.

Mr. MANSFIELD. And cargo planes and barges.

The VICE PRESIDENT. The Senate will be in order.

Mr. MILLER. Mr. President, let us suppose that the Williams amendment is tabled. I would still like to know what the procedure is going to be whereby the Finance Committee is going to be able to sit down and possibly hold some further hearings on the part of individual Senators and have the committee consider the various amendments that the majority leader has talked about that are about to be offered if the Williams amendment is not tabled.

Mr. LONG. We will hold hearings and vote. It is that simple.

Mr. MILLER. When will that be done?

Mr. LONG. When we dispose of the bill. We cannot do it before we dispose of the bill.

Mr. MILLER. I understand that. However, does that mean next week?

Mr. MANSFIELD. It could mean next week or next month. It would have to mean before October 31. It is my anticipation that a tax reform bill—and what we are speaking of is in the nature of tax reform—would be considered and reported well ahead of October 31.

Mr. MILLER. When the Senator says reported, is he referring to reporting the bill which would be referred back to the Finance Committee?

Mr. MANSFIELD. No. That is on the calendar. That will stay on the calendar.

Mr. MILLER. He is referring to a series of committee amendments which would be reported.

Mr. MANSFIELD. The Senator is correct. And perhaps the proper vehicle may be the tax reform bill which I understand is due here from the House in the next week or 10 days.

Mr. MILLER. The Senator suggests the possibility that this may be resolved in the tax reform package itself.

Mr. MANSFIELD. It could be. There would be that possibility. And there is always the bill which is on the calendar. It could be called up at an appropriate time.

Mr. MILLER. I appreciate that the majority leader has a difficult time in attempting to go much beyond that point. However, he has given his assurance, and so has the Senator from Louisiana, that there will be opportunities for individual Senators to go before the Finance Committee and that the Finance Committee can consider this before October 31 and report the bill to the Senate.

Mr. MANSFIELD. Mr. President, may I say that as far as my longtime friend, the distinguished Senator from South Dakota (Mr. MUNDT), is concerned, the Senator with whom I had the honor to serve in the House as well as in the Senate, I am indeed sorry. I did not think, however, that it was necessary to spell this out in such great detail.

I place great trust and confidence in the people in whom the Senator from South Dakota places trust and confidence. And I did notify them ahead of time. I thought that was sufficient. If it was not, I must apologize.

Mr. MUNDT. Mr. President, there is no necessity to apologize. However, the distinguished majority leader must remember that we do not have instant communication. It was not until 10 minutes ago that I first heard about the desire and the determination of the majority leader to employ the tabling motion which left me without a star to hitch my wagon to.

Mr. MANSFIELD. The Senator can discuss the matter and can berate the majority leader, justly perhaps, for not giving him the opportunity at this time if the amendment is tabled. The sky is the limit. He can do anything he desires.

Mr. MUNDT. Mr. President, I never berate the majority leader, even when I think he is wrong. This time I am not sure that he is wrong. He is faced with a serious dilemma. So are we all.

Mr. MANSFIELD. It is a delicate question.

The VICE PRESIDENT. All the time of the Senator from Louisiana has expired.

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

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator on the bill.

The VICE PRESIDENT. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, there are two questions that I think need to be answered. One is whether it is understood that the April 18 date will remain as the date.

Mr. LONG. Definitely.

Mr. JAVITS. This is very important to the American business community.

Mr. LONG. If it would make anyone happier, I have a resolution that I would be glad to offer which provides that it is the sense of the Senate that the investment credit should be and will be repealed as of April 18.

Mr. JAVITS. I think it is important from the point of view of the business community. The other question is whether the Senator proposes to include in the hearings the matter of modernizing the depreciation schedules. Depreciation schedules are really an essential part of the problem of taxation. We have used the 7-percent tax credit as a substitute for modernized depreciation schedules, in order to encourage modernization of plants. Therefore, now is the time to consider modernization of the schedules.

Mr. LONG. That is fine. I would be happy to consider that right now.

Mr. WILLIAMS of Delaware. Mr. President, we will vote in a moment. However, before we do so, I want to point out clearly so that there can be no misunderstanding that in my opinion the Senator from Montana has been more than a gentleman. He has bent over backward to work with those of us who wanted an opportunity to vote and express our will on this measure.

I am hoping that we can defeat his motion to table and that we can act on this bill. I think we should.

Nevertheless, I want to make it clear that I do not at all consider that in his move to table he is exercising any unfair parliamentary procedure because if the situation were reversed he is doing exactly what I would do, and that is to take advantage of the parliamentary procedures of the Senate to expedite it. I want to make that clear, because I expected his motion. In fact, I was delighted that we got a vote on the merits of the previous amendment.

Now, as to the argument that this investment tax credit repeal before us has not had adequate hearings, I point out that the Senate did have hearings for 5 days. Various Senators did appear before the Committee on Finance, express their views, and make their recommendations, and the hearings have been printed. The Senator from Louisiana is correct in stating that it was reported by the committee by a vote of 9 to 8, under rather unusual circumstances.

We voted to report the bill before individual Members did get a chance to offer their amendments. At that time I said that such a procedure did create problems. It meant we would have to consider the various amendments on their merits on the floor. I realize that arguments could be made about the procedures, but this was not my fault.

As the Senator from Georgia pointed out, in his 12½ years in the Senate this is the first time it has happened. I will go further than that. I have been in the Senate 23 years and have been a member of the Finance Committee close to 19 or 20 years. This is the first time we have ever operated under such circumstances in which the committee would be told in advance by a policy committee that the committee could or could not report a bill and if reported just what amendments would have to be adopted first.

We have already expressed our views on these unusual and strange circumstances. We do not solve anything by debating them further now. So far as I am concerned I am willing to proceed to a vote.

I hope we can defeat the motion of the Senator from Montana. But as he makes that motion I make it clear that I see nothing wrong with the procedure he is following, and if I were in his position I would take the same steps he is taking.

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

Mr. WILLIAMS of Delaware. I yield 1 minute to the Senator from South Dakota.

Mr. MANSFIELD. Mr. President, I thank my distinguished friend.

Mr. MUNDT. Mr. President, it is quite apparent what action the Senate is going to take. It is all perfectly proper and perfectly legal, and those of us who sometimes become a minority of one have perfectly appropriate and useful tools we can use to protect ourselves against a repetition of what has happened here today.

We are up against a deadline in a tax measure. I am not going to avail myself of the parliamentary tactics which would enable me to compel a vote on the Mundt-Miller amendment which involves an exemption for farmers and smaller businessmen; but I do ask unanimous consent that the amendment I had hoped to offer, which is now going to become an orphan when the motion to table is made, be printed at this point in the RECORD. It is sponsored by the Senator from Delaware (Mr. WILLIAMS), the Senator from Iowa (Mr. MILLER), and me.

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

At the end of proposed section 49(a) strike the period and insert the following after "property": "and property to which subsection (e) applies."

At the end of proposed section 49 add the following new subsection:

"(e) SMALL BUSINESS AND FARMER EXEMPTION.

"(1) IN GENERAL.—In the case of section 38 property (other than pre-termination property)—

"(A) the construction, reconstruction, or erection of which is begun after April 18, 1969, or

"(B) which is acquired by the taxpayer after April 18, 1969, and which is constructed, reconstructed, erected, or acquired for use in a trade or business, or farming, the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxable year attributable to such items does not exceed the small business and farmer exemption limitation (as determined under paragraph (2)). In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsections (c), and (d) of this section, and section 46(b)(5), shall not apply.

"(2) SMALL BUSINESS AND FARMER EXEMPTION LIMITATION.—For purposes of paragraph (1), a taxpayer's small business and farmer exemption limitation for any taxable year is $25,000.

"(3) SPECIAL RULES.—

"(A) Married Individuals.—In the case of a husband or wife who files a separate return, the amount specified in paragraph (2) shall be $12,500 in lieu of $25,000.

"(B) Affiliated Groups.—In the case of an affiliated group, the $25,000 amount specified in paragraph (2) shall be reduced for each member of the group by apportioning $25,000 among the members of such group in such manner as the Secretary or his delegate shall by regulations prescribe.

"(C) Partnerships.—In the case of a partnership, the $25,000 amount specified in paragraph (2) shall apply with respect to the partnership and with respect to each partner.

"(D) Other Taxpayers.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f) shall be applied for purposes of this subsection."

Mr. MUNDT. Mr. President, I believe the 7-percent investment tax credit should be repealed. I do not, however, believe the repeal should be across the board.

There are two groups of individuals, or businessmen if you like, that would be extremely hard hit if the credit is taken away completely. They are small businessmen and farmers. They feel the noose of inflation much, much more than the general business community because their capital is more limited. They do not have the options open to them that their larger and more flexible competitors do. For this reason I believe this bill should be amended to provide a $25,000 exemption in the repeal of the 7-percent investment tax credit.

Mr. President, such an exemption would not unduly hamper our efforts to control inflation and yet at the same time it would be of major importance to farmers and small businessmen, providing the margin in some instances perhaps between survival or failure.

It is difficult to estimate the cost to the Treasury if the investment credit were continued on maximum annual purchases of $25,000. No one can accurately predict how widely it will be used. For the purposes of speculation, however, let us take a look at possible use by farmers.

In 1967 gross farm capital expenditures for machinery, equipment, and motor vehicles for farm business use totaled $4.819 billion. If the 7-percent investment credit were applied to all such purchases, which could not be the case, the tax saving in that year would have amounted to $337.33 million. A more reasonable figure, however, might well be $200 to $225 million on agricultural purchases only.

Even so, I submit it is safe to say the reduction in revenue would only be a fraction of the original anticipated increase in Treasury receipts of $1.35 billion in fiscal 1970 and a much smaller percentage of the $2.6 billion expected in fiscal 1971.

Weighed against this relatively small loss in revenue must be the advantages to be gained by such an exemption. First let us look at the small businessman.

Small businessmen need access to funds in these times of high interest rates more than ever. In 1962 testimony in favor of the tax credit, Secretary of the Treasury Dillon pointed out that the increased cash flow would be particularly important for new and smaller firms which did not have ready access to capital markets and whose growth was often restrained by a lack of capital funds. The exemption, by reducing their tax liability somewhat, will aid in accomplishing this.

A $20,000 exemption was provided in the suspension of the tax credit in 1966. As was pointed out then, such action was consistent with long-standing public policies to foster small business and farming and would be of substantial aid to small business enterprises and farms, many of which have difficulty raising funds because of existing monetary restrictions. A $25,000 exemption would be a negligible factor in the investment decisions of larger corporations and therefore will not vitiate against the effectiveness of the repeal. Since investment by small businesses and farms is a relatively small percentage of investment in machinery and equipment, this provision would not result in any substantial loss of expected revenue.

There seems fairly general agreement that the investment tax credit has been a factor in the decisions of many small firms to modernize. If the credit can be continued at modest cost to the Government, it would benefit farmers and small businessmen substantially. The small businessman and the farmer are usually excluded from the normal money markets and means of financing. Therefore, in periods of tight money, particularly rationing of bank credit, reducing his tax bill will substantially aid him in his financing problems. Also, in line with the President's statement, one of the major reasons for repeal of the credit, namely, the encouragement of business in poverty areas, will actually be helped by the $25,000 exemption, since this would encourage small businesses in urban depressed areas and aid minority ownership of businesses. It has been estimated by the Treasury that the credit increases the profitability of investment far more per dollar of revenue cost than any of the other alternatives, such as accelerated depreciation, and so forth.

In summary, it would appear that this exemption is both compatible with the reasons of the administration for repealing the overall investment tax credit, and would be of substantial benefit to small businesses.

Now, Mr. President, let us look at the farm situation. Those of us who have a deep and abiding concern for our farmer constituents must be deeply concerned by the continuing increase in farm production expenses. In the United States, since 1960, farm production expenses have increased from $26.4 billion to $35.9 billion in 1968.

Secretary Hardin has recently testified that expenses this year will increase another $2 billion. He also points out that this increase will be almost entirely the result of price increases rather than the result of a greater volume of supplies and equipment purchased.

In my own State of South Dakota, farm production expenses have risen from $476 million in 1960 to over $700 million in 1968.

The farmer is paying more and more for machinery, equipment, and supplies each year. In spite of the recent improvement in the index of prices received, it is an understatement to say that the prices received by farmers have not gone up in proportion to his increased costs. The scissors of the cost price squeeze are bearing down disproportionately upon our farm families. In talking to farmers, I find that once the prices of the items used in agricultural production rise, they seldom decline. Prices received by our American farmers have been far to much below parity for far too long.

For the record, I wish to include a table showing what has happened to the index of costs for certain commodities used in farm production:

(1957-59=100)

Period	Motor supplies	Motor vehicles	Farm machinery	Farm supplies	Building and fencing materials
1957	100	96	96	100	99
1958	100	100	100	100	99
1959	100	104	104	100	102
1960	101	102	107	100	102
1961	102	102	110	101	101
1962	101	105	111	101	101
1963	101	109	113	101	101
1964	101	111	116	102	100
1965	102	113	119	103	101
1966	102	117	124	103	103
1967	105	121	129	104	105
1968	107	129	138	107	113

Farmers are carrying very heavy financial burdens. They are continually making substantial capital investments in order to improve their efficiency. Fewer farm workers in 1968, in combination with greater quantities of most other production inputs, supplied food and other farm products to an increased domestic population. In addition, through exports, they supplied products to countless consumers in foreign countries. Total domestic and foreign consumers reached more than 43 per farmworker in 1968—20 more than a decade ago. The gain in persons supplied per farmworker has resulted from greater application of modern technology both on and off the farm, including the transfer of jobs from farmworkers to non-farmworkers.

One of the constructive ways to give practical help to farmers to reduce the impact of the cost price squeeze and to share more equitably in the strength and prosperity of the American economy would be to provide a 7 percent investment tax credit up to $25,000 for farmers and small businessmen. Farmers have come to rely on this credit in their operations. I believe it should become a permanent feature of our tax system. The Mundt-Miller amendment moves in this direction.

America's first industry was agriculture. It remains our greatest. It provides the means for feeding not only our people, but in addition provides means for alleviating hunger all over the world. It provides employment for about 18 million Americans who work at not only growing our crops, but processing them

and shipping them to market and supplying our farmers. The products of our agriculture bring to the table the family income. The production of one out of every four acres moves into export markets. American farm exports are an important plus factor in our balance of payments. The bounty of our farms under the food for peace program enabled millions of people in other lands to survive. However, the American farmer who is making this great contribution to America's prosperity still does not share equitably in it. My proposal today would at least redress some of this disparity.

Just like any other businessman, the farmer seeks a fair return for his great risks and effort. There is no means to assure the return. With this proposal we can be of practical help. Mr. President, if the tabling motion on the Williams amendment prevails—and it looks as though this is going to happen—we shall try again. We shall try to achieve this small businessman-farmer exemption through Finance Committee action. If we fail there we shall try again on the floor of the Senate under more appropriate parliamentary conditions.

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

Mr. MUNDT. I yield.

Mr. MANSFIELD. Mr. President, who knows—the tabling motion may be rejected, and then the Senator would have his chance.

But I would hope that the Senator did not mean to imply that because something which was done entirely within the rules—unfortunately, unknown to the Senator, although it is included in the consent agreement—is an indication of an intimidation on the part of the minority party toward the party which happens, a least for the time being, to be in the majority.

I would point out to the Senator that it is his administration which is in power in the executive branch of the Government. I would point out that what the majority party has done has been to come a long way, I think, to try to reach an accommodation with the Republican leadership, the ranking minority member of the Committee on Finance, and the administration. It would have been just as easy not to have done anything, to have remained at our original post, to let misunderstandings arise, and thereby allow the surtax to expire at midnight tonight. But we felt we had a responsibility to the Nation, just as the other side has, although a more definitive one because of the control at 1600 Pennsylvania Avenue. We had thought we had worked out a reasonable accommodation. We had understood that it had met with all-around approval.

The only fault I can find is that we really did not give enough time to the Senate to consider the unanimous-consent request last night. But the only explanation I can give is that circumstances made it necessary to act as we did.

So I would hope there would be no threats on either side against the other party, because we ought to work in harmony; we ought to work in comity. We ought to recognize that we are all public servants and have responsibilities.

The Senator from South Dakota and the Senator from Iowa are interested in an amendment to take care of the small businessmen and farmers in their part of the country, an amendment which I am sure I would support on another occasion. May I say that I am also interested in the transportation industry in the State of Montana, and I dare say this could be multipled 25 times and perhaps more.

At least let us recognize the integrity of one another and try to get along as best we can. I am certain that is what the Senator from South Dakota has in mind.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Vermont, but before I do I want to point out that it has been implied in every unanimous consent agreement that has ever been entered into in the Senate that motions to table the amendments are in order, and everyone understood it. I cannot overemphasize the fact that there has been no maneuvering on this point.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. Does not the Senator know that if he is not happy with what happens, he can always offer another amendment like it? Just change a single word and start all over again.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Vermont, and I yield back the remainder of my time thereafter.

Mr. PROUTY. Mr. President, I am delighted that after these many years, many of our friends in this body, with bated breath and grandiloquent approval, are now rushing down the sawdust trail to tax reform.

I listened with interest to the colloquy which occurred a few minutes ago. It seems to me that insofar as the investment tax credit is concerned, the reform will be primarily apropos to some of the major industries in this country. It may well be that it can be demonstrated that it is in the national interest to make this apply. But certainly this can be done at such future date when the tax reform bill is taken up.

But let us remember this: Today the Senate voted to continue the surtax for 6 months. That affects the little guy in this country, the people in the low-income brackets, as well as others. We refuse to take any action to curtail the subsidies now being given to American business. If that is equity, I fail to see it.

I yield back the remainder of my time.

The VICE PRESIDENT. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. DIRKSEN. Mr. President, I yield myself 2 minutes.

Mr. HOLLAND. Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. No, they have not.

Mr. HOLLAND. Mr. President, will the Senator yield to me so that I may ask for the yeas and nays?

Mr. DIRKSEN. No, I will not yield.

The VICE PRESIDENT. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, a week ago today, I started to sit in first one conference and then another, and many times the distinguished Senator from Delaware was at my elbow. It was sort of give and take and offer and retreat and recede, in the hope that something could be worked out because of the deadline that was before us on the surtax and on the withholding tables. At long last, we managed to get something in the way of a little more bread than I had anticipated earlier in the day, and we sat last night in the minority cloakroom and contrived this order.

If Senators will just go to the trouble to read the order, there will not be quite so many questions, because the first part of the order reads:

Be made the pending business and that during its further consideration, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour.

We recognized the right to offer the motion to table, and it was discussed in that cloakroom.

The majority leader is well within his rights because I made the suggestion that there might be amendments and I would offer to table if I felt it was going to complicate the problem that is before us.

I also said if there was an amendment that did not comport with the germaneness rule, whether it came from my side or the other side, I would stand up and make a point of order against it, and I would have done so.

I want to see this bill out of here and on the way to conference before we have to come up against any more confrontations with deadlines. That is all I have to say. I concur entirely with the distinguished senior Senator from Delaware and I concur with the distinguished majority leader. He is entirely within his rights. So I am ready to vote.

Mr. President, yeas and nays.

The VICE PRESIDENT. The yeas and nays have been requested.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum not to exceed 2 or 3 minutes while I hold the floor.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Has the Senator made his motion to lay on the table?

Mr. MANSFIELD. No. That is what I intend to do now.

Mr. HOLLAND. This was a request for yeas and nays on the motion to lay on the table?

Mr. MANSFIELD. No.

Before I make my motion I want to say I am indeed sorry that anything has entered into the debate which could be considered personal in any way, shape, or form, or be considered derogative of the rules of conduct or procedures of the Senate. This, of course, is a measure which does arouse a lot of interest because there is always interest where one's pocketbook or economic constituency is concerned.

Before I make the motion to table I would like to make the following statement.

May I say that the amendment of the Senator from Delaware (Mr. WILLIAMS) was anticipated at this time under the consent agreement of yesterday. I feel today as I did then that its adoption will impede and, perhaps, jeopardize the passage of this bill for reasons previously enumerated. If adopted now, it will add a complication to the immediate problem of securing a partial extension of the surtax before the deadline.

My understanding, moveover, is that there are at least 12, perhaps 27, and maybe more amendments which Senators from various States would like to have the opportunity and the privilege to offer to the pending amendment. These amendments are in the wings just waiting to make an appearance. As I stated previously, each one of these amendments to the amendment would be subject to full debate on the basis of the unanimous consent agreement. Each one could consume an hour's time. It is conceivable that we would be here not merely far into the night but far into tomorrow and the day after. In the interim I scarcely need to remind the Senate that the surtax would have expired.

Yesterday I stated on the floor—and I emphasize the matter again—the question of repealing the investment credit as of April 18, 1969, will be disposed of during this session of Congress. It will be brought up and it will be retroactive to April 18, 1969. There should be no uncertainties and no misunderstandings on that score, although I realize we are all subject to human error, and indeed something may come up to foreclose it. But as far as promises and commitments are concerned, they have been made, and as far as the Senator from Montana is concerned, he will do his best to see that they are strictly adhered to.

By setting aside this amendment at this time nothing will be lost. There is my personal commitment and that of the majority policy committee and the Finance Committee—the Finance Committee which included the Senator from Delaware—that the repeal of the investment credit will be considered along with tax relief for lower income groups and the extension of the excise taxes and the general tax reform this session of the Congress.

There is no justification in my judgment for complicating the immediate issue with this item. There are other items of equal importance that may very well be added to the measure on which we are now working.

The overriding consideration is the realization during this session of a more equitable tax structure. We are on our way to that objective and let us proceed to it step by step. For the present, I urge the Senate and Senators on both sides of the aisle to join in postponing the passage of this particular repeal on this bill, with the full expectation of passing it during this session of the Congress, retroactive to April 18, 1969.

Mr. HOLLINGS. Mr. President, I have urged for some time the repeal of the investment credit to arrest inflation. I realize that if the repeal is placed on this particular measure, then an impasse will result on the surtax, which expires tonight. The President and the Democratic policy have all urged to act tonight without impasse, and therefore I oppose the Williams amendment on the clear understanding that an opportunity to vote to repeal the investment credit will be afforded the Senate within the next 60 days.

Mr. MANSFIELD. Mr. President, I move to table the pending amendment and I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been requested. Is there objection? The Chair hears no objection, and it is so ordered.

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

Mr. MANSFIELD. If I can.

The VICE PRESIDENT. No further debate is in order at this time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield 1 minute to the Senator from Illinois.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. PERCY. Mr. President, I intend to support the motion to table repeal of the 7-percent investment tax credit made by the majority leader and I would like to indicate why, because my reasons may well differ from his.

I am deeply concerned about repealing the investment tax credit now. I think we can make a much better decision a few months from now.

I am concerned about the fact that we have 6 million wage earners whose contracts are coming up for reconsideration. We have had in the first half of 1969 wage increases at an annual rate in excess of 7 percent, with 15 percent increases average in the construction industry and 21 percent in some areas for carpenters alone. Last year wage increases exceeded increases in productivity by 4 percent.

I am concerned about the fact that we had a $7 billion trade surplus that has shrunken to almost zero today. I do not know how American industry is going to meet these wage demands and compete in world markets if we take away the incentive to improve and modernize equipment. I think it would be a mistake to make this move today.

More than that, I support the motion to table because we should clear the way for a simple extension of the surtax and limit the matter to that one issue today because of the critical factor of timing with the surtax expiring at midnight tonight.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana to table the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered and the clerk will call the role.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[No. 62 Leg.]

YEAS—66

Allen	Bible	Byrd, W. Va.
Anderson	Burdick	Cannon
Bayh	Byrd, Va.	Case
Church	Inouye	Muskie
Cranston	Jackson	Nelson
Dodd	Javits	Pastore
Eagleton	Jordan, N.C.	Pell
Eastland	Kennedy	Percy
Ellender	Long	Proxmire
Ervin	Magnuson	Randolph
Fong	Mansfield	Ribicoff
Fulbright	Mathias	Russell
Goodell	McCarthy	Sparkman
Gore	McClellan	Spong
Gravel	McGee	Stennis
Harris	McGovern	Stevens
Hart	McIntyre	Symington
Hartke	Metcalf	Talmadge
Hatfield	Miller	Tydings
Holland	Mondale	Williams, N.J.
Hollings	Montoya	Yarborough
Hughes	Moss	Young, Ohio

NAYS—34

Aiken	Dole	Pearson
Allott	Dominick	Prouty
Baker	Fannin	Saxbe
Bellmon	Goldwater	Schweiker
Bennett	Griffin	Scott
Boggs	Gurney	Smith
Brooke	Hansen	Thurmond
Cook	Hruska	Tower
Cooper	Jordan, Idaho	Williams, Del.
Cotton	Mundt	Young, N. Dak.
Curtis	Murphy	
Dirksen	Packwood	

So the motion of the Senator from Montana (Mr. MANSFIELD) to lay on the table the amendment of the Senator from Delaware (Mr. WILLIAMS) was agreed to.

Mr. TYDINGS. Mr. President, on numerous occasions this year both on the Senate floor and in statements to the press, I have issued a pledge to the people of Maryland that I would not support an extension of the 10-percent surtax unless it was accompanied by thorough-going tax reform.

I made this pledge to the people of Maryland for several reasons. First, the 10-percent surtax is a regressive tax which falls hardest on those who can least afford it—the middle-income taxpayers. To extend this regressive tax without first eliminating the inequities in our present tax system—inequities which force middle-income families to pay more than their fair share of taxes—would be unfair to the great majority of taxpayers in Maryland and in the Nation. Why should the average taxpayer suffer the hardship of an extended surtax while billions of dollars in potential tax revenue that could be used to combat inflation slip through the loopholes in our tax system into the pockets of the special interests?

Second, if the 10-percent surtax is extended the full half-year the administration has requested, the position of those in the Congress demanding major reform of our tax system will be seriously undermined. In effect, we will have lost our principal bargaining tool. Once again, tax reform proposals will be vulnerable to the powerful lobbies of the special interest groups intent on preserving their tax privileges.

The legislation before us today would enact the full half-year extension of the 10-percent surtax requested by the administration without actual thorough-going tax reform.

It is true that the Senate has stated its intention to consider tax reform measures in the coming months. However, this is not enough. I feel compelled to point out that the history of our past failures in the area of tax reform is re-

plete with good intentions. As the record shows, tax reform is more easily discussed than enacted.

Therefore, because it is unfair to the average American taxpayer and will seriously cripple efforts in Congress to achieve meaningful tax reform, I must cast my vote against the half-year extension of the 10-percent surtax.

I am as concerned about inflation as any Member of the Congress. We must halt the steady erosion of the dollar.

However, there are other ways to halt rising prices. Last year, when I supported the surtax as a one-time-only stopgap against inflation, I also voted to cut Federal spending by $6 billion. In addition, I voted throughout the year against other billions of dollars in unnecessary and deferable Federal spending. Those budget cuts produced the $3.1 billion surplus for the fiscal year ending this June.

It is my conviction that balancing the budget by cutting expenditures is a far better way to fight inflation than passing regressive taxes. This is especially true as long as the existing tax loopholes continue. Closing the major loopholes in our tax system would have at least as great an impact on inflation as extension of the surtax. Cutting military expenditures to eliminate the estimated $10 billion in wasteful unnecessary expenditures each year would also be at least as effective as the surtax. Still other possibilities exist.

In short, the surtax is neither the only way nor the best way to combat inflation. I cannot vote for it simply because it is the only remedy the administration has offered.

Mr. NELSON. Mr. President, last year I voted against the 10-percent surtax on the ground that it was inequitable, inadequate, and would not stop the inflationary spiral. It in fact did not slow up the inflationary trend but rather contributed to it by a massive round of wage and price increases. We need now as we needed a year ago a much stronger dose of medicine than this bill provides if we mean to deal realistically with the critical inflation problem. I ask unanimous consent to have printed in the RECORD the statement I made on this matter a year ago which still reflects my viewpoint as of this time.

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

STATEMENT BY SENATOR GAYLORD NELSON BEFORE THE U.S. SENATE, JUNE 21, 1968, AGAINST THE IMPOSITION OF THE SURTAX

Mr. President, this country is faced with a series of serious local, social and international problems including an unbalanced budget, a drain on the dollar, inflation, the war in Vietnam and massive unmet social needs at home. This tax increase will not solve our fiscal problems, and the budget cut will intensify our social problems. The tax increase puts the burden on the wrong people and the budget cut will take the money from the wrong places.

I recognize we must make budget cuts and increase revenues to close the gap between income and outgo. When this measure was before us several weeks ago, I voted for a $14 billion tax on excess profits and against the 10 percent surtax because it is unjust and unfair in the extreme. I would vote again for an equitable tax measure if there were one before us despite the fact that our fiscal problem is caused by a tragically mistaken war that I have fought and voted against since 1965. Today, I hope we will not have to listen to pious lectures on high taxes and fiscal irresponsibility from those who supported the launching of a ground war in Vietnam in 1965.

This tax package will levy a 10 percent surtax for $11.6 billion, continue auto and phone taxes and speed up corporation tax collections, for a total of about $15 billion. Combined with a $6 billion budget cut it still leaves an untenable budget gap; it will not stop the inflationary spiral; it will not stop the drain on the dollar; and it will not leave enough in the budget for critical social programs. You know that, Mr. President, and I know that, and administration spokesmen will privately concede it if we press the point vigorously enough. But they tell us, this is the best stopgap emergency measure we can get through Congress. What other measure has the administration tried to get through Congress? Why have they not come to Congress with the kind of tax that lays a fair share of the burden where it ought to go—an excess profits tax on unprecedented profits of a war economy. Is it not ironic that the financial and business leaders of America are the administration cheerleaders for this tax increase. Well, why not? They will not have to pay it.

It is in the national interest they tell us. In times of crisis, we Americans must all stand together, they say. I can buy that, but while we are all standing together why not throw in our tax money together too? During the Second World War in 1944 the excess profits tax produced $10 billion out of an economy a fraction as large as this one.

The 10-percent surtax will not much be noticed by the rich, the affluent or the well to do. It will just reduce their savings or investments a relatively modest amount. But for those who are trying to save a little bit or who are having trouble balancing their budget and keeping up with the inflation, the tax increase does mean something. Even more important is the principle involved. Americans have always been willing to sacrifice in the interests of their country when called upon to do so. I trust it will always be so. But they properly resent it when the sacrifice is not fairly shared by all. In fact it is pretty hard to make a convincing case for the urgency of the cause with a proposal like this one. In good conscience we must concede this is a tax prescription with the wrong medicine for the wrong patient.

If we mean business about this serious matter, for heavens sake let us confront it head on with a proposal that resolves the issue and does it fairly. That means we should junk this measure and call upon the administration to come up with a proposal that does the job. Under the circumstances, that is where the proposal should come from. If they have no recommendation to make we then should do the job ourselves.

The budget should be put in balance and it can be accomplished if we have the courage to levy the taxes where they should be levied and cut the budget where it should be cut. We are living in a wartime economy with the highest profits in history yet we are asking them to sacrifice almost nothing while we discriminate against programs for the poor, the jobless, the elderly, the hungry, and the untrained and uneducated youth of America.

We should enact a tax and budget package that raises $22 billion in taxes and cuts the budget by the amount recommended by the President—$4 billion; $14 billion should be raised by an excess profits tax, $5 billion from the surtax, $2.7 billion by extension of the phone and auto excise taxes and $300 million miscellaneous—removal of tax exemption from certain industrial development bonds, and so forth. This combined with a $4 billion budget cut will total $26 billion.

In my judgment, the emphasis on budget cuts should be in the military budget—a 5-percent research and development cut, for example, would save $1.2 billion; postponement of the thin ABM several hundred million—public works, $1 to $2 billion should be postponed—with most of the balance being cut from space, SST, European troop reduction and military procurement.

This would put us in a fiscally sound position with a balanced budget or at most a modest imbalance. If within a reasonable time this did not reverse the inflationary trend the President should request the imposition of price-and-wage controls. We cannot afford to permit the inflationary trend to continue at its present rate.

We are in a war. Our fiscal situation is serious. We ought to have the courage to face up to it with a program that will do the job.

I therefore will vote against this conference report as I voted against the original bill.

Mr. McGOVERN. I will vote against the proposal to extend the income surcharge for 6 months. In my judgment, extension of this extra levy on individual income serves only to aggravate the demonstrable inequities in our tax laws and to burden further the individual taxpayer, whose shrinking real income is the victim—not the cause of inflation.

The economic interests of America would be best served at this time by enactment of a temporary tax on excessive war profits, which are the products of extraordinary wartime military spending. This tax would apply a much more effective brake to the current inflation than the continued imposition of a regressive surtax. Meaningful action to curb our present inflation requires facing up to its root causes and making certain hard political decisions. The proposal to extend the income surcharge is not the product of such a decision.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. LONG. Mr. President, on that question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President. I yield myself 2 minutes.

It was my firm opinion that the Senate would have rendered a greater service to our country here today had we settled once and for all the question as to whether we were or were not going to extend the surtax for the full year, and also at what rate. I think it would have been better to face up to the question of whether we would or would not repeal the investment tax credit, and also the effective date, and what industries if any would be exempted.

The uncertainty in that respect is in my opinion creating a disturbance in the

market. In my opinion this uncertainty will continue.

However, the Senate has had a chance to make its decision, and this bill is a step in the right direction. At the same time, I think we may have made a bad mistake in not clearing up the uncertainty and in not meeting head on the problem of combating inflation in this country.

One handicap in leaving undecided the so-called investment credit is that many of our corporations file their tax returns on a fiscal year basis. As a result of the Senate action it means that if and when we do repeal the investment credit, and if it is as of April 18 it creates accounting problems. In the meantime corporations will file their tax returns on a fiscal year basis, July 1, August 1, or September 1, for example.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield myself 2 additional minutes.

Whatever date is involved those corporations will file their tax returns and deduct the investment credit on the machinery that they are buying even after the April date. For example, the machinery the companies bought in August will be eligible for the credit since the law has as yet not been repealed. If they file their tax returns on the fiscal year basis on September 1 and if Congress acts at some future date the Treasury Department will have to give them 60 more days to file amended returns and pay the extra tax without interest. The Treasury has estimated that it will amount to about $200 million by the end of September that will be lost in revenues, while this will be later regained the Government will be paying the interest in the meantime. As one company official pointed out to me, he was going to take his investment tax credit when he files his tax return August 1, put the money in 60- or 90-day Treasury bills, and draw 7 or 7½ percent interest on it. By keeping it there a few months while Congress postpones its decision, he can collect interest in the meantime.

I do not think that is a good way to run our Government. We should have met that problem head on and made our decision today. Five days of hearings were held on the measure. Members of the Senate had an opportunity to testify. While it is true the bill was reported rather hurriedly, under the parliamentary situation it could not be avoided.

I accept the decision of the Senate. As far as I am concerned I am ready to vote and shall support the bill even though in my opinion it falls far short of what should have been done.

Once again I express aprpeciation to the majority leader, who I know had very strong feelings on this question. Some of us wanted an opportunity to present our views on the bill, to offer amendments, and to have them accepted or rejected by the Senate on their merits. He has given us that opportunity. That is all I asked. I abide by the decision that the Senate itself has made.

Mr. DOMINICK. Mr. President, will the Senator yield me 2 minutes?

Mr. WILLIAMS of Delaware. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, this is a most irrational situation. I find myself, a member of the Republican Party, faced with a bill that has been developed by the Democratic policy committee. I find myself in a position of being asked by the Democratic majority to keep an added tax on individuals, but retain the tax credit for the benefit of companies and corporations. I find myself in a position where the Democratic leadership has said the surtax is not doing any good in controlling inflation; yet they say, "All right, we will extend it for 6 more months."

I find myself in the position of realizing that while there has been inflation even with the surtax, this would continue the surtax but retain the investment tax credit. Yet, high interest rates and inflation go on.

I think to pass a 6-month extension of the surtax and to do nothing else—which is what the Senate has decided to do today—is a mockery to the American people.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to my colleague from Montana.

Mr. METCALF. Mr. President, before this debate comes to a close, I want to call attention to the fact that simply because there was an agreement not to debate the low-income allowance sent over to us by the House as a part of the surtax bill, H.R. 12290, that does not mean those who need tax justice the most have been forgotten.

We must not forget that there are still some 5.2 million taxpayers at or below the recognized "poverty" level who are still paying income taxes. That is quite a contrast with the much-quoted statistic of 155 tax returns with adjusted gross incomes above $200,000 on which no income tax was paid, including 21 returns with incomes above $1 million.

These are matters which will be subsequently considered, but they have been given inadequate consideration at this time.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, I wish at this time to commend the Senator from Colorado (Mr. DOMINICK) for his succinct appraisal of the situation with which we are faced at this time. I would add one or two additional items of dilemma to that situation that have occurred to me.

First, our colleagues in the House of Representatives, on both sides of the aisle, were faced with the question of acting on fiscal responsibilities and casting their votes for an unpopular tax measure, bearing in mind that in passing the tax measure in the House of Representatives they also initiated tax reform with the repeal of the 7-percent investment credit, by dropping from the Federal tax rolls people with incomes below a certain level, by a reduction of the surtax to 5 percent after the first of the year, with the additional revenues that action provided.

All that has gone and we are faced with the prospect of taxing the people of this country and yet doing nothing to relieve inequities by tax reform. We have faced the challenge of tax reform and we have failed.

I feel reluctant, but I must cast my vote against passage at this point.

Several Senators addressed the Chair.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I cannot disagree with the statements made by my distinguished colleague, or those of the distinguished Senator from Tennessee, either one. But my vote will be different on this matter, and I think I should state why.

I have always thought that the so-called unified budget is phony. I am sorry that the Johnson administration adopted it. I am sorry that the Nixon administration continued it, because it presents a phony picture to the people of the United States.

Nevertheless, even though we have been deprived here of the opportunity to take 5 million poor people off the tax rolls, and of continuing the surtax at a reduced rate through next June, and even though we have not been able to do anything with the investment credit, this is a half loaf that I have to take, obnoxious as it is to me, and this half loaf represents $5 billion, which will be raised by the tax on this bill, and which will inure to the benefit of the Government, and otherwise will inure in a deficit on next June 30.

I quarrel with no one who has a different point of view, but since I have tried every way I can to get more, I shall take what I can get now.

In conclusion, Mr. President, may I just say this: this matter now goes to the House of Representatives. We do not know whether we will get a bill or not. I hope we do, and these other matters will certainly be up for discussion in a conference committee.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

Mr. ALLOTT. I yield to the Senator from Pennsylvania.

Mr. SCOTT. In order to save the Senate's time, let me simply say that the distinguished Senator from Colorado has stated my sentiments exactly, and I intend to vote as he intends to vote.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I was reluctant to discuss this matter at this time, but in view of some of the charges that have been made on the floor of the Senate, I think we should have some correction.

The opposition has talked about mockeries. Why do we not talk about the hypocrisy of our whole tax structure? That is what we are trying to correct, and that is the reason why the Democrats have held out for 6 months instead of the 12 months, in order that we could bring about the equity and justice that is necessary in our whole tax structure.

What is a surtax? A surtax is a tax on those who already pay a tax. We know that in this country there are hundreds upon hundreds of people who receive tremendous incomes, and yet do not pay

one nickel in taxes; and therefore, if they do not pay a tax, there will be no surtax on any tax that they pay, and that is what we are trying to correct. That is all we are trying to do.

We have decided, in the policy committee, that the only reason why we would go for 6 months was because we wanted to assure the people of this country that we are going to have tax reform, and for no other reason. For no other reason.

So I am saying to those who are defending a 27½-percent oil depletion that the time has come when these multimillionaires should pay a tax like everyone else, on an equitable basis, on a justifiable basis, and not on a basis of favoritism.

That is what we Democrats are trying to do. We are trying to protect that wage earner who pays his share, and to catch the multimillionaire who gets away scot free.

Several Senators addressed the Chair.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I do not like to see this matter closed off on a basis of partisanship. I have been here 9 years, and have been as much for tax reform as have most other Senators. I cannot say that the position of the Senator from Rhode Island has been crystallized during all these last 9 years. I am glad it is going to be this year.

But let us make it loud and clear that there is no partisanship on this issue of tax reform. There are shared views on tax reform on both sides of the aisle, and I do not think that this body ought to go off with that kind of a tail on it.

I should like to say this: Starting January 1 next year is when the low-income taxpayers were going to get relief. I say to my friend from Montana that we can wait and take care of them a little later on this year, because the effective date is not until next January 1.

With respect to the repeal of the investment tax credit, thanks to the Senator from Montana and the Senator from Louisiana, we have been assured that it is going to be repealed. They have the power on that side of the aisle, they have a lot of support on this side of the aisle, and it is going to be repealed as of April 18th; so I think we can get on and do a job, and satisfy most of us now.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I shall vote against the surtax extension, because I think it is a rankly unjust tax on the poor and middle income taxpayer, the upper middle income taxpayer and the lower middle income taxpayer, and the workingman.

We proposed a just tax in the Senate last year, and were defeated—I think we got 18 votes—that is a tax on excess war profits. It would raise $9.5 to $10 billion a year. This surtax raises $9.5 to $10 billion a year, this revenue is an exact substitute for that which would be raised by the surtax.

We talk about tax reform, and we play tiddledywinks with a few hundred million here and a few hundred million there.

We had an excess war profits tax in World War I, an excess war profits tax in World War II and an excess war profits tax in the Korean war. Why is it less necessary today? Do we put the blood and lives of our youth in Vietnam at a lower level than we put the profits of the war contractors?

More than $42 billion dollars are paid a year in prime contracts alone, scot free. This bill we have pending here will not confiscate those profits. It starts at nothing. The contractor who profits only to the extent of $25,000 a year is not touched. The highest tax on such profits proposed is 37.5 percent. Yet it would raise 9.5 billion dollars to 10 billion dollars.

Mr. President, that is the fair tax. That is the just tax. That is the tax that has proved just and equitable in three different wars. It is no innovation and it would raise as much money as the surtax.

I think it rankly unjust to create these vast fortunes of hundreds of billions of dollars from the profits of war and the blood and lives of our young men, and not have a tax on these profits as we had in the last 3 wars. This war has already cost us $100 billion—the most expensive war we have ever fought, except World War II. It has lasted longer than the Revolutionary War. We have had more casualties than in the Korean war. We are approaching the losses we had in World War I.

Yet we refuse to tax the profits of those who make money out of this evil conflict that has caused the crisis we face in Europe, that has caused high taxes, that has caused high interest rates, that has caused the flight of gold from our Treasury and that constitutes the greatest evil faced by America today.

I shall vote against this unjust tax which is sought to be added today to the backs of the people.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I rise to say a kind word for the distinguished senior Senator from Delaware (Mr. WILLIAMS). I know of no more stalwart public servant, past or present. If it had not been for him, there would have been no surtax enacted by the previous Congress. If it had not been for him, our efforts to reduce expenditures would not have proceeded as far as they did. He has conducted himself on this day, as he always has, as a perfect gentleman. He has lost a rollcall or two, but I do not think that, when the pages of history are written, they will mark up very many real losses to JOHN WILLIAMS. I commend him for his effort.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished senior Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the majority leader. I join in paying tribute to the distinguished senior Senator from Delaware.

And I want to add to the name of the Senator from Delaware, the name of the senior Senator from Montana, the majority leader. I think they have both rendered a fine contribution here today.

Mr. President, of course none of us are pleased entirely with what we are about to do. However, it seems to me very clear that if we face up to the test of fiscal responsibility and stability in our government, it is the only thing we have a chance to do today. And, of course, I propose to vote for the extension of the surtax at 10 percent for the rest of the year.

Going further, I want to comfort those who, like me, may feel that 5 percent for the first 6 months of next year should also have been enacted by reminding them that it is coupled with a bill on the calendar containing some very attractive measures.

One of them is the extension of the excise tax, which has got to be done if our country is to be fiscally solvent.

Another is the matter of relief being afforded to certain persons of the very low income group from the tax burden. I believe that number is stated to be about 5 million.

Beginning with the consideration of the 1947 tax reduction bill and later the 1948 bill, the senior Senator from Arkansas (Mr. MCCLELLAN), joined by the senior Senator from Florida, insisted that the promises that have been made to the poor people throughout World War II be redeemed. Those promises were redeemed. The exemptions were cut to $500 a person. It was promised that they would be restored when we finished the war. We finally got $100 restored in 1948.

We will have a chance in connection with the bill presently on the calendar to restore a little more and bring about a little greater degree of equity.

I express my appreciation to the junior Senator from Montana (Mr. METCALF), and to the senior Senator from Arkansas for the long, continuing battle they have made in this field.

The tax investment credit also is contained in the bill that is upon the calendar. I want the record to show that we are assured that with respect to the bill on the calendar, there is no request for recommittal of the bill. A study is to be made in the committee with a view of reporting committee amendments to the investment tax credit bill which, of course, is in accord with normal Senate procedure.

I think we will have to complete the job at a later date. I will take great pleasure in aiding in the completion of the job at a later date. But it seems to me that we have faced up to the only thing we could do.

After all, that is what politics is. It is a matter of accomplishing what is possible. And I think we are about to do that very thing today.

Mr. President, I am glad we are going to do it. I think it is the fiscally responsible thing to do. I think it puts us in a better light in the international community. I think it puts all of us in the position of having voted to maintain a sound and solvent government. And that is always greatly desired.

Mr. President, I am glad to vote for the bill. However, I would much have

preferred it if we had voted for the entire provisions of H.R. 12290 as it came from the House and is on the calendar.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished senior Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

SENATE ACTS RESPONSIBLY

Mr. RANDOLPH. Mr. President, I believe that the Senate in a few minutes will act in a responsible way, responsive to the general feelings of the citizens of the United States.

It is my belief that they are willing to support extension of the surtax coupled with early action on tax reform. We are making a commitment to develop needed revisions of our tax structure which will be drafted under the leadership of Chairman LONG and the members of the Finance Committee.

I commend the Senate on its realism with regard to a difficult surtax issue, involved with the absolute necessity for a more equitable tax base. Our leaders, Senators MANSFIELD and DIRKSEN, have acted wisely.

There will be no unanimity in the final rollcall, but I am sure each Senator will respect and understand the differences of conviction on this confused and complex issue.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, I do not want this moment to pass without paying tribute to the majority and minority leaders for the very fine job they have done in bringing a most difficult matter to a satisfactory conclusion.

I do wish, however, to raise one question. That concerns the apparent assurance that the surtax has been a restraint upon inflation. We have had the surtax for over a year. During that period of time we have had very great inflation.

I think the Senate can well consider, in view of the decreases in the market, in our economy, and in the reports from some of our biggest corporations, whether we are not heading for a depression rather than for continued inflation.

I do not know. I am puzzled about it. I am not as sure as many of my colleagues seem to be that extending the tax is necessarily a good thing for our economy. It may well be that we will look back upon both the 10-percent surtax and the tax investment credit extension as not necessarily involving an incentive for the expansion of our economy. I am not as certain as many of my colleagues appear to be about the economics of the situation we are now facing.

However, I am very glad to pay tribute to both leaders for resolving the dilemma in which we found ourselves.

Most Senators would like some degree of reform in the existing tax structure. I think this is a step toward that. That is why I did not see any way to get out of it.

I compliment the leadership on both sides and especially the majority leader for the fine job that has been done.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I will add only 1 minute to the discussion.

I suppose ever since the dawn of time, man has been prophesying doom and gloom. I recall how out of Shakespeare it was said to Caesar, "Beware the Ides of March."

On a given day Caesar said to those who had thus prophesied: "The Ides of March have come."

And they said to Caesar: "But not gone."

So maybe the Ides of March are here, and we will have to wait and see whether they are going or whether there are catastrophe and disaster combined because of their being here.

One thing I am quite happy about. I am glad that we did not extend the debate into the month of August, because an astronomer would tell us that the dog star, Sirius, will come up in the western sky and be in the ascendancy for some time. And that is the star that connotes the dog days when men and dogs bite one another.

I would be afraid if we had the bill up for debate on the Senate floor when the dog days came.

How fortunate we are that we are committed to a needed summer recess starting at the close of business on the 13th of August.

We will all go home and discover from our constituency—from those who are, after all, the repositories of the power in this country—whether they liked our comportment and conduct in respect to the tax bill or not.

I have an idea that people will speak in language, as I used to say to Lyndon Johnson, that even a Texan can understand. And so, we will abide the time.

I like to equate what we have done today. The distinguished majority leader and I more or less started these conferences 8 days ago today. And I must say for him that he has been the soul of patience. He has come to my office more often, I suppose, than I went to his. However, it was always in the spirit of sweet reasoning and the hope that somehow we could solve this difficulty and allay the concern and fears of people, and particularly those of the business community.

We have been partially successful, and if I had to render it into euclidean form today, I would have to say to my genial friend, the distinguished majority leader, that 8 days equals 1 month. That has been the result of all our efforts.

So we marched up and we marched down. And I hold those 30 days from November 30 to December 31 in the very hollow of my hand. And how I shall treasure them. In that period from November 30 to December 31, there are several great things that will somehow dissolve and dissipate so many of the anxieties and vexations of our people, because in that 30-day period there is the day of Thanksgiving and there is the day of Christmas. So let it be done.

Mr. President, I am glad that Senators have remained, because I want to ask the majority leader now about what may have been contrived by way of a vote on Tuesday or Wednesday of next week on the amendments to the authorization bill, and the bill itself, which contains the ABM language.

Mr. MANSFIELD. Mr. President, if I may advert to what the distinguished minority leader said in the beginning of his remarks, I would like to take not more than a minute of the Senate's time.

First, I want to say that the bill now before us was developed in the spirit of accommodation and understanding. The two amendments which were discussed, I think, were offered first by the distinguished Senator from Delaware (Mr. WILLIAMS), and therein lies the genesis for the measures which were considered on the floor to date. All he asked was a chance to have a vote on these two proposals; and eventually—through persistence, determination, and intelligence—he, in effect, had his way.

The second factor I want to mention is that the 30-day renewal was especially requested by the distinguished minority leader, and he was so persuasive and so considerate and so understanding that he, likewise, was able to have his way.

So this is not merely a 6-months bill; this is a Senate 6-months bill, in which both Democrats and Republicans have participated together.

In response to the latter portion of the distinguished minority leader's remarks, I think he ought to ask that question of the distinguished senior Senator from Kentucky, who for 2 weeks, to the best of my knowledge, has been trying to bring the ABM matter, the Cooper-Hart amendment, to a vote. He is the one who I believe could answer the question.

Mr. DIRKSEN. I address it, then, to the distinguished Senator from Kentucky and at the same time to the distinguished Senator from Mississippi.

Mr. STENNIS. Let the Senator from Kentucky speak first.

Mr. COOPER. Mr. President, the Senator from Michigan (Mr. HART) and I have conferred with the Senator from Mississippi (Mr. STENNIS) with many others who are interested in the amendment.

As a result of our conference, Senator HART and I propose the following unanimous-consent agreement:

We ask unanimous consent that on Wednesday, August 6, at 3 o'clock p.m., the Senate shall vote on the amendment to S. 2546 proposed by the Senator from Michigan (Mr. HART) and myself.

We also ask unanimous consent that on Tuesday, August 5, immediately after the morning hour, there shall be 4 hours of debate on the amendment, equally divided between proponents and opponents; that on Wednesday, the Senate shall convene at 11 a.m.; that there shall be no morning hour; that there shall be 4 hours of debate on the amendment,

equally divided between opponents and proponents; that the time allotted to the proponents shall be controlled by the Senator from Mississippi (Mr. STENNIS) and the time allotted to the opponents shall be controlled by the Senator from Michigan and myself.

Mr. STENNIS. The proponents of the amendment.

Mr. COOPER. Of the amendment, yes.

Mr. RUSSELL. Mr. President, reserving the right to object—I do not intend to object, and I do not intend to offer any amendment—but the unanimous-consent request proposed by the Senator from Kentucky does not take into consideration any amendments or amendments in the nature of a substitute that might be proposed for the proposition advanced by the Senator from Kentucky and the Senator from Michigan.

I have no amendments, but I have seen Senators excluded from offering their amendments by virtue of such a unanimous-consent request; and I think that ought to be included—the amendment and any amendments proposed thereto—so that a Senator could at least offer an amendment whether he had any time on it or not.

Mr. COOPER. I think the Senator is correct. We discussed this possibility. I thank the Senator from Georgia. He is correct.

I include in the unanimous-consent request that if any amendment is offered, there shall be 1 hour on the amendment, equally divided between the opponents and the proponents.

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

Mr. COOPER. I yield.

Mr. STENNIS. Any amendment offered to the Cooper-Hart amendment?

Mr. COOPER. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Reserving the right to object, I trust that the request will be quite clear. As I understand, no time on Monday is being encumbered by the unanimous-consent request.

Mr. COOPER. That is correct.

Mr. DIRKSEN. That time is free.

On Tuesday, the Senator asks us to come in at 11 a.m.

Mr. COOPER. No, not on Tuesday.

Mr. DIRKSEN. The request is to come in at 12 on Tuesday, and the Senator asks for 4 hours' debate, to be equally divided, after the morning hour on Tuesday?

Mr. COOPER. That is correct.

Mr. DIRKSEN. And on Wednesday, to come in at 11 a.m., no morning hour, and then a division of time. Does the Senator have a time limit for a vote?

Mr. COOPER. To vote at 3 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS addressed the Chair.

Mr. DIRKSEN. Mr. President, I have the floor, on reservation.

I am trying to get clear what the distinguished Senator from Kentucky——

Mr. PASTORE. Mr. President, we cannot hear the minority leader.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. Mr. President, I am trying to make clear what the distinguished Senator from Kentucky is trying to do.

Mr. COOPER. Let me say, first, that this proposal was agreed to by the Senator from Mississippi (Mr. STENNIS), the Senator from Michigan (Mr. HART), and a number of other Senators who are interested in the amendment.

Mr. DIRKSEN. In connection with this, I had better ask the distinguished majority leader first whether it is proposed to recess or adjourn the Senate tonight until Monday.

Mr. MANSFIELD. No. It is anticipated that we will come in tomorrow. The distinguished Senator from Connecticut (Mr. DODD) has some remarks; there may be other Senators. The chairman of the Committee on Armed Services desires to speak tomorrow.

But I would anticipate no votes tomorrow, just routine business, speeches, and noncontroversial items that might be on the calendar.

Mr. DIRKSEN. That leaves Monday unencumbered for any Senator who wants to discuss the bill or anything else.

Mr. MANSFIELD. Yes, as well as tomorrow.

Mr. DIRKSEN. And on Tuesday we would come in at noon, and have 4 hours of debate?

Mr. COOPER. Yes.

Mr. DIRKSEN. And then on Wednesday, we would come in at 11 a.m., have no morning hour, and how much debate?

Mr. COOPER. Four hours.

Mr. DIRKSEN. Four hours on Wednesday.

Mr. COOPER. We cannot set a time now because of amendments offered.

Mr. DIRKSEN. But the vote would be had as expeditiously thereafter as possible?

Mr. COOPER. Yes.

Mr. DIRKSEN. I have no objection.

Mr. STENNIS. Mr. President, reserving the right to object——

Mr. DOMINICK. Mr. President, reserving the right to object——

Mr. STENNIS. I call attention to one additional point. There will be other time, if the Senate wishes, on Tuesday. The agreement asks for 4 hours of controlled time only. Of course, we want that time on that subject.

For the information of the Senate, this matter has been threshed out very carefully and has been gone over many times. The Senator from Kentucky and the Senator from Michigan have been quite cooperative in it. I believe it represents a fine consensus which will accommodate the entire membership of the Senate.

Mr. COOPER. Mr. President, in view of the proper addition that was made to the request dealing with any amendments that might be offered to the Cooper-Hart amendment, it will be necessary to strike from the original request I made that we shall vote at 3 o'clock; because if amendments are offered, of course, we could not have both 4 hours of debate and still vote at 3 o'clock.

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

Mr. COOPER. I yield.

Mr. MURPHY. Does the Senator wish to limit the time on the amendment?

UNANIMOUS-CONSENT AGREEMENT

Mr. COOPER. Mr. President, I shall state the agreement again, as modified.

We ask unanimous consent that on Wednesday, August 6, 1969, but not before 3 p.m., the Senate shall vote on the amendment proposed by the Senator from Michigan (Mr. HART) and myself to S. 2546.

We ask unanimous consent that on Tuesday next, after the morning hour, there be 4 hours of debate on the amendment, equally divided between the proponents and opponents; that on Wednesday the Senate will convene at 11 a.m.; that there will be no morning hour; that there will be 4 hours of debate on the Cooper-Hart amendment, equally divided between the opponents and proponents; that if there be further amendments to the Cooper-Hart amendment, the time will be limited to 1 hour on such amendments, to be equally divided between the proponents and the sponsors of the Cooper-Hart amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears no objection, and the agreement is entered into.

Do Senators yield back their time?

Mr. DIRKSEN. I yield back my time.

Mr. MANSFIELD. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[No. 63 Leg.]

YEAS—70

Aiken	Gravel	Mundt
Allott	Griffin	Murphy
Anderson	Gurney	Muskie
Bellmon	Hansen	Packwood
Bennett	Harris	Pastore
Boggs	Hartke	Pearson
Brooke	Holland	Pell
Byrd, Va.	Hruska	Percy
Case	Hughes	Randolph
Cooper	Inouye	Ribicoff
Cranston	Jackson	Russell
Curtis	Javits	Schweiker
Dirksen	Jordan, N.C.	Scott
Dodd	Kennedy	Smith
Dole	Long	Sparkman
Eagleton	Magnuson	Spong
Eastland	Mansfield	Stennis
Ellender	Mathias	Stevens
Ervin	McCarthy	Thurmond
Fannin	McClellan	Tower
Fong	McGee	Williams, Del.
Goldwater	McIntyre	Young, N. Dak.
Goodell	Miller	
Gore	Mondale	

NAYS—30

Allen	Dominick	Nelson
Baker	Fulbright	Prouty
Bayh	Hart	Proxmire
Bible	Hatfield	Saxbe
Burdick	Hollings	Symington
Byrd, W. Va.	Jordan, Idaho	Talmadge
Cannon	McGovern	Tydings
Church	Metcalf	Williams, N.J.
Cook	Montoya	Yarborough
Cotton	Moss	Young, Ohio

So the bill (H.R. 9951) was passed.

Mr. LONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JAVITS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I am not going to make a request for the conferees at this point, because we only had one amendment, which is the same language as that in the House, and so would hope that the House would take it as an amendment. If they want conferees, we will be glad to accommodate them, but it is important that we act on the interest equalization tax, which expires tonight, which bill is now at the desk.

Mr. MANSFIELD. Mr. President, as the votes on this measure today indicate, no particular point of view can claim victory or, for that matter, defeat. If there was a victory attached to it, it was a victory for the Senate as a whole, the administration, and, hopefully, the American people.

I am happy that we were able to reach, on a bipartisan basis, a reasonable accommodation after a very lengthy exchange of views and collection of conferences, and I want it clearly understood that any credit which inures to the measure which has just passed the Senate belongs to all of us and not to the leadership on either side, or to any individual Senator. In that action, the administration has also played a very worthwhile and responsible part.

No particular interest can claim credit or rejection. Rather what these proceedings have indicated above all is that the Senate as a whole can be proud of an accomplishment attained in the spirit of accommodation and responsibility. The only winners are the people.

The able chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. LONG), once again displayed his remarkable ability in his expert handling of this very important measure. And the minority leader offered his characteristic cooperation and full support. Their participation was indispensable in effecting a meeting of the minds on all sides of the issue, thus making possible the responsible action taken by the Senate today.

Working also so indispensably to accomplish the responsible end obtained were the capable senior Senator from Delaware (Mr. WILLIAMS) and the able Senator from South Dakota (Mr. MUNDT). Their views were expressed with the deep understanding and wisdom that have characterized all of their efforts in the past. I might say that it is most difficult to express in words my esteem and gratitude for their splendid contribution.

To say it simply: Senator DIRKSEN, Senator WILLIAMS, and Senator MUNDT all deserve our deepest appreciation for their tireless efforts to resolve this matter reasonably. They happen to serve on the other side of the aisle, but I might say that in the interest of accommodation and unity in the Senate, their service rises above partisanship.

May I say, also, that I think the entire Senate is to be commended on that score. The close attention and support during the discussions today and the splendid cooperation displayed by all certainly credits this body immeasurably. It was imperative that all views be heard and considered. I am proud to say they were. I thank each and every Senator. We may all be proud.

CONTINUATION FOR A TEMPORARY PERIOD OF THE INTEREST EQUALIZATION TAX

Mr. LONG. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 13079.

The PRESIDING OFFICER laid before the Senate H.R. 13079, an act to continue for a temporary period the existing interest equalization tax, which was read twice by its title.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, this is a mere 30-day extension of the existing equalization tax, so that we can get the bill considered.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. JAVITS. Mr. President, this is an important bill, which has a widespread interest, especially today. I understand that it is only a 30-day extension but I should like to ask the Senator from Louisiana whether there are any facts or figures available as to how it is operating today, both in terms of our balance of payments problems, for which it was originally devised, and in terms of the high interest rate we have not only in this country but also the very high interest rates now being paid by our banks with regard to Eurodollar borrowings abroad. I should like to ask the Senator whether the Finance Committee is going to look into the general network of questions which are involved so that when we do come to act in a definitive way, we will have that body of information.

Mr. LONG. Mr. President, I shall seek to obtain that, and any other information the Senator wants, if he will just let us know. Unfortunately, I cannot provide all of that for the Senator today, as he is well aware of, I am sure. I am merely told by the Treasury Department that if we do not do this, a large amount of money might flow out of the country which would create some problems for us in this country.

Mr. JAVITS. Of course, I would not dream of being so irresponsible as to seek to block this legislation but I do want to get abreast of how it will work. That is why I asked for the information I did. I have no objection, of course.

Mr. LONG. I will cooperate with the Senator to that end.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. LONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to inquire of the distinguished majority leader whether he expects any votes tomorrow.

Mr. MANSFIELD. Mr. President, responding to the question raised by the distinguished acting minority leader, I cannot give an unequivocal answer but to the best of my knowledge, it does not appear that there will be any votes tomorrow.

Mr. SCOTT. I do thank the Senator from Montana.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The PRESIDING OFFICER (Mr. SAXBE in the chair). The Chair lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. S. 2546, to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 111

Mr. FULBRIGHT. Mr. President, I submit an amendment to the pending bill. It is a simple amendment which I would like to explain briefly.

The amendment would require the Secretary of Defense to make available to a congressional committee, upon request, any study or report prepared outside the Department of Defense which was financed in whole or in part by the Department. The purpose is to insure that the Congress is given access to research studies performed by the so-called "think tanks," the universities, or individuals whose work is paid for by the taxpayers. The amendment recognizes the issue of executive privilege and carefully specifies that the mandate applies only to work performed outside the Department of Defense.

This amendment is the outgrowth of an effort by the Committee on Foreign Relations to obtain a study prepared by the Institute for Defense Analysis relating to the Gulf of Tonkin incident. It is my understanding that the study contains a review of what happened in the Gulf of Tonkin, how communications were handled, and in general how deci-

sions were made. The purpose of the study, I was informed, was to determine what lessons could be learned for future crisis situations. I think that my colleagues will agree that there is much that all of us can learn from that incident and its aftermath. The committee has attempted several times to obtain this study from the Department of Defense, but has been refused each time.

The Institute for Defense Analysis receives virtually all its funds from the Department of Defense. In fiscal year 1969 this organization received $10,898,000 from the Department of Defense, and the Department proposes to give it $11,150,000 in 1970.

I believe that the Congress, which imposes the taxes on the public to finance this organization, and which authorizes and appropriates the money for it, should have the right to see how that money is being spent. The issue here is far more important than this one study—it is a question of whether the Congress has the power to obtain information, prepared outside the Government with tax money, for which no claim of executive privilege has been made.

The Senate is beginning, at long last, to reassert its constitutional prerogatives and to restore the proper balance to our system. Passage of this amendment will be one small, but positive step in that direction.

In that connection, I wish to simply observe that today I believe is the first—perhaps the second—time in my 25 years in the Senate in which all 100 Senators were present and voting on pending measures—which again I think is also a demonstration of the Senate's taking its responsibilities more seriously.

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

Mr. FULBRIGHT. I yield.

Mr. CASE. Are there any cosponsors of the Senator's amendment?

Mr. FULBRIGHT. There are none, but I am always glad to have cosponsors.

Mr. CASE. Will the Senator request that I be made a cosponsor?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the name of the Senator from New Jersey (Mr. CASE) be added as a cosponsor of the amendment.

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

Mr. JAVITS. Mr. President, will the Senator do the same for me?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of the amendment.

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

The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 110

Mr. FULBRIGHT. Mr. President, I also submit another amendment to the pending bill, and I should like to discuss it briefly.

The amendment and the purpose are simple. It would reduce the authorization for research, development, test, and evaluation by a total of $45,614,000. This represents a 7-percent reduction in funds for the "military sciences" research category for each of the three services and the Department of Defense, plus a 20-percent reduction in the authorization for the Defense Department's overseas research program, Project Agile, which is funded under a category labeled "Other equipment." The proposed reductions, by service, are: Army $11,893,000; Navy $10,157,000; Air Force $9,989,000; and the Department of Defense $13,575,000. The purpose is to make a modest cutback in the Department's funding of Federal contract research centers—the so-called "think tanks"—other social and behavioral science research, foreign research, the Department's aid-to-education program, Project Themis, and research on counterinsurgency matters. The intent is to have the $45 million reduction applied roughly as follows:

First, reduce the funding of the Federal contract research centers by 10 percent, or $27 million;

Second, reduce research in foreign institutions—colleges and universities, primarily—by $2 million, or approximately one-third the program proposed;

Third, reduce counterinsurgency research, Project Agile, by 20 percent, or $5 million;

Fourth, cut other social science research, performed by organizations such as the Hudson Institute, by the remaining $3 million; and

Fifth, hold the line on new starts under Project Themis by reducing the request by $8 million—a 25 percent reduction.

The committee has recommended an 8 percent cut in the military sciences item, the funding source for most of the programs I listed. This is but a slap on the wrist, and I think that the circumstances call for a more meaningful reduction in non-essential research activities. I propose that the Senate cut this category by an additional 7 percent, to, in effect, impose a 15 percent surtax on the research programs I have listed. My amendment would also reduce by $5 million the funds for Project Agile, the overseas research which is funded under the "Other equipment" category.

It cannot be said that the amendment ties the hands of the Defense Department since each service will be left with considerable flexibility to distribute the cutback within these general areas. I might add that, under provisions of this bill, the Department of Defense will still have a $100 million emergency fund to play with, double last year's contingency fund.

It is time that the Senate took a hard look at what the taxpayers' money is being spent for in the Defense research program. This amendment is but a small step—but it is a step in the right direction.

I hope that the Senate will adopt it.

Mr. President, I think it is very appropriate, the Senate just having extended the surtax, which is a 10 percent across-the-board additional tax upon the citizens of this country, that immediately following that action we consider reasonable cuts in the exorbitant and extraordinarily large appropriation requests for the military establishment. It seems to me that, in connection with the effort to control and bring back into control our fiscal affairs, these relatively small amounts of reductions be imposed upon the budget.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. STENNIS. Mr. President, I appreciate the fact that the Senator from Arkansas has laid before the Senate and put in the RECORD the amendments that he proposes to offer to the military authorization bill. That will enable us to be ready when he proceeds to call them up. I urge other Senators who have amendments, who have not already filed them and put them in the RECORD, that they do so at the earliest time they conveniently can. That will expedite matters greatly.

Perhaps after the ABM vote, this bill can move along fairly rapidly. The cooperation of Senators will certainly help a great deal.

FOREIGN COMMITMENTS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that an editorial from this morning's New York Times, entitled "No More Vietnams?" and an article from the July 11 New York Times, entitled, "Congress and the Pentagon: The Problem of Commitments," be printed in the RECORD as part of my remarks.

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

NO MORE VIETNAMS?

President Nixon, the statesman, in Guam last week carefully sketched for reporters a sensible new Asian policy designed to avoid future Vietnams. Richard Nixon, the politician, in Thailand and Vietnam this week carelessly tossed off remarks that were uncomfortably close reminders of old policies that have long since been discredited.

In a burst of enthusiasm reminiscent of President Kennedy's "Ich bin ein Berliner" remark in Berlin in 1963, Mr. Nixon told a welcoming delegation of Thais in Bangkok Monday: "The United States will stand proudly with Thailand against those who might threaten it from abroad or from within." This invitation to entanglement was in sharp contradiction to the Guam doctrine of no direct military involvement except where a nation is directly threatened by a nuclear power.

Presidential aides quickly assured reporters that in private discussions with Thai officials Mr. Nixon was stressing the primary responsibility of Asian governments to look to their own defenses, especially in regard to internal subversion. They said the President was telling the Thais they may count on American advice, training, technical aid and equipment but probably no combat forces. This comes closer to the principles set forth at Guam, but the emphasis on military assistance and the ambiguity concerning direct combat aid are disturbing in view of internal challenges which the Thai oligarchy has failed so far to meet.

Addressing the troops in Vietnam yesterday, President Nixon made the astonishing assertion that he thought the war effort there may go down in history as "one of America's finest hours."

This was not the verdict of the American people when they forced Lyndon Baines

Johnson into retirement and when they elected Richard M. Nixon on a pledge to end the war. If Mr. Nixon really believes the Vietnam war represents the United States at its best, how credible is his promise of no more Vietnams?

CONGRESS AND THE PENTAGON: THE PROBLEM OF COMMITMENTS

(By James Reston)

It is hard to pick up a paper these days without reading some new charge that the Congress is being misled or even willfully deceived by executive officials, who are said to be making "secret deals" with foreign governments, or trying to scare the people into approving new weapons systems, or covering up expensive blunders.

For example, the Chairman of the Foreign Relations Committee, Senator J. William Fulbright recently asked about an unpublicized defense arrangement which he said enlarged U.S. military commitments to Thailand without the knowledge of the Senate. He had done the same earlier about private U.S. arrangements with Spain.

Also, Representative Samuel S. Stratton, Democrat of New York, has just issued a detailed report by a subcommittee of the House Armed Services Committee, charging that the Army not only tangled the production of the Sheridan tank-like weapon at a cost of over a billion dollars, but covered up its mistakes in order to keep the appropriations going.

Earlier, Secretary of Defense Laird, was accused of doctoring official intelligence reports in such a way as to indicate the Soviet Union was building up an alarming first-strike missile force which might change the whole U.S.-Soviet balance of power—Laird's implied purpose being to get Congress to approve the Administration's Safeguard anti-ballastic missile system.

There has been more of this in and out of Congress. Robert Donovan, of The Los Angeles Times, one of the most reliable and talented reporters in the capital, recently reported that President Nixon had told several Congressmen privately that it would be disastrous for the Republican party if large numbers of American troops were still in Vietnam at the time of the 1970 elections, the implication being that political considerations were affecting military decisions in the war.

THE PROBLEM OF CANDOR

Several points should be noted about all this. First, the charges of Pentagon blundering and "secret dealing" with Thailand and Spain were not directed against the Nixon but against the Johnson Administration. Second, opposition to the President's defense and military policies are rising, and now that the Nixon honeymoon is over, partisan feeling is obviously rising.

The main point, however, is that the longer these charges go unanswered, the greater the danger that the Nixon Administration will suffer from the doubts that finally eroded public confidence in the Johnson Administration.

There may be absolutely nothing wrong with U.S. "understanding" or "commitment" or "arrangement" of whatever it is with Thailand. Obviously, with a large U.S. military force in that country, there have to be contingency plans for the common defense of U.S. and Thai forces there, and these cannot be made public.

ROGER'S DOUBTS

But when it was first reported that there was an understanding—which was characterized by the ominous title of a "secret deal"—Senator Fulbright asked Secretary of State Rogers about it and got the impression that Mr. Rogers had never heard of any such arrangement.

Since then, the Secretary of State has undertaken to tell Senator Fulbright what it is all about, but meanwhile the suspicions exist, and the reason for the suspicions is perfectly clear. For so many secret arrangements were made in Vietnam and the results of those arrangements were so costly in human life that the Senate is determined to avoid other military commitments to other countries if it possibly can.

CONTROLLING THE MILITARY

Ever since it passed the so-called Tonkin Gulf resolution which gave the President a blank check to use whatever power he deemed necessary in Vietnam, the Senate has been told, first, that it approved this grant of Presidential power, and second, that the President's commitments to Saigon had to be kept or America's commitments would be worthless everywhere else in the world.

Accordingly, every charge of new commitments raises new doubts and adds to the atmosphere of suspicion which has poisoned the political life of the capital for the past few years. The Stratton subcommittee's evidence on the Pentagon's blunders and deceit on the Sheridan weapon system has increased the growing determination in Congress to bring the Pentagon's power and procedures under stricter control, and the longer the Nixon Administration avoids the policy of candor it promised in January, the more trouble it is likely to have.

Mr. FULBRIGHT. The editorial "No More Vietnams?" deals with the statements of President Nixon on his present journey, particularly his statements made in Southeast Asia. These are very thoughtful observations on those statements and they also deal with the role the Senate should play, and is playing, in the formulation of our foreign policy.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that we now have a period for the transaction of routine morning business, with statements to be limited to 3 minutes, with the exception of the Senator from New York, who has asked for 5 minutes.

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

ONE HUNDRED SENATORS VOTING ON THREE ROLLCALLS IN 1 DAY ESTABLISHES A RECORD

Mr. RANDOLPH. Mr. President, on August 25, 1959, during a quorum call the Members of this body first had the opportunity to be recorded under the present total of 100. A full complement of Senators was not recorded on that date.

It was on February 10, 1962, that for the first time 100 Senators voted. This was a rollcall on my motion to discharge the Committee on Government Operations from further consideration of a resolution disapproving the plan to create a Department of Urban and Housing Affairs.

On July 17, 1962, 100 Senators also voted on a motion to table the medicare proposal.

We then go to the date of July 10, 1964, when all Senators voted on a cloture motion on the civil rights bill.

Nine days later, on the same bill Senators voted again with the full membership of 100.

Then on May 25, 1965, on two rollcalls on the Voting Rights Act, 100 Senators voted.

From 1965 until today, we have not had an issue on which all Senators voted. Today, we established a record. There have been three consecutive rollcalls with 100 Senators voting; and there was an earlier rollcall with 99 Members voting.

So a record, for whatever it is worth, has been set by the Senate.

S. 2753—INTRODUCTION OF THE VETERANS IN ALLIED HEALTH PROFESSIONS AND OCCUPATIONS ACT OF 1969

Mr. JAVITS. Mr. President, I am today introducing, for myself and the Senator from Vermont (Mr. PROUTY), the "Veterans in Allied Health Professions and Occupations Act of 1969," a bill designed to help overcome critical manpower shortages in the allied health-care field by fully utilizing medical corpsmen released from the armed services. My bill would provide Federal assistance to public and private nonprofit agencies, organizations, and institutions—such as medical schools, medical societies, hospitals—as well as to existing training centers for the allied health professions which establish training and retraining programs in the allied health professions. Students at these institutions would be assisted through Federal scholarships and loans.

Public attention recently has focused on the burgeoning crisis in the delivery of our Nation's health-care services. A most critical factor is the acute shortage of manpower in the allied health professions. The number of paraprofessionals, and the adequacy of their training, have not kept pace with the sharply increasing demands for their services.

In 1967 there was a deficit of some 110,000 allied medical personnel in terms of the demands made on these professions, according to the National Advisory Health Council of the Department of Health, Education, and Welfare. The Council's recent study on the Allied Health Professions Training Act indicates that national needs merit no less an increase than 165 percent of the number of baccalaureate-level allied medical personnel alone by 1975. Moreover, the Council reports the urgent demands in the health fields for which a baccalaureate is not required demand 5 to 10 times the present annual number of new personnel fields.

The problem is formidable and critical, and I believe it demands immediate action and initiative to meet this crisis. The recent report to the President and the Congress by the Department of Health, Education, and Welfare on the Allied Health Professions Personnel Training Act of 1966, as amended, has revealed the grave deficiencies in allied health personnel, the need to experiment in the areas of education and health manpower utilization, and the serious shortfall of resources which are being made available to meet current health personnel needs. The requirement for this report resulted from my questions during the Senate Health Subcom-

mittee hearings on the critical shortage of health manpower. I have written to Secretary Finch expressing my deep concern about the findings of this report. He has, in turn, advised me that—

> Strenuous efforts need to be made to tap every potential resource to augment the pool of personnel needed to provide adequate health services to all our people.

I ask unanimous consent that the full text of our correspondence be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. I am convinced that we must improve the Allied Health professions Personnel Training Act of 1966, as amended, by initiating new programs, providing new funds, and establishing new incentives. We must increase the Nation's supply of manpower in the allied health fields by utilizing in our civilian-health industry the more than 30,000 medical corpsmen who leave the military service each year. What better way to help many of the thousands of returning Vietnam veterans find meaningful employment? Surely, a medical corpsman who is qualified to treat the wounded on the battlefield should be quickly qualified to assist in the treatment of patients in our hospitals' wards and emergency rooms.

A recent issue of the National Academy of Sciences' News Report indicates that relatively few of these veterans decide on a career in civilian health services because of traditions and restrictive requirements which block their entry into jobs commensurate with their abilities. They are forced to take menial tasks until they have the proper civilian credentials and training for skills they already have acquired and used in the service.

I ask unanimous consent that the full text of the article entitled "Make Use of Corpsmen From Military as Medical Aids in United States, Report Says," from the June-July 1969 issue of the National Academy of Sciences' News Report be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. JAVITS. To add to this problem, current Federal assistance for those seeking training toward a career in the allied health professions—the ex-corpsmen and the students alike—is directed only to those who are pursuing degree-oriented programs in training centers for the allied health professions. This degree requirement tends to accentuate the already topheavy manpower structure in the health field and stresses degree attainment rather than the offering of services to the patient. Moreover, many times the requirement of a degree results in extending a training program substantially beyond that which is actually necessary for proficiency in a particular health-technology field.

The bill I am introducing today would—

First, provide special-project grants to plan, develop, or establish new programs, or modify existing programs, for training or retraining of health personnel. This section would include incentives to utilize veterans with experience in the health fields. For this purpose $15 million is authorized to be appropriated for the first fiscal year.

Second, provide grants to identify and recruit into education and training for the allied-health professions, first, veterans with experience in the health field, and second, individuals of cultural, economic and educational deprivation who are potential candidates for the allied-health professions. For this purpose $750 thousand is authorized to be appropriated for the first fiscal year;

Third, provide scholarship grants and loans to allied-health personnel in training or retraining programs established by training centers for the allied health professions and other public or nonprofit agencies, organizations or institutions. The scholarships shall not exceed $2,000 per annum plus $600 for each dependent—not to exceed three—and the loans shall not exceed $1,500 in any one year. For the purpose of the scholarship grants, $1,750,000 is authorized to be appropriated for the first year and for the purpose of loans $1,500,000 for the first year;

Fourth, establish a National Advisory Council on Training in the Allied Health Professions, composed of the Surgeon General and 16 members chosen by the Secretary of HEW from among leading authorities in health and education and the general public. The appointments would be for staggered terms. The Council would conduct a study of existing laws governing licensing and certification standards in the allied-health professions and would offer a model code in an effort to maximize proper and efficient utilization of the allied health professions in meeting the Nation's health needs; and

Fifth, provide that an eligible veteran pursuing a course of study in any one of the allied-health professions shall be entitled to receive not only a scholarship grant, loan, or other educational allowance provided by law but also that such educational assistance allowance shall not disqualify him from educational benefits that the veteran would otherwise have been entitled to receive.

My bill is not intended to replace existing legislation which now provides resources to educational and training institutions that presently support allied health training, but to supplement such legislation.

Mr. President, in this time of crisis in the health care of our Nation I believe we should analyze the new technologies available and explore the real possibility of finding new sources of manpower capable of performing many of the functions now carried out by highly skilled and scarce professional personnel. We must make every effort to permit technically qualified individuals—particularly military corpsmen—to meet employment requirements in the civilian health-care fields.

We must act now to prevent the further "breakdown"—as Secretary Finch so aptly put it—of this country's system of health care. We must counteract the lack of adequate health manpower as we aspire to bring the full potential of modern medicine to all our citizens.

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

The bill (S. 2753) to amend the Public Health Service Act so as further to assist in meeting the Nation's needs for adequately trained personnel in the allied health professions, and for other purposes, introduced by Mr. JAVITS, for himself and Mr. PROUTY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXHIBIT 1

MAY 1, 1969.

Hon. ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I have carefully studied your report on the administration of the Allied Health Professions Personnel Training Act of 1966. It serves to confirm the testimony before the Senate Health Subcommittee last year, the critical shortage of health manpower. As you may know, the requirement for such report, Section 301(d) of the Health Manpower Act of 1968, was the result of my questions to the Department at the hearing—and, I regret, remain unanswered by your report.

The report is permeated with statements that the present law has not adequately met the demands and expectations for health services and the present capacity of our institutions is not adequate to supply such demand. Yet, in the face of this conclusion, the only recommendation of the Department is that the present law "be extended for one year."

I am convinced that we should not merely maintain the status quo. We should take further legislative action, other than require the act to be coterminous with other nursing and health professions manpower programs and in the interim, develop consolidated programs. I believe we cannot stand still while facing mounting shortages of para-professional health personnel, particularly when we have a valuable source of health manpower—the returning Vietnam veteran who has served as a para-medic. Therefore, I intend to introduce in the near future appropriate legislation to utilize this valuable manpower resource—medically trained veterans—for the benefit of all concerned with the critical health personnel shortage.

I trust you will review the findings and recommendation of your report and, also, respond to the precise question I put forward to the Department at the hearings, to-wit: "Should financial assistance provisions for medical technology students be included in the Allied Health Professions Act."

With best wishes,

Sincerely,

JACOB K. JAVITS.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, July 3, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter expressing your deep interest in the report on the administration of the allied health professions personnel training programs. It raises some most significant points on which I should like to comment.

As you know, the report to the President and the Congress on the allied health professions personnel training programs was prepared under the previous Administration. In reviewing the current status of knowledge about the allied health field and

its contribution to the provision of health services, it is evident that the field is rapidly changing. New disciplines and technologies are emerging. Junior colleges, four-year colleges, and universities, including their schools of the allied health professions, are currently examining their roles in education and training of allied health personnel and are revising their curricula. The practicum offered in hospitals and other health care agencies and institutions is also in a period of rapid change.

Because we are in a period of rapid change and because of the increasingly complex relationships of allied health personnel among themselves and to other health professions in the provision of health services, and because of the variety of institutions and the differences in curricula that they offer to prepare allied health personnel, we are examining the ways in which public funds may be most prudently expended to prepare health manpower essential in the provision of more effective health care. This is true of the allied and other health fields as well. We are also examining the ways in which the Federal programs may be most effectively administered.

To enable the new Administration to examine these most important questions, to develop more effective programs and at the same time, to continue to provide resources to educational and training institutions that are now receiving support for allied health training, we recommended a one-year extension of the present legislation.

I share your concern that strenuous efforts need to be made to tap every potential resource to augment the pool of personnel needed to provide adequate health services to all our people. The returning veteran who has had medical training while in the armed services is certainly a significant potential resource. As you know, I have on several occasions made public statements regarding my interest in returning medical corpsmen. I, therefore, have a deep interest and would welcome the opportunity to review with you your proposal on legislation to utilize this potential health manpower source.

We do not recommend at this time legislative amendments to the Allied Health Professions Personnel Training Act, authorizing a special program of financial assistance to medical technology students. Inclusion of an authority for student assistance for undergraduate training programs in addition to creating complex problems of administration would inevitably lead to the authorization of similar support for the 19 other allied health professions currently supported under that program. It is not reasonable to expect that a new loan and scholarship program can be established in the near future with funding adequate to meet the total needs of all such students.

As you know, the present law does authorize assistance in the form of traineeships to medical technologists and other allied health personnel to prepare them to be teachers, administrators, and supervisors in the allied health field—an area of great priority at this time.

Medical technology students are currently eligible for and are receiving support from the student assistance programs administered by the Office of Education. These are the National Defense Student Loan Program, the Educational Opportunity Grants Program, the College Work-Study Program, and the Guaranteed Loan Program. I recognize that these programs do not meet the total needs of every student. However, a special program for assistance to students of medical technology raises the question of further proliferation of student assistance programs at this time and is not consonant with current fiscal constraints.

May I again express my appreciation for your deep concern with efforts to alleviate the critical health manpower shortage with which this nation is faced. I would be very happy to discuss these matters further with you if you wish.

Sincerely,

ROBERT H. FINCH,
Secretary.

EXHIBIT 2

MAKE USE OF CORPSMEN FROM MILITARY AS MEDICAL AIDS IN UNITED STATES, REPORT SAYS

Medical leaders in the United States should take measures to bring former military medical corpsmen into civilian health-care activities, says a committee of the National Research Council.

Many lessons for civilian health-care can be learned from the military in the training and use of supporting personnel to assist physicians.

The more than 30,000 corpsmen who leave the military each year, the group said, could profitably be put to work in hospitals, clinics, and doctors' offices to help relieve the severe shortage of manpower in all of the 125 or so categories of health occupations.

Many of these corpsmen have the basic knowledge and skills to perform, under supervision, certain direct patient-care activities. These include special physical examinations, treatment of minor illnesses and injuries, application of casts and traction following fractures, collection of blood samples, administration of drugs, and giving of immunizations.

Their knowledge and skills, the group said, constitute a valuable national resource which far too often is allowed to go to waste because of traditions and restrictive requirements that limit the entrance of subprofessional personnel into health fields and close off avenues of advancement.

The committee found that most corpsmen interviewed want to continue in health care after they leave the military but are frustrated by the lack of civilian jobs with comparable responsibilities and recognition.

GET LITTLE RECOGNITION

"The principal reasons given for seeking civilian employment in other than health care fields were ineligibility for recognition in their specialty and the low wage scales and lack of responsibilities associated with the jobs for which they could qualify. There appear to be very few career patterns in civilian life comparable with the one in the military, where a person [with some medical training] can obtain recognition for his technical knowledge and skill and, by advancement in rating, obtain a highly respected military stature."

The committee recommended that career opportunities be structured so that a person can rise from one classification to another in his specialty or enter a related field while receiving adequate credit for his earlier training, experience, and education.

More attention must be given to ways of recruiting and retaining ex-corpsmen in civilian health care, the committee said. Pilot programs should be set up to develop methods of evaluating the ex-corpsmen's skills and programs to provide any additional training they need. And organized medicine must seek the necessary changes in accreditation and licensing regulations and laws that now often prevent the technically qualified person from meeting employment requirements.

In addition the committee recommends that each state establish a permanent committee of experts to advise educational institutions in establishing pilot education and training programs in health care. This body would study the adequacy of faculty, facilities, and curricula. It would also assist in modifying obstructive regulations.

The study was carried out by the ad hoc Committee on Allied Health Personnel, a six-person group in the NRC Division of Medical Sciences under the chairmanship of Dr. Lamar Soutter, Dean of the University of Massachusetts Medical School. Its report is titled *Allied Health Personnel* (see "New Publications," p. 16). Funding for the study was provided by the Commonwealth Fund.

Mr. PROUTY. Mr. President, the distinguished Senator from New York (Mr. JAVITS) has introduced a most imaginative and innovative measure. He has responded to the critical need for medical personnel not with a mere expression of alarm or a call for a vast outpouring of funds, but rather he has said:

There are veterans and others with the background and interest in a health profession, let us bring them into civilian medical service where they are desperately needed.

The Senator from New York has offered a proposal which will serve as a catalyst. I commend him for his imaginative approach, and I am pleased to cosponsor the Veterans in Allied Health Professions and Occupations Act of 1969.

While all aspects of this measure respond imaginatively to our health personnel needs, I wish to call to the attention of the Senate the emphasis in the bill on our veterans.

I have talked with many of the Nation's young veterans, and I have discovered in these dedicated men a common response to the urgings of President Kennedy when they ask not what the country can do for them but what they can do for the country.

To the medical corpsmen of proven maturity, self-discipline, and dedication, this measure says "Here is what you can do for your country and what your country would like to do for you." The bill offers a challenge, a reward, and, I strongly believe, the potential for revitalizing our Nation's health services.

THE COAL MINE SAFETY BILL

Mr. JAVITS. Mr. President, I call to the attention of the Senate the historic achievement of the Subcommittee on Labor of the Committee on Labor and Public Welfare, in its action today in reporting out the coal mine safety bill.

This is an historic achievement for advancing health and safety in the coal mine industry—the most dangerous industry in the Nation. It deals most effectively with the control of coal dust in the mines. By setting maximum standards for coal dust, we have taken the major step necessary to seek to end the scourge of "black lung" which, up to now, has afflicted thousands of coal miners. By adopting stringent new standards, we have also hopefully reduced substantially the probability of more explosions such as the one that recently took the lives of 78 miners in Farmington, W. Va.

The bill reported out will be extremely valuable as a precedent for the measure which will deal with health and safety in industry generally, and which I hope will follow soon. Long-needed reforms

to enable the Federal Government to deal effectively with the problem of occupational diseases and accidents are at last being established, and all our people will benefit as a result.

The President and Secretary of the Interior Hickel have played a most vital role in bringing about this historic achievement. I also would like to commend Senator HARRISON WILLIAMS, chairman of the subcommittee, for his tireless efforts to move this bill forward and for his willingness to work with me and the other minority members in the bipartisan spirit that this crucial matter so clearly deserves. I am very hopeful of early action in the Senate, and of the bill becoming law well before the end of this session.

RECOMMENDATIONS OF THE COMMITTEE ON LABOR LAW OF THE FEDERAL BAR COUNCIL CONCERNING FARM LABOR LEGISLATION

Mr. JAVITS. Mr. President, the Committee on Labor Law of the Federal Bar Council has recently issued a thoughtful analysis of legislation to bring farmworkers under the National Labor Relations Act, and the recommendations for a solution to this vexing problem. I believe the committee's analysis and recommendations should be of interest to all who are concerned with this problem; certainly I believe the Subcommittee on Labor, which has been holding hearings on S. 8, which would extend the National Labor Relations Act to farmworkers, will find the committee's work most helpful. I ask unanimous consent that the committee analysis and recommendations be printed in the RECORD.

There being no objection, the committee announcements and recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS CONCERNING LEGISLATION ON LABOR RELATIONS OF FARM EMPLOYEES

(By the Committee on Labor Law of the Federal Bar Council)

BACKGROUND

So far as we are aware there is little acknowledged opposition to the *principle* that agricultural employees, no less than the rest of mankind, are entitled, if they choose, to organize and bargain collectively through representatives of their own choosing.[1] Thus, we cut little new ground by reiterating[2] our endorsement of that principle and stating quite bluntly that we believe that the immediate recognition of that principle in the labor relations laws of the United States and of the states is an essential first step which justice and decency require.

The problem then, as we see it, is not whether the National Labor Relations Act—and similar state legislation—ought to be extended to agricultural labor, but how the right to collective bargaining for such people can be made effective and whether there are any special characteristics to the agricultural industry which justify special safeguards around the full exercise of those rights and the undoubted power such exercise creates.[3]

While it might be assumed that a simple deletion of the exclusionary language of Section 2(3) of the NLRA would have been acceptable to farm labor organizers a few years ago, the current position of their most effective spokesman, Cesar Chavez (on behalf of the Farm Workers Organizing Committee), is that such a measure would "not give us the needed economic power and it would take away what little we have". He looks instead for a form of legislation modeled more or less on the original Wagner Act, in order to preserve for farm labor unions their weapon of product boycotts, which Chavez considers their most effective organizing tool. (BNA Daily Labor Report, April 16, 1969, pp. 1 AA-1, G-1.) Chavez' proposal, entitled the National Agricultural Bargaining Act of 1969, would also prohibit an employer from hiring replacements for economic strikers.

Prior to Mr. Chavez' statement, the major farm labor bill introduced in the 91st Congress was Senator Williams' bill (S. 8) which he introduced on behalf of himself and 19 other Senators, including Senators Brooke, Case, Hart, Javits, Kennedy, McCarthy, McGovern, and Muskie.[4] This bill simply deletes the exemption of "agricultural laborer" from Section 2(3) of the NLRA and extends the current treatment of construction workers under Section 8(f) of the NLRA to agricultural workers, thereby modifying the "union shop" scheme to permit compulsory membership agreements for such employees to be made in pre-hire contracts and to begin seven days, rather than 30 days, after employment or the execution of a contract.

This bill is somewhat simpler than the measure (H.R. 16014) introduced in the 2nd Session of the 90th Congress, which was favorably reported in H. Rep. 1274, 90th Cong., 2nd Sess., but died. H.R. 16014 modified the "agricultural laborer" exception in Section 2(3) of the NLRA so as to extend coverage of the Act to agricultural laborers whose employer had more than 12 employees at any time during the preceding year, and had labor costs of $10,000 or more during the same period. Rather than modify Section 8(f) of the present Act, it accomplished a somewhat similar end by a new Section 8(g) which permitted a union shop agreement to be compulsory after seven days, and also permitted the parties to give priority in hiring to those with seniority with the employer, in the industry or in a particular geographical area.[5] The Report suggests that the limitations contained in amended Section 2(3) would confine its impact to 30,000 large farms, roughly .9% of all American farms, but the farms employ perhaps as many as 60% of all farm labor. Opponents of the bill thought its sweep much broader and supported an amendment proposed by Congressman Quie which would have modified the exclusion to limit NLRA jurisdiction to farms with gross volume of sales of $250,000, or more *and* total employment of 500 man days, the standard used in the FLSA.[5a]

In the course of hearings before the Senate Labor Committee in April 1969, the American Farm Bureau Federation proposed a bill which would permit elections among farm laborers, conducted by the U.S. Department of Agriculture, with unfair labor practice charges tried before the federal courts. Harvest-time strikes would be banned. In the same hearings, as already noted, the farm workers union spokesmen indicated that they would have a bill of their own, but one modeled after the Wagner Act rather than Taft-Hartley.

Early in May, 1969, Secretary of Labor Shultz introduced the Administration's proposal—in essence adopting the substantive scheme of the Taft-Hartly Act, but creating a new agency, a Farm Labor Relations Board, to administer it. The Administration proposal requires ten days advance notice of agricultural strikes (or lock-outs) and gives the farm employer the right to a thirty-day no strike period (in order to protect his harvest) if during that time he agrees to submit the issues to fact-finding and recommendations, *and* agrees to be bound by those recommendations if the union accepts them. The Shultz proposal will include certain special prohibitions on secondary boycotts in the agriculture area. (*BNA Daily Labor Report*, May 6, 1969, pp. 1, A-1, E-1; see Editorial, N.Y. Times, May 12, 1969.)

ANALYSIS

We leave to other places a consideration of the general merits *vel non* of proposals to modify the major provisions of the present Taft-Hartley Act, by moving back toward the Wagner Act framework or in other directions, such as to a labor court. Our sole concern in this Report is the status of farm labor under the federal labor relations statutes—and this, in our view, is a matter which ought not to wait—or be sidetracked—by broader issues of labor relations law reform.

We reiterate our view that the present exemption of agricultural laborers should be repealed. We do not have any strong view on the various proposals to define the ambit of federal jurisdiction. In the absence of a statutory definition, there seems little doubt that the NLRB will develop jurisdictional standards of its own which will generally leave the truly small farm exempt from direct federal regulation. If a statutory definition of the limits of federal jurisdiction is deemed desirable, we would endorse the approach of H.R. 16014. It may be that this formula will not reach a significantly more important segment of the agricultural industry than the amendment proposed by Congressman Quie, but we suspect that the Quie amendment may omit a good number of migratory workers which H.R. 16014 covers[7]—and, if this be true, we deem that an *important reason to favor* the definition of H.R. 16014 over the approach of the Quie amendment (and the jurisdictional test in Secretary Schultz' proposals.)

At this point, it seems appropriate to discuss certain of the objectives asserted against any change in the labor law relating to farm labor (we save for a later point discussions of questions which relate to the special character of the agricultural industry). Aside from questions of constitutionality—which we believe to be meritless even in the context of a complete repeal of Section 2(3) of the Act[8]—it is claimed that such a measure would (1) increase costs to the consumer; (2) impinge on the American way of life; and (3) adversely affect the interests of the farm laborers, i.e., destroy their employment opportunities by driving agricultural industry elsewhere.

The first criticism would, we suggest, be irrelevant if true. To suggest that human beings, to say nothing of citizens, should forego the rights enjoyed by all others in order that others (while enjoying those rights) may enjoy greater bounty may have some merit as a suggestion of voluntary restraint; it can have no merit as a reason to deny those rights by fiat. But even on its merits, the argument has little to support it. The cost of agricultural products at the farm is a relatively small element of the cost of finished agricultural products to the consumer, and agricultural labor is a relatively minor element even in the cost of agricultural products as they come off the farm. One estimate is that agricultural labor represents 7% of the final cost of agricultural products.

The second argument—premised on the "American way of life"—uses what in this context we find almost a shibboleth to defend one of the most distressing divergences between those values which in our view constitute the very kernel of the American way of life—including equality under the law—and

Footnotes at end of article.

the current American scene. We reject the notion that a desire to preserve cultural museum pieces justifies incarcerating the inmates. Moreover, the measure we endorse hardly threatens the disaster envisioned; we can see no sensible probability that the extension of federal agency jurisdiction will reach the small farmer.

The third argument—that given the right to organize, the farm laborer will obtain higher wages and thereby drive away his job—is more serious. Indeed, if such an argument were made by the farm laborer rather than by those who represent his employers, we might find it reason for greater pause. Certainly, the possibility must be faced that increased wages will create pressures on farm operators to diminish costs by moving farm operations or by increasing mechanization.[9] Yet both of these phenomena have been taking place for years—and it is not at all clear to us that they are in themselves undesirable. Arguably, such developments bring about a significantly better allocation of resources, including human resources, within the nation and throughout the world economy; certainly, they have not decreased total domestic agricultural production, whether measured in terms of quantity or value. Moreover, the experience with imposition of minimum agricultural wages and with the ban on importation of *braceros* does not appear to support the dire consequences predicted. Finally, this argument is one which has been made repeatedly by almost every industry which has been subjected to reorganization by statute—and by most companies which face an initial organizing drive. Whatever merit such contentions may have, it seems to us that they should be addressed to the workers deciding how to exercise the organization rights we endorse, rather than to the question whether such rights should be recognized by law.

While we have little hesitation about endorsing the principle of extending organizing rights to agricultural workers, we are less clear about the fashion in which those rights may best be exercised.

Initially, we are inclined to favor—because it is simplest and therefore least likely to generate irrelevant controversy—simply removing the exclusion in Section 2(3) of the NLRA, thereby extending to agriculture the full reach of Taft-Hartley. Given the brevity of much agricultural employment with a given farm operator, we are persuaded that it would be appropriate to extend to agricultural labor provisions similar to those provided for construction workers in Section 8(f) of the present Act. In our view, this is done more clearly by the language of proposed Section 8(g) of H.R. 16014 than by incorporating provisions regarding agriculture in present Section 8(f), the scheme used in S. 8.

Thus, we are not persuaded that it is necessary to deal with agricultural labor outside the context of the NLRA—and the NLRB. We make this judgment for three reasons—(1) the NLRB has a fairly well-developed body of law and experience in conducting representation and unfair labor practice proceedings; it seems more economical of time and less pregnant with possibilities of conflict and inconsistency to use this existing machinery; (2) there is some just basis for regarding the Agriculture Department as historically more orientated toward farm owners and operators than otherwise; while the NLRB has not been immune from accusations of bias, the fact that it regulates large and powerful adversaries seems to us a more reliable way to assure relative neutrality (in both directions) than would exist in the case of a special jurisdiction, such as that suggested for the Department of Agriculture; and (3) we believe that any proposal to create a special jurisdiction for agricultural labor, particularly one like the Farm Bureau's, which would involve the federal courts in agricultural unfair labor practices, will almost certainly embroil this subject in all of the general labor reform debate—and thus postpone it indefinitely.

We are also not persuaded that we should exempt agricultural labor unions and agricultural labor from the proscriptions of Section 8(b)—and particularly from Section 8(b)(4) and 8(b)(7)'s regulation of secondary pressures and certain organizing tactics. It is our conclusion that before embarking on a program which permits conduct in agriculture which Congress has found unacceptable elsewhere, we should at least see how far collective organization can be meaningful in agriculture under the same rules that obtain in other industry. We also, and for similar reasons, are not persuaded by the Farm Bureau's proposals that look to create special regulations in agriculture which may seem favorable to management. We do not mean to suggest that we are convinced that the fact that packinghouses and other industries have coped more or less successfully with their problem of working with perishables under existing labor relations laws necessarily means that farmers will have a similar experience; although the emergency strike procedures in present law provide some protection against catastrophic strikes of broad scope, they furnish little comfort to minor segments of an industry and none to the individual farmer who is chosen as an example. It may be that special protections will prove necessary for agriculture—and, if they are, Secretary Schultz's proposals for a thirty-day cooling off period seem relatively modest and, in fact highly inventive.[10] We simply say we can see no reason yet to conclude that they are needful.

As is our common experience, legislation follows social change. Organization of farm labor is a phenomenon which is already with us, and is with us in a form which is chaotic and largely without any statutory framework.

We believe that it is urgent—in the interest of the farm workers, the farmer, the merchant and the public—to enact laws which recognize the organizational rights of agricultural workers and which provide a mechanism whereby they can exercise their rights effectively, meaningfully and peaceably, without violence and without injury to the rights of others. And that is why we make the recommendations we do—namely, that Congress should proceed promptly to enact legislation generally along the lines of the present Senate Bill No. 8, but adding a new section 8(g) for agricultural workers rather than including them in present section 8(f).

FOOTNOTES

[1] We discuss the major arguments of what opposition there has been below, but it seems that such opposition is fading.

[2] See, e.g., this Committee's Report on Migratory Farm Labor reprinted in Labor Law Journal, April 1967, pp. 246-248; and the Report on Migratory Farm Labor of the Committee on Labor and Social Security Legislation of the Association of the Bar of the City of New York, 20 Record of NYCBA 518 (1965).

[3] There is a subsidiary question of how far the federal statute should extend, not in terms of the constitutional sweep of the commerce power (presumably, *Wickard* v. *Filburn*, 317 U.S. 111 (1942) provides the answer to that), but in terms of practical judgments as to the work load of the NLRB, the appropriate division of federal and state responsibility and the preservation of "family farms". This is also discussed below.

[4] Apparently identical measures were introduced in the House as H.R. 1004, 5555, 55963, 8177, 9954, 9955 and 9956.

[5] This bill did not contain the provision permitting prehire contracts that appears in Section 8(f) of the Act, and also omitted provisions similar to 8(f)(3) and 8(f)(4), which probably have little current relevance to agriculture.

[5a] Secretary Schultz' proposal, more fully discussed below, also uses the FLSA standard. It is estimated to cover 2 per cent of the farms and 48 per cent of the farm workers, or about 500,000 employees.

[7] Unfortunately, the data on farm employment—in terms of number of employees or man days of work per farm is apparently not very reliable. However, the principal argument offered by the supporters of the Quie amendment was that it would exempt a farmer who only used a relatively large force during a harvest season, while H.R. 16014 would not.

[8] We gravely doubt that under the rationale of *Wickard v. Filburn*, 317 U.S. 111, any farm is beyond the reach of the commerce power. See also *Mandeville Island Farms v. American Crystal Sugar Co.*, 334 U.S. 219 (1948). Assuming *arguendo* there were narrower limits on the reach of the commerce power, this would be a question that could—and would under existing NLRB procedure—be tried out in the administrative proceeding. Such a case-by-case testing of the Act would seem the most that the Constitution requires.

[9] While it might seem that this problem would be less in agriculture than in other businesses, because the land is obviously not portable, we suspect that this factor is more important with respect to the small farmer than is the case with large farm operators. In many cases, these operators lease rather than own land—and in any case, other cost elements probably tend to outweigh land in agricultural economics. On the other hand, we are not clear whether the element of labor cost in the production of agricultural goods is of such magnitude that it will outweigh factors such as climate, proximity of markets and sources of seed and fertilizers, and problems of import and quarantine restrictions or what the result of the interplay of all these factors will be.

[10] We assume that a case might be made for safeguards like that proposed by Secretary Schultz, based on an analysis balancing the (perhaps modest) effects of such safeguards upon farm labor organizers and the (perhaps grave) consequences of harvest-time strikes for farmers and public alike. If there is such a case, it is not to be found in the arguments heretofore made by the farmers' representatives—and time is growing short.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today it stand in adjournment until 11 o'clock tomorrow morning.

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

(This order was later vitiated when the Senate recessed until 11 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR DODD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal

tomorrow, the able senior Senator from Connecticut (Mr. DODD) be recognized for not to exceed 1 hour.

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

A QUESTION OF TIME

Mr. THURMOND. Mr. President, Mr. Robert Hotz, editor of the Aviation Week and Space Technology magazine, has made a significant contribution to our debate on the ABM. Mr. Hotz is a competent and experienced analyst of nuclear strategy. His editorial in the July 7 issue is an astute evaluation of the critical security situation our country would face in the 1970's without the Safeguard anti-ballistic-missile system.

Mr. President, it is a pleasure for me to call the attention of my distinguished colleagues to Mr. Hotz's excellent editorial entitled, "A Question of Time." He makes it very clear for us that we are buying time. We are not voting on the complete deployment of the ABM. We are voting only on the next stage of operational development for a relative low cost. A vote for ABM means we will maintain our capability to meet the spearhead of the Soviet threat. A vote against ABM means 3 or 4 years of nuclear nakedness between 1974 and 1978.

This time lag would mean an unacceptable risk to our security in the face of the Soviet's growing nuclear capability.

Mr. President, this editorial concisely presents the Soviet nuclear threat and the danger our country would face without ABM. Mr. Hotz's analysis logically leads to the conclusion that our country cannot risk Soviet nuclear superiority. Concurrently, we cannot risk Soviet diplomatic leverage of nuclear blackmail they would achieve if we do not protect our nuclear deterrent.

Mr. President, I ask unanimous consent that this editorial be printed at this point in the RECORD:

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

A QUESTION OF TIME

The fate of this nation over the next decade will hinge on whether Congress votes to proceed with the development of an anti-ballistic missile system (ABM). This is the crux of the issue now before the country. It transcends all of the comparatively trivial issues that have generated most of the public debate on this subject.

The guts of the ABM problem now is whether Congress will buy, at a cost of from $200–300 million, the time that will enable the U.S. to maintain its capability to meet the spearhead of the Soviet threat if it materializes in the 1974–75 period. Congress's alternative is to foreclose this country's option and create a development lag that will leave the U.S. unable to respond to this crisis until three or four years after it occurs. Those potential three or four years of nuclear nakedness between 1974 and 1978 are what are at stake in the current ABM debate on Capitol Hill.

The $200–300 million cost is not, of course, the price of the fully deployed ABM system. It is the difference between proceeding with the next stage of operational development with the two Minuteman sites in the west which will maintain the capability to meet the growth rate of the Soviet threat and the cost of proceeding at a strictly research and development level with the Kwajalein facility. The latter will inevitably produce a four-year lag in the possibilities of operational deployment in sufficient strength to blunt the Soviet spearhead.

It is a matter of incontrovertible fact that the Soviet Union is well along on a program of weapons development aimed, by its own admission, at achieving nuclear superiority over the United States or any other potential enemy or combination thereof. This weapons development has proceeded at a steady and inexorable pace despite what the U.S. and other countries have done.

GOAL OF SUPERIORITY

The Soviet Union's goal is nuclear superiority, not parity. The Soviet leaders apparently understand the potential value of nuclear superiority better than many U.S. policy makers. This despite the fact that the U.S. was the first to use its nuclear superiority effectively as a major policy instrument against the USSR in the 1962 Cuban missile crisis.

In 1962 the U.S. had an unquestionable superiority in nuclear weapons and delivery systems with Atlas and Titan ICBM's, plus the large fleet of B–52 intercontinental bombers. It was a desperate move to reduce this margin of superiority that apparently motivated the Soviets to deploy medium-range Sandals to Cuba within range of key U.S. targets. It was a move similar to that in a chess game when a pawn reaches the last row and is instantly transformed into a powerful queen. The Soviet MRBMs in Cuba suddenly became the strategic equivalent of the SS–6 first-generation Vostok-booster ICBMs with their 20 clustered liquid-fueled engines deployed with flatcar launchers on spurs along the trans-Siberian railroad.

Contrary to popular belief at the time, the MRBMs in Cuba were not targeted against the U.S. cities but against key communications, command and control centers and soft SAC air bases. Offering much less warning time than Siberian launched ICBMs, the Cuban MRBMs had the task of crippling the U.S. ability to launch its retaliatory forces.

When the U.S. made it clear that this continued deployment in Cuba was unacceptable and demanded the missiles' removal, the Soviet policy makers had to decide whether the U.S. had both the forces and the will to use them in nuclear retaliation against the USSR. When the U.S. put its nuclear forces into a strike configuration, the Soviets had no stomach to bluff further. They withdrew their missiles from Cuba.

DIPLOMATIC LEVERAGE

They felt that the U.S. was not bluffing because all of their intelligence scensors—human, electronic and photographic—told them that the U.S. was in a condition to exercise its tremendous nuclear superiority. The Strategic Air Command's bomb-loaded B–52s were blips on Soviet radar. ELINT told them that SAC ICBMs were counted down to final launch configuration.

No country on this tiny planet would care to proceed further in that kind of situation. The Soviets backed down and so would any other government in a similar situation.

Ever since that humiliating defeat, the Soviet Union has made a mighty effort to wipe out the margin of U.S. nuclear superiority. Its goal was to reverse the situation by achieving its own significant margin of nuclear superiority that could provide it with the same force of diplomatic leverage that the U.S. was able to exert over Cuba. The Soviets have developed, produced and deployed a whole new arsenal of nuclear weapons during the past six years in an armament program that has no parallel in history.

These weapons included mobile battlefield medium-range missiles for the European and Chinese theaters, hardened silo-based third and fourth-generation ICBMs, nuclear-powered submarines with SLBMs, and FOBS (Fractional Orbital Bombardment System) or depressed trajectory ultra long-ranged ICBMs.

In addition, the Soviets have developed, produced and deployed a whole new generation of weapons for tactical nuclear war, stressing vertical envelopment, air transportability and independence of fixed, permanent bases.

None of these developments comes as any surprise to U.S. military planners and top level civilian policy makers. The reconnaissance satellite systems plus various other types of ELINT have produced pictures and progress reports on production and deployment of all these weapons.

Thus, it is possible for President Richard Nixon to know that there are approximately 900 Russian SS–11 Savage missiles operationally deployed in hardened, camouflaged silos and that they are being replaced by the SS–13 solid-fueled version of the storable, liquid-fueled Savage. These weapons are of the same class in range, accuracy and warhead capacity as the earlier versions of the U.S. Minuteman. They appear to be targeted primarily toward soft-type objectives such as cities and major industrial concentrations.

But the real concern that is now rippling through the Pentagon and the White House is caused by the SS–9 Scarp. The Scarp began initial operational deployment in 1965 and was first publicly displayed by the Soviets in their 50th anniversary of the revolution parade in November, 1967. The version displayed in the Moscow parade was an earlier model with a single 20–25 megaton warhead that led to an early interpretation that it was primarily a city-buster.

But later versions of the SS–9 have utilized three warheads that make separate re-entries with an impact footprint that roughly matches the deployment of a Minuteman wing. Tests in the Pacific have not yet revealed the characteristics of a fully developed multiple independently targeted re-entry vehicle (MIRV) system. But the developmental progress of the tests indicated that their only purpose could be to achieve such a capability.

DISTURBING CAPABILITY

During the 1967–68 period, SS–9 deployment in operational silos reached a total of about 200 and then stopped temporarily. Early in 1969 deployment was resumed at a rate that could give the USSR from 400 to 500 ready to go by 1974–75. This is a force sufficient—with the triple dispersed warhead—to knock out a high percentage of the hardened Minuteman silo sites.

It is this capability that has both the Pentagon and the White House deeply disturbed about its possible effect on the U.S. strategic deterrent second-strike strength and the position of this nation in international policy.

This is why the Nixon Administration is fighting so hard to proceed with a complete operational test installation of its ABM system at the two Minuteman sites in Montana and North Dakota. The Administration desperately wants to buy the additional development time for an ABM system that will eventually give it the capability to counter the Soviet threat in the 1975–80 period.

The ABM system that the Pentagon is now pushing into operational test phase is a far cry from the old Nike concept of the Army. It is far from perfected. But the system utilizes a new generation of technology in warheads, computers, missiles and radar. It is similar in concept and potential to the ad-

vanced ABM system the Soviets are deploying around Moscow.

Now there is no way in the world that U.S. policy makers can divine Soviet intentions. They must base their planning for this nation's defense on the capabilities of the foe, not his intentions.

CRITICAL CHESS GAME

In the nuclear age, the weapons development and deployment cycle is more like a chess game than a battle. Both sides have developed and scrapped several generations of nuclear weapons without using them. But they always press on to exploit new technology to develop superior capabilities in the hope that when the big international crunches come, as they inevitably do, one side will have outmaneuvered the other technically and strategically so that "check" can be called and the other will concede without the holocaust of a nuclear "mate." This is what happened in Cuba in 1962.

This is what the Soviet Union can do in reverse if it has a credible threat to the U.S. Minuteman force in 1975 and the U.S. has no credible counter to it. Because of the complexities of development of some phases of the ABM system and the long lead time required for production of certain key components, one fiscal year's delay in proceeding now will translate into a four-year lag in eventual deployment.

Congress is not really voting now on the issue of full ABM deployment. That decision should come in subsequent years commensurate with development progress and the scale of the Soviet threat.

What Congress is voting for now is simply whether it will give the U.S. time to prepare an effective counter to the Soviet SS-9 threat or whether it will allow the Soviets an opportunity to achieve significant nuclear superiority between 1974 and 1980 and exercise its resultant leverage.

Every senator and congressman should search the depths of his conscience before he votes on this momentous issue. The decision will determine the fate of his country and his children for many years to come.

—ROBERT HOTZ.

ABM: AN EVALUATION OF AN EVALUATION

Mr. THURMOND. Mr. President, it is essential that my distinguished colleagues and the American people have the benefit of all the facts pertinent to the ABM debate. It is more important that they not be mislead by anti-ABM studies sponsored by politicians and "credible" experts.

Mr. President, I am once again compelled to call attention to the misleading aspects of an anti-ABM "book" by Harper and Row entitled "ABM: An Evaluation of the Decision to Deploy an Anti-Ballistic Missile System." This study disqualified its purported credibility when its sponsors permitted misquoting of an American Security Council pro-ABM study enttled "The ABM and the Changed Strategic Military Balance: U.S.A. versus U.S.S.R." This misrepresentation was in a two-page advertisement which was carried in major newspapers in the United States.

Such deliberate misleading information by responsible Americans caused bewilderment. Consequently, the American Security Council was compelled to set the record straight on its study and to respond to the anti-ABM advocates. The council made its rebuttal in the July 7 issue of the Washington Report entitled "ABM: An Evaluation of an Evaluation."

Mr. President, this evaluation renders further doubt as to the reliability, logic and validity of the anti-ABM study. This analysis reveals that the anti-ABM study misleads its readers in at least six critical areas. If the opponents of the ABM would carefully examine both the anti- and pro-ABM studies, I am confident they would conclude that the pro-ABM study is more logical and factual.

Mr. President, I ask unanimous consent that the July 7 issue of the Washington Report be printed in RECORD.

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

ABM: AN EVALUATION OF AN EVALUATION

"If we pursue arms control as an end in itself we will not achieve our end. The adversaries of the world are not in conflict because they are armed. They are armed because they are in conflict."—(Richard Nixon, speech to the U.S. Air Force Academy, June 4, 1969)

On June 3, a two-page advertisement was carried in major newspapers across the United States. The advertisement was by Harper and Row for a book entitled, "ABM: An Evaluation of the Decision to Deploy an Anti-Ballistic Missile System."

The book is a compendium of articles opposing deployment by the United States of the Safeguard ABM system. It was prepared under the direction of Abram Chayes and Dr. Jerome B. Wiesner. Because it was sponsored by Senator Edward M. Kennedy and carries an introduction by him, it has often been referred to as the "Kennedy Study."

The advertisement itself is interesting for two reasons. First, it holds up to ridicule all those Americans who, a few years back, thought it a good idea to provide themselves with an element of insurance against nuclear attack by installing backyard fallout shelters. Because nothing "happened" and this insurance has not, so far, been needed, the reader is invited to conclude that the owners of the shelters were all victims of a "mass delusion." The idea that an ABM will contribute anything to our security is then placed in the same category.

Second, the advertisement misquotes the American Secuity Council study, "The ABM and the Changed Strategic Military Balance: U.S.A. vs. U.S.S.R." (without naming it). We are alleged to have said, "Anti-missile defense is foolproof." We said no such thing.

This is what we did say:

"Anti-ballistic missile defense is not a cure-all for the security of the United States. It is not the ultimate defense system, for technology knows no limits and each decade produces fresh challenges of free nations. But anti-missile defense is an essential component in the network of military systems designed to give the American people a seamless garment of security in an age of acute danger."

KENNEDY STUDY DEFECTS

After a careful analysis of the Kennedy study, we see no reason to alter our support of the President's decision to deploy Safeguard nor do we see any need to change any of the conclusions reached in our own study, "The ABM and the Changed Strategic Military Balance: U.S.A. vs. U.S.S.R." We believe, in contrast, that the Kennedy study misleads the American public for the following basic reasons:

(1) It overstates the technological problems and disadvantages of the Safeguard System, and understates the need for missile defense.

To cite some examples, the Kennedy study makes its case largely on the claim that it would require two Soviet ICBM's to knock out each minuteman silo and that it would require at least three defensive missiles to kill one offensive warhead. Since the Soviet SS-9 costs about 20 million dollars and the Sprint only costs about 2 million dollars, our defense would be most favorable at this ratio. But the Kennedy study figures are vigorously disputed by the Defense Department and other independent analysts such as those at the Hudson Institute and the Institute for Defense Analysis (IDA). According to these analysts, they are assumptions based on erroneous data involving such key elements as blast resistance of minuteman silos, yields and accuracy of Soviet SS-9 warheads, effectiveness of penetration aids, performance reliability of both offensive and defensive missiles, and retargetry capabilities to allow for missile failures at launch. Using realistic data, the probability that an arriving SS-9 warhead would destroy its minuteman target in the mid-1970's is closer to 99 percent than the 65 percent assumed in the Kennedy study. Secretary of Defense Laird was apparently using these kinds of assumptions when he testified that as few as 420 Soviet SS-9 missiles, each carrying three independently targeted warheads and assuming a failure rate of 20 percent, could place 1,000 warheads over our minuteman fields. Assuming the increased accuracy which the Soviets are capable of developing for their warheads, this would destroy 95 percent, or all but 50 of our 1,000 minuteman retaliatory force. The Soviets might well calculate that their own ABM systems—and they are now testing a new ABM according to Secretary Laird—could handle whichever of the minutemen were not destroyed in the initial Soviet strike.

With respect to the Spartan/Sprint reliability, Secretary Laird has stated that the most recent tests of Sprint and Spartan have provided a very high rate of success and that where failures have occurred their exact causes have been pinpointed and are subject to correction. According to IDA, the Kennedy study is simply in error, both in its assumption about the actual rate of reliability and, more important, in its assumption that three or more intercepting missiles must be fired simultaneously in order to allow for the possible failure rate. Most failures occur immediately after launch, and there is time to wait and fire another missile if one fails immediately. Again according to IDA, the planned reliability after the first few seconds of flight has been publicly stated to be greater than 90 percent.

In a larger sense, the United States has amply demonstrated its capacity to produce and operate the most complex communications, electronic and nuclear warfare systems. The history of such systems is that with time they undergo evolutionary improvement in their capabilities as operating experience is gained. The Soviets have not yet made a major ABM deployment, but they have deployed and in so doing they are gaining the kind of information which only deployment can provide.

It is the judgment of the distinguished panel of scientists and experts who produced the ASC study that Safeguard can be made to "work" in the sense that it is intended to work—not as a foolproof defense, but one which will assure the survivability of a sufficient number of minuteman missiles so as to maintain the credibility of the U.S. deterrent.

In all logic, unless it is assumed that President Nixon has been grossly negligent in the extensive review which he gave to the question before announcing his decision to proceed with Safeguard, it must be concluded that there are sound answers to each of the technical problems raised by the Safeguard opponents. Dr. John Foster, Director of Research and Engineering for the Department of Defense, held a press conference on May 6, 1969 in which he declared that: "We find nothing in the report (Kennedy study) that has not been analyzed in depth by the Department of Defense in the technical community over the past 10 years . . . it greatly overstates the technical and tactical problems of the proposed ballistic missile de-

fense." The President has likewise reviewed whatever disagreement there may be in the intelligence community over interpretation of intelligence data. The President has concluded that Safeguard is both needed on the basis of the developing Soviet threat to our deterrent, and that it will be effective in meeting that threat.

(2) It is self-contradictory on the importance of whether Safeguard will or won't "work."

The Kennedy study attempts to argue that Safeguard will adversely affect the strategic arms race. To make this point, however, it must fly in the face of its own technical arguments against it. Having argued that it "won't work," the authors must perforce concede that the Soviet Union, nevertheless cannot make the same assumption. Putting themselves in the position of the hypothetical "Marshal S," the Soviet Defense Minister, they say that, "Of course, he might believe those American scientists who think that this defensive system is highly penetrable and probably unreliable, but as a prudent defense planner he would more probably give it the benefit of the doubt."

We agree, of course, with such a conclusion. If the Soviet Minister of Defense makes such a decision, then Safeguard has, in our judgment, already worked. Just as the people who bought backyard fallout shelters all hoped they would never have to use them for that purpose, so do we all hope that the circumstances under which the Safeguard missiles would actually have to be used will never occur. The purpose of Safeguard is to deter nuclear war by reducing temptation to the aggressor to launch a first strike against our retaliatory forces. Safeguard will achieve this purpose if it does no more than add a factor of complicating uncertainty to the enemy's calculations. The difference between a totally defenseless American minuteman force and one defended by even an unknown factor of reliability could be enough to affect the decision for peace or war in the minds of the Kremlin planners.

Of equal importance, an apparent ability to defend our deterrent against the Soviet Union and our cities against a Chinese ICBM—when and if that threat develops—will deny to our foes the element of nuclear blackmail which would otherwise give weight to their diplomacy. It is one thing to argue as the Kennedy authors do that the Soviets or Chinese would never dare to attack. That is only opinion. It is another thing to deny them the capability to attack successfully. This strengthens the hand of our President in any future negotiations and is a major reason for Safeguard.

(3) The Kennedy study argues as a basic premise that the Soviet Union only reacts to what the U.S. does in the arms race.

This is the "mirror image" of Soviet behavior, or the "equal guilt" theory of the Cold War. Entirely missing is any acknowledgment that there may be a difference in the national objectives of the U.S. and U.S.S.R. which might cause Soviet military policy to be dictated by factors quite independent of what the U.S. does or does not do. Thus, according to the Kennedy study, "Marshal S.", forced to give Safeguard the benefit of the doubt, "would have to consider the wisdom of increasing the Soviet offensive force."

But this is just, what the Soviets are already doing, quite independently of any U.S. decision to deploy an ABM, and well beyond the needs of any legitimate Soviet second strike requirement. They are deploying a fractional orbital bombardment system, which is a first strike weapon entirely missing from the U.S. inventory. They are deploying an SS-9 missile with a 25-megaton warhead, which is also absent from the U.S. arsenal. And, despite the fact that they have already reached parity with the U.S. in ICBM's, they are continuing to start new silos at a rate which could give them 2,500 ICBM's by the mid-1970's—or 2½ times the present U.S. force.

As President Nixon has pointed out, the arms race with the Soviet Union is a product of the conflict between us and not vice-versa. The U.S. is not, as a matter of objective fact, equally responsible with the Soviet Union for world tensions. It is not our doctrine which postulates inevitable class struggle. It is not our doctrine which postulates the inevitable victory of one social system over the other. It is not our doctrine which claims the right of intervention in the internal affairs of other states (e.g. Czechoslovakia). The Soviets have a clearly enunciated political goal of establishing world communism. Their aim is victory. The U.S. has no comparable goal for its system and only wants to live and let live.

In failing utterly to allow for this basic difference in national goals, the Kennedy authors commit a fundamental error in dwelling upon the alleged "action-reaction" of the arms race which, they say, will be further escalated if the U.S. deploys the Safeguard ABM system.

Thus, it is asserted, without proof, that the present Soviet ICBM build-up is probably only a reaction to the U.S. missile build-up of the mid-1960's and that the Tallinn missile system to the western U.S.S.R., which appears to be aimed at bombers (but could be upgraded to an ABM system), was the product of Soviet expectation that we would build the B-70 bomber. The U.S.S.R. is portrayed as awaiting only some sign of restraint by the U.S. before scaling down its own arms program. Above all, the U.S. is urged to keep the "strategic confrontation," i.e. arms talks, entirely separate from the "political rivalry."

Such a separation, however, is a practical impossibility. The threat of force, i.e. war, is always implicit in any political contest, and the Soviet Union has never been bashful in reminding its adversaries of this most fundamental facet of international relations. The Soviets take the more traditional view that any political dialogue is always a product of the relative power relationship. The power relationship cannot be regulated by any political dialogue, as the Kennedy authors erroneously seem to suppose.

The facts repeatedly show that the Soviets have initiated new moves in the arms race rather than merely reacting to the U.S. moves. They failed to reduce their military forces after World War II in response to the U.S. demobilization. They failed to accept the U.S. offer to surrender control of nuclear weapons to an international agency (the Baruch Plan). They, not we, initiated development of offensive ballistic missiles. They, not we, began the deployment of ABM systems. It is their military doctrine, not ours, which openly stresses the need and the advantage of striking first in any possible war. (Such a doctrine is expounded in Military Strategy, the major work on Soviet military concepts approved by the Communist Party of the Soviet Union.)

(4) The Kennedy study refuses to take seriously the Soviet strategic build-up.

"For our part, we agree with the less threatening interpretation of the intelligence data. . . . We find the evidence that the U.S.S.R. is seeking a first-strike capability against the U.S. to be thin and unpersuasive."

Thus say the Kennedy authors. It is their privilege as private citizens to take this view, but the President and his Secretary of Defense would be plainly derelict in their duty to the American people were they to take a similarly optimistic attitude toward intelligence reports of the Soviet strategic build-up.

It is quite incorrect to compare the situation today with the "non-existent bomber gap of the early sixties" as the Kennedy authors presume to do. Those misestimates of expected force levels stemmed from projections of Soviet gross capabilities and assumed intentions without, however, being subject to immediate intelligence verification. Today, in contrast, we know a great deal about what the Soviets are doing in the area of strategic weapons deployment. Reconnaissance satellites can detect and monitor the progress of the Soviet ICBM silo construction from the first site clearings to the installation and operational readiness of the actual missile.

It takes the Soviets roughly 18-24 months to complete an ICBM silo. We can thus be reasonably sure what their force level will be for that period ahead, based on the silos now observed to be under construction. Beyond this we must estimate. The projected figure of 500 25-megaton SS-9's in 1975 is based on the present rate of construction. It could be more than 500. But simple prudence requires the nation to be able to deal with the worst possible contingency which might arise. President Nixon has stated that the latest Soviet SS-9 tests in the Pacific had multiple warheads which fell in a pattern suggesting that they are targeted against our minuteman fields. Thus the latest information continues to support the growth of the Soviet threat to our minuteman deterrent and the corresponding need for Safeguard.

(5) The Kennedy authors reject "symmetry" in arms talks with the U.S.S.R.

In one of its more controversial statements, the study declares that "more fundamentally, there is no particular reason why we should want to enter negotiations from a position of symmetry with the U.S.S.R."

The reasoning here is that the U.S. now has a superiority in Polaris-type missiles and that a U.S. ABM would give the Soviets an opportunity to argue that they should be allowed to close the gap in such missiles and also to build more ICBM's. So, it is claimed, the U.S. is in a better position to negotiate for a freeze in the present level of the arms race if it goes to the conference table without an ABM.

Such a philosophy reveals a remarkable attitude about our Soviet adversaries. At present building rates, the Soviets will overtake us in submarine launched missiles by 1971 and will be far ahead in ICBM's. Arms limitation talks, if begun, will almost certainly still be in process at this point, if only because of their extraordinary complexity. The Soviets will also have a deployed ABM. If the Safeguard opponents prevail in the U.S. ABM debate, the U.S. will have no ABM and will find itself negotiating in a situation of growing strategic inferiority. If we do not strengthen our defenses, this will only encourage the Soviets to seek complete ascendency. Nothing in the history of Soviet behavior suggests that they will do otherwise than exploit this situation to the hilt. So long as they are free to go on building while the U.S. unilaterally holds back, it would be in the Soviet interest to prolong the talks indefinitely.

(6) The Kennedy authors contend that our Asian and European allies would be alarmed, rather than reassured, by an ABM deployment.

The logic of this argument is highly tortured and factually unsupported. An anti-Chinese component to our ABM will supposedly build up the menace of Red China in Asian eyes. This is because Asians allegedly now believe that Red China is committed to restraint in the use of force and are thus not overly worried by the disparity of force levels between themselves and Peking. But a U.S. anti-Chinese ABM would seem to indicate that the U.S. believes in the possible irrationality of the Chinese. This would panic the Asians, according to the study, and cause them to seek out accommodations with Peking. Or, it might goad Japan and India into going nuclear themselves.

In similar fashion, the Kennedy study also argues that the west Europeans would feel less, rather than more, secure with a U.S. ABM because it would betray our own insecurity vis-a-vis the Soviets and would call into question the credibility of the U.S. commitment to defend western Europe.

The Kennedy authors may, of course, argue ad infinitum that Asians and Europeans ought to react in the above manner. But there is still no evidence that they do reach such conclusions. The few public statements now on record by the leaders of our allies tend to support, rather than question, the President's decision to deploy Safeguard and to protect our "nuclear umbrella" which in turn protects all these allies. As a case in point, when Mr. Adenauer visited this country, he was deeply concerned, not reassured, by the state of the defenses of our cities.

It is not difficult to discern why this should be so. Red Chinese bellicosity is not dismissed in Asia as the mere "rhetoric" that the Kennedy authors ascribe to it. The Soviet invasion of Czechoslovakia shattered whatever illusions responsible European statesmen may have had about the realities behind "detente" with the U.S.S.R. Men who have lived under the shadow of Soviet or Chinese aggressive power, with nothing but the strategic power of the United States to deter that aggression, can scarcely look with pleasure on any development which makes that deterrent—even psychologically—less certain. It seems axiomatic that if the U.S. feels more secure with Safeguard, those whose defense depends on the U.S. will feel more secure also. The Kennedy study makes a poor case for supposing otherwise.

SUMMARY

In summation, we find the Kennedy study opposing Safeguard to be factually erroneous or misleading in its more technical aspects and entirely unconvincing in the more speculative area of judgment about the consequences of Safeguard.

In this latter area we believe that it is the product of fundamental misconceptions which seriously distort the nature, purposes, and probably reactions of our enemies. Those on the political offensive cannot be equated with those whose goal is a peaceful and stable world.

From false premises there are bound to flow false conclusions. President Nixon, we think, came much closer to describing the real world in his speech at the U.S. Air Force Academy. We applaud that speech, and we continue to applaud and to endorse the decision to deploy the Safeguard ABM system.

BIOLOGICAL CATASTROPHE POSED BY SEA LEVEL CANAL

Mr. THURMOND. Mr. President, recent studies by biological scientists are now pointing to the conclusion that the construction of a sea level canal across the Panama Isthmus would lead to a potential biological catastrophe. This aspect of the Panama Canal problem has received little consideration in public discussions. Yet it could conceivably have repercussions that go far beyond the interest of zoology and might have serious consequences for international relations, particulraly in those nations which depend upon the sea as a source of food. Both the biological and international political effects strongly argue against the construction of a sea level canal.

These problems were discussed in the January 1969 issue of BioScience. The author of this article, Dr. John C. Briggs, is Professor and Chairman of the Department of Zoology of the University of Southern Florida in Tampa. His research was supported by a national science foundation grant. Dr. Briggs first discusses the effect of the Suez Canal upon the migration of underwater species between the Red Sea and the Mediterranean. Despite the fact that the Suez Canal connects two areas that are separated by a temperature barrier and high saline lakes, there has been considerable transmigration.

However, in the case of the proposed sea level Panama Canal, there would be no barrier whatsoever to the migration of species. The tidal currents would create a wash in both directions, considerably assisting the movement of sea life. According to Dr. Briggs, this would probably result in the Eastern Pacific being invaded by over 6,000 species and the Western Atlantic being invaded by over 4,000 species. Dr. Briggs says that the resulting competition would bring about a widespread extinction among the native species. He says that large-scale extinction would be "inescapable."

Dr. Briggs asks the following questions:

Should the sea level canal project be undertaken at all? What is the value of a unique species—of thousands of unique species? Currently, many countries are expending considerable effort and funds in order to save a relatively few endangered species. The public should be aware that international negotiations now being carried on from a purely economic viewpoint are likely to have such serious biological consequences.

Dr. Briggs' own conclusion is extremely important:

Assuming that a better canal would provide economic benefits, I suggest either an improvement of an existing structure or the construction of a new overland canal that would still contain fresh water for most of its route. There seems to be no reason why we cannot have a canal that could accommodate ships of any size, yet still maintain the fresh water barrier that is so important.

Mr. President, Dr. Briggs' research strongly suggests the kind of proposal which is embodied in legislation which I have introduced, S. 2228. This bill would provide for the modernization of the present Panama Canal without disrupting traffic and without negotiating new treaties. It would retain the fresh water barrier that Dr. Briggs says is so important.

Mr. President, this is a highly significant article in an authoritative professional publication, and I ask unanimous consent that this article entitled "The Sea Level Canal: Potential Biological Catastrophe" from BioScience of January 1969 be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, in addition, there was an exchange of letters between Dr. Briggs and John P. Sheffey, Executive Director of the Atlantic-Pacific Trans-Oceanic Canal Study Commission, which is currently charged under law with studying the suitability of a sea level canal. Since Dr. Sheffey disputes Dr. Briggs' conclusions and Dr. Briggs ably refutes the counterargument, I ask unanimous consent that these two letters from Bio-Science of April 1969 also be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT 1

THE SEA LEVEL PANAMA CANAL: POTENTIAL BIOLOGICAL CATASTROPHE

(By John C. Briggs)

(NOTE.—The author is Professor and Chairman of the Department of Zoology, University of South Florida, Tampa, Florida 33620. This research was supported by National Science Foundation Grant GB-4330. Helpful suggestions were received from J. L. Simon, H. H. DeWitt, and T. L. Hopkins.)

While the possibility of a sea-level canal somewhere in the vicinity of the Isthmus of Panama has been discussed for many years, its feasibility as an engineering project has become enhanced as the result of recent experimental work with nuclear devices that can be used for excavation. It appears now that the undertaking of this project will be strongly supported as soon as the current economic crisis in the United States is over. Until recently, the only facet of the plan that had drawn the attention of many biologists was the possibility of radiation damage. However, Rubinoff (1968) finally pointed out that there would be other important biological effects and gave examples of disastrous invasions that have occurred in other places as the results of human interference.

THE NEW WORLD LAND BARRIER

The New World Land Barrier, with the Isthmus of Panama forming its narrowest part, is a complete block to the movement of tropical marine species between the Western Atlantic and Eastern Pacific. This state of affairs has existed since about the latest Pliocene or earliest Pleistocene (Simpson, 1965; Patterson and Pascual, 1963) so that, at the species level, the two faunas are well separated. It has been estimated that about 1000 distinct species of shore fishes now exist on both sides of Central America but, aside from some 16 circumtropical species, only about 12 can be considered identical (Briggs, 1967).

This land barrier is also effective for marine invertebrates. Haig (1956, 1960) studied the crab family Porcellanidae in both the Western Atlantic and Eastern Pacific and found that only about 7% of the species were common to the two areas; de Laubenfels (1936) found a similar distribution in about 11% of the sponges he studied; and Ekman (1953), about 2.5% for the echinoderms. It seems, therefore, that only a very small proportion of the species in the major groups of marine animals are found on both sides of the Isthmus of Panama. The present Panama Canal has not notably altered this relationship since, for most of its length, it is a freshwater passage forming an effective barrier for all but a few euryhaline species.

With regard to the tropical waters on each side of the isthmus, there is no reason to suspect that each area is not supporting its optimum number of species. Studies of terrestrial biotas have indicated that most continental habitats are ecologically saturated (Elton, 1958; Pianka, 1966) and that islands demonstrate an orderly relationship between the area and species diversity (MacArthur and Wilson, 1967). Assuming the niches of the two marine areas are filled, achieving maximum species diversity, invasion by additional species could alter the faunal composition but should not permanently increase the number of species.

REGIONAL RELATIONSHIP

The tropical shelf fauna of the world may be divided into four, distinct zoogeographic regions: the Indo-West Pacific, the Eastern Pacific, the Western Atlantic, and the Eastern Atlantic. While the Indo-West Pacific undoubtedly serves as the primary evolutionary and distributional center (Briggs, 1966), the Western Atlantic Region may be said to rank second in importance. Its geographic area is larger (Fig. 1), its habitat

diversity greater, and its fauna considerably richer than for each of the remaining two regions. Since the Western Atlantic species are the products of a richer and therefore more stable ecosystem, we may expect that they would prove to be competitively superior to those species that are endemic to the Eastern Pacific or Eastern Atlantic.

An examination of the faunal relationships between the Western Atlantic and the Eastern Atlantic does provide good circumstantial evidence that species from the former are competitively dominant. An impressive number have managed to traverse the open waters of the central Atlantic (The Mid-Atlantic Barrier) and to establish themselves on the eastern side. For example, in the shore fishes there are about 118 trans-Atlantic species but only about 24 of them have apparently come from the Indo-West Pacific via the Cape of Good Hope. The rest have probably evolved in the Western Atlantic and have successfully performed an eastward colonization journey across the ocean. None of the trans-Atlantic species belong to genera that are typically Eastern Atlantic. Recent works on West African invertebrate groups tend to show that an appreciable percentage of the species is trans-Atlantic (Briggs, 1967). It seems likely that the great majority of these species also represents successful migrations from the Western Atlantic.

EFFECT OF THE SUEZ CANAL

The Suez Canal is a sea-level passage that has been open since 1869, but its biological effects are not entirely comparable to those that would occur as the result of a sea-level Panama Canal for two reasons: first, the Suez Canal connects two areas that are separated by a temperature barrier, the Red Sea being tropical while the Mediterranean is warm-temperate: second, the Bitter Lakes which form part of the Suez passageway have a high salinity (about 45 0/00) which prevents migration by many species.

Despite the above difficulties, the limited migratory movements that have taken place through the Suez Canal do provide some significant information. At least 24 species of Red Sea fishes have invaded the Mediterranean (Ben-Tuvia, 1966), 16 species of decapod crustaceans (Holthuis and Gottlieb, 1958), and several members of other groups such as the tunicates (Pérès, 1958), mollusks (Engel and van Eeken, 1962), and stomatopod crustaceans (Ingle, 1963). So there is ample evidence of intrusions into the eastern Mediterranean, but there are no reliable data that indicate any successful reciprocal migration. Furthermore, there are some indications that the invaders from the Red Sea (a part of the vast Indo-West Pacific Region) are replacing rather than coexisting with certain native species. George (1966) observed that, along the Lebanese coast, the immigrant fishes *Sphyraena chrysotaenia, Upeneus moluccensis,* and *Siganus rivulatus* may be replacing, respectively, the endemic *Sphyraena sphyraena, Mullus barbatus,* and *Sarpa salpa.*

AN ANCIENT EVENT

It is now well established that in the past one or more seaways extended across Central America or northern South America for a considerable period of time, probably throughout the greater part of the Tertiary. While these oceanic connections assured the initial development of an essentially common marine fauna in the New World tropics, they operated as an important barrier for terrestrial animals. Later, perhaps about three million years ago, tectonic forces gradually produced an uplift that re-established the land connection between the two continents.

The effects of the new intercontinental connection must have been rapid and dramatic. The fossil record of this event is fragmentary but considerably better for the mammals than for the other terrestrial groups. Simpson (1965) presented an interesting and well-documented history of the Latin American mammal fauna. His findings relevant to the re-establishment of the Isthmus may be summarized as follows: (a) the full surge of intermigration took place in Pleistocene times with representatives of 15 families of North American mammals spreading into South America and seven families spreading in the reverse direction; (b) the immediate effect was to produce in both continents, but particularly in South America, a greatly enriched fauna; (c) the main migrants to the south were deer, camels, peccaries, tapirs, horses, mastodons, cats, weasels, racoons, bears, dogs, mice, squirrels, rabbits, and shrews; (d) in South America, the effect was catastrophic and resulted in the extinction of the unique notoungulates, litopterns, and marsupial carnivores; the native rodents and edentates were greatly reduced; and (e) now, South America has returned to about the same basic richness of fauna as before the invasion.

Comparatively, the invasion of Central and North America by South American mammals was not nearly so successful. The three migrants that have managed to survive north of Mexico—an opossum, an armadillo, and a porcupine—apparently occupy unique niches. Simpson (1965) noted that when ecological vicars met, one or the other generally become extinct. The dominant species that invaded South America were the evolutionary products of the "World Continent" including both North America and the Old World (the Siberian Land Bridge was frequently available).

CUTTING THE ISTHMUS BARRIER

How effectively would a sea-level ship canal breach the New World Land Barrier? The engineering problems have been worked out using scale models. Although the mean sea-level is 0.77 feet higher on the Pacific side, it would have little effect compared to the effect of the difference in tidal amplitude. The tidal range on the Pacific side is often as great as 20 feet while it is usually less than a foot on the opposite side. For an open canal, it has been calculated that the tidal currents would attain a velocity of up to 4.5 knots and would change direction every 6 hours (Meyers and Schultz, 1949). Tide locks would probably be employed to regulate the currents but it seems apparent that the vast amount of fluctuation and mixing would provide ample opportunity for most of the marine animals (as adults or as young stages) to migrate in either direction.

NUMBER OF AFFECTED SPECIES

Data on the number of marine invertebrate species that inhabit the major parts of the New World tropics are not available. The total fauna is so rich and so many groups are so poorly known that it almost defies analysis. Voss and Voss (1955) reported 133 species of macro-invertebrates from the shallow waters of Soldier's Key, a little island (100 by 200 yards) in Biscayne Bay, Florida. The tiny metazoans comprising the meiofauna of the sediments were not sampled. Work in other areas has shown that the numbers of individuals per square meter in the meiofauna are about 100 times that of the macrofauna (Sanders, 1960) Although a complete tally of species has apparently never been made, there are indications from partial indentifications (Wieser, 1960) that the number of species in the meiofauna is at least four or five times greater. For Soldier's Key, if we assume that the meiofauna is only four times richer in species, we would have a total of 665 benthic invertebrates.

Ichthyologists who have collected among the Florida Keys would probably agree that the shallow waters of Soldier's Key could be expected to yield close to 50 species of fishes. This provides an admittedly rough but useful ratio of 1:13 between the numbers of fish and invertebrate species for a small tropical locality. Although the fish fauna of the western Caribbean is not yet well known, the number of shore species can be approximated at about 600; this is probably a low estimate since we know that more than 600 exist in Florida waters (Briggs, 1958). Using the 1:13 ratio, the number of marine invertebrate species for the western Caribbean can be estimated at about 7800. Adding the fish species gives total of about 8400 marine animal species.

The tropical Eastern Pacific possesses a less diversified fauna than the Western Atlantic. The Gulf of Panama and its adjacent waters is probably inhabited by a shore fish fauna of some 400 species. Using the 1:13 ratio gives an estimate of about 5200 species for the invertebrates and a total of about 5600 marine animal species. The great majority of tropical, shallow-water animals are very prolific and possess highly effective means of dispersal. It has been estimated that 80–85% of all tropical, benthic invertebrate species possess planktotrophic pelagic larvae (Thorson, 1966). Since the fishes are relatively mobile, it seems apparent that the great majority of the animal species under discussion would be capable of eventually migrating through a saltwater canal.

Assuming that 80% of the species on each side of the isthmus would succeed in moving through the canal, 6720 species would migrate westward and 4480 eastward. However, since we are dealing with only rough approximations, it would be more appropriate to simply estimate that we would probably witness the invasion of the Eastern Pacific by more than 6000 species and the invasion of the Western Atlantic by more than 4000 species.

PREDICTION

A logical prediction can be made most easily if the pertinent information given above is summarized as follows:

1) The great majority of the species on either side of the Isthmus are distinct, at the species level, from those of the opposite side.

2) The habitats on each side of the Isthmus are probably ecologically saturated so that maximum species diversity has been achieved.

3) The Western Atlantic Region includes a much larger area, exhibits more habitat diversity, and possesses a richer fauna than the Eastern Pacific or Eastern Atlantic Regions.

4) Western Atlantic species are apparently competitively dominant to those of the Eastern Atlantic—a smaller region but comparable in size and habitat diversity to the Eastern Pacific.

5) At least some of the dominant species that have invaded the Mediterranean via the Suez Canal seem to be replacing the native species.

6) When the land bridge to South America was re-established, the invasion of North American mammals enriched the total fauna. However, this effect was temporary since so many native South American mammals became extinct that the number of species soon returned to about its original level.

7) A sea-level canal would provide ample opportunity for marine animals to migrate in either direction. This would probably result in the Eastern Pacific being invaded by over 6000 species and the Western Atlantic being invaded by over 4000 species.

For the tropical Eastern Pacific, it is predicted that its fauna would be temporarily enriched but that the resulting competition would soon bring about a widespread extinction among the native species. The elimination of species would continue until the total number in the area returned to about its original level. *The fact that a large scale extinction would take place seems inescapable.* It would be difficult, and perhaps irrelevant to attempt a close estimate of the number of

Eastern Pacific species that would be lost. The irrevocable extinction of as few as 1000 species is about as appalling as the prospect of losing 5000 or more.

There is little doubt that the tropical Western Atlantic fauna would suffer far less. With the exception of a few species that may be ecologically distinct, the level of competition would probably be such that the invaders would not be able to establish permanent colonies. Some dominant, Indo-West Pacific species have been able to cross the East Pacific Barrier and establish themselves in the Eastern Pacific (Briggs, 1961). It is likely that a few of these forms would eventually find their way through a sea-level canal. In such cases, the equivalent Western Atlantic species would probably be eliminated.

Man has undertaken major engineering projects for most of his civilized history and the construction of such necessary facilities as canals, dams, and harbors will continue and expand as the human population grows larger. In this case, however, man would remove a major zoogeographic barrier that has stood for about three million years. The disturbance to the local environment would not be nearly as important as the migration into the Eastern Pacific of a multitude of species that would evidently be superior competitors. So, instead of having only local populations affected, the very existence of a large number of wide-ranging species is threatened. This poses a conservation problem of an entirely new order of magnitude.

Rubinoff (1968) assumed that a sea-level canal would be constructed and looked upon its advent as an opportunity to conduct the greatest biological experiment in man's history. As I have stated elsewhere (Briggs, 1968), this approach is unfortunate for it tends to divert attention from a vital conservation issue. The important question is: Should the sea-level canal project be undertaken at all? What is the value of a unique species—of thousands of unique species? Currently, many countries are expending considerable effort and funds in order to save a relatively few endangered species. The public should be aware that international negotiations now being carried on from a purely economic viewpoint are likely to have such serious biological consequences. Does our generation have a responsibility to posterity in this matter?

A biological catastrophe of this scope is bound to have international repercussions. The tropical waters of the Eastern Pacific extend from the Gulf of Guayaquil to the Gulf of California. Included are the coasts of Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, and Mexico. While the prospect of such an enormous loss of unique species is something that the entire world should be aware of, these countries are the ones that will be directly affected since their shore faunas will probably be radically changed.

ALTERNATIVE

Assuming that a better canal would provide economic benefits, I suggest either an improvement of the existing structure or the construction of a new overland canal that would still contain freshwater for most of its route. There seems to be no reason why we cannot have a canal that could accommodate ships of any size yet still maintain the freshwater barrier that is so important. One could conceive of other alternatives such as a sea-level canal provided with some means of killing the migrating animals—possibly by heating the water or adding lethal chemicals. However, such expedients would be both risky and distasteful.

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EXHIBIT 2

BIOSCIENCE

(By John P. Sheffey, Atlantic-Pacific Interoceanic Canal Study Commission, Washington, D.C.)

UNNECESSARY ALARM

Professor John C. Briggs' article (*BioScience*, January 1969, p. 44) points out some valid and important considerations in the coming decision on whether to build an isthmian sea-level canal. However, I hope you will bring to your readers' attention some factors that would tend to mitigate some of the alarms Briggs has cited.

Our engineers calculate that there will be no net flow from the Atlantic to the Pacific through a sea-level canal. The approximately one foot higher mean sea-level of the Pacific will make the net flow from the Pacific to the Atlantic. Briggs' article indicates that biota carried in this direction pose the lesser threat in comparison with movements in the opposite direction. It appears that only the creatures that can swim against the current will be able to make the transit from the Atlantic to the Pacific.

Briggs makes no mention of the transfer of marine life through the existing lock canal. In its 54 years of operation there have been and continue to be extensive transfers by three distinct means. First, swimming and drifting biota that thrive in both salt and fresh water readily pass through the locks and inevitably make their way across Gatun and Miraflores Lakes to the opposite oceans. Some have been specifically identified as having followed this path. Second, barnacles and similar clinging organisms pass in both directions every day on the hulls of ships. Third, and perhaps most important to the question of the biological impact of linking the oceans, is the daily transfer of fairly large amounts of salt water in ships' ballast tanks. This has gone on for more than a half century. Lightly loaded or empty ships approaching the canal are frequently required to take on ballast water before entering the locks. This is to deepen their drafts to make them easier to handle while in restricted canal channels. As a usual practice on leaving the canal a few hours later at the opposite ocean, this ballast water is discharged to lighten the ships to save fuel on the remainder of the trip. Thus, all the small swimming and drifting marine life that would be found in these thousands of samples of sea water taken year in and year out since 1914, have made the trip across the isthmus in salt water in both directions. While a sea-level, salt-water channel between the oceans would vastly augment the movements of marine creatures between the oceans, the new avenue would appear to offer previously denied passage for only that portion of ocean life that could not transit by one or more of the three existing means. Some segments of the total spectra of biota in the two oceans have surely crossed the isthmus to the opposite ocean during the past half century and continue to do so daily. It follows that a large portion of the small swimming, drifting, and clinging creatures on both sides of the isthmus have long been exposed to inoculations of the same category from the opposite ocean. To date, no discernible effects have resulted. It seems reasonable to conclude that a sea-level canal would create little or no new threat to the lower links of the ocean food chain. New exposures would be limited to the larger swimming and drifting biota. Thus the area of danger of harmful biological changes when the oceans are joined is much less broad than it first appears.

Under a contract with the Canal Study Commission the Battelle Memorial Institute is conducting an extensive evaluation of the potential biological impacts of a sea-level

canal. It is acknowledged that in the time available this study cannot reach final conclusions, but it can narrow the area of doubt. The Commission has arranged with the National Academy of Sciences to develop a program of bioenvironmental studies for the Commission to recommend in its report to the President, should construction of a sea-level canal be recommended. Such a canal would require 12 to 15 years to construct, and hence ample time for biological research would be available.

REPLY BY JOHN C. BRIGGS, UNIVERSITY OF SOUTH FLORIDA, TAMPA

Since John P. Sheffey kindly sent me a copy of his February 6th letter to you, I have the opportunity to respond to his comments. If you decide to publish this letter, I would appreciate it if you would also consider the following:

Mr. John P. Sheffey's main concern was that I made no mention of the transfer of marine life that takes place through the existing canal. Although many organisms have undoubtedly been transported by clinging to the hulls of ships or by living in the saltwater of ship's ballast tanks, the important point is that such transfers have not generally resulted in successful colonizations. For this reason, marine biologists have not been particularly interested in evaluating them.

It would be a tragic error for us to conclude that, because the present canal has not served as a successful migratory route, there is no danger of a new sea-level canal doing so. How can there be any doubt that an open canal, providing a continuous salt-water passage between the oceans, would present a far better opportunity for successful migration? Many Red Sea animals have succeeded in passing through the Suez Canal to colonize the Mediterranean despite having to overcome formidable temperature and salinity barriers. Since a sea-level Panama canal would contain no such barriers, one can only expect that a huge number of successful migrations would take place.

Considering that mean sea-level of the Pacific side is 0.77 feet higher than the Atlantic, a very small net flow toward the Atlantic would take place. However, the gradient would be so slight—about 0.2 inches per mile—that it would have little effect compared to the difference in tidal amplitude. The tidal currents would cause so much fluctuation and mixing that it seems reasonable to conclude that most marine animals would have ample opportunity to migrate in either direction. We must also bear in mind that many planktonic as well as large organisms have sufficient swimming ability to counteract the effect of a slow net flow in one direction. Finally, we should recognize that many of the benthis invertebrate species will be able to colonize the sides and bottom of the canal itself and, by this method, could slowly extend their populations from one ocean to the other.

I believe that the only dependable means by which large scale migrations and subsequent biological disaster in the tropical Eastern Pacific can be prevented is by the inclusion of an extensive freshwater barrier. The Atlantic-Pacific Interoceanic Canal Study Commission, with Mr. Sheffey as its Executive Director, has the responsibility of determining the feasibility of a new canal. It will make its final report to President Nixon in December, 1970. Biologists who wish to lend their support to the freshwater barrier concept should make their views known to the Commission and to their Congressmen.

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

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

THE ST. LAWRENCE SEAWAY

Mr. HART. Mr. President, approximately 10 years ago, a fourth seacoast was made available to the people of this country. We knew it then and we speak of it now as the St. Lawrence Seaway. The dramatic promise of 10 years ago has been realized only in part, and it is the failure of Congress, among others, that has thus far denied us a full realization of the enormous potential that opening the entire Great Lakes Basin would provide the people of America.

We sometimes forget that when we include the land to the north of the Great Lakes—our Canadian neighbors—in the Great Lakes Basin, we are talking about the population center of North America. The grain that could feed the peoples of the world, the imaginative mechanic skills that put the people of the world on wheels, combine in this center of industrial-population concentration to represent literally the heartland—economic as well as geographic—of our hemisphere.

I am delighted, Mr. President, that the Detroit News, a newspaper which over the years has raised an effective voice first in the matter of persuading Congress to undertake the seaway and since then in attempting to persuade Congress and the shippers of America to give the seaway full opportunity, on Monday featured, with magnificent photographs, a story by Stoddard White. Stoddard White is the marine writer for the Detroit News and is acknowledged by his peers as second to none in an understanding of the Great Lakes and, more recently, of the Great Lakes with the St. Lawrence Seaway.

Many exciting stories are told of the Great Lakes: the long ships that pass in the night, the devastating storms, the men who have gone down to the sea in ships in the Great Lakes. But the bolts and nuts story—the less exciting—clearly will have the greatest influence on the course of the economic history of our continent. Stoddard White, in this report, which he captions "A Billion Dollar Act of Faith," describes some of the bolts and nuts problems of the seaway, as well as citing some of the exciting achievements.

Because it is the responsibility of Congress to respond to some of these artificial and unwise restraints that limit the full effectiveness of the seaway, and because it is the responsibility of Congress to correct these, I ask unanimous consent to have printed at the conclusion of my remarks the Stoddard White article. I think it is interesting reading to all Americans and should be required reading to all my colleagues.

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

THE 10-YEAR-OLD SEAWAY NEEDS EXPANSION.—A BILLION-DOLLAR ACT OF FAITH

(By Stoddard White)[1]

Like that other fabled waterway, the St. Lawrence Seaway ignores birthdays and just keeps rollin' along—living up to expectations, confounding critics and already approaching the time when its facilities must be expanded.

The 10th birthday of this prodigious engineering and economic achievement was celebrated a month ago, with attendant fanfare involving at the top the President of the United States and the prime minister of Canada.

But the users of the Seaway—the ships of half a hundred nations—paid scant attention to the ceremonies ashore.

Their contribution to the celebration was their continued steady passage up and down the 2,342 miles between the Atlantic Ocean and the western extremities of the Great Lakes, obviously making money for their owners and those who send and receive their cargoes.

Ten years earlier the two nations opened the heartland of North America to the world's navigation. In an accompanying and even more costly project, New York and Ontario jointly built dams and plants on the world's greatest untapped source of hydroelectric power. It was a billion-dollar act of faith.

Last year the partners watched their various gauges and saw kilowatts pouring across several states and provinces—and 6,600 transits by ocean and lake vessels moving more than 48 million tons of cargo. It was a vindication of that earlier faith.

Technically, the seaway as opened in 1959 is essentially 182 miles of the St. Lawrence River between Lake Ontario and Montreal, canaled and dammed in places to surmount the rapids which had barred travel as far back as Indian days.

Canada paid about two-thirds of the bill and the United States about one-third, and we share the tolls accordingly.

Actually, Seaway trade extends from Duluth and Chicago to the Gulf of St. Lawrence. The 28-mile, eight-lock Welland Canal is operated by Canada's Seaway Authority. The Soo Locks form a Seaway channel for vessels carrying cargoes to and from Lake Superior. And the United States spent more (about $135 million) deepening and widening the connecting channels of the Great Lakes for both domestic and Seaway traffic than it spent on the St. Lawrence itself.

The Seaway benefits not only ocean shipping, but a specialized Great Lakes trade. The characteristic vessels nick-named "alers" sail both ways along with the "salties," carrying Lake Superior grain far down the St.

[1] Stoddard White, a Detroit News reporter and writer for 35 years, has been covering shipping on the Great Lakes and St. Lawrence Seaway since 1950 and writing the weekly "Port and Marine" column.

He made his first trip for The News down the St. Lawrence Valley before the first of the giant earth-moving machines arrived.

He and photographer Charles T. Martin later spent many days on the construction sites reporting on the building of locks, dams and bridges and removal of human and animal populations—and graveyards—from areas to be flooded out by the project.

By ship, auto and plane, White has made eight reporting tours of the Seaway before and since covering the 1959 dedication by President Eisenhower and Queen Elizabeth II.

Lawrence and returning with iron ore from Labrador for American and Canadian steel mills.

A typical schedule for one of these freshwater vessels takes it on a 5,000-mile round trip through all five of the Lakes.

More than 80 percent of the Seaway trade last year was in bulk cargoes such as iron ore and grain. But the number of general-cargo ships (those carrying high-value commodities usually packaged in one way or another) is on the increase.

The ship headed from the ocean to the Detroit River has not only a long voyage westward, but a climb of more than 570 feet from sea level to the middle of the Detroit River.

Lake Superior is 32 feet higher and, to reach it, a vessel climbs the equivalent of a 60-story building.

Just to go the 1,000 miles from the ocean to Montreal, the ship makes a climb of 20 feet without the aid of locks.

Then seven locks—five Canadian and two American—are filled with water to take her up to the level of Lake Ontario, easternmost and lowest of the Great Lakes.

Here, before the Seaway, was the most spectacular portion of the great river. In 44 miles, it fell 90 feet, and the famous Long Sault Rapids were a perpetual storm of waves several feet high.

This area now is a reservoir dammed by the Ontario-New York power complex and known as Lake St. Lawrence, a man-made lake covering 100 square miles beneath which are the sites of historic French and English villages and the now-stilled Long Sault.

The difference in elevation is overcome by the United States' Eisenhower and Snell locks near Massena, N.Y., and a Canadian control lock upstream at Iroquois, Ontario.

The ship meets no further obstacles until the place where the outflow of Lake Erie is channeled through Niagara Falls. Here Canada built the first Welland Canal, which opened in 1829, and has been enlarging it ever since.

This is the part of the Seaway that Norwegian seamen call "going over the mountain." Seven tightly grouped locks in an eight-mile section lift the ship some 326 feet to the Lake Erie level. An eighth lock has a shallow lift, controlling the water level at the Erie end.

Roads parallel the length of the canal and are well marked with signs directing the tourist to lookout sites almost within touching distance of ships.

Between Thorold and St. Catharines are the famous "flight locks," three of the seven. These three are twinned—two locks side by side so that one ship rises while the one beside it is lowered—and one connects directly with another so that the visitor can see three ships at a time, almost atop each other.

Already the great locks and expensively dredged 27-foot-deep channels are beginning to confine ships, and both countries are exploring deepening the channels and duplicating the canals.

Where there were 6,600 transits in and out last year, there were more than 7,000 a few years ago. This is not an indication of decreased business—the ships are getting larger, affording greater tonnage with less traffic.

Larger ships are one of the arguments for twinning existing locks and for other expansions of the Seaway. Canada talks of duplicating the Eisenhower and Snell locks for an all-Canadian Seaway, and U.S. engineers are studying an all-American canal across the west end of New York State to duplicate Canada's Welland.

Expansion of the direct water route between America's "Fourth Seacoast" and the rest of the world is considered inevitable by those who believe traffic will continue to grow as North American needs tax other modes of transportation.

It is easier to prove that the Seaway is—thus far, at least—"losing money."

The controversial toll system does not bring in enough money to pay for amortization, operating costs (higher than forecast) and interest.

Both the U.S. and Canadian operating authorities owe their government treasuries huge sums in back interest—$12 million on the U.S. side alone last year.

A large, loaded vessel pays as much as $15,000 in tolls for one trip into the Great Lakes The mere passage of paying ships on 6,600 occasions in a year attests to the light in which the Seaway is held by the world's shipping companies and their customers.

The latter have learned—albeit some of them slowly—that added to the normal economy of shipping by water is the advantage of direct shipment over a route demonstrably shorter than that from many East Coast ports without transshipment which may result in cargo delays, damage, pilferage and avoiding the added expense of more costly overland transportation.

By U.S. law, construction of the nation's toll-free waterways can be recommended to Congress by the Army Corps of Engineers (which is charged with evaluating such projects) only if the expense to the whole public is justified by foreseeable economic benefit to at least a large part of the people.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DESIGNATION OF "NATIONAL ARCHERY WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 85.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 85) to provide for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week," which was to strike out the preamble.

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. PICKLE, Mr. SPRINGER, Mr. DEVINE, and Mr. CUNNINGHAM were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10595) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. STUBBLEFIELD, Mr. PURCELL, Mr. BELCHER, and Mr. TEAGUE of California were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 38. An act to consent to the upper Niobrara River Compact between the States of Wyoming and Nebraska; and

S. 1590. An act to amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned task.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED LEGISLATION PROVIDING FOR THE ADJUSTMENT, BY THE ADMINISTRATOR OF VETERANS' AFFAIRS, OF THE LEGISLATIVE JURISDICTION OVER LANDS BELONGING TO THE UNITED STATES WHICH ARE UNDER HIS SUPERVISION AND CONTROL

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to provide for the adjustment, by the Administrator of Veterans' Affairs of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on selected automatic data processing activities, District of Columbia Government, dated July 31, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on certain exemptions from the antitrust laws, as of July 1, 1969 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED ADJUSTMENT OF MAXIMUM SALARIES FOR FULL- AND PART-TIME U.S. MAGISTRATES

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to adjust the maximum salaries for full- and part-time U.S. Magistrates (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION EXTENDING THE AUTHORITY FOR EXEMPTIONS FROM THE ANTITRUST LAWS TO ASSIST IN SAFEGUARDING THE BALANCE-OF-PAYMENTS POSITION OF THE UNITED STATES

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION PROVIDING THAT AGENCY HEADS BE PAID ON A BIWEEKLY BASIS

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to provide that heads of Federal agencies shall be paid on a biweekly rather than monthly basis (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alabama; to the Committee on Commerce:

"HOUSE JOINT RESOLUTION 23

"A resolution to the Congress of the United States, the Alabama Congressional Delegation, the Committee on Interstate and Foreign Commerce of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives requesting that an investigation be made into the manner in which the Interstate Commerce Commission is allowing passenger train service in the United States to be slaughtered through section 13a of the Transportation Act of 1958.

"Whereas, for many years the authority to discontinue passenger trains was left to the various state commissions having jurisdiction over same; and

"Whereas, it was necessary for rail carriers to prove that by rights of convenience and necessity that discontinuing passenger service would not adversely affect the public and was a burden on interstate commerce to continue same; and

"Whereas, with the passage of the amendment to the Transportation Act of 1958 gave the Interstate Commerce authority and jurisdiction over applications filed under Section 13a of the Transportation Act; and

"Whereas, many rail carriers have availed themselves of the opportunity, through Section 13a of the Transportation Act, to deprive the public of rail transportation by the removal of passenger trains and degrading their services and equipment so as to inconvenience the public.

"Now, therefore, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring therein:

"That the Legislative Assembly of the State of Alabama request the Congress of the United States to initiate a Congressional investigation into the manner in which the Interstate Commerce Commission has allowed the mass slaughter of passenger trains; and

"Be it further resolved, that the Congress of the United States be requested to declare a moratorium on all passenger train discontinuances until the investigation is complete and Congress determines what manner of authority will be required from the Interstate Commerce Commission to discontinue inter-city passenger trains.

"Be it further resolved, that the Congress of the United States be informed that the authority granted the Interstate Commerce Commission under Section 13a of the Transportation Act of 1958 is not being used in the best interest of the citizens of the State of Alabama by approving the applications to discontinue 18 passenger trains over a period of 18 months.

"Be it further resolved, that the Secretary of State be instructed to send copies of this resolution to the President of the United States; the President of the Senate of the United States; the Speaker of the House of Representatives of the United States; to the members of the Alabama Delegation of Congress; to the Chairman of the Committee on Interstate and Foreign Commerce of the United States Senate and to the Chairman of the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

"——— ———,
"Speaker of the House of Representatives.
"O. H. GOODWYN,
"President Pro Tem and Presiding Officer of the Senate.

"I hereby certify that the with House Joint Resolution originated in and was adopted by the House May 27, 1969.

"JOHN W. PEMBERTON,
"Clerk.

"Senate approved July 22, 1969."

A letter, in the nature of a petition, signed by the Chairman, Steering Committee for the Federal Employees of the Virgin Islands, St. Thomas, Virgin Islands, praying for the restoration of a cost-of-living allowance; to the Committee on Post Office and Civil Service.

BILLS INTRODUCED

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

By Mr. STEVENS:

S. 2739. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Finance.

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

By Mr. HOLLINGS:

S. 2740. A bill to amend section 2 of the National Housing Act relative to mobile homes; to the Committee on Banking and Currency.

By Mr. GORE:

S. 2741. A bill to amend titles 10 and 37, United States Code, to provide equality of treatment for married female members of the uniformed services; to the Committee on Armed Services.

By Mr. McCARTHY:

S. 2742. A bill to amend the Securities Exchange Act of 1934 by providing for expanded membership no national securities exchanges; to the Committee on Banking and Currency.

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

By Mr. WILLIAMS of New Jersey:

S. 2743. A bill for the relief of Rosa Luisa Giordano;

S. 2744. A bill for the relief of John Themistokleous;

S. 2745. A bill for the relief of Vita Schiralli; and

S. 2746. A bill for the relief of Andrea Giovanni Petta; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2747. A bill to require the Secretary of Health, Education, and Welfare to conduct a study and investigation of the effects of the use of certain poisons on man's health and environment, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. HARTKE:

S. 2748. A bill to amend the Antidumping Act, 1921, as amended; to the Committee on Finance.

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

By Mr. MOSS:

S. 2749. A bill to authorize the payment of a special death gratuity to the widow, children, and parents of members of the Armed Forces who lost their lives on the U.S.S. *Scorpion;* to the Committee on Finance.

By Mr. HARTKE:

S. 2750. A bill to amend section 13a of the Interstate Commerce Act so as to provide for reimbursement to the carrier of the cost of operating uneconomic interstate railroad passenger train service performed under order of the Commission; to the Committee on Commerce.

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

By Mr. MOSS:

S. 2751. A bill to amend chapter 73 of title 38, United States Code, to authorize the payment of differential pay for evening and night work performed by nurses employed by the Veterans' Administration; to the Committee on Labor and Public Welfare.

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

By Mr. MUSKIE:

S. 2752. A bill to promote intergovernmental cooperation in the control of site selection and construction of bulk power facilities for environmental and coordination purposes; to the Committee on Government Operations, by unanimous consent; and, when reported from that committee to be referred to the Committee on Commerce.

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

By Mr. JAVITS (for himself and Mr. PROUTY):

S. 2753. A bill to amend the Public Health Service Act so as further to assist in meeting the Nation's needs for adequately trained personnel in the allied health professions, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under an appropriate heading.)

S. 2739—INTRODUCTION OF A BILL EXPANDING THE DEFINITION OF DEDUCTIBLE MOVING EXPENSES INCURRED BY AN EMPLOYEE

Mr. STEVENS. Mr. President, today I am introducing Senate bill 2739 which is designed to allow additional legitimate moving expenses to be deducted under existing Internal Revenue procedures. This is a companion bill to one recently introduced into the House of Representatives.

We are all aware of the rising costs of living facing us, but nowhere is this cost more apparent than my home State of Alaska. In the past only those costs such as travel and household moving have been allowable deductions. However these comprise only a portion of the actual costs involved. Reliable sources fix the cost to an average family for moving

at $3,300. In Alaska the average can go as high as $5,000. And yet under existing regulations only a portion of this amount may be deducted.

Certainly costs such as temporary housing, loss that might incur from a broken lease, costs in purchasing a new house, and in looking for a new home are all part of moving, and costs we have all borne in our previous moves.

My bill would recognize these costs; costs which have long been recognized by private industry, and allow reasonable and just deductions within the Internal Revenue Code.

Homeowners purchasing a home in their new place of residency would be allowed up to $2,500 in additional deductions. A renter would be granted up to $1,000 in new deductions.

With the enactment of this bill our highly mobile American society will no longer be penalized because they have found it necessary to move from one area to another.

Mr. President, it is my understanding that this amendment will not apply to Members of Congress because, technically if not otherwise, our principal place of residence remains in our State or district, notwithstanding our residence in the Washington area while Congress is in session.

Mr. President, I ask unanimous consent that the text of my bill be printed immediately following these remarks in the RECORD.

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

The bill (S. 2739) to expand the definition of deductible moving expenses incurred by an employee, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 217(b) of the Internal Revenue Code of 1954 (relating to definition of moving expenses) is amended to read as follows:

"(1) IN GENERAL.—For purposes of this section, the term 'moving expenses' means only the reasonable expenses—

"(A) of moving household goods and personal effects (including temporary storage expenses) from the former residence to the new residence;

"(B) of traveling (including meals and lodging) from the former residence to the new place of residence;

"(C) of traveling (including meals and lodging) by the taxpayer, his spouse, or both for the purpose of searching for a new residence in the area of the new principal place of work when both the old and the new principal places of work are located within the United States.

"(D) of meals and lodging of the taxpayer and members of his household at the new place of residence while occupying temporary quarters for a period not exceeding 30 days;

"(E) incident to the sale or exchange of taxpayer's former residence (not including expenses of redecorating or other items to improve salability) or to the settlement of an unexpired lease covering property used by the taxpayer as his former residence, and

"(F) incident to the purchase of a residence in the area of the new principal place of work.

If the aggregate of the expenses described in subparagraphs (C), (D), (E), and (F) exceed $2,500 in the case of a taxpayer who was the owner of his principal place of abode at the former residence, subsection (a) shall apply only to the first $2,500 of such expenses, and if the aggregate of such expenses exceed $1,000 in the case of any other taxpayer, subsection (a) shall apply only to the first $1,000 of such expenses."

SEC. 2. The amendments made by this Act shall apply to expenses incurred after December 31, 1968.

S. 2742—INTRODUCTION OF A BILL PROVIDING FOR EXPANDED MEMBERSHIP ON NATIONAL SECURITIES EXCHANGES

Mr. MCCARTHY. Mr. President, I am today introducing legislation which would open membership on registered stock exchanges to all broker-dealers who are registered with the Securities and Exchange Commission, pursuant to section 15 of the Securities Exchange Act of 1934.

Current restrictions imposed by stock exchanges on the number of seats available to broker-dealers would be abolished by this bill. However, it would require new exchange members to pay an appropriate share of the value of the exchange's physical facilities and property so as not to take from present members, without compensation, the value of their contributions to those facilities.

The bill also provides that an exchange could limit membership temporarily to meet such problems as inadequate trading floor facilities. Such temporary limits would become effective 60 days after being filed with the SEC if the SEC found them necessary.

There are approximately 4,530 broker-dealers registered with the Securities and Exchange Commission and only 1,366 seats on the New York Stock Exchange with the number of seats and who may become a member controlled by the New York Stock Exchange with only a limited check by the SEC.

At the present time, the SEC is not even sure whether it has the authority to require the New York Stock Exchange to increase the number of seats or change its membership requirements.

But there are financial institutions such as mutual funds, insurance companies, and pension plans which account for half of the volume on the New York Stock Exchange and one-fourth of its gross commissions. Although many of these institutions are registered as broker-dealers with the SEC, they are arbitrarily excluded by the New York Stock Exchange from membership on the grounds that they are not primarily engaged in the brokerage business.

These institutions represent many millions of shareholders who are thus unable to recoup their brokerage commissions. If exchange membership were available the institution could execute its own transactions and pass on the saving to its shareholders.

The artificial limitation on membership has increased the price of New York Stock Exchange seats to $515,000, thus excluding many small brokers from membership because of their lack of financial resources.

The New York Stock Exchange claims it is protected in its actions by an implied antitrust exemption in the Securities Exchange Act but the Department of Justice, in a brief filed with the SEC on January 17, 1969, says such immunity is implied "only to the extent necessary to make the exchange work and then only to the minimum extent necessary."

The Department of Justice goes on to declare that the SEC should take steps to require expansion of stock brokerage privileges to all qualified individuals up to the physical limit of exchange facilities. That is what my bill provides.

The effective date of the bill would be delayed for 2 years to provide time for readjustment and study of the problem.

I ask unanimous consent to have placed in the RECORD at this point a memorandum dealing with this proposed legislation.

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

The bill (S. 2742) to amend the Securities and Exchange Act of 1934 by providing for expanded membership on national securities exchanges, introduced by Mr. MCCARTHY, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The memorandum presented by Mr. MCCARTHY, is as follows:

MEMORANDUM

Subject: Proposed bill for expanded membership on registered and national securities exchanges:

Section 6 of the Securities Exchange Act of 1943 delineates the requirements for registration as a national securities exchange. The present Section 6(b) requires the continuing surveillance of member's conduct as a condition to granting or retaining registration. This provision will now be Section 6(b)(2) and the new membership provision will be Section 6(b)(1).

The first sentence of (b)(1) requires that membership on a registered exchange be open to all broker-dealers who are registered with the Commission pursuant to Section 15 of the Securities Exchange Act of 1934. This provision would eliminate the current restrictions imposed by exchanges on the number of seats available to broker-dealers. The Section also requires that new members would have to pay an appropriate share of the value of the exchange's physical facilities and property so as not to take from existing members, without compensation, the value of their contribution to the exchange facilities. An exchange may make rules limiting membership so as to meet such temporary problems as may exist respecting use of limited floor facilities by new members. Such rules would be restricted to this purpose and for a limited period of time. They would become effective 60 days after being filed with the Commission if the Commission finds that they are necessary or appropriate in the public interest or for the protection

of investors, and to carry out the purposes of free access to exchange membership for any registered broker or dealer.

BACKGROUND MEMORANDUM

There are approximately 4,530 broker-dealers registered with the Securities and Exchange Commission and only 1,366 seats (members) of the New York Stock Exchange. Of these 1,366 members approximately 600 deal with the public. The remainder work on the floor of the Exchange either for their own accounts, as specialists, or in various other non-public functions. The number of seats and who may become a member is controlled directly by the New York Stock Exchange with limited SEC oversight. The SEC is not even sure as to whether or not it can require the New York Stock Exchange to increase the number of seats or change its membership requirements.

Financial institutions such as mutual funds, insurance companies and pension plans account for 50% of the volume on the Exchange and for 25% of the gross commissions. Many of these institutions are registered as broker-dealers with the SEC. However, the Stock Exchange has arbitrarily excluded them from membership claiming that they are not primarily engaged in the brokerage business. Also excluded from membership are all publicly held companies. Thus, member brokerage houses are excluded from raising capital via equity financing.

Financial institutions have many millions of shareholders (there are 5 million mutual fund shareholders alone) and by barring them from New York Stock Exchange membership these shareholders are unable to recoup their brokerage commissions. On the other hand if Exchange membership was made available the institution could execute its own transactions and pass on the saving to its shareholders. For example, Investors Diversified Securities has a subsidiary which is a member of the Pacific Coast Stock Exchange (where no such limitation on membership exists). During 1967 I.D.S. was able to refund $4.1 million in commissions to its fund's shareholders.

The artificial limitation on membership has also increased the price of Stock Exchange seats to $515,000, excluding many small brokers from membership because of lack of financial resources.

In 1968 New York Stock Exchange commissions amounted to approximately $1,700,000,000. Since non-members are not allowed to share in these commissions (under New York Stock Exchange Rules a member is prohibited from splitting commissions with a non-member), small broker-dealers and financial institutions have been effectively barred from sharing in this income. As stated before, the cost to financial institutions such as mutual funds has been especially high since they have been unable to execute their own transactions and pass on the savings in commissions to their shareholders.

The New York Stock Exchange claims it is protected in its actions by an implied antitrust exemption contained in Section 19 of the Securities Exchange Act. However, the Justice Department in a brief filed with the SEC on January 17, 1969, a copy of which is enclosed, states that antitrust immunity for Exchange activities is to be implied "only to the extent necessary to make the Exchange work and then only to the minimum extent necessary." The Department on Page 198 goes on to state that after adequate study (this subject has been studied ad nauseam), the SEC should take steps to require expansion of stock brokerage privileges (Stock Exchange membership) to all qualified individuals up to the physical limit of such facilities. The enclosed bill provides for such a result. Time for readjustment and study is provided by a two-year delay in its effective date.

S. 2747—INTRODUCTION OF A BILL TO REQUIRE THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO CONDUCT A STUDY OF THE EFFECTS OF THE USE OF CERTAIN POISONS ON MAN'S HEALTH AND ENVIRONMENT

Mr. TYDINGS. Mr. President, I introduce today legislation designed to protect our people and our ecological system from the growing accumulation of toxic residues in the environment, stemming from the widespread use of pesticides.

In the past few months increasing public awareness of this accumulation has led to alarm over the long-term impact which the systematic, yet often indiscriminate applications of pesticides have had on our environment. Pesticides, after all, are poisons. Their deliberate injection into the land must be viewed as cause for concern, regardless of the precautions taken.

Of particular concern are those pesticides which do not break down after application. Pesticides are synthetic organic chemicals. Many of them degrade and disappear shortly after use. Others do not, remaining in the land for months or even years. These are termed persistent or hard pesticides. They retain their toxic quality and are transported throughout the environment in the soil, water, or in the air.

It is the accumulation of these pesticides, these poisons, in increasing amounts and all over the globe which has alarmed both scientists and conservationists alike.

It is this poisoning of our environment about which Rachel Carson so eloquently warned in her bestselling book, "The Silent Spring."

The danger from persistent pesticides, such as DDT, dieldrin, and endrin is now recognized. In 1963, a report of the President's Science Advisory Committee recommended that "the accretion of residues in the environment be controlled by orderly reduction in the use of persistent pesticides." The report went on to say that "elimination of the use of persistent toxic pesticides should be the goal." In May of this year, the Commission on Persistent Pesticides of the National Research Council, National Academy of Sciences said that it was "convinced that there is an immediate need for worldwide attention to the problem of buildup of persistent pesticides in the total environment." Finally, in recent testimony before the Subcommittee on Energy, Natural Resources and the Environment, of which I am a member, Dr. Leslie L. Glasgow, Assistant Secretary for Fish and Wildlife, Parks, and Marine Resources, U.S. Department of the Interior, stated that because of their toxic impact, we should begin to phase out hard pesticides.

An alarming example of the danger posed by persistent pesticides was the seizure last month by the FDA of 28,150 pounds of Lake Michigan Coho salmon which was found to contain 13 to 19 parts per million of DDT. As five p.p.m. is considered safe, the salmon was declared unfit for human consumption.

A Swedish scientist, Dr. Goran Lofroth, stated in May that breast-fed infants throughout the world were ingesting approximately twice the amount of DDT compounds recommended as a maximum daily intake by the World Health Organization. Dr. Lofroth, who is a radiobiologist at Stockholm University, found that the babies received a daily average of 0.02 milligrams per kilogram of DDT from their mother's milk. WHO has set 0.01 milligrams per kilogram of DDT and its compounds as the maximum recommended daily intake.

DDT is also threatening wildlife. Alexander Sprunt, research director of the National Audubon Society, says that unless we ban DDT, the American bald eagle will soon become extinct. The pesticide inhibits the development of the eggshell. It disturbs the calcium metabolism of the bird, resulting in a shell that is too thin to protect adequately the developing embryo.

Through the process of biological magnification in the food chain, whereby minute quantities of pesticides accumulate in tiny marine organisms and are transferred in ever-increasing amounts to plankton-eating fish, carnivorous fish, and finally birds of prey, other types of birds have been threatened. Dr. Glasgow reported:

Pesticide residues in fish are considered the most probable cause of the decline in hatching success in a colony of brown pelicans off the California coast this spring.

It is likely that the toxic residues of pesticides have also destroyed the peregrine falcon as a breeding bird in the Eastern United States.

Equally disturbing is the effect on marine life. Dr. Charles F. Wurster, Jr., of the State University of New York at Stony Brook is concerned by the effect of DDT on the growth and photosynthesis of basic marine plankton. Plankton is crucial to the production of oxygen and is the indispensable base of marine food chains. Interference with its growth and photosynthesis, warns Dr. Wurster, could have "profound worldwide biological implication." His warning is echoed by Dr. Charles M. Woodwell, an ecologist at Brookhaven National Laboratory who speaks of "the serious and subtle changes caused by continuous exposure to the low level of pesticides in the environment—that threaten to degrade the biota of the earth and especially the oceans in a very serious way."

The Department of the Interior recently released a 2-year study which showed that DDT residues were found in 584 of 590 samples of fish taken from 44 rivers and lakes across the country. In 12 of the 44, DDT levels were above five parts per million.

While there is not yet concrete evidence that the present level of toxic residues from persistent pesticides definitely harms man, many people are concerned. They should be, for pesticides are poisons. They are designed to kill

or metabolically upset some living target organism.

Their accumulation in the body cannot be healthy. Scientists are particularly worried over possible mutagenic effects of pesticide residues. Dr. Osny G. Falmy of the C. Beatty Research Institute in London warns that man is now absorbing enough pesticides to double the normal mutation rate. These pesticides are capable of disrupting the DNA molecule, their effect is cumulative, and the mutations may not show up for generations.

Prudence and commonsense require that we take steps to protect ourselves and our environment.

Some action has already been taken. Sweden and Hungary have forbidden the use of dieldrin and aldrin. The Soviet Union never permitted their use while Great Britain, France, and the Netherlands have prohibited dieldrin and aldrin at spring seeding.

Denmark, Sweden, and Hungary have banned the use of DDT. So have Arizona and Michigan. California, New York, and Wisconsin are considering such a move.

The response of our own Federal Government, however, has not been encouraging. On July 6, the Department of Agriculture announced it planned to spray National Airport with 1,086 pounds of dieldrin. Only the public uproar which this proposal created forced cancellation of the project. The Department then announced it was suspending for 30 days its own use of eight pesticides, pending a review of its control program.

Clearly this step is inadequate. At a time when other nations and three of our own States are moving forcefully to halt the pollution of our environment by persistent pesticides, our Government's response is a short-term, temporary suspension. Reports indicate that the likely result of the Department's review will be a prohibition on aerial spraying and the use of pesticides in marine areas. While this is desirable, it is by no means sufficient.

When a giant step was required, only a small stride was taken. The Agriculture Department has not properly responded to the pesticide problem. It has abdicated its leadership and ignored its responsibility.

The legislation I am introducing today is designed to correct this. The bill contains four major provisions. It directs the Secretary of Health, Education, and Welfare to make a comprehensive study of the use and effects of pesticides. It transfers the pesticide regulatory functions from the Department of Agriculture to the Department of Health, Education, and Welfare. It removes the exemption from registration and labeling of those pesticides intended solely for export. Finally, the bill places a 4-year moratorium on four of the more persistent and powerful pesticides.

One basic problem with the use of pesticides is the inadequacy of our knowledge on the impact of pesticides on our environment. We need additional information, particularly concerning possible long-term hazards and the effects on man's health. The national pesticides study will provide this. It will also evaluate the effectiveness of Federal regulation of pesticides and give special consideration to the question of persistence. The latter is important for our lack of knowledge regarding persistence is acute. This was recognized by the National Academy of Sciences' May 1969 report which stated:

> There is relatively little information about the ultimate fate of persistent pesticides in soil or in other parts of any ecosystem, or about the sequence in which the degradation processes take place.

Of particular significance, the study will advise on the desirability of permanently prohibiting the use of any or all pesticides.

By transferring the pesticide regulatory function to HEW the bill removes the conflict of interest inherent when an agency polices a program it promotes. The basic responsibility of the Department of Agriculture is to insure food production. It is oriented to the farmer, and understandably so. It is not attuned toward restricting a tool highly favored by the constituency it serves. It is not as sensitive as it should be to possible disturbances of our ecological system. The Director of the Pesticides Registration Division, the office responsible for pesticides within USDA, recently testified in Wisconsin that PRD relies heavily on the data supplied by the manufacturer for the registration of pesticides. Given all this the Department cannot help but be prejudicial toward the use of pesticides. My bill would transfer the functions of PRD to the Consumer Protection and Environmental Health Service of HEW. This office which contains the Environmental Control Administration is the proper location for PRD whose prime concern must be the health and well-being of man and his environment. The transfer is consistent with the mission of HEW as the principal office of Government responsible for the health and well-being of our citizens.

The basic Federal law governing pesticides provides for the dual requirement of registration and licensing. Before their introduction into the marketplace, pesticides must be registered with USDA and then properly labeled. Yet this requirement does not apply to those pesticides produced solely for export. Under section 3(b) of the basic law pesticides intended for shipment overseas are specifically exempted from the registration and labeling provisions of the act. The effect of this is to extend a measure of protection to our own citizens yet deny it to millions of people abroad. We are in effect saying that while we are unwilling to poison our own people we have no qualms about permitting the possibility of poisoning others. I do not think this is right. It may be economically profitable or administratively convenient, but it is not right. The issue is primarily a moral one. People everywhere, regardless of citizenship, deserve to be protected from environmental contamination by pesticides. My bill removes this special exemption and thus affords the people abroad to whom we ship over 400 million pounds of pesticides each year the same protection that we receive here in the United States.

Under certain circumstances, however, it may be desirable for certain pesticides to be used abroad that we may not wish to apply here. An example might be a persistent pesticide useful to combat a disease not normally found in the United States. On balance it may be wiser to use the pesticide and risk the pollution rather than let the disease go unchecked. The bill would not forbid this. It removes a special exemption from registration and labeling which now exists. It does not, nor does the Federal law, directly and absolutely, prohibit the shipment of particular pesticides by name. Rather, each rely essentially on prohibiting the shipment of pesticides that have been neither registered nor labeled or improperly registered and labeled. With these requirements fulfilled however the export of the pesticides involved could take place.

Recently 20 members of the Department of Biological Sciences at Stanford University condemned the continued use of DDT and other similar pesticides. They are concerned, as I am, by the danger these persistent substances pose to our ecological system. The bill I introduce today places a 4-year moratorium on the use of DDT, dieldrin, aldrin, and endrin. These are four of the most powerful and persistent pesticides.

Instead of continuing to poison our environment with toxic residues, we should call a halt to the application of these pesticides. In the face of mounting evidence that indicates a definite deterioration in the environment due to the pesticide residues, we should stop using these persistent products pending a careful exhaustive examination of their impact on the environment.

The moratorium on DDT, dieldrin, aldrin, and endrin would do this. It temporarily halts the deliberate injection of these four lingering poisons into our land, sea, and air.

Should the evidence of damage prove conclusive, a permanent ban of the four pesticides would be in order. Should it not, selected applications or even unlimited use could be permitted.

The point is to halt the present poisoning in the face of repeated and respected evidence that residues from persistent pesticides are harming our environment. Other nations have already acted, we should not delay further.

In any discussion of pesticides, it is only fair to point out the many benefits which the development of these chemical compounds have brought about. They are, to a real extent, in part responsible for our high standard of living. Pesticides have facilitated the protection and production of food, feed, and fiber. They have made a major contribution to the agricultural wealth of this country. Pesticides have also freed man from many communicable diseases. Malaria and yellow fever are but two diseases that are now rare in North America due to the development of pesticides.

To say now that we must limit their use is not to say however that we should stop using them altogether. What disturbs me is the extensive use of the persistent pesticides whose poisons linger long after their initial application. We must phase these out and replace them with safer, equally efficient alternatives. In most cases these alternatives are already available. Where they are not, they shall have to be developed.

No doubt the costs of using these nonpersistent alternatives will he higher than present costs. Pesticides may have to be sprayed twice or three times where before once would suffice. Yet, a quality environment does not come cheaply. Moreover, it simply does not make sense to continue to permit contamination. The small savings incurred by the present use of persistent pesticides are easily outweighed by their long-term costs, costs measured in terms of the health and well-being of man and other lifeforms in the environment.

Pesticides, of course, are big business. Total domestic sales this year are forecast at $1.7 billion. Most of this is spent for agriculture; although $255 million was spent both for household and garden use and industrial and institutional use. The United States produces an estimated two-thirds of the world's supply of pesticides. Of some 900 million pounds manufactured in 1967, more than 400 million were exported. These figures are rising. Secretary General U Thant has reported that present pesticide production now stands at 1.3 billion pounds per year.

In the United States many of these pesticides are manufactured or marketed in violation of the law. According to a September 1968 Government Accounting Office report, 2,751 samples of pesticide products were tested and reviewed by USDA in fiscal year 1966. Of these, 750 were found to violate the law. Of these, 750,562 were deemed major violations warranting either seizure or prosecution. This represents 20 percent of all the samples tested and reviewed in fiscal year 1966.

The GAO also found that the Department initiated 106 enforcement actions to remove misbranded, adulterated, and unregistered products from the market. Unfortunately, USDA rarely took action to secure quantity and shipping data in order to recall faulty or dangerous products. If action was taken against a specific product, no effort was made to find out where other shipments of the same product were sent. The public was still exposed to the danger even though the Department theoretically had acted to protect it.

Equally disturbing was the GAO finding that despite major and repeated violations of the law, USDA had taken no action in 13 years to report these violations to the Department of Justice for prosecution. This lax attitude toward improprieties is indicative of the close association which often develops between big business and the Government agencies which are supposed to regulate them. It is a good example of why the Pesticides Registration Division should be transferred to the Department of Health, Education, and Welfare.

The pesticides problem illustrates the lack of coordination and absence of policy we see so often in Federal activity relating to the environment. There is no one agency primarily concerned with the adverse impact that persistent pesticides have. Agriculture is in the driver's seat and cooperation with Interior and HEW is by no means optimal. The effort to protect our resources from these poisons is thus fragmented and hindered by the lack of a national policy binding on all the agencies of Government. The result, as understated by the National Academy of Sciences' report, is—

In general, present regulations contain inadequate provisions for protecting the environment.

On April 15, I introduced legislation creating an Office of Environmental Quality. This would be a small, select Office located within the Executive Office of the President. Its main task is to advise the President in matters relating to environmental quality. Equally important, however, it is charged with devising policies, establishing priorities, and insuring coordination among the Federal Government in the field of conservation. Its absence is felt in the area of pesticides for here we have little coordination, uneven priorities, and no central policy. The pesticides problem is a classic illustration of the need for an agency such as I have proposed.

Mr. President, no long-term solution to the problems posed by persistent pesticides will be found by this Nation alone. The active participation of all nations is required if we are to secure an environment free from dangerous poisons. We are, as the pictures from Apollo so vividly remind us, one world and must work together both to increase our understanding of the pesticide danger and take united action against it when warranted.

As the world's largest producer of pesticides, the United States has a unique responsibility for insuring that pesticides do not endanger man and the other life forms in the environment. So far, I do not think we have lived up to this responsibility. I, therefore, call upon the administration to support the legislation I am introducing today and to initiate an international effort to take cooperative measures whereby the worldwide dangers from persistent pesticides will be reduced and an environment of quality and safety will be insured for all nations.

Mr. President, I ask unanimous consent that the text of the bill I introduce today now be printed in the RECORD.

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

The bill (S. 2747) to require the Secretary of Health, Education, and Welfare to conduct a study and investigation of the effects of the use of certain poisons on man's health and environment, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2747

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 "Health and Environment Protection Act of 1969."

NATIONAL PESTICIDES STUDY

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct a comprehensive study and investigation of the use and effects of pesticides on man and other animals, on other life forms, and on man's environment. In carrying out such study and investigation the Secretary shall, among other things, give special consideration to—

(1) the necessity and desirability of using pesticides;

(2) the advisability of permanently prohibiting the use of certain pesticides or classes of pesticides;

(3) the effectiveness of existing Federal regulation of pesticides;

(4) the length of time that pesticides continue to remain in effect in man's environment after application; and

(5) laws and regulations of other countries relating to the use of pesticides and the international consequences of such laws and regulations, or the absence thereof.

(b) In carrying out the study and investigation provided for in subsection (a) of this section, the Secretary shall seek the assistance and cooperation of the Secretary of Agriculture and the Secretary of the Interior. He shall also seek the advice and counsel of persons outside the Government who are eminently qualified to assist in carrying out such study and investigation by reason of their education, training, and knowledge in the various fields of science related to such study and investigation.

(c) The Secretary shall submit a report to the President and the Congress on the results of his study and investigation not later than thirty months after the date of enactment of this Act and shall include in such report such recommendations for administrative and legislative action as he deems appropriate.

TRANSFER OF ADMINISTRATION OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 3. (a) All powers, duties, and functions of the Secretary of Agriculture relating to the administration of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) are hereby transferred to and vested in the Secretary of Health, Education, and Welfare.

(b) So much of the assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), available or to be made available, of the Department of Agriculture as the Director of the Bureau of the Budget shall determine relates primarily to the administration of the Federal Insecticide, Fungicide, and Rodenticide Act (on the day before the effective date of this section) shall be transferred from the Department of Agriculture to the Department of Health, Education, and Welfare on the effective date of this section or as soon thereafter as practicable.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director of the Bureau of the Budget shall prescribe.

(d) Any transfer of personnel pursuant to this section shall be without change in clas-

sification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges, made, issued, or granted by any agency or in connection with any functions transferred by this section, and in effect at the time of transfer shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed by the Secretary of Health, Education, and Welfare. No suit, action, or other proceeding lawfully commenced by or against the Department of Agriculture, or any officer or employee of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section.

(e) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended as follows:

(1) Sections 3.u., 6.b., and 10 are each amended by striking out "Secretary of Agriculture" wherever it appears therein, and inserting in lieu thereof "Secretary of Health, Education, and Welfare;" and

(2) Sections 3.c., 4.c., 5, and 6.c. are amended by striking out "United States Department of Agriculture" wherever it appears therein, and inserting in lieu thereof "Department of Health, Education, and Welfare."

(f) This section shall become effective 90 days after the date of enactment of this Act.

REQUIREMENTS FOR AND PROHIBITION OF THE EXPORT OF ECONOMIC POISONS TO CERTAIN FOREIGN COUNTRIES

SEC. 4. Section 3.b. of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135a) is amended to read as follows:

"b. Nothing in this act shall be construed as exempting any economic poison exported to a foreign country from complying with all the requirements of this act. Further, it shall be unlawful for any person to ship or deliver for shipment to any foreign country any economic poison if the Government of such foreign country has indicated in writing to the Secretary that such country prohibits the import of such economic poison and the Secretary has published a notice to that effect in the Federal Register."

MORATORIUM ON THE USE OF CERTAIN CHEMICAL COMPOUNDS

SEC. 5. (a) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. 17. Notwithstanding any other provision of law, for a period of four years following the effective date of this section, it shall be unlawful for any person to distribute, sell, or offer for sale in any Territory, the District of Columbia, or the Commonwealth of Puerto Rico, or to ship or deliver for shipment from any State, Territory, the District of Columbia, or the Commonwealth of Puerto Rico to any other State, Territory, the District of Columbia, or the Commonwealth of Puerto Rico, or to receive in any State, Territory, the District of Columbia or the Commonwealth of Puerto Rico from any place outside thereof the economic poison dichlorodiphenyltrichloroethane, commonly known as DDT, dieldrin, aldrin, or endrin."

(b) This section shall become effective 150 days after the date of enactment of this Act.

S. 2748—INTRODUCTION OF A BILL TO AMEND THE ANTIDUMPING ACT, 1921, AS AMENDED

Mr. HARTKE. Mr. President, I introduce for appropriate reference a bill to amend and strengthen the Antidumping Act of 1921.

In May 1967, when I introduced a bill with the same objectives—S. 1726, 89th Congress—I explained that there was a need for a fair and effective antidumping act and quoted the following remarks of then Senator Hubert Humphrey which he had made when he introduced the 1963 antidumping bill:

The amendment I introduce today does not alter the philosophy or purpose of the Antidumping Act in any way. Its only purpose is to make the act more effective in achieving its original purpose and to help insure that international trade will be conducted in a fair and equitable fashion.

The bill I introduce today has the same goals as the bills introduced in 1963, 1965, and again in 1967—to strengthen the Antidumping Act of 1921 and thereby provide an effective remedy to domestic industries injured by the unfair trade practice of dumping.

In passing Public Law 90-634, which was signed by the President on October 24, 1968, Congress adopted an amendment on the administration of the Antidumping Act of 1921. In the amendment, Congress specifically provided that—

Nothing contained in the International Antidumping Code . . . shall be construed to restrict the discretion of the United States Tariff Commission from performing its duties and functions under the Antidumping Act of 1921. . . .

In addition, this statute specifically directed the Tariff Commission and the Secretary of the Treasury in administering their respective functions under the Antidumping Act to "resolve any conflict between the International Antidumping Code and the Antidumping Act, 1921, in favor of the act as applied by the agency administering the Act."

The 1968 amendment thus made clear that the Antidumping Act was unaffected by the international code. This continued the status quo—an act designed to eliminate unfair discrimination in international trade—which has not been substantively amended or updated since its enactment in 1921. The Antidumping Act has not provided meaningful relief to domestic industries injured by dumping. With the continuing increase in imports of all commodities, there is need for an effective Antidumping Act to insure that import competition remains fair, and subject to the same ground rules imposed on domestic producers under the antitrust and fair trade laws.

The bill which I introduce today would provide a standard for the Tariff Commission's guidance in determining whether an industry in the United States has been injured as a result of dumping. The bill would adopt the standard of whether dumping has caused more than de minimus or immaterial injury. The reasonableness of this standard is demonstrated by the fact that it has been used by the majority of the Tariff Commission in recent cases. The bill would also provide a definition of industry that insures that distinctive geographical or segmented markets be considered by the Commission. This would be accomplished by use of the well-established antitrust test of whether an industry has been injured "in any line of commerce in any section of the country." Here again, this concept has been used in numerous decisions by a majority of the Tariff Commission.

These provisions of the bill are consistent with the policy determinations of Congress in its adoption of the 1968 amendment to the Antidumping Act. Since that policy made it clear that the Tariff Commission should resolve any conflict between the act and the international code in favor of the act, and since the injury standard and the industry definition merely adopt principles which a majority of the Tariff Commission has already applied, the bill is clearly consistent with established congressional policy.

One of the provisions of the bill introduced today would adopt the antitrust concept of the reasonable likelihood of injury and would require an affirmative finding of injury where there is such a finding.

In 1968, when the Senate adopted amendments concerning the administration of the Antidumping Act and its relationship to the international code, provision was made to clarify what should already have been clear in the Antidumping Act—that the function of the Treasury Department is limited to mathematical computations of whether dumping has occurred, and it has no authority to dismiss cases on the basis of injury considerations or assurances that dumping will be discontinued. The bill would reinstate the proposals passed by the Senate in 1968 and provide that if there are any instances justifying dismissals when dumping prices have been charged, authority to grant such dismissals should rest with the Tariff Commission. This is entirely logical, since under the act the Tariff Commission, and the Commission alone, has the power to consider the injury aspects of a dumping complaint. The bill provides that when the Tariff Commission concludes that acceptance of an assurance of discontinuance of dumping is warranted, it shall follow a procedure used in antitrust consent decrees, whereby the Commission would maintain continuing jurisdiction and require compliance reports from the importers involved.

Similar to the provisions of the earlier antidumping bills, the bill introduced today would provide a 6-month time limitation on Treasury's determination of whether dumping has occurred. Treasury would be authorized to utilize an additional 90 days, on the condition it publish reasons therefor in the Federal Register. If the delay is caused by dilatory tactics by importers or foreign exporters, notice of withholding of appraisement must be issued at the termination of the 6-month period. The reasonableness of this provision is attested to by the requirement in the Antidumping Act that the Tariff Commission complete its investigation of

injury within 3 months from the date of the submission of the case to the Commission by Treasury. If the Commission is able to complete its investigations within 3 months, as it always has done, it is certainly reasonable to require Treasury to complete its investigation of dumping prices within 6 months. In unusual cases, moreover, Treasury would be allowed an additional 90 days after the 6-month period to conclude an investigation when there are valid reasons for requiring the additional period of time.

The 6-month limitation is necessary because Treasury has taken inordinate amounts of time to conclude dumping investigations. One investigation lasted 3 years, and it is not uncommon for such investigations to take over a year. Currently, for example, Treasury has a large number of complaints pending with respect to imports of electronic products from Japan and other imports, some of which have been pending over a year and some as long as 2 years.

The bill would provide for a limited form of judicial review. All interested parties—both importers and domestic industry—would have a right to review of questions of law. Under the Antidumping Act in its present form, judicial review is permitted only for importers, but on all issues, both factual and legal. This provision would grant a limited form of judicial review to all parties and would not differentiate between importers and domestic industry.

Finally, the bill would require Treasury to consolidate complaints directed at the same kind or class of merchandise imported from various foreign sources. The reasonableness of this position is also apparent. If a domestic industry is being injured by an article being dumped in this market from various sources, the effect of dumping of the same class or kind of article should be weighed collectively, and not on a country-by-country basis.

In brief, the bill introduced today is fair and reasonable and would accomplish the same basic objectives as those which were sought to be achieved in the 1963, 1965, and 1967 proposed amendments to the act.

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

The bill (S. 2748) to amend the Antidumping Act, 1921, as amended, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 2750—INTRODUCTION OF A BILL TO IMPROVE RAILROAD PASSENGER SERVICE

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to amend section 13(a) of the Interstate Commerce Act so as to provide for reimbursement to the carrier of the cost of operating uneconomic interstate railroad passenger train service performed under order of the Commission. The investigation of costs of intercity rail passenger service recently completed by the Interstate Commerce Commission establishes that although our railroads are not losing money to the extent that had often been claimed, they are nevertheless losing a substantial amount of money in the operation of passenger trains. If railroad passenger service is to be preserved it seems clear that some sort of governmental action or assistance is required. The precise form that that action or assistance should take is a matter the Senate Committee on Commerce and the Subcommittee on Surface Transportation will begin evaluating very soon.

The bill I introduce today represents one possible answer to the question of appropriate increased Government involvement in efforts to improve and preserve railroad passenger service. This measure would provide a direct Federal subsidy to a railroad if the Federal Government has ordered a passenger train to be continued in service where it has been established that that service operates at a loss.

Government financial assistance to assure an adequate transportation system has many precedents covering various modes of transportation in the United States. The Government has constructed highways, assisted air transportation by direct subsidy, continually seeks to improve navigation of our waterways, and has provided construction and operating subsidy for many of our merchant marine vessels.

The particular proposal I introduce today was suggested by the Association of American Railroads. In my opinion the association is to be commended for having developed a positive attitude toward Government assistance to assure adequate railroad passenger train service. The bill represents an approach which I believe deserves very serious consideration by the Congress and I intend to do what I can to insure that that consideration takes place at an early date.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

The bill (S. 2750) to amend section 13a of the Interstate Commerce Act so as to provide for reimbursement to the carrier of the cost of operating uneconomic interstate railroad passenger train service performed under order of the Commission, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13a of part I of the Interstate Commerce Act (49 U.S.C. 13a) is amended to read as follows:

"DISCONTINUANCE OR CHANGE OF CERTAIN OPERATIONS OR SERVICE

"SEC. 13a(1) A carrier or carriers subject to this part, if their rights with respect to the discontinuance or change, in whole or in part, of the operation or service of any train or ferry operating from a point in one State to a point in any other State or in the District of Columbia, or from a point in the District of Columbia to a point in any State, are subject to any provision of the constitution or statutes of any State or any regulation or order of (or are the subject of any proceeding pending before) any court or an administrative or regulatory agency of any State, may, but shall not be required to, file with the Commission, and upon such filing shall mail to the Governor of each State in which such train or ferry is operated, and post in every station, depot or other facility served thereby, notice at least thirty days in advance of any such proposed discontinuance or change. The carrier or carriers filing such notice may discontinue or change any such operation or service pursuant to such notice except as otherwise ordered by the Commission pursuant to this paragraph, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any court or State authority to the contrary notwithstanding. Upon the filing of such notice the Commission shall have authority during said thirty days' notice period, either upon complaint or upon its own initiative without complaint, to enter upon an investigation of the proposed discontinuance or change. Upon the institution of such investigation, the Commission, by order served upon the carrier or carriers affected thereby at least ten days prior to the day on which such discontinuance or change would otherwise become effective, may require such train or ferry to be continued in operation or service, in whole or in part, pending hearing and decision in such investigation, but not for a longer period than four months beyond the date when such discontinuance or change would otherwise have become effective. If, after hearing in such investigation, whether concluded before or after such discontinuance or change has become effective, the Commission finds that the operation or service of such train or ferry is required by public convenience and necessity, the Commission may by order require the continuance or restoration of operation or service of such train or ferry, in whole or in part, for a period not to exceed one year from the date of such order. The provisions of this paragraph shall not supersede the laws of any State or the orders or regulations of any administrative or regulatory body of any State applicable to such discontinuance or change unless notice as in this paragraph provided is filed with the Commission. On the expiration of an order by the Commission after such investigation requiring the continuance or restoration of operation or service, the jurisdiction of any State as to such discontinuance or change shall no longer be superseded unless the procedure provided by this paragraph shall again be invoked by the carrier or carriers.

"(2) Any order of the Commission entered pursuant to the provisions of paragraph (1) of this section requiring continued operation of a train or ferry shall provide that if, for the period subsequent to the discontinuance date in the notice filed under said paragraph and prior to the expiration of said order, the cost, as hereinafter defined, of operating the train or ferry shall exceed the direct revenues thereof, then upon request therefor, payment

shall be made to the carrier or carriers, in the manner hereinafter provided and within ninety days after expiration of such order, of a sum equal to the amount by which such cost has exceeded said revenues. The term "cost" shall mean those expenditures made or incurred in or attributable to the operation of such train or ferry, plus an appropriate allocation of common expenses and overheads. Such cost shall be then currently recorded by the carrier or carriers in such manner and on such forms as by general order may be prescribed by the Commission and shall be submitted to and subject to audit by the Commission. The Commission shall certify promptly to the Secretary of the Treasury the amount of payment to be made to said carrier or carriers under the provisions of this paragraph.

"(3) Payments required to be made to a carrier or carriers under the provisions of paragraph (2) of this section shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions thereof.

"(4) (a) If at any time compliance by the carrier or carriers with the order of the Commission shall require the use of passenger train equipment not then owned by the carrier or carriers and reasonably available for such use, the Secretary of Transportation shall provide the carrier or carriers with the needed equipment on the basis of current railway rental charges for such equipment, and such rental charges shall constitute a cost to the carrier or carriers as that term is defined in paragraph (2) hereof.

"(b) The Secretary of Transportation is hereby authorized to purchase, lease, or otherwise acquire or obtain in the name of the Department of Transportation such passenger equipment as may be required to comply with the provisions of sub-paragraph (a) of this paragraph and to make payment therefor from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions of this paragraph.

"(5) Where the discontinuance or change, in whole or in part, by a carrier or carriers subject to this part, of the operation or service of any train or ferry operated wholly within the boundaries of a single State is prohibited by the constitution or statutes of any State or where the State authority having jurisdiction thereof shall have denied an application or petition duly filed with it by said carrier or carriers for authority to discontinue or change, in whole or in part, the operation or service of any such train or ferry or shall not have acted finally on such an application or petition within one hundred and twenty days from the presentation thereof, such carrier or carriers may petition the Commission for authority to effect such discontinuance or change. The Commission may grant such authority only after full hearing and upon findings by it that (a) the present or future public convenience and necessity permit of such discontinuance or change, in whole or in part, of the operation or service of such train or ferry, and (b) the continued operation or service of such train or ferry without discontinuance or change, in whole or in part, will constitute an unjust burden upon the interstate operations of such carrier or carriers or upon interstate commerce. When any petition shall be filed with the Commission under the provisions of this paragraph, the Commission shall notify the Governor of the State in which such train or ferry is operated at least thirty days in advance of the hearing provided for in this paragraph, and such hearing shall be held by the Commission in the State in which such train or ferry is operated; and the Commission is authorized to avail itself of the cooperation, services, records and facilities of the authorities in such State in the performance of its functions under this paragraph."

S. 2751—INTRODUCTION OF A BILL RELATING TO DIFFERENTIAL PAY FOR VETERANS' ADMINISTRATION NURSES

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to authorize differential pay for evening and night work for nurses employed by the Veterans' Administration.

I understand that General Schedule nurses, that is, nurses who work in other Federal agencies, such as the Public Health Service, or for the Department of Defense, already receive such pay differentials, and I feel it is only fair that nurses on duty in our Veterans' Administration installations have the same treatment.

The Nation is critically short of people trained in the nursing field, and we need to provide every incentive to keep those who are already trained on active duty, and to encourage young people to enter the field. I would hope that enactment of the bill I am proposing would have some effect in both respects.

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

The bill (S. 2751) to amend chapter 73 of title 38, Unites States Code, to authorize the payment of differential pay for evening and night work performed by nurses employed by the Veterans' Administration, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 2752—INTRODUCTION OF INTERGOVERNMENTAL COORDINATION OF POWER DEVELOPMENT AND ENVIRONMENTAL PROTECTION ACT

Mr. MUSKIE. Mr. President, I introduce the "Intergovernmental Power Coordination and Environmental Protection Act," a bill designed to coordinate the activities of local, State, and Federal agencies with respect to the impact of the location and construction of bulk power facilities on their responsibilities for protecting the Nation's environment.

One of the most significant intergovernmental developments in recent years has been the expansion of governmental activity at all levels in the planning, development, and management of water and related land resources. Federal, State and local government agencies have strengthened their planning and development efforts in order to meet the public demand for more carefully thought-out objectives and more precisely defined goals.

But at the same time, urban expansion, regional economic development, and other aspects of growth and change have placed extraordinary demands on the available supply of natural resources and the available supply of electric energy.

Official figures from the Federal Power Commission speak more persuasively than words as to the problem of the lack of electrical reliability in this country. The facts are clear that the problem has continued unabated since the Northeast blackout, affecting more and more customers, and resulting in an increasing loss of megawattage in our national electrical system.

From 1954 to the end of 1966, the Federal Power Commission reported that there were 148 power interruptions. This list included only major outages.

In 1966, the FPC required more definitive reporting of power failures by the electric companies. The Commission required the listing of interruptions which were caused by the failure of bulk power supply facilities, including: a failure of generating equipment operating at a level of 69,000 volts or more; a failure resulting in a loss of 25,000 kilowatts or more; or a failure of half of the system load for 15 minutes or longer.

During the years 1967, 1968, and for the first half of 1969, the FPC reports that there have been a total of 237 power blackouts, affecting a total of 18,600.000 customers.

More dramatically, for the first 6 months of 1969, there have already been 46 power failures affecting 1,336,000 customers, more than in any comparable 6-month period subsequent to June 30, 1967.

For the information of my colleagues and others interested in this important issue, I ask unanimous consent to have printed at this point in the RECORD the following exhibits taken from official reports by the Federal Power Commission relating to these power failures:

Exhibit I, a resume of power interruption, 1954-66.

Exhibit II, power service interruptions in accordance with FPC Order No. 331 through June 12, 1967.

Exhibit III, service interruptions, June 13 to December 31, 1967.

Exhibit IV, a description of electric power interruptions, June 13 to December 31, 1967.

Exhibit V, service interruptions, January 1 to June 30, 1968.

Exhibit VI, electrical interruptions between January 1 and June 30, 1968.

Exhibit VII, service interruptions, July 1 to September 30, 1968.

Exhibit VIII, electric interruptions between July 1 and September 30, 1968.

Exhibit IX, service interruptions, October 1 to December 31, 1968.

Exhibit X, electric interruptions between October 1 and December 31, 1968.

Exhibit XI, service interruptions, first quarter of 1969.

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

EXHIBIT I

TABLE E-1.—RÉSUMÉ OF POWER INTERRUPTIONS, 1954-66

Outage No.	Date	Approximate location	Probable cause
1	Jan. 30, 1954	Cleveland, Ohio	Major short circuit.
2	Aug. 30, 1954	Eastern Massachusetts	Hurricane Carol.
3	Sept., 1954	Northeast coast	Hurricane Edna.
4	Oct. 10, 1954	Chicago, Ill	Flood.
5	Oct. 15, 1954	East coast	Hurricane Hazel.
6	Oct. 30, 1954	Cleveland, Ohio	Snowstorm.
7	Dec. 19, 1954	Chicago, Ill	Turbine explosion.
8	March, 1955	Peoria, Ill	Transformer failure.
9	March, 1955	Indiana, Ohio, Pennsylvania.	Storm.
10	May 25, 1955	Summit, N.J	Lightning.
11	June, 1955	Olney, Tex	Weather balloon drifted onto line.
12	July 7, 1955	New York, N.Y	Overload of distribution feeders.
13	August 1955	East coast	Hurricane Connie.
14	do	New England coast	Hurricane Diane.
15	October 1955	Northeast United States.	Floods.
16	June 1956	Stephensville, Wis	Windstorm.
17	Sept. 20, 1956	Toledo, Ohio	Tieline breaker misoperation.
18	Oct. 10, 1956	New York, N.Y	Transformer tap changer failure.
19	Dec. 14, 1956	Connecticut, N.J	Ice storm.
20	Jan. 3, 1957	Plattsburg, N.Y	Distribution feeder and transformer failure.
21	Jan. 23, 1957	Peru, Ind	Flood.
22	Jan. 27, 1957	Little Rock, Ark	Ice storm.
23	January 1957	Tennessee, Kentucky, West Virginia.	Floods.
24	March 1957	Kansas, Colorado, Texas, Oklahoma, New Mexico.	Blizzard.
25	Apr. 9, 1957	Dallas, Tex	Tornado.
26	May 20, 1957	Kansas-Missouri	Do.
27	May 23, 1957	East Aurora, N.Y	Wind storm.
28	June 17, 1957	New York, N.Y	Curtailment.
29	June 27, 1957	Louisiana-Texas	Hurricane Audrey.
30	Aug. 2, 1957	Washington, D.C	Underground cable failure.
31	Oct. 31, 1957	Minneapolis, Minn	Lightning arrestor failure.
32	Mar. 20, 1958	Northeast coast	Blizzard.
33	June 4, 1958	St. Paul, Minn	Tornado.
34	June 10, 1958	Eldorado, Kans	Do.
35	June 17, 1958	Louisiana-Mississippi	Operating error.
36	July 2, 1958	Kearney, N.J	Distribution transformer failure.
37	Do	Charleston, S.C	Gasoline fire.
38	September 1958	North Carolina	Hurricane Helene.
39	December 1958	Albuquerque, N.Mex	Snowstorm.
40	Jan. 2, 1959	Seattle, Wash	Substation fire.
41	Jan. 7, 1959	San Antonio, Tex	Substation breaker failure.
42	Jan. 15, 1959	Bergen, N.J	Powerplant failure.
43	Jan. 29, 1959	St. Louis, Mo	Ice storm.
44	Aug. 17, 1959	New York, N.Y	Underground cable failures.
45	Dec. 28, 1959	Western New York	Sleet.
46	Jan. 7, 1960	Orange, N. J	Fire.
47	Mar. 1, 1960	Tennessee, Alabama, Georgia.	Ice storm
48	Mar. 2, 1960	Texas, Louisiana	Do.
49	Apr. 28, 1960	Oklahoma City, Okla	Tornado.
50	May 5, 1960	Oklahoma	Tornadoes.
51	May 23, 1960	Hilo, Hawaii	Tidal wave.
52	June 29, 1960	Cleveland, Ohio	Underground cable failure.
53	Sept. 9, 1960	East coast	Hurricane Donna.
54	Sept. 11, 1960	Long Island, N.Y	Do.
55	Mar. 3, 1961	Norwalk, Conn	Substation equipment explosion.
56	June 13, 1961	San Francisco, Calif	Circuit breaker explosion.
57	June 21, 1961	Southern Idaho	Fire.
58	June 29, 1961	Southern Idaho	Powerplant failure.
59	July 3, 1961	do	Transmission line failure.
60	July 13, 1961	New York, N.Y	Bushing failures in adjacent distribution feeder breakers.
61	Aug. 4, 1961	Cleveland, Ohio	Transmission line flashover.
62	Aug. 29, 1961	Nassau, N.Y	Rain and lightning.
63	Sept. 11, 1961	Galveston, Tex	Hurricane Carla.
64	Sept. 21, 1961	Long Island, N.Y	Hurricane Esther.
65	Nov. 13, 1961	El Paso, Tex	Snowstorm.
66	Mar. 13, 1962	Glendale, Calif	Operating error.
67	March 1962	Atlantic City, N.J	Storm.
68	June 25, 1962	Iowa-Nebraska	Operating error.
69	Aug. 5, 1962	Staten Island, N.Y	Underground cable failure.
70	Aug. 13, 1962	Pasadena, Calif	Failure of 4 oil-filled cutouts.
71	Aug. 20, 1962	Brooklyn, N.Y	Underground cable failure.
72	do	Cleveland, Ohio	Tornado.
73	Oct. 12, 1962	Portland, Oreg	Storm.
74	Oct. 12, 1962	Washington-Oregon	Do.
75	Oct 12, 1962	Bellingham, Wash	Storm.
76	Dec. 30, 1962	Nassau, N.Y	Storm and wind.
77	Mar. 17, 1963	Tampa, Fla	Circuit breaker control circuit failure.
78	July 23, 1963	Blackwell, Okla	Failure of plant circulating water pump.
79	June 13, 1963	Kansas	Failure of transmission line splice.
80	June 19, 1963	Westchester, N.Y	Hot weather.
81	June 28, 1963	Staten Island, N.Y	Do.
82	December 1963	Los Angeles, Calif	Dam failure.
83	Feb. 24, 1964	Texas-Oklahoma	Exciter flashed over.
84	Mar. 4, 1964	Southwest Tennessee	Tornado.
85	Mar. 10, 1964	Kingston, N.Y	Rain and sleet.
86	Apr 3, 1964	Alaska	Earthquake.
87	do	California-Oregon	Tidal wave.
88	April 1964	Jacksonville, Fla	Frog in relay.
89	May 23, 1964	Long Island, N.Y	Transmission line fault.
90	Aug. 10, 1964	Sweetwater, Tex	Gas regulator closed on fuel supply line to large powerplant.
91	Aug. 27, 1964	Lordsburg, N. Mex	Emergency shutdown of a 13-megavolt unit.
92	Aug. 27, 1964	Miami, Fla	Hurricane Cleo.
93	Sept. 9, 1964	North Florida	Hurricane Dora.
94	Oct. 4, 1964	Lousiana	Hurricane Hilda.
95	Nov. 19, 1964	Northwest Washington	Submarine cable failure.
96	Nov. 30, 1964	Teaneck, N.J	Circuit breaker failed to operate.
97	Dec. 4, 1964	Eastern N.Y	Ice storm.
98	Dec. 5, 1964	Michigan City, Ind	Line short.
99	Dec. 22, 1964	Northern California	Floods.
100	Jan. 7, 1965	Western Pennsylvania	Boiler tube failure
101	Jan. 23, 1965	Chicago, Ill	Ice storms.
102	Jan. 28, 1965	Iowa-Nebraska	Operating error
103	Feb. 17, 1965	Lawrenceburg, Ind	Do.
104	Apr. 7, 1965	Minneapolis, Minn	Tornadoes.
105	Apr. 11, 1965	Iowa, Illinois, Indiana, Wisconsin, Michigan, Ohio.	Do.
106	Apr. 16, 1965	Chester, Pa	Bird nest fell on powerline.
107	Apr. 27, 1965	Arizona	Operating error.
108	Apr. 29, 1965	Tacoma, Wash	Earthquake.
109	May 18, 1965	Lower Baker, Wash	Mud slide on powerhouse.
110	June 16, 1965	Denver, Colo	Floods.
111	June 27, 1965	Des Moines, Iowa	Rain and winds.
112	Aug. 29, 1965	Des Moines, Iowa	Lightning.
113	Sept. 9, 1965	Louisiana	Hurricane Betsy.
114	Sept. 9, 1965	Florida	Do.
115	Nov. 9, 1965	Northeast United States.	Undesired relay operation
116	Nov. 22, 1965	Elgin, Ill	Wind.
117	Dec. 2, 1965	Texas-New Mexico	Loss of fuel supply.
118	Dec. 6, 1965	Beaumont, Tex	Misoperation of supervisory (control).
119	Jan. 24, 1966	Los Angeles, Calif	Operating error.
120	Jan. 28, 1966	Dallas, Tex	Ice and wind.
121	Mar. 3, 1966	Jackson, Miss	Tornado.
122	Apr. 26, 1966	Western United States	Erroneous telemeter signal
123	May 13, 1966	Anchorage, Alaska	Pranksters.
124	May 16, 1966	Columbus, Ga	Tornado.
125	June 7, 1966	Western United States	False relaying of 345-kilovolt circuit.
126	June 8, 1966	Clearwater, Fla	Hurricane Alma.
127	July 3, 1966	Fairfax, Va	Transformer failure.
128	July 7, 1966	Nashville, Tenn	Winds.
129	July 11, 1966	Nebraska	Faulty relay setting
130	do	St. Louis, Mo	Curtailment.
131	July 19, 1966	Los Angeles, Calif	Breaker operations Cause unknown
132	July 12, 1966	Washington-Idaho	Lightning.
133	July 13, 1966	Tulsa, Okla	Car hit pole.
134	July 14, 1966	Houston, Tex	Transformer failure.
135	July 26, 1966	El Paso, Tex	Lightning and wind
136	July 27, 1966	Oregon, Calif	Line failure and breaker operations
137	July 26-27, 1966	Travis Air Base, Calif	Line flashover during maintenance Breaker bushing failure.
138	Aug. 29, 1966	Farmington, N. Mex	Rain storm.
139	Nov. 3, 1966	Southern Virginia	Breaker failure.
140	Nov. 5, 1966	Atlanta, Ga	Vandalism during strike.
141	Nov. 10, 1966	Oakland, Calif	Breaker bushing failure
142	Nov. 14, 1966	Las Vegas, Nev	Generator oil pressure failure
143	Nov. 22, 1966	Chicago, Ill	Transformer relay operation Cause unknown.
144	Nov. 24, 1966	Seattle, Wash	Fault on secondary system
145	Dec. 2, 1966	Southeastern Missouri	Tree felled on line.
146	Dec. 14, 1966	Austin, Tex	Lines tripped out—Cause unknown
147	Dec. 19, 1966	Sandy Spring, Ga	Sabotage of control circuits
148	Dec. 23, 1966	Jonesboro, Ark	Galloping conductors.

Source: "Prevention of Power Failures," vol. 1—A report to the President by the Federal Power Commission, July 1967, pp. 194-196

EXHIBIT II

TABLE 2.—POWER SERVICE INTERRUPTIONS REPORTED IN ACCORDANCE WITH FPC ORDER NO. 331 THROUGH JUNE 12, 1967

Date 1967	Utility	Location	Cause	Megawatts lost	Customers	Duration Hours	Duration Minutes
Jan. 15	Marias River Electric Cooperative	Shelby, Mont	115-kilovolt USBR line fault	7.0	2,900	3	03
Jan. 16	Moreau Grand Electric Cooperative	Timber Lake, S. Dak	High winds—galloping conductors	4.0	2,700	1	25
Jan. 24	Union Electric Co	St. Louis County	Tornado	75.0	75,000	16	30
Jan. 25	Provo Municipal	Provo, Utah	Line short—falling snow	15.0	12,000	1	20
Jan. 26	Grand River Dam Authority	Oklahoma	Lighting arrestor failure	30.0	2	0	30
Do	Illinois Power Co	Champaign-Urbana	Icing—high winds	39.0	17,000	8	15
Jan. 28	El Paso Electric Co	El Paso, Tex	Bird nest on substation bus	25.0	(1)	0	35
Feb. 2	Fulton, Ky., Municipal	Fulton, Ky	Lightning	1.0	1,640	0	20
Feb. 8	Tennessee Valley Authority	Bowling Green, Ky	Current transformer failure	64.0	(1)	1	04

Footnotes at end of table.

EXHIBIT II—Continued

TABLE 2.—POWER SERVICE INTERRUPTIONS REPORTED IN ACCORDANCE WITH FPC ORDER NO. 331 THROUGH JUNE 12 1967 —Continued

Date 1967	Utility	Location	Cause	Megawatts lost	Customers	Duration Hours	Duration Minutes
Feb. 9	Chugach Electric Association	Anchorage, Alaska	Arcing horn failure on switch	37.5	18,100	0	15
Do	Moreau Grand Electric Cooperative	Timber Lake, S. Dak	Line pin came out	2.0	2,500	1	20
Feb. 15	Ohio Edison Co	Massillon, Ohio	Construction material blew into substation	50.0	20,000	0	35
Feb. 17	Public Service Co. of Indiana	Batesville, Ind	Transformer tap changer failure	28.0	6,182	0	33
Feb. 20	Burbank Municipal	Burbank, Calif	Lost 55 megawatt unit due to Los Angeles fault.	10.0	3,000	0	22
Feb. 24	Carolina Power & Light Co	Asheville, N.C	Broken insulator	27.0	16,000	1	52
Feb. 25	Tennessee Valley Authority	Johnson City, Tenn	Transformer tripped, over temperature	37.6	(2)	0	36
Do	Arizona Public Service Co	Southwest Arizona	Plane hit 69-kilovolt line	25.0	4,500	0	29
Feb. 27	Georgia Power Co	Fulton-Cobb Counties	Ground wire fell on 115-kilovolt line	56.0	20,000	0	43
Feb. 28	Texas Power & Light Co	Grayson and adjacent counties	Disconnect switch insulator broke	30.0	18,000	0	30
Mar. 6	Duquesne Lighting Co	Pittsburgh, Pa	Flood—lost Elrama generating station	120.0	8	4	36
Mar. 10	Pacific Power & Light Co	Crescent City, Calif	Wet, heavy snow on 120-kilovolt line	28.0	6,000	3	16
Do	Tennessee Valley Authority	Bowling Green, Ky	Current transformer failure	50.0	2	0	18
Mar. 12	Moreau Grand Electric Cooperative	Timber Lake, S. Dak	Icing on 69-kilovolt line	2.0	2,200	1	13
Mar. 14	Western interconnection	Washington-Colorado	Overload due to switching	282	50,000	0	24
Mar. 16	Sacramento Municipal Utility District	Sacramento, Calif	High wind—jumper burned off	50.0	37,748	0	23
Mar. 19	Grand River Dam Authority	Oklahoma	X-arm failed—pole caught fire	30.0	2	9	25
Do	Sherrard Power System	Orion, Ill	Insulator contamination	10.3	5,000	1	53
Mar. 26	Marquette Bd of Light & Power	Marquette, Mich	Broken insulator	10.5	8,500	0	50
Mar. 27	Pacific Power & Light Co	Enterprise, Oreg	Insulators shattered by gunshots	5.0	2,500	6	32
Do	Tennessee Valley Authority	Mayfield, Ky	Bird shorted insulator	52.0	25,000	0	59
Do	Georgia Power Co	Marietta, Ga	115-kilovolt conductor burned at clamp	23.8	(1)	0	50
Mar. 28	Utah Power & Light Co	Southeast Utah	Water leak tripped 138-kilovolt circuit	35.0	8,400	0	20
Do	Puget Sound Power & Light Co	East Seattle, Wash	Cable or pothead failure	45.0	22,000	0	27
Apr. 12	Bangor Hydro Electric Co	Veazie and Vincent, Maine	Flash over on 46 kilovolt—loose connection	35.2	42,000	0	27
Apr. 13	Jefferson Davis Electric Cooperative, Inc	Cameron Parish, La	Salt spray contaminated insulators—69 kilovolt.	6	2,000	3	23
Apr. 16	Muscatine Iowa Municipal	Muscatine, Iowa	Tree fell on 69-kilovolt line—lost 56-megawatt plant.	27	8,000	2	30
Apr 19	Bailey County Electric Cooperative Association.	Muleshoe, Tex	Insulator failed—cross arm burned	9	(1)	1	00
Apr. 20	Western Interconnection	Washington and Idaho	Line tripped while BPA was installing relay	10.11	(1)	1	
May 1	Community Public Service Co	Princeton, Tex	Wind and fightning tripped 138-kilovolt line	9	3,140	1	02
Do	Carolina Power & Light Co	Rocky Mount, N.C	Not determined	25	1	0	59
May 8	South Carolina Electric & Gas Co	Charleston, S.C	Tree fell on 115-kilovolt line—lost substation.	38	15,000	0	16
May 11	Gulf States Utilities Co	Beaumont, Tex	Insulator failures	700	163,000	6	22
May 12	Virginia Electric & Power Co	Richmond, Va	Lightning arrestor failure	38	12,500	0	24
Do	Greenville Texas Municipal	Greenville, Tex	Generator exciter failure	23	9,100	3	20
May 17	Cleveland Electric Illuminating Co	Cleveland, Ohio	OCB's opened manually	80	66,000	0	28
May 19	South Texas Electric Cooperative, Inc	Corpus Christi, Tex	Unexplained differential relay operation	14.6	17,135	0	50
May 25	Bonneville Power Administration	Spokane, Wash	Crop dusting plane damaged line	31	(3)	1	16
May 26	Cincinnati Gas & Electric Co	Cincinnati, Ohio	13-kilovolt cable failure and fire in generating station.	48	40,000	6	00
June 2	Snohomish County PUD	Everett, Wash	Brush fire	60	15,000	0	29
June 5	PJM interconnection	Pennsylvania, New Jersey, Maryland, Delaware.	Operating error	9,300	13,000,000	9	30
June 9	Utah Power & Light Co	Salt Lake City, Utah	Not reported	105	(1)	0	15
June 12	Pennsylvania Power & Light Co	Frackville, Pa	Lightning arrestor failure	163	78,000	0	24

[1] Not reported.
[2] Johnson City.
[3] Several thousand.

Source: "Prevention of Poower Failures,"—vol. 1—A Report to the President by the Federal Power Commission, July 1967, pp. 28-29.

EXHIBIT III.—SERVICE INTERRUPTIONS, JUNE 13-DEC. 31, 1967

No.	Date	Utility	Location	Reported initiating event	Megawatts lost	Customers	Duration Hours	Duration Minutes
1	June 16	Connecticut Light & Power Co	Willimantic, Conn	Lightning	25.0	21,038	0	16
2	June 19	Pacific Power & Light Co	Cody, Wyo	Flood and lightning, 2 outages	30.0	2,300	0	59
3	June 20	Denton, Tex., municipal	Denton, Tex	Transformer failure	48.4	10,800	1	23
4	June 28	California Pacific Utilities	Needles, Calif	Ground relay trip, cause unknown	8.3	2,262	0	53
5	July 1	Florida Power Corp	St. Petersburg, Fla	69 kv jumper burned off	35.0	30,000	2	00
6	July 3	Cape & Vineyard Electric Co	Cape Cod, Mass	New Bedford C. & E.L. line splice failed	61.0	43,000	8	13
7	July 5	Public Service Co. of New Mexico	Albuquerque, N. Mex	Thermal relay operation	(1)	26,000	0	36
8	July 5	Navopache Electric Coop	Arizona-New Mexico	Arizona PS relay malfunction	8.0	7,000	0	46
9	July 12	Pacific Gas & Electric Co	Lodi, Calif	Undetermined relaying, 69 kv. lines	52.0	8,500	0	50
10	do	Georgia Power Co	Atlanta, Ga	Lightning	26.5	10,000	1	33
11	do	Puget Sound Power & Light Co	Mercer Island, Wash	115 kv. cable failure	15.0	22,000	0	51
12	July 14	Utah Power & Light Co	Utah	Telemeter error, potential transformer	290.0	100,000	0	42
13	July 15	Idaho Power Co	Boise, Idaho	Transformer relayed out	50.0	25,000	1	00
14	do	Alabama Power Co	Tuscaloosa, Ala	44 kv. insulator failure	28.0	14,000	0	26
15	July 17	Pacific Gas & Electric Co	Contra Costa, Calif	230 kv. line dropped into 115 kv	46.0	62,200	1	08
16	Aug. 1	Cape & Vineyard Electric Co	Cape Cod, Mass	Lightning actuated relays	35.0	(1)	0	58
17	Aug. 2	Ohio Edison Co	Ashland, Ohio	Lightning, OCB bushing failure	39.0	30,000	2	04
18	Aug. 11	Washington Water Power Co	Washington-Idaho	Severe rain, lightinng	115.0	33,000		NR
19	do	Utah Power & Light Co	Utah-Idaho	Lightning on Washington W. P. Co	140.0	30,000	0	22
20	do	Bonneville Power Administration	Anaconda, Mont	Relaying on Washington W. P. Co	288.0	2	0	56
21	Aug. 13	California-Pacific Utilities Co	Needles, Calif	Wind and rain	9.0	2,100	4	00
22	Aug. 14	Golden Valley Electric Association	Fairbanks, Alaska	Flood	8.0	4,700	(2)	
23	Aug. 15	Orange & Rockland Utilities Co	Rockland, N.Y.-N.J	69 kv. line tap burned off	48.0	24,139	1	17
24	Aug. 19	South Carolina P. S. Authority	Camden, S. C	Lightning	30.0	10,000	1	36
25	Aug. 24	Houston Lighting & Power Co	Houston, Tex	Low voltage metal clad bus failure	30.0	5,000	0	27
26	Aug. 27	Southern Maryland Electric Coop	Southern Maryland	Lightning burned 69 kv-line conductor	28.0	18,000	1	25
27	Sept. 1	El Paso Electric Co	Alamagordo, N. Mex	Gunfire damaged insulators	15.0	(1)	3	00
28	Sept. 20	Central Power & Light Co. et al	South Texas	Hurricane Beulah, cyclones	65.0	26,500	(2)	
29	Sept. 27	Navopache Electric Coop	East-central Arizona	Scheduled OCB replacement	5.5	3,600	1	30
30	Oct. 5	Richland Center, Wis	Richland Center	Cooling water cut off by debris	5.0	2,900	2	20
31	Oct. 6	West Penn Power Co	State College, Pa	Interconnection transformers outage	70.0	26,420	1	01
32	Oct. 16	Hawaiian Electric Co	Honolulu, Hawaii	138 kv. line relayed, cause unknown	185.0	(1)	0	33
33	Nov. 5	Navopache Electric Cooperative	Lakeside, Ariz	Arizona P.S. Co. dropped load, unknown	9.2	6,500	1	29
34	Nov. 16	Tennessee Valley Authority	Elizabethtown, Tenn	Overheated disconnect, flashover	40.0	(1)	4	
35	Nov. 20	Bonneville Power Administration	Clark County, Wash	Defective circuit breaker	347.0	25,002	1	
36	Dec. 4	Maine Public Service Co	Aroostook County	Snow loading interrupted Canada tie	59.0	27,800	1	00
37	Dec. 7	Alabama Power Co	Southern Alabama	Tree felled on line	30.0	13,500	1	11
38	Dec. 13	Pacific Power & Light Co	Lincoln City, Oreg	Transformer differential relay	12.0	4,700	1	47
39	Dec. 19	St. Joseph Light & Power Co	St. Joseph, Mo	Temporary internal transformer fault	30.0	20,000	0	33
40	Dec. 20	City Water & Light Department	Springfield, Ill	Insulator failed on air break switch	80.0	30,000	1	50

Footnotes at end of table.

EXHIBIT III.—SERVICE INTERRUPTIONS, JUNE 13–DEC. 31. 1967—Continued

No.	Date	Utility	Location	Reported initiating event	Megawatts lost	Customers	Duration	
							Hours	Minutes
41	Dec. 20	Tennessee Valley Authority	Calvert City, Ky	Capacitor bank failure	250.0	3	0	46
42	Dec. 22	Western interconnection	Idaho-Oregon-Utah	Ice broke shield wire, shorted 230 kv	1,000.0	275,000	0	51
43	Dec. 22	Pacific Power & Light Co	Enterprise, Oreg	Ice broke a 69-kv. line pole	7.0	2,850	4	46
44	Dec. 26	Central Louisiana Electric Co	Landry, La	Accidental tripping of bus tie OCB	28.0	14,000	0	29
45	Dec. 30	Pacific Power & Light Co	Sand Point, Idaho	Car ran into substation control house	7.0	3,650	1	18

[1] Not reported.
[2] 6 days.
[3] 2 weeks.

Source: Federal Power Commission press release, July 2, 1968, No. 15608.

EXHIBIT IV

[From Federal Power Commission press release, No. 15108, July 2, 1968]

ELECTRIC POWER INTERRUPTIONS REPORTED TO FPC BETWEEN JUNE 13 AND DECEMBER 31, 1967

1. Connecticut Light & Power Company—June 16, 1967: A direct lightning stroke on a substation interrupted two circuits for 16 minutes. The circuits were supplying 25,000 kilowatts to over 21,000 customers.

2. Pacific Power & Light Company—June 19, 1967: Flood waters washed out line structures near Cody, Wyoming, interrupting 30,000 kilowatts of power to 2,300 customers, mostly oil field pumps, for 26 minutes. Two hours later the same load was again interrupted for 33 minutes by spurious switch trip signals, thought to be due to lightning.

3. Denton, Texas Municipal—June 20, 1967: The 48,400 kilowatt load of the City's 10,800 customers was interrupted by failure of a 28 mva transformer connecting the 13.2 kv and 69 kv station buses at the steam-electric station. Service was restored after periods ranging from 11 minutes to one hour and 23 minutes.

4. California Pacific Utilities Company—June 28, 1967: A ground relay tripped a breaker at Davis Dam for reasons not determined and interrupted the 8,300 kilowatt load of 2,262 customers in the Needles, California-Searchlight, Nevada, area for 53 minutes.

5. Florida Power Corporation—July 1, 1967: A 250 square block area of downtown St. Petersburg with a load of about 35,000 kilowatts and 30,000 customers was interrupted for two hours when a line jumper burned off, opening one end of a 69 kv transmission loop.

6. Cape & Vineyard Electric Company—June 3, 1967: Cape Cod from Hyannis to the tip of the Cape, with 43,000 customers and a load of 61,000 kilowatts was without power for periods up to eight hours and 13 minutes when a 115-kv line splice failed in an area with difficult access in foggy weather. (The Commission has issued a special report on this interruption.)

7. Public Service Company of New Mexico—July 5, 1967: Some 26,000 customers were without electric service for 36 minutes in Alameda, Bernalillo, Algodones, Santo Domingo, San Felipe and northeastern Albuquerque when a thermal relay interrupted the North Switching Station.

8. Navopache Electric Cooperative—July 5, 1967: A malfunction of a relay on a breaker at the Arizona Public Service Company substation near Snowflake, Arizona, interrupted the 8,000 kilowatt load of the 7,000 customers of Navopache for 21 minutes on July 5 and again for 46 minutes on July 6.

9. Pacific Gas & Electric Company—July 12, 1967: Relay action occurring for unknown reasons opened two 60 kv circuits for 50 minutes. The circuits were serving 8,500 customers with a load of 52,000 kilowatts in the Lodi, California area.

10. Georgia Power Company—July 12, 1967: Severe lightning caused relays to interrupt the Druid Hills substation in northeast Atlanta, affecting 10,000 customers with 26,460 kilowatts of load for one hour and three minutes.

11. Puget Sound Power & Light Company—July 12, 1967: Experimental 115 kv underground polyethylene cable failed, interrupting 15,000 kilowatts of load to 22,000 customers on Mercer Island (East Seattle) for 51 minutes.

12. Utah Power & Light Company—July 14, 1967: Loss of a potential transformer caused erroneous telemetering signals which increased generation on the Bonneville system. Resultant overgeneration overloaded lines in Utah which tripped out and interrupted service to 100,000 customers with a load of 290,000 kilowatts for periods of 2 to 42 minutes.

13. Idaho Power Company—July 15, 1967: Differential relay operation indicating an internal fault within a 138/69 kv transformer, interrupted 50,000 kilowatts of load for some 25,000 customers for one hour, at Boise and Meridian, Idaho.

14. Alabama Power Company—July 15, 1967: About 14,000 customers with a load of some 28,000 kilowatts in Tuscaloosa County, Alabama were without service for 26 minutes when a 46 kv breaker bushing insulator failed.

15. Pacific Gas & Electric Company—July 17, 1967: A 230 kv line conductor fell into several 115 kv circuits, interrupting service for one hour and eight minutes to 62,200 customers with a load of 46,000 kilowatts in eastern Contra Costa County, California.

16. Cape and Vineyard Electric Company—August 1, 1967: The Cape Cod area lost 35,000 kilowatts of load during a severe lightning storm when the entire breaker system at Tremont substation was opened by relays. No equipment was damaged.

17. Ohio Edison Company—August 2, 1967: The 39,000 kilowatt load of 30,000 customers in a 1,200 square mile area of northern Ohio around Ashland was interrupted for periods up to one hour and four minutes when lightning damaged a circuit breaker bushing at Brookside substation.

18. Washington Water Power Company—August 11, 1967: Lightning set fire to a 230 kv line structure during a storm causing interruption of 115,000 kilowatts of load to 33,000 customers in a 1,600 square mile area of northern Idaho and Washington. Redistribution of power flows due to the outage of this line caused surges which also tripped breakers and interrupted loads of Utah Power and Light Company.

19. Utah Power and Light Company— August 11, 1967: Surges caused by lightning on the Washington Water Power Company system opened lines, causing interruption periods of five to 22 minutes of 140,000 kilowatts of load to over 15,000 customers in Salt Lake City and rural areas of Utah and Idaho.

20. Bonneville Power Administration—August 11, 1967: A power surge on the Washington Water Power Company system, not related to the above two outages, Nos. 18 and 19, caused the underfrequency relays on the Bonneville system to drop two Montana industrial customers with a combined load of 288,000 kilowatts for periods ranging from eight to 56 minutes.

21. California-Pacific Utilities Company—August 13, 1967: The 9,000 kilowatt load of 2,100 customers at Needles was interrupted for four hours due to a severe wind and rain storm.

22. Golden Valley Electric Association—August 14 and 15, 1967: Flooding of the Fairbanks and Nenana, Alaska generating stations resulted in interruption of the 8,000 kilowatt load of 4,700 of the association's 5,000 customers for period of two to six days.

23. Orange & Rockland Utilities Company—August 15, 1967: Heavy load burned off a 69 kv line tap, interrupting the 48,000 kilowatt load of more than 24,000 customers for 25 minutes to one hour and 17 minutes. Possible previous damage to the tap by lightning was indicated.

24. South Carolina Public Service Authority—August 19, 1967: Redistribution of power flows when lightning opened the breaker on a 69 kv circuit resulted in cascading outages of several other circuits and interruption of 30,000 kilowatts for 10,000 customers in the Camden, Pinewood and Batesburg area, for one hour and 36 minutes.

25. Houston Lighting & Power Company—August 24, 1967: Failure of a section of 12 kv metalclad bus interrupted the 30,000 kilowatt load of 5,000 customers in northwestern Houston for 27 minutes.

26. Southern Maryland Electric Cooperative—August 27, 1967: Lightning burned off one conductor of a 69 kv line, interrupting 28,000 kilowatts load to 18,000 customers in southern Maryland for periods up to one hour and 25 minutes.

27. El Paso Electric Company—September 1, 1967: Flashover of 115 kv line insulators, apparently damaged by rifle fire, during a light rain resulted in an interruption of 15,000 kilowatts of load at White Sands, Alamagordo and Holloman Air Development Center in New Mexico for about three hours.

28. City of Brownsville, Texas, Central Power & Light Company, South Texas Electric Cooperative, City of Robstown, Lower Colorado River Authority, Medina Electric Cooperative, Magic Valley Electric Cooperative—September 20, 1967: Loads in excess of 65,000 kilowatts for more than 26,500 customers were interrupted by Hurricane Beulah as a result of debris being blown into distribution and transmission lines, poles being broken or leaning and lines and transformers blown down. Some customers were without service for as long as two weeks.

29. Navopache Electric Cooperative—September 27, 1967: A scheduled outage to install an oil circuit breaker interrupted 5,500 kilowatts of load for 3,600 customers in east-central Arizona for 90 minutes.

30. Richland Center, Wisconsin—October 5, 1967: The City's generating units were shut down when debris clogged the cooling water intakes, resulting in loss of power for 2,900 customers for two hours and 20 minutes. The City's peak load in 1966 was about 5,900 kilowatts.

31. West Penn Power Company—October 6, 1967: For reasons unknown, the transformers interconnecting West Penn and Pennsylvania Electric Company were interrupted, affecting service of 70,000 kilowatts to over 26,000 customers in the vicinity of State Collect and Bellefont, Pennsylvania for one hour and one minute.

32. Hawaiian Electric Company—October 16, 1967: Breakers on a 138 kv line opened from unknown causes, interrupting 185,000 kilowatts of load in eastern Honolulu and the the windward end of Oahu Island for 33 minutes.

33. Navopache Electric Cooperative—November 5, 1967: The cooperative's entire 6,500 customers in eastern Arizona and western New Mexico with a load of 9,200 kilowatts was discontinued from the Arizona Public Service Company from unknown causes for periods ranging from 41 minutes to one hour and 29 minutes.

34. Tennessee Valley Authority—November 16, 1967: The City of Elizabethtown and surrounding areas of Carter County with a load of about 40,000 kilowatts was without service for some four hours as a result of an overheated disconnect switch, an insulator of which flashed over, damaging a metering transformer. About 5,000 kilowatts was transferred to another substation but the balance was out of service while the transformer was replaced.

35. Bonneville Power Administration—November 20, 1967: A defective circuit breaker combined with relay trouble resulted in the loss of the 85,000 kilowatt load of the Clark County Public Utility District and 262,000 kilowatts of two industrial customers in the Vancouver, Washington area, for periods of 25 minutes to one hour.

36. Maine Public Service Company—December 4, 1967: The entire system in Aroostook County with a load of 59,000 kilowatts and 27,800 customers was interrupted when a 69 kv tie with New Brunswick opened because of snow loading. About half of the load was restored in 30 minutes and the balance in one hour.

37. Alabama Power Company—December 7, 1967: Some 13,500 customers in Escambia, Conecuh and Baldwin counties with a 30,000 kilowatt load were interrupted for periods of 56 to 71 minutes when a tree was felled into a transmission line. The relays operated to isolate the faulted section of line.

38. Pacific Power & Light Company—December 13, 1967: The Lincoln City, Oregon, system with 4,700 customers and 12,000 kilowatts of load was interrupted when relays disconnected the supplying transformer at Portland General Electric Company's Grand Ronde substation for one hour and 47 minutes.

39. St. Joseph Light & Power Company—December 19, 1967: Some 20,000 customers with 30,000 kilowatts of load at St. Joseph were without power for 33 minutes due to a temporary internal transformer fault.

40. City of Springfield, Illinois—December 20, 1967: Failure of insulators on an air break switch forced the generating station out of service and interrupted 80,000 kilowatts of power to 30,000 customers for one hour and 50 minutes.

41. Tennessee Valley Authority—December 20, 1967: Three industrial customers in Calvert City, Kentucky, with a total load of 250,000 kilowatts were interrupted for 46 minutes when failure of a capacitor bank resulted in removing from service all three transformer banks at the Calvert City 161/13 kv substation.

42. Western Interconnection—December 22, 1967: A sleeve connection on the overhead ground wire of Idaho Power Company's 230 kv Oxbow-Brownlee line failed and the wire fell into the 230 kv conductors. The resultant instability cascaded throughout the Idaho, Oregon, and Utah systems, interrupting 275,000 customers with a load of about 1,000,000 kilowatts for periods of 6 minutes to 51 minutes.

43. Pacific Power & Light Company—December 22, 1967: A broken pole caused by ice loading on the 69 kv La Grande Enterprise line interrupted the 7,000 kilowatt load of 2,850 customers on the Enterprise system for 4 hours and 46 minutes.

44. Central Louisiana Electric Company—December 26, 1967: Accidental tripping of a bus tie breaker at Coughlin generating station resulted in a 29-minute outage of 28,000 kilowatts for 14,000 customers in the Landry, Louisiana, vicinity.

45. Pacific Power & Light Company—December 30, 1967: An automobile ran into the Bronx substation control house, interrupting service to 3,650 customers with a 7,000-kilowatt load for one hour and 18 minutes at Sandpoint, Idaho.

EXHIBIT V

SERVICE INTERRUPTIONS, JAN. 1-JUNE 30, 1968

No.	Date	Utility	Location	Reported initiating event	Megawatts lost	Customers	Duration	
							Hours	Minutes
1	Jan. 3	Lebanon, Ohio, municipal	Lebanon, Ohio	Low battery voltage, switch failure	3.0	2,000	2	10
2	do	San Antonio Public Service Board	San Antonio, Tex	Instability due to short on LCRA[1]	80.0	80,000	0	50
3	Jan. 9	Wisconsin Electric Power-Wisconsin Power & Light, Madison.	Eastern Wisconsin	Bullet damaged conductor	482.0	161,720	2	37
4	Jan. 14	Alabama Power Co	Mobile County, Ala	Bullet severed 115-kv. line conductor	38.0	19,000	1	5
5	Jan. 15	Carolina Power & Light Co	Goldsboro, N.C	Icing caused 110-kv. line failure	30.0	13,300	2	12
6	Jan. 19	Idaho Power Co	Don substation	13-kv. cable failure	202.1	3	1	12
7	Jan. 31	Commonwealth Edison Co	Elk Grove Village, Ill	Plane hit overhead ground wire	35.0	30,000	2	15
8	Feb. 3	Georgia Power Co	Gainesville, Ga	Bus support insulator and relay failed	32.7	9,000	1	2
9	Feb. 8	Eugene, Oreg., municipal	Eugene, Oreg	Arc-over upon opening a disconnect	130.0	37,000	0	15
10	Feb. 9	Richland Center Municipal	Richland Center, Wis	Icing in intake to generator	6.0	3,000	4	46
11	Feb. 11	Tennessee Valley Authority	Johnson City, Tenn	Current transformer exploded	28.5	6,000	5	17
12	do	Ohio Edison Co	Berlin Center, Ohio	False relay operation, Newton Falls	25.0	25,000	0	49
13	Feb. 15	Alabama Power Co	Jefferson County, Ala	Broken 115-kv. line insulators	26.8	19,152	1	47
14	Feb. 16	Tennessee Valley Authority	Milan, Tenn	Switch support insulator flashover	55.0	(2)	0	18
15	Feb. 20	New Bedford Gas & Edison Light Co	New Bedford, Mass	Multiple flashover, 13-kv. insulators	55.0	30,493	9	16
16	Feb. 21	South Texas & Medina Electric Cooperatives	Uvalde, Tex	69-kv. line pole; boiler explosion	22.0	27,000	2	54
17	Feb. 28	Georgia Power Co	Smyrna County, Ga	Line on the ground	35.0	12,984	0	21
18	Feb. 29	do	Gainesville, Ga	Ice and snow shorted lines	96.3	20,000	1	35
19	Mar. 1	Idaho Power Co	Nampa, Idaho	69-kv. transformer bushing failed	27.0	9,500	1	40
20	Mar. 12	Public Service Co. of Oklahoma	Tulsa, Okla	Icing and galloping conductors	75.0	37,000	8	
21	do	Ohio Edison Co	Mansfield, Ohio	Galloping conductors; lightning arrester failures	38.0	15,000	0	41
22	Mar. 14	Central Illinois Public Service Co	Harrisburg, Ill	Ground switch closed, cause unknown	30.0	8,200	1	6
23	Mar. 20	Public Service Co. of New Mexico	Albuquerque, N. Mex	High winds and ice storm	(2)	40,000	1	50
24	Mar. 21	Cleveland Electric Illuminating Co	Cleveland, Ohio	Bus insulator failure	92.0	30,000	0	17
25	Mar. 26	Tennessee Valley Authority	Oxford, Miss	Plane cut 161-kv. line ground wires	33.0	20,000	1	8
26	Apr. 3	Moreau-Grand Electric Co-op	Timber Lake, S. Dak	69-kv. line fault; wind and ice storm	3.8	2,700	1	
27	Apr. 15	Snohomish County PUD No. 1	Snohomish County, Wash	Lightning, no breaker reclose power	62.0	23,000		38
28	do	Moreau-Grand Electric Co-op	Timber Lake, S. Dak	Ice loading on 69-kv. line	5.0	2,500	7	
29	Apr. 8	Gulf States Utilities Co	Baton Rouge, La	Transformer relayed, cause unknown	50.9	4		36
30	do	Georgia Power Co	Newton County, Ga	Tree felled on 115-kv. line	32.5	5,000	1	21
31	Apr. 24	Alabama Power Co	Jefferson County, Ala	Pole and insulators shattered 115-kv. line	27.9	10,138		43
32	May 6	Douglas County Public Utility District	Wenatchee, Wash	Operator erroneously opened 230-kv. line	465.0	3	1	0
33	May 10	Pacific Gas & Electric Co	Marin County, Calif	230/115-kv. transformer bushing failure	37.0	32,000		35
34	May 22	Newport Electric Co	Newport, R.I	Clamp failed during severe storm	25.0	10,800	1	8
35	May 30	Mississippi Power Co	Laurel, Miss	Lightning, faulty relay wiring	48.0	16,000		18
36	June 2	Sacramento Municipal Utility District	Sacramento County, Calif	Transformer differential relay	90.0	29,500		20
37	June 3	Iowa Illinois Gas & Electric Co	Iowa City, Iowa	Obsolete relay connections	37.0	18,390	1	15
38	do	Tuscon Gas & Electric Co	Tuscon, Ariz	Gunshot severed 46-kv. line	60.0	20,000		58
39	June 7	Pacific Power & Light Co	Libby, Mont	Helicopter cut BPA 115-kv. line	11.5	3,700	14	3
40	June 17	Cincinnati Gas & Electric Co	Cincinnati, Ohio	Jumper failed, relay false operation	27.4	10,100	1	9
41	June 19	Glacier Electric Co-op., Inc	Cut Bank, Mont	Faulty relay	12.3	4,000		36
42	June 22	Eastern Iowa Light & Power Co-op	Eastern Iowa	Transposed relay connections	13.5	8,500	1	15
43	June 24	Virginia Electric & Power Co	Chantilly, Va	Lightning	36.0	15,000	1	13
44	do	Public Service Co. of New Mexico	Albuquerque, N. Mex	Erroneous relay connections	(3)	42,000		52
45	June 25	Houston Lighting & Power Co	Houston, Tex	Operating error during tests	30.0	1,000		18
46	do	Community Public Service Co	Fort Stockton, Tex	Gunshot, 69-kv. line conductor	8.1	3,700		35
47	June 26	Virginia Electric & Power Co	Hampton, Va	Bushing failure on regulator	60.0	40,000		39

[1] Lower Colorado River Authority.
[2] One 47.5-mva furnace out indefinitely pending cable repairs.
[3] Not reported.

Source: Federal Power Commission press release, Aug. 15, 1968, No. 15670.

EXHIBIT VI

[From Federal Power Commission press release, No. 15670, Aug. 15, 1968]

BRIEF DESCRIPTIONS OF ELECTRIC POWER INTERRUPTIONS REPORTED BETWEEN JANUARY 1 AND JUNE 30, 1968

1. Lebanon Municipal Electric System—Ohio—January 3, 1968: A blown fuse on a battery charger at the Lebanon generating station resulted in low battery voltage and failure of two generator breakers to close, causing an interruption to all 2000 customers of the municipal system with a load of 3,000 kilowatts for periods of 40 minutes to two hours and 10 minutes. The trip coils on the two breakers were damaged.

2. San Antonio Public Service Board—Texas—January 3, 1968: A racoon shorted a transformer at the Comal power plant, creating a 12-kv arc. The arc spread to the adjacent 69-kv bus which relayed out and interrupted about 15,000 kilowatts of load on the Lower Colorado River Authority system. This set up oscillations on the San Antonio system and the dispatcher opened all of San Antonio's interconections. Instability developed before the generation was balanced to the loads and the 80,000 kilowatt load of 80,000 customers in northern Bexar county was interrupted for periods up to 50 minutes.

3. Madison Gas & Electric Company, Wisconsin Electric Power Company, Wisconsin Power & Light Company—January 9, 1968: At a time when two 138-kv lines were out of service for maintenance, a gunshot severed a third heavily loaded 138-kv line. This overloaded and trapped out the remaining interconnection between Wisconsin Electric Power Company and Wisconsin Power & Light Company. The resulting unbalance of generation and load initiated the shedding of 482,000 kilowatts of load to about 162,000 customers in eastern Wisconsin for periods of 23 minutes, to one hour and 19 minutes except for one 4-kv circuit of Madison Gas and Electric Company which was out for two hours and 37 minutes.

4. Alabama Power Company—January 14, 1968: A 115-kv line conductor apparently was severed by gunshot resulting in a 38,000 kilowatt interruption to 19,000 customers in a portion of Mobile County, Alabama for periods of 40 minutes to one hour and 5 minutes.

5. Carolina Power and Light Company—January 15, 1968: Icing conditions caused a 110-kv line to fail, interrupting 13,300 customers with a load of 30,000 kilowatts in the Goldsboro, Kinston and La Grange area of North Carolina for one hour and 2 minutes to two hours and 12 minutes.

6. Idaho Power Company—January 19, 1968: A 13-kv cable fault at Don Substation near Pocatello, Idaho interrupted the 202,100 kilowatt load of three customers, including the Pocatello Airport. Service was restored to all but about 47,500 kilowatts of industrial electric furnace load in 26 minutes. After temporary repair and testing, the balance of the load was restored but the cable failed again later in the day. Service was restored within one hour and 12 minutes to all except the 47, 500 kilowatt furnace load which had to await permanent cable repairs.

7. Commonwealth Edison Company—January 31, 1968: Some 30,000 customers with a load of 35,000 kilowatts in the Glendale Heights and Elk Grove Village, suburbs of Chicago, Illinois, were without power for periods of 50 minutes to two hours and 15 minutes when a passenger plane struck and severed the overhead ground wires on four transmission circuits. The plane landed safely at Indianapolis, Indiana trailing a piece of the ground wire.

8. Georgia Power Company—February 3, 1968: A pedestal type bus insulator at Gainesville, Georgia substation cracked, allowing the bus to fall to the steel support, causing a phase to ground fault. Relaying failed to clear the fault, resulting in interruption of 32,736 kilowatts to 9,000 customers in Gainesville and rural sections of Hall County for periods up to one hour and 2 minutes. The 41/110 kv transformer was damaged.

9. Eugene Water & Electric Board—Oregon—February 8, 1968: An operator at Bonneville Power Administration's Alvey substation opened a 230 kv disconnect switch which arced over to ground. Relays tripped out the 230 kv bus interrupting 100,000 kilowatts of power to Eugene, Oregon. Underfrequency load shedding on the Eugene system was not sufficient to permit the City's hydro plants to serve the remaining load and the city lost the remaining 30,000 kilowatts of load. The full 130,000 kilowatt service was restored to Eugene's 27,000 customers in 15 minutes.

10. Richland Center Municipal—Wisconsin—February 9, 1968: Ice obstructed the condenser cooling water intake, shutting down the generator and interrupting the 6,000 kilowatt load of the City's 3,000 customers for four hours and 46 minutes. Service restoration was aided by a temporary interconnection to the Richland Cooperative Electric Association for start-up power.

11. Tennessee Valley Authority—February 11, 1968: About 28,500 kilowatts of electric service to 6,000 customers in Johnson City, Tennessee and surrounding Washington County was interrupted when a current transformer exploded at Northeast substation breaking insulators and breaker bushings. Because of very low temperatures and high electric heating loads, which resulted in little load diversity, there were problems in restoration of service. All load was restored within five hours and 17 minutes.

12. Ohio Edison Company—February 11, 1968: The 25,000 kilowatt load of 25,000 customers in a 350 square mile area west and northwest of Warren, Ohio was interrupted for 49 minutes when an apparently spurious control signal opened a 138 kv air break switch at the unattended Newton Falls substation. The resultant arc flashed to ground and opened other circuits feeding the substation. Operators sent to the station found no damage and service was restored without difficulty.

13. Alabama Power Company—February 15, 1968: More than 19,000 customers in Jefferson County, Alabama with a total load of 26,750 kilowatts were without power for periods of 23 minutes to one hour and 47 minutes, when the protective relays opened the Leeds to Ketona 115 kv transmission line. A string of insulators on a tap line were found to be shattered, apparently from a flashover.

14. Tennessee Valley Authority—February 16, 1968: Service was interrupted to customers with a load of 55,000 kilowatts in three western Tennessee counties for 18 minutes when a switch support insulator flashed over from an unknown cause. Service was restored by bypassing the affected insulator in the Milan substation.

15. New Bedford Gas & Edison Light Company—February 20, 1968: Multiple flashovers on 13 kv insulators at the Cannon Street generating station at New Bedford, Massachusetts damaged two oil circuit breakers, seven disconnect switches and 30 insulators. Operators opened the 115 kv connections, isolating the station and its 25 feeders, interrupting 55,000 kilowatts of load affecting 30,500 customers in New Bedford and Dartmouth. Service was restored to about 60 percent of the customers in one hour and 51 minutes but some of these customers were again interrupted when segments of the network became overloaded. All customers were restored to service in 9 hours and 16 minutes.

16. South Texas Electric Cooperative, Medina Electric Cooperative—February 21, 1968: These two cooperatives operate as a pool. A broken pole on a South Texas 69-kv line precipitated an interruption to the 22,000 kilowatt load of 27,000 customers in the area of Uvalde, Texas on the South Texas system and 6,000 customers on the Medina system. Loss of the South Texas line and its load caused Medina's two 22,000 kilowatt steam-electric units to try to pick up load. The units could not pick up the load fast enough and both units along with those of South Texas tripped off. This was followed by an explosion in one of Medina's boilers which would require 60 to 70 days to repair. Service to all customers was restored in two hours and 54 minutes after the initial disturbance.

17. Georgia Power Company—February 28, 1968: A 115 kv line failed and fell to the ground interrupting service to about 13,000 customers with a load of 35,000 kilowatts in Smyrna and Cobb Counties, Georgia for 21 minutes.

18. Georgia Power Company—February 29, 1968: A heavy snow storm was responsible for transmission line outages which interrupted the 96,300 kilowatt load of 20,000 customers in Gainesville, Georgia and surrounding areas for periods up to one hour and 35 minutes.

19. Idaho Power Company—March 1, 1968: A 69 kv bushing failure on a transformer at Nampa, Idaho substation initiated a one hour and 40 minute interruption of service to 9,500 customers with 27,000 kilowatts of load.

20. Public Service Company of Oklahoma—March 12, 1968: Icing conditions coupled with wind caused galloping conductors and resulted in interruptions to six 138 kv lines, three 69 kv lines and a number of distribution circuits in the area of Tulsa, Vinita, Bartlesville and Okmulgee, Oklahoma. Service affecting 37,000 customers with a load of 75,000 kilowatts was interrupted. Line repairs were made and services restored to all but about 2,000 customers with 5,000 kilowatts of load in about 7½ hours. Most of the remaining 2,000 were restored by the next morning.

21. Ohio Edison Company—March 12, 1968: A severe sleet and rain storm caused numerous line outages because of galloping conductors and a lightning arrestor failure at Longview substation, interrupting 15,000 customers with a load of 38,000 kilowatts in the Mansfield, Ohio area for 41 minutes.

22. Central Illinois Public Service Company—March 14, 1968: Approximately 30,000 kilowatts of load affecting 8,200 customers in ten communities in the Harrisburg, Illinois area was interrupted when a high speed grounding switch closed on a 138 kv line for unknown cause and relaying at both ends of the line failed to clear. More remote relays cleared the faulted line and service was restored in one hour and 6 minutes.

23. Public Service Company of New Mexico—March 20, 1968: Ice storms accompanied by high winds resulted in the loss of Sandia substation and interruption of 40,000 customers in the Albuquerque, Tijeras and San Antonio, New Mexico areas for periods of one hour and 1 minute to one hour and 50 minutes.

24. Cleveland Electric Illuminating Company—March 21, 1968: Failure of a 33 kv bus support insulator at the Lloyd substation interrupted the 92,000 kilowatt load of 30,000 customers in Lake and Geauga Counties, Ohio for 17 minutes.

25. Tennessee Valley Authority—March 26, 1968: A light plane spreading fertilizer cut both ground wires on a 161 kv line, shorting out the circuit and interrupting service to some 20,000 customers with a load of 33,000 kilowatts in the four communities and the rural area around Oxford, Mississippi for one hour and 8 minutes. The plane was not seriously damaged and the pilot flew it from the site.

26. Moreau-Grand Electric Coop., Inc.—April 3, 1968: A temporary fault on a 69 kv line of the U.S. Bureau of Reclamation during icing conditions and high wind interrupted the entire 2,700 customers of the Cooperative in the Timber Lake, S.D. area with a load of 3,800 kilowatts for a period of one

hour. Difficulty in radio communications delayed getting an operator to the unattended Eagle Butte substation and extended the length of the outage. No facilities were damaged.

27. Snohomish County PUD No. 1—April 16, 1968: A lightning stroke on the 115 kv line supplying Bonneville Power Administration's Sno-King substation interrupted the 62,000 kilowatt load of 23,000 customers of the PUD in South Snohomish County, Washington. Auxiliary power needed for remote reclosure of the Sno-King breaker depended upon the substation being energized and the 38 minute delay resulted from necessity of sending an operator to the unattended substation. A motor generator has now been installed to supply emergency auxiliary power.

28. Moreau-Grand Electric Coop., Inc.—April 15, 1968: Ice loading on the 69 kv line of the U.S. Bureau of Reclamation concurrently with the breaking of poles and conductors on the 7.2 kv lines of the Cooperative resulted in the loss of electric service to all of the Cooperative's 2,500 customers in and around Timber Lake, South Dakota with a load of about 5,000 kilowatts. Service from the USBR was restored in seven hours. The outage was not reported for 8 days because telephone and telegraph facilities were also out of service. At the time of the report about 100 customers on twenty 7.2 kv lines were still without electric service.

29. Gulf States Utilities Company—April 18, 1968: Transformer differential relays interrupted service for unknown cause to four industrial customers in Baton Rouge, Louisiana, for 36 minutes. The load totalled 50,900 kilowatts.

30. Georgia Power Company—April 18, 1968: A tree felled into a 115 kv line interrupted the 32,500 kilowatt load of 5,000 customers in portions of Newton and Rockdale Counties, Georgia for 28 minutes, some 2,000 kilowatts of which remained out for one hour and 21 minutes.

31. Alabama Power Company—April 24, 1968: A portion of Jefferson County, Alabama, experienced a power interruption for 43 minutes when a 115 kv line pole and all three insulator strings were found shattered. The load of the 10,138 customers were first reported to be 27,900 kilowatts but was later revised to about 23,000 kilowatts.

32. Douglas County PUD—Washington—May 6, 1968: Three industrial customers with a load of 465,000 kilowatts were without power for 60 minutes when an operator at Rocky Reach hydroelectric station erroneously opened the PUD's 230 kv line.

33. Pacific Gas & Electric Company—May 10, 1968: Failure of a bushing on a 230/115 kv transformer interrupted 37,000 kilowatts of load for 32,000 customers in Marin and Sonoma Counties, California, for periods of 13 to 35 minutes.

34. Newport Electric Corporation—May 22, 1968: A flashover during a severe electrical storm caused failure of a terminating clamp on a 69 kv interconnection with Montaup Electric Company, interrupting the 25,000 kilowatt load of some 10,800 customers in the Newport, Middletown and Portsmouth, Rhode Island area for periods of 15 minutes to one hour and 8 minutes. The interruption was prolonged due to a parallel line being out of service for reconductoring.

35. Mississippi Power Company—May 30, 1968: Lightning severed overhead ground wires which faulted the conductors on a 115 kv line. The breaker at the Laurel end of the line stuck, which caused all of the breakers on the backup protection to open interrupting the 48,000 kilowatt load of 16,000 customers in the Laurel and Meridian, Mississippi division of the company for 18 minutes. Failure of the Laurel breaker was later found to be due to improper relay wiring.

36. Sacramento Municipal Utility District—June 2, 1968: Differential and fault pressure relays, because of a fault within a transformer at Hedge substation, interrupted the 90,000 kilowatt load of 29,500 customers in the Carmichael, California area and the southern part of Sacramento County for 20 minutes.

37. Iowa Illinois Gas & Electric Company—June 3, 1968: While one of the two lines supplying Iowa City, Iowa and vicinity was out of service for maintenance, transformer differential relay action removed the second circuit because of obsolete relay connections interrupting the 37,000 kilowatt load of 18,390 customers for one hour and 15 minutes.

38. Tuscon Gas & Electric Company—June 3, 1968: Rifle fire severed a 46 kv circuit near Tuscon, Arizona's eastern city limits. The 46 kv breaker did not operate to isolate this circuit and the 138 kv breaker supplying this and three other 46 kv circuits relayed out interrupting 20,000 customers in a 60 square mile area of the city with a load of 60,000 kilowatts. The supervisory control for reclosing the unattended 138 kv breaker was blocked out for unexplained reasons resulting in a 58 minute outage while an operator was sent to close the breaker. The manufacturer of the supervisory equipment was called in to inspect the equipment to determine the reasons for the abnormalties.

39. Pacific Power & Light Company—June 7, 1968: A helicopter severed a 115 kv Bonneville Power Administration line supplying Pacific's isolated Libby, Montana service area consisting of 3,700 customers and 11,500 kilowatts of load. The J. Niels Mill generating station picked up about 1,500 kilowatts over a 33 kv line but the balance of the Libby area was without power for 14 hours and 3 minutes.

40. Cincinnati Gas & Electric Company—June 17, 1968: Failure of a jumper on the terminal pole of a 69 kv line near Hamilton, Ohio, faulted the line which relayed out as designed. However, this initiated the trip-out of another circuit on a pilot wire relay for causes that have not been determined. This interrupted the 27,400 kilowatt load of 10,100 customers in a 26 square mile area between Cincinnati and Hamilton for periods up to one hour and 9 minutes.

41. Glacier Electric Cooperative, Inc.—June 19, 1968: A faulty relay at the Bureau of Reclamation's Shelby, Montana substation tripped the radial 115 kv line supplying the entire 12,300 kilowatt load of the 4,000 customers of the Cooperative in Cut Bank and surrounding Glacier County, Montana. The Cooperative was without power for 36 minutes.

42. Eastern Iowa Light and Power Cooperative—June 22, 1968: A differential relay at Montpelier generating station tripped, apparently because of transposed connections on a new installation, interrupting 13,500 kilowatts of power supply to 8,500 customers in seven eastern Iowa counties between the cities of Davenport, Iowa City and Burlington for one hour and 15 minutes.

43. Virginia Electric & Power Company—June 24, 1968: A lightning surge tripped a differential relay on the 115/34 kv transformer at Dulles substation interrupting electric service to Reston, Chantilly and Herndon, Virginia, affecting the 36,000 kilowatt load of 15,000 customers for one hour and 13 minutes. The transformer was not damaged.

44. Public Service Company of New Mexico—June 24, 1968: An erroneous differential relay connection combined with a fault on an adjacent line tripped a 230/115 kv transformer interrupting 42,000 electric customers in northern Albuquerque, New Mexico for periods ranging from 16 minutes to 52 minutes.

45. Houston Lighting & Power Company—June 25, 1968: An inadvertent breaker operation during a period of relay testing interrupted 1,000 customers with a load of 30,000 kilowatts in a one mile square area of downtown Houston, Texas for 18 minutes.

46. Community Public Service Company—June 25, 1968: A 69 kv line was disrupted by gunshot interrupting the 8,100 kilowatt load of 3,700 customers in the Fort Stockton-Sanderson, Texas area for 35 minutes.

47. Virginia Electric & Power Company—June 26, 1968: Failure of a regulator bushing interrupted electric service to 40,000 customers with a 60,000 kilowatt load in northern Hampton, Virginia, for 39 minutes.

EXHIBIT VII.—SERVICE INTERRUPTIONS, JULY 1-SEPT. 30, 1968

No.	Date	Utility	Location	Reported initiating event	Megawatts lost	Customers	Duration	
							Hours	Minutes
1	July 3	Louisiana Power & Light Co.	Houma, La.	Lightning, reversed relay leads	55.0	25,000	1	20
2	July 9	Carolina Power & Light Co.	Delco, N.C.	Cross arm broke in high wind	42.0	925		53
3	July 13	do.	Wake Forest, N.C.	Lightning	25.0	5,500		44
4	July 16	Iowa Public Service Co.	Waterloo, Iowa	Lightning, fire in switching equipment	50.0	25,000	4	17
5	July 17	Pennsylvania Power & Light Co.	Pottsville, Pa.	Lightning	65.0	25,000	1	56
6	July 18	Duke Power Co.	Greensboro, N.C.	Potential transformer-cascading 100 kilovolts	500.0	128,000		49
7	July 19	Carolina Power & Light Co.	Bennettsville, N.C.	Lightning, 115-kilovolts conductor down	26.0	3,800		58
8	July 23	Washington, Ind., municipal	Washington, Ind.	Stat on service transformer bushing	14.0	6,100	51	30
9	July 25	Navopache Electric Coop., Inc.	Arizona-New Mexico	Trouble on Arizona Public Service 69-kilovolt line	10.0	6,900	1	55
10	do.	Garkane Power Association	Kanab, Utah	Lightning blew 69-kilovolt transformer fuse	3.2	700		30
11	July 27	South Carolina Public Service Authority	Myrtle Beach, S.C.	115-kilovolt line connector failed	80.0	16,000	1	51
12	do.	Savannah Electric & Power Co.	Savannah, Ga.	Overload-low voltage tripped generators	140.0	25,000	7	30
13	Aug. 1	Duke Power Co.	Rock Hill, S.C.	Operating error, disconnect flashover	40.0	7		17
14	Aug. 7	Tennessee Valley Authority	Newport, Tenn.	Lightning	33.0	[1] 2		30
15	do.	Gulf States Utilities Co.	Huntsville, Tex.	Lightning arrestor failed	43.0	7,380		53
16	do.	U.S. Bureau of Reclamation	Nebraska and Dakota	Wind and tornado	1,400.0	(2)	1	54
17	Aug. 8	Utah Power & Light Co. et al.	Utah, Idaho, Wyoming, Montana	Tree fell on 230-kilovolt line in Canada	[1] 731.0	285,000	1	30
18	Aug. 10	Pacific Power & Light Co.	Enterprise, Oreg.	Lightning, bus insulators failed	6.6	2,800	2	
19	Aug. 13	Idaho Power Co.	Southeastern Idaho	Lightning, transformer damaged	100.0	30,000		31
20	Aug. 16	Commonwealth Edison Co.	Chicago, Ill.	Lightning struck 138-kilovolt line	70.2	100,000	1	25

Footnotes at end of table.

EXHIBIT VII.—SERVICE INTERRUPTIONS, JULY 1-SEPT. 30, 1968—Continued

No.	Date	Utility	Location	Reported initiating event	Megawatts lost	Customers	Duration Hours	Duration Minutes
21	Aug. 21	Gulf States Utilities Co.	East Baton Rouge, La.	Lightning tripped 69-kilovolt line	36.0	3,000		40
22	do.	Alabama Power Co.	Foley, Ala.	Tree on 115-kilovolt line in severe weather	28.0	7,000	2	33
23	Aug. 23	Georgia Power Co.	Cobb-Fulton Counties, Ga.	Lightning damaged 115-kilovolt line insulators	40.0	10,140		39
24	Aug. 28	Sacramento Municipal Utility District	Sacramento, Calif.	Transformer bushing failure	65.0	40,000		53
25	Sept. 4	Alabama Power Co.	Southwestern Alabama	Tree felled into 115-kilovolt line	42.2	19,240	1	29
26	do.	Tallahassee Municipal	Tallahassee, Fla.	Lost boiler fires, reason unknown	50.0	28,400	5	45
27	Sept. 21	Kansas City Municipal	Kansas City, Kans.	Lightning damaged a switch insulator	60.0	10,000	1	20
28	Sept. 29	Orange & Rockland Utilities, Inc.	New York-New Jersey boundary.	Generator relayed out-bearing vibration	151.0	136,484	2	24

[1] The 2 municipal customers of Newport and Sevierville with a total of 19,300 meters.
[2] Not reported.
[3] An additional 300.0 megawatts was interrupted on Vancouver Island in Canada.

Source: Federal Power Commission Press Release, Oct. 25, 1968, No. 15791.

EXHIBIT VIII

[From Federal Power Commission Press Release No. 15791, Oct. 25, 1968]

BRIEF DESCRIPTIONS OF ELECTRIC POWER INTERRUPTIONS REPORTED BETWEEN JULY 1 AND SEPTEMBER 30, 1968

1. Louisiana Power & Light Company—July 3, 1968: A line to ground fault on a 138 kilovolt line caused by lightning interrupted the 55,000 kilowatt load of 25,000 customers in the Houma-Amelia, La., area for 23 minutes. Some delay in restoring service resulted from reversed relay leads which opened the breaker on another line.

2. Carolina Power & Light Company—July 9, 1968: A 110 kilovolt line cross-arm broke during a high wind, interrupting electric service to 925 customers in the Delco, N.C., vicinity for 57 minutes. About 42,000 kilowatts of load was lost.

3. Carolina Power & Light Company—July 13, 1968: Lightning initiated the interruption of 110 and 66 kilovolt lines supplying Franklinton, Louisburg, Springhope and Wake Forest, N.C., affecting 5,500 customers with a load of 25,000 kilowatts for periods of 27 to 44 minutes.

4. Iowa Public Service Company—July 16, 1968: Lightning started a fire in the 4 kilovolt switchgear and control cables of Maynard station, interrupting the 50,000 kilowatt load of 25,000 customers in Waterloo, Iowa, for as much as four hours and 17 minutes.

5. Pennsylvania Power & Light Company—July 17, 1968: A severe electrical storm caused relaying on the 66 kilovolt bus of Fishback substation at Pottsville, Pa., interrupting 25,000 customers with a load of 65,000 kilowatts. About one-fifth of the customers in the Cressona, Pine Grove and Schuylkill Haven area were restored in 58 minutes. About four-fifths had been restored at the time of the outage report, one hour and 56 minutes after the interruption began.

6. Duke Power Company—July 18, 1968: The failure of a potential transformer relayed out a 100 kilovolt line in north-central North Carolina. A parallel circuit relayed out due to overload. An almost simultaneous fault opened another 100 kilovolt line 40 miles away, followed by several other 100 kilovolt circuits which tripped from the resulting overload. The Dan River steam-electric generating station was manually separated from the system to save it from being shut down. Some 128,000 customers with 500,000 kilowatts of load in the Greensboro-High Point-Burlington area were without electric service for 49 minutes.

7. Carolina Power & Light Company—July 18, 1968: A 115 kilovolt line conductor failed during a lightning storm, interrupting the 26,000 kilowatt load of 3,800 customers in the Bennettsville, McCalls and Society Hill area of North Carolina for periods of 16 minutes to 58 minutes.

8. Washington, Indiana, Municipal—July 23, 1968: The entire city system, with about 6,100 customers and 14,000 kilowatts of load, was interrupted when a generating station service transformer failed and tubes in two of the four boilers were damaged. Partial restoration began 13 hours after start-up power was received through distribution lines of a cooperative. Available power was rotated to various circuits on a four-hour schedule. Full restoration was made in 51 hours and 30 minutes, when emergency connection was made to a nearby utility line through a portable substation.

9. Navopache Electric cooperative, Inc.—July 25, 1968: the entire 10,000 kilowatt load of the 6,900 customers was without service for one hour and 55 minutes due to trouble on the Arizona Public Service Company system which supplies the Cooperative over a 69 kilovolt line.

10. Garkane Power Association—July 25, 1968: Lightning knocked out the fuse on the 69 kilovolt transformer at the Fredonia substation interrupting the 3,200 kilowatt load of 700 customers for 30 minutes in the Fredonia and Colorado City, Ariz., and Knab and Orderville, Utah areas. Garkane's peak load in 1967 was 4,466 kilowatts.

11. South Carolina Public Service Authority—July 27, 1968: A T-connector on a 115 kilovolt line failed interrupting the 80,000 kilowatt load of 16,000 customers in the Conway, Myrtle Beach, Georgetown, S.C. area for periods up to one hour and 51 minutes.

12. Savannah Electric Company—July 27, 1968: low voltage, resulting from lack of generating capacity when high atmospheric temperatures caused the load to exceed expectations, tripped boiler auxiliaries on one generating unit, followed by loss of fuel to another unit due to high gas pressure, and loss of a third unit due to overload. Load was manually shed, interrupting 140,000 kilowatts of load to 25,000 customers for periods up to seven and one-half hours.

13. Duke Power Company—August 1, 1968: An operating error which resulted in a flashover that damaged a disconnect switch interrupted the 40,000 kilowatt load of seven industrial customers at Rock Hill, S.C., for 17 minutes.

14. Tennessee Valley Authority—August 7, 1968: Lightning struck a 115 kilovolt line interrupting the 33,000 kilowatt load of the Newport and Sevierville, Tenn., municipal systems which are supplied by TVA. The lightning welded the contacts closed on the relay, resulting in a 30-minute outage while the relay was removed so that the line could be reenergized.

15. Gulf States Utility Company—August 7, 1968: Failure of a 13 kilovolt lightning arrestor during a storm tripped the 69 kilovolt bus at Huntsville, Texas substation interrupting 7,380 customers with a load of about 43,000 kilowatts for periods of 40 to 53 minutes in the Huntsville, Conroe, Willis, and Richards sections of the Company's Navasota Texas Division.

16. U.S. Bureau of Reclamation, Black Hills Power & Light Company, Otter Tail Power Company, Cherry-Todd Electric Cooperative, Nebraska Public Power System—August 7, 1968: Winds of more than 100 miles per hour that damaged towers on a 230 kilovolt line were followed two hours later by a tornado which felled towers on other 230 and 115 kilovolt lines in South Dakota, precipitating a cascading power failure that interrupted 1,000,000 kilowatts of load on the Bureau's Missouri River Basin System. The Black Hills Power & Light Company in South Dakota and Wyoming, Otter Tail Power Company in North Dakota and Minnesota, Cherry-Todd Electric Cooperative in South Dakota and Nebraska and the Nebraska Public Power System were affected. The entire state of South Dakota was without power and the Nebraska system dropped 400,000 kilowatts by automatic load-shedding. Interruptions lasted for periods of 2 minutes to one hour and 54 minutes.

17. Utah Power & Light Company, Idaho Power Company, Montana Power Company, Bonneville Power Administration—August 8, 1968: A tree fell on a 230 kilovolt line interrupting a 300,000 kilowatt load of the British Columbia Hydroelectric system on Vancouver Island. This set up oscillations causing the Western Interconnection to break up into nine to eleven islands. A total of 731,000 kilowatts of load was lost in Idaho, Utah, Montana and Wyoming, through automatic load-shedding on low frequency relays. Much of this was interruptible industrial load, but at least 285,000 customers, mostly in Utah, were without power for periods ranging from momentary interruptions to one hour and 30 minutes. A new generating unit running on tests at Utah's Naughton station tripped out on overspeed and its auxiliaries failed, damaging its bearings.

18. Pacific Power & Light Company—August 10, 1968: Lightning damaged bus support insulators at the Enterprise, Oreg., substation interrupting the 6,600 kilowatt load of 2,800 customers on the Enterprise system for two hours. The Enterprise system is served by a radial 69 kilovolt line from La Grande.

19. Idaho Power Company—August 13, 1968: Lightning damaged a transformer in the Pleasant Valley substation interrupting the 100,000 kilowatt load of 30,000 customers in southeastern Idaho for 31 minutes. The outage was prolonged by the loss of all communications due to the severity of the lightning.

20. Commonwealth Edison Company—August 16, 1968: Lightning struck 138 kilovolt line interrupting 100,000 customers with a load of 70,200 kilowatts in the north central part of Chicago, Ill., for periods ranging from 41 minutes to one hour and 25 minutes.

21. Gulf States Utilities Company—August 21, 1968: Lightning which tripped out a 69 kilovolt line and flashed over to an underbuilt 13 kilovolt circuit interrupted several distribution substations supplying 36,000 kilowatts to 3,000 customers in a section of East Baton Rouge, La., for 40 minutes. The 13 kilovolt circuit has been lowered to give greater clearance from the 69 kilovolt line.

22. Alabama Power Company—August 21, 1968: A tree is believed to have contacted the radial 115 kilovolt line from Silver Hill to Foley during severe weather tripping the line out of service and interrupting the 28,000 kilowatt load of 7,000 customers in and

around Foley, Ala., for two hours and 33 minutes.

23. Georgia Power Company—August 23, 1968: Lightning caused an insulator failure on a 115 kilovolt line interrupting the 40,000 kilowatt load of 10,140 customers in portions of Cobb and Fulton Counties, Ga., for periods up to 39 minutes.

24. Sacramento Municipal Utility District—August 28, 1968: Failure of a transformer bushing at Elverta substation resulted in a 53-minute interruption of electric service to 40,000 customers in northern Sacramento County, Calif., with a load of 65,000 kilowatts.

25. Alabama Power Company—September 4, 1968: A contractor felled a tree into a 115 kilovolt line in southwestern Alabama interrupting the 42,180 kilowatt load of 19,240 customers in parts of Wilcox, Clarke, Choctaw and Washington Counties for one hour and 29 minutes.

26. Tallahassee, Florida Municipal Electric System—September 4, 1968: Electric service to the entire 28,400 customers of the isolated Tallahassee Municipal electric system was interrupted when fire was lost under two of the power plant boilers. System load at the time of the interruption was between 45,000 and 50,000 kilowatts. Some customers were without service for periods up to five and three-quarters hours.

27. Kansas City, Kansas Municipal Electric System—September 21, 1968: Lightning damaged an insulator on a 69 kilovolt disconnect switch at the Quindaro steam-electric generating station's substation resulting in the loss of the 69 kilovolt circuit and disconnecting both of the city's generating stations from their load, but the city's interconnection with the adjacent utility held. A total of 60,000 kilowatts of load, 17,000 of which was a single industrial customer, was interrupted for periods of 15 minutes to one hour and 20 minutes. The city has about 45,000 customers with a system peak load of about 275,000 kilowatts, indicating that some 10,000 customers may have been affected by the outage.

28. Orange & Rockland Utilities, Incorporated—September 28, 1968: The 180,000 kilowatt unit No. 4 at Lovett generating station tripped out due to an erroneous indication of bearing vibration at a time when Orange & Rockland's 138 kilovolt tie line with Consolidated Edison Company was out of service for line work. The resulting deficiency of power supply relayed out the remaining 115 kilovolt tie line to Central Hudson Gas & Electric Corporation and the system collapsed. Some of Orange & Rockland's 136,484 customers in southern New York and northern New Jersey, with a Sunday afternoon load of 151,000 kilowatts were interrupted for periods of 36 minutes to two hours and 24 minutes. The generator, apparently undamaged, was returned to service.

EXHIBIT IX

SERVICE INTERRUPTIONS—OCT. 1-DEC. 31, 1968

Number	Date	Utility and location	Reported initiating event	Megawatts lost	Customers	Duration— Hours	Duration— Minutes
1	Oct. 3	City of Tacoma, Tacoma, Wash	Flashover on 115-kv. insulator	80.0	2		30
2	do	Alabama Power Co., Auburn, Ala	Relay probably shorted by wireman	58.0	22,881	1	24
3	do	Salt River Project, Phoenix, Ariz	Tornado broke 69-kv. line poles	75.0	20,000	1	27
4	Nov. 7	Georgia Power Co., Gainesville, Ga	Squirrel shorted bus at Gainesville substation	73.0	19,000		21
5	Nov. 8	New York State Electric & Gas Corp., Niagara Mohawk Power Corp., Lockport, N.Y.	Gunshot 115-kv. insulator—relay failed	36.0	10,700		33
6	Nov. 9	Pacific Power & Light Co., Enterprise, Oreg	Pole broke on 69-kv. line	5.0	2,800	3	10
7	do	Southern California Edison Co., Victorville, Calif	Vehicle hit tower, 2, 115-kv. lines out	43.0	14,500		29
8	Nov. 12	Virginia Electric & Power Co. (2 outages), Northern Virginia	Snow, ice, and wind on 115-kv. system	67.0	11,875	1	23
9	Nov. 15	Austin Electric Department, city of, Austin, Tex	Derailed train faulted 69-kv. loop	135.0	72,000	1	30
10	Nov. 19	Alabama Power Co., Sylacauga, Ala	Bushing failed—relayed 115/46-kv. substation	37.1	3,525		32
11	Dec. 3	Sacramento Municipal Utilities, District, Sacramento, Calif	69-kv. cable failed, Hurley substation out	70.0	65,000		36
12	Dec. 9	Tennessee Valley Authority, Milan, Tenn	69-kv. bus insulator failed	47.0	1 4		28
13	Dec. 11	Public Service Co. of Indiana, Lafayette, Ind	138-kv. breaker failed to open	80.0	15,000	1	35
14	Dec. 12	Northeast Missouri Electric Power Cooperative, Northeast Missouri-Southeast Iowa.	69-kv. switch insulator failed	16.0	25,000	3	
15	Dec. 14	Marquette Department of Light & Power, Marquette, Mich	Water pump failed—lost generators	12.0	7,000		50
16	Dec. 15	Greenville Municipal, Greenville, Tex	Lost generator—boiler draft fan failed	8.9	9,272	2	30
17	Dec. 22	Iowa Power and Light Co., Des Moines, Iowa	69-kv. oil breaker failed to clear fault	65.0	100,000	1	25
18	Dec. 29	Lower Valley Power & Light, Jackson, Wyo	69-kv. air break switch connector failed	10.0	2,600	2	17
19	Dec. 31	Public Utility District No. 1, Grays Harbor County, Wash., Aberdeen, Wash.	Ice laden tree fell into 69-kv. line	50.0	7,800		40

1 3 municipal and 1 cooperative wholesale customers with about 34,000 consumers.

Source: Federal Power Commission Press Release Jan. 21, 1969, No. 15913.

EXHIBIT X

[From the Federal Power Commission press release, No. 15913, Jan. 21, 1969]

BRIEF DESCRIPTIONS OF ELECTRIC POWER INTERRUPTIONS REPORTED BETWEEN OCTOBER 1 AND DECEMBER 31, 1968

1. Tacoma, Washington, Municipal—October 3, 1968: A flashover on a 115 kilovolt substation bus insulator during a heavy fog interrupted the 80,000 kilowatt load of two industrial customers for 30 minutes.

2. Alabama Power Company—October 3, 1968: A wireman working on the switchboard at North Auburn, Alabama, substation apparently inadvertently tripped a relay removing the substation from service and interrupting 22,881 customers surrounding the substation with a load of 58,000 kilowatts for periods of one hour and 13 minutes to one hour and 24 minutes.

3. Salt River Project—October 3, 1968: Service was interrupted for periods ranging from 42 minutes to one hour and 27 minutes for 20,000 customers with a load of 75,000 kilowatts in northwest Phoenix, Arizona, when a tornado broke poles on two of the Project's 69 kilovolt lines and another utility's line fell on a third 69 kilovolt line.

4. Georgia Power Company—November 7, 1968: A squirrel caused a short on the bus at the Gainesville 115/12 kilovolt substation interrupting 19,000 customers with a 73,000 kilowatt load in Gainesville and surrounding Hall County, Georgia for periods up to 21 minutes.

5. New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation—November 8, 1968: A flashover on an insulator that had been damaged by rifle fire on a 115 kilovolt line of Niagara Mohawk Power Corporation, which suplies the Lockport District of the New York State Electric & Gas Corporation, interrupted electric service to 10,700 customers with a load of about 36,000 kilowatts for 33 minutes when local relaying failed. The fault was cleared by back-up relaying but no provision was available to automatically transfer New York State's load to Niagara's parallel undamaged line.

6. Pacific Power & Light Company—November 9, 1968: A broken pole on a 69 kilovolt line of California Pacific Utilities Company which supplies the Enterprise, Oregon system of Pacific Power and Light Company interrupted the entire 2,800 customers of the Enterprise system with a load of 5,000 kilowatts for three hours and 10 minutes. The cause of the broken pole is unknown.

7. Southern California Edison Company—November 9, 1968: A vehicle knocked down a steel tower carrying two 115 kilovolt lines interrupting for 29 minutes the 43,000 kilowatt load of 14,500 customers fed from the Victor Substation in the Victorville-Apple Valley area of California.

8. Virginia Electric & Power Company—November 12, 1968: Snow, icing and high winds resulted in two interruptions during the morning due to trouble on the 115 kilovolt system. Some 5,825 customers with a 42,000 kilowatt load in the Gordonsville, Orange and Culpeper areas were without power for periods of 58 minutes to one hour and 23 minutes and 6,050 customers on the west of Charlottesville and in Crozet with a total load of 25,000 kilowatts were interrupted for periods of 37 minutes to one hour and 17 minutes.

9. City of Austin, Texas, Electric Department—November 15, 1968: Derailed moving railroad freight cars knocked down a 69 kilovolt line segment of a loop circuit around the City of Austin. The resulting line-to-line and line-to-ground faults tripped the breakers at the ends of the line section but additional back-up relays apparently operated improperly, resulting in a cascading failure that interrupted about 130,000 to 135,000 kilowatts of the City's 145,000 kilowatt load, leaving some 72,000 of the City's 80,000 customers without power for periods of 3 minutes to one hour and 30 minutes. The City's two steam-electric stations were forced to shut down but were undamaged. The City's major interconnection with other systems was out of service for maintenance at the time of the interruption.

10. Alabama Power Company—November 19, 1968: A 46 kilovolt regulating transformer bushing failure tripped out the 115/46 kilovolt Sylacauga substation interrupting the 37,100 kilowatt load of 3,525 customers in portions of Tallapoosa, Clay, Coosa and Talladega counties for 32 minutes.

11. Sacramento Municipal Utilities District—December 3, 1968: A 69 kilovolt cable failed and tripped out of service. Upon test reclosing, the main 230/69 kilovolt transformer, at Hurley substation tripped on pressure relay, indicating damage to the transformer. Some 65,000 customers with a load of 70,000 kilowatts served from Hurley substation in northeastern Sacramento, Cal-

ifornia were without electricity for 36 minutes.

12. Tennessee Valley Authority—December 9, 1968: Failure of a 69 kilovolt bus insulator at the Milan Tennessee substation tripped the 69 kilovolt bus and interrupted about 47,000 kilowatts of load on the Humboldt, Trenton and Milan municipal systems and the Gibson County Cooperative. The four wholesale customers of TVA have about 34,000 customers. Service was restored in 16 to 28 minutes.

13. Public Service Company of Indiana—December 11, 1968: A 138 kilovolt circuit breaker failed to open and the substation was relayed out of service interrupting about three quarters of the City of Lafayette, Indiana. About 15,000 customers with a load of 80,000 kilowatts were without service for periods of 50 minutes to one hour and 35 minutes.

14. Northeast Missouri Electric Power Cooperative—December 12, 1968: Failure of an insulator on a 69 kilovolt switch, followed by failure of protective devices to isolate the resulting ground fault caused the interruption of the 16,000 kilowatt load of the entire 25,000 customers of seven member cooperatives in northeast Missouri and southeast Iowa. Service was restored at intervals ranging from 3 minutes to 3 hours.

15. Marquette (Michigan) Department of Light & Power—December 14, 1968: A bearing failure on the circulating water pump at the City's steam-electric plant followed by failure of the back-up pump to start automatically forced the shut-down of one generating unit interrupting service to 7,000 customers with a load of 12,000 kilowatts. Diesel units were started and service restoration begun in 10 minutes. Full service was restored in 50 minutes after the steam-electric unit was restarted.

16. Greenville (Texas) Municipal Utilities—December 15, 1968: While the City's system was operating isolated from the Texas Municipal Power Pool because of transmission construction the forced draft fan safety switch tripped out of service the 19,000 kilowatt steam-electric generating unit interrupting the 8,920 kilowatt load of the city's entire 9,300 customers. Diesel units were started and began picking up load in 15 minutes. Diesel units could not carry the entire load but full service was restored in about 2 hours and 30 minutes.

17. Iowa Power and Light Company—December 22, 1968: Failure of a 69 kilovolt oil circuit breaker to clear a line fault resulted in a cascading situation which interrupted the 65,000 kilowatt load of 100,000 customers in the Des Moines area for periods of 35 minutes to one hour and 25 minutes.

18. Lower Valley Power & Light, Inc.—December 29, 1968: A faulty connection to a 69 kilovolt switch between Lower Valley system and Palisades hydroelectric project of the Bureau of Reclamation interrupted 10,000 kilowatts of load in and around Jackson, Wyoming. Some 2,600 of the system's 4,700 customers were without service for two hours and 17 minutes.

19. Grays Harbor County Public Utility District No. 1—December 31, 1968: An ice laden tree fell into a 69 kilovolt line and the resultant power surge opened a 115 kilovolt breaker interrupting the 50,000 kilowatt load of 7,800 customers south and east of Aberdeen, Washington for 40 minutes.

EXHIBIT XI.—SERVICE INTERRUPTIONS, 1969

1ST QUARTER

No.	Date	Utility	Location	Cause	Megawatts lost	Customers	Duration Hours	Duration Minutes
1	Jan. 6	Jacksonville Department of Electricity and Water.	Jacksonville, Fla.	69-kilovolt breaker bushing failed	40.0	8,000		26
2	Jan. 8	Wisconsin Power & Light Co.	Beaver Dam, Wis.	Operating error during maintenance	35.0	10,000		27
3	Jan. 9	Interstate Power Co.	Albert Lea, Minn.	Ice and wind caused 69-kilovolt line faults	25.0	12,800	2	15+
4	Jan. 15	Iowa Southern Utilities Co.	Burlington, Iowa	Ice on 69-kilovolt line, breaker failed	32.0	15,000		35
5	Jan. 26	Pacific Power & Light Co.	Enterprise, Oreg.	Blizzard broke 69-kilovolt insulator pin	7.0	2,800	2	18
6	do.	Lower Valley Power & Light, Inc.	Jackson, Wyo.	Blizzard caused 69-kilovolt line fault	7.5	2,500		49
7	Jan. 28	Florida Power & Light Co.	Eastern Florida	138 kilovolt line fault caused incorrect tripping of Port Everglades plant. Loss of generation resulted in automatic loadshedding on 5 systems.	310.0	(1)		37+
		Tampa Electric Co.	Tampa, Fla.		70.0	(1)		20
		Florida Power Corp.	North central Florida		50.0	(1)		34
		City of Orlando	Orlando, Fla.		42.0	(1)		24
		City of Jacksonville	Jacksonville, Fla.		20.0	(1)		11
8	Jan. 30	Bonneville Power Administration	Northeast Washington	Blizzard; 115 kilovolt fault; breaker failed	34.0	8,000		55
9	do.	Alabama Power Co.	Chambers County, Ala.	Regulator defect; 115/12-kilovolt transformer out.	37.0	5,000		21
10	Feb. 16	Carolina Power & Light Co.	Lake City, S.C.	Icing caused 110-kilovolt line failure	30.0	12,500	2	0
11	do.	do.	Laurinburg, N.C.	Icing caused 2 110-kilovolt line failures	37.0	36,000	6+	
12	do.	do.	Bennettsville, S.C.	Icing caused 4 110-kilovolt line failures	47.0	14,000	2+	
13	Feb. 17	do.	Lumberton, N.C.	Icing caused 3 110-kilovolt line failures	80.0	11,000	1+	
14	do.	do.	Sanford, N.C.	Icing caused 110-kilovolt line failure	40.0	11,500	(1)	
15	Feb. 20	Hawaiian Electric Co.	Honolulu, Hawaii	138-kilovolt bus failure; generator separation	92.0	35,000		22
16	Feb. 24	Moreau-Grand Electric Coop., Inc.	Timber Lake, S. Dak.	Blizzard broke 69-kilovolt pole crossarms	4.5	3,000	66	20
17	Feb. 26	New England Power Co.	Warren, R.I.	Storm caused 115-kilovolt line fault	41.0	23,400	1	9
18	do.	Newport Electric Corp.	Newport, R.I.	2 outages; ice on 69-kilovolt lines	60.0	30,000	1	10
19	Mar. 6	Tennessee Valley Authority	Southeastern Tennessee	Faulty transformer temperature detector	34.0	[2]2		34
20	Mar. 11	Sacramento Municipal Utility District	Sacramento, Calif.	Capacitor switch failed at 115-kilovolt substation	64.0	50,000		47
21	Mar. 14	Georgia Power Co.	Atlanta, Ga.	Crane boom fell into 115-kilovolt line	62.0	10,019		[3]33
22	Mar. 20	Dairyland Power Cooperative	Genoa, Wis.	161-kilovolt line fault; breaker failed	40.0	18,500	1	5
23	Mar. 21	Baltimore Gas & Electric Co.	North Baltimore, Md.	Faulty microwave tripped 115-kilovolt line	40.0	(1)		34
24	Mar. 24	Pacific Gas & Electric Co.	Marin County, Calif.	Malfunction of 230-kilovolt bus relay	375.0	250,000	1	3

2D QAURTER

No.	Date	Utility	Location	Cause	Megawatts lost	Customers	Duration Hours	Duration Minutes
25	Apr. 4	Montana Power Co.	Great Falls, Mont.	100-kilovolt line cut by bullet—faulty relay ckt. caused breaker failure.	175.0	47,500	1	14
26	Apr. 6	Navopache Electric Coop., Inc.	McNary, Ariz.	Tree limb broke 69-kilovolt conductor	11.0	7,100	1	43
27	Apr. 13	Northeast Utilities System	Connecticut	Failure of 115-kilovolt disconnect switch	352.0	227,000	2	00
28	Apr. 18	Georgia Power Co.	South central Georgia	Tornado damaged 115-kilovolt lines	33.9	5,300	1	20
29	Apr. 20	Moreau-Grand Electric Coop., Inc.	Timber Lake, S. Dak.	Wind and broken 69-kilovolt insulation strand	4.0	2,700	1	30
30	do.	Puget Sound Power & Light Co.	Auburn, Wash.	Car knocked down 115-kilovolt line pole	40.0	18,000		22
31	Apr. 27	Greenville Municipal Lighting and Power	Greenville, Tex.	Tieline opened during a storm	10.5	7,800		30
32	May 8	Cleveland Electric Illuminating Co.	Cleveland, Ohio	Lightning caused 138-kilovolt bus faults	350.0	103,000		42
33	May 12	Seattle Department of Lighting	Seattle, Wash.	Faulty operation of bus relay	60.0	32,490		17
34	May 19	Pacific Gas & Electric Co.	Bakersfield, Calif.	Operator error caused relay trip	90.0	38,000		26
35	May 23	Snohomish County PUD No. 1	Snohomish, Wash.	115-kilovolt insulation flashover—breaker failed	37.5	8,000	1	25
36	May 31	Dayton Power & Light Co.	Dayton, Ohio	Lightning	35.0	12,000		19
37	June 1	Pacific Power & Light Co.	Yakima, Wash.	Crop dusting plane hit 115-kilovolt line	36.0	17,000	1	4
38	June 13	Tennessee Valley Authority	Columbia, Tenn.	161-kilovolt transformer lead burned off	100.0	[4]6	1	53
39	June 21	Alabama Power Co.	Auburn, Ala.	Snake shorted out 44/115-kilovolt substation	60.0	23,000	1	18
40	June 26	Kentucky Utilities Co.	Lexington, Ky.	Bulldozer cuased 69-kilovolt line fault	59.0	22,500		15

3D QUARTER

No.	Date	Utility	Location	Cause	Megawatts lost	Customers	Duration Hours	Duration Minutes
41	July 1	Gulf States Utilities Co.	Navisota, Tex.	Wire down on 138-kilovolt line	70.0	18,000		35
42	July 3	Carolina Power & Light Co.	Fair Bluff, N.C.	Broken crossarm on 115-kilovolt line	38.0	14,600		43
43	July 4	Toledo Edison Co.	Toledo, Ohio	Tornado blew metal into 138-kilovolt bus	260.0	[5]95,491	13	24
44	July 6	Carolina Power & Light Co.	Fair Bluff, N.C.	Undetermined—115-kilovolt line out	40.0	14,600		19
45	July 10	Texas Electric Service Co. and Texas Power & Light Co.	Mineral Wells, Tex.	Lost 2 generating units, underfrequency relaying	151.0	40,000		36
46	July 11	Public Service Co. of New Mexico	Albuquerque, N. Mex.	Potential transformer failure on 345 kilovolts	(1)	75,000		48

[1] Not reported.
[2] 1 cooperative and 1 industrial customer.
[3] Revised.
[4] 1 industrial, 2 cooperatives, and 3 municipal customers.
[5] Includes 73,629 distribution customers out for periods up to 3 days.

Source: Office of Public Information.

Mr. MUSKIE. Mr. President, this month, while disputes were continuing over the location of nuclear powerplants in Vermont, New York, and the Chesapeake Bay, the eastern part of the Nation suffered another blackout.

This time it was called selective load-shedding, and a complete blackout was narrowly averted because the utilities were able to reduce their voltage and convince their customers to sharply reduce their energy consumption. Nevertheless, many sections of the Northeast were without electric power at a time when it was sorely needed.

There is little doubt why this near-disaster occurred. There was no mechanical mishap this time. The utilities expected more of their new plants to be on the line during this period of peak summer use, so they had more plants off the line for repair and maintenance than an adequate margin of safety would allow. There were not enough new plants in operation to take up the slack.

In effect, the insufficient planning of the power industry, our efforts to protect the environment, and the summer heat had combined to put an intolerable strain on our current electric power system. These circumstances should teach us the importance of better planning and development of our electric power systems.

To produce a "clean" form of energy, an electric generating plant pollutes the environment in one way or another. A thermal plant which uses oil or coal deposits sulfur oxides and other pollutants in the atmosphere, while a nuclear thermal facility takes in water at a normal temperature to cool its reactors and returns it at a temperature which has increased by as much as 30 degrees.

However, the effects of electric generating facilities on our environment are not limited to pollution. Poor site selection for a hydroelectric facility may needlessly ruin a unique canyon or stretch of wilderness. If a powerplant is built in the wrong place, valuable recreational opportunities may be lost for people whose needs were not even considered. And a powerplant may alter the ecology of an entire area without obviously polluting the environment.

No one wants to abandon the high energy production which supports the society most of us enjoy. The only acceptable answer to our dilemma is to coordinate the resources of government at all levels to reduce the dangers of this environmental threat.

Some basic steps have been taken. Regional river basin commissions and regional economic development commissions have been established. Various environmental control agencies have begun to work together. Many of these are intergovernmental organizations committed to bringing together our human and physical resources to improve the quality of life for all Americans. They have demonstrated the proper concern of Federal, State, and local governments for resource development and conservation, and they are promising institutions of intergovernmental planning and decisionmaking.

Nevertheless, many problems remain unsolved, and many questions remain unanswered in regard to the location and coordination of bulk power supply facilities and their effect on the physical environment.

The unsolved problems and unanswered questions cannot be satisfactorily met on one level of government or the other. The traditional jurisdictional boundaries of municipalities and States have become blurred in the face of metropolitan growth, and the jurisdictional boundaries of many State and local agencies have become lost in the complexity of environmental and technological problems. Furthermore, the States and cities often find themselves without the expertise or the funds necessary to deal with the site selection or power coordination problems of growing electric generating systems.

Regulation of these activities and achievement of the environmental quality desired should be left to the public in the communities and the areas which will be affected. No set of national standards will ever take into account the many unique and local considerations which should be part of the basis for these decisions. On the other hand, the reliability and adequacy of electric power supply—questions which cannot really be considered apart from environmental quality issues—are the legitimate subject for national performance standards, since so much of our generating capacity is interconnected and interdependent.

The legislation which I introduce today recognizes the unique intergovernmental issues posed by the necessity of insuring adequacy, reliability, and environmental protection on the one hand, and a dependable supply of efficient electric energy for all Americans on the other.

Briefly, the President or his designated agency is authorized to establish regional districts for the purposes of this act, for which regional boards will be appointed by the Governors of the States included in the district. Each board shall appoint an advisory intergovernmental council for its district.

The Federal agency is then authorized to distribute to the regional boards criteria for the development of procedures for the siting and construction of bulk power facilities. On the basis of the criteria and after public participation, each regional board shall prescribe procedures for the application of the criteria within its district and procedures for the application for and the issuance of licenses. If approved by the agency, these procedures shall become the approved procedures for the region.

I ask unanimous consent that a complete summary of the provisions of this bill and its text be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 12.)

Mr. MUSKIE. Mr. President, we have become accustomed to the recitation that the electric power industry doubles every 10 years, but we have not realized the grave threat to the environment inherent in this amazing rate of growth.

While the power industry doubles, the available air, water, and land resources remain constant or shrink. Our rivers and airsheds have become so contaminated from the pollution that is a by-product of each new powerplant, that the environmental costs of new additions outweigh the power benefits.

The need for more and more electric powerplants and high-voltage lines can no longer be accommodated simply by allowing power companies to build the lowest cost facilities in the most economical locations.

We cannot continue to treat the destruction of our environment as a cost of the utility business which the public must bear. We cannot continue to foul our air and heat our streams in the name of electric power. And we cannot continue to exclude the public from the decisions concerning the site selection of our generating facilities in return for the use of the public environment.

We are only now becoming aware of the costs of a desecrated environment. Recent legislation has provided substantive guidance and financial assistance in the fields of air and water pollution, but still missing with respect to the problems of electric power, is a coordinating mechanism among concerned Government agencies which will assure that sites are selected and that plants are built to comply with these and other standards.

The public must be heard before land is cleared and concrete is poured. After a plant is built it is too late to pick the best site from the public point of view or even to incorporate the necessary protective features.

A recent report by the President's Office of Science and Technology notes that we will need some 250 more mammoth powerplants in the next 2 decades—each site requiring hundreds of acres of land and representing investments of $300 to $400 million. The transmission lines that will connect them require rights-of-way 250 feet wide. These facilities will constitute an industry much larger than all the electric power facilities built to date.

These new plants are essential to our Nation's welfare, but no more essential than our environment. It is for this reason that Congress should enact the legislation which I now introduce.

This bill will create intergovernmental processes to assure that the public interest is represented in the planning process before the plants are built; but it will also enable plants to be constructed to meet the power needs of the Nation.

The threat to our environment and to the reliability and adequacy of our supply of electic energy is too great to leave these decisions to the electric utilities. We cannot afford to wait until the plant capacity doubles; it will be too late. We continue to gamble with our resources with each passing year.

The Intergovernmental Power Coordination and Environmental Protection Act is based on my belief that the utility industry—public and private—has more than a limited responsibility to the public welfare and less than an absolute right to do what it pleases.

It is based on the idea that all segments of the power industry must be included in the plans for a region if reliability is to be more than a pipedream, and that the public on the local and regional levels should make the decisions that affect their welfare and their environment.

And it is based on the idea that intergovernmental cooperation and coordination can help us achieve these ideals and make technology work for us instead of against us.

Mr. President, I ask unanimous consent that this bill be referred to the Government Operations Committee and when reported by the Government Operations Committee be referred to the Committee on Commerce.

The PRESIDING OFFICER. The bill will be received and referred, as requested by the Senator from Maine.

The bill (S. 2752) to promote intergovernmental cooperation in the control of site selection and construction of bulk power facilities for environmental and coordination purposes; introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Government Operations, by unanimous consent, and when reported by that committee, to be referred to the Committee on Commerce.

EXHIBIT 12

SUMMARY OF PROVISIONS OF THE INTERGOVERNMENTAL COORDINATION OF POWER DEVELOPMENT AND ENVIRONMENTAL PROTECTION ACT

Section 1.—Short title.

Section 2.—Statement of findings and purposes.

Section 3.—Definitions.

Section 4.—Specifies procedures for the establishment of regional districts for the purposes of the Act; specifies the membership and the functions of the regional boards in each district; authorizes necessary funds for the operation of the regional boards; authorizes an intergovernmental advisory council for each regional board and specifies the membership and functions of the regional councils.

Section 5.—Authorizes the agency administering this Act to promulgate and distribute criteria for the development of procedures for the siting and construction of bulk power facilities; specifies those items to be considered in the promulgation of such criteria; authorizes each regional board to establish procedures for the application of such criteria within its region and procedures for applying for and issuing licenses pursuant to Section 7 of the Act; provides for amendment of such procedures.

Section 6.—Directs the electric utilities within each regional district to propose reliability and adequacy standards; directs each regional board to forward such standards and dissenting views to the agency; directs the agency to review and act on approval of the proposed standards.

Section 7.—Authorizes the President to appoint representatives to the regional boards in cases where the Governor of a State fails to act; authorizes the agency to promulgate standards and procedures for regions where the regional board fails to act.

Section 8.—Provides that no person shall undertake the construction or modification of any bulk power facility after six months after the agency has approved standards of procedures for regional districts without notice by the regional board of compliance with the standards and procedures approved for the region; provides for issuance of licenses for construction or modification by the agency upon receipt of such notification.

Section 9.—Provides for eminent domain proceedings.

ADDITIONAL COSPONSORS OF BILLS

S. 740

Mr. JAVITS. Mr. President, I ask unanimous consent that my name be added as a cosponsor at the next printing of S. 740, now entitled "A bill to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes."

Mr. President, even in its great concern for those Americans mired in poverty, the Nation has yet to deal properly with the unique problems of our Spanish-speaking minorities. It is incumbent upon us as Senators to insure that existing Federal programs do reach the grass roots of these Spanish-speaking communities and that these programs are not merely presented as legislative achievements.

In my own State of New York, there resides the highest concentration of Americans of Puerto Rican extraction on the mainland United States—about 1,020,000, or about 85 percent of the 1.2 million Puerto Ricans on the mainland. We are proud of the achievements of our citizens of Puerto Rican origin and grateful for their many cultural, political, and economic contributions to our common State. Yet for these Americans there still exist many severe obstacles to full participation in the mainstream of American society. It is my hope that the proposed Committee on Opportunities for Spanish-speaking People will help assure that the benefits of Federal programs reach the communities of our Spanish-speaking citizens and will assist these communities in surmounting the difficulties they face.

Much of the Puerto Rican community of New York State, especially in New York City, is acutely poverty impacted, suffering from low income, widespread unemployment, inferior education, dilapidated housing, and inadequate health facilities. Additional burdens of discrimination, immigrant status, and a foreign native tongue merely add to their plight.

In 1960, 18.7 percent of all those living in poverty in New York City were Puerto Rican, while only 7.9 percent of the total population of the city were Puerto Rican. According to a 1969 report of the New York State Division of Human Rights entitled "Puerto Ricans in New York State," in 1966 the estimated median family income for all families in New York City was $6,684, but for Puerto Rican families it was only $3,839. In 1960, Puerto Rican unemployment in New York City was 9.7 percent, while the general unemployment rate was 4.4 percent, and the rate among nonwhites in the city was 6.8 percent. A more recent U.S. Department of Labor study indicates similar unemployment ratios.

Puerto Rican, as well as other Spanish-speaking minorities in other parts of the country, are handicapped in the competition for white collar and professional employment by their poverty status, their predominantly rural backgrounds, the language barrier, their unfamiliarity with mainland ways, the scarcity of training opportunities, and ethnic discrimination. In 1966, 33 percent of Puerto Rican workers in New York City were classified in the Labor Department survey as underemployed, indicating that for the Puerto Rican it is difficult even for those with the necessary skills to advance to higher employment. The proposed committee will be in a position to insure that Federal employment and manpower programs are properly directed toward these problems.

Mr. President, it is my further expectation that this new Committee on Opportunities for Spanish-speaking People will be able to encourage and direct Federal education benefits to the Spanish-speaking communities. My experience with and knowledge of the Puerto Rican community has lead me to believe that the inferior education afforded Puerto Rican children is probably the major obstacle to their advancement, and this view has been supported by experts dealing with the Spanish-speaking minorities.

The Coleman Report on Equality of Educational Opportunity, published by HEW's U.S. Office of Education in 1966, found that Puerto Rican children in the New York City public schools lagged considerably behind both urban white and urban black children in verbal ability, reading comprehension, and mathematics. According to 1960 Department of Commerce figures, 53 percent of Puerto Rican adults in New York City, 25 years and older, have less than an 8th grade education, while the same is true for only 29.5 percent of the black and 19 percent of the white adults. In 1961, according to Bureau of the Census figures, only 3 percent of Puerto Ricans finishing high school were sufficiently prepared to go on to higher education.

The language barrier and the resulting handicaps faced by the Spanish-speaking child in an English-speaking classroom and society are the most significant factors contributing to the low level of achievement in education. It is my hope that a committee such as this bill would establish, would lead the way in breaking down this barrier, in particular by promoting the extension of bilingual educational opportunities in the schools of Spanish-speaking Americans.

Poverty, immigrant status, and prejudice have forced Puerto Ricans to live in some of the most deteriorated, crowded housing in New York City. Health problems, including a disproportionately high infant mortality rate, are also severe, and health services are generally inadequate. All these problems are compounded by significant difficulties in communication, arising from the language barrier, between Puerto Rican Americans and the public officials in their own communities, including school authorities and government agencies, which attempt to provide basic services to their neighborhoods.

A growing number of Puerto Rican community self-help organizations have been increasing their efforts and have been experiencing encouraging successes in their attempts to overcome these problems. From my own personal experience,

I can attest to the determined efforts of groups like ASPIRA, an organization dedicated to promoting higher education for Puerto Ricans, and the Puerto Rican community development project, a manpower training and community organization group, working on behalf of the Puerto Rican communities of New York City. These groups are to be highly commended. By providing programs in public health and health information, language training, youth leadership and education, and manpower training and job assistance, they have sought—and with great success—to assist these communities to meet their own problems.

The Spanish-speaking citizens of the United States are resourceful and energetic peoples, who are working determinedly and effectively within their own communities to overcome the many difficulties they face. The proposed Committee on Opportunities for Spanish-Speaking People can serve the crucial function of linking Federal programs with the programs of community organizations like ASPIRA and thereby provide much-needed assistance to their efforts. This Cabinet-level Committee can be an excellent mechanism through which the problems of Puerto Rican and other Spanish-speaking Americans can be overcome. I am sure that my colleagues join me in the hope that passage of S. 740 will hasten the day when such legislation becomes unnecessary and when equal opportunity for a secure and fulfilling life for each citizen, regardless of his ethnic background, becomes a living reality in our country.

Mr. President, I am pleased to note that this bill would expand the purview of the existing Interagency Committee on Mexican-American Affairs, established by President Johnson in June 1967 to specifically include Puerto Rican and other Spanish-speaking Americans. I endorse the change in the name of the Committee, which would aptly reflect its broadened concerns. It is for these reasons that I have asked that my name be added as a cosponsor. I urge my colleagues to give this important bill their most favorable consideration.

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

S. 2315

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON) I ask unanimous consent that, at the next printing of S. 2315, to restore the Golden Eagle program to the Land and Water Conservation Fund Act, the name of the senior Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it so ordered.

S. 2375

Mr. CASE. Mr. President, I ask unanimous consent that, at the next printing the name of the Senaotr from Washington (Mr. MAGNUSON) be added as a cosponsor of S. 2375, to amend the Civil Rights Act of 1964 to authorize the Attorney General to initiate school desegregation suits based on his finding that discrimination exists in a school district.

The PRESIDING OFFICER. Without objection, it so ordered.

S. 2604

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at the next printing, the name of my colleague from Alabama (Mr. ALLEN) be added as a cosponsor of S. 2604, for the relief of Aaron Bailey.

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

S. 2674

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Washington (Mr. JACKSON) be added as a cosponsor of S. 2674, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Services.

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

S. 2721

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of S. 2721 to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

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

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENTS

AMENDMENT NO. 110

Mr. FULBRIGHT submitted amendments, intended to be proposed by him, to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 111

Mr. FULBRIGHT (for himself, Mr. CASE, and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

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

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, August 7, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama, vice Harlan H. Grooms, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Donald M. Horn, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years, vice Arthur C. Elliott.

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, August 7, 1969, 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.

A TRIBUTE TO SENATOR MAGNUSON

Mr. MCGEE. Mr. President, the Washington State Association of Letter Carriers, assembled in convention at Longview earlier this year, passed a resolution commending the senior Senator from Washington (Mr. MAGNUSON).

The resolution speaks for itself. It is eloquent in its praise of the record Senator MAGNUSON has achieved as a champion of working people and consumers. This commendation from the letter carriers of his State should not go unnoticed.

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

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

COMMENDATION OF U.S. SENATOR WARREN G. MAGNUSON

Whereas, the Honorable Warren G. Magnuson, senior Senator from the State of Washington, has over the years been one of those who has demonstrated a constant concern for the continued betterment of working men and women and the protection of the consumer, and

Whereas, his record of action and voting is the real measure of this great Senator, and none has a better one, in spite of many adverse pressures he has consistently cast

his vote for the working man and woman, therefore be it

Resolved, that the Washington State Association of Letter Carriers in convention assembled in Longview, Washington, this May 23, 24 and 25, 1969, extend our thanks in grateful appreciation to Senator Warren G. Magnuson for his long record of service to the working men and women of this Nation, and be it further

Resolved, that a copy of this resolution be sent from this convention to the office of Senator Warren G. Magnuson in Washington, D.C.

JAMES SULLIVAN,
President.
FORDYCE RHODES,
Secretary.

DRAFT REFORM

Mr. CASE. Mr. President, for more than 2 years now, a number of proposals designed to correct serious inequities in our Selective Service System have been awaiting action by Congress. They range from modest interim changes to the broad reforms recommended in 1967 by the National Advisory Commission on Selective Service.

Among the more recent proposals are several bills introduced earlier this year in the House and Senate and the recommendations outlined 3 months ago by President Nixon in a special message to Congress.

But the sad fact remains that neither Congress nor the administration can claim any real progress toward draft reform.

There have been no hearings in either House this year on a single reform bill, despite assurances 2 years ago that hearings would be held, nor has the administration sent to Congress any legislation embodying the President's recommendations.

In short, there has been no sign that either the congressional leadership or the administration is giving Selective Service reform the high priority it demands.

At a time when the unfairness of the draft affects the lives of so many millions of young Americans, there is no excuse for this inaction. Lately, we have heard many speeches about what is wrong with the younger generation—they have had it too easy, they have no respect for authority, they need self-discipline. These are familiar arguments in nearly every generation. But they do not meet the widespread disaffection of the concerned and responsible young men and women of today.

High on the list of their priorities is the injustice of the present draft system.

Nothing today is so disruptive of student, family or community life than a system which, in order to draft 300,000 men annually, keeps 5 million men in a state of uncertainty and insecurity for 7 of the most critical years of their lives.

The continuous state of not knowing whether one will be able to finish school or embark on a new job occurs during a period when momentous decisions must be made about career, marriage, and family. It would be strange indeed if our young men—and their families—did not question such a system.

Nor is the uncertainty confined to when an individual will be called for service. Just as unclear are the rules and guidelines determining who shall be called. Why are some teachers drafted and others not? Why is one graduate student deferred while his roommate is not?

Recently two young men, both single and both teachers in the same overcrowded elementary school in Newark, N.J., visited my office. One had received a deferment from his Newark draft board because of the teacher shortage in that city. The other young man, registered with another draft board just over the city line, had not. Surely we must have more uniform standards than those which permit such disparate treatment.

There is the need, too, for a thorough overhaul of the arbitrary and inefficient workings of the selective service law. I am appalled at the frustrations endured by many young men merely in seeking information.

Why, for example, should it be necessary for a registrant to engage the services of an attorney to find out what his rights of appeal are? Why should we tolerate a system that drafts a young father with four children, because he does not understand all the redtape and fails to file a report form? And is there any good reason to compound the inequities of the draft law through varying interpretations of more than 4,000 local boards?

We need not look only at the glaring injustices in the system to know that something is wrong. It is beginning to take its toll in other, less obvious ways.

There are now more than 5,000 young men who have exiled themselves, presumably for life, to evade the draft. Desertion and AWOL rates are increasing and a growing number are simply refusing service, choosing instead to go to jail. These actions are not to be condoned. On the other hand, one cannot overlook the fact that they indicate deep discontent with the drfat.

The selective service law does not expire for 2 more years, but there is no reason to wait until then to act. Indeed, there is every reason to bring about now a measure of justice and fairness to a system which each month requires some 28,000 boys to leave their careers and families to prepare for war.

Several months remain in this session of Congress—time enough for both the House and Senate Armed Services Committees to hold hearings. And time enough for the administration to follow up on its commitment to make the selective service system reasonable and equitable.

The administration and Congress must do far more than either has done to make draft reform a reality.

JUDGE CONRAD M. FOWLER, OF ALABAMA, ELECTED PRESIDENT OF NATIONAL ASSOCIATION OF COUNTIES

Mr. ALLEN. Mr. President, almost 3,000 elected county officials, their wives, and guests assembled in Portland, Oreg., for the 34th annual conference of the National Association of Counties held during the period of July 27 through July 30, 1969. The conference culminated in the installation of national officers on Wednesday evening, July 30.

I call this conference to the attention of the Senate for two reasons. First, it is always an important occasion when a national organization composed of elected county officials from throughout the United States get together to discuss mutual problems; second, because an outstanding Alabamian, Judge Conrad M. Fowler, probate judge of Shelby County, Ala., was installed as president of the association for the coming year.

Mr. President, the National Association of Counties plays an important role in providing more efficient and meaningful county government throughout the Nation. In this connection, I need not remind Senators that problems of county governments are problems also of the Federal Government. Therefore it is instructive to know the problems of immediate concern to county governments. These are reflected in the 1969 conference theme: "Counties in the 70's." This general theme embraces eight separate priority subject areas chosen for study and evaluation at the conference. The subjects are: modernization of county government, environmental problems, fiscal resources, regionalism, welfare, crime and public safety, transportation, and finally, urban-rural balance.

These, then, are the problem areas of great concern to county governments and to those who must cope with them. We can appreciate the magnitude and complexity of these problems since they are also problems of immediate concern of Congress. We can, therefore, appreciate the importance of outstanding leadership in the efforts of the national organization to find constructive solutions to these problems.

On this score, the National Association of Counties is indeed fortunate in enlisting the broad experience and extraordinary qualities of leadership of Judge Conrad M. Fowler in the capacity of president for the coming year. We are confident that Judge Fowler will fulfill the highest expectations of the members of the organization and that the cause of more effective county government will be significantly advanced under his guidance and competent leadership.

Our confidence in this regard is founded on personal knowledge of Judge Fowler's exemplary qualifications for leadership and his outstanding accomplishments as a public official in Alabama. Judge Fowler's broad background of experience includes service as past president of the Alabama Association of Probate Judges, first vice president of the Association of County Commissioners of Alabama, and past president of the National Alumni Association of the University of Alabama; and last year he served in the post of first vice president of the National Association of Counties, from which position he has now been elevated to the office of president.

Judge Fowler graduated from the University of Alabama with a B.S. degree in business administration and an LL.D. degree from the University Law School. He served in World War II and was awarded the Silver Star with Gold Star and the Purple Heart with Gold Star, and received the Presidential Unit

Citation and the Asiatic-Pacific Campaign Ribbon with four battle stars. He currently holds the rank of colonel in the U.S. Marine Corps Reserve and has served as judge advocate of the American Legion, Department of Alabama.

His public career as a county official began with his taking office as probate judge of Shelby County, Ala., in January 1959, in which position he has served also as chairman of the Shelby County board of revenue. His career in public service has been marked by outstanding achievements reflected in part by the honors and positions of high responsibility which mark his career.

In assuming the responsibilities of the office of president of the National Association of Counties, Judge Fowler is following in the footsteps of three former outstanding Alabamians who likewise served in that capacity with great distinction at various times during the 34-year period of the association's history. These distinguished Alabamians are Honorable Dan Gray, chairman of the County Commission of Calhoun County, Judge Ward Forman, former probate judge of St. Clair County, and Judge Claiborne Blanton, former probate judge of Dallas County, Ala.

We in Alabama are extremely proud of these public officials and the contributions made by them to the impressive record of accomplishments of the National Association of Counties. We confidently predict continued progress of the association under the leadership of Judge Fowler. We commend the association for the wisdom of its choice for the office of president for the current year, and we salute Judge Fowler for the honor he has received and for the credit it reflects on him, upon Shelby County, and upon the State of Alabama.

DRUG ABUSE: A REAL PROBLEM

Mr. HANSEN. Mr. President, with each day bringing a new expansion to a previous limitation of man, it is easy to forget that some areas on earth still need concrete boundaries. Drug abuse is one such area.

There can no longer be any doubt that there has been a sharp increase in drug taking among young persons. As was stated in the President's message to Congress on July 14, 1969:

> It is doubtful that an American parent can send a son or daughter to college today without exposing the young man or woman to drug abuse.

It becomes obvious, therefore, that we must utilize the avenue of education toward the goal of prevention rather than an induction into the "drug scene."

Most of those caught are first-time users or "experimenters." Thrill seeking and the pursuit of new or novel "intellectual experiences," together with reputed creative insights and new understandings of one's self, have served as the magical appeal that has led this generation into drug use. According to the American Medical Association's guide for physicians, Drug Dependence:

> Experimenters make up at least 75% of drug statistics, and drug use is a self-limited problem for most of them. . . . However, use is inevitably linked with a proportion of significant abuse, and this brings cases for treatment after serious social or psychiatric decompensations. For them, moderate use of any intoxicating substance has become an impossibility.

The problem then must be attacked concurrently on three levels, with special emphasis on the first:

Education: The common misconceptions among the young that creativity and insight are sharpened through the use of drugs must be dispelled. Films, speakers, and research evidence should be made available to campuses for this purpose.

Suppression of drug traffic: We need to attack the transmission of drugs from host to host, thereby also undercutting the international crime syndicate. By reducing the availability of drugs, hopefully we can also reduce their temptation.

Rehabilitation: We need coordinated efforts by men of the medical and psychological professions in performing experiments and then placing their results at the disposal of society. Through improved treatment and rehabilitation, we can more effectively disseminate this information, thereby reducing the demand for and the social rewards associated with drug use.

I am delighted to see the White House being the impetus toward these ends.

A WISE DECISION

Mr. CHURCH. Mr. President, I was highly gratified to learn yesterday that the distinguished Senator from Massachusetts (Mr. KENNEDY) has decided to remain in the Senate following an outpouring of public sentiment in overwhelming support of such a decision, which came in the wake of the tragic automobile accident in which he was involved.

Following Senator KENNEDY's address to the people of Massachusetts, delivered last Friday evening, I issued a statement to the press, expressing my confidence in, and support for, the Senator.

I ask unanimous consent that my press release be printed in the RECORD.

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

> WASHINGTON, July 26.—Senator Frank Church today issued the following statement concerning Senator Edward M. Kennedy:
>
> "I have known Ted Kenendy for many years. He is a thoroughly decent and honorable man whose young life has been plagued by more tragedy and sorrow than any man should have to bear. His explanation of the latest awful accident is typical of the man—candid and forthright. I am confident that the people of Massachusetts will rally behind him and I hope he decides to remain in the Senate where he can continue his career as one of the most promising political leaders of our time."

TRADE AND AID

Mr. PERCY. Mr. President, I would invite the attention of Senators to a significant speech on our foreign aid and trade policies, given on July 22 by the junior Senator from Maryland (Mr. MATHIAS). The Senator points out that these policies are in direct conflict in relation to the underdeveloped countries. He further states that we have given aid to these countries in the past to help them diversify and industrialize their economies. But our tariff structure is sharply biased against their manufactured goods and against processed forms of raw materials as opposed to raw materials themselves which we admit without significant tariffs. Thus, in our trade policy, we offer strong incentives not to industrialize or diversify. Mr. MATHIAS urges the adoption of a system of generalized tariff preferences for the underdeveloped countries.

I ask unanimous consent that the speech and an editorial in response, published in the Baltimore Evening Sun, be printed in the RECORD.

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

> REMARKS OF SENATOR CHARLES MCC. MATHIAS, JR., UNIVERSITY OF MARYLAND SUMMER SCHOOL, JULY 22, 1969
>
> Ten days ago on a plane to Atlantic City, where I introduced Astronaut Thomas Stafford to a convention of Maryland lawyers, I wrote a letter to the President. I hope it is not inappropriate to read it to you now:
>
> "DEAR MR. PRESIDENT: The spirit of America will be committed on July 21, as our resources have been for 10 years, to the concept of liberating man from a single planet. On that day we shall abolish horizons as the limit of vision and open the opportunity for a future that is literally without limits.
>
> I suggest therefore that July 21 be proclaimed by you as a national day of prayer and thanksgiving. It should be a day to celebrate the personal achievement of the two men who walk the moon that day, and of their brother Astronauts and two hundred million fellow Americans who walk with them in spirit. It should be a day of prayer that this achievement, which draws upon the knowledge and wisdom and experience of all men everywhere, will bring peace by showing the fruits of man's peaceful labors.
>
> On July 21 we can pray that as man is released from earth's bonds, we may be relieved of earth's ancient scourge of war; that as man turns his eyes to the stars, he shall no longer live in the shadow of Cain, who was his brother's killer—that through peace the marvels of God's universe should be unfolded before us."
>
> Ten days later as this epochal triumph of man and machine is unfurled before us and before the world, we—like Balboa first gazing at the Pacific—look on in wild surmise. But it is sobering to remember that the men who named the vast reaches of ocean also dreamed of peace. As the waters were domesticated, however, they paradoxically became an arena for the barbarities of war. The Pacific Ocean betrayed its name and became the Pacific Theater.
>
> The spaces now in our ken vastly exceed the Balboan panorama. Once again we name them peaceful. But whether the Sea of Tranquility becomes part of a new lunar theater, or whether man has discovered at last a true pacific beyond the horizon, will be decided not in space but here on earth. Though we walk in spirit with the astronauts, we still walk in fact in the valley of the shadow of Cain. And we walk in fear.
>
> The astronauts now hurtle back toward a planet embroiled in conflict, barbarism, and poverty. As we marvel at their prodigies, we remain mired in our paradox: as man masters nature through technology, he seems to be losing control of himself. In fear he turns to government, demanding law and order. But as governments grow in power and as their

military and police forces gain in size, their effectiveness seems to diminish. Social problems become more severe. Disorder expands and so does contempt of law. Government performs prodigies in facing technical problems, if men do not get in the way. But human problems seem still to confound it.

This paradox of growing power and decreasing effectiveness offers an important lesson to American government: namely, that federal power—even in a democratic society like the United States—cannot coerce social peace and progress. The federal programs, from the New Deal through the Great Society, became a petrified forest of federal agencies, no longer effective but nearly impossible to prune or cut down.

For years, Presidents, imitating the rhetoric of FDR, have assumed heroic postures and urged dynamic programs for change. But when an aggrieved individual looked to government, he all too often found only the great stone face of bureaucracy. And as greater numbers became alienated and frustrated, disorder and contempt for law became more pervasive. More government programs—and more police—were grandiloquently mobilized. But police could not bear the responsibility for problems ineffectively managed for years by others. The long failures of government could not be redeemed by curt applications of force.

And so the federal bureaucracies administer a community of incongruities. We have more spending on defense and less sense of security—more spending on welfare and less well-being—more roads and more congestion—more open jobs and more unemployment—more empty housing and more homeless—more civil rights and more uncivil protest. All in all, we can't seem to get together—jobs and job seekers, houses and home seekers, political petitioners and legal processes. It is a government of misconnections as well as misconceptions. Our leaders have been well intentioned. But their good intentions have paved a road to hell for many of our citizens.

In foreign policy, our government has encountered similar frustrations and paradoxes. The greatest military power in the world, we cannot subdue the Viet Cong. We have spent a total of 120 billion dollars of foreign aid—financing the Marshall Plan, Point Four, and annual programs to help feed and modernize the underdeveloped countries. Yet we find not gratitude but resentment among many of the recipients. The United States is one of the few countries of the world to peacefully emancipate an empire. We do not consciously seek domination today. Yet we are denounced around the world as imperialists.

America's earthly frustrations are symbolized by another trip, taken by a leading American during the same period we prepared for our lunar landing. In dramatic contrast to the smooth journey to the moon, Governor Rockefeller's travels in Latin America were fraught with bitterness and difficulty. His way was strewn with riot and protest. Although Rockefeller has been a leading proponent of closer and more friendly relations with these countries—and a persistent advocate of increased foreign aid for them—he was greeted like an enemy of their aspirations.

Why, we ask, are we so misunderstood? The reason, in part, is that we misunderstand ourselves. As today we are beginning to appreciate the plight of the impoverished in the United States—how the society looks to those who benefit least—we now must seek to understand how American policy looks to citizens of underdeveloped countries.

One of the key facets of the American impact in these areas—and a key item in the Latin American protest against Rockefeller—is our trade policy. Ultimately perhaps the most important realm of our foreign relations, our trade policy, in fact, is statistically more important to a great many foreign countries than it is to us. Though world trade accounts for a total of only 4 percent of the U.S. GNP, trade with the United States alone accounts for well over that proportion of the GNPs of a host of underdeveloped countries whose hopes for the future largely depend on exports to the United States. In view of the intense controversy caused here by relatively minor changes in our trade policy, one can understand the intense concern of foreign nations with a far greater dependence on international commerce.

In the underdeveloped countries, access to foreign markets is crucial to private economic growth. Without exports, these countries cannot finance the imports they need to industrialize and diversify their economies, as the United States advises. They are forced to adopt high tariffs and seek to force growth by totalitarian means, in accord with communist prescriptions.

If the totalitarian approach finally prevails in these countries, it would represent a major victory for the communists in the cold war. Economic intercourse between the affluent free nations and the less developed countries would halt, thus limiting the potential growth of both. The less developed countries would become more desperate and militant and the United States more fearful and isolationist, and perhaps more militaristic. Our seeming hostility toward the aspirations of the poor countries, dominantly colored, would heighten racial tensions in this country. Although it is impossible to predict the outcome, world tensions would inevitably increase, along with the horrible possibility of a war with direct racial overtones.

It is thus urgently important that the underdeveloped world be given a stake in the wealth of the free world. Yet, in Washington, this imperative has been all but ignored. Not only has our aid and private investment in these countries been diminishing rapidly as a percentage of our GNP but the United States has been a leading opponent of measures to improve their terms of trade. Although it is often said that the time has come for other countries to share the foreign aid burden, the U.S. is already tenth among the countries of the free world in the proportion of its GNP devoted to aid. As far as trade is concerned, we have entirely failed to recognize that commerce between the impoverished nations of the sotuhern hemisphere and the affluent north represents perhaps the single most formidable barrier faced by the communists in their attempt to reorder the world economy.

Our tariff structure positively discriminates against the private enterprise of the less developed countries, thus impelling them toward socialism and protectionism. For instance, the most protected American industries—except for oil—tend to be the simple manufactures and food products in which the less developed countries specialize. Also damaging to their private enterprise is the escalation of tariffs according to the degree of processing. This practice, often doubling or tripling the effective duty, poses a major obstacle to the creation of those industries in which the less developed countries are likely to have a comparative advantage: namely, the refining or processing of their own raw produce. For examples, the tariff on cocoa powder is higher than on unprocessed cocoa, on plywood higher than on sawn logs, on aluminum pipes higher than on unwrought aluminum. Thus the less developed countries are penalized for industrializing. These practices constitute a program of American aid to the international communist goal of separating the underdeveloped economies from those of the west and persuading these countries to adopt communist economic organization. This U.S. policy also directly conflicts with our professed goal, to which we devote our diminishing foreign aid, of encouraging private initiative in the poorer countries.

Latin America provides some of the best examples of the short-sightedness that belies our proclaimed desire to help these states fulfill their economic aspirations. The United States has joined with our neighbors to the south in repeated agreements to cooperate in promoting their trade. In the Charter of the Organization of American States, the Charter of Punta Del Este and the Economic and Social Act of Rio de Janeiro, in the Buenos Aires Protocol and the Declaration of the Presidents of America—and on a global level, at the U.N. Conference on Trade and Development—we have pledged our aid, and in most cases, have resolved to reduce obstacles to the trade of Latin American and other underdeveloped countries. The results are hard to believe. There has been a relative *worsening* of their access to American markets and a decline in aid and investment. Capital flows *from* Latin America and *into* the United States are now over four times as great as the flow south. The countries of Latin America, in a way are actually giving foreign aid to the United States, the wealthiest country in the world.

It should not be imagined, however, that the United States really benefits from this process. In the protectionist game, nearly everyone loses, regardless of the immediate balance sheets, because world economic growth is ultimately retarded. Moreover, the instability and stagnation of the underdeveloped countries reduces future markets for our produce and the resulting political turmoil hurts other foreign policy goals.

Good examples are Argentina and Uruguay. Uruguay is one of the few remaining democracies in Latin America; Argentina is potentially a bulwark of stability in the region. U.S. policy, however, has importantly contributed to turmoil in both countries and has thrown Uruguayan democracy into jeopardy.

The chief instruments are beef quotas and food processing tariffs. These U.S. policies help a handful of wealthy U.S. ranchers and food processors and raise the price of beef for everyone. The poor are hurt most, of course, since they spend a higher proportion of their incomes on food. Economically, these policies are virtually indefensible. In foreign policy terms, they are a tragedy. Yet they continue without protest in the U.S.

The beef quota affair is only one example of the disastrous effects of trade restrictions on the region. Although we encourage these countries to industrialize and actually aided in the construction of leather processing and textile industries in the two states, we impose quotas as soon as such industries start to emerge.

The Latin American countries have a perfect right to ask, on the basis of their experience, why they should build private industries, when the U.S. greets their successes with new quotas and tariffs. On the one hand we give foreign aid to develop their industry; on the other hand, we penalize their industry if it appears.

This situation is not in general the result of deliberate policy. In part, it merely reflects the balance of economic power. The less developed countries are unable to bargain effectively in GATT under terms of reciprocity which require them to give concessions for every gain they receive. So with every negotiation they lose ground. The exceptions list in the Kennedy Round negotiations—that is, the list of products on which the conferees agreed not to negotiate tariff cuts—was in essence a list of less developed country manufactures. The results of the Kennedy Round, benefiting rich countries and impairing the relative position of the less developed countries, symbolizes this position of weakness.

Nonetheless, the less developed countries have by no means given up on the west. Since the 1964 meeting of the United Nations Conference on Trade and Develop-

ment, these countries have been united in a demand for generalized preferences—that is, special tariff advantages—for their exports in northern markets. The United States, alone among the affluent countries, was adamantly opposed. Yet the proposal is both reasonable and desirable. It indicates that the less developed countries are turning away from the futile pursuit of economic self-sufficiency protected by high tariffs, financed in part by foreign aid, and organized by totalitarian governments. Increased export earnings, moreover, would help the less developed countries to finance the increased imports that would be required by the increased private investment the U.S. purports to encourage.

Under pressure, the Johnson Administration finally endorsed the concept of preferences and the Nixon Administration has reasserted more strongly their desirability. It is likely that we will ultimately adopt some kind of system simply because the political costs of denying such a unanimous demand from the less developed countries will seem far greater than the net economic costs. These are estimated by Rand Corporation economist John Pincus at $200 million total for all the developed countries together.

But the United States should not wait until world pressures force us to accept preferences. We should promote them as a matter of high national priority, not succumb to them, as if they were a form of extortion. For they are in our interest at least as much as they are in the interest of the poor countries. For if the poor countries turn toward the communists we will permanently lose access to their resources and markets.

Americans should recognize that the free world economy has now reached a new stage. The west has completed postwar reconstruction, turned back the threat of communism in Western Europe and dismantled most of the barriers imposed during the Depression against commerce among the rich countries. The time has now come for world private enterprise, as organized in systems like GATT, to face the new challenge: underdevelopment and communism in the poorer countries. It is urgent for the United States to take the lead today just as we took the lead with the Marshall Plan in 1945 to face the earlier challenges.

Such reforms will not allow Governor Rockefeller to travel through Latin America in the blaze of glory of a returning astronaut. But they will begin, in this one area, to bring American practice closer to our ideals and professions. Such measures would help convince those leaders who are committed to democratic institutions and free economic policies that the United States is on their side. A first step has already been taken by the Nixon Administration in ending the requirement of additionality, obligating recipients of our foreign aid to buy specified products in the U.S. It is urgent that this initiative be followed by trade policy reform.

In domestic policy, too, our greatest need is to put our declared principles into practice. Our failures do not come because our ideals are faulty but because we have too often betrayed them. Our intentions have not been bad, but we have been negligent in putting them into effect.

Perhaps our moon voyage will serve our nation best not in its immediate effects—which divert money and energy from more pressing needs—but in its demonstration that our ideals cannot be fulfilled without the most dedicated and scrupulous application. It is not enough to proclaim high purposes—or shout slogan—or take moral postures, as Americans, particularly American liberals, have done too long, while special interests often have dominated our real policies. We must subject our activities and programs to the most exhaustive analysis. We cannot assume that because our intentions are good that our policies are justifiable. For good intentions in politics—as in other spheres of life—can lead to catastrophe.

The greatest tribute to our triumph in space would be the devotion of comparable skills—and far greater resources—to making it symbolize not just our aspirations but also our attainments as a nation.

[From the Baltimore Evening Sun, July 22, 1969]

UNFREE TRADE

Watch Senator Mathias. He's trying to become the liberal conscience of the Nixon Administration. He has a schoolmasterish aspect. See how he praised the President for untying some of the strings on our foreign aid to underdeveloped countries. That's good. The requirement that recipients of our aid had to buy what they needed in this country (instead of getting it where it's cheaper) was burdensome. It was even too illiberal for President Nixon.

Now, like a good teacher, Mr. Mathias wants the administration to take one further step, and grant trade preferences to underdeveloped countries, particularly to Latin America. The Latins have been complaining recently that Washington speaks out of two sides of its mouth. They say there is a contradiction between our trade and aid policies. Senator Mathias agrees with this and cites the cases of Argentina and Uruguay as examples: "Although we encourage these countries to industrialize and actually aided in the construction of leather processing and textile industries in the two states, we impose quotas as soon as such industries start to emerge."

The Brazilians had a similar complaint last spring. They had developed a small instant coffee industry and had begun selling the stuff in this country. The larger United States coffee processors didn't like the competition so they lobbied feverishly to limit the Brazilian import. They were successful. Now the Brazilians are convinced that our commitment to free trade is not all that strong.

Completely free access to United States markets by all underdeveloped countries may not be practicable just yet. But certainly the Latins should be on top of our priority list. The Commonwealth countries enjoy access to Britain's markets, and goods from the French zone countries in Africa move freely into the European Common Market. The Latins enjoy preferences nowhere. Still, they look to the north, hoping.

There are a lot of special interest groups in the United States (coffee, textiles, etc.) trying to raise the trade barriers even higher. It is difficult for a President to resist them, and even more difficult for a congressman. But there is an essential truth in Senator Mathias's assertion that protectionism pays off poorly in the long run. That's the lesson he wants the administration to learn.

A MONTH OF HOPE FOR BIAFRA

Mr. DODD. Mr. President, the war in Biafra continues. The tragedy deepens.

Thousands of women and children have been dying of starvation and the plague of famine is widespread.

This war has aroused the concern and compassion of people all over the United States, and a great relief effort has occurred.

In my own State of Connecticut, the Food for Biafra Committee, with headquarters in Westport, has been an essential source of relief for the starving Biafrans.

During the month of August, the U.S. Junior Chamber of Commerce, in association with the Americans for Biafran Relief, will conduct a special relief drive to supplement the work of the Food for Biafra Committee.

To call attention to the drive, Gov. John Dempsey has issued a proclamation designating August 1969, as "A Month of Hope for Biafra."

I commend the Governor for his effort in enlisting public support for Biafra, and I ask unanimous consent that his proclamation be printed in the RECORD.

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

A MONTH OF HOPE FOR BIAFRA—AUGUST 1969

The Food For Biafra Committee, whose headquarters are in Westport, Connecticut, points out that three million Biafran women, children and elderly people are totally dependent for their existence upon the mercy airlifts run by churches and the International Red Cross. Deaths from famine and associated causes already total more than one million.

The critical need for food and medical supplies in this African nation has aroused compassion and humanitarian concern throughout the United States. There has been generous response to the request for relief funds.

However, the Committee, in emphasizing the continuing need for Biafran Aid, states that if the mercy airlifts were interrupted for even one week, the entire Biafran population would face the threat of imminent starvation.

It is vital, therefore, that relief efforts for the victims of the war in Nigeria and Biafra be continued. To encourage renewed participation in this life-saving project, the U.S. Junior Chamber of Commerce, in association with the Americans for Biafran Relief, conducts a special relief drive during August, 1969.

To call the attention of the people of Connecticut to the urgency of the situation and to aid in enlisting public support of this appeal, I designate August, 1969, as "A Month of Hope for Biafra." I urge wholehearted cooperation in this worthy and essential work.

JOHN DEMPSEY,
Governor.

MORE GUN CONTROL NONSENSE

Mr. HANSEN. Mr. President, a task force of the President's Violence Commission, which was appointed by former President Johnson, recently proposed a strict system of handgun licensing that would outlaw the use of pistols to protect private homes. As I understand the proposal, only persons who can prove a special need of handguns for self-protection would be licensed to own one.

The Washington Evening Star, in an editorial published on July 30, made an excellent response to this proposal and termed the recommendations of the Commission "blithering nonsense." I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, my remarks will be brief because, in my opinion, few Members of the Senate will consider the Commission proposal feasible.

Apparently, there was failure on the part of the task force to consider that most of the estimated 24 million handguns in the United States are used for

neither crime nor home protection, but for recreation. This is the case in Wyoming, and I feel, in most other States.

The people of Wyoming do not believe in the unnecessary burdens that the registration and licensing of firearms would put upon them and other law-abiding citizens of the United States. They believe, as I do, that the solution can be found in a policy of getting tough with criminals who use weapons in the commission of crime.

EXHIBIT 1

MORE GUN CONTROL NONSENSE

As an introductory note to this editorial comment, an item in the crime news is worthy of attention. On Monday there were 22 armed robberies in Washington. This brought the July total as of that date to 450, compared to 332 armed robberies in all of July of 1968.

In the face of this a task force of the President's Violence Commission (appointed by President Johnson) comes forward with a wacky recommendation. Its proposal is, except in a very small number of cases, that all Americans should be required to surrender any hand guns they own to the government.

Here is the task force's reasoning: This is the only way in which the United States can break "the vicious circle of Americans arming to protect themselves from other armed Americans." Now what does this really come down to? Even the task force, we suppose, would concede that criminals are not going to surrender their hand guns. So what they are saying is that no homeowner, to cite one example, should be permitted to keep a hand gun in his own house to protect himself, his wife, and his children against the night when some armed criminal might break into his home. Their argument is that home owners "may" seriously overrate firearms as a method of self-defense against crime. The "loaded gun in the home creates more danger than security."

This strikes us as blithering nonsense. How many members of this task force have been awakened in the middle of the night by a scream for help by some member of his family? Probably not one. But thousands of Americans are exposed to this dreadful experience every year. And in such a situation what is an unarmed householder supposed to do against an armed intruder? Hide under his bed, and never mind what happens to his family?

The major thrust of this soft-in-the-head report is that the requirement to surrender your hand gun, of which there are an estimated 24 million in the country, would reduce crime. This is absurd, for the criminals are not going to surrender their guns. A better and much more realistic way to deal with this problem will be found in legislation now being considered in Congress.

The intent of this legislation is to provide tough, really tough, mandatory penalties for criminals who use guns in the commission of a felony, such as rape, robbery or burglary. For a first offense the penalty generally favored would be a mandatory jail sentence in a federal jurisdiction, which includes Washington, of from one to 10 years. A judge would be forbidden to suspend this sentence or to make it run concurrently with the sentence for the primary offense. In case of a second offense, much stiffer jail sentences are proposed, and they should be written into law.

A similar bill passed the House last year, but was watered down in the Senate before becoming law. The argument then was that mandatory sentences deprive judges of discretion in imposing penalties. And so they would. But in one week at the time the watered-down bill was passed 27 criminals in this city were found guilty of crimes in which guns were used. In six of these cases, more than one-third, the judge imposed suspended sentences, which means that no jail terms were served for using a gun.

So we say let's make the sentences mandatory. And let's not deprive the law-abiding citizen of hand guns in his own home while the criminal element will remain armed to the teeth.

THE VANISHING PASSENGER TRAIN

Mr. MOSS. Mr. President, the State of Utah is currently faced with requests by two railroads to discontinue the operation of two important passenger trains which link us with the west coast. Another railroad is proposing a cutback in service. If all these requests should be approved, Utah would be virtually without meaningful passenger train service.

It was this situation which prompted the Deseret News to publish an excellent article written by Elmo Roper which originally appeared in the Saturday Review.

Mr. Roper sums up the main theme of his article in the title, which is "How Not To Run a Railroad."

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Salt Lake City (Utah) Deseret News, July 26, 1969]

HOW NOT TO RUN A RAILROAD

(EDITOR'S NOTE.—Public hearings on discontinuance of the California Zephyr passenger train were held this week in Salt Lake City and Provo.)

(By Elmo Roper)

I might as well begin by admitting that I am a man of peculiar tastes in transportation. In the first place, I like to relax when I am going somewhere, which immediately puts me in the oddball corner. I also like to be able to get up and walk around in transit, without interrupting the transit. I like to eat at my leisure, at a time of my choice, and I prefer to sit at a table when I do so. I even enjoy looking at scenery! And I like at least a relative degree of safety while I travel. In short, I like to ride the railroads. I realize that all this puts me seriously out of step with most of my contemporaries, who seem to prefer to be jammed in somewhere and hustled to their destinations with their eyes either on the road or on the clouds. In fact, the other day I read an ad which described me as "the vanishing American."

This description was interesting, but even more interesting was the source—a railroad! It seemed a little odd that a railroad was spending its hard-earned (or hard-lost?) money to convince me that I am obsolete, and, in effect, was saying "Get lost, brother." I had heard, as has everyone else, that railroads have come upon hard times and I decided to find out just what railroads were up against and how good the chances were of their survival. Some of the things I discovered I had suspected, but others came as a surprise; together they made up a picture of the railroads that differed considerably from the image that is currently popular.

The current characterization of the plight of railroads vis-a-vis passengers runs something like this: Railroad passenger service is a hopelessly uneconomic operation for three principal reasons: (1) people don't want to ride railroads any more; (2) competitive forms of transportation such as airlines and highways benefit from subsidies and tax advantages which railroads do not have; and (3) unions have forced on the railroads inefficient and expensive labor practices and regulations. The inevitable conclusion: Railroad passenger service is obsolete, and most of it will eventually have to disappear.

This is the picture, and it contains some elements of truth. But if one goes a little further, a very different picture emerges. To put it bluntly, it is a picture of railroad management actively engaged in the process of digging its own grave—or at least the grave of passenger service. To begin with, one of the reasons people don't want to ride the railroads any more is that railroads are actively discouraging them from doing so. Trains are dirty, stations are poorly maintained, and the number of ticket windows is often reduced so that one has to stand endlessly in line to buy a ticket, or they are closed down completely when one arrives. The quality of food has gone down, while prices for it have gone up. There is virtually no promotion or advertising of passenger service; in fact, it is not uncommon to read ads like the one I ran across suggesting that those who persist on riding the rails are curious relics of a bygone era. Under such circumstances, it is a wonder, not that there aren't more of us, but that there are any railroad passengers left at all.

It is true that railroads are at a competitive disadvantage with highways and airlines, because they own and are taxed on their facilities, while highway and air facilities are paid for by public agencies, which are not fully reimbursed by "user charges." Railroads have made efforts to get their taxes reduced—which, in view of the pressures on localities to produce more tax revenue, have little chance of succeeding—but they have shown a marked resistance to more imaginative approaches to the problem. For example, the suggestion has been made that the government acquire fixed railroad facilities and lease them back to the railroads, thus eliminating their tax disadvantages at a stroke. This proposal is greeted by railroad management with horror, out of a fear of losing their right to run their own railroad, or worse, of losing the right to make profits from their real estate holdings by means other than transportation.

With regard to labor practices, it is again true that shortsighted union demands have contributed to make feasible passenger runs into money losers. Yet, in some cases, management has been more shortsighted than labor. When diesel power made firemen superfluous, labor saw what was coming and bargained hard to keep firemen on the new trains. Management took diesel power less seriously, expecting it to be limited to a few high-speed routes, and so gave in to labor's demands. And while the railroads later got the firemen eliminated from the cabs of most freight locomotives, they have failed to fight for that reform on what they seem to consider the already moribund passenger trains.

What becomes evident in a study of railroad developments over the last few decades is that railroad management has consistently resisted change, held back on innovations, and has viewed new transportation developments as threats rather than opportunities. It has reacted like the carriage-makers who smugly scoffed at that transitory, noisy, and undependable invention, the motorcar, and who preferred to go down like the dinosaur rather than branch out into the automobile business. When trucks began to make inroads into railroads' freight business, the predominant response of railroad management was to fight them tooth and nail by lobbying for restrictive legislation—instead of adding supplementary truck operations to make their

own freight operations more efficient. Now the railroads would love to go into the trucking business, but they probably won't be permitted, partly because of the not unrealistic suspicion that they would use this privilege not to improve transportation service, but to cripple independent truckers through a price war the railroads could afford but the truckers couldn't.

Further examples of this shortsightedness are easy to find. For years, railroads kept on cooling perishables by stopping at intervals to pour ice into the top of the cars; they didn't switch to mechanical refrigeration until trucks ran circles around them. Railroads are currently taking pride in their new innovation, "piggyback" service, in which highway trailers and other containers can travel across long distances hitching rides on various railroads along the way. But this "new innovation" was first experimented with in the 1920s, and one reason it didn't get out of the railroad yards is that by the 1930s Pennsylvania and New York Central (who have since gotten together rather uneasily) insisted on each using containers that could not be interchanged with the other's. This forced other railroads to make a choice between the two systems, or to invest in duplicate facilities, or to forget about the whole thing. Not surprisingly, under depression conditions, most of them took the last option, and the implementation of this "great new innovation" had to wait another twenty years.

It should, therefore, have come as no surprise that after twenty-five months of study prior to the merger of the Pennsylvania and the New York Central, the incompatibility of their two computer systems had been completely overlooked—making for some real problems.

One of the things the "piggyback" story illustrates is that railroads have failed to make one basic leap of imagination: They still tend to operate as if their competitors were not airlines, trucks, buses, and cars, but other railroads. They are reluctant to pool and coordinate operations, even when it is clearly to their economic advantage, or to eliminate wasteful duplication of services. Even though they are now permitted to cooperate in many ways, most railroad management is paralyzed by a fear that the beneficiary of streamlining operations might be another railroad. All too often it is a case of incompetent management fearing other incompetent management.

And so instead of facing modern transportation realities and coming up with imaginative ways of adapting to them, the typical answer of the railroads is to do away with passenger service and raise freight rates. I think there are a number of reasons for not permitting them to do this. First, there is a real need for railroad passenger service—especially on medium-distance runs between large cities. No one who has recently spent hours in a holding pattern over an airport in an attempt to get to a city a few land-hours away should question this need. Nor should anyone who has inched his way to an airport—or to his destination—by means of automotive crawl. The increasing congestion of our highways and airways between metropolitan centers makes it daily more evident that we need more than one kind of transportation to keep America on the move. We need all the kinds we can get—planes, autos, buses, and the railroads. The fact that the New York-Washington Metroliner, which is clean, comfortable, and serviced by courteous and pleasant people, and which cuts the train trip from four to two-and-a-half hours, has been practically sold out since its inception, is another evidence of the attractiveness of train travel when trains are convenient and well run. For many travelers, air travel has lost its novelty, and with it, some of its glamour. In the years to come, people will be looking more coolly at alternative forms of travel, making more realistic comparisons of time, money, convenience, and comfort involved in the various ways of getting where they're going.

The need for a railroad network in times of national emergency, for such purposes as the movement of troops, is another reason for keeping railroad passenger service alive. And then there are the eccentrics like me. Who knows, there may even be more of us in years to come, if someone makes an effort to woo us instead of making us feel like the orphans of the rails.

Not only is there a clear need for the continuance of passenger service, railroads have a clear duty to provide it. It should be remembered that railroads still have a monopoly on much freight transportation, and at their inception received substantial governmental assistance. The right of eminent domain was exercised in their behalf; land grants were received. In return for these and other benefits, railroads have a responsibility to provide services that are useful to people—as well as hogs.

This is not to make light of the real financial problems railroads face. More government subsidies, loans, or forms of tax relief should be made available. But the big change must come in the minds of railroad managements. Right now, their operations are a casebook in how to go broke—how to not succeed by trying hard not to succeed! Managements must turn their attention away from the search for ways to get out of the business of hauling passengers to search for ways to make passenger service attractive and profitable. There are, of course, some efficient and forward-looking railroad presidents—but not many; certainly less than in any other industry of the same size.

I suppose that the managements of really well-run industries—such as petroleum, timber, and life insurance—could, in the next fifty years, succeed in making those industries unsuccessful, too, if they tried hard enough and took enough hints from the management of railroads over the past fifty years.

If railroad managements do not wake up and adapt their practices to the needs of the traveling public, there is really only one alternative. Undesirable as it is, as a last resort the only way to save the trains for the people will be to turn them over to the government. Government-owned railroad service in a number of foreign countries (Japan, Britain, France, and others) is far superior to ours; if railroads operating on a private, profit basis can't make a go of it here, government can and must. There is already some sentiment for this among influential members of the U.S. Senate.

It shouldn't have to come to that. If railroad management can break out of thinking that it is trapped in the past and find ways to intelligently approach the problems of the present and future, mavericks like me—as well as the traveling public as a whole—will be well served.

COMMENDATION OF JOSEPH BORKIN

Mr. BURDICK. Mr. President, on July 14, at a luncheon at the National Lawyers Club in Washington, D.C., the Federal Bar Association commended Joseph Borkin for distinguished writing on public affairs. The presentation was made by the distinguished Senator from Maryland (Mr. TYDINGS).

I ask unanimous consent that the presentation and the acceptance by Mr. Borkin be printed in the RECORD.

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

AWARD OF THE FEDERAL BAR ASSOCIATION COMMENDATION TO JOSEPH BORKIN

PRESENTATION BY SENATOR JOSEPH TYDINGS

Senator TYDINGS. It is an ancient truism that a people who ignore its past is doomed to repeat it. Books are an effective antidote for such a lapse of memory. We are, therefore, doubly grateful when an author writes a book about a segment of our past that no one ever dared write about before. Such an author is Joseph Borkin and such a book is *The Corrupt Judge*, the only systematic study of judicial corruption ever published.

Since its publication seven years ago, *The Corrupt Judge*, has had a striking impact. It inspired Senator Kefauver to introduce legislation that would have effectuated the author's suggestion that judges disclose their financial interests. It also helped to inspire the Subcommittee on Improvements in Judicial Machinery, of which I am Chairman, to undertake its inquiry into the problems of judicial fitness, an inquiry that culminated in the introduction of the Judicial Reform Act.

In *The Corrupt Judge*, Joseph Borkin brought us warning signs, signs that, if heeded, might well have prevented the crisis that shook the federal judiciary this past spring and that is still unresolved.

On June 9, reaching to the Fortas affair, the Judicial Conference of the United States adopted resolutions of monumental significance not only requiring district and circuit court judges to report their financial interests, as suggestetd in 1962 by Joseph Borkin, but also limiting the non-judicial services that they can perform for compensation. The Conference's action was a long overdue recognition of the efficacy of Joe Borkin's idea. June 9, 1969, was a great day for him, and for the Nation. Its importance was only diminished by one omission in the Conference's resolutions, the failure to include the Justices of the Supreme Court within the strictures. The Conference, of course, has no authority over the Supreme Court and the omission was merely a reflection of that fact.

Given the opportunity to place themselves under the purview of the resolutions, however, a majority of the Justices decided to delay action. The delay is unacceptable. It is a damaging anomaly for the new regulations not to be applied to the body of men that to many Americans constitutes the federal judiciary, especially since much of the impropriety that gave impetus to these reforms emanated from the Supreme Court. The failure of the Supreme Court to adhere to the reforms is already having ramifications among the lower court judges. The judges of the Second Circuit have now asked the Judicial Conference to "postpone its directive restricting outside activities of federal judges and requiring annual financial reports from them." Frankly, Congress will not stand idly by while the gains of the past few months are dissipated. The Supreme Court, too, must never forget that judges must preserve their character above reproach and that any failure by the judiciary to keep its own house in order undercuts its real strength.

Joseph Borkin's great sensitivity to the underpinnings of the judiciary's institutional integrity made *The Corrupt Judge* the potent force that it has been. In his latest book, *Robert R. Young—The Populist of Wall Street*, Joe Borkin has effectively applied the same powers of insight to the institutional underpinnings of our transportation industry.

Joseph Borkin is an author and attorney of the first magnitude. I am proud to present to him the following Federal Bar Association Commendation Award:

THE FEDERAL BAR ASSOCIATION COMMENDATION

Joseph Borkin is hereby recognized for outstanding qualities of leadership and dedi-

cated service to the Federal Bar Association and to the federal legal profession as a scholar, innovator, and courageous investigator in over thirty years of writing on public affairs:

For his book, *The Corrupt Judge*, the legal classic which prepared the way for contemporary judicial reform; and for his recent book, *Robert R. Young, the Populist of Wall Street*, a significant contribution to the financial and transportation history of our times.

CYRIL F. BRICKFIELD,
President.

JULY 14, 1969.

ACCEPTANCE BY JOSEPH BORKIN

Mr. BORKIN. Senator Tydings, Chairman Garson, friends, my deepest gratitude to all those involved in this very happy event. It would be futile for me even to try to respond. But I must say this:

That Senator Tydings makes this wonderful presentation to me has a rich meaning. The United States Senate has a bright and slender thread running through its history. It is the tradition of great individualists who, when the needs of reform so dictated, did not bow to the "whose ox is gored" brand of politics and did not flinch from opposing the established order of things. These senators, of whom Bob LaFollette, Tom Walsh, William E. Borah, George W. Norris, Paul Douglas, and Estes Kefauver come to mind, now have a worthy member to continue the tradition. His total effort at judicial reform has already become part of its history. Winning is in his character and there will be judicial reform before long. I am proud to follow his lead and I am even prouder to receive from him this award voted so generously by the Federal Bar Association. My thanks to all of you.

DETERRENCE CAPABILITIES WOULD BE ENHANCED BY RATIFICATION OF 1925 PROTOCOL

Mr. PROXMIRE. Mr. President, there are those who argue against the ratification of the Geneva Protocol of 1925 on the grounds that to do so would be to dangerously compromise our strategic position. Our security, they argue, is based on the deterrent effect of our weapons stockpile. Ratification of the Geneva Protocol would lead, supposedly, to reduction and eventual elimination of our stockpile and thus would destroy the deterrence upon which our security is based.

This argument, used in the original Senate debate on the protocol as well as in current arguments on the subject, reveals both a complete misunderstanding of the provisions of the protocol and a positively dangerous misconception of its effects on our strategic position.

It is most important to realize that the Geneva Protocol of 1925 does not attempt to ban chemical and biological weapons entirely. In the words of Dr. Matthew S. Meselson, a Harvard biologist and one of the foremost experts in this field:

The protocol is a no-first-use treaty. It does not outlaw research, development, or production of gas or biological weapons; it does not outlaw retaliation in case one is attacked.

Thus, at the very least, ratification of the protocol would do nothing to harm the deterrent effect of our CBW capability. We would be free to continue developing and stockpiling as we ourselves saw fit, in order to maintain a credible second-strike capability.

In fact, far from destroying the deterrent effect of our chemical and biological weapons, our adherence to the Geneva Protocol would positively enhance it. Deterrence is based not simply on having the weapons but on the enemy's knowledge that they will be used in retaliation. If the enemy does not fear this retaliation there is no deterrence. Our adherence to the Geneva Protocol would make absolutely clear what has been our policy all along—that we will not use these weapons unless first attacked with them—and thereby strengthen the deterrent effect of our existing CBW capability.

No one is sure that the deterrence mechanism will always work. But experts agree that the on-site inspection required for total banning of chemical and biological weapons is technically almost impossible. Thus, deterrence is our only hope, and we have no choice but to enhance its strength as much as we can. It is clear that ratification of the Geneva Protocol would do nothing to harm our deterrence capability and would in fact positively help it. It is therefore incumbent on the Senate to do everything in its power to bring this ratification about, and I urge it to do so immediately.

THE PESTICIDE PERIL—XXXVI

Mr. NELSON. Mr. President, the current controversy over the threat to our environment and to human health from the continued use of DDT and other persistent pesticides has primarily been carried on by conservationists and a growing segment of the scientific community on the one hand and the agricultural and chemical industries on the other hand.

Evidence of harmful effects to our fish and wildlife and of links to cancer and liver and stomach malfunctions in man from these pesticides is clear and alarming, yet agricultural spokesmen claim these pesticides are vital to the country's crop production because no alternatives exist to control the pests which kill the crops.

Alternatives do exist. There are less persistent, toxic pesticides which will do the job, although some are presently more expensive. However, the most promising alternative appears to be in the area of biological controls. An article written by Burt Schorr and published in this morning's Wall Street Journal reports on the significant progress which has already been made in developing effective biological controls for pests, and I ask unanimous consent that it be printed in the RECORD.

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

REPLACING DDT—U.S. RESEARCHERS GAIN IN EFFORTS TO DEVELOP SAFER INSECT CONTROLS—BIOLOGICAL METHODS SUCCEED AGAINST SEVERAL PESTS; INDUSTRY WILL FEEL IMPACT—BAD NEWS FOR THE BOLL WEEVIL

(By Burt Schorr)

WASHINGTON.—The famed bug-killer DDT is losing its deadly wallop and falling into disfavor as a threat to wildlife and mankind. But even if DDT fades from use, the insects will hardly take over the world, for potential replacements are on the way.

In fact, U.S. entomologists appear closer to an important advance in man's age-old war against the insects that devour his crops. This attack won't be spearheaded by the well-known chemical insecticides but by an expanding arsenal of biological controls based on weapons provided by nature. If the approach succeeds as hoped, it may sooner or later reduce the use of chemical insecticides—and any resulting pollution of the environment. The effort will include:

Massive deployment of bugs that are harmless to man but prey on crop-destroying pests.

Large-scale sterilization of adult insects to disrupt their reproductive cycle.

Use of synthetic copies of the natural scents secreted by pest species to lure bugs to their destruction.

Such biological-control methods are showing high promise in field tests. And some Agriculture Department officials predict that in certain parts of the country biological warfare, coupled with limited use of chemicals, will soon make possible the almost-complete eradication of the cotton boll weevil, now probably the nation's costliest single pest.

IMPACT ON INDUSTRY

By the early 1970s, some experts say, insecticide producers might find their domestic farm market—now calculated at around $110 million annually—leveling off or shrinking.

In the long run, though, such de-emphasis on farm insecticides might indirectly benefit the chemical industry; it might help prevent current clamor against bug-killers such as DDT from swelling into a drive for tougher restrictions on chemical pesticides generally, including weed-killers.

One of the promising experiments with biological techniques is now going forward in the Coachella Valley of Southern California, where farmers used to spray more than 4,600 cotton acres with chemicals to combat pink bollworm infestations.

Most mornings before dawn these summer days, a yellow Agriculture Department plane sweeps above the valley floor spewing out thousands of sterilized male and female adult pink bollworm moths through a tube projecting from the cabin. Chilled immobile at about 38 degrees, the gray-winged insects cascade into the warmer air, then revive to mate with normal adults in the cotton fields below. The union frustrates the pairing of fertile moths and produces no eggs or destructive larvae. Avoidance of insecticide-spraying helps preserve insects that normally prey on cotton pests other than the pink bollworm.

CABBAGE PATCH RESEARCH

Another progress report comes from a cabbage patch near Columbia, Mo. There, the cabbageworm, which chomps destructively on a variety of vegetables, including spinach and broccoli as well as cabbage, has been frustrated by the release of a tiny parasite wasp.

The wasp injects its eggs into the cabbageworm eggs on plant leaves; when the wasp grubs emerge, they devour the host eggs. Employing this and other biological techniques, Government entomologist Frank D. Parker has eliminated over 99% of the cabbageworms from the test plot—and all insecticides as well.

Not everyone, though, is as optimistic about biological-control possibilities as Federal researchers are. Many farmers, insecticide makers and state legislators resisting restrictions on DDT are distinctly skeptical. They contend it may be several years before effective alternatives are really ready. And they question the practicality of releasing sterilized adult insects, claiming that with some species it would be necessary to deploy as many as 50 times the normal insect population.

At any rate, Government entomologists are pushing confidently ahead, armed with knowledge of past successes. As long ago as 1888, one Agriculture Department pioneer found a ladybird beetle in Australia that preys on a pest called the cottony-cushion scale, then threatening to wipe out California citrus groves. After two years of beetle shipments from Down Under, the scale was brought under control.

INTEREST WANES

Interest in biological methods waned following the spectacular successes of DDT during World War II and the rapid proliferation of chemical insecticides in the postwar years. Reece I. Sailer, chief of Agriculture's parasitic insect branch in Beltsville, Md., recalls somewhat bitterly that some 25 Government scientists were working on biological controls in 1938, but by 1955 the number had declined to only a half-dozen or so.

Soon after that, however, interest in the biological approach began to revive, and some notable victories followed. In recent years, massive releases of sterilized male screwworm flies have reduced the population of this Southern and Western cattle pest; annual savings to livestock producers from Florida to California are estimated at $120 million. And the Japanese beetle, which once chewed on nearly 300 species of U.S. plants, has largely succumbed to a dusting program that spread a disease that attacked the Nipponese invader.

Today Uncle Sam has over 170 entomologists, chemists and other specialists busy on biological control projects. One important center, the Federal Entomology Research Laboratory at Columbia, Mo., which opened in 1966, has just this year begun producing sufficient wasp eggs for experimental use against the cotton bollworm in Texas and the apple-boring coddling moth larva in Indiana.

In part, the resurgent interest in biological control springs from increased public concern about chemical dangers. DDT and some other long-lasting chemical insecticides, rather than breaking down harmlessly within a few weeks after spraying, often retain their potency for long periods—up to 15 years in cases of especially heavy DDT applications. If these chemicals enter the chain of food production, they can build up in the fatty tissues of animals and human beings with possibly harmful consequences.

This year Michigan barred all use of DDT except by public health agencies and indoor pest exterminators. And the Arizona Pesticide Control Board, faced with the problem of too much DDT in milk, ordered a one-year halt to commercial farm applications of the chemical and a related formula, DDD.

Currently, the Wisconsin Natural Resources Department is considering a statewide DDT ban; the legislature's lower house has already approved such prohibition. Also, the U.S. Agriculture Department has suspended use in its spraying programs of nine persistent insecticides, including DDT, until it reevaluates their environmental impact.

The attack on DDT comes at a time when its use is declining in the U.S. Production for U.S. markets totaled only 40 million pounds in the 1966–67 crop year (the latest period available), about half the 1958–59 level. A major reason is mounting insect resistance to DDT; new strains of bugs seem impervious to its effects.

(Even so, restrictions on DDT pose a threat to pesticides generally, contends the National Agricultural Chemicals Association, voice of the industry. Noting the association's vigorous DDT defense in Wisconsin, where annual sales total a piddling $17,000, NACA President Parke C. Brinkley says, "We're trying to hold the line there because if we lose in Wisconsin we could lose everywhere." He worries most about a possible move in Congress to bar interstate sales of DDT or other pesticides.)

In theory at least, other chemical insecticides might offer alternatives to DDT. There are two newer insecticide families, the organic phosphates and organic carbamates, which break down in hours or days after application. But they are more costly than DDT, and some of them also show signs of declining effectiveness.

In the case of the cotton crop, many experts now believe the solution to its problems lies in biological-plus-chemical suppression of the boll weevil. With the need for weevil spraying reduced dramatically, natural enemies of the bollworm could recover. "This would reduce the need for bollworm spraying by 75%," asserts Theodore B. Davich, chief of the Federal boll weevil lab at State College, Miss.

A PREVAILING PROBLEM: CAN WE TRUST THE SOVIETS?

Mr. FANNIN. Mr. President, one of the continuing problems facing us in debating the question of proceeding with the President's ABM-Safeguard proposal turns on the assessment of Soviet intentions. I am aware that many persons believe that the Russian leaders are "mellowing." In fact I believe within the Department of State for many years there has been a faction that continues to operate on the theory that the U.S.S.R. is drifting to the right and the United States drifting to the left—so if we can hold our balance for a long enough period our differences will not be worth fighting over.

I do not subscribe to the view that the Soviets have changed their plans, Mr. President, primarily because I can find no hard evidence expressed in either action or official policy statements that bear the weight of the assumption the Soviets are in fact "mellowing."

This question of Russian leadership intentions is of course vital to the ABM debate, because it helps us in deciding whether we really need the defense system or not. A realistic assessment of the intentions of the present Russian leadership would assist us in weighing the factors involved in this decision.

Therefore, Mr. President, I have endeavored to find out if the Russian leaders are indeed following a different line, or direction, than that set out by the early Marxists when they took power in Russia back in the 1920's.

This question comes to the fore because of the recent speech made by Foreign Minister Andrei A. Gromyko. On July 11, it was widely reported that Mr. Gromyko called for a new era of peace and friendship with the United States and indicated Soviet interest in a future conference with President Nixon. In a foreign policy statement to the Soviet Parliament, he indicated the U.S.S.R. was ready to begin strategic arms control talks with the United States.

Leading international observers regarded Mr. Gromyko's conciliatory words as an indication that the Soviets are seeking an improvement in relations with the West so they may have both hands free to deal with growing problems with Red China.

Mr. President, without wishing to pass premature judgment upon the motives that may underlie this speech from the Soviet leadership, I think it must also be observed that the Soviets are quite capable of making speeches and preparing policy statements intended primarily for consumption overseas and I would add that I am sure it has not escaped the attention of the Soviet speechwriters and planners that the Senate is engaged in the ABM debate. I admit, Mr. President, that my first reaction is to take Mr. Gromyko's statement as some sort of effort to influence that debate, and that brings me back to my original point that we need to have something more tangible by which to assess Soviet intentions than a single sentence out of the speech probably produced primarily for consumption abroad.

It is my opinion that another sentence from Mr. Gromyko's talk is more important. He said:

> It is clear that our two countries are divided by deep class differences, but the Soviet Union has always proceeded on the assumption that on questions of preserving peace, the USSR and the USA can find a common language.

I note that the Soviet Foreign Minister mentioned three entities—the Soviet Union, the U.S.S.R., and the United States of America. I would like to call the Senate's attention to remarks which I put in the RECORD on June 5, 1969, under the heading "When Is the U.S.S.R. Not the U.S.S.R.?" In the article associated with my remarks it was clearly developed that the Soviet Union, although we use the designation interchangeably with the U.S.S.R., is not in fact the same thing. Mr. Gromyko is not just setting style when he says:

> The Soviet Union has always proceeded on the assumption that the "U.S.S.R. and the U.S.A. can find a common language."

He is reiterating the point which I and others have tried to make, namely, that we very well may negotiate agreements with the U.S.S.R. and think that the Governments of both countries have bound themselves by treaty and find that the CPSU—Communist Party of the Soviet Union—has no intention of abiding by that agreement.

We are in great need of keeping our eyes and ears open in dealing with the Soviets lest we fall into the trap which they have boasted of, namely to use the very governmental and parliamentary institutions which we cherish to destroy that which we hold dear.

SPASM RESPONSE

Before speaking to the historically recorded intentions of the Russian leadership, I would like to take a moment to speak to those who maintain in our present debate that "the best defense is a good offense," or words to that effect. I have heard it seriously presented that we can achieve the same degree of protection simply by increasing the number of our offensive missiles and since we already have numbers sufficient to eliminate the Soviet population many times over even that move should not be necessary.

First, it seems to me that those who seriously maintain that the best defense is a good offense, fail to qualify that by adding, "provided you are already in a conflict." If you are not in a conflict the

best way to keep from getting in one may well be a combination of defense and potential offense.

Otherwise, it appears that serious proponents of that kind of thinking restrict themselves to a "spasm" response in case of an attack. In order to consistently maintain the defense philosophy of only improving your offense, two questions must be answered:

First. Are we willing to strike the first blow?

Second. Are we willing to accept a crippling first blow and then strike?

Those appear to me to be the only options open under the "add to the offense capability only" philosophy. I cannot imagine an administration that is willing to answer yes to either of those questions. Yet that is apparently what the anti-ABM spokesmen would have us agree to. I would propose those questions to the Senate and ask if there is a Senator who is willing to defend an affirmative answer to either one.

For myself, I believe that we must seek the "extra button" described by the Senator from Vermont (Mr. PROUTY) the other day when he said he would vote for this proposal in order to give the President another option than an all-out attack upon a nation which we believed to have launched an attack against us.

EARLY SOVIET INTENTIONS

Mr. President, in looking into this matter of trying to determine just what the Russian leaders may intend, I first examined some of the early statements of those in charge in the U.S.S.R. back in 1928. Here is a statement of ultimate purpose:

> The ultimate aim of the Communist International is to replace world capitalist economy by a world system of communism. (Sixth World Congress of the Communist International, September 1, 1928.)

This theme is stated again and again by the early Marxists-Leninists as they described the program of the Comintern:

> This program of the Communist International . . . becomes the program of struggle for the world proletarian dictatorship, the program of struggle for world communism.

Anyone who desires can make a similar investigation and determine the stated intentions of the Russian leaders in the 1920's. I might add that these early documents also describe the concept of world systems in conflict which characterize Soviet thinking today. The title of Chapter One of the Sixth World Communist Congress' main document is, "The World System of Capitalism, Its Development and Inevitable Downfall."

Mr. President, I ask unanimous consent to have inserted in the RECORD at the conclusion of my remarks a paper prepared by the American Research Foundation that deals in some detail with the points which I have just covered.

RECENT EXPRESSIONS OF INTENT

Next, Mr. President, I examined some of the more recent documents of the international Communists to determine if their stated goals had indeed changed, as some have indicated.

I might note here that recent news reports carry words of how "good intentioned" the Soviet leaders have become. I expect we shall shortly be regaled with cheery stories from the former Vice President, Mr. Humphrey, when he returns. Without revealing too much, I am sure we can expect to hear him say how much the Soviet leaders really do desire to come to some kind of accommodation with the West, and we merely have to meet them halfway.

In this I am reminded, Mr. President, that Astronaut Frank Borman, who recently completed a tour of Russia, said that Russian evident good will is almost overwhelming, however, he had to keep in mind that this is the nation that is supplying 80 to 85 percent of all the war material to North Vietnam. This is the nation that continues to fuel the fire of conflict.

Without risking too much, Mr. President, I am sure we can expect great protestations of Soviet good will from our former Ambassador-at-Large. He will surely tell us that the Soviets are really moving our way and we must meet them with open hearts.

SOVIET LEADERS

It was most interesting to me, Mr. President, to receive the excellent speech given here the other day by my good friend from Washington, Senator JACKSON. We serve together on the Interior Committee and I am well aware of his ability in that field where he is a most able chairman. However, this speech dealt with the rising leaders in the U.S.S.R. Senator JACKSON noted their backgrounds and biographies. Almost without exception, he pointed out that these men came to power during the Stalinist years when bloody purges were the rule rather than the exception. From examining the evidence there is little that would lead one to conclude that these men will ever seek accommodation except as it serves their ultimate purpose.

I am quite aware that with the impending visit from President Nixon to an Iron Curtain country as well as the border clashes with Red China, the Soviet leadership finds itself in a somewhat strained position. They need an accommodation of sorts at this time. But let us not be fooled.

COMMUNIST CONFERENCE

On the 17th of June, 1969, Tass, the Soviet international news service distributed the full text of the main document adopted in Moscow by the World Communist Conference.

A careful examination of this official pronouncement might reveal something of what the world Communist parties are thinking and planning.

First, I noted that out of the first 21 paragraphs of the statement, 20 of them used the words "imperialism," "imperialist," or some other close derivative. Of the total document of some 185 paragraphs, all but about 60 made extensive use of the same terms. Of course this is not totally definitive, but it gives a general indication of the tone of this main document.

Who then is the chief threat to world peace, Mr. President? May I quote from this document:

> While the world system of imperialism has not grown stronger, it remains a serious and dangerous foe. The United States of America, the chief imperialist power, has grown more aggressive.

That does not sound much like seeking an accommodation does it? Particularly when the United States is identified as the "chief imperialist power" and the preceding sentence speaks of "dealing imperialism new blows."

American "imperialism" is described in the old medicine show language as responsible for most of the world's ills. Those few plagues that cannot be dumped at Washington's door are deposited in London, or Tokyo, or West Berlin.

Our accommodating efforts in Vietnam are described thusly:

> U.S. imperialism has been compelled to cease the bombing of the Democratic Republic of Vietnam unconditionally and to send its representatives to sit at the negotiating table with representatives of the Democratic Republic of Vietnam and the National Liberation Front of South Vietnam.

You will notice use of the word "compelled." Not a single reference to any act of "good will" on our part which our accommodaters would have us so quickly perform.

On another front:

> U.S. imperialism has not abandoned its plans to strangle revolutionary Cuba. It continues to try to blockade it economically and carries on provocative and subversive activity against it. . . . But the courageous people of Cuba, lead by their Communist Party and supported by the Soviet Union . . . staunchly defend . . . the outpost of socialism in the American continent.

And so the recitation goes, around the world; we are the villains; they are the heroes. Of course it is propaganda, but it is nevertheless the main document adopted at the World Communist Conference in June. Does that show a real change of the "party line?"

Consider this last paragraph, which I shall quote:

> The events of the past decade have laid bare more forcefully than ever the nature of U.S. imperialism as a world exploiter and gendarme, as the sworn enemy of liberation movements.

Notice, we are the "sworn enemy." Accommodation? Hardly.

WORKERS BY BRAIN

It should be noted also that the Communist Party Conference is apparently in the process of expanding its base from the "working class" which has been its mainstay for so long. The new document speaks of "workers by hand and brain" by which, I presume, they now begin to include scientists and engineers, who have been hard put heretofore to be classified as "workers."

PEACEFUL COEXISTENCE

Interesting also is the definition of "peaceful coexistence" which is urged upon us from so many quarters. The document says:

> The policy of peaceful coexistence does not contradict the right of any oppressed

people to fight for its liberation by any means it considers necessary—armed or peaceful.

By their own definition, you see, peaceful coexistence is not always peaceful.

U.N. NOT RECOGNIZED

In addition to this, Mr. President, it is well known that the Russian leaders do not recognize the United Nations Organization as a legitimate world governing body. When we are urged to surrender our sovereignty to this organization we should bear in mind what the Russians think of it.

As far back as 1951 B. S. Molodstsov, writing in "Soviet State and Law," said:

Activity of the United Nations shows that the Government of the capitalist states represented in it do not reflect the will of the overwhelming majority of the population of their countries and in effect are not representative of the peoples of these countries.

WORLD PEACE COUNCIL

In place of the United Nations the Communist nations belong to the World Peace Council which, in the words of Molodstov, "is an organ representative of the peoples of the world themselves and not of government."

Well then, what of this world peace organization? Has it changed its tone and is that organization seeking a "peace and friendship" accommodation between nations of the world?

Here are portions of the Vietnam Commission report adopted by the World Peace Assembly in East Berlin on June 25, 1969:

The subcommission suggests a number of international actions:

Campaign of letters and telegrams of protest from all parts of the world to President Nixon at his summer residence (Summer White House, San Clemente, California.)

Every conceivable boycott of U.S. products.

Demonstrations in front of U.S. embassies and consulates wherever this is possible.

International conferences designed to intensify the pressure on the government of the United States and for demonstrating solidarity with the American peace forces. . . . demand the Okinawa base be disbanded so that the United States can no longer use Okinawa as a starting point for operations against Vietnam.

Objective observers will note the Assembly proceedings carefully omitted any reference to the strangulation of Czechoslovakia by the Russian Army.

SOVIET THREAT OR MYTH

How does all this affect our question here, Mr. President? In an unusual letter to an American magazine, a Soviet official says backers of the Safeguard-ABM are "frightening Americans by the myth of the 'Soviet threat'." The writer is Georgi A. Arbatov, director of the U.S. Institute of Soviet Academy of Sciences. It was printed in an early July issue of Newsweek magazine. He says:

Although the study of America has become my profession, I regret that the work I have done does not enable me to predict whether those who favor escalating the arms race will manage to mislead the American public again.

Mr. President, I ask the question who is attempting to mislead whom? Are we to believe there is a "myth" of a Soviet threat when their own public statements call America the leading imperialist aggressor in the world and speak of "striking blows" against imperialism?

What are these "blows" to be struck?

SOVIET STRATEGY

Mr. President, my colleague from Arizona (Mr. GOLDWATER) distributed a booklet here yesterday which supported the rationale for an effective ABM, written by William R. Kintner. Another book, called "The Nuclear Revolution in Soviet Military Affairs," has been written by Mr. Kintner and Harriet Fast Scott. This excellent compilation of Soviet military writings takes the strategy directly from the military handbooks and articles prepared for use by Soviet military officers.

In one chapter, entitled "New Means of Fighting and Strategy," by Col. V. V. Larionov, great note is taken of the impact of the nuclear rocket weapon upon strategy. Colonel Larionoy calls attention to the unifying of strategic rocket forces in the Soviet Union and notes that from the very start they were considered the main service of the armed forces. To quote Colonel Larionov:

The simultaneous strike on the armed forces, including strategic nuclear means, and on the objectives of the enemy's economic potential for achieving the aims of war in a short period of time—this is what moves to the forefront.

The whole book which was published in 1968, is a reaffirmation of our worst fears that the Russian leaders are not only talking tough, they are actually preparing to win this new kind of war in which the beginning period is considered all important.

Now in the face of that, Mr. President, is it prudent for us to draw unto ourselves the doctrine that the "greatest security available to this Nation is the avoidance of nuclear war," as I have heard several Senators do with vehemence? The least costly way to avoid a nuclear war—in terms of dollars—is simply to lay down all arms and surrender. I realize, Mr. President, that perhaps Senators who are espousing this line do not realize the logical end of their reasoning. I attribute to them patriotism and sincerity in their opinion; but allowing all that does not prevent them from being sincerely wrong.

It has been my preference, Mr. President, to be a realist and while I very well may wish that it were not necessary to arm ourselves against a threat from the Soviet, wishing does not make it so; especially when every indication—outside those intended for our domestic consumption—is that Khrushchev's "We will bury you" is still the order of the day inside the Kremlin walls.

MILITARY SURPRISE

One last observation on this matter, Mr. President, and then I am through. There is a quotation from the Soviet "Explanatory Dictionary of Military Terms," page 75:

Surprise—One of the basic conditions for achieving success in battle. . . . Surprise is achieved by the use of various ways . . . by leading the enemy into error concerning one's own intentions, by preserving in secret the plan of battle, by speed and decisiveness of action, by hidden artificial maneuvers, by the *unexpected use of the nuclear weapon* and other new combat means . . ." (Emphasis added.)

Mr. President, there it is in plain words for all the world to see. The Soviets have no hesitancy in advising their military leadership that they are willing to engage in another Pearl Harbor action—this time a nuclear one—if it will achieve their objective.

I for one, Mr. President, am unwilling to trust the fate of this Nation to the ephemeral "good will" of Soviet leadership until I have concrete evidence that will contradict everything the Soviets have said and done in this whole area.

Admittedly we are guessing when we try to ascertain the intentions of Soviet Communist leadership. But there need be no guesswork about what they have said. There need be no guesswork about what they have done in Eastern Europe. There is no guesswork about their intentions as expressed by their official party gatherings as recently as a month ago. There is no guesswork about the strategic capability.

I am aware that there are some Senators who consider foreign relations a never-never land in which an apprenticeship of several decades must be served before one is allowed to express an opinion. I have observed the results achieved by following such a supposition and this Senator is inclined to think that perhaps that dark and mystical world could stand some light and the fresh breeze of a new look.

Can we trust the Russian Communist leadership?

Yes, Mr. President, I believe we can. I believe we can trust them to do exactly what they have promised to do in their own military journals and handbooks. And trusting them so, I suggest that we trust our own President and those around him charged with the defense of this Nation. Let us trust them with the defense system they have asked for.

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

SYSTEMS IN CONFLICT: THE U.S.S.R./SOVIET UNION AND THE FREE WORLD

(By American Research Foundation)

In the forums of international exchange and negotiation—especially in the United Nations Organization (UNO)—a significant confusion has gone unnoted and, as a result, uncorrected regarding the consistent use of the terms "USSR" and "The Soviet Union." It has become commonplace to use these designations interchangeably, as if they were in fact synonymous. In actuality, this is by no means the case; the two terms are not synonymous. Each has its own peculiar significance and it is only to the extent that this significance is correctly understood that a proper comprehension of the context within which they are used is possible.

The "USSR" is a duly recorded and recognized nation-state member of the UNO. The Soviet Union, on the other hand, is another matter.

When Khrushchev addressed the sessions of the UNO General Assembly several years ago, he flamboyantly announced: "I come as a representative of the Soviet Union." If such were in fact the case, under no circumstances should he have been allowed the privilege of the floor nor been accorded any official recognition. The Soviet Union is NOT

a member of the UNO. In fact, ethnically, geographically and legally it can be said that the Soviet Union does not exist as a country. There are no boundaries, no constitutions, or any of the other legal instruments of power which belong to a sovereign nation-state. Its identity stems entirely from the Marxist-Leninist doctrine as promulgated by the Communist Party of the Soviet Union. It is identified in that doctrine as the "base of the World Revolutionary Communist System and its world-wide revolutionary apparatus." The leadership for world-wide revolutionary power is drawn from this base. From this "base" Marxist-Leninist Communist leadership has declared "world-wide class war" against the so-called World Capitalist System. The end and aim of that class war is the total annihilation of the "imperialist forces of oppression," or, in other words, the Capitalist System.

The Soviet Union by its nature is above and beyond any conventional national or international restraint or controls. Yet this base of world power has a capability for disrupting and countering *bona fide* international agreements. It can render utterly ineffective even the Resolutions of the UNO which are endorsed by the USSR.

In the roster of the UNO, the USSR is duly registered as a member state. This is as it should be for the USSR operates as a state power in a conventional and diplomatic manner. In international negotiations within the purview of the UNO, the USSR conforms to the procedures spelled out by the UN Charter. The Soviet Union, however, knows no such external restraint as represented by the UN Charter, or by any other corpus of international law. It is, in effect, its own master and obeys only its own laws. As a useful tool, the Soviet Union has at its disposal the diplomatic resources of the USSR. And as a tool is relatively useless without the skill of the craftsman to empower it, so the USSR draws its vital force from the Soviet Union, i.e., the Communist Party of the Soviet Union.

The subtle but significant relationship between the Soviet Union and the USSR has fostered three general misconceptions which may be summarized as follows:

1. The ruling Communist Party of the Soviet Union (CPSU) and the government of the USSR are identical in every respect. The acts of one, therefore, may be regarded as the acts of the other. The commitments of one automatically are respected and honored by the other.

2. The CPSU and the USSR are two separate entities. This concept is widely accepted in academic and diplomatic circles. It is not without logic for the Government of the USSR is in fact a power in its own right; it truly represents a nation-state in the western concept. The problem lies in the fact that this otherwise conventional governmental structure is totally subservient to the Communist Party which is *not an integral part of the government* structure.

3. The CPSU is the instrument of the Government of the USSR. This view reverses the perspective of misconception No. 1 above in that it applies to the CPSU/USSR relationship the scheme which obtains in the majority of nation-states where political parties are subject to the rule of the government in power.

In order to correct these misconceptions, one has only to turn to the Government of the USSR: Article 126 of the "Constitution (Fundamental Law) of the Union of Soviet Socialist Republics." Promulgated in 1936, in the section entitled "Fundamental Rights and Duties of Citizens," this Constitution unequivocally defines the role of the Communist Party in the life of the USSR as follows:

"ARTICLE 126

"In conformity with the interests of the working people, and in order to develop the initiative and political activity of the masses of the people, citizens of the USSR are guaranteed the right to unite in mass organizations—trade unions, cooperative societies, youth organizations, sport and defense organizations, cultural, technical and scientific societies; and the most active and politically conscious citizens in the ranks of the working class, working peasants and working intelligentsia voluntarily unite in the Communist Party of the Soviet Union, which is the vanguard of the working people in their struggle to build Communist society and is the leading core of all organizations of the working people, both government and non-government."

Further, in the section of the Constitution dealing with the Electoral System in the USSR, Article 141 states:

"Candidates are nominated for each constituency. The right to nominate candidates is secured to mass organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies."

That the Communist Party controls the internal political life of the USSR is no startling revelation. However, it is a matter of major concern to the Free World that in its international relations, the USSR is little more than a facade, a front whose formal signature is valid only to the extent that the Communist Party allows it to be so. In international negotiations, this means that the negotiating parties do not meet on equal planes. The one committing the power and resources of its government, or governments, to support of the issue at stake, making accommodations, but being completely unable to control those forces which are designed to subvert and actively set about undermining the structure of bona fide international agreement. The organization of those forces, namely the Communist Party, never appears at the negotiating table as such.

It is interesting to note in passing here that the only time the phrase "Soviet Union" issued in the Constitution of the USSR is in Article 126. Here it appears in the conventional formula, "The Communist Party of the Soviet Union" (CPSU).

The Marxist-Leninist concepts of State and Government may be summarized as follows: "Not a single important political or organizational decision or question of internal policy, or the conduct of foreign affairs can be resolved by the Supreme Soviet of the USSR and the Government of the USSR without the overriding guidance and direction of the Communist Party of the Soviet Union."

The terms and phrases which the Communists use in international intercourse are determined by their ideological world outlook, based on the Marxist-Leninist concepts of the tactics required to establish on a global plane their "classless society." In order to comprehend these terms and phrases, they must be read in the light of their Marxist-Leninist usage, both past and present. This is not a matter of subjective interpretation. The Marxist-Leninist canon provides ample evidence for the determination of the actual meaning of the words in the Communist vocabulary.

As soon as the USSR and the satellite governments succeed in working into the text of international treaties, agreements and resolutions words from the Marxist-Leninist lexicon, the Communist Parties the world over are provided with guidelines for the process of subversion. Furthermore, they are provided with a *legal* vehicle for this subversion, a formal agreement signed by its agent, the USSR.

There are some basic aspects of Marxism-Leninism which must be carefully considered before any comprehension of the language they use is possible. In the first place, despite what may have appeared to be a radical change in the posture of the Communist world during the Khrushchev period and subsequently, the Marxist-Leninist doctrine has remained intact. This doctrine provides a philosophical basis for the Soviet-Communist social structure and system of government. It also provides justification for the complete and uncontestable control of this social structure system of government by the Communist Party of the Soviet Union.

Basic to the doctrinal concepts of Marx-Lenin is the demand for total dedication to the revolutionary transformation of the existing capitalist class society into the classless society of Communism through the "national liberation movement" and such other appropriate means of subversion and/or insurgency that may be necessary to achieve the desired ends. The "appropriate" means may fall into the peaceful deception of "co-existence" or it may take the more violent form—guerrilla warfare. In either case, the struggle is assured of success for, according to Marxist-Leninist doctrine, the final decision of history will "establish a classless society all over the world."

The second fundamental doctrine of this philosophy is that "history develops according to a prescribed pattern determined by economic laws." The basic difference between Communism and capitalism is economic. In a capitalistic system, the "means and tools of production" are privately owned. Men, therefore, are exploited by the owning classes who respond only to the profit incentive. On the other hand, in the economic structure of the communist state, the "means and tools of production" are public property, belonging to the productive forces, the laborers. By eliminating the profit imperative, class barriers are eliminated the "classless society," the "new and perfect" society, takes over. The construction of the "new and perfect" society by the CPSU and its world-wide apparatus has an *absolute* value. *Any* measures or means which further the ends are justified, no matter how bloody, or devious. Furthermore, the struggle to attain that end is incessant, ending only when the "State has withered away."

No matter how cursory, no discussion of Marxist-Leninist social economics can avoid mention of the phrase which has come to be identified so closely with Communist ideology, namely "Dialectical Materialism." Briefly, this phrase which long antedates the Marxist innovation in philosophical history is the tag applied to the concept that the brain and the spirit of man are dominated and controlled by the material world in which he lives. In the Marxist-Leninist context, this means that the economic or material *base* determines the shape and nature of the entire *superstructure*. Thought, political ideology, government organization, law, religion, and so forth. This fundamental principle of base and superstructure is central to the Marxist-Leninist interpretation of history and its translation into the political reality of the Communist system where the USSR, or any other organized front constitutes the superstructure which in turn is but a projection of the base—the CPSU.

The superstructure is malleable—nothing attests to this more than the history of USSR foreign policy during the last two decades. Further evidence can be found in the annals of the UNO. The Base, however, is rigid and is not affected by the apparent flexibility of its superstructure. To paraphrase Lenin, maneuvering, conciliation, deliberate compromise, skillful use of conflicts in the capitalist camp and wooing temporary allies give shape to the mass of the superstructure. This is the point of origin of Soviet diplomacy with which the nations of the free world have to cope.

If we assume that the USSR is the superstructure—and there is no evidence to refute this assumption—we may conclude that any and all official acts, agreements, treaties, etc., within the UNO or other international bodies affect only the superstructure. Such international agreements can be broken when they appear to threaten the ideologi-

cal, organizational base of World Communism, the Soviet Union. They are broken, however, not by the USSR but in the name of the Soviet Union. By this maneuver, the USSR can maintain a strictly legal stance in the face of criticism, denying any infringement on the terms of the agreement to which it has been party.

Incorrect understanding of this most important differentiation between the Base and Superstructure can lead to complete and irremediable break in meaningful communications between the two antagonistic world systems.

SUMMARY

The USSR as a nation-state was set up by the CPSU to conform to the concepts of a western parliamentary form of government. This was done primarily in order to maintain conventional, temporary relationships (Peaceful Co-Existence) with the capitalist nation-states of the world.

It is conventional in that it utilizes accepted terms for government organization; it is temporary in that its power source, the CPSU, anticipates the "liberation of all class-oppressed people" by the establishment of a classless society upon the ultimate destruction of the capitalist system and the governments sustained by that system.

EDITORIAL ENDORSEMENT FOR THE COOPER-HART AMENDMENT

Mr. SAXBE. Mr. President, I wish to call to the attention of the Senate an editorial which appeared in the July 19, 1969, issue of Business Week magazine. It endorses the Cooper-Hart amendment which I have cosponsored.

The editorial answers the critical question of whether this Safeguard system is ready for operational use. It is not. I have repeatedly supported research and development to develop a workable system. I shall continue to do so. Let me say, this decision at most delays deployment for 1 year. It is not irrevocable and can be changed if conditions or events change.

I, therefore, believe that the Cooper-Hart amendment is the best compromise and logical solution to the present impasse. I ask unanimous consent to have this editorial printed at this point in the RECORD.

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

A WAY OUT OF THE IMPASSE ON SAFEGUARD

President Nixon will be making a grave mistake if he lets his Senate floor managers push for an all-or-nothing showdown over Safeguard—the Administration's antiballistic missile deployment program.

As Senate debate built up steam this week, it became more and more evident that Safeguard's opponents are both powerful and persuasive. They certainly can keep the President from getting the "strong vote" of support that he hoped for. They may well be able to defeat the program. That not only could threaten the passage of other Administration legislation; it might seriously weaken the position of U.S. negotiators when they sit down to discuss arms control with the Soviet Union.

In this situation, the case for compromise is strong. The Administration would serve the best interests of the country—and at the same time get itself out of a nasty hole—if it now offered to accept one or more of the major amendments that will be proposed in the Senate before the final vote.

The best compromise offered so far is in the form of an amendment proposed by Senator John Sherman Cooper (R-Ky). This would shift the emphasis of Safeguard away from deployment and back to a research and development program. Since both Safeguard's radars and its computers have been challenged as inadequate to support an ABM network, Cooper would provide more money for test work on them. He would deny the military's request for $345-million to start Safeguard deployment but allow the Pentagon to spend any part of that money, as it wished, on intensified R&D.

Cooper's proposal takes account of two basic facts that are in danger of being forgotten as the shrillness of the debate over Safeguard mounts:

One, the U.S. simply cannot afford to let its research lag—either now or in the foreseeable future—in the vital area of missile defense.

Two, Safeguard is not yet a tested and reliable system. Its radar has received only a partial test at Eglin Field, in Florida. Its warheads have not been perfected; its computer software has not even been written.

What this means is that research on Safeguard must continue but that deployment now would be a waste of money that could be spent to better effect elsewhere. The crucial question is not whether the Russians would regard deployment as a provocative act—although they might. Nor is it whether we can afford the cost of an ABM system—we can if we must. It is whether or not this system is ready for operational use. And the answer is: It is not.

The Cooper proposal offers a logical solution to the problem. And while logic does not always recommend itself to embattled legislators, this is a case where everyone stands to gain if it prevails.

The stakes are high. For not just the Administration but the whole nation stands to lose if the Safeguard issue is pushed to a take-it-or-leave-it conclusion.

THE NORTHPARK CONSERVATION FEDERATION OF DALLAS, TEX., CALLS FOR 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on July 10, 1969, the Northpark Conservation Federation of Dallas, Tex., passed a resolution adopting a policy statement calling for the establishment of a 100,000-acre Big Thicket National Park in southeast Texas. It also calls for the establishment of a national wildlife refuge, a State historical area, and State parks to supplement the national park.

In October 1966, I first introduced a bill to create a Big Thicket National Park. I have introduced a similar bill in each Congress since then. In my current bill, S. 4, I ask that at least 100,000 acres be set aside as a Big Thicket National Park. Some corporations and persons would like to see this area reduced to a trivial 35,000 acres. Compared with the magnificence of the Thicket's tall trees and matchless beauty, 100,000 acres is, in fact, a pitifully small area.

The Big Thicket is continuing to disappear at an alarming rate. Once the Big Thicket is gone, it will be gone forever. With it will go its wildlife, the rare birds, and the beauty. America will have lost irrevocably an integral part of herself. We must act now if we are going to save this invaluable part of America's heritage.

Mr. President, I ask unanimous consent that the resolution and policy statement adopted on July 10, 1969, by the Northpark Conservation Federation of Dallas, Tex., be printed in the RECORD.

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

RESOLUTION OF THE NORTHPARK CONSERVATION FEDERATION OF DALLAS, TEX., ON THE BIG THICKET NATIONAL AREA

The Northpark Conservation Federation of Dallas, Texas does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers, (as to Dam B), as the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

DAVID L. ZACHARIAS.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include a minimum of the 35,500 acres proposed in the Preliminary Report by the National Park Service study team, with the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Where ever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326, and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Monard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in

the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national service.

WHEAT SALES

Mr. McGOVERN. Mr. President, recent actions by the administration regarding wheat sales cause grave concern.

The last administration put considerable effort into creating a viable successor to the International Wheat Agreement, which had been in effect for more than 20 years and had continuous bipartisan support over those years. The International Grains Arrangement of 1967 represented an extension, and improvement, of previous agreements.

Now the present administration is taking the lead internationally in driving world prices downward. On July 18, the price of ordinary Hard Red Winter wheat was unilateraly cut 12 cents a bushel by the U.S. Department of Agriculture. I understand immediate thought is now being given to further cuts of the same magnitude. It appears that some qualities may have been cut substantially more. This is dangerous and provocative in relation to other countries, and is likely to lead to a major international price war.

In fact, it appears that the price war has begun. In a communique described earlier this week by Washington Post correspondent Richard Norton Taylor, the six agricultural ministers of the Common Market announced that in response to the U.S. action they had no alternative but to follow suit and lower their selling prices for grains.

The price for Hard Red Winter wheat under the IGA is $1.73 per bushel at the gulf. This works out roughly $1.35 at the country elevators. The loan support price is $1.25 per bushel. Some cushion is needed between the loan level and the export market level so as to avoid excessive movement into loan. The result of the cut of last week was in effect to drive the export prices below the loan rate. Further cuts will widen this margin. This makes no sense, unless this administration is attempting in a back-door manner to press down the basic home support program levels.

Steps such as that taken on July 18 cannot help but have an effect on the domestic price situation, and concern about a possible price cutting contest is already apparent in future trading. On the day of the Common Market communique wheat futures fell by as much as 6 cents per bushel on the Chicago Board of Trade.

If the objective is to undermine the domestic price situation it should be made clear, so that American farmers can more realistically assess their prospects and their agreement, or lack of it, with the administration's intentions.

If this is not the objective, it is not clear what is intended. World demand for wheat at the present time is inelastic, as economists say. A lower world price will not result in significantly larger wheat sales. Lower prices would only be helpful if the United States could move down alone, while other countries held back on their sales. But that degree of cooperation, where others agree to sell nothing, is impossible.

It is true that the specific schedule of prices and shipping differentials in the IGA could in 1969 put U.S. wheats at a disadvantage. But differentials must be varied from time to time to meet world production conditions, and changing shipping rates must be reflected in changing prices if the agreement is to work. This was well recognized when the agreement was negotiated. It was the United States which insisted on flexible procedures for adjusting the price schedule when the need arose. The United States took the position throughout the negotiations that any agreement on prices could only work if exporters actually had the will to cooperate and the willingness to adjust their relative selling positions as conditions required.

In 1969, the United States and Canada have fared badly in terms of market share, mainly in the Far East. The situation called for world price adjustments. Instead of suggesting a revision of some of the minumums through the procedures of the agreement, or exploring the possibilities of other forms of exporter cooperation, the United States threatened unilateral action to go below the minimum deeply and widely on all major wheats. A ministerial level conference was immediately requested by some of the major exporting countries, and Secretary Hardin met with ministers of the major exporting countries on July 10 and 11. It is my impression that the other exporting countries did express the will to make the agreement viable, and the willingness to adjust prices upward in some cases, and downward in others. The spirit of the understandings reached was to adjust the relative positions of individual wheats without any major downward world price movement. This administration subsequently, in its eagerness to push its own prices down, dropped ordinaries by 12 cents a bushel, far exceeding the expectations of the ministers of other countries.

This action can undermine the whole framework of the IGA. But that is not all. Even if there were no IGA, the exporters under present market conditions would still need to seek some reasonable live-and-let-live understanding in order to avoid costly price wars. Moreover, no one among the key importing countries will be grateful for price wars. The EEC will simply absorb price declines with higher import levies. The United Kingdom will oppose substantial price reductions because of the interference with her domestic programs and will adjust her levies accordingly. Japan will oppose drastic downward movements because of her rice accumulation at high support prices. Those developing countries which are becoming increasingly self-sufficient and improving their export position will oppose major declines because it will damage their own export prospects.

It is obvious that no one gains by a policy of uncontrolled price war. We are in a world surplus situation. The prospects are for rising surpluses. What is needed is sensible cooperation among the trading countries during the needed adjustment period ahead. Only in this way can a futile war of subsidies be avoided. Such a war would not be based on relative efficiency of nations but on government purse sizes. The United States and the EEC would survive, at great cost, and no real gain. All the others, developed and developing alike, would suffer heavy damage, for no good purpose.

I urge the administration to reconsider its go-it-alone policy and to work within the flexible framework of the IGA to find a cooperative solution to this difficult problem.

Mr. President, 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:

COMMON MARKET ANGERED—GRAIN PRICES LOWERED

(By Richard Norton-Taylor)

BRUSSELS, July 28.—The European Common Market hit back today at the U.S. and Canadian decision to sell grain at below the minimum prices set by the international grains arrangement in 1967.

"The European community had counted on the United States and Canada abstaining from unilateral measures which did not conform to the terms of the arrangement," a communique of the six agricultural ministers of the Common Market stated.

The communique said the Common Market had no alternative but to follow suit and lower their selling prices for grains accordingly. This means that community farmers' export restitutions, the difference between the Common Market support price and the world price, will be increased at the expense of all six market members. The farm payments are paid out by a common farm fund to which all members contribute. The Common Market will hold off these measures until the end of July, in the hope that some other arrangements can be worked out in the meantime, possibly at a meeting this week of representatives of the world's leading grain exporters.

On July 18, the U.S. (soon followed by Canada) decided to lower its selling price for grains. For example, the price of hard winter wheat was cut by 12 cents a bushel under the grain agreement minimum. These cuts affected exports from East Coast and Gulf ports.

These decisions followed a meeting in Washington earlier this month of ministers from grain-exporting countries at which the conclusion was reached that some price adjustments had to be made at a time of wheat surpluses.

A Common Market spokesman said the U.S. action could have grave consequences for the future application of the Kennedy Round of tariff cuts.

France, the market's principal exporter of grains, has been accused by the U.S. of undercutting the grain minimum price in sales to Thailand, Japan, and the United Arab Republic.

GUN CRIME CONTROL LEGISLATION

Mr. TYDINGS. Mr. President, The Subcommittee To Investigate Juvenile Delinquency has been conducting hearings on several gun crime control legislation measures introduced in the 91st Congress. As the proponent of one of these bills, S. 977, the Gun Crime Control Act, I recently testified before the committee. At this time I would like to present to the Senate the views I expressed at that time.

There are some citizens who doubt the need for gun crime control legislation. Sportsmen and other honest persons who do not abuse and misuse firearms ask why they should be inconvenienced, even though the inconvenience be slight, by registration and licensing provisions designed to control criminal elements. I think they deserve an honest answer. The stark fact is that gun crime is out of control in this country. The statistics state the case eloquently if dishearteningly.

In all of the wars fought by the United States, we have suffered somewhat in excess of 600,000 fatalities. Since 1900, about 800,000 Americans have died as a result of firearms abuse and misuse.[1]

In the 8-year period beginning with 1960, 475 law-enforcement officers have been killed in the line of duty. Ninety-six percent of them were killed with firearms.[2] Among their killers, 76 percent had records of prior arrest on criminal charges. Fifty-four percent of these had been taken into custody for a crime of violence such as murder, rape, or robbery.[3]

The murder rate for 1968 was 6.8 victims per 100,000 population, as compared to 6.1 in 1967 and 5.6 in 1966. This is a rise of 11 percent in the last year. It is estimated that 13,650 murders were committed in the United States in 1968. Of these, 65 percent, or 8,900 murders, were committed with firearms. In the same period, 65,000 assaults and 99,000 robberies were committed with the use of firearms.[4]

A comparison of these rates with those of several foreign countries with stricter firearms controls is educative. In America we tolerate a gun crime rate unthinkable in practically any other civilized nation in the world. The firearms homicide rate in the United States in 1966 was 3.5 per 100,000 population. This was seven times the rate in Canada; 12 times the rate in France; 17 times the rate in Sweden; 35 times the rate in England and Wales. An American is 35 times more likely to be murdered by gun than is a Briton, a Dane, or a German. An American is infinitely more likely to be killed than a Japanese or a Netherlander, where gun murders are so rare as to be statistically insignificant.

What do these percentages mean in terms of people? They mean that 6,855 people were murdered in the United States in 1966 with guns. At the same time, 98 were killed in Canada; 132 were killed in France; 14 were killed in Sweden; 27 were killed in England and Wales. All of these countries together had 271 people killed with firearms in 1966 as compared to 6,855 in the United States alone. The reason for this drastic disparity between our gun crime rate and that of other nations is simply that we have countenanced a system of incredibly lax gun laws which are a scandal in the civilized world.

This decade has seen a disastrous and demoralizing drain upon our national leadership, in and out of Government, through gun crimes. Among those we have lost are a President, John F. Kennedy, a leading Senator and presidential candidate, Robert F. Kennedy, and one of the most revered of our civil rights leaders, Dr. Martin Luther King. And these luminaries only head the list of important national figures murdered. Presidents, Senators, policemen, cabdrivers, store owners, busdrivers, great men and humble citizens—innocent people from all walks of life—have been gunned down by criminals under the gun policy our Nation has pursued.

Yet until last year, the Federal Government has refused for 30 years to limit even the notorious mail-order gun traffic. Meanwhile, the number of guns in America is increasing at an incredible rate. Estimates of the size of private American firearms arsenals place the total number of guns in America at somewhere between 100 and 200 million. We have more guns than families, more guns than cars, perhaps even more guns than people in this country. And more than four and a half million new guns are being sold in this country every year.

Mr. President, rather than continue this recital of the deadly statistics which so cogently demonstrate the need for control, I will submit a document entitled "Firearms Facts" which was complied by the Criminal Division of the U.S. Department of Justice, which I request be printed in the RECORD at the end of my statement. It details, fact upon fact, the toll wrung from our society by irresponsible firearms policies.

In the face of these facts, how can anyone doubt the need for better laws? The answer, I believe, is that no one who fully understands the situation—the existing level of firearms crime and the actual impact of the legislation I have been seeking—can question the need.

We have long known that the vast majority of the American citizenry wants stricter gun laws. In June of last year the Gallup poll reported that:

> The public, gunowners and non-gunowners alike . . . favor a law requiring the registration of all guns, a law banning the sale of all guns through the mails, and strict restrictions of the use of guns by persons.

A Harris poll indicated that 85 percent of the people favor strong gun control legislation.

Leading law-enforcement officials constantly stress the need for more effective firearms controls. In September of 1968, in a report to the President's Commission on Violence, J. Edgar Hoover stated:

> The ease with which firearms may be procured in the United States is a significant factor in the growth of crime and violence.

I will reiterate my long-standing position that tough, comprehensive, uniform gun control legislation is imperative for the public's safety.

While gun controls obviously cannot end violence, rigidly enforced controls would undoubtedly contribute to a reduction in violence. The gun-control provisions of the Omnibus Crime Control and Safe Streets Act recently enacted by Congress are a step in the right direction; however, it is imperative that further consideration be given to this pressing problem.

Quinn Tamm, director of the International Association of Chiefs of Police has written:

> Law-abiding citizens and the police are tired of living in a country which is becoming a veritable armed camp, erupting too frequently into violence, bringing death and destruction by firearms to innocent citizens. . . . The ease with which any person can acquire firearms . . . is a significant factor in the precedence of lawlessness and violent crime in the United States.

Then Attorney General Ramsey Clark testified last year as follows:

> After all we have suffered, it would be terribly disillusioning if we failed to act to control guns. Interstate control, registration and licensing are all essential.
>
> The people want strict gun control. Their safety demands it. The Congress is fully empowered to act. The time is now.

The President's Commission on Crime and Administration of Justice concluded that there should be legislation providing both for registration and licensing. The Commission stated:

> Since laws, as they now stand, do not accomplished the purpose of firearms control, all States and the Federal Government should act to strengthen them.

In spite of the compelling demand of the citizenry, of experts in law enforcement, of specialized study groups, we have been unable to obtain satisfactory firearms control legislation. This is the more unfortunate because there is, I believe, much common ground between myself and other sportsmen who favor stricter gun controls and the sportsmen who oppose us. Before I get to that common ground, however, I should like to deal with some of the misinformation which misleads some people into opposing gun crime control legislation.

Today many opponents of additional Federal legislation point to the limited regulation which passed the Congress last year and say, "There is your gun control." "You already have adequate legislation on the books." Unfortunately, however, the measures we achieved last year, while an important step in the right direction, falls far short of providing the essential crime control and prevention mechanism necessary.

The essence of the Federal legislation was to prohibit the interstate sale of firearms and ammunition except in defined circumstances and to provide a licensing system for importers, manufacturers, and dealers in firearms and ammunition. It provides neither a means of tracing firearms—as a registration system would—nor a means of preventing persons who all would agree should not have access to firearms from obtaining them—as a licensing system could.

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[1] Firearms Facts, Criminal Division, United States Department of Justice 7 (1968). All other statistics utilized in this statement, except where otherwise indicated, are taken from the above document, which is included as an appendix.

[2] Federal Bureau of Investigation Uniform Crime Reports, 1968 (to be released to the public in August, 1969).

[3] Id.

[4] Id.

Firearms user licensing would prevent criminals, addicts, lunatics, and juveniles from purchasing firearms, and registration would help find them if they used a gun in crime.

Firearms control is essentially a State concern, say some critics, and could be effectuated merely by enforcement of existing State laws. I wholly concur that this is an area in which the States should be free to act and with certain limits their action be final. Those limits are the fundamentals of a licensing and registration system. That is why the measures I have introduced have consistently provided that they will not preempt State laws—existing or subsequently passed—where those State laws include the necessary basic provisions. This is an area where State action is welcome. And the States, as soon as they act effectively, may have it to themselves.

Unfortunately, too many of the State laws to which opponents of Federal legislation point are archaic, vestiges of ages long past. Texas forbids carrying guns in a saddlebag except when one is traveling. Vermont forbids schoolchildren to have guns in the classroom. Arkansas forbids using a machinegun for offensive purposes. Each of these draws into focus a now colorful chapter of American history. But we cannot permit their quaintness to obscure the carnage of the present to which they are not addressed.

An argument often mustered against gun controls rests on the asumed constitutional "rights" to keep and bear arms. It is clear that the right referred to in the Constitution is a public collective right to a public militia. Whatever doubts there may have been about this issue in the minds of any should have been dispelled by the recent Supreme Court action in the case of *Burton* v. *Sills* (37 Law Week 3408). The New Jersey Supreme Court sustained the State law requiring licensing of manufacturers, wholesalers, and retail dealers in firearms and issuance of permits to purchasers did not violate the second amendment "right of the people to bear arms," since the second amendment "was not framed with individual rights in mind." The Supreme Court dismissed the appeal.

Another approach is to urge stiffer, mandatory penalties for gun crimes. The fact is that most gun crimes now carry stiffer penalties than nongun crimes, but they simply have not acted as an effective deterrent. The rate of violent crimes has increased drastically in recent years despite the more severe punishments. Higher penalties do not help solve gun crimes. Registration would. Higher penalties do not keep criminals from obtaining firearms. Licensing would.

"Guns don't commit crimes," some opponents argue, "people do." It is undeniable that guns do not commit crimes; it is equally undeniable that people using guns do. People using guns last year murdered 8,900 Americans; people using guns last year murdered Senator Robert F. Kennedy and the Reverend Martin Luther King.

At the extreme, opponents argue that "no dictatorship has ever been imposed on a nation of free men who have not just been required to register their privately owned firearms." It is an argument unsupported by fact and refuted by history. A study conducted by the Library of Congress leads clearly to these conclusions. Four countries which are now democracies but in recent history had been under Nazi dictatorship—Germany, Italy, France, and Austria—were examined. It would be reasonable to expect that if gun controls had in any way contributed to their submission to dictatorship, they would have revised and loosened their gun control legislation. Such has not been the case. In fact, Italy, where gun control laws were relaxed by Mussolini, has strengthened its laws to approach the form they were in before his advent. Finally, two democracies, without history of dictatorship in centuries, were examined. England has had registration since 1831; Switzerland, since 1874.

Let me return now to what I suggested was common ground between proponents and opponents, but ground which is often misunderstood. It is here that I think the main opposition lies. It is here, through a proper understanding of objectives, that I believe that opposition based on misunderstanding may give way to a unity of goals.

First, I think that everyone involved in the firearms control debate will agree that we want to keep firearms out of the hands of criminals. What is evidently not understood is that this is one of the two objectives of my legislation. A licensing procedure will go far toward keeping firearms out of the hands of criminals. The other objective—tracing of firearms used in crime—will be achieved through registration.

There are two subordinate points here which need to be dealt with. First, there is the argument that criminals will not register their guns. This may be true, but they will then run the risk of criminal penalties being imposed. A suspect arrested with an unregistered weapon will be subject to criminal sanction, even though no other crime has been committed. The second argument is that criminals will be able to obtain guns anyway. If we had a licensing system, criminals, addicts, and lunatics would be cut off from legal supply channels for firearms. They are not now; they can, in most States, effectively obtain firearms as readily as reasonable, honest citizens. The hard-core criminal may still obtain firearms; but, if the smalltimer, who is so often responsible for serious injury in the course of holdups of small businesses, cabdriver, busdriver, and other average citizens, will find it harder and riskier to obtain and maintain possession of firearms, a major advance will have been achieved.

There is no purpose of restricting gun ownership or use by sportsmen and other honest citizens. I am an avid sportsman myself. I learned to shoot at my father's knee just as my son is learning to shoot at my knee. The minimal inconvenience of a licensing and registration system is the small price we must all pay in order to keep firearms out of the hands of unreformed criminals, addicts, alcoholics, and the mentally defective. Surely a small inconvenience is not too great a price to pay in exchange for a human life. And the filing of simple forms may be all that is required to save tens, hundreds, perhaps even thousands of human lives each year, to say nothing of those whose maiming will be avoided. The important point is the unity of objective which I believe exists—to deprive the criminal of his vehicle for murder and assassination. It is combined with the second objective of rendering a licensing-registration system as small an inconvenience upon the sportsman and honest citizen as possible.

A third ground we share is the avoidance of any form of taxation connected with licensing or registration. My bill provides for no taxes; it provides for no fees. I do not believe that a firearms control measure should be accompanied by tax or fee. I will not support one that is. As I pointed out earlier, firearms registration and licensing are crime control measures. They are no different from any other Federal crime control measure in this respect. They should be financed out of the public coffer. Their cost must be borne by the public which will benefit from them.

All of these objectives are served by S. 977, the Firearms Registration and Licensing Act of 1969. The bill provides for the registration of all firearms and licensing of all firearms and ammunition users. It would disqualify felons, drug addicts, alcoholics, mental incompetents, and juveniles from owning or buying firearms but would in no way interfere with or significantly inconvenience law-abiding citizens.

Primary responsibility for action is left to the States. My measure provides only a minimum floor of Federal protection in any State which does not act to protect its own citizens from gun crime. In States which already have firearms legislation equally or above this minimum, or which pass such legislation at any time in the future, the legislation will have no effect.

Registration alone will not do the job, however. It is not enough that police be able to trace firearms used in crimes. We must prevent their use in crime. And the means to achieve this end is by denying access to firearms to persons who are most likely to engage in criminal activity. This is achieved in my bill through a licensing system that will deny access to firearms to persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age should not be entrusted with a gun in the first place.

But these persons are not eternally damned either. A rehabilitated criminal, addict, alcoholic, or incompetent may regain access to firearms by obtaining a written document from the chief law-enforcement officer of his State of residence specifically authorizing that person to obtain a license.

Operation of this dual system is exceedingly simple. Every gun owner would inform the Government—the State government, if the State has a registration law—of the make, model, and serial number of any gun he owns. This can be

done by mail. Then, when a gun used in crime is found, the gun registration records will instantly reveal the gun owner's name and address, and quickly lead to the last known possessor of the weapon. Where the Federal law applies, all firearms would have to be registered within a year and a half of the enactment of the bill. One year after the bill's enactment all new firearms sales would have to be registered.

Second, every gun owner could apply by mail—to the State government, if the State has a licensing law—for a firearms license. Where the Federal law applies, the issuance of such a license would be automatic to every citizen who is over 18, is not a fugitive, is not under indictment, has not been convicted of a felony, or has not been adjudged by a court to be a narcotic addict, alcoholic, or mental incompetent.

When the Federal law applies, a license would be required for purchase of any firearm or ammunition after September 1, 1970. After September 1, 1971, a license would be necessary for the possession or use of any firearm or ammunition, except one borrowed temporarily for a hunting or other sports-shooting purpose. Youngsters would still be able to use firearms, although they would not be able to purchase or own them in their own names.

The bill has no application to antique firearms, manufactured before 1898.

Absolutely no fees are required from any gun owner or user under the bill. The cost of the measure—truly an anticrime measure—will be borne by the public, as is the cost of other Federal anticrime legislation.

Good gun laws need not be antigun to be anticrime. I have worked unstintingly to produce legislation that will be most effective against criminal use of firearms at minimal inconvenience to sportsmen and honest citizens who want to own and use guns. I believe I have struck the necessary balance in S. 977.

Mr. President, before closing I would like to mention an intriguing idea that has been suggested as an alternative to the legislation I have proposed. That is the use of a national identification card system.

The idea is that identification cards would be issued to qualified persons—persons not under disabilities like those described in my bills—by the Federal Government like licenses. A person holding one of these cards would be entitled to purchase firearms and ammunition in any State.

On its face, I think this idea has considerable merit. It achieves the objective of limiting access to firearms to deny thtm to those under disability, while potentially requiring less inconvenience to the individual purchaser who desires to make purchases in several different States which may have separate licensing laws.

I believe that this alternative may be more acceptable to some opponents of the licensing system who fear the burden of multiple State licensing. It appears to me to serve the same goals I have been seeking. Certainly, it appears to be worth serious consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

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

FIREARMS FACTS

(Compiled by Criminal Division, U.S. Department of Justice)

I. FIREARMS IN THE UNITED STATES

(a) Facts and figures:

Estimates of firearms in private hands range from 50 [1] to 100 [2] millions firearms.

An estimated 42.5 million Americans own firearms.[3]

In 1967, 4.5 million firearms were purchased for private use in the United States.[4]

2 million firearms are manufactured domestically of which 70% are rifles and shotguns.[5]

More than 1.2 million firearms are imported each year.[6]

60% of the imported firearms are handguns.[7]

(b) Firearms sold in the United States for individual use: [8]

	1963 [1]	1964 [2]	1965 [2]	1966 [2]	1967 [2]	Percent increase 1963-67
Rifles	875,440	1,019,000	1,286,000	1,376,000	1,882,000	115
Shotguns	603,039	936,000	1,190,000	1,422,000	1,515,000	151
Pistols/revolvers	496,139	500,000	587,000	846,000	1,188,000	139
Total	1,974,618	2,455,000	3,063,000	3,644,000	[3] 4,585,000	132

[1] Census data.
[2] Dervied from excise tax receipts, industry data, and census data.
[3] The total quantity of firearms is derived from the total wholesale value of firearms sold in the United States for personal use and the average wholesale cost of domestically manufactured guns. Had the lower average price of foreign-made firearms been included in the average price, the estimate of total firearms would have been about 10 percent higher.

(c) Imports:

In recent years, imports, particularly imports of pistols and revolvers, have increased sharply: [9]

Year	Pistols and revolvers	Rifles	Shotguns	Total imports
1958	79,000	198,000	93,000	370,000
1963	223,000	219,000	120,000	562,000
1964	253,000	181,000	139,000	573,000
1965	347,000	245,000	174,000	766,000
1966	513,000	291,000	192,000	996,000
1967	747,000	239,000	222,000	1,208,000

Footnotes at end of article.

In the first four months of 1968, 392,000 handguns have been imported. Last year in the first four months, 224,600 handguns were imported. If this year's rate continues unabated, the total for the year will be 1,560,000 handguns imported. This rate will be nearly 20 times the rate 10 years ago, and nearly double last year's rate. Virtually all handgun imports are for private use.

II. SOME PUBLIC FIGURES IN UNITED STATES ASSASSINATED, WOUNDED OR ASSAULTED WITH FIREARMS

Presidents

Andrew Jackson, assaulted, January 30, 1835.

Abraham Lincoln, assassinated, April 14, 1865.

James A. Garfield; assassinated, July 2, 1881.

William McKinley; assassinated, September 6, 1901.

Theodore Roosevelt; wounded, October 14, 1912.[10]

Franklin D. Roosevelt; assault, February 15, 1933.[11]

Harry S. Truman; assaulted, November 1, 1950.

John Fitzgerald Kennedy; assassinated, November 22, 1963.

Other elected officials

State Senator Almon Case of West Tennessee; assassinated, January, 1867.

Chief Justice of the New Mexico Territory, John P. Slough; assassinated, December 21, 1867.

Congressman James Hinds; assassinated, October 12, 1868.

Former Senator Samuel C. Pomeroy; wounded, October 11, 1873.

State Senator Smith of Tennessee; wounded, December 9, 1881.

Former Mayor John Bowman of St. Louis; assassinated, November 21, 1885.

Mayor Carter H. Harrison, Sr. of Chicago; assassinated October 28, 1893.

William Goebel, successful Kentucky gubernatorial candidate; assassinated, January 30, 1900.

Mayor William J. Gaynor of New York; wounded, August 9, 1910.

Senator Charles B. Henderson; wounded March 5, 1921.

Mayor Anton Cermak of Chicago; assassinated, February 15, 1933.

Illinois State's Attorney Thomas J. Courtney; assaulted, March 24, 1935.

Senator Huey Long; assassinated, September 9, 1935.

Mayor Hubert H. Humphrey of Minneapolis; assaulted, February 6, 1947.

State Senator Tom Anglin of Oklahoma; wounded, May 7, 1947.

Senator John W. Bricker; assaulted, July 12, 1947.

Congressman Alvin M. Bentley; wounded, March 1, 1954.

Congressman Ben F. Jensen; wounded, March 1, 1954.

Congressman Clifford Davis; wounded, March 1, 1954.

Congressman George H. Fallon; wounded, March 1, 1954.

Congressman Kenneth A. Roberts; wounded, March 1, 1954.

Congressman Leslie C. Arends; wounded, March 1, 1954.

Governor J. Lindsay Almond of Virginia; assaulted, April 11, 1959.

Governor John Connally; wounded, November 22, 1963.

Senator Robert F. Kennedy; assassinated, June 5, 1968.

Senator James O. Eastland; assaulted, July 12, 1968.

Prominent civil rights incidents

Medgar Evers; assassinated, June 13, 1963.

Andrew Goodman; assassinated, June 21, 1964.

James Chaney; assassinated, June 21, 1964.

Michael Schwerner; assassinated, June 21, 1964.

Lemuel Penn; assassinated, July, 1964.

Mrs. Viola Greg Liuzzo assassinated, March 26, 1965.

Rev. Jonathan Daniels; assassinated, September 13, 1965.

Rev. Martin Luther King; assassinated, April 4, 1968.

Others

Lee Harvey Oswald; assassinated, November 24, 1963.

Malcolm X (Black Muslims); assassinated, February 21, 1965.

George Lincoln Rockwell (American Nazi Party); assassinated, August 25, 1967.

III. FIREARMS CRIMES IN THE UNITED STATES

In 1967:[13] *7700* people were victims of homicides by means of firearms; *55,000* peo-

ple were victims of aggravated assaults by *means of firearms; 71,000* armed robberies were committed by means of firearms; a total of *134,000* homicides, assaults and robberies were committed with firearms in 1967.

In 1967, *11,000* [13] people committed suicide with firearms and *2800* [14] accidental deaths occurred by firearms misuse.

Each year, nearly *20,000* people die by firearms misuse including homicides, suicides, and accidents.

Each day, an average of *50* people die by firearms misuse, or 1 death by firearms every *30* minutes.

In the United States between 1900–1966: [15] *269,000* people were firearms homicide victims; *360,000* people committed suicide by firearms; *138,000* people were killed in firearms accidents; a total of *767,000* people have been killed by firearms misuse between 1900–1966.

Between 1960–1967, *411* law enforcement officers were slain in the performance of their duties. Of these, *394* (96%) were killed with firearms.[16]

During the four year period, 1964–1967, armed robberies with a gun increased 58%.[17]

During the four year period, 1964–1967, assaults with a gun increased 77%.[18]

One out of every *20* assaults with a weapon other than a firearm results in death. However, when firearms are used, *one* out of every *five* assaults results in the death of the victim.[19]

In all our wars, 600,000 [20] Americans have lost their lives; since 1900, nearly 800,000 [21] Americans have lost their lives through firearms misuse in the United States.

IV.—DEATHS FROM FIREARMS IN THE UNITED STATES 1900–66 [1]

Year	Homicides [2]	Suicides	Accidents
1900		449	543
1901		439	558
1902		449	623
1903		520	653
1904		585	730
1905		741	524
1906		1,230	800
1907		1,522	707
1908		1,931	808
1909		2,017	794
1910	1,174	2,173	967
1911	1,743	2,559	1,147
1912	1,775	2,462	1,165
1913	2,123	2,609	1,399
1914	2,366	2,950	1,370
1915	2,213	3,266	1,297
1916	2,708	3,066	1,474
1917	3,205	3,057	1,607
1918	3,475	3,372	2,030
1919	4,247	3,204	2,284
1920	4,178	3,078	2,168
1921	5,178	4,015	2,245
1922	5,430	3,831	2,457
1923	5,422	3,825	2,520
1924	5,736	4,197	2,497
1925	5,908	4,209	2,482
1926	6,035	4,469	2,497
1927	6,004	4,864	2,647
1928	6,668	5,366	2,777
1929	6,362	5,565	2,962
1930	6,995	6,735	3,068
1931	7,335	7,409	2,989
1932	7,252	7,940	2,877
1933	7,863	7,798	3,026
1934	7,702	7,296	3,023
1935	6,506	6,830	2,854
1936	6,016	6,771	2,882
1937	5,701	7,073	2,629
1938	5,055	7,357	2,696
1939	4,799	6,944	2,582
1940	4,655	7,073	2,390
1941	4,525	6,385	2,414
1942	4,204	6,117	2,741
1943	3,444	5,076	2,318
1944	3,449	4,808	2,412
1945	4,029	5,321	2,454
1946	4,966	6,276	2,816
1947	4,922	6,691	2,386
1948	4,894	6,660	2,270
1949	4,235	7,215	2,326
1950	4,179	7,377	2,174
1951	3,898	6,873	2,247
1952	4,244	7,013	2,210
1953	4,013	7,293	2,277
1954	4,115	7,539	2,281
1955	3,807	7,763	2,120
1956	4,039	7,817	2,202
1957	4,010	7,841	2,369
1958	4,230	8,871	2,172
1959	4,457	8,788	2,258
1960	4,627	9,017	2,334
1961	4,753	9,037	2,204
1962	4,954	9,487	2,092
1963	5,126	9,595	2,263
1964	5,474	9,806	2,275
1965	6,158	9,898	2,344
1966	6,855	10,407	2,558
Total [3]	269,436	360,217	138,265

[1] For the years prior to 1933, this chart includes deaths only for the registration States of the respective years. Data for the entire United States was not available until 1933. For 1900, 10 States and the District of Columbia are included. The 10 States are Massachusetts, New Jersey, Connecticut, New Hampshire, New York, Rhode Island, Vermont, Maine, Michigan, and Indiana. Other States were included later.

The chart does not reflect the 1967 statistics. Therefore, the actual number of deaths from firearms in the United States since 1900 is substantially greater than reflected in the chart.

[2] Data not available for homicides 1900–1909.

[3] See the following:

Homicides	269,436
Suicides	360,217
Accidents	13,265
Total firearms deaths, 1900–1966	767,918

Source: National Center for Health Statistics, Public Health Service, U.S. Departmen of Health, Education, and Welfare "Vital Statistics of the United States" and "Mortality Statistics."

V. STATE GUN LAWS COMPARED

(a) *Murder Rates*

60% of all murders in the United States are by firearms,[22] with a national average of 5.6 murders per 100,000 population.[23] States with strong firearms laws tend to have fewer murders with guns than States with weak firearms laws and tend to have lower overall murder rates.

Strong gun law States	Percent of murders by firearms	Overall murder rate per 100,000
Pennsylvania	43.2	3.2
New Jersey	38.6	3.5
New York	31.8	4.8
Massachusetts	35.5	2.4
Rhode Island	24.0	1.4

Weak gun law States	Percent of murders by firearms	Overall murder rate per 100,000
Arizona	66.4	6.1
Nevada	66.9	10.6
Texas	68.7	9.1
Mississippi	70.9	9.7
Louisiana	62.0	9.9

ANALYSIS OF MURDER RATES, PERCENTAGES OF MURDER BY GUN, AND POPULATION DENSITY, UNITED STATES, BY GEOGRAPHIC REGIONS [1]

	Murder rate	Percent by gun	Population density
1. NORTHEASTERN STATES			
Connecticut	2.0 (42)	48.3 (43)	517.5 (4)
Maine	2.2 (39)	52.3 (40)	31.3 (36)
Massachusetts	2.4 (38)	35.5 (47)	654.5 (3)
New Hampshire	1.9 (43)	66.7 (13)	67.3 (25)
Rhode Island	1.4 (50)	24.0 (49)	812.4 (1)
Vermont	1.5 (49)	100.0 (1)	42.0 (32)
2. MIDDLE ATLANTIC STATES			
New Jersey	3.5 (31)	38.6 (46)	806.7 (2)
New York	4.8 (23)	31.8 (48)	350.1 (5)
Pennsylvania	3.2 (32)	43.2 (45)	251.5 (7)
3. NORTH CENTRAL STATES			
Illinois	6.9 (16)	54.8 (38)	180.3 (10)
Indiana	4.0 (29)	61.6 (27)	128.9 (12)
Michigan	4.7 (24)	45.9 (44)	137.2 (11)
Ohio	4.5 (26)	60.3 (29)	266.9 (6)
Wisconsin	1.9 (44)	55.9 (35)	72.2 (22)
Iowa	1.6 (47)	61.9 (25)	49.2 (28)
Kansas	3.5 (30)	64.2 (20)	26.6 (37)
Minnesota	2.2 (40)	56.7 (34)	42.7 (31)
Missouri	5.4 (21)	65.5 (18)	62.5 (27)
Nebraska	1.8 (45)	70.3 (8)	18.4 (38)
North Dakota	1.8 (46)	17.4 (50)	9.1 (43)
South Dakota	1.5 (48)	66.7 (12)	8.9 (44)
4. SOUTH			
South Atlantic:			
Delaware	8.2 (11)	58.0 (33)	225.6 (9)
Florida	10.3 (6)	66.0 (17)	91.3 (17)
Georgia	11.3 (3)	66.6 (14)	67.7 (24)
Maryland	7.0 (15)	48.6 (42)	314.0 (6)
North Carolina	8.7 (10)	68.5 (10)	92.9 (16)
South Carolina	11.6 (2)	73.3 (2)	78.7 (19)
Virginia	6.5 (17)	60.9 (28)	99.6 (14)
West Virginia	4.2 (27)	63.9 (21)	77.3 (20)
East south central:			
Alabama	10.9 (4)	59.6 (31)	64.0 (26)
Kentucky	7.0 (14)	73.0 (3)	76.2 (21)
Mississippi	9.7 (8)	70.9 (7)	46.1 (29)
Tennessee	7.8 (12)	66.4 (16)	85.4 (18)
West south central:			
Arkansas	7.1 (13)	65.0 (19)	34.0 (34)
Louisiana	9.9 (7)	61.6 (26)	72.2 (23)
Oklahoma	5.5 (20)	61.9 (24)	64.0 (26)
Texas	9.1 (9)	68.7 (9)	36.5 (33)
5. WEST			
Mountain:			
Arizona	6.1 (18)	66.4 (15)	11.5 (41)
Colorado	4.0 (28)	58.7 (32)	16.9 (40)
Idaho	3.0 (33)	60.0 (30)	8.1 (45)
Montana	2.8 (35)	72.0 (5)	4.6 (47)
Nevada	10.6 (5)	66.9 (11)	2.6 (49)
New Mexico	6.1 (19)	63.7 (22)	7.8 (46)
Utah	2.0 (41)	72.3 (4)	10.8 (42)
Wyoming	4.9 (22)	54.8 (37)	3.4 (48)
Pacific:			
Alaska	12.9 (1)	71.4 (6)	.4 (50)
California	4.6 (25)	50.1 (41)	100.4 (13)
Hawaii	2.9 (34)	52.9 (39)	98.6 (15)
Oregon	2.7 (36)	62.5 (23)	18.4 (39)
Washington	2.5 (37)	54.9 (36)	42.8 (30)

[1] Hearings before the Subcommittee To Investigate Juvenile Delinquency, Judiciary Committee, U.S. Senate, 90th Cong. p. 731.

Note: This table is a geographic breakdown of murder rates, percentages of murder by gun, and the population density of the United States. The murder rates per 100,000 population are based on figures in the 1966 FBI Uniform Crime Report and the figures on percentages of murder by gun are culled from an FBI survey covering the period 1962–65. The density of population for each of the States is based on the 1960 census. The figures in parentheses following each State's statistic are the rank order (high to low) for each category.

(b) *Effect of comparatively strong gun control laws*

New Jersey: [24] In New Jersey, which has a strict gun control law, from August 2, 1966 (effective date of a strong New Jersey law) to May 31, 1968 (a 22-month period), State and local police approved 94,221 rifle and shotgun identification cards and pistol permits. On the other hand, criminal records were determined in approximately 7% of all applications, and 1,659 applications were denied. Approximately 75% of State Police denials were for criminal records, including such offenses as first degree murder, rape, burglary, breaking and entering, lewdness, and sex crimes of various types.

California: [25] In a single year, police checks of purchases from dealers thwarted more than 800 illegal purchases. Of the 806 ineligible purchasers, 697 were ex-convicts, 74 were narcotics addicts, 27 were aliens and 8 were minors.

(c) *Mail order problem*

Chicago: In 1965, of *4,069* Chicago mail order gun purchases from just *three* dealers

Footnotes at end of article.

in California, *948* had prior criminal records which would have precluded purchase in that city; thus, one-quarter of the mail order purchasers had criminal records.[26]

New Jersey: Survey of mail order gun recipients in New Jersey showed that *40%* were persons without permits (which New Jersey law requires). In *44%* of those cases, the person had a prior criminal record.[27]

District of Columbia: 25% of the mail order gun recipients in the District of Columbia had criminal records.[28]

Indiana: 10% of the mail order gun purchasers had criminal records.[29]

Connecticut: 13% of the mail order gun purchasers had criminal records.[30]

(d) Gun sales to nonresidents

Massachusetts: During a *10-year* period, Massachusetts State Police traced *87%* of *4,506* guns used in crimes in that state to purchases outside Massachusetts.[31]

Detroit: 90 out of every *100* guns confiscated from lawbreakers were not registered in Michigan (which requires registration); a majority of these unregistered guns were obtained in a nearby city in a neighboring state with non-existent gun controls.[32]

VI. RIFLES AND SHOTGUNS

(a) Crimes committed with rifles and shotguns:

1967 rifle and shotgun homicides[33]	1850
1966 rifle and shotgun homicides[34]	1750
1965 rifle and shotgun homicides[35]	1690
1964 rifle and shotgun homicides[36]	1525

Nearly *30%* of all homicides by firearms are committed with rifles and shotguns.[37]

(b) Seizures

During 1960–1965, the police in 40 cities reported taking more than 50,000 rifles and shotguns from persons possessing or using them unlawfully.[38]

Rifles and shotguns seized from juveniles	805
Rifles and shotguns seized in murders	1210
Rifles and shotguns seized in robberies	2908
Rifles and shotguns seized in assaults	4179
Rifles and shotguns seized in illegal activities	37165
Rifles and shotguns seized in illegal weapon charges	4478
Total	50745

FIREARMS DEATHS IN FOREIGN COUNTRIES WITH STRICT FIREARMS CONTROLS ARE SIGNIFICANTLY LOWER THAN IN THE UNITED STATES[1]

[Number and rate per 100,000 population]

Country	Homicide		Suicide		Accident		Population
	Number	Rate	Number	Rate	Number	Rate	
United States (1966)	6,855	3.5	10,407	5.3	2,558	1.3	195,936,000
Australia (1965)	57	.5	331	2.9	94	.8	11,360,000
Belgium (1965)	20	.2	82	.9	11	.1	9,464,000
Canada (1966)	98	.5	609	3.1	197	1.0	19,604,000
Denmark (1965)	6	.1	48	1.0	4	.1	4,758,000
England and Wales (1966)	27	.1	173	.4	53	.1	54,595,000
France (1966)	132	.3	879	1.8	252	.5	48,922,000
German Federated Republic (1965)	78	.1	484	.9	89	.2	59,041,000
Italy (1964)	243	.5	370	.7	175	.3	51,576,000
Japan (1965)	16	.0	68	.1	78	.1	97,960,000
Netherlands (1965)	5	.0	11	.1	4	.0	12,292,000
Sweden (1966)	14	.2	192	2.5	20	.3	7,734,000

[1] World Health Organization; Bureau of Vital Statistics, U.S. Department of Health, Education, and Welfare; complied by Stanford Research Institute, June 11, 1968; statement of Arnold Kotz, Stanford Research Institute, before the Subcommittee To Investigate Juvenile Delinquency, Judiciary Committee, U.S. Senate, June 27, 1968.

VII. PUBLIC OPINION POLLS

Harris Survey, June 1968:—81% of the American people favor registration of all firearms.

Harris Survey, April 1968:—By *71 to 23* per cent, the American people favor the passage of Federal laws that would place tight controls over the sale of guns in this country.

A cross-section of 1634 homes was asked this question on gun control legislation:

"Do you favor or oppose Federal laws which would control the sales of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Oppose	Not sure
Nationwide	71	23	6
East	70	20	10
Midwest	69	27	4
South	71	22	7
West	77	22	1
Own gun	65	31	4
Don't own gun	79	13	8
Whites	71	23	6
Negroes	69	23	8

The patterns of gun ownership shows wide variation by region, size of place, and by race:

"Do you or does anyone in your house own a gun?"

[In percent]

	Own gun	Don't own gun
Nationwide	51	49
East	34	66
Midwest	55	45
South	64	36
West	53	47
Cities	27	73
Suburbs	47	53
Towns	58	42
Rural	78	22
All whites	55	45
Whites under $15,000 income	47	53
All Negroes	32	68
Negroes under $15,000 income	36	64

The Harris Survey, September 1967: By a decisive 66 to 28% margin, white gun owners favor passage of a law in Congress which would require that all persons "register all gun purchases no matter where they buy them."

The cross section of white gun owners was asked: "Do you favor or oppose federal laws which would control the sale of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Opposed	Not sure
All white gun owners	66	28	6
By region:			
East	70	21	9
Midwest	70	25	5
South	62	27	11
West	56	40	4

The Gallup Poll, September 1966: The mood of the public for nearly three decades has been to impose controls on the sale and possession of weapons.

The survey questions and findings: "Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"

[In percent]

	All persons	Gun-owners
Yes	68	56
No	29	41
No opinion	3	3

FOOTNOTES

[1] President's National Crime Commission Report, *Challenge of Change in a Free Society*, p. 239.

[2] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, estimates between 75–100 million firearms in private hands.

[3] *Shooting Industry* magazine, 1968.

[4] Stanford Research Institute, June 11, 1968, see p. 2.

[5] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, 1963 Production, Census of Manufacturers.

[6] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, Bureau of Census Data, Exports and Imports.

[7] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, Bureau of Census Data, Exports and Imports.

[8] Statistics compiled by the Stanford Research Institute, June 11, 1968; Statement of Arnold Kotz, Stanford Research Institute, Hearings Before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 90th Congress, June 27, 1968.

[9] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, Bureau of Census Data, Exports and Imports.

[10] While campaigning for office.

[11] Prior to being sworn-in as President.

[12] Federal Bureau of Investigation Uniform Crime Reports, 1967 (to be released to the public in August 1968).

[13] Figures based on data supplied by the National Center for Health Statistics, Public Health Service, United States Department of Health, Education, and Welfare, Monthly Vital Statistics Report, Vol. 17, No. 1, March 28, 1968.

[14] Figures based on data supplied by the National Center for Health Statistics, Public Health Service, United States Department of Health, Education and Welfare, Monthly Vital Statistics Report, Vol. 17, No. 1, March 28, 1968 and *Accident Facts*, July 1968, published by the National Safety Council.

[15] National Center for Health Statistics, Public Health Service, United States Depart-

ment of Health, Education and Welfare, *Vital Statistics of the United States* and *Mortality Statistics*. See chart, p. 8.

[16] Federal Bureau of Investigation Uniform Crime Reports, 1967 (to be released to the public in August 1968).

[17] Same as [16] above.

[18] Same as [16] above.

[19] Statement of Senator Robert F. Kennedy on July 11, 1967, Hearings before the Senate Subcommittee on Juvenile Delinquency, Judiciary Committee, United States Senate, 90th Congress, p. 158.

[20] *Principal Wars in Which the United States Has Participated*, Director of Statistical Services, Office of the Secretary of Defense, Nov. 7, 1957; Department of Defense Press Release, No. 644–68, July 11, 1968.

[21] See chart, p. 8.

[22] FBI Uniform Crime Reports 1966, p. 6.

[23] FBI Uniform Crime Reports 1966, p. 4.

[24] Statement of New Jersey Attorney General Arthur J. Sills before the Senate Subcommittee on Juvenile Deliquency, United States Senate 90th Congress, June 26, 1968.

[25] Statement of California Attorney General Thomas C. Lynch before the Senate Subcommittee on Juvenile Delinquency, United States Senate, 90th Congress, June 28, 1968.

[26] Statement of Carl K. Miller, Chicago Police Department, Chicago, Illinois, On June 2, 1965, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 278.

[27] Statement of Arthur J. Sills, Attorney General, New Jersey, on June 3, 1965, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee,, United States Senate, 89th Congress, p. 405.

[28] Statement of John B. Layton, Chief of Police, Washington, D.C. on June 2, 1965, before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 290.

[29] Letter from George A. Everett, Superintendent, Indiana State Police, letter dated April 22, 1964, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 3712.

[30] Letter from Leslie W. Williams, Department of State Police, Connecticut, Dated April 13, 1964 to the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 3701.

[31] Statement by Richard R. Caples, Commissioner, Department of Public Safety, Boston, Massachusetts, Exhibits 84, 85, on June 13, 1965, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 346–347.

[32] Statement by William L. Cahalan, Prosecuting Attorney, Wayne County, Michigan, on July 18, 1967, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 90th Congress, p. 369.

[33] Federal Bureau of Investigation Uniform Crime Reports, 1967 (to be released to the public in August 1968).

[34] Federal Bureau of Investigation Uniform Crime Reports, 1966, page 7.

[35] Federal Bureau of Investigation Uniform Crime Reports, 1965, page 6.

[36] Federal Bureau of Investigation Uniform Crime Reports, 1964, page 6, 7.

[37] Federal Bureau of Investigation Uniform Crime Reports, 1966, page 6.

[38] Survey conducted by the Staff of the Senate Subcommittee on Juvenile Delinquency, Judiciary Committee, United States Senate, dated March 15, 1966, entitled "Resume of Subcommittees Questionnaire on Rifle and Shotgun Misuse in Cities of 100,000 or More."

EVERGLADES JETPORT

Mr. MONDALE. Mr. President, the disasters facing Everglades National Park from federally financed projects is one of the real tragedies in the long history of our degradation of the environment. As my colleague, Senator GAYLORD NELSON, has pointed out, we cannot tolerate any further delay in putting a halt to this unnecessary destruction of the third largest national park in this country. With remedies easily at hand, both to Congress and to the executive branch, there is ample opportunity for a resolution of this critical matter.

In its July 1969 Bulletin, the Sierra Club does an excellent job of putting this situation in perspective, and I ask unanimous consent that the article be printed in the RECORD at this point.

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

THE EVERGLADES JETPORT—ONE HELL OF AN UPROAR

(By Gary A. Soucie)

The nation's third largest national park is in trouble, serious trouble. As Undersecretary of the Interior Russell Train stated at the June Senate Interior hearings on the Everglades, "Everglades National Park has the dubious distinction of having the most serious preservation problems facing the National Park Service today. . . ." Everglades National Park is in as much jeopardy as the 22 endangered species of fish and wildlife that find refuge within its boundaries.

The fragile, unique ecology of Everglades National Park is utterly dependent on a reliable supply of pure, fresh water. But the sources of this supply exist outside the park's boundaries, in the sloughs and sawgrass savannahs of the Everglades to the north, in the strands and marshes of the Big Cypress Swamp to the north and west, in Lake Okeechobee almost 70 miles north, and even in the Kissimmee Prairie beyond the lake. And, ever since the 1880's, man has been busy as the proverbial beaver draining, diking, ditching, and otherwise "managing" this water.

The real trouble began in 1948 when Congress authorized the construction of a gigantic flood control, drainage, and reclamation project north of Everglades National Park. Still under construction (at latest count it was $170 million old and still only 48 per cent complete), the project already has the capability of completely shutting off the park from its source of surface water, which was proved during the long and severe drought of the early 1960's.

Designed and built by the Army Corps of Engineers, the project is administered by a state agency, the Central and Southern Florida Flood Control District (FCD). Both of these agencies have been notably more understanding of the project's other water users: citrus growers, beef ranchers, sugarcane growers, vegetable farmers, real-estate developers, and municipal water users. However, since the appointment of conservation-minded Chevrolet dealer Robert W. Padrick to the chairmanship of the FCD's board of governors, the national park has fared considerably better.

But there is no way to insure that the next FCD chairman will be as understanding of the park's problems as Bob Padrick; so the only long-range solution is to secure for Everglades National Park a guarantee to its miniscule, but absolutely necessary share of the project's water. The Corps has several times entered into agreement with the National Park Service, but has backed off each time. The people of the United States have been waiting 21 years now for this guarantee, and in each of those 21 years Congress has appropriated several millions of public dollars to advance construction of the flood control project. It's high time for Congress to secure for the people of the 49 other states their interest in Everglades National Park. That's precious little to ask for all that equity in the water project.

THE NEW ENEMY

But, while conservationists and the National Park Service were engaged in this long struggle to secure the park's water supply, Everglades National Park took a mean blow below the belt from an entirely different foe. On September 18, 1968, ground was broken in the ecotone between the Everglades and the Big Cypress Swamp for the world's largest airport. Just imagine, an airport of 39 square miles, large enough to hold Kennedy, Los Angeles, San Francisco, and Washington national airports with plenty of room left over to spare; with runways six miles long, capable of handling the largest and fastest jet transport aircraft—and just six miles away from, and "upstream" of, Everglades National Park.

Though not exclusively a water problem, the jetport certainly will have an impact on this resource. First consider the degradation of the waters flowing into Everglades National Park from the use of pesticides, fertilizers, and detergents on the airport site, from the inevitable fuel spills, from the effluent of the 35 to 40 million passengers it is expected to serve by 1985. Then, consider the tons of hydrocarbons, petrochemicals, and carbon particulates from unburned and partially burned fuel that will be dumped into water on its way to the park during approach, landing, takeoff, and climbout.

Perhaps even more important is the broad threat to both water quality and quantity posed by the massive development of the Big Cypress Swamp that will be spurred by the construction and operation of the world's largest jetport. It has been estimated that a city of 500,000 to one million inhabitants will spring up in the wilderness of the Big Cypress Swamp. The drainage required by a development of this magnitude (remember, this is Florida swampiand) would siphon off a substantial portion of the park's Big Cypress water supply. And the potential pollution of the rest is fantastic.

In April of this year, the Sierra Club joined with 20 other conservation organizations to oppose the jetport's development at the present site and requested Secretary of Transportation John Volpe to withdraw his department's support and to actively encourage the relocation of the facility.

Jetport backers, including not only the Port Authority but also other Miami and Dade County economic interests and several major airlines, are quick to point out to conservationists that the Big Cypress lands in Collier and Monroe counties are subject to undesirable development whether or not the jetport is developed at the present site. True, but the jetport will accelerate and magnify the development. As Nathan P. Reed, special assistant to Governor Claude R. Kirk, pointed out to the Senate Interior Committee:

"For years competent biologists and ecologists have wondered what would happen to the park if the peripheral Big Cypress lands were ultimately developed. Due to the money squeeze, the problem remained insoluble. In my opinion, the park cannot be saved for future generations if the Big Cypress is allowed to be developed. Even 'planned development' will surely wreak havoc with the water route."

Without the development catalyst of the jetport there might, just might, be time to acquire enough of the Big Cypress and to zone enough of the rest to preserve the west-

ern Ten Thousand Islands section of Everglades National Park. With the jetport, that slim chance is lost.

TRANSPORTATION ACT VIOLATED

Last year, at the urging of Senator Henry M. Jackson, Congress amended the Transportation Act to require consultation between the Secretaries of Transportation and Interior prior to approval of any transportation program or project which uses park, wildlife, or recreation lands of federal, state, or local significance. This language was designed to prevent just the sort of disaster that now threatens the Everglades. The FAA has made an airport construction grant of $500,000 to the Dade County Port Authority without the required consultation between the Secretaries of Transportation and the Interior, and without the required demonstration that (1) there was no "feasible and prudent alternative" and that (2) the airport program included "all possible planning to minimize harm" to Everglades National Park and State Water Conservation Area 3, an important state outdoor recreation area. Not only that, but the Department of Transportation's Federal Railway Administration has announced a $200,000 grant to study high-speed ground transportation connecting the jetport with Miami, 52 miles to the east, and plans are under way to route Interstate Highway 75 connecting Tampa-St. Petersburg and Miami past or through the jetport site.

Port authority and FAA officials have lately been given to public expression of conservation platitudes, but the record is clear: it's the same old flim-flam. The memorandum from the Port Authority staff to the Dade County commissioners recommending the jetport project mentions Everglades National Park just once: "The Everglades National Park south of the site at Tamiami Trail assures that no private complaining development will be adjacent on that side." This great national park was seen exclusively as a buffer, "with no one to complain about the noise except the alligators." And as for the "environmental concern" the jetport sponsors profess to share with the Interior agencies and private conservation organizations, *Aviation Week & Space Technology* published the following statement in their May 22, 1969 issue—before the rising tide of public concern began to well up:

"The bulk of the takeoffs will be out over the 15 miles of clear zone of the undeveloped state-owned water conservation area. . . . Climbouts could then turn south over the Everglades National Park, providing what the airport officials believe to be optimum environmental operating conditions."

This doesn't pass muster as sound environmental planning.

At present the air over Everglades National Park is pure and clear. But what will it be like if the jetport is developed at the present site? Figures on pollutant emissions from jet aircraft engines are readily available from the Department of Health, Education, and Welfare or the Society of Automotive Engineers and are highly reliable. But some inside-outside figure can be calculated to provide an idea of the magnitude of the air pollution problem. Based on 900,000 flights a year—the projected operation level as a full-blown commercial jetport—the airport's annual contribution to the Everglades atmosphere will be something like this:

Carbon monoxide: 9,000 to 72,000 tons.
Nitrogen oxides: 4,150 to 6,000 tons.
Hydrocarbons: 13,000 to 40,250 tons.
Aldehydes: About 1,000 tons.
Particulates: 1,260 to 3,250 tons.
That is big-league air pollution.

And the prognosis for noise pollution isn't much rosier. The supersonic transports the jetport is being built to accommodate (the sign at the gate bills it as "the world's first all-new jetport for the supersonic age") are expected to be noisier than the current generation of jets. And how noisy is that?

When the Anglo-French Concorde made its maiden flight this past winter, NBC reported, "On takeoff, the roar of its four engines could be heard in villages 20 miles away." And the Concorde is expected to be even noisier on approach. Last year *Aerospace Technology* reported, "It is expected that the Concorde will exhibit sideline noise levels of about 118 PNdB [decibels or perceived noise], according to U.S. engineers, and may show a rather startling 124 PNdB figure during approach . . ." Boeing's studies show that its larger, faster, and more powerful SST will probably generate a sideline noise level of 122 PNdB. As a yardstick, 120 decibels is considered the threshold of pain. The current subsonic commercial jets at takeoff generate noise levels three miles away in the range of 120 PNdB.

It is difficult to determine what the noise levels would be within Everglades National Park, but it's a safe bet that they would be considerably higher than a typical national park "noise"—the rustling of leaves, which is rated at 10 decibels. Talk about uproar; if the jetport is developed at the present site, it will turn the wilderness quietude of Everglades National Park into bedlam. Nine hundred thousand flights a year averages out to more than 100 flights an hour, 24 hours a day, 365 days a year.

NEEDED: ONE HELL OF AN UPROAR

Fortunately, Section 4(f) of the Transportation Act gives the Department of Transportation a clear mandate to move the jetport if a "feasible and prudent alternative" exists. At the June 3 hearing before the Senate Interior Committee, alternative sites were identified by two state witnesses: Nat Reed of the governor's office and FCD Chairman Padrick. The sites they identified are both on state-owned land, so a land swap with the Port Authority would make things relatively simple.

But the push for another site isn't going to come from Miami, not while either alternative would benefit Fort Lauderdale, West Palm Beach, and other cities north of Miami along Florida's Gold Coast. The push is going to have to come from Washington, by shutting off the federal subsidy for development at the present, destructive site. And Washington isn't likely to push too hard without a push from the general public. Everglades National Park might well become the first national park to be dis-established, unless the American people stand up in its defense. So far, through the various federally supported programs and projects of diverse agencies and departments, the American public has unwittingly been subsidizing the destruction of Everglades National Park.

As long as the various federal departments and their agencies pursue their separate ways, ignoring the several laws that exist to promote—and that even require—inter-departmental coordination and sound environmental planning, there can be no hope for preserving and restoring the American environment. In many ways the Everglades problems are symptomatic of an even larger problem. Hopefully, President Nixon's new Environmental Quality Council will roll up its collective shirtsleeves and go to bat for Everglades National Park. For if the Everglades are lost, America will have gone one hitless inning toward losing the whole environmental ballgame.

The first step down the long road toward saving Everglades National Park is moving the jetport away from the park. As Senator Nelson observed, moving the jetport will cause one hell of an uproar in Dade and Collier counties. But the jetport isn't likely to be moved unless there is one hell of an uproar in the 50 states of the Union over the threat to Everglades National Park. Conservationists who want to see Everglades National Park given at least a fair chance of survival, are writing President Richard M. Nixon, as well as their senators and congressmen. If the jetport isn't moved, say goodbye to the continent's only subtropical national park and to the world's only Everglades.

RECESS UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p.m.) the Senate took a recess until tomorrow, Friday, August 1, 1969, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES—*Thursday, July 31, 1969*

The House met at 12 o'clock noon.

Rev. Henry E. Pressly, Associate Reformed Presbyterian Church, Charlotte, N.C., offered the following prayer:

Lo, I am with you always, even unto the end of the world.—Matthew 28: 20.

O God, our Heavenly Father, Thou who art above us in the vast space of which we are so aware; Thou who are about us in this beautiful world in which we live; Thou who art within us by the still small voice of Thy spirit, we pause at this noon hour to invoke Thy blessing upon this assembly.

Let Thy divine favor which is life, and Thy loving kindness which is better than life, rest upon our great Nation and the nations of the world at this the most crucial hour in human history. We thank Thee for the freedom which we enjoy and pray Thee to send peace and freedom to our world.

And now, we implore Thee to give to these dedicated men and women vision to see what needs to be done, faith to believe it can be done, and courage to rise up and do it.

In the Master's name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2678. An act to amend section 203 of the Flood Control Act of 1962 to provide for optimum development at Tocks Island Dam and Reservoir project; and

S.J. Res. 140. Joint resolution to provide for the striking of medals in honor of American astronauts who have flown in outer space.

The message also announced that the Presiding Officer of the Senate, pursuant

to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. McGEE and Mr. FONG members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 70–1.

APPOINTMENT OF CONFEREES ON S. 1373, TO AMEND THE FEDERAL AVIATION ACT OF 1958

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, PICKLE, SPRINGER, DEVINE, and CUNNINGHAM.

ROGERS COSPONSORS BILL TO ESTABLISH NATIONAL OCEANIC AND ATMOSPHERIC PROGRAM

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

Mr. ROGERS of Florida. Mr. Speaker, I am today joining with other members of the Subcommittee on Oceanography in introducing legislation to establish a national oceanic and atmospheric program within the Federal Government.

This bill accomplishes two basic purposes: First, it creates a National Oceanic and Atmospheric Agency—NOAA—and, second, establishes a 15-member National Advisory Committee for Oceans and Atmosphere—NACOA.

This legislation encompasses the recommendations of the Commission on Marine Science, Engineering, and Resources, made in its report to the Congress on January 9, 1969.

I feel certain, Mr. Speaker, that with the introduction of this legislation, we are taking a major step in charting a course for national action in marine affairs, and this legislation would create a focal point and unity of effort which have heretofore been lacking within the governmental structure.

The newly created National Oceanic and Atmospheric Agency would consist of the Coast Guard, the Environmental Science Services Administration, the Bureau of Commercial Fisheries, the Bureau of Sport Fisheries and Wildlife—with respect to marine and anadromous fisheries programs—the lake survey of the Corps of Engineers and the National Oceanographic Data Center. The national sea-grant college program, which I previously coauthored, would also be transferred to the new agency—NOAA—from the National Science Foundation.

The Advisory Committee created by this legislation would have a key role in reviewing the progress of the oceanic program and providing liaison with the private sector whose support is very necessary to a successful program.

I am very enthused about this bill and I believe that the creation of this new agency by 1970 will be a fitting beginning to the 1970's, the "decade of oceanography."

REPRESENTATIVE SCHADEBERG INTRODUCES LEGISLATION PROVIDING FOR FEDERAL PARTICIPATION IN THE COST OF CONSERVING SHORES OF THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, AND PRIVATELY OWNED PROPERTY

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

Mr. SCHADEBERG. Mr. Speaker, I am today reintroducing legislation to amend the act of August 13, 1946, relating to Federal participation in the cost of conserving the shores of the United States, its territories, and possessions, to include privately owned property.

When this legislation was originally introduced, it was done so with the cosponsorship of Members whose districts border Lake Michigan and Lake Superior. Support for this measure has been so great from other Members whose districts border the Pacific Ocean, the Atlantic Ocean, the Gulf of Mexico, and the other Great Lakes, that the bill is being introduced with a new list of cosponsors.

The support being generated for this bill is not limited to the House of Representatives. The bill was recently introduced on the Senate side by the Senator from Wisconsin, Mr. GAYLORD NELSON. He is presently enlisting the support of other Members of the Senate.

Mr. Speaker, since the introduction of H.R. 12712 on July 9, 1969, the need for its immediate consideration has increased. As a result of continuing high waters in Lake Michigan, and of storms of a most severe nature in the Midwest, the erosion in my district continues at an ever-increasing rate. The beautiful shorelines are crumbling and the affected homeowners are viewing with desperation the impending destruction of their property.

I firmly believe that our bill will be a great step toward a meaningful policy on shoreline protection. Combined with the protection of public property, protection of private property, which is oftentimes adjacent to the public lands, will prevent the sedimentation of our great bodies of water, will conserve the tax base for the affected municipalities, and will preserve the natural environment we have inherited. From a matter of conservation and the protection of property, I request that immediate consideration be given to this measure.

PRESIDENT NIXON'S VISIT TO SAIGON INSPIRES CONFIDENCE IN THE FREE WORLD

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

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's visit to Saigon yesterday was a trip all Americans can be proud of. The President, by visiting a city that only a year ago was under siege, made it clear that Americans and South Vietnamese together have made remarkable military progress in the ensuing 12 months.

By his very presence the President gave renewed heart to Americans in South Vietnam, surely must have lent hope and inspiration to the South Vietnamese people, and at the same time instilled at least a bit of doubt in the minds of the Communists. Certainly the fact that the President and the First Lady can visit Saigon with impunity must inspire confidence throughout the entire free world in his leadership, and give the "faint hearts" and the "can't wins" in our own land second thoughts.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. STEED. 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. 130]

Ashbrook	Evins, Tenn.	Morgan
Broomfield	Ford,	Morse
Brown, Mich.	William D.	Ottinger
Burton, Utah	Gialmo	Patman
Carey	Gray	Pepper
Cederberg	Halpern	Powell
Celler	Hastings	Scheuer
Clark	Kirwan	Stafford
Cramer	Lipscomb	Sullivan
Davis, Ga.	Long, La.	Teague, Calif.
Dawson	McCarthy	Tunney
Edwards, Calif.	Miller, Calif.	Watson

The SPEAKER. On this rollcall 397 Members have answered to their names, a quorum.

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

PERSONAL ANNOUNCEMENT

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

Mr. EDWARDS of Louisiana. Mr. Speaker, on rollcall No. 129, to extend income tax surcharge, I was unable to be present to vote due to an agency hearing at the Bureau of Roads.

Had I been present and voting I would have voted "no."

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT SATURDAY AND MIDNIGHT MONDAY TO FILE REPORT ON TAX REFORM ACT OF 1969

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight next Saturday night and midnight

next Monday night to file the report to accompany the bill entitled "The Tax Reform Act of 1969."

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

There was no objection.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

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 further consideration of the bill H.R. 13111, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 208, ending on page 50, line 2 of the bill.

AMENDMENT OFFERED BY MR. DANIELS OF NEW JERSEY

Mr. DANIELS of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIELS of New Jersey: On page 49, strike lines 23 through 25, and on page 50, strike lines 1 and 2.

Mr. DANIELS of New Jersey. Mr. Chairman, this amendment seeks to strike the first paragraph of section 208 of the bill. The effect of that paragraph is to reduce by $100,000,000 the allotment base which we prescribed in our Vocational Rehabilitation Amendment of 1967. I should say, first off, that my amendment in no way adds $100,000,000 to this appropriation bill. Rather, it restores our original desire that the allotment base upon which States would base their matching funds would be $600,000,000. That was our desire in 1967 and we reaffirmed it in our Vocational Rehabilitation Amendment of 1968.

We have in this bill already appropriated $471 million for vocational rehabilitation. That figure represents the entitlement of the States based on the $500 million figure. My amendment to restore the House's original $600 million figure would merely permit us at a later date to allocate additional funds which would be based on the $600 million allotment and would be limited to $524 million, an increase in allocations of $53 million.

Yesterday the Chair sustained the distinguished chairman of the Subcommittee on Appropriations on his contention that the language of section 208 is in order. This may be technically correct. However, I think it is a bad policy to set—that when the House on two occasions determines one figure that the committee should be able later to change that figure.

A year ago, I had the honor and privilege of introducing and managing on the floor of this House the Vocational Rehabilitation Amendments of 1968. The House overwhelmingly supported the bill which became law.

I need scarcely remind my distinguished colleagues that at that time we already were in the midst of the budget squeeze, yet we saw fit, for good reason, to reaffirm in these amendments that the several States would be entitled in fiscal 1970 to allotments which represented their respective shares of a $600 million allotment base.

Our reasons were sound. Vocational rehabilitation pays off. It renders employable those who would otherwise be dependent. It converts tax eaters into taxpayers. It thus combats inflation. It is economically justified. It makes sense.

In the language of the act, we pledged, as we had done in earlier years, that the States could budget their required matching funds in full confidence that Congress would appropriate that to which they were respectively entitled under the provisions of the act.

Many State legislatures have already acted on the premise that Congress would respect this distinction and appropriate in conformity with the formal commitment made in the Vocational Rehabilitation Act.

The administration now wants this House to renege on that commitment; it has asked the Appropriations Committee to place in the appropriations bill a limit on spending for vocational rehabilitation which would have the same effect as a reduction of the 1970 allotment base from $600 million to $500 million. Despite the committee report, I, as sponsor of the Vocational Rehabilitation Amendments of 1968, consider that the language of section 208 of the bill before us—H.R. 13111—defeats the provisions of the statute and should not be permitted to stand. I urge the deletion of this language and urge my colleagues who support the vocational rehabilitation program to support my amendment.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would beg the attention of your committee. Wait until you hear these figures. This bill, as it stands right now, provides the full amount of the budget request. This bill provides the full amount. And wait until you hear the amount. It is $499,783,000. We provided $499,783,000 for this cause. That is half a billion dollars, and that is not hay even on this floor. Mr. Chairman, the amount in this bill is $130,793,000 more than you appropriated for 1969. It is that much more than we appropriated last year. In other words, the amount of this bill now is 35 percent above that of last year. Over 35 percent above. Your committee is not unaware of this problem and this Congress is not. Thirty-five percent more than last year.

Now I want you to hear this also, so you will understand it. This is a technical budgetary problem. If this amendment is adopted, it will add $100 million to the base for allotment purposes. There will be $100 million more added to the base. That is what he wants you to do. Do you know the result of that? Do you know what will have to happen? Do you know what you will have to do? You must add something between $50 million and $100 million more in appropriations if this amendment passes. That is on top of the $130,783,000 that your committee has already added. The figure now for total operations is one-half a billion dollars.

Of course, Mr. Chairman, this amendment will have to be defeated.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make one point abundantly clear. The amendment to strike section 208 will not increase appropriations at this time over the amount provided in the bill. What it will do, Mr. Chairman, is something that I believe every Member of this House can support. It will allow the vocational rehabilitation program of services to disabled persons to develop at the pace and in the manner the Congress determined by unanimous vote that it should.

By deleting section 208, we will further stimulate State and local efforts and we will not preclude—as this section will do—the possibility of rendering rehabilitation services to an additional 100,000 handicapped persons. Rather than putting a tight lid on the program, as section 208 will do, the amendment will permit us to consider at a later date a supplemental appropriation which may be required to meet the full Federal commitment to support programs for mentally and physically disabled Americans.

Mr. Chairman, last evening I raised a point of order against section 208 on the basis that this section was legislation on—rather than a limitation on—an appropriation bill. One need not do any more than read the committee report on this legislation—and I refer to page 35—to see the purpose of the amendment and to see that this is clearly an attempt to revise, redirect, and modify the basic authorization. Indeed the committee report at one point reveals that language sent up with the budget submission, designed to accomplish what section 208 sets to accomplish, was rejected by the committee on the ground that it was legislation on an appropriation bill.

Now perhaps the language has been so modified as to make it appear in the negative. Mr. Chairman, the result will be the same. The Committee on Education and Labor, the House of Representatives, and the other body—on virtually unanimous votes—has provided that the 1970 allotment of vocational rehabilitation basic grant money is to be on a $600,000,000 base.

Let us review just briefly the manner in which the section 2 vocational rehabilitation program has been financed in the past. For years, the growth and development of the basic program was con-

trolled not by the authorizing committees but rather by a cooperative effort between the Appropriations Committee and the Bureau of the Budget.

In 1965, it was through the untiring efforts of the gentlelady from Oregon (Mrs. GREEN) that the Congress reestablished in the proper place—that is, the authorizing committee—control over the direction and growth of the program. Under the 1965 amendments, entitlements are to be based on an authorization figure and not on an allotment base established in the appropriations bill as had been the practice.

By leaving section 208 in the bill, we will be reverting to the previous practice of having the program controlled through appropriations language.

I want no one to be misled into thinking that the $600,000,000 allotment base was not arrived at after the most careful consideration of the need for rehabilitation services and the ability of States and local communities to provide matching funds. It is not a figure just grabbed out of the air. The $600,000,000 allotment figure is an intricate and necessary part of a carefully designed financial scheme for rehabilitation services.

As the committee report reveals, Mr. Chairman, it is estimated that by utilizing the $600,000,000 allotment, an additional $53,000,000 of Federal funds will be required for the program. Now I want to repeat again that simply deleting section 208, as is proposed in the amendment, will not increase the appropriation by that amount. It will, however, permit consideration of a supplemental appropriation at a later time. If the Vocational Rehabilitation Administration has been accurate in their estimate of State and local matching capabilities an additional appropriation of approximately $53,000,000 will be needed to match State and local funds and this will provide services to an additional 100,000 and rehabilitation of an additional 24,000 disabled persons.

Section 208 is nothing more than an attempt to tighten the money belt at the expense of handicapped persons. The former administration, recognizing the need for increased support, provided in its budget submission that the $600,000,000 authorization, not a $500,000,000 authorization, be utilized in the distribution of funds.

The Johnson administration budget requested an appropriation of $524,000,000, that is $53,000,000 over the Nixon budget and over the committee bill. We need not appropriate that additional amount right now. But we should not at this time foreclose the possibility of a supplemental appropriation in this amount.

Mr. Chairman, at this point in the RECORD, I should like to insert two charts which will show on a State-by-State basis the application of this restrictive language in the 50 States. Using Alabama as an example, you will note that if the $600,000,000 allotment is utilized, Alabama would be entitled to $17,189,000; whereas under the $500,000,000 allotment figure, Alabama will be entitled to only $14,305,000.

FEDERAL ALLOTMENT AND STATE FUNDS REQUIRED TO MATCH FULL ALLOTMENTS FOR THE BASIC SUPPORT PROGRAM UNDER SEC. 2 OF THE VOCATIONAL REHABILITATION ACT (ALLOTMENT FOR 1970 COMPUTED ON BASIS OF NEW AUTHORIZATION FIGURE $500,000,000)

State or territory	1968 actual		1969 estimate		1970 original estimate		1970 revised estimate	
	Federal allotment	State funds required	Federal allotment	State funds required	Federal allotment	State funds required	Federal allotment	State funds required
Total	$400,000,000	$133,709,982	[1] $500,000,000	[2] $166,666,650	$600,000,000	[3] $150,348,663	$500,000,000	[3] $133,602,607
Alabama	11,614,438	3,871,479	14,333,796	4,777,932	17,189,269	4,297,317	14,305,624	3,666,666
Alaska	356,955	126,474	1,000,000	333,333	1,000,000	250,000	1,000,000	250,000
Arizona	3,889,497	1,296,499	4,816,140	1,605,380	6,060,931	1,515,233	5,044,159	1,261,040
Arkansas	6,653,142	2,217,714	8,211,779	2,737,259	9,994,919	2,498,730	8,318,187	2,496,666
California	22,891,217	7,630,405	28,415,976	9,471,991	37,311,325	9,327,831	31,052,035	8,499,999
Colorado	3,827,849	1,275,950	4,688,645	1,562,882	5,920,113	1,480,028	4,926,964	1,400,000
Connecticut	3,078,520	1,026,173	3,840,274	1,280,091	4,639,078	1,172,667	3,860,833	1,172,667
Delaware	592,356	248,419	1,000,000	333,333	1,019,171	333,333	1,000,000	333,333
District of Columbia	690,542	538,688	4,292,082	1,430,694	5,117,937	1,279,484	4,259,360	1,166,667
Florida	14,313,513	4,771,171	17,709,569	5,903,189	21,220,304	5,305,076	17,660,419	4,415,105
Georgia	12,831,875	4,277,291	15,909,810	5,303,270	18,699,738	4,733,333	15,562,698	4,733,333
Guam	346,160	115,387	419,128	139,709	594,668	148,667	494,907	123,727
Hawaii	1,201,292	400,431	1,516,005	505,335	1,989,729	497,432	1,655,935	490,000
Idaho	1,780,411	593,470	2,198,721	732,907	2,707,720	676,930	2,253,477	563,369
Illinois	13,575,961	4,525,320	16,911,199	5,687,066	20,154,640	5,038,660	16,773,529	4,833,333
Indiana	9,124,956	3,041,652	11,374,815	3,791,605	13,579,972	3,394,993	11,301,816	2,825,454
Iowa	5,851,222	1,950,407	7,189,956	2,396,651	7,772,820	1,943,205	6,468,864	1,873,333
Kansas	4,616,050	1,538,683	5,722,706	1,907,569	6,887,096	1,721,774	5,731,728	1,432,932
Kentucky	9,693,644	3,231,214	11,907,952	3,969,317	14,057,727	3,514,432	11,699,424	2,924,856
Louisiana	10,798,120	3,599,373	13,456,569	4,485,523	15,966,365	3,991,591	13,287,872	3,321,968
Maine	2,642,608	880,936	3,207,429	1,069,143	3,711,616	927,909	4,088,977	772,244
Maryland	5,711,428	1,903,809	7,136,622	2,378,874	8,784,552	2,196,138	7,310,868	2,166,666
Massachusetts	8,033,246	2,677,748	9,919,235	3,306,411	12,040,068	3,010,017	10,020,244	2,505,061
Michigan	13,746,506	4,582,168	17,277,511	5,759,170	20,219,464	5,054,866	16,827,478	4,206,870
Minnesota	7,418,966	2,472,988	9,111,787	3,037,262	10,706,498	2,676,624	8,910,392	2,626,666
Mississippi	8,993,132	2,997,710	11,126,146	3,708,715	13,043,419	3,260,855	10,855,275	2,713,819
Missouri	9,352,545	3,117,515	11,708,978	3,902,992	14,310,542	3,577,636	11,909,827	2,977,457
Montana	1,650,272	550,091	2,020,545	673,515	2,420,798	605,200	2,014,689	503,672
Nebraska	3,162,940	1,054,313	3,822,202	1,274,067	4,247,233	1,061,808	3,534,724	883,681
Nevada	480,551	168,881	1,000,000	333,333	1,000,000	333,333	1,000,000	333,333
New Hampshire	1,467,845	489,282	1,812,964	604,321	2,166,433	541,608	1,802,995	450,749
New Jersey	8,670,421	2,890,140	10,792,777	3,597,592	13,779,438	3,444,860	11,467,821	2,866,955
New Mexico	2,761,811	920,604	3,323,350	1,107,783	4,136,930	1,034,232	3,442,925	860,731
New York	22,120,692	7,373,563	27,238,438	9,079,478	33,571,558	8,392,890	27,939,645	7,604,333
North Carolina	15,246,445	5,082,148	18,802,359	6,267,452	22,170,856	5,542,714	18,451,508	4,612,877
North Dakota	1,781,034	593,678	2,146,802	715,601	2,488,325	622,081	2,070,888	517,722
Ohio	18,810,948	6,270,315	23,406,875	7,802,291	28,110,778	7,027,694	23,394,958	5,848,740
Oklahoma	6,561,095	2,187,031	8,165,768	2,721,922	9,653,985	2,413,496	8,034,448	2,266,666
Oregon	3,707,052	1,235,684	4,647,579	1,549,193	5,819,719	1,454,930	4,843,412	1,275,667
Pennsylvania	22,291,321	7,430,440	27,442,693	9,147,563	32,640,460	8,160,115	27,164,746	8,073,333
Puerto Rico	11,544,451	3,848,150	14,308,711	4,769,570	17,061,899	4,265,475	14,199,621	3,549,905
Rhode Island	1,637,845	545,948	2,012,663	670,888	2,385,304	608,333	1,985,149	608,333
South Carolina	8,951,709	2,983,903	11,031,024	3,677,008	13,024,749	3,266,666	10,839,737	3,266,666
South Dakota	1,980,986	660,329	2,400,429	800,143	2,582,477	645,619	2,149,244	537,311
Tennessee	12,079,348	4,026,449	14,845,028	4,948,342	17,439,535	4,359,884	14,513,905	3,628,476
Texas	27,112,099	9,037,365	33,604,356	11,201,451	40,030,458	10,007,614	33,315,009	8,328,753
Utah	2,436,305	812,102	3,034,612	1,011,537	3,910,851	977,713	3,254,773	900,000
Vermont	1,066,105	355,368	1,345,901	448,634	1,482,205	370,551	1,233,553	334,333
Virginia	11,042,361	3,680,787	13,626,350	4,542,116	16,172,053	4,043,013	13,459,054	3,364,764
Virgin Islands	199,042	66,347	265,271	88,424	354,270	88,568	294,838	73,710
Washington	5,070,681	1,690,227	6,440,488	2,146,829	7,619,357	1,904,839	6,341,146	1,808,000
West Virginia	5,539,426	1,846,475	6,807,131	2,269,043	8,128,215	2,033,333	6,764,638	2,033,333
Wisconsin	8,306,155	2,768,718	10,252,854	2,417,618	11,902,413	3,050,333	9,905,682	3,050,333
Wyoming	694,709	231,570	1,000,000	333,333	1,000,000	267,000	1,000,000	267,000

[1] Based on allotment percentages promulgated in Federal Register on Sept. 24, 1966.

[2] Adjusted for maintenance-of-effort provision. Actual matching funds required may vary as a result of the earnable matching rate applicable to construction expenditures in fiscal year 1969.

[3] Adjusted for maintenance-of-effort provision. Actual matching funds may vary as a result of actual State expenditures for 1969, and earnable matching rate applicable to construction expenditures in fiscal year 1970.

FEDERAL GRANTS AND STATE FUNDS REQUIRED FOR BASIC SUPPORT PROGRAM UNDER SEC. 2 OF THE VOCATIONAL REHABILITATION ACT (1970 FEDERAL GRANTS ARE BASED ON THE NEW $500,000,000 ALLOTMENT AUTHORIZATION)

State or territory	1968 actual		1969 estimate		1970 original estimate		1970 revised estimate	
	Federal grants	State funds	Federal grants	State funds	Federal grants	State funds	Federal grants	State funds
Total	$286,861,083	[1] $96,378,306	$345,900,000	$115,299,987	[2] $523,000,000	[3] $132,621,984	[2] $470,000,000	[3] $126,694,070
Alabama	9,555,000	3,184,997	11,000,000	3,666,666	15,939,681	3,984,920	14,199,588	3,666,666
Alaska	356,955	[1] 126,474	700,000	233,333	1,000,000	250,000	1,000,000	250,000
Arizona	2,854,327	951,441	3,207,000	1,069,000	4,637,316	1,159,329	4,722,562	1,180,640
Arkansas	6,553,142	2,184,378	7,490,000	2,496,666	9,741,755	2,496,666	8,256,531	2,496,666
California	21,791,217	7,236,732	25,500,000	8,499,999	34,598,947	8,649,737	30,821,872	8,483,799
Colorado	3,747,849	1,249,282	4,200,000	1,400,000	5,770,016	1,442,540	4,890,445	1,400,000
Connecticut	2,674,958	891,652	3,518,000	1,172,667	4,301,836	1,113,333	3,832,216	1,113,333
Delaware	592,356	[1] 248,419	1,000,000	333,333	1,000,000	333,333	1,000,000	333,333
District of Columbia	690,542	[1] 538,688	3,500,000	1,166,667	4,745,885	1,186,471	4,227,789	1,166,667
Florida	10,491,545	3,497,178	12,700,000	4,233,333	20,544,853	5,136,213	17,529,517	4,382,379
Georgia	12,531,875	4,177,287	14,200,000	4,733,333	17,340,344	4,733,333	15,447,345	4,733,333
Guam	279,592	93,197	228,000	76,000	428,714	107,178	436,596	109,149
Hawaii	1,118,292	372,764	1,470,000	490,000	1,845,084	470,000	1,643,661	470,000
Idaho	679,800	226,600	1,048,000	349,333	2,101,614	525,404	2,140,248	535,062
Illinois	12,500,000	4,166,663	14,500,000	4,833,333	19,644,136	4,911,034	16,649,201	4,833,333
Indiana	2,645,493	881,830	2,552,000	850,667	4,015,285	1,003,821	4,089,097	1,022,274
Iowa	4,266,300	1,422,099	5,620,000	1,873,333	7,575,939	1,893,985	6,420,916	1,873,333
Kansas	1,544,973	514,990	1,770,000	590,000	4,096,915	1,024,229	4,172,228	1,043,057
Kentucky	4,325,000	1,441,665	5,700,000	1,900,000	9,087,434	2,271,858	9,254,486	2,313,622
Louisiana	6,099,340	2,033,111	7,660,000	2,553,333	12,940,787	3,235,197	13,178,674	3,294,668
Maine	787,170	262,390	1,120,000	373,333	2,416,594	604,148	2,461,018	615,255
Maryland	5,711,428	1,903,807	6,500,000	2,166,666	8,145,951	2,166,666	7,256,679	2,166,666
Massachusetts	5,432,412	1,810,802	6,950,000	2,316,666	9,986,245	2,496,561	9,945,972	2,486,493
Michigan	8,899,720	2,966,570	11,525,000	3,841,666	19,707,318	4,926,829	16,702,750	4,175,688
Minnesota	6,399,467	2,133,154	7,880,000	2,626,666	10,435,310	2,626,666	8,844,347	2,626,666
Mississippi	4,485,896	1,495,297	5,110,000	1,703,333	12,713,038	3,178,260	10,774,814	2,693,704
Missouri	6,683,578	2,227,857	8,395,000	2,798,333	13,270,225	3,317,556	11,821,549	2,955,387
Montana	938,363	312,787	1,130,000	376,667	2,020,459	505,115	1,999,756	499,939
Nebraska	1,966,600	655,533	2,140,000	713,333	3,938,477	984,619	3,508,524	877,131
Nevada	480,551	[1] 169,881	1,000,000	333,333	1,000,000	333,333	1,000,000	333,333
New Hampshire	319,335	173,111	662,000	220,667	1,895,200	473,800	1,789,631	447,408
New Jersey	7,092,352	2,364,115	8,550,000	2,850,000	12,777,731	3,194,433	11,382,820	2,850,000
New Mexico	912,576	304,192	990,000	330,000	3,534,522	883,630	3,417,405	854,351
New York	19,338,972	6,827,698	22,813,000	7,604,333	32,721,213	8,180,303	27,732,552	7,837,666
North Carolina	9,963,518	3,321,169	11,411,000	3,803,666	21,609,283	5,402,321	18,314,742	4,578,686
North Dakota	930,000	310,000	1,300,000	433,333	2,307,434	576,858	2,055,538	513,884
Ohio	8,811,641	2,937,211	9,168,000	3,056,000	18,095,370	4,523,842	18,428,014	4,607,004
Oklahoma	5,405,929	1,801,975	6,800,000	2,266,666	8,952,182	2,266,666	7,974,895	2,266,666
Oregon	2,975,682	991,893	3,827,000	1,275,667	5,368,648	1,342,162	4,807,512	1,275,666
Pennsylvania	20,799,680	6,933,220	24,220,000	8,073,333	30,267,635	8,073,333	26,963,397	8,073,333
Puerto Rico	3,100,000	1,033,332	3,124,000	1,041,333	7,797,365	1,949,341	7,940,703	1,985,176
Rhode Island	1,626,845	542,281	1,825,000	608,333	2,324,886	603,333	1,970,435	603,333
South Carolina	8,022,973	2,674,322	9,800,000	3,266,666	11,969,782	3,266,666	10,759,391	3,266,666
South Dakota	1,008,960	336,320	1,117,000	372,333	1,721,839	430,460	1,753,491	438,373
Tennessee	5,379,300	1,793,098	7,500,000	2,500,000	11,292,116	2,823,029	11,499,696	2,874,924
Texas	14,566,459	4,855,481	18,700,000	6,233,333	37,103,825	9,275,956	33,068,073	8,267,018
Utah	2,220,000	739,999	2,700,000	900,000	3,626,548	906,637	3,230,648	900,000
Vermont	962,748	320,916	1,003,000	334,333	1,444,662	361,166	1,224,410	359,333
Virginia	7,072,975	2,357,656	9,470,000	3,156,666	14,996,412	3,749,103	13,359,293	3,339,823
Virgin Islands	100,000	33,333	131,000	43,667	253,415	63,354	258,073	64,518
Washington	4,573,255	1,524,417	5,424,000	1,808,000	7,426,364	1,856,591	6,294,144	1,808,000
West Virginia	5,453,973	1,817,989	6,100,000	2,033,333	7,922,333	2,033,333	6,714,497	2,033,333
Wisconsin	8,270,169	2,756,720	9,151,000	3,050,333	11,600,933	3,050,333	9,832,259	3,050,333
Wyoming	670,000	223,333	801,000	267,000	1,000,000	267,000	1,000,000	267,000

[1] Adjusted to reflect the 1965 level of expenditures of State funds.
[2] Excludes $1,000,000 for evaluation of vocational rehabilitation program.
[3] Adjusted for maintenance of effort provision. Actual matching funds required may vary as a result of State funds expended in fiscal year 1969 and the earnable matching rate applicable to construction expenditures in fiscal year 1970.

Mr. Chairman, in many of my colleagues' districts, there are existing projects or plans for the construction of rehabilitation facilities. Under amendments approved last year, States may use a portion of their section 2 entitlements for construction purposes. For this reason alone, Mr. Chairman, it is important that we provide for an allotment on the basis of $600,000,000 rather than the more restrictive provision of the bill.

If there is any program covered by this bill which should not be subjected to the budgetary squeeze, it is the basic vocational rehabilitation program of services to the disabled. One cannot find a Federal program which enjoys as much support in Congress. Let us not today lessen our support for that program by allowing this section to stand. Let us not turn our backs on the thousands of disabled we have promised services.

Mr. BRADEMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey (Mr. DANIELS), and to which the distinguished chairman of the Committee on Education and Labor has just given his support.

Last night the Members of this body had a very proud moment in supporting the amendment offered by the gentleman from New York (Mr. CAREY), and added $15 million for a much-needed appropriation to educate the handicapped. I think the amendment before us moves in the same direction, but I must add that there is a significant distinction in Mr. DANIELS' amendment in that it does not require any additional appropriation.

It ought to be made very clear, Mr. Chairman, as the gentleman from Kentucky (Mr. PERKINS) and the gentleman from New Jersey (Mr. DANIELS) have pointed out, that striking section 208 does not mean the appropriation of an additional $100 million and thereby raise the figure from $500 million to $600 million. What it does mean, Mr. Chairman, is that the $600 million figure, which is the authorized figure, will be the base upon which the Federal Government makes allocations to the various States for vocational rehabilitation services for the handicapped.

The processes for arriving at this figure are as meticulate and as exact as they can be made.

I think that Members realize that the funds under this section in the Vocational Rehabilitation Act are distributed on a matching basis. Very careful studies are made to determine just what the States can come up with for this vital program for the disabled.

It would seem to me, Mr. Chairman, to be most unwise for us to act capriciously, and to change this carefully worked out base figure of $600 million.

So I hope very much, Mr. Chairman, that we will support the Daniels amendment, and thereby not shut off the chances for a supplemental appropriation to the States for vocational rehabilitation programs.

Therefore, Mr. Chairman, I urge that the amendment offered by the gentleman from New Jersey (Mr. DANIELS), be approved.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is very nice to hear our good friends, the gentleman from Kentucky (Mr. PERKINS), and the gentleman from Indiana (Mr. BRADEMAS), talk about the provision not calling for an increase in appropriations in this bill, and that is true, but the key issue here is something called an uncontrollable.

You cannot increase this base from $500 million to $600 million without coming in here later, if the full entitlement is used up among the States, to ask for a supplemental appropriation to the tune of $53 million. That is what we are talking about.

You do not get something for nothing. I do not buy that argument. And nobody else in this Chamber, other than the gentlemen who previously spoke, will buy such an argument.

What do you think we have done in this area with respect to vocational rehabilitation appropriations? In 1965, appropriations for this program were in the area of $100 million. We have increased them successively, however, for 5 years up to $499 million for fiscal year 1970.

The first effect, of course, if we increase this allotment from $500 million to $600 million would be that subsequently we would have to provide supplemental appropriations of $53 million.

Incidentally, that would result in a total increase in 1970 over 1969 of $178.1 million, or an increase of 52 percent—the largest increase of any item in this bill.

As a matter of fact, as the chairman of the committee pointed out, our bill, without this kind of an increase, provides for a 36-percent increase for this item, and that is a larger increase than is provided for any other item in the bill.

Now I think we should make it very clear that every State receives an increase in Federal support for this program in 1970 with very little additional outlay on its part. This is what is in the bill already, without this proposed change.

This occurs, of course, because the basic statute authorizes up to 80 percent Federal matching in 1970, whereas the maximum Federal matching in 1969 was 75 percent. We accomplished that through amendments to the Organic Act.

To allow this program to go uncontrolled in 1970, using the $600 million allotment base, would result in a windfall in many States because they would pick up a significant increase of Federal funds without significantly increasing their own financial participation.

Under the $600 million allotment, the State matching funds would increase by only—now get this—by only $17.3 million. And that would compare to the increase in Federal funds of $178 million.

The State matching funds in the fiscal year 1969 amounted to $115.3 million. If the $600 million allotment proposal were adopted, State funds would amount to $132.6 million.

All of this might be an appropriate objective for the future, but not at this time of fiscal crisis. We increased this basic allotment in 1969 to $500 million so we ought to stay at $500 million this year.

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

Mr. MICHEL. I yield to the gentleman.

Mr. PERKINS. Let me say to the gentleman that this is just a clever gimmick to curtail the growth of a program which furnishes services to the handicapped of the Nation. It will reduce rehabilitation services by $53 million of what we have promised. Section 208 makes us renege on our promise.

Mr. MICHEL. We are not doing that at all; the gentleman is dead wrong.

Mr. PERKINS. If the gentleman will yield, we are reneging since these entitlements amount to a commitment on our part. We have provided for an allotment on a $600 million figure, not on a $500 million basis. That is what the gentleman is advocating and we would be reneging on our commitments to the States.

Mr. MICHEL. I think the facts and figures that we have set forth here belie the gentleman's argument.

Mrs. REID of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would say, first of all, that our committee does realize that this is a worthwhile program.

Second, I feel that section 208 is not a gimmick.

Mr. Chairman, the bill includes $471 million for the Federal-State basic support program under section 2 of the Vocational Rehabilitation Act. This represents an increase of $125.1 million or 36 percent more than the amount appropriated in fiscal year 1969. This budget would finance a national rehabilitation caseload of about 900,000 persons and enable the State vocational rehabilitation agencies to rehabilitate approximately 241,000 disabled individuals.

If section 208 is struck from the bill we would return to the allotment base of $600 million authorized in the Vocational Rehabilitation Act of 1967 and it would require an increase of $178.1 million over last year's appropriation or $53 million more than is now proposed. I feel that most of us would agree that the amount provided under the $500 million allotment base—which represents an increase of more than one-third over last year—in such a year of fiscal austerity is very generous, even for such a worthwhile program as this. Therefore, I would urge that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DANIELS of New Jersey and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 74, noes 110.

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to ask someone on the committee a question or two concerning the National Computer Job Bank. Is there any money in this bill for financing of a National Computer Job Bank?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, this is the first time I have heard the phrase used.

Mr. GROSS. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after October 12, 1968, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution: *Provided*, That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether such individual was involved in such conduct: *Provided further*, That none of the funds appropriated by this Act shall be used to formulate or carry out any grant or loan or interest subsidy to any institution of higher education other than to such institutions certifying to the Secretary of Health, Education, and Welfare at quarterly or semester intervals that they are in compliance with this provision.

POINT OF ORDER

Mr. REID of New York. Mr. Chairman, I have a point of order against section 407 of H.R. 13111, as it constitutes legislation on an appropriation bill.

Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman will state his point of order.

Mr. REID of New York. Mr. Chairman, I will.

Mr. Chairman, section 407 constitutes legislation on an appropriation bill, and, in my judgment, is inconsistent with rule XXI, section 843 of the Rules of the House of Representatives for the 91st Congress. While a straight limitation on an appropriation bill is in order, it is my understanding of rule XXI which I quote that—

Such limitations must not give affirmative directions, and must not impose new duties upon an executive officer.

Specifically, Mr. Chairman, section 407 of the bill in my judgment imposes permanent new duties on the executive and requires as well a number of judgmental decisions not now required by law, which are complex and far reaching.

Under the act:

No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary . . . to any individual . . . who has engaged in conduct on or after October 12, 1968, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent

the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution: *Provided,* That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as is deems appropriate but which are not dilatory in order to determine whether such individual was involved in such conduct: *Provided further,* That none of the funds appropriated by this Act shall be used to formulate or carry out any grant or loan or interest subsidy to any institution of higher education other than to such institutions certifying to the Secretary of Health, Education, and Welfare at quarterly or semester intervals that they are in compliance with this provision.

Specifically, Mr. Chairman, following this language and keeping in mind rule XXI which prohibits limitations from giving affirmative directions or imposing new duties upon an executive officer, I ask the following questions:

One. Who is to determine whether proceedings are not dilatory?

Two. Who is to determine which institutions did not file certifications?

Three. Who, Mr. Chairman, is to determine and make the judgment as to whether the conduct involved the "threat of force" or the "assistance to others in the threat of force?"

Four. What constitutes "property under the control of an institution of higher education?" Does this involve rent, leasehold, or what?

Five. What constitutes requiring or preventing "the availability of certain curriculum"?

Put another way, Mr. Chairman, the statute requires that a judgment be made as to time, the character of the action involved, and the intent of those so involved.

Further as to the point of order, Mr. Chairman, under section 1706 of Cannon's Precedents, volume 7, I would quote briefly from the Chairman during the 1923 debate on a D.C. appropriation bill concerning the compensation of jurors. The Chairman asked, and I quote:

Is (this limitation) accompanied by a phrase which might be construed to impose additional duties or permit an official to assume an intent to change existing law?

Does the limitation curtail or extend, modify, or alter existing powers or duties, or terminate old or confer new ones? If it does, then it must be conceded that legislation is involved, for without legislation these results could not be accomplished.

The point of order in this instance against the provision was sustained.

Further, Mr. Chairman, in support of this position and consistent with section 1606 of Cannon's Precedents, volume 7, I would cite the important precedent wherein a point of order was sustained regarding limitations on appropriation bills and new duties being imposed on an executive officer. This was the case of an appropriation for the U.S. Shipping Board, where no moneys appropriated could be used to repair a vessel owned by the Government at a cost in excess of $50,000 until Government Navy yards had had an opportunity to estimate the cost of repair. A point of order was sustained on the ground that new duties had been imposed on an executive officer who would have to: First, determine the cost of repair, second, determine what a reasonable opportunity was and give this reasonable opportunity to the available Government Navy yards; and, third, find the available Navy yards and give them a reasonable opportunity to estimate the cost of the work to be done.

Likewise, Mr. Chairman, the new duties imposed on an executive officer in section 407 include: First, that he shall receive quarterly or semester certifications from institutions; second, that he shall determine which institutions failed to certify; third, that he shall terminate all aid to those institutions which failed to certify; and, fourth, that student funds are mandatorily to be cut off following the institution of certain proceedings.

These are, in my judgment, rather formidable new and affirmative duties—national in character.

Lastly, Mr. Chairman, the institution must initiate such proceedings as it deems appropriate to determine whether a student is involved in this conduct.

However, such proceedings must not be dilatory. What is not a matter of institutional determination is that which is or is not dilatory. Hence a Federal standard determined by Federal officials will be required.

Mr. SIKES. Mr. Chairman, I would like to be heard on the point of order. I rise in opposition to the point of order raised by the gentleman from New York.

Section 407 I feel should be held in order. It is a limitation. It is not legislation on an appropriation bill. It relates clearly to funds appropriated under this act and sets and establishes certain criteria to be met before the funds can be used. It does not force any institution to take any action. It simply requires that certain conditions be met if funds are to be obtained for loans and grants to students and teachers. If the institutions do not care to meet the requirements, they are not under any obligation to take the money.

There is a parallel between this case and one in volume 7 of Cannon's Precedents, section 1584, which held in order an amendment prohibiting expenditure of money appropriated for education of aliens for citizenship until arrearage connected with granting of citizenship was disposed of. In that case, the problem was one of arrearage of work required of the aliens and in the current instance in the case of campus disorders, the students would simply have to quit misbehaving in order to qualify for funds.

I would also call the attention of the Chair to section 1718 of volume 7 of Cannon's Precedents in a decision which involved language denying use of an appropriation until a conference had been called.

Then I would call the Chair's attention to section 3942 of volume 4 of Hinds' Precedents, which required certification before money could be paid to the Agricultural College of Utah—the certification to be to the effect that no trustee, officer, instructor, or employee of such college is engaged in the practice of polygamy.

I want to quote, Mr. Chairman, from section 3942:

While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications. On January 30, 1901, the agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk had read the paragraph relating to agricultural colleges, when Mr. Charles B. Landis, of Indiana, proposed this amendment:

"*Provided,* That no part of the appropriation shall be available for the agricultural college of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations."

Some debate having taken place, and Mr. William H. King, of Utah, having suggested a point of order, the Chairman said:

"There are two reasons why the Chair would be inclined to overrule the point. In the first place it comes rather late, and in the second place the amendment seems to be a limitation upon this appropriation."

The amendment was agreed to.

Now, Mr. Chairman, the language of the act did not say that the officials, instructors, and so forth, had to quit polygamy. It simply said the college and its personnel would not get any Federal funds unless they did.

The language of the pending section 407 does not say that students must stop rioting. It simply says that they will not be given loans and grants unless they do so. Language of that type having been held in order it seems that the language now before us in section 407 is in order. These are clear precedents, Mr. Chairman, and I submit that they provide ample justification for a ruling against the point of order.

The CHAIRMAN. Does the gentleman from New York (Mr. REID) desire to be heard further on the point of order?

Mr. REID of New York. Yes, Mr. Chairman. I would add one or two brief words. First, there are specific new affirmative directions in section 407, specifically the determination as to whether the proceedings are or are not dilatory. That is a specific requirement upon the Secretary and clearly a new duty.

In addition, it is very clear that the new duties include determining institutional cutoffs for about 2,300 colleges and universities throughout the United States and the termination of funds to any individual not as a result of conviction or even of completed proceedings. These clearly constitute new duties and affirmative directions.

The CHAIRMAN (Mr. HOLIFIELD). The Chair has listened with great attention to the gentleman from New York who has raised the point of order and also the gentleman from Florida (Mr. SIKES) who has cited a number of precedents.

The Chair has read the precedents cited and is ready to rule.

The gentleman from New York (Mr. REID) has raised this point of order against section 407 on the ground that

it constitutes legislation on an appropriation bill.

The Chair has examined the section referred to and notes while it imposes a restriction on the use of funds now in the bill, it also carries a condition precedent to the imposition of this limitation which would require determinations regarding whether or not the limitation is to apply. Some official or officials would be required to follow the hearing procedures at each institution of higher education in many of several forms, including whether the institution has had an opportunity to initiate hearing procedures; whether such procedures are final, and whether they have been dilatory.

The Chair has examined the ruling made by Chairman FASCELL on October 4, 1966, of the 89th Congress, second session, CONGRESSIONAL RECORD, volume 112, part 18, page 24976, regarding a similar proposition. It was held at that time, that:

> While the House may, by way of a limitation, restrict the use of funds in an appropriation bill, it may not, under the guise of a limitation impose additional new determinations on an Executive.

The Chair, therefore, sustains the point of order.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 55 after line 8 insert the following:

"SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution: Provided, That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether such individual was involved in such conduct.

POINT OF ORDER

Mr. BRADEMAS. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Iowa (Mr. SMITH). I do so on the ground that it constitutes legislation on an appropriation bill.

Further, Mr. Chairman, I call to the attention of the Chairman that the language offered by the gentleman from Iowa (Mr. SMITH) is exactly the same in respect of all of the determinations that must be required of an official of the executive branch, determinations with respect to which the Chairman has earlier ruled on the point of order of the gentleman from New York (Mr. REID) to make this kind of an amendment out of order.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) desire to be heard on the point of order raised by the gentleman from Indiana (Mr. BRADEMAS)?

Mr. SMITH of Iowa. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, I would like to point out that in addition to the precedents cited by the gentleman from Florida (Mr. SIKES) that the language here is strictly standard language in that it says:

> No part of the funds appropriated under this Act shall be used—

And so forth. I would also point out that absolutely no executive official has to do one thing under this amendment. The only thing that is done is by officials of institutions, not executives of the Federal Government. This certification requirement that would have been filed with an executive was in the proviso that was left out. No official—I repeat—no executive of the Federal Government has to do one thing under this amendment.

The CHAIRMAN. The Chair has listened to the argument for the point of order, and also the argument against the point of order, and the Chair finds that its previous ruling will apply to this same question, the same point of order, because while the gentleman's amendment has changed the date of effectiveness from October 12, 1968, to August 1, 1969, and has failed to include in his amendment the last provision on page 56 in the original section 407, it nevertheless requires a determination on the part of someone that a proceeding has been initiated, and a determination has been made as to whether such proceeding was or was not dilatory in nature.

The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 55 after line 8 insert the following:

"SEC. 407. None of the funds appropriaited by this Act shall be used to formulate or carry out any grant to any institutions of higher education that is not in full compliance with Section 504 of the Higher Education Amendments of 1968 (P.L. 90–575)."

Mr. SIKES. Mr. Chairman, I want to give full credit to the distinguished gentleman from Iowa (Mr. SCHERLE) whose language this is. He has offered it twice previously, when appropriations bills were under debate, and each time the amendment was adopted first by the House and later by the Senate.

It is language which obviously is not subject to a point of order and, therefore, will have to be voted up or down by the House. This time we shall have to face the issue.

I think the overwhelming majority of the House will not want to leave the impression that we favor campus disorder. That is the impression that can well be left if the question of strong language in this bill is determined by the device of striking out whatever language may be offered by points of order. It is time to show our colors by voting for or against language which deals with the problem itself.

The language in the amendment now before the Committee is not as strong as that stricken by points of order and consequently will not, in my opinion, be as effective as the language of the bill or the amendment later offered by the gentleman from Iowa, Mr. SMITH.

Nevertheless, it can be an expression of the interest of the House in having campus disorders curbed.

I want the country to know that in this bill which carries money for health, education, and welfare and, therefore, appropriates most of the money which will be available for loans and grants to students and to colleges, we are not giving a blank check for a continuation of the type of disturbances which have so seriously interfered with academic processes and with efforts to learn by serious students.

The action which I sponsor will serve notice to this administration and to college officials alike that the House wants the law respected; it does not want funds to be supplied willy-nilly to those who are attempting to tear down the institutions of learning with which this country is blessed.

This is midsummer and there are few, if any, campus disorders, but do not be deceived, campus disorders are not normally associated with summer problems and they will be back in full force this fall.

The malcontents already are making their plans. They anticipate that colleges generally will continue to ignore the law, and that the Department of Justice will not overly concern itself with campus violence. The fact that there have been few efforts to deny Federal grants and loans to troublemakers on campuses will most assuredly encourage further disorders. Very few grants or loans have been revoked, and I have serious doubts that many of the troublemakers have been questioned about their eligibility to continue receiving them.

The time and place to cope with this problem is now. We do not want campus disorders to continue. Unless I am seriously mistaken, the American people are heartily sick of the rioting and destruction which have been tolerated on campuses—much of it sponsored by professional troublemakers with Communist affiliations, some of it encouraged by softheaded professors, and most of it tolerated by weak-kneed college presidents. It is time for an acceptance of responsibility by those charged with administration of college campuses, and the language of the pending bill will require a much greater measure of compliance with the law than we have had previously.

A letter has been circulated from the Secretary of Health, Education, and Welfare and the Attorney General which implies opposition to language in this bill against campus disorders. Let me quote from one paragraph:

> First, forcing institutions to submit or certify that they have developed such policies and plans dealing with campus disorders would imply a Federal standard by which their policies and plans would be judged.

The Federal government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, facility, and other university employees.

The language in the bill does not require the development of policies and plans dealing with campus disorders, although these certainly should be formulated. There is nothing to suggest a Federal standard by which the policies and plans of institutions would be judged. The Federal Government is not by the language of the bill placed in the role of enforcer or overseer of rules and regulations, but it should not be expected that Federal funds will be provided to law violators, Admittedly, we propose strong medicine. Compliance with the law, however, simply means that the institution is taking necessary action to curb disorder by taking proper steps to deny Federal funds to the troublemakers who are identified as such.

I am surprised and disturbed that the Federal agencies would inject themselves into this matter. I think it must be said, however, that bureaucracy under any administration wants a servile Congress—a Congress which will give them what they want, then roll over and play dead. That is not what Congressmen are elected for. Congress is one of three coequal branches of Government. I propose that we not abdicate the responsibility with which we are charged.

Had these same administration officials taken vigorous action since January 20 to insure that the law is not being ignored and violated, I doubt seriously that it would be necessary today that Congress take action to stop malcontents from disrupting classes, destroying property, and seizing control of university buildings.

If the basic law is followed, there will be no problems in the administration of the language of the bill. Surely the House recognizes the fact that something is required. Surely we know the law now largely is being ignored. Apparently, Congress must do something to require that it be respected. This is our opportunity to do so.

Please remember that the President himself, in his speech in South Dakota, cracked down hard on those student revolutionaries who prefer coercion to persuasion. He accused them of "self-righteous moral arrogance" and of refusing to acknowledge the rights of others.

He also had some tough words for sympathetic faculty members who "follow the loudest voices" and "parrot the latest slogans"—and for "permissive" university administrators who bow to protesters' unreasonable demands.

In this effort to strengthen university backbone, the President warned that the more victories student violence can claim, the more undermined are the rights of all students.

The President's own words should give all the encouragement that is necessary to insure retention of language in this bill which adds muscle to his message.

POINT OF ORDER

Mr. MOSS. Mr. Chairman, I make the point of order that the galleries are not in order and that the applause is in violation of the rules of the House and must stop.

The CHAIRMAN. The point of order is well taken.

The Chair will state that visitors in the gallery are guests of the House of Representatives. Under the rules and practices of the House of Representatives, visitors in the gallery are not permitted to make undue noise or to applaud or to in any way show their pleasure or displeasure as to the actions of the Members of the House.

Mr. SCHERLE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I quote from the Adair News, of Adair, Iowa:

Higher education is threatened with collapse. That is the conclusion a great many people feel can be drawn from the events that have accompanied campus disorders. Their feelings are buttressed by a single paragraph in an article of the National Observer on the question of whether universities and faculties can handle the rising state of anarchy that is taking over.

One afternoon, says The National Observer, "for about 30 minutes Cornell's president, Dr. James A. Perkins—denied even the courtesy of a chair by militant students—sat on the floor of the stage in Barton Hall, the university field house, red-faced, humiliated, and sipping a can of root beer. To the accompaniment of derisive laughter from the 6,000 students gathered in Barton Hall, a militant student leader referred to Dr. Perkins as 'P' and 'Brother Jimmy' and told him to 'sit down, Jimmy, I'm going to talk and you can talk when I'm through.' Half an hour later, Dr. Perkins got to his feet and described the week's events at Cornell as 'the most constructive move' the university has ever taken."

The spectacle of a college president forced to sit on the floor in abject submission while enduring the insults of "students" will strike many as unrelated to anything that could be called a "constructive move." On the contrary, the stark facts as related by The Observer have a nightmarish quality. They place a U.S. college president in the position of a defector in a dictatorship-ridden country.

Mr. Chairman, I have taken this time because I am very concerned over the serious disruptions that have run rampant on our college campuses.

I have conducted a poll with reference to this subject based on questionnaires sent to constituents by honorable and respected men of high integrity such as the gentleman from Illinois (Mr. ANDERSON), the gentleman from Texas (Mr. COLLINS), the gentleman from North Dakota (Mr. KLEPPE), and the gentleman from Ohio (Mr. DEVINE), and others.

One of the questions reads: "Should Federal aid be cut off to student demonstrators?"

In over 200,000 questionnaires returned to my colleagues, the average was 93 percent, "yes, aid should be cut off."

I cannot for the life of me understand why the taxpayers of this country should be forced to finance the destruction and the disruption of our Nation's campuses.

In 2 years there have been over 250 campus disturbances in this country, coast to coast. There have been over 3,000 arrests and property damage running into the millions.

There are over 200 deanships in this country that have gone begging because educators are afraid to take the position for fear of physical harm.

The reason for this amendment is quite simple, particularly when you consider George Washington University. Let me give you a prime example of what has taken place.

A student very active in SDS functions, including the seizure of Maury Hall, is receiving a $1,000 NDEA loan.

Another student who also participated in this extracurricula activity has been receiving a $1,000 NDEA loan. Many other students that participated in the takeover of George Washington University are also receiving student loans. Why should the administration be allowed to flagrantly violate the law and not punish the offenders—that is the reason for this amendment.

There are others from the same university who are benefiting by taxpayers' money, and their choice for education is not constructive, but to disrupt the legitimate activities of the sincere students who are there to pursue their educational objectives. We do not want this job. The Congress of the United States does not want to play policeman to the colleges and universities throughout the country. But until the administrators of our colleges and the university respect the responsibility that goes with the title, it becomes mandatory for the Congress to assist and protect the interests of those who are there for constructive pursuits.

Mr. Chairman, I certainly hope that the Members of the House will vote unanimously for the amendment offered by my colleague from Florida (Mr. SIKES).

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

Mr. SCHERLE. I yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Chairman, I would like to commend the gentleman on his remarks.

Mr. Chairman, the appropriation bill now before the House is one of the most important measures which we will discuss in this session of the Congress. It involves the education of our young people and the future of our country. Therefore, when we see that this appropriation bill, second only to the Defense Department budget in size, will cost the taxpayer $16 billion in the coming year, with total permanent obligations exceeding $64 billion, we are duty bound to study it with care. The members of the Subcommittee on Appropriations have given great care and attention to the 100 or more appropriations items in the bill. Yet, Members with honest differences of opinion may seek a reduced final budget figure. Many people may be pleased and others may be disappointed with the final wording of this legislation.

I would like to comment briefly on certain sections of the bill which are of special interest to the people of North Carolina's Eighth District; namely, those dealing with education, integration, and the disorders on the college campuses.

In this appropriation bill, funding for the Office of Education totals more than $2 billion. But while it covers many excellent programs, most of the people of the Tar Heel State's Eighth District would prefer fewer strings attached to the Federal dollars furnished them, yet have access to the broad experience and professional knowledge of the Federal officials in the school program. Although there are many inequities in the allocation of impacted area funds, the principle of block grants is apparent here and is widely accepted as a splendid method of distributing funds from Federal grants with the maximum opportunity for use at local level. In conclusion I would like to comment briefly on sections 407, 408, and 409. They read as follows:

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative official, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishments of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

Section 407 strikes at curbing the recent development of campus riots and securing the benefits of the educational process sought by the vast majority of our young people. Threats and warnings or renewed disruptions this fall reach Congress every day. Concerned parents and serious students wonder why our system cannot control the situation. They have a just cause in asking Congress to play a part in ending this chaos. When local and State facilities fail, the Federal powers should be prepared to respond. This provision provides that strength. I urge its adoption.

Sections 408 and 409 reach further into our educational systems by touching the student, and his parent, at all grade levels. As a result of actions by appointed officials in the executive branch of the Government, deep patterns of education, community cultures, financial resources, transportation facilities, and school structures have been brought into a controversy that really have nothing to do with the education of a child.

We of North Carolina accept the basic laws of the land and wish them to be upheld with firmness. We believe that interpretations and implementations should be left to the local community. When they are carried out in a manner different than Congress has decreed, it becomes necessary for Congress to assert its will anew. Sections 408 and 409 reaffirm the congressional will. I urge their adoption.

Again, I would like to emphasize my support for education with the understanding, however, that we maintain the proper balance in programing and funding; and that local areas have maximum opportunity for freedom of operation.

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

Mr. SCHERLE. I am glad to yield to the gentleman from Washington.

Mr. PELLY. I would like to assure the gentleman that I do not believe the Federal Government should support students who disrupt education on the campuses of our country. But I am fearful I might take some action which would punish the innocent and those students who do not participate. Would this amendment harm those who do not participate in violence?

Mr. SCHERLE. Mr. PELLY, let me explain this way. There is no fear of penalty if there is no crime committed. It is just that simple. The amendment is designed basically to put a little starch into the backbones of our weak-kneed administrators, to make them face up to their responsibility and to enforce section 504.

Mr. PELLY. Does it cut off Federal funds to educational institutions if there is violence, or would it only cut it off to those who commit violence on the campuses?

Mr. SCHERLE. Under section 504 (a) and (b) it is well stipulated that if there is a conviction in a court of record, or if under section 504(b) the student does not abide by the rules and regulations established by the university, then a cutoff is mandatory. Furthermore, if the college or university does not enforce section 504, they in turn will be cut off from Federal funds.

Mr. PELLY. I thank the gentleman for his explanation. I repeat, I do not want innocent students to suffer because of the acts of others. But I believe if students are guilty of violence, and convicted after due process, they should be punished and the college authorities should act to prevent such individuals from interfering with those who obey the law. Federal funds should not go to those convicted and school administrators should carry out the law.

Mr. RIEGLE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. RIEGLE. Mr. Chairman, I would be concerned if the remarks that have been made thus far would be all that would appear in the RECORD with respect to this complicated subject we are discussing. So I would like to speak briefly.

I think it would be useful for us to spend a minute to try to understand a little better the nature of the campus unrest problem.

I would quickly concede that there is a handful of extremists on American campuses today who wish to disrupt those campuses by any means that they can find. Clearly that is wrong. Those who break the law must be prevented from doing so and brought to justice immediately. They have got to be dealt with, and I think in fact they are being dealt with.

But those who promote violence on our campuses today are, in fact, a tiny minority, and if we were to remove all the revolutionaries and those who promote violence from our campuses tomorrow, the bulk of the unrest problem would remain, because—beyond this small minority of revolutionaries are the great bulk of our students who reject violence, who are outstanding young people, who love their country, and who want to see their country do what is right.

But these responsible young people, the moderate students, are rightly concerned about the direction in which their country is moving. They are concerned about our national priorities. They are concerned about the fact that a few days ago we were able to step out on the moon—and a fantastic achievement it was—but, at the same time we have children in this country who do not have enough to eat. If anybody disputes that fact, I will take him to Anacostia when I finish these remarks and let him see and talk with these children, because they are there, 10 minutes away from this Chamber.

The moderate students are also concerned about racism, and poverty, and our 8-year undeclared war on Vietnam, and the need for draft reform. They are concerned about the fact that America too often says one thing and does another.

These are issues we can do something about if we want to bring an end to campus unrest. These are legitimate issues for us to deal with, issues which we can influence.

The gentleman from Florida who I serve with on the Appropriations Committee, a gentleman for whom I have great respect, just moments ago issued a call for obeying the law. I am all for him. Let us obey the law. Now let us think about that with respect to Vietnam for a minute, because we are at war in Vietnam. War—I do not think anyone can dispute that. That war has been going on for 8 years.

Yet, the Constitution of the United States vests in Congress, in this body, in us, the authority to send this country to war. But no war has been declared, and there is no other legal way this country can constitutionally engage itself in war.

Yet there it is. We have not declared war, but we are at war.

Some 37,000 Americans have been killed in Vietnam.

Over one-quarter of a million Americans have been wounded there.

There are over 500,000 American troops fighting in that country at this minute.

We have dropped more bombs in Vietnam than we dropped in all of World War II.

We have already spent in excess of $110 billion on the war in Vietnam.

So it is clear from any measure that the United States is at war. And yet we have not declared war.

Are we obeying the law? It is a question that has to be answered. Our people have a right to ask how this can happen. How were we able to sit here and allow this to happen? How could we so sorely fail to exercise our constitutional authority, the authority that belongs to us, to those who sit here today?

If we want to do something constructive about student unrest, let us face up to this tragedy of Vietnam. Until we are prepared to do this, we should not, I think, undertake to tell other people how they ought to do their job—and that includes college presidents, students, or anybody else. Let us do our job first, so that others might properly follow our example.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, with all due respect for the previous speaker, for whom I have deep affection, I would have to say he drifted 5,000 miles from the purpose of the amendment that is before us. Everyone recognizes the serious problems—which this administration inherited—but I do not think the issue in point in this amendment deals with the whole gamut of problems the gentleman discussed.

I think it is high time the Members of this body put their fingers on the pulse of the American people. If a Member thinks for 1 minute the God-fearing, law-abiding citizens of this country are prepared to tolerate some of the things we have seen on the college campuses in the last few months, I say you are sadly mistaken.

And the people of this country who feel this way are financing these programs. It seems to me they have the right to be heard here in this Chamber too.

And I must impress upon this body that there are many students on the campus today who also have the right to be heard. But, if there is anyone who thinks for 1 minute that what we have seen on the college campuses recently represents the thinking of the majority of our students in this country, I say again you are wrong.

This Congress has the responsibility and the duty to move in the direction of preventing a small minority from depriving the many good students of the right to pursue their education in the manner in which they should be permitted to pursue it.

I hope that everybody in this body will stop, think, and give consideration to the feeling of the majority of the people of this country, students and citizens alike, and support this amendment.

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

Mr. COLLIER. I am delighted to yield to my friend from Iowa.

Mr. KYL. There is a question here which involves a practical matter. I know the gentleman from Illinois is concerned as I am. Under this amendment would it be possible for a group of extremists to set out to destroy a university? Could a group of militants, in other words, proceed in such fashion that it would be impossible for the administration to deal with them, thus forcing a cutoff of Federal funds to the university?

Mr. COLLIER. I believe the response should properly come from the author of the amendment.

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

Mr. COLLIER. I am pleased to yield to the gentleman from Iowa.

Mr. SCHERLE. This possibility is very remote, for the simple reason that under section 504 (a) and (b), even under this amendment, the colleges retain the right of determination and hold hearings. All this amendment does is direct the college administrators, "You enforce the law, otherwise your Federal funds will be cut off." This mandate will force the administrators to curb all illegal activity immediately for fear of losing their money. Congress has given this ultimatum and hopefully the executive branch will enforce it.

Mr. COLLIER. I thank the gentleman for his clarification.

In conclusion I should like to make it very clear that there is no other Member of this House who has greater respect for the fundamental right of petition, the right of any student or of any citizen of this country to lawfully pursue and his right of expression including his right to criticize, if you please, the operation of a university, public policy, or any Member of this body, than I. This is a right which should and must be preserved. But it must be pursued in a lawful and an orderly way, because if it is not it flouts the very foundation upon which this Nation was built—law and order.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Quite candidly, Mr. Chairman, I do not rise in opposition to the amendment, nor in support of it. I believe it is so ambiguous as to be meaningless.

I do think it is time we take a careful look at what we are trying to do. I have always had the conviction that the responsibility for the enforcement of laws on our campuses rested with the governments of the States or of the communities in which the colleges or universities are located. I believe they have the competence to carry out the enforcement of the law, and I do not want to see the day when we create a Federal police force to supersede local government, to assume the obligations of maintaining order, unless the Governors of the States want to certify that they have lost the ability to maintain order on the campuses of the colleges of this Nation.

I believe there is nothing more popular today, nothing that will give a more favorable reaction more quickly, than to say one is against violence on the campuses.

I say to the Members, I am against violence on or off the campus. It is occurring on and off the campuses throughout this Nation, for a great many reasons, not the least of which is the fact that we have failed, and we have failed miserably, as a lawmaking body to assign proper priorities in a society which is increasingly complex and faced with increasing frustrations.

Now, we can kid ourselves that adopting something like this is going to cure basic problems, but it is not. We can write stronger and stronger and stronger laws, and it is not going to cure the underlying causes which are really symptomized by the unrest on the campuses. You know, an awful lot of this unrest and an awful lot of the hell raising that goes on is not by the students enrolled in the colleges or universities.

I do not know whose responsibility that is. Does the university have to assume the responsibility and certify that it has assumed it and that it is complying with all of the laws? I do not know what all of the laws are. But I say again that this is not the approach to solving the problems. There are approaches, broad social approaches, attacking underlying ills of our society which would contribute to it much more. I do not think it would get as many headlines and I do not think you would get quite as much applause back home by getting up and discussing some of those underlying ills as you would in getting up and saying with great emphasis, "I am opposed to lawlessness." Well, of course. Any halfway responsible citizen is opposed to lawlessness. The entire American public decries the fact that we are actually at this time almost in a posture of promoting war between generations. I think it is time we stopped doing that and stopped to think and use our intelligence and not our emotions. When we do we will have made some progress. We will not do it here today.

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

Mr. MOSS. I am glad to yield to the gentleman.

Mr. PATTEN. Do you realize how your Governor Reagan of California feels about this type of legislation?

Mr. MOSS. My Governor has perhaps made more noise, more statements, and accomplished less solid progress in solving this problem than any other American I know of.

AMENDMENT OFFERED BY MR. SMITH OF IOWA TO THE AMENDMENT OFFERED BY MR. SIKES

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment to the Sikes amendment.

The CHAIRMAN. Is it an amendment to the Sikes amendment or a substitute.

Mr. SMITH of Iowa. No. It is an amendment to it.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amendment by Mr. SMITH of Iowa: Amend the Sikes amendment by adding the following:

"SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative offi-

cials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

POINT OF ORDER

Mr. BRADEMAS. Mr. Chairman, I make a point of order against the gentleman's amendment.

The CHAIRMAN. Would the gentleman care to speak on the point of order?

Mr. BRADEMAS. I would.

Mr. Chairman, I make a point of order against the gentleman's amendment on the ground that it constitutes legislation on an appropriation bill.

I think it is significant, Mr. Chairman, that the gentleman from Iowa uses very much the same language in his amendment that was ruled out of order by the Chair both in connection with the earlier amendments which were offered by the gentleman from Iowa and the gentleman from New York, for the gentleman from Iowa in his amendment requires that determinations be made with respect to a number of complex and substantial issues by officials of the executive department. For example, Mr. Chairman, the gentleman uses the language, "the use or the assistance to others in the use of force" as well as the phrase, "the threat of force."

The amendment contains the phrase, "the seizure of property under the control of an institution of higher education."

The amendment requires making determinations with respect to the intent of students, employees, researchers or teachers. I say this because the gentleman's amendment says that the conduct involved must be for a purpose—that is to say, his amendment contains language referring to action "to require or prevent the availability of certain curriculum, or to prevent the faculty, administraive officials, or students from engaging in their duties or pursuing their studies." This language means that determinations must be made by the executive branch with respect to every one of the potentially 2,000, plus, institutions of higher learning in the United States before Federal funds may be made available to certain individuals attending those institutions.

Mr. Chairman, on precisely the same grounds that I used to make a point of order against the earlier similar amendments, I would make a point of order against this amendment.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. SMITH of Iowa. I do, Mr. Chairman.

Mr. Chairman, the gentleman from Indiana has said that a determination would have to be made by the 2,000 institutions.

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

Mr. SMITH of Iowa. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I did not say that. I said the determination must be made by officials of the executive branch with regard to each of the 2,000-plus, institutions that might be seeking Federal funds for students, teachers, and others.

Mr. SMITH of Iowa. Mr. Chairman, this is very clearly the same kind of limitation language that has been used time after time after time in appropriation bills.

This amendment is distinguished from the other amendment I offered in that the Chair found that someone in the executive branch would have to determine if the institution had been dilatory under that amendment. This amendment does not require that determination. That proviso was dropped under the proviso, the institutions would have been given some time to make certain determinations. That proviso has been dropped. This is strictly the same kind of limitation on an appropriation bill which has been contained in appropriation bills many, many times previously. All of the precedents cited by the gentleman from Florida previously would apply in this case.

The CHAIRMAN (Mr. HOLIFIELD). The Chair has listened to the arguments on this matter and the Chair must inform the gentleman from Indiana that the situation is not analagous to the ruling on section 407 which was originally ruled not in order.

There was a requirement in the original section for the initiation of hearing procedures and the determination as to whether such hearings were final or not. No such administrative action is directed in this instance.

The amendment as offered by the gentleman from Iowa (Mr. SMITH) is purely negative in character.

Therefore, the Chair overrules the point of order.

The gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes in support of his amendment to the amendment of the gentleman from Florida (Mr. SIKES).

Mr. Chairman, I would like to explain exactly where we are on this amendment. The last proviso that was stricken was one that I had hoped would not be objected to because it gave the institutions more latitude. Those who objected have denied them the extra latitude now by raising the point of order. The first proviso stricken was added by others in the full Appropriations Committee and I was going to ask that it be stricken anyway.

But, Mr. Chairman, the situation is just this: The vast majority of this Congress has indicated time and time again that they want to do something to make sure that the vast majority who pay tuition to the institutions are not prevented from pursuing their studies and performing their duties by that very small number that are intent upon using force to prevent others from enjoying their civil rights—yes, their civil rights as citizens to use the university under the university rules.

The House indicated it wants to do something about that. Last year section 504 of the Higher Education Act was passed dealing with the general subject, but 504 was changed in the Senate until it did not amount to anything, and that is the truth of the matter.

I believe the majority have felt that merely certifying that they are in compliance with 504 is not enough; something else needs to be done. About 350 Members have indicated they want to do something. So the Committee on Education and Labor took up this proposition and considered a separate bill. I understand they argued for about a month, and after a month all five sides of that committee were still in disagreement. Therefore it has been proposed that we do something by adopting a provision in this education appropriations bill. So, as a member who authorized last year's provision, I tried to find a concensus. That is what I have to do, and I believe I have it here. It would be effective to cut off the aid to the individual who is involved in the use of force, and it does not cut off the aid to the institution. It will make sure that Government money is not being used for that individual who uses force for the purposes set forth.

There are a lot of other young people in need of money who want to go to college, and our Government money, as much as $7,700 per year per student, ought to be going to those students who want to go to college and get an education.

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

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I wish to state that the language which has been offered by the distinguished gentleman from Iowa (Mr. SMITH) is a distinct improvement to the language of the pending amendment, and I strongly urge its approval. It provides clarification and makes clear the intent of the House that Federal loans and grants not continue to be available to those who disrupt academic processes in America's colleges and universities.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, during the discussion on one of the points of order, the gentleman from Iowa (Mr. SMITH) said that the determinations which are required under the language of his amendment are to be made by the universities, and not by Federal officers.

Is that correct?

Mr. SMITH of Iowa. That is correct.

Mr. O'HARA. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, the education institutions are in a sense an agency for distributing our Federal money. We give the institution so many thousands of dollars and say take this money and distribute it under the certain conditions or guidelines.

One condition is as to income. Eligibility for the money depends upon their financial condition. Another one, for example, is that they be in good standing academically. Under this amendment, another criterion is that they are not one of those students who have violated their responsibility to their institution which flow with acceptance of the money.

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

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Chairman, I have had quite a bit of discussion with a num-

ber of our universities in Pennsylvania, and with the State colleges in Pennsylvania concerning the question of lawlessness that has been creeping over the country in the last 3 years, and I have found through these discussions that there are about 80 to 120 SDS's that are going from one end of the country to the other, from Berkeley, Calif., to Harvard, Mass., and from Harvard, Mass., down into Miami.

These are the ones who are the crux of the whole situation that we find in our universities today.

Mr. Chairman, I think the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Florida is an amendment that will stop this, because it will give the right to these presidents of these universities to do something about this.

Mr. Chairman, I commend the gentelman very much for his amendment.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman form Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it seems to me that the whole question revolves around the question of academic freedom. Academic freedom to me is the freedom to pursue learning in an atmosphere of calm reason, free of interference.

Any institution that cannot offer assurance that it provides that kind of freedom is not a university in the true sense and does not deserve Federal help.

Mr. SMITH or Iowa. I thank the gentleman.

Mr. WYMAN. Mr. Chairman, I rise in support of the amendment to the amendment.

Mr. Chairman, I would like to ask the gentleman from Iowa whether or not the amendment to the amendment that the gentleman has offered excludes Mr. SIKES' amendment, or leaves it in?

Mr. SMITH of Iowa. If the gentleman will yield, my amendment leaves the amendment offered by the gentleman from Florida (Mr. SIKES) in and merely adds a paragraph to it.

Mr. WYMAN. I thank the gentleman.

Mr. Chairman, I rise in support of the additional language which the gentleman from Iowa (Mr. SMITH) has offered.

I would like to call the attention of the Committee to the fact that sections in the existing law to which the amendment offered by the gentleman from Florida (Mr. SIKES) made reference, to wit, section 504 of the Higher Education Amendments of 1968, derived from an original amendment to the National Science Foundation appropriation offered by myself a couple of years ago, followed by an amendment also offered by me and adopted by this body to the Health, Education, and Welfare appropriations bill in 1968. The Higher Education Act amendments, including the amendment offered by the gentleman from Iowa (Mr. SCHERLE) to deny Federal funds to persons convicted of a crime came later. My amendments had nothing to do with convictions or the courts. They left the options with the various educational institutions concerned.

Now in light of what the gentleman from Iowa (Mr. SMITH) has said we should not deceive ourselves that existing law has been effective. Little has been done under this legislation nationwide.

Testimony before the education subcommittee of the gentlewomen from Oregon (Mrs. GREEN) was to the effect that educational institutions in America have not seen fit to implement this permissive legislation. They have not acted to take away Federal funds from persons who have been found to have seriously and intentionally and deliberately disrupted the institution. As a matter of fact they have not even acted to deny such funds to individuals notoriously disrupting. their administration of university affairs. Harvard and Cornell are examples.

The amendment that has been offered by the gentleman from Florida (Mr. SIKES) merely says that these institutions must be in compliance with section 504 of the act, in order to continue their eligibility for Federal funds. The compliance that they are required to certify is permissive legislation because what they are required to be in compliance with is up to them. It is not within the power of a defiant minority group to disentitle any institution against its will under this amendment. This point should be made clear.

So I think even those in this body who are concerned, and rightly so, about the relationship between the legislative branch of the Government and the academic community, have no cause to conclude that we are interfering with college campuses.

Nor is there cause to say to the people of this country, that Congress is attempting to wave a bludgeon over college presidents and administrators.

What we are doing here is of the essence of appropriate legislative process. It is a proper exercise of that legislative process.

We are establishing a legislative minimum standard that is permissive only because we believe in the management of the academic community by the respective university administrations.

We are reflecting the will of the American people on the floor of this House, to provide sanctions against those who seriously and willfully disrupt these institutions and who would deny the youngsters who want to go to school the right and the privilege of going to school as well as those who break the law deliberately. This Congress by its previous and today's action is letting the school executives know that Congress does not wish such disruptive actors to receive the taxpayers' money in or after such conduct.

This amendment ought to be adopted. It is a reflection of our responsibility. It is not in any sense unreasonable. It deserves the support of all the Members of this body on both sides of the aisle.

Mr. CASEY. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I want to commend the gentleman from Florida (Mr. SIKES) for offering his amendment, and particularly the gentleman from Iowa (Mr. SMITH) for his amendment.

There has been quite a bit of heat about the disruptions on the college campuses.

There has been an indication that there might be efforts made to cut off all funds to colleges that have any disruptions.

That, of course, would be playing right into the hands of the culprits that we are seeking to punish, because then just a few students would be able to cut off from a university all Federal funds by just holding a disruption on the campus.

There is no institution that I know of in this country of any distinguished size or of any caliber which could exist without Federal funds in some form.

The amendment offered by the gentleman from Iowa hits at those individuals alone who cause trouble.

The amendment strengthens the college officials who administer the funds by saying—"we are prohibited from giving you an opportunity grant, or whatever it might be, or a loan, if you disrupt the college." The people of this country do not want one penny of their money used either for room and board or books or for tuition for someone who is determined that he is going to work his will on the operation of our institutions of higher learning, in defiance of the authorities.

Mr. Chairman, this is a reasonable amendment. It is a sound amendment and it is one that we can be proud of. I urge its adoption.

Mrs. REID of Illinois. Mr. Chairman, I rise in support of the amendment to the amendment. I think most young people look upon college as a privilege and an opportunity. They realize that it involves a good deal of diligent study and self-discipline and they fully expect to live within certain reasonable bounds and conduct themselves in such a manner as not to intrude on the rights of others. I have talked with many students from all over the country and, in my judgment, the majority of our young people still approach academic life with this serious philosophy. Most are sincere, hard-working young men and women who are trying to prepare themselves for the future. But in many places these students have had their education disrupted and delayed by those who are intent on promoting discord which often leads to violence.

People everywhere are profoundly concerned about this problem and feel that unless corrective steps are taken, our whole educational system may be endangered. Certainly all taxpayers have an important stake in the outcome, for they have a heavy investment in our colleges and universities, including the so-called private institutions of higher learning. This bill we are considering includes $785.8 million for higher education.

All of us recognize, of course, that the right of free speech and honest dissent—so long as it is orderly and does not interfere with the rights of others—must al-

ways be permitted and safeguarded. But lawlessness and violence have no place in our democratic processes or our educational system. Certainly we should not subsidize those who have engaged in disturbances when there are so many deserving young people.

If we do not take the initiative today we will have shirked our responsibility.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentlewoman from Oregon is recognized.

Mrs. GREEN of Oregon. Mr. Chairman, I suppose it would be very easy for any Member of this body to make a speech on any one of 16 different subjects to gain headlines, and I suppose it would be possible, with the state of affairs, for any person in this body to speak out of anger.

I find it a little bit hard to understand why those who express deep concern about the violence on the college campuses of today would be put in a group that is speaking only to gain headlines. It seems to me a total misstatement of fact.

I speak today from the well of this House, not to gain headlines and not out of anger, but out of deep concern about where my country is going.

I was in the Chamber an hour or so ago when two Members of this House were rightfully concerned about violence on a military base. And I think they should be concerned about such violence that exists today and, in this case, ended in death for at least one marine. In the back of the Chamber I heard several people laughing and saying, "Where are the people who were concerned about the violence in this country 50 years ago?"

To seem to condone violence today because there was violence in the past is a strange exercise of responsibility. I would say to those friends and those colleagues of mine that there are thousands—there are hundreds of thousands—of people in this country who have been concerned about violence, whether it came from the extreme right or the extreme left. We have been concerned about it, deeply concerned. We were concerned about it 40 years ago, 20 years ago, 10 years ago, and I ask all to be equally concerned about the violence of today.

Those of us on the Education Committee tried to work out an amendment that would go to the heart of the problem on the violence on the campuses.

We were unsuccessful. I say to you in all sincerity that if this House today—and this amendment is not my choice, there would be other language I would prefer—if this House does not take any action today when this is before us, I can think of nothing that will give greater encouragement to the most militant sections of the SDS and the Black Panthers. They will feel that they have also buffaloed the Congress of the United States.

It seems to me every single Member of this House has some obligation to raise his voice in protest against the violence that is occurring in our cities, against the violence that is occurring on the military bases—and not to excuse it away and say that we have had violence in times past and so why should we be especially concerned about it now?

Now, let me go to the heart of the issue. Some of my colleagues have argued in the committee, and they have argued today that this amendment is not going to stop riots. It was never designed to stop riots. We cannot stop riots with this kind of amendment.

Section 504 of last year grew out of the thousands of letters that came to Members of Congress from the middle income and the low income groups of America who were desperately trying to send their own children to college but could not do so because their taxes were too high and college costs had spiraled. They wrote time and again and said, "We cannot afford to send our own children to the college of our choice. Then Congress requires us to pay taxes to support revolutionaries on college campuses. How can you justify that?"

I ask Members of Congress: How can the House of Representatives of the United States justify taxing other people to support and to subsidize revolutionaries?

A loan or grant from Federal fund is, in essence, a contractual arrangement between the Government and a student or faculty member on the college campus. It simply says that other taxpayers are helping him get an education if he wants one, but he is to spend his time getting an education, not staging a riot—or burning down a building. When he received the funds to be spent for a special purpose, it was a contractual agreement.

If a student who has a loan or a grant flunks out of college, he loses his loan or grant. If he does not maintain certain academic standards, or if he goes to Acapulco instead of attending classes, he loses his grant. If he does any one of several different things, he loses his grant.

We are simply saying if he does not spend the money to get an education and is using the time and money to engage in a riot, in disruptive activities, if his actions prevent other people, who want an education, from getting one, then he is no longer entitled to those funds.

It is just as simple as that.

This amendment will not stop riots, but it will say that the Congress is concerned that the money be spent for the purposes for which it is intended to be used.

For the life of me, I cannot understand how colleagues of mine on my side of the aisle or on the other side of the aisle can say that somehow this requirement is unfair, that we are destroying academic freedom, that we are destroying the autonomy of the educational institution.

I say to Members, when we allow and encourage, by taking no action at all, the revolutionaries, we have already helped to destroy academic freedom.

Academic freedom is gone when we have seen what seemed to be capitulation at the point of a gun at Cornell; academic freedom is gone when we have seen the liberal arts faculty at Harvard outvote the president and ask that criminal charges be dismissed against 200 people who had been arrested in riots; academic freedom is gone when we have seen buildings burned and the dean carried down the steps. Academic freedom is gone when a professor is not allowed to speak at his own seminar classes.

When we see these things happening, it is high time we in Congress indicate our concern. It is time we said funds must be spent for the purposes for which they were appropriated, and that we do not intend to appropriate any funds for revolutionaries or anarchists whose stated goal is to bring the university to a close.

Mr. ARENDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I wish to commend the gentlewoman from Oregon for what I consider to be a very sensible and a very courageous statement.

It is understandable that the country has been deeply disturbed about the widespread disorders and violence on our college campuses. Peaceful protest is one thing; anarchy is something else.

It is not the proper role of Government to interfere in the internal affairs of our colleges. At the same time, it is incumbent upon the Government to provide the college authorities with whatever tools they may need to deal with lawlessness.

In the course of the discussion this afternoon there has been extensive criticism of the presidents and the faculties of our universities and colleges. I share the view that some have been lax in taking appropriate disciplinary action against those who have participated in these disorders. In all too many instances they have been all too willing to yield to so-called demands of a minority of students and all too willing to grant amnesty.

However, not all college presidents and faculties have taken an attitude of permissiveness. With the permission of the House and with pride I should like to read a letter I recently received from the president of Illinois State University, Normal, Ill., the largest university in my district. It has somewhere near 13,000 students.

Dr. Braden makes it abundantly clear that Illinois State University has taken steps to insure the continuity of its operations as a university. I have written Dr. Braden to express to him my personal commendation of the realistic approach he, the faculty, and the students have made to this question of preserving the interests of the vast majority of the students in learning.

The letter follows:

ILLINOIS STATE UNIVERSITY,
Normal, Ill., July 8, 1969.

HON. LESLIE C. ARENDS,
House of Representatives,
Washington, D.C.

DEAR MR. ARENDS: At both State and National levels legislators have evinced concern over campus disorders, and there has been some feeling expressed that university presidents are unable or unwilling to deal with unrest. This note is from one president in your district to indicate his willingness and hopefully his ability to face the issue.

To me the issue is our commitment to maintain the integrity of our property and the continuity of our operation. No one, not

even the Congress of the United States, can insure with certainty the integrity of its property. All it can do is to establish reasonable safeguards against destruction and to take positive action if destruction is threatened or wrought. Safeguarding steps we have taken, and we have developed the intent and the method to prosecute those who would destroy property.

Students, faculty, and administrators at Illinois State have approved plans to maintain the continuity of our operations. We have tried to establish an open community which is receptive to criticism and change. We therefore see no need for violence, disorder, or physical interference with anyone's legal rights in order to gain attention. Consequently our confrontations, and there have been such, with both blacks and whites, have been sharp, constructive, and in the realm of discussion and reform. We hope to maintain this record.

To summarize, I see the University's role as one which respects the law, and follows it. However, I do not see the University as an agent of law enforcement, and would argue strongly against its being made an arm of the court or the police in prosecuting violators of regulations other than the ones I have described.

I appreciate your interest and support of education.

Sincerely,

SAMUEL E. BRADEN.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to read to this House an Associated Press report which bears on what the gentlewoman from Oregon has said. I believe we ought to know about it, because she made a good point. She said that the failure to deal with those individuals who tear up our universities merely whets the appetite and encourages others to violence in this country.

The Associated dispatch reads as follows:

EIGHT SHOT AT CHICAGO PANTHER OFFICE

CHICAGO (AP).—Five policemen and three other persons were wounded early today during an exchange of gunfire outside the Illinois headquarters of the Black Panther party on the West Side.

Four of the policemen were treated and released. The fifth, Richard D. Curley, was hospitalized with gunshot wounds in the right thigh. Three persons were arrested and treated for injuries.

The shooting erupted after Curley and his partner, Edward Kendzior, stopped while on a routine patrol on the West Side to question two men they saw carrying shotguns out of the Black Panther headquarters.

Curley said shots were fired at them from the second floor of the building when they approached the two men. Scores of policemen converged on the scene after Curley called for assistance, and several volleys of shots were exchanged before policemen were able to enter the building.

What are we really saying in the language of this bill? We are saying that this applies to any individual who has engaged in conduct on or after August 1, 1969, which involves the use, or the assistance to others in the use of, force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the ability of certain curriculums, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Our committee tried to deal with this problem. The gentlewoman from Oregon, the distinguished chairman of my committee, and various other Members of my committee on both sides of the aisle, tried to work it out. We tried to come before this House with a very modest proposal. It called for nothing more than for the universities to certify that they have a plan.

We did not ask them to tell us what that plan was. We did not set these standards or say what they must or must not do. All we wanted, Mr. Chairman, for the universities to say when they apply for Federal funds, "We do have a plan that we worked out to deal with the problem of student unrest." That simple, modest plan was defeated in our committee. The gentlewoman from Oregon quite properly predicted at that time that if that is not done and if we do not come in here with a workable proposal before this House, the House will work its will with a much tougher provision. Certainly, the House is about to work its will.

Let me remind you, my colleagues, that I stood in the well of this House in 1962, I believe it was, and made my first speech at that time on what I called "mobocracy." That was after a group of renegades attacked a congressional committee in San Francisco. Now, Mr. Chairman, I may not agree with the work of that committee, but I said then that this is the beginning in America of "mobocracy," of mob rule, of taking the law into your own hands, and of impatience with the established institutions of jurisprudence in this country. This has been growing and growing and growing until today we read of eight policemen being shot in Chicago.

Mr. Chairman, I want to tell you something. This Congress had better do something, and we had better start here. We had better start letting the people of this country know that this is a nation under law. There is recourse for every conceivable grievance through orderly processes of judicial review. There is no need for violence on the campus.

Mr. RAILSBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the House, it is not very difficult to sense the mood of this House. I was one of those who applauded the wonderful speech made by the gentlewoman from Oregon. I have no question about the motivations or the intentions of any of the people who are offering these amendments or the amendments to the amendments, but I think we have left out maybe one-half of the story of what is really causing some of the problems on the campus. I also think that every Member of this House, every single Member of this House, is concerned about the campus violence and the disruptions. Twenty-two of us took a week to visit college campuses to see if we could listen and perhaps understand a little bit about why the campus violence and disruptions are occurring. I had the pleasure of going with Congressman BIESTER and Congressman RUPPE to Harvard, MIT, and Northeastern Universities. I fully expected that we would not be well received by any of the radical groups. We went primarily to talk to the students. I would say that we spent 75 percent of our time talking to the students. Our first meeting was with a group called the Afro-Americans, the black power advocates. This was right before their final exams. There were six of them who would have stayed as long as we wanted, to share with us some of their concerns about problems that were bothering them both with regard to the university and our society in general. We met with the student government leadership, including a young man by the name of Ken Glazier, who was singled out by U.S. News & World Report to submit to an interview which was published in depth. We met with President Pusey and President Mary Bunting of Radcliffe College, who was one of the college presidents who was harassed and had obscenities shouted at her. The students were concerned about the inability of the colleges and universities to treat and to recognize problems that existed. For instance, in the community of Cambridge, several blocks away from the college campus, a college expansion program was being conducted which would move out some low-income people, they were concerned about Vietnam, and they were concerned about what they believe to be our distorted sense of priorities.

And, I can tell you that they were sincere. Most of the students with whom we met were sincere, were constructive, and were well motivated. Some of them were naive. Some of them were misdirected, and there is no question about that. They are probably more concerned than any generation in this country about the very problems that confront us, the problems of poverty, hunger, housing, and others. I can say that they can express themselves well, but they have no one to listen to them.

Mr. Chairman, I would like to read into the RECORD some remarks which appeared in the U.S. News & World Report that were made by this Ken Glazier, who is one of the student government leaders and who helped to solve the impasse on the Harvard University campus and who acted as the liaison between the administration and the radical students. He said this, and I quote:

The so-called majority is most likely to get involved if there is an attempt at outside repression of the student unrest. Nothing would pull this campus together more quickly than some sort of activity by Congress or by the State legislature which in any way tries to penalize or repress dissenters within the university. That's something that would make a "moderate" position for a student on campus absolutely untenable. It would bring on more Cornells and Berkeleys and Harvards and San Francisco States.

If Congress passes a law revoking scholarships or providing some sort of other punishment for student activists, then the lines will be drawn—and it will be the students against the Government. Nothing could be worse for all concerned. Nothing would do more to seemingly substantiate the radical analysis, which most of us at this point are unwilling to accept.

We don't want to believe that the Government—however wrong its present policies—is necessarily our enemy. But heavy-handed Government action or outside inter-

vention would make such faith difficult to maintain.

Mr. Chairman, that is what concerns me. The distinguished gentlewoman from Oregon pointed out the fact that we cannot let this opportunity pass to enact legislation. Do you know right now how many laws the Federal Government has on the books? I wonder if this is anything on which to legislate. We have four or five Federal laws right now that deal with this very problem which permit Federal intervention. In addition to that there are more than 30 State laws right now.

Mr. Chairman, how many of us have been saying that we should give the States more rights to handle all of these problems? Right now there are 30 State laws which deal with it.

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

Mr. RAILSBACK. I yield to the gentleman from Texas.

Mr. CASEY. I say let them do this tearing down on their own money instead of the money which is provided by the taxpayers. Furthermore, perhaps, all of these laws will not do anything. But let us quit sitting on our haunches and baying at the moon. We can try and that is what is expected by the taxpayers.

GENERAL LEAVE

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all Members who wish to speak on this amendment and all amendments thereto be permitted to extend their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROTH. Mr. Chairman, I rise in support of the Sikes amendment as amended by the gentleman from Iowa (Mr. SMITH). My questionnaire shows beyond doubt that the people of Delaware, like people across the Nation, are demanding that something be done in Washington to help end violence on our campuses. Over 30,000 citizens of my district answered the questionnaire and 87.9 percent of that number stated that they favor automatic cancellation of Federal aid to college students who physically disrupt campus activities. Only 10.1 percent opposed it, with 2 percent not responding. Now the Sikes-Smith amendment goes beyond this, but I have no doubt that the vast majority of those answering my questionnaire, will support it, as it has become clear that the existing legislation is ineffective. Very frankly, I wish the Committee on Education and Labor had acted on this important matter, as it deserves extensive hearings and better draftsmanship, but the committee was unable to act and it has thus become necessary for the House to work its will. Federal assistance to students is a privilege, and not a gift. Congress obviously has the right to cut off Federal funds to those who do not obey the law. I think the taxpayers have a right to expect us to find ways and means that their tax dollars aid those students dedicated to learning and not to those who would destroy or seek to destroy. The Sikes-Smith amendment should help insure the achievement of this objective and I, therefore, support it. In closing, I hope the Committee on Education and Labor will give this problem of campus disorder its careful consideration and make its recommendation to the House at some future date.

Mr. FREY. Mr. Chairman, I rise to strike the certification provision of section 407. It is clear to me that the people of this Nation and the Congress are deeply and justifiably disturbed over the problems on our college campuses. It should be made clear to college administrators, faculty, and students that the Congress, taxpayers, alumni, and benefactors do not intend to, nor should they, subsidize organized chaos on the campus.

We are all searching for ways to bring order to the various campuses and yet preserve the delicate balance between our Federal Government and our institutions of higher learning. All the proposals presently before this body evidence a sincere desire to deal with these complex problems.

Section 407 of the appropriations bill as originally drafted for the Departments of Labor and Health, Education, and Welfare seeks to bring order to the campuses by requiring certification by colleges of compliance under the threat of loss of Federal funds. We can all agree that Congress has the right to place any type of requirement on appropriations to colleges. But because we have the right does not imply that it should be exercised in full. I, for one, feel we have too much Federal intervention today. To adopt the certification provision of section 407 is just one additional step toward Federal control of education. If today we require certification, tomorrow we may set Federal standards of conduct and the following day we may dictate to the universities what they shall teach. To enforce the certification provision of section 407 is to set the Federal Government up as judge and jury, with the college as the defendant.

Even if the additional Federal control of our higher educational system is not objectionable, the concept of punishing all students by withholding aid because of the acts of a few is repugnant to our sense of fairness; indeed, to our way of life.

I recently visited a number of campuses and personally found that less than 2 percent of the students were true revolutionaries who were not seeking solutions but only confrontation and destruction of the institution and our system. This number could grow if we act unwisely. To quote from the report we delivered to President Nixon:

Perhaps our most important and pressing conclusion is that rash legislative action cutting off funds to entire institutions because of the action of a minority of students would play directly into the hands of the hard core revolutionaries. Legislation which treats innocent and guilty alike inadvertently confirms extremist charges that the establishment is repressive and indifferent to citizen needs and concerns. We must not put ourselves in the position of aiding the handful of anarchists.

It is time to look at the problem objectively, rather than emotionally. Up to now the 2 percent, the revolutionaries, have received 98 percent of the publicity and legislative attention. We must maintain our perspective. A new course should be followed. The enforcement of discipline on the campuses must continue to rest primarily with the schools themselves. We have seen that this policy can work, at Notre Dame with Father Hasburg and at San Francisco State with Dr. Hayakawa. College administrations should follow their example. Any Federal law enacted must be aimed at helping the colleges help themselves. Any law enacted must not treat the college or students collectively, but should distinguish between the individual wrongdoer and the vast majority of young Americans who desire an education. Any law enacted must allow us to punish the wrongdoer, swiftly, fairly and firmly.

We cannot afford to take the wrong action no matter how sincere our motives. We cannot afford to write off the vast majority of young Americans who will be tomorrow's leaders. To support the certification provision of this amendment would aid in the destruction of our educational system which through its uniqueness and individuality has produced the kind of men and women who have helped to make America great.

Mr. BUSH. Mr. Chairman, the principal thing I learned on our tours of college campuses from educators and all students is that it would be a mistake to pass sweeping Federal legislation in order to attempt to control student unrest.

The following excerpts from college presidents in my State back up this view. These are not the "spineless administrators" we have heard so much about.

They are forward-looking men who, in conjunction with able student leadership, have kept order on Texas campuses. They know their business and they abhor the burning and radical deeds. They know that indiscriminate punitive legislation plays into the hands of the extremists. They know that Federal intervention violates the independent and pluralistic nature of American education. And I think their words are meaningful as we consider legislation that contemplates cutting off all Federal aid for universities.

As one who wants fewer strings on Federal aid to education, as one who has fought against Federal control, I do not feel we should pass legislation that will penalize the innocent to get at the guilty.

Here are the excerpts from the letters I received:

Prior to receipt of your letter, I had obtained 100 copies from the CONGRESSIONAL RECORD and distributed it to the regents, administrative staff, and departmental directors of this university. I thought it was a very significant statement, and I wish to commend you and the other Congressmen.

I am, of course, delighted to learn that the President has expressed a strong interest in your findings. I agree completely with the general tenor of the report.

JOHN J. KAMERICK,
President, North Texas State University, Denton, Tex.

Like you, I would dislike legislation which would penalize institutions and the vast majority of students because of the actions of a

few. On the other hand, I feel that the attention which legislative bodies, national and state, have given to the problems of student unrest and violence on the campus has encouraged college/university administrators to take more positive action and a firmer stand in dealing with disruptive activities.

W. M. PEARCE,
President, Texas Wesleyan College, Fort Worth, Tex.

In general, I think the report is outstanding. I do not intend to imply that I am in total agreement with each idea presented for consideration. I do, however, endorse the idea that no repressive legislation should be enacted. Any action by the Congress or others which would, for example, penalize innocent and guilty alike by cutting off all aid to any institution which has experienced difficulty, would only serve to confirm the cry of the revolutionaries and compound the problem. I believe that the individual responsible should be accountable for his actions.

J. R. JACKSON,
President, Brazosport Junior College, Freeport, Tex.

For legislation to cut off all aid to universities because of the acts of a few, is to act like 'Big Brother'. Should the Federal and State governments harm itself and its citizens and its future because some citizens can be pin-pointed as enrolled in a particular institution and then punish all? Too often our good intentions can lead us in a moment of anger or consternation to act like a 'police state'. To protect innocent citizens we must sometimes spend time and money to pinpoint the criminal and really ascertain the crime. Problems of academic freedom on university campuses further complicate simple solutions just as card carrying Communists are guaranteed certain rights in the United States of America.

The Very Reverend LOUIS J. BLUME, S.M.,
President, St. Mary's University, San Antonio, Tex.

The report is most interesting, and it is my hope that the college administrators may have a greater voice in efforts to handle their own campus situation.

HUBERT M. DAWSON,
President, Temple Junior College, Temple, Tex.

This impresses me as an extremely well formulated and relevant document for which all the contributors are to be commended. I am, of course, deeply appreciative of your own concern with the problems besetting higher education, and it is always a privilege to be able to exchange ideas and information with you.

The prospect of legislation that would cut off all aid to universities because of the acts of a few is a frightening one. I strongly concur in your opposition to any such measures and am ready to offer my assistance in any way.

A. B. TEMPLETON,
President, Sam Houston State University, Huntsville, Tex.

Mr. HOGAN. Mr. Speaker, I have joined with 16 of my Republican colleagues who went on the campus tour last May, in calling the attention of this body to the undesirable provisions of section 407 of the Labor-HEW appropriations bill.

As a result of our study tour of over 50 campuses throughout the country, we have come to the conclusion that the Federal Government must not be placed in the role of enforcer of rules and regulations for each college and university in the Nation. Legislation which would cut off all Federal aid to an entire campus avoids entirely the issue of individual responsibility for wrongdoing. Congressional action which would punish innocent and guilty alike would only incense the cries of revolutionaries and compound the problems for the academic community.

I, nevertheless, would like to reiterate our most basic finding and the one which received the greatest emphasis in our report on the campus study tour, that violence in any form, in any measure, under any circumstances, is not a legitimate means of protest or mode of expression. I agree with my colleagues who say that violence can no more be tolerated in the university community than in the community at large.

I make this point to serve as a reminder that repressive legislation is not the answer to the problem which confronts this Nation on all its campuses. Repressive legislation is a negative force which will hinder the efforts of those who are using a positive approach to cure campus ills. It is precisely because our young people, many of whom have serious doubts about our system of government, are the most intelligent, the most mature, and the most socially aware generation that America has ever produced; that we must give progressive, positive reform a chance to predominate.

I urge that we use the legislative means available to increase communication through a positive approach to student grievances rather than stymie understanding by passing negative legislation which would frustrate any communication.

Mr. RANDALL. Mr. Chairman, I support the amendment offered by the gentleman from Florida (Mr. SIKES), as perfected by the gentleman from Iowa (Mr. SMITH).

We must all recognize it is difficult in an appropriations bill to establish proper wording that will not be offensive to the rule against legislating in an appropriations bill. Except for the existence of such a rule, I would have been satisfied to see section 407 of title IV as contained in H.R. 13111 remain as it was when it came from the committee. It was clearly spelled out that none of the funds in the bill should be used as a loan or guarantee of a loan to any individual attending an institution of higher learning who engaged in conduct involving the use of force.

I thought section 407 as written originally was what we needed to contain student unrest on our campuses. It seemed to me that the provision was fair because the limitation on the use of the money would not apply until proceedings had been initiated against the offenders. Quite frankly I could see considerable merit in the provision that required each institution of higher education to certify to the Secretary of Health, Education, and Welfare that they were in compliance with the provision that required no loans had been used by those who were guilty of misconduct.

Yet the facts of life are such that the House must abide by the rules which it has set up for its government. The Chairman of the Committee of the Whole in his wisdom ruled that the provision requiring certification was an affirmative requirement, rather than simply a negative restriction against the use of funds. Therefore the provision was really a legislative enactment in an appropriations bill.

As I look at the amendment offered by the gentleman from Florida I am convinced it is substantially the same as the compliance provision in section 504 of the Higher Education Act of 1968 which could be said to be the permanent student unrest amendment or what has been referred to as the Scherle-type amendment.

On its merits the Sikes-Smith amendment should be sustained because the purpose of student loans and, for that matter, the purpose of all Federal assistance to higher education has as its one basic objective to educate our youth. If there is a miscarriage of purpose because some individuals choose to disrupt the peace and orderly procedure of a college or university where they attend, then by choosing to engage in such disorderly conduct as the seizure of property, followed by the destruction of property and even arson, then they are certainly not using these loans for the purpose for which the taxpayers have provided them.

It seems to me when a student accepts a loan he enters into sort of a covenant that he will use the money for which it was intended. That means to pursue his studies in scholarly and, yes, a peaceful manner. If he riots, burns and destroys property, he interferes with the rights of those around him to acquire the education they are seeking. The individual who engages in such misconduct thus breaches a contractual relationship existing between his lender and himself. Viewed in this light such students and teachers by their misconduct really deny themselves further financial assistance. It is not a matter of taking anything away from a student, it is simply a case where the student himself by his own misconduct breaches the covenant and thus by his own act denies to himself the right to a loan or the guarantee of a loan.

Mr. Chairman, if we let this bill pass without a provision such as the original section 407 of title IV or some wording which expresses the firm intent of the Congress that it will not tolerate or condone conduct of students on the campuses such as we experienced this past Spring, then no matter how much we may talk and deplore student unrest we will have proved by our inaction that we did not mean what we said.

In other words, Mr. Chairman, if we do not act to take assistance away from those who conduct themselves by the use of force and seizure of property then by our inaction we provide the greatest kind of encouragement that this student unrest should continue. If we do not act we encourage the Black Panthers and the Students for a Democratic Society to continue to disrupt our campuses. Stated very simply, if we fail to act today the Black Panthers and the SDS will get the message that they have not only succeed-

ed in intimidating some college administrators but have actually succeeded in intimidating the Congress. This amendment not only should be adopted, it must be adopted to let the SDS and Black Panthers know that the recipients of Federal loans cannot use these funds to disrupt our campuses to deny the great majority of the student body the right to continue their education.

Mr. BRADEMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on this very sensitive and difficult issue I am sure that there is agreement on the part of nearly every Member of this body on both sides and that is that all of us are very deeply opposed to violence.

PARLIAMENTARY INQUIRY

Mr. FLOOD. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BRADEMAS. I yield to the gentleman from Pennsylvania for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FLOOD. If I am correct, Mr. Chairman, I understand that the next order of business will be the so-called Whitten amendment on busing which I presume will take some time, am I correct?

Mr. COHELAN. Mr. Chairman, if the gentleman will yield, the matter pending is the Cohelan amendment to sections 408 and 409 of the bill.

Mr. FLOOD. Mr. Chairman, with an abundance of caution, I accept that.

Mr. BRADEMAS. Mr. Chairman, I was saying that I think there are two matters on which all of us are agreed, whatever their party, or whatever their views on this matter: First, we are all profoundly opposed to the use of violence on or off the American college campus; second, we are all opposed to passing legislation that is counterproductive in terms of resolving the problem of campus disorders; that is, legislation that causes more trouble than it solves.

But, Mr. Chairman, I would like to say a few words with respect to this amendment and not really use my own words so much as those of a number of others because some Members have expressed surprise during this debate that there could be some of us in this body who may have reservations about this kind of legislation.

For example, Mr. Chairman, one of the great Americans of our country is the Reverend Theodore M. Hesburgh, CSC, the president of the University of Notre Dame, in my district, and I have great confidence in his judgment on these matters.

I have discussed this kind of legislation with Father Hesburgh on many occasions. He is strongly opposed to institutional cutoffs, which we have already defeated. He is also vigorously opposed to the kind of cutoff of Federal funds to students that we are now discussing.

Not long ago here in Washington Father Hesburgh appeared on the Evans-Novak television program, and he said:

I still think that the universities ought to control themselves. The day that people start controlling them in this aspect they will begin to control them in other aspects, and the day that the freedom and autonomy of the university is abridged that day, I think, is the end of the university as we have known it, because the university has to be a critical force in society—

Father Hesburgh went on to say:

I think you would have to say in all honesty there is a rebirth of a kind of repression of the university or outside forces pressing in upon it to control it, and I think this is a sad thing to happen.

Now, let me turn, Mr. Chairman, to the distinguished Assistant Secretary of Health, Education, and Welfare and U.S. Commissioner of Education, Dr. James E. Allen, who was appointed by President Nixon, and who was asked earlier this year for his comments on "the rash of proposals" in Congress and the State legislatures for legislation against campus dissidents. Commissioner Allen was asked whether such legislation would be effective in curbing disruption and this is how President Nixon's chief education officer replied:

I can appreciate and understand the concern that Congress and the legislatures have over the disruption of violence which has been taking place on campus. But I simply do not believe that punitive, negative legislation can solve the problem.

Generally, I think there are enough laws already available to us for handling those few students who have violated the laws of the universities and of society.

Let me then turn, Mr. Chairman, to another outstanding American, Dr. Milton Eisenhower. Surely no one would say that Dr. Milton Eisenhower wants to condone violence or radical extremism, but listen to what Dr. Eisenhower said, speaking for the National Commission on the Causes and Prevention of Violence, of which he is the chairman. He said:

If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim.

Let me finally cite, Mr. Chairman, another man who I think would not be said to be in the camp of the radical extremists, the Secretary of Health, Education, and Welfare, Mr. Finch. Said Secretary Finch, one of President Nixon's Cabinet, earlier this month:

In every State there are laws adequate to curb disruption and punish violence. Implementation of these laws is a local responsibility—and if the concept of federalism means anything at all, so it must remain.

Mr. Finch went on to say, and I am quoting his July 17, 1969, speech in Washington, D.C., that—

Techniques of repressive Federal intervention in the affairs of each local campus violate the most deep-rooted, the most honored traditions of American education and would, in the end destroy its essential nature.

We do not want a monotonous and monolithic imposed unity in which all our educational institutions conform to a Federal code of conduct, to a stifling Federal intervention. To advocate such intervention, in my view, is a form of radical extremism.

And I have been quoting Secretary Finch, Mr. Chairman.

Mr. Chairman, I have cited all of these authorities because I cannot seriously believe that any responsible person in this body wants to stand up and say that Father Hesburgh, Commissioner Allen, Milton Eisenhower, or Secretary Finch want to give aid and comfort to the Black Panthers or the SDS. I hope we do not pass a measure which would do so. This amendment will.

I hope this amendment is defeated.

Mr. HARSHA. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I had fully intended to offer my bill as an amendment to this appropriation bill. But I have been advised that it would be subject to a point of order and, therefore, I rise in support of this amendment.

First, I want to congratulate the gentlewoman from Oregon because I think the introduction of my legislation several months ago, back in April, and the subsequent hearings on that legislation and others the publicity and debate on them have served a great purpose insofar as it has encouraged some institutions to see the light and some college administrators to go ahead and endeavor to put their house in order. My legislation and the hearings have already accomplished much, and others need more encouragement to do that which they should do without Federal urging.

This amendment today is just another step to persuade those college administrators who have failed to put their house in order to see the light and to go ahead and restore law and order and consequently save academic freedom. It will convince them that the proper administration of their schools will best serve the public interest and provide those earnest students who truly seek an education the proper atmosphere in which to pursue their studies.

It has been said that the public is fed up with having their tax dollars wasted by the destruction of college facilities.

To give you an example of how some parts of the public feel about it, I polled my congressional district relative to this question of student violence and campus disorders.

My staff is now in the process of tabulating those polls. To date we have tabulated 2,100 replies. Of those persons answering the poll, over 1,800 say they support the effort to withhold Federal funds from colleges and educational institutions who have permitted riots and disorders on their campuses while only 300 said that they opposed it.

So there is an overwhelming sentiment among the public to try to halt the violence and the destruction that has been all too prevalent on our campuses. There is overwhelming sentiment to protect the rights of those who truly seek the advantages of a college degree.

We have heard this argument that the students are concerned about the world and they are concerned about our priorities and about the ghetto problems and so on and so forth, and that is why they have resorted to violence. This is an effort to condone the violence and destruction and justify the acts because the students are concerned. Well, this is an irresponsible approach to take. All this does is to serve to encourage further violence and destruction.

We are all concerned—there is not a Member of this House of Representatives who is not concerned with these problems, but that does not justify our resorting to violence. That does not resolve the problem.

There are many things this Congress does that I do not approve, but that does not give me the right to burn the Capitol or take over the Speaker's office and deny him access thereto.

Violence and destruction of property is not to be condoned under any circumstances-and least of all in the academic society where people are supposed to be above normal intellect.

To explain it away and to condone and to encourage further violence by saying students are concerned with our situation in the country today is to do a disservice not only to academic freedom, the students, and higher education, but to this Nation as well.

The essence of a liberal civilization is belief in due process. It is the belief in the importance of rational consideration and the evaluation of facts in the hope of reaching a just conclusion. The process by which we reach conclusions is far more important than the conclusion itself.

So let us bring to a halt this denial of due process, otherwise our liberal civilization will be destroyed.

Let us restore law and order to the academic world and put those who would destroy academic freedom on notice that their destructive actions will be no longer tolerated.

Adopt this amendment and serve further notice on the academic administrators that they have yet some distance to go before they have their house in order. Let us protect the rights of the great majority of students who have the right to pursue their education in an atmosphere conducive to academic freedom and learning.

Let us insure that the taxpayers who have an interest in this issue are protected.

I urge the adoption of the Sikes amendment as amended by the Smith amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. The gentleman referred to responses to a questionnaire. I wonder if the gentleman would be kind enough to read the specific question to which that response was received?

Mr. HARSHA. I think I have it in my file.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RYAN. I object, Mr. Chairman.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I move that all debate on the amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

PARLIAMENTARY INQUIRIES

Mr. THOMPSON of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON of New Jersey. I was seeking recognition.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. I was, of course, very discourteous. I do not include my friend from New Jersey in the limitation.

The CHAIRMAN. Does the gentleman from New Jersey ask unanimous consent to proceed for 5 minutes, notwithstanding the motion of the gentleman from Pennsylvania?

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from New Jersey asks unanimous consent to proceed for 2 minutes, notwithstanding the time limitation.

Mr. ERLENBORN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ERLENBORN. Will the 2 minutes come out of the 30 minutes or be in addition to?

The CHAIRMAN. In answer to the question propounded, it would be in addition to the 30 minutes.

Mr. ERLENBORN. In addition to the 30 minutes?

The CHAIRMAN. In addition to the 30 minutes. The gentleman from New Jersey was on his feet seeking recognition, and the Chair was about to recognize him.

Is there objection to the request of the gentleman from New Jersey?

Mr. EDWARDS of Alabama. Mr. Chairman, reserving the right to object, would that same permission apply to others who were on their feet at the same time seeking recognition?

The CHAIRMAN. The Chair was trying to alternate back and forth between the two sides in recognizing Members, and had turned his attention to the majority side.

Mr. EDWARDS of Alabama. The gentleman from Oregon (Mr. DELLENBACK) has been standing on his feet for 20 minutes.

Mr. FLOOD. The gentleman from New Jersey had been recognized by the Chair when I interrupted him.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey for 2 minutes, and as soon as he finishes, the Chair will announce the time available for those who were standing at the time the motion to limit debate was made.

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from Ohio (Mr. HARSHA) just talked of responses to a questionnaire. He yielded so that I could ask him what that specific question was. The gentleman happens not to have it in his possession now, but will put it in the RECORD. It seemed to me, not having seen it, that the question was something less than objective.

The gentlewoman from Oregon, I might point out as a member of her subcommittee and as a member of the Committee on Education and Labor, said "those of us on the committee," tried to arrive at a solution. I would like to point out that the gentlewoman was in the definite minority on this question within her subcommittee and was in the minority on the full committee. Therefore, she did not speak for the gentleman from New Jersey, or for a majority of the committee.

The gentleman from Indiana (Mr. BRADEMAS) referred to the stand of the president of the University of Notre Dame. I can say as a member of the committee, with a number of colleges and universities in my district, and I have had some responses from elsewhere, that the responses have shown complete and absolute unanimity from the university community in opposition to this type of amendment. This goes for the president of Princeton University, and for all the colleges and universities in my State that I have heard from, and specifically the University of Chicago, Rutgers, the State University of New Jersey, the University of North Carolina, and innumerable others.

One talks about due process, and it is perfectly easy to make ringing speeches on this subject. The fact of the matter is that 200 Columbia University students were not prosecuted by the university officials. Does anyone know of their innocence or guilt or has anyone given them due process? And does anyone know whether each and every one, or how many of those violated a law of any sort? No, they were not prosecuted and tried, and yet orators here seek to pronounce them guilty. We are not going to give due process to the university, to the students, or to the minority of those who riot and cause dissension. I am as opposed to the rioters as anyone, but by this amendment we are not going to give them due process. This is not the way to do it. It is not the business of the House of Representatives of the United States to interfere in private university affairs.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, it is appropriate, of course, that we should give earnest consideration to amendments to that part of this bill—H.R.

13111—which would restrict or prohibit loans or grants to students and faculty who engage in violent activities on the college campuses, or who threaten such violence.

Several points need to be clarified.

The problem of student unrest—including violence—is not simply a national one. Student unrest is a worldwide problem. Student riots have occurred in the nations of the Western free world as well as in the nations of the Communist world. The excuses for student disorders are different in each instance. But the student actions are basically the same.

The greatest violence has occurred in the nations of Latin America and of the Far East.

Students in Czechoslovakia revolt against Soviet Communist tyranny. Arab students revolt because of their displeasure with the existence of the State of Israel. Chinese students appear to revolt both for and against Mao. Japanese students engage in violent demonstrations over the issue of Okinawa, or even the docking of a nuclear-propelled vessel in a Japanese port.

It is both simplistic and unrealistic to say that the war in Vietnam is the sole cause of student disorders on American campuses.

Our President is striving earnestly to bring the Vietnam war to an honorable end. We all want that war to end.

But it would be erroneous to assume that student unrest must persist, or must be excused as long as the war lasts. And it would be an exercise in wishful thinking to assume that violence and disorders on American campuses will end when the war ends.

Conditions within our colleges and universities must recognize the need for change. At the same time, the needed changes should occur not as the result of violence, but by virtue of reason, persuasion, and improved communications between students, professors, and school administrators.

In considering the amendments before the Committee, it is essential to adopt the amendment of the gentleman from Iowa (Mr. SMITH) to the amendment of the gentleman from Florida (Mr. SIKES). This action can contribute substantially to restoring an atmosphere of order and mutual respect from which improved conditions on our college campuses can develop.

(By unanimous consent, Mr. MCCLORY yielded the remainder of his time to Mr. DELLENBACK.)

SUBSTITUTE AMENDMENT OFFERED BY MR. DELLENBACK TO THE AMENDMENT OFFERED BY MR. SIKES

Mr. DELLENBACK. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from Florida (Mr. SIKES).

Mr. Chairman, I ask unanimous consent that we dispense with the reading of the substitute amendment, which I will explain in a brief sentence.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. BRADEMAS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

Substitute amendment offered by Mr. DELLENBACK to the amendment offered by Mr. SIKES: On page 55 after line 8 insert the following:

"SEC. 407. None of the funds appropriated by this Act shall be used to formulate or carry out any grant to any institution of higher education that is not in full compliance with Section 504 of the Higher Education Amendments of 1968.

"No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which was of a serious nature, contributed to a substantial campus disruption, and involved the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

POINT OF ORDER

Mr. BRADEMAS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRADEMAS. Mr. Chairman, I must make a point of order against the amendment offered by the gentleman on the ground that it constitutes legislation on an appropriation bill.

I call the attention of the Chair to the fact that the amendment offered by the gentleman from Oregon contains a number of phrases each of which will require a burden on the part of the Department of Health, Education, and Welfare to make certain judgments and determinations.

For example, Mr. Chairman, the gentleman's amendment uses language which refers to conduct that is "of a serious nature." Who is to decide, Mr. Chairman, when conduct is "of a serious nature" or is not "of a serious nature"?

His amendment contains language which says that the conduct must have "contributed to a substantial campus disruption." Who defines "disruption"? Who defines "substantial"? Those determinations will be burdens imposed upon officials of the executive branch of the Government.

The gentleman's amendment has a phrase referring to conduct which "involved the use of force" or "the threat of force." Once again these phrases require determinations which must be made by the executive branch.

Mr. Chairman, the gentleman's amendment contains the phrase, "to require or prevent" certain kinds of action or occurrences. This is language which clearly involves the stipulation of a purpose which must be in the mind of the person complained of, and a determination must thus be made by the executive branch of the Government on the issue of whether such conduct was indeed intended "to require or prevent" the availability of certain curriculums or to prevent the faculty, students, or administrative officials from engaging in their duties or pursuing their studies.

For all these reasons, Mr. Chairman, I believe it is very clear that the gentleman's amendment constitutes legislation on an appropriation bill, and I believe the amendment should be disallowed.

The CHAIRMAN. Does the gentleman from Oregon desire to be heard on the point of order?

Mr. DELLENBACK. Mr. Chairman, the whole point has been argued before.

The CHAIRMAN (Mr. HOLIFIELD). Then it is obligatory for the Chair to rule, if the gentleman does not desire to be heard.

The Chair is ready to rule. It is clear from the language of the gentleman's amendment that it does go beyond a negative type of amendment and it does impose upon officials certain duties of determination and judgment which are legislative and subject to a point of order on an appropriation bill.

The Chair sustains the point of order.

Mr. DELLENBACK. Mr. Chairman, may I then speak briefly at this time on the amendments before us?

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, I attempted in my substitute to correct what otherwise bids fair to be a serious error by this House.

If one reads carefully the language now proposed by the gentleman from Florida (Mr. SIKES) as amended by the gentleman from Iowa (Mr. SMITH) there is no requirement whatsoever that there be a campus disruption. There is no requirement whatsoever as to the nature of the action taking place.

If one youngster should stand up and say to another, "If you go into that classroom I will hit you," and there is no campus disruption beyond that, it would be in violation of this language.

My proposal was an attempt to say that there must at least be a campus disruption before the provision comes into play, that there must be a serious action before the provision comes into play. However seriously we may feel about taking action against campus disruption, we certainly should not say that a provision to the effect that every youngster who holds the coat of another person who uses force or every youngster who threatens to use even mild force himself against somebody else, with nothing beyond that whatsoever, shall be punished by mandatory loss of all Federal help, and that this provision be considered to be written into the law of the land.

It is with real reluctance I say that, if we cannot perfect these amendments, if we are not in a position to make this a meaningful amendment, we should not today vote to make it a part of the law of the land.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, as chairman of the House Committee on Internal Security, I am tired, very tired, in one sense of hearing over and over again in

the investigation concerning the activities of the Students for a Democratic Society as to how organizations and people seize upon real or alleged ills existing in our society to accomplish ill-conceived or illegal purposes.

The conditions giving rise to campus unrest which have exploded into campus violence, the firebombings of buildings, the seizure of university buildings and the holding of administrators as hostages are indeed complex and deepseated. These conditions are not confined to the university campus as such. Many of the conditions extend throughout the society at large. Time does not permit me to delineate or discuss in detail all the causative factors of campus disorders, but I would observe in passing that the primary causes are the war in Vietnam and our concomitant policies of selective service.

Albeit, every Member of Congress has justifiably expressed great concern over the tremendous increase in campus disorders over the past school year. You should be concerned because I gather from expressions of opinions coming from all sections of the Nation, your constituents are even greater concerned. They are sick and tired of watching a small minority—a very minuscule minority of students—deny the right of the majority to peacefully and quietly persue their objective of obtaining a college education.

It is impossible to predict with any hoped for degree of accuracy what will happen when school again convenes next fall. Fortunately, there is one favorable development—more and more administrators appear to be getting their "backs up." This growing determination to give all the students a "square deal" should have a salutary effect. There has been a reluctance on the part of many administrators to use the disciplinary tools of expulsion and suspension to bring campus disorders under control and this permissiveness has not only contributed to the intensity of the disorders but has probably contributed to the disorders themselves.

The original language of the Smith amendment was based upon the belief that some administrators need the sobering effect of the threat of cutoff of Federal funds in order to stiffen their backbones. There is validity to this belief when you study the disciplinary efforts of former President Perkins at Cornell. However, all of that language has now been stricken. There is no attempt to force any administrator to do anything. The debate against the amendment appears to me to be wholly irrelevant. All the amendment says is that Federal funds shall not be paid to any person who uses force to accomplish the purposes therein stated. I cannot understand the position of those who in one breath say that they are opposed to any person receiving Federal funds after having disrupted a university by force and violence and in the next breath oppose a simple declaration that no such funds shall be paid to such students. This amendment involves no Federal control. All it does is impose reasonable limitations upon the extension of Federal aid. I support the Smith amendment, although I do have doubts as to whether it will have any appreciable effect of bringing campus disorders under control.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. AYRES).

Mr. AYRES. Mr. Chairman, I want to say that I was one of those in the committee who was very disappointed that our committee did not act. Since we did not act, I see no alternative but to show our intent by supporting the proposals before the committee today.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, there has been a lot of talk today about bad procedures for making decisions on campuses, in Government bureaus, and practically everywhere else.

I submit that the procedure we are following here may itself lack something. For example, it is not easy, nor necessarily sensible, to discuss questions that everyone describes as vital in 40 seconds. If the only thing that Members of the House wished to say about a proposal was that they favored or opposed it, they could do that by voting yea or nay on a rollcall, when it is possible to have a rollcall. But that, of course, is not what dialog, discussion, or democratic debate is supposed to be.

It is possible that some Members who rose early and kept rising long into the day in an effort to be heard, might have something of interest to say—might have some competence to discuss this matter out of experience, might add to the collective wisdom of the House by their insights and points of view.

How sad that so often we deny ourselves the opportunity to find out if this is in fact the case. It might be worth meeting an hour later on those unusual occasions when legislative business intrudes on other concerns. Mr. Chairman, I am opposed to this amendment because I am opposed to murky legislation that makes bad law; because I am opposed to the Federal Government drifting further toward control of educational institutions, because it is at best—that is, if it is not enforced—misleading and incendiary, and at worst—if anyone, it is not clear who, should undertake to enforce it—capricious, discriminatory, and unfair. I am opposed to it, finally, precisely because I am opposed to violence and coercion on campuses.

If the House is as concerned about violence and coercion on campuses as some of today's oratory suggests, it might not be a bad idea to consider sometime how to deal with that problem effectively. I trust no one thinks we have done that this afternoon.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent that I may yield my time to the gentleman from New York.

Mr. HUNT. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, my colleague from Indiana mentioned the president of Notre Dame University, Father Hesburgh, who is very highly respected, might be covered by this and opposed these amendments. Father Hesburgh has enforced all of the laws of Notre Dame, Indiana, and our Nation, and would not be subject to anything in this bill. As I understand the amendment which has been offered and the amendments to it, it does not tell the administration to do anything. It merely says that the taxpayers of this country are not going to support universities or a student at a university involved in some of the disturbances that we have had in our universities or some of the violence we have had there.

There has been much said here about the children of our Nation being underprivileged and handicapped. All of us feel in this direction, and want to help, but I have heard very little about the taxpayers of this country who pay the bills and the taxes required for all these programs. They, too, are certainly underprivileged and are certainly financially handicapped. It is about time that this Congress starts thinking about the poor taxpayer.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, the debate this afternoon proves the old axiom that legislation should not be adopted in the midst of emotion. Certainly no one condones violence—on or off the campus—and any inference to the contrary is unwarranted. However, unrest on college campuses reflects deep divisions within our own society. This present generation of college students has found our generation wanting—unable to end a war which they consider morally wrong, unable to end an inequitable conscription system which drafts them to risk their lives in that undeclared war, unable to end racism, poverty, and hunger.

Campus discipline is the province of university administrators. It cannot be imposed from the House floor. All of the punitive and repressive legislation imaginable will not resolve the underlying causes which brought about the situation with which this amendment attempts to deal. It will only be counterproductive.

Furthermore, the amendment does not provide a modicum of due process—no hearing procedures, no requirement of either a criminal conviction or disciplinary action. Aid could be cut off to a student without a finding by the university's own disciplinary procedure that he had been in violation of a university rule or regulation.

Unlike the amendment to the Higher Education Act which was adopted by the House last year, and became effective on October 12, 1968, it does not even require that an individual be convicted of a crime involving force or violence before funds must be cut off to him.

Mr. Chairman, there is no justification for this provision. If an individual has violated a rule or has seriously disrupted the academic community which the university views as injurious to the academic

environment, the university already has ample power to discipline that individual. If that indivdual was expelled or dismissed from employment, funds would cease to be paid in any event.

Hence, the real purpose of this amendment must be to punish students who are accused of violating campus rules but who have not been excluded from the university either through expulsion, in the case of a student, or dismissal, in the case of a faculty member or other employee. In my view, it is entirely inappropriate to use financial assistance as a punitive measure, for it penalizes only those who require scholarships or other assistance in order to attend college. The practical consequence would be to discriminate against poor students, and especially minority students who frequently need financial aid in order to pursue their educational studies. Such an effect would not only be unfair and discriminatory but would also fly in the face of the basic purpose of Federal scholarship and loan programs, which is to provide needy students with an opportunity to obtain a college education.

It is not the business of the Federal Government to discipline rebellious students. If discipline is required, that function must be performed by individual universities and colleges according to specific circumstances. To attempt to punish campus demonstrators by requiring that financial assistance be withdrawn is an infringement on the academic freedom of our colleges and universities and, in any event, will only punish poorer students in need of financial aid.

I include at this point in the RECORD a letter dated July 28 and addressed to Members of the House by Lawrence Speiser, director of the Washington office of the American Civil Liberties Union:

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., July 28, 1969.

Re Students, orderly and otherwise.

DEAR CONGRESSMAN: There ought to be a law!

It was probably during the First Congress in 1787 that the notion was first advanced that the cure for every problem besetting this nation was the passage of a federal law. That idea has flourished. The more widespread the problem, the greater the political pressures on Congressmen to do something—anything.

And yet, there are times, when Congressional wisdom dictates inaction—not because the problems aren't real and serious, but because the "cure" of federal legislation is often worse than the "disease." Such is the case, we believe, regarding student disorders which have arisen on a number of campuses throughout the country. A surprising unanimity *against* federal legislation has been voiced by many national officials, as well as university officials, who have had an opportunity to examine the problem in depth.

Last month, twenty-two Republican Congressmen completed an intensive study of our nation's campuses. A report submitted to the House by Congressman W. E. Brock (R-Tenn.) summarized their findings. They viewed every conceivable stage of campus disorders, and their report includes a detailed "anatomy of a conflict." Their first recommendation was directly to the point: "No repressive legislation . . . In our opinion the fundamental responsibility for order and conduct on the campus lies with the university community."

All high-ranking administration officials, including President Nixon, oppose any attempt by the federal government to regulate college campuses. Attorney General John Mitchell addressed himself specifically to the inclusion of riders on appropriations bills "which would cut off federal funds to institutions of higher learning which experience campus disorders, or would require them to develop certain rules of behavior and plans to control conduct as a condition of receiving assistance." He stated that any such legislation would be, "counterproductive . . . . The federal government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, faculty, and university employees."

Secretary of Health, Education and Welfare, Robert Finch also has stated that: "To advocate (federal) intervention (in university affairs), in my view, is a form of radical extremism—fatal, indeed, to the perpetuation of our free and pluralistic society."

During this session of Congress, every appropriations bill is being threatened with riders designed to punish students, faculty and even entire universities for any disorders which occur on campus.

One such has already been added by the House to the appropriation bill for the State, Justice and Commerce Departments.

A similar one, Section 407, has been reported with the appropriations bill for Labor and HEW. The language of these riders varies slightly but, in general, they provide:

(1) None of the funds can be used for any loans, or grants to students or to pay the salary of anyone at a higher educational institution who, after October 12, 1968, engaged in "the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property" or prevented anyone from pursuing their studies or duties.

(2) The university shall first have "an opportunity to initiate or complete such proceedings as it deems appropriate but which are not dilatory to determine whether such individual was involved in such conduct."

(3) No funds may go to any university or college unless they certify to HEW at quarterly or semester intervals they are in compliance with this provision.

What's wrong with these riders?

1. They are discriminatory: The penalties only affect those who receive federal aid, or whose salaries are paid with federal funds. Therefore, it is clear that this provision discriminates against those who either are not wealthy enough to go without federal financial support or who, by happenstance, hold positions which are funded by the federal government. This means that an individual who may only peripherally have been involved in a disorder or disruption on campus may be penalized by the loss of many thousands of dollars, while a ringleader who did not receive federal financial aid would be untouched. It would permit the anamolous situation of punishing one teaching assistant or faculty member but not another even though they may hold similar positions and may have engaged in exactly the same kind of activity during a campus sit-in. Those students whose parents are able to afford the cost of a college education will not be deterred one whit by these measures. This distinction between poor and rich students is hardly laudable, and indeed, would be a violation of equal protection, and, therefore, of the due process clause of the Fifth Amendment.

2. They would punish the innocent with the guilty: If a university or college failed to file the semesterly or quarterly certifications with the Secretary of HEW, *whether there had ever been any campus disorders or not*, its funds would be cut off. Campus disorders have occurred on probably 10% of all the colleges in the country. Yet, if a college, through ignorance or inefficiency failed to certify that it was in compliance, its federal funds would automatically be withheld.

This is not even a blunderbuss approach—it's simply playing blindman's bluff with federal funds.

3. Punishment may be imposed without any real due process: These riders make no provision for procedural due process. In fact, by providing that the limitations on appropriations may commence after, ". . . the appropriate institution of higher education at which such conduct occurred shall have had an opportunity *to initiate* or has completed *such proceedings as it deems appropriate* . . ." it may be interpreted to cut off funds even before the university has determined whether the alleged violator is, in fact, guilty of the act with which he has been charged. In other words, funds would be cut off, if the university procedures were merely dilatory.

Even if the proceedings are completed before funds are cut off, this rider does not insure that those proceedings would be consistent with the standards of due process which have already been established. It merely provides that an institution of higher education may use whatever procedures "it deems appropriate." This may mean no proceedings at all.

It is clear this represents the most serious threat to academic freedom university and college faculties have ever faced. Hard-won tenure rights with clear procedural protections are literally tossed into the ash-can, by this provision which permits the withholding of faculty salaries based on whatever procedures the university deems appropriate.

4. Retroactive punishment is clearly invalid: The provision cuts off funds from students or faculty members who engaged in the forbidden activity after October 12, 1968. At first glance, this seems to tie in with the riders Congress passed last year to both the Higher education Bill (P.L. 90-575) and to the appropriations bills for Labor and HEW (P.L. 90-557) aimed at student rioters. However, both of those provided that loss of funds should not occur unless there was a criminal *conviction* of a student.

Now these current proposals would cut off funds from not only students, but also faculty (who weren't covered last year), who have engaged in the prohibited activity since October 12, 1968—even if no conviction or even criminal prosecution occurred. This is so clearly an *ex post facto* law, that it is inconceivable Congress would enact it.

5. These measures strike a blow at the independence of universities and colleges: The issue of the independence of American universities is a large one. Federal intervention would perhaps be tolerable if the states were incapable of regulating conduct within their borders or if the universities were without the means to discipline students. Then it could be said that a federal presence to insure order was necessitated by an institutional failure of the states and the universities. But there is not even arguably such a failure today. Instead, the federal government exercising its authority through its power to spend would be intruding upon these institutions and substituting its judgment for theirs.

It is to be noted that the only role the university plays under these current proposals is to determine if certain conduct occurred. No discretion is left to an institution as to what penalty should be imposed. Even if a university determines an individual should only be given a reprimand because he was only slightly involved in a campus disorder—the federal government steps in with its absolute ban of funds.

The conclusion is inevitable that measures such as that with which we are concerned today are extremely unwise, and more than that symptomatic of something that could eat away at the heart of American life as we have known it. Professor Charles Reich has identified precisely the nature of the think-

ing which underlies these—"the doctrine that the wealth that flows from government is held by its recipients conditionally, subject to confiscation in the interest of the paramount state." He rightly compares this thinking to that which sustained feudal society where the two principal attributes of property were that it flowed from the sovereign and resided in the person to whom it was given so long as it pleased the sovereign. Congress can follow this path backward toward our feudal past, and impose upon all federal spending provisions which cause a forfeiture by the recipient if he fails to live up to standards set by Congress. It can, on the other hand, reject such an approach and determine that the institutions of this country will remain free and independent despite their reliance upon some measure of federal assistance. The proper choice is clear.

Many years ago, Alexander Hamilton wrote some wise words:

"Nothing is more common than for a free people, in time of heat and violence to gratify momentary passions, by letting into the government principles and procedures which afterwards prove fatal to themselves."

He could very well have been talking about these proposed student disorder riders. Last year Congress passed five such measures. It is time to call a halt.

Sincerely yours,
LAWRENCE SPEISER,
Director.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Illinois (Mr. ANDERSON).

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

Mr. OTTINGER. Mr. Chairman, I object.

Mr. CONTE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise in opposition to the amendments of Mr. SIKES and Mr. SMITH. The testimony and the statements provided by the administration through Attorney General John Mitchell, Secretary Robert Finch, of HEW, and Dr. James E. Allen, Deputy Assistant Secretary of HEW, more than support the position that additional laws are not necessary to deal with violence by students on or off the campus. The laws are already there. And the college administrations which at the beginning of this period of student disruption were caught unawares and floundered in their handling of the problem, now through harsh experience are ready to deal with those who violate those laws.

Many of my colleagues in this House today have attacked those whom they call "revolutionaries" as though that were an epithet. I am proud of the revolutionaries in our history, those who seek to change society so as to make it more just, those who have a social conscience and see all about them hunger, poverty, immorality, war, and venality in the very highest places of this country, and wish to change that. One can be a revolutionary and not engage in or support violence. Indeed it is admittedly only a small number of students who have engaged in illegal acts. Those students are being dealt with by the chancellors of the universities who are suspending and expelling. For this Congress to indicate its contempt for change in our society, a change peacefully sought by the overwhelming number of students today, can only radicalize the vast majority of those students whose goals are my goals and I think the goals of most if not all of the Members of this House.

Federal legislation should not be employed to repress and to chill lawful action on the part of our students. All of us condemn violence but our authority to do so should rest on the assumption that we are willing to change and renew our society and its institutions without the prod of violence.

Mr. KOCH. Mr. Chairman, I ask unanimous consent to yield the remainder of my time to the gentleman from Missouri (Mr. SYMINGTON).

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. QUIE. I object.

Mr. KOCH. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I rise in opposition to section 407 of the bill and all the amendments under consideration. I do so not only because of the unanimous opposition of distinguished educators in my district and State, but because of the considered judgment of the highest officials responsible for the execution of the Nation's relevant laws: Secretary Finch, Attorney General Mitchell, and the President himself.

During the last presidential campaign, the issue of law and order and how to attain it was topmost in everyone's mind. On this vital issue, perhaps more than any other, the Nation placed its confidence in the man it elected President. Surely the message to each one of us which is implicit in this supreme expression of confidence was to listen to this man on this subject. Accordingly, when any proposed legislation concerns itself with the preservation of law, order, and domestic tranquillity. I do indeed listen to our President. And he has clearly indicated his opposition to the kind of legislation we are considering at the moment. His very clear opposition was conveyed by the public letter of July 17, 1969, addressed to Senator DIRKSEN and Minority Leader FORD, and signed by Secretary Finch and Attorney General Mitchell. The full text of the letter has been reported.

But to summarize, the letter anticipates possible efforts in Congress to cut off Federal funds to universities which experience campus disorder or which would not take sufficient steps to control it. The letter recognizes the legitimate concerns of Congress in this area, but states:

In our studied judgment, however, such legislation would be counter productive, and would seriously jeopardize the relationship between the academic community and the Federal Government which has been of such inestimable benefit to our society. We strongly feel that the threatened cutoff of institutional funds is an entirely inappropriate way of dealing with a serious problem . . .

We are actively studying ways in which the Federal Government might constructively assist institutions and protect the right of all Americans to pursue their education without disruption.

The President has asked us to send you these views with the hope that you will call them to the attention of your colleagues, so that there may be no misunderstanding of the Administration's position in case such legislation is offered in the House.

Now that "such legislation" has been offered, I do call these views of the President to the attention of my colleagues. I suggest that we should not wish to encounter at some future time the charge that we enacted legislation that was counterproductive, and did in fact jeopardize satisfactory relations between the Federal Government and the academic community.

It is for the foregoing reasons that this House should support the President and reject these proposals.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding to me.

I must say, Mr. Chairman, that I rise with some reluctance to oppose the Smith amendment. I believe that cutting off funds to students who contribute to a substantial disruption is appropriate but, I concur with my colleague from Oregon (Mr. DELLENBACK) that the language before us is mischievous. I think it is vague and open to serious question. Better we not act at all than to act hastily or out of emotion. That would happen were we to adopt the language of the amendment. Thus I shall oppose the Smith amendment in the belief that we will be harming the cause of the institutions of higher education of this Nation. It is unfortunate that Mr. DELLENBACK's perfecting language was ruled not germane since with those changes I would support the amendment.

Mr. Chairman, yesterday's morning newspapers indicate that Gov. Ronald Reagan, of California, has joined the ranks of those urging that the Federal Government not take legislative action to cut off funds to institutions of higher education which experience student disorders. I feel that his words should be heard by all my colleagues in this House. Governor Reagan said yesterday:

I don't see how you can withdraw funds from institutions without punishing the innocent.

It is precisely this indiscriminate punishment of innocent students and faculty members, as well as those guilty of troublemaking, that makes the institutional cutoff provisions contained in section 407 unacceptable. I am pleased that the Chair upheld the point of order on this section.

I feel that going that additional step—threatening to cut off all Federal assistance to an institution of higher education—smacks not a little of "overkill." Many colleges and universities, already greatly in need of funds to meet the spiraling costs of providing a higher

education, are significantly dependent upon Federal aid to meet the costs of student financial aid, construction programs, research, and instruction. Denial of such funds to an institution would play right into the hands of the SDS, which wants to close our colleges, not reform them.

All legislation to cut off Federal aid to universities which experience difficulties is based on incomplete information about the situation on campuses. In the past we have complacently assumed that the malaise is not widespread. That we are faced with a handful of revolutionaries who create disorder, but that 99 percent of the student bodies are "members of the silent majority" who do not share the concerns or sympathize with some of the goals of the SDS. Such a picture is an oversimplification of the composition of student opinion. On campus after campus, the so-called silent majority is a myth. The disaffection and alienation which one finds in student revolutionaries is widespread throughout many student bodies. Vast numbers of bright, dedicated, sincere students are just as deeply disturbed as the so-called revolutionaries, the difference is that they are not yet violent. They have not yet rejected completely the view that they should not resort to violence.

Any long-range solutions to the problem have to be based upon a realistic view of the extent of the malaise and the expected reaction of the concerned students who are not yet revolutionaries. I would predict, on the basis of my experience, and without qualification that legislation such as that which was contained in section 407 of this will increase the number of revolutionaries and compound the problems for each university. In effect we are telling the administrator to shape up and solve your problems—if you don't we will see to it that your position is made untenable by cutting off your funding and proving to the rest of the students that SDS has been right all along.

Students will not be coerced—they will not be cowed by the threat of punishment or the application of overwhelming force. When we seek to cut off funds to universities who prove incapable of handling their problems, we only confirm the students' opinions of our motives. We merely provide conclusive evidence of everything the SDS has been telling them about the "establishment."

What we need is greater understanding on their part and on ours. As we acll out the National Guard to restore order on a campus we must also seek to understand their concerns and to restore their faith in the efficacy of democracy. We do not have to condone violence or capitulate in the face of threatened violence. But neither should we do anything to confirm their mistaken views of how the system operates.

Mr. Chairman, the Young Republican National Federation in its July 1969 convention platform said:

> We urge . . . that punitive measures taken . . . not punish the many for the actions of a few by cutting off funds to entire institutions.
>
> The right to disagree—and to manifest disagreement—which the Constitution allows to the individual . . . does not authorize them to carry on their campaign of education and persuasion at the expense of somebody else's liberty or in violation of some laws whose independent validity is unquestionable.

Mr. Chairman, these words of Erwin N. Griswold, former dean of the Harvard Law School and now Solicitor General of the United States, accurately portray the dangers to the integrity of our educational system embodied in the ever-increasing resort to violence on our college campuses. Griswold added:

> Violent opposition to law—any law—or forcible disregard of another's freedom to disagree, falls beyond the pale of legitimate dissent or even civil disobedience properly understood; it is nothing short of rebellion.

We are indeed faced with a rebellion, and the alarming developments of recent weeks as students at Cornell have armed themselves in the course of presenting their demands to the university are indicative of the vast potential for destruction inherent in the use of force in the academic community.

President Nixon and other administration spokesmen have forthrightly called upon university officials to stand firm in the face of threatened force, and to make clear their determination to preserve our universities. It is vital to the long-run interests of the Nation, that our higher education system be preserved and that its integrity be upheld by those who are most intimately involved in its day-to-day operations.

Malcolm Moos, president of the University of Minnesota, has pointed out that universities themselves contribute to "the destructive notion that disruption is the path to reform, by moving under the threat of chaos and doing business as usual when tensions seem low." Legitimate demands for change will not be satisfied nor will meaningful reforms be implemented through capitulation to those who resort to violence, any more than they will be achieved at the expense of the constitutional rights of others.

But it is essential that we not permit ourselves to fall into the trap of irrationality which seems to plague so many of the militant student groups. We must carefully consider their objections to the present educational system, because they do have some substance, and because numerous individuals, faculty and administrators included, have voiced their dissatisfaction with the pace of reform in higher education. The fact that the manner in which demands for reform are often presented is reprehensible, in no way lessens our responsibility to entertain those suggestions and evaluate the performance of our universities. It is not enough to express abhorrence at the activities of those morally arrogant individuals who would destroy one of the foremost institutions of our society, to call for an end to violence, or to appeal to the rule of reason and rational debate. In all too many instances, such discussions are not properly tempered with an awareness that all is not well with the academic community.

Secretary of Health, Education, and Welfare Robert Finch, has very effectively articulated the need for the universities to respond to legitimate requests for change. In testimony before the House Special Subcommittee on Education, Secretary Finch said:

> In all truth, many academic institutions have brought much (of their difficulties) on themselves. They have not always responded to the clear need of any viable institution for constant self-examination and self-renewal. In the quest for more and better research grants, they have not always attended to their primary objectives as teaching institutions. In attempting to serve many masters—government and industry among them—they have tended to serve none of them well. Now they are faced with extremist attempts to impose a new orthodoxy, and the only proper agents to insure bonafide academic pursuits within the context of order lie in the administration, faculty, governing boards and other segments of the university community itself.

Many areas of university activity need to be seriously questioned. Some of the basic assumptions about the role of the university of society, and the relationships between students, faculty and administrators need to be reevaluated in light of our current needs, and in light of the enormous changes in society which have taken place since the basic structure of the university was devised. Is the present system of advancing faculty according to research abilities the only alternative, or can we find a way to equally reward those who emphasize teaching? Rather than requiring faculty members to teach and do research at the same time, is it perhaps possible to alternate their responsibilities, devoting all of their energy to research or to teaching at different stages in their careers? Can ways be found to channel the youthful enthusiasm and the concern with social problems of students into productive work outside the university? Is the present administrative structure of the university characterized by intense specialization within narrow disciplines the only way to organize an academic community? What has been the impact of Federal funding upon the relationships between the elements of the universities? What happens to the student-teacher relationship when research funds go directly to faculty members instead of to institutions?

Many of these are questions which only the academic community itself can answer—but the fact remains that few attempts have been made to undertake any kind of in-depth evaluation. Unfortunately for the vast majority of students and for the Nation, both radical students and unresponsive and vacillating faculty have only encouraged the view that violence works; and we are rapidly approaching the point at which nonacademic institutions and officials will, of necessity, be forced to intervene, imposing solutions on the university. The Nation cannot sit idly by while its universities are destroyed—and yet no solution can be imposed without destroying the principles of academic freedom upon

which our present system of higher education is based.

Every effort must be made to find ways to enhance the resolve of administrators and faculty to withstand force and the threat of force, while encouraging them to take a position of leadership in analyzing their own responsibilities for current difficulties and seeking constructive changes within the university. There are, presently available, numerous legal instruments which can be relied upon by university administrators to control outbreaks of violence, and every effort should be made to permit each campus to meet the challenge in its own way. In addition to local ordinances, Congress passed last year, legislation which authorized college administrators to withhold Federal grants and loans from students convicted of disrupting a campus. The previous administration did not use these provisions, but President Nixon and Secretary Finch have already taken steps to encourage the application of these regulations, thus providing one more tool to aid administrators in their efforts to control violence.

Ideally the solution at each university should be limited only by each institution's resources and imagination. The only way to bring the current wave of disorders and disruptions to an end is through the development of firm and imaginative leadership on each campus. If faculty, administrators, and moderate students cannot be encouraged to fill the vacuum, then nonacademic institutions will be forced to act, and this would constitute nothing less than a national tragedy.

The language of the Smith amendment attached to the Sikes amendment is vague and ought not to be adopted. Clearly, better language is required if action is to be taken.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, it has been said today that Father Hesburgh, Dr. Milton Eisenhower, Secretary Finch and Commissioner Allen are all against the Sykes-Smith amendments. The gentleman from New Jersey (Mr. THOMPSON) said there was unanimity on the part of a number of university administrators, including the president of the University of North Carolina—from which I graduated—that all are opposed to these amendments.

Mr. Chairman, I would like to say that neither of the gentlemen whose names were used is an elected public official—certainly not a Member of the Congress elected to represent the taxpayers of America and most assuredly they have not been elected to represent the taxpayers of the Second Congressional District of the State of North Carolina.

I support these amendments and hope they will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I support the Sikes-Smith amendments, which reaffirm in legal and reasonable terms the intent of the Congress that Federal funds shall not be used to subsidize violence and illegal use of force on the college campus.

As I understand the amendment, it leaves in the hands of college authorities the power of determination of eligibility with reference to any student, under the terms of the law.

It does make very clear the intent of the Congress on a matter of grave concern to millions of Americans—the use of force, or the threat of force, or the seizure of property on a college campus, to prevent students or faculty from the pursuit of studies at the institution. It makes very clear the intent of Congress that students or faculty found by the institution to be engaging in such illegal activity should not be provided loans, grants or salaries from Federal funds.

Surely this is a conviction shared by the great majority of Americans. I urge the approval of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, I rise in favor of this legislation.

I am glad to report to the House that Mariner 6, late last night, passed within 2,100 miles of the equatorial zone of the planet Mars.

I would like to tell the Members that the National Aeronautics and Space Administration states that "the pictures are fantastic." These pictures are scheduled to be on national television tonight at 8:30 p.m. daylight saving time.

The other unmanned capsule, Mariner 7, is closing on the planet Mars from a distance of 1,500,000 miles. Mariner 7 is expected to pass within 2,100 miles of the southern hemisphere and ice cap of Mars.

Last night, Wednesday evening, July 30 the Jet Propulsion Laboratory in California lost radio contact with Mariner 7. This loss continued until communication was reestablished again today. It is the belief of the scientists that the possible cause was the impact of a micrometeorite with Mariner 7. This probably turned the capsule and the antenna enough to cause loss of "antenna lock" with the ground stations in communication with Mariner 7.

The present schedule announced by the Jet Propulsion Lab is that the pictures from Mariner 7 will begin to be received by JPL at 12:59 a.m., Saturday morning, August 2. Of course, the communication is by bits in computer language that contains various kinds of information, so the computers at JPL will have to sort out and produce the pictures from the information received. The daily papers, radio, and television stations should be watched by Members and their families to find out at what time the pictures will be released.

These are certainly interesting times for every American, as well as all world citizens. The U.S. Government, NASA, and the U.S. Congress are to be complimented on making the Apollo 11 moon landing, as well as the flights of Mariner 6 and Mariner 7 to Mars available to the public. This gives us all the feeling of watching history as it is being made by the United States in space exploration.

Someone among the Members has asked me what happens to Mariner 6 now that it has performed so brilliantly on its pass within 2,100 miles of the equitorial zone of Mars. The engines have been restarted from a distance of 59,000,000 miles giving Mariner 6 a kick in the apogee so that Mariner 6 is now en route to solar orbit and will finally, by the pull of the sun's gravity, gradually approach the sun, melting and vaporizing before impact.

Hearty congratulations again to NASA, the Jet Propulsion Lab, American industry and labor, scientists, engineers and technicians, as well as our U.S. taxpayers, who are making this brilliant space record possible.

The United States is now, and will continue to be, preeminent in space and space exploration.

The CHAIRMAN: The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of the Sikes-Smith amendment.

I would say, very briefly in the time allotted to me, that this is not an enforcement-of-the-law amendment. Enforcing of the law must be conducted by law-enforcement officials. This amendment is merely saying, on the part of the Congress of the United States, that we will not finance the tuition in institutions of higher education of radicals, arsonists, anarchists, and others who would destroy these institutions.

Certainly, if we fail to act in this Congress, we will be giving the greatest vote of confidence to the radical elements in our colleges and universities. We will be giving them a license to burn, loot, and destroy the universities which is their avowed purpose.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I wish to rise in support of the amendment offered by the gentleman from Florida (Mr. SIKES), and the gentleman from Iowa (Mr. SMITH), and I hope that my colleagues will join with me in this support.

Now is the time for this body to stand up and be counted for the cause of safe universities and good education, and I think we can do this with these amendments.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, I rise to support the amendment of my distinguished and able colleague, BOB SIKES, as amended by my warm colleague and friend, NEIL SMITH, of Iowa.

Mr. Chairman, it would be incredible, unbelievable, and even ridiculous if this House appropriated money for gangsters, anarchists, arsonists, and subversives on the campuses who are sworn to overthrow our great and incomparable system of higher education. Should this amendment be rejected, this House in effect would be subsidizing these hard-core trained leaders who are out to destroy higher education in our great country. I could not think of a more truly American approach than this amendment. It would leave the final decision of whether or not a student is to receive

Federal funds from all the taxpayers of the United States entirely up to the duly constituted college or university authorities.

In other words, Mr. Chairman, if a so-called student who comes to a university or college and attempts or does burn down the coliseum, ROTC building, library, or some other school building, the university authorities would simply have the right to deny him funds from the Federal Treasury. This is a timely amendment. It is long overdue and will restore to college authorities the final decision with reference to the activities of those who are out to destroy the academic community.

Believe me, Mr. Chairman, anarchist and violent revolutionaries are on the campuses. I saw one at one university 3 years ago; this spring, I saw him at another university a thousand miles away. Always the pitch is the same—burn the university, burn the American flag and never once offer a positive, sane program to promote higher education.

Mr. Chairman, I urge that this amendment be adopted and that it be passed by an overwhelming majority in order to make the message crystal clear to the anarchists and subversives on the campus that this Congress is for education and not out to destroy it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I have listened with interest to two debates today, this one we are considering now on campus disorders, and the other was a minidebate at the beginning of the session concerning the investigation of race riots within the military.

I think it is interesting to note the reaction of some of my colleagues.

The gentleman from Michigan, for instance, referred to the Ku Klux Klan and violence caused by them in a way that intimated the race riots that occur today might be justified by actions of the Ku Klux Klan of the past.

Then there are those who today take the floor, premise their remarks by saying that of course they do not condone violence, and then they read the litany of the problems we have facing the Nation as a possible justification for violence.

These people should realize that their attitudes are an encouragement to the further use of violence.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. SIKES), and the amendment offered by the gentleman from Iowa (Mr. SMITH).

The American people are tired of violence on our campuses.

Now is the time for Congress to act against those who would destroy academic freedom for the majority of law-abiding serious students. By restricting the use of Federal-aid funds to those who seek only to disrupt, and tear down, rather than build for a better America, we answer the call of the people of this nation who demand action.

No rioter, no arsonist, no gun-carrying extortionist has the slightest right to a single penney of Federal tax funds.

Congress has the opportunity today to speak for the taxpayers of this Nation, and for the students who strive for an education in an environment free of threats and intimidation.

I strongly support the Sikes amendment and the Smith amendment, to cut off funds to anyone who engages in violence against his college or university, or his fellow students.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I am not a candidate for the Presidency or the U.S. Senate. Therefore I rise in support of the amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I rise in opposition to the amendments. The proposed action, designed to discourage unrest on campuses across the Nation, would be a serious mistake, and I urge my colleagues to consider the consequences of its passage.

The use of force on college campuses has created in each instance complex and difficult challenges to men of good will, administrators, faculty, and students alike. Because no two situations are alike, members of each college community must be left to face those challenges on their own, calling in the help of outsiders as they see fit. Each well-publicized incident of student unrest has sparked public debate about the fitness of university response. But whether or not we agree with all decisions made in times of university crises, we must stand up for the right of those directly involved to make those decisions. It hardly makes sense that those of us completely removed from campus events should claim greater wisdom for dealing with them than those involved. I would argue then that more attempts at Federal intervention, such as this one will only make it more difficult for each university to deal with its crises quickly and wisely.

In this Nation we have traditionally and wisely left disciplinary action up to local control. We have considered those closest to the problem are in a better position to understand the difficulty, judge it properly, and mete out appropriate punishment.

Our criminal jurisprudence is replete with manifestations of this principle. A criminal is tried in the county where the crime is committed and by local jurors. In our doctrine of conflict of laws one State will not presume to enforce the criminal laws of another. Yet in this instance, the Federal Government would take jurisdiction over an essentially local matter on the grounds that Federal money is involved. But if we follow this basis of jurisdiction then the Federal Government will have jurisdiction in disciplinary matters over every individual in this country because no individual is outside the scope of some Federal benefit even if it is nothing more than a benefit under our tax laws. If we follow the Federal dollar as a basis of jurisdiction then we can deprive States of highway money unless they certify that they have certain traffic laws and that they will enforce them. We can deprive cities of Federal funds unless they have adequate laws to prevent riots and enforce those laws in accordance with some Federal standards, and many more examples could be cited whereby if we follow the action proposed in this and other student unrest amendments the result would be a gigantic Federal police force. In contemplating this action to stem student unrest we are in effect reverting to a feudal system whereby the sovereign Federal Government is invoking a forefeiture clause in the holding by recipients of Federal benefits if they fail to live up to standards set by the sovereign.

This is to be distinguished from cutting off Federal funds from school districts which do not comply with the Civil Rights Act. The Civil Rights Act is a matter of Federal jurisdiction and it would be unwarranted for Federal funds to be spent for purposes that would be in violation of the Federal Constitution.

I can see no sense in piling punishment on punishment. And I can see no sense in Federal intervention in campus problems so profound and complex that they are challenging the best leadership in the Nation's campuses: I doubt that simple solutions can be found on Capitol Hill.

Let me close by quoting a passage by Alexander Hamilton spoken many years ago which seems appropriate today:

> Nothing is more common than for a free people, in time of heat and violence to gratify momentary passions, by letting into the Government principles and procedures which afterwards prove fatal to themselves.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I plan to support the amendment offered by the gentleman from Iowa (Mr. SMITH), and the amendment offered by the gentleman from Florida (Mr. SIKES). I do not believe the Sikes amendment is going to do any damage. In fact it will not do much of anything. All it says is that the universities have to comply with the law. They certainly will do that since they decide whether they are in compliance not the Secretary of Health, Education, and Welfare.

Now, this means that the Congress indicates to the universities that we back Secretary Finch, not Cohn, because Secretary Cohn sent letters out to colleges and universities saying that the law could not be enforced and was unwise, so that they got the impression they might as well forget about the law.

Secretary Finch said the institution should enforce the law, so we will stand up for Finch in the Sikes amendment.

So far as the amendment offered by the gentleman from Iowa (Mr. SMITH) is concerned, his amendment just makes it clear that if any student engages in such activities as he lists, we do not want to fund them with taxpayers' money.

Mr. Chairman, I believe we could have worked out better language if the bill had come out of the Education and Labor Committee. We should have worked it

out there, but we were denied that opportunity by a majority of that committee.

I think it is the responsibility of the Committee on Education and Labor to pass a good piece of legislation governing the use of money appropriated rather than adding language as a limitation on appropriations. Since the Education and Labor Committee failed, I think we should at least pass this language.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mr. SIKES. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. SIKES. Mr. Chairman, I would like to make doubly clear that I feel the Smith of Iowa amendment to my amendment adds strength and substance to it. It is needed and I endorse the Smith of Iowa amendment and shall endorse both amendments.

Mr. CLARK. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. CLARK. Mr. Chairman, it was the Cristopher movement which adopted the slogan which says:

It is better to light one little candle than to stand and curse the darkness.

And it is my intention today to light that one little candle rather than stand and curse the darkness of anarchy and subversion.

I am for the Sikes amendment and the Smith of Iowa amendment. We must give our college professors backing. If we just sit and twiddle our thumbs here in Congress, while the SDS plots and plans disruptive measures in our schools, not only our school system is in jeopardy, but our whole society will go down the drain, all to the delight of our enemies around the world.

I have been collecting in my office the clippings concerning the disruptive and disgusting so-called Students for a Democratic Society. Never has there been a less accurate name for an organization for they should be called the "Students for a Disruptive Society." Going back to the Democratic National Convention of a year ago they worked their anarchist ways attempting to destroy the convention for the very simple reason that they did not agree with the choice that was made of a nominee. Now would not this Nation not be in just dandy shape if all of us decided to riot every time our Government made a decision we did not like? Well, the absurdity of this fanatic organization has been finally and clearly demonstrated—and appropriately enough in the same Chicago they tried to destroy—by their recent meeting where the first order of business was to bar the press while they proceeded with their canabalistic rites—the Chinese-type Communists and the Russian-type Communists and the American-type Communists all at each others throats. Sometimes when I look out my office window at the Potomac River I think this would be a fitting place to heave all of them for at least if they did not drown they might come out clean instead of with the filthy physical and philosophical stench that they give out now.

Of course, the thing that really sets me off is the fact that these radicals and rabble rousers are such a minuscule minority of today's youth and yet their weird proclamations and bizarre behavior receives so much attention that one would think they are speaking for the modern generation. One of the advantages, however, of a Congressman's position is that he gets mail—loads and loads of mail. And my mail runs 40 and 50 to 1 each time I lash out at the parasites of American society. And much of the mail that comes in dealing with the law and order issue comes from young people who are thoroughly disgusted with the antics of their contemporaries. And many of these fine young Americans are pointed in their remarks concerning their dedication to their Nation and flag and their genuine anger with those bearded scavengers who purport to speak for the modern generation.

To the average American reading his newspaper the disgusting, disruptive, and deplorable actions by the SDS must almost seem to be representative of the student bodies on our campuses today, and nothing could be further from the truth. In point of fact the SDS simply represents a minuscule minority dedicated to total disruption of the educational process with no desire to reform our society but a Marxian-like dedication to its destruction.

There are literally millions of young Americans in high school and college, who have a total aversion to the actions of the SDS and who want to demonstrate that you should either love America or leave it.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

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

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

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding and wish to state I wholeheartedly support his previous remarks and those of the gentleman from Oregon (Mr. DELLENBACK). The amendment before us is vague as well as unnecessary. It is not a constructive step to help college administrations.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, this amendment is unnecessary in my view and in the view of the President, the Attorney General, the Secretary of Health, Education, and Welfare, and the U.S. Commissioner of Education.

It adds nothing but mischief and the potential for further polarization, to our already overcharged university scene.

Our body has expressed itself time and time again as opposed to violence or threats of violence or the destruction of property, public or private in the pursuit of the solution of social ills.

Our university administrators have become more sophisticated in dealing with the violent radical left, more adept in isolating the minute splinter of violent disruptors from the mainstream campus adherents of peaceful nonviolent change and overdue "aggiornamento," more forthright and courageous in calling in the law promptly, when necessary, either through the police presence, the local district attorney, or the injunction power of the courts, each in turn where appropriate.

In recent months, we have seen a marked improvement in the effectiveness and dispatch with which college and university administrators have managed to contain violent disruption, and get on with the business of necessary change and reform. Across the Nation the vast majority of students, through their elected leaders, are being "included in" in the process of determining the direction and pace of needed change. The moderates are being given effective voice, and the violent extremists are being isolated, by university administrators across the land.

Let us keep the long arm of the Federal Government, Congress, and executive branch out of our local college campuses. College administrators, the local police, the local courts, and local prosecutors have the situation increasingly well in hand.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to my colleague, the gentleman from New York.

Mr. REID of New York. I thank my colleague, the gentleman from New York, for yielding.

Mr. Chairman, I would say very simply that I oppose the Smith-Sikes amendment which is very clearly an outrageous provision to cut off funds to certain students. It will be clearly counterproductive. At a time when colleges are improving communications, providing for appropriate student governance and acting through the courts where necessary to deal with disorder, this type of Federal legislation is not only wrong but it would also tend to play into the hands of the real extremists. To talk of the threat of force or the use of force is to use pernicious language and that is deplorable.

I strongly urge defeat of the amendments.

The CHAIRMAN. The Chair recognizes the gentleman form Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I shall support the amendment offered by the gentleman from Iowa (Mr. SMITH) because it does not represent a broad-gaged institutional cutoff but in fact and in reality it is the kind of legislation that is limited to those individual students who are engaged in a course of illegal conduct.

I would also remind the House that shortly we will be considering the sections of this law involving the power of the Federal Government to cut off funds under title VI from people who violate the law.

I believe in title VI. I am going to support amendments that would preserve the integrity of that section and, therefore, I do not see any inconsistency in asserting the right of the Federal Government to cut off funds from individuals who break the law.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I support the Sikes amendment but I oppose the Smith amendment.

Section 504(a) of the present law penalizes students convicted of crime which involves the use of force.

Under section 504(b) we penalize students who wilfully refuse to obey the lawful regulations of a university. It is easy to enforce those laws and to provide due process in determining what is good conduct and what is bad conduct.

But when we add language here which penalizes conduct involving the use of force, we add a vagueness to the law that makes it impossible to provide due process and it is going to injure rather than help law enforcement on the campuses by so doing.

Mr. Chairman, I urge a vote against the Smith amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. WILLIAM D. FORD).

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

Mr. WILLIAM D. FORD. I yield to the gentleman.

Mr. BRADEMAS. Mr. Chairman, I only want to comment on what my friend, the gentleman from Indiana (Mr. MYERS) said earlier when he spoke favorably of the actions of Father Hesburgh in enforcing the rules and regulations of and at the University of Notre Dame, and it is precisely because he and other university presidents around the country want to be able to enforce their own rules and regulations that the legislation before us now is not necessary.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I shall enumerate my reasons for opposing this amendment as one who represents the best university in the country, the University of California at Berkeley.

I am opposed to these amendments for the following reasons:

First. They needlessly pre-empt the authority of local police to deal with lawbreakers free from Federal considerations.

Second. They impinge mightily on prerogatives of college administrators to handle their own disciplinary matters free from Federal considerations.

Third. They needlessly interpose the Federal Government in academic affairs.

The great universities ultimately must solve their own problems, and this legislation will not help them.

This amendment is a mere facade, an attempt to treat symptoms. But it does nothing to help meet or solve the serious underlying social causes, the gaps between rhetoric and action, the enormous lack of confidence in the ability of our Government to meet our problems.

I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ESCH.)

Mr. ESCH. Mr. Chairman, none of us condones acts of violence or illegality on a college campus or anywhere else. That is not the issue. None would approve the indiscriminate granting of amnesty to those guilty of violence or disruption, on campuses, or anywhere else. But that is not at issue here either.

What concerns us now is the need to make a proper judgment respecting the character of congressional response to acts of violence. If we intend to discourage violence on the Nation's campuses, we cannot do so by cutting aid to institutions. Such an act would encourage those who are bent on destroying our institutions of higher education, because the retribution for their acts of violence would be felt more by the victims than by the perpetrators of such actions.

Recently I had called to my attention a letter to the Assistant Attorney General, Office of Legal Counsel, from William F. Baxter, an eminent professor of law at Stanford University. Professor Baxter describes himself as one of the most outspoken advocates of hardline opposition to the student radicals at Stanford.

In his letter to the Justice Department, Professor Baxter warns that while only about 1 percent of the student body can be described as hardcore revolutionaries, they nonetheless can gather more supporters quickly as a reaction to what may appear to be repressive acts by Congress or local authorities. He anticipates as follows the consequences of the kind of antiriot legislation that is included in the committee bill:

> The government can weaken most universities and perhaps destroy some by taking away financial support; but it will not succeed in maintaining "peace on the campus" by that technique for several reasons. First, withdrawal of funds represents no threat to the radicals who cause the disruptions. On the contrary, to them it represents a strong incentive; for total divorce and complete alienation between the University and the Government is one of their primary objectives . . . Insofar as it withdrew support for scientific work with potential military applications, they would be delighted; and, finally, since protesting students and faculty come primarily from the classic and humanities and because they have the erroneous impression that substantially all government aid goes to the social and physical sciences, the threat would not seem aimed at them in any event. I am positive that this step would encourage the radicals, and I am reasonably confident that the step will adversely affect the evolution toward responsibility among the faculty; and given those facts, no increase in determination on the part of the administration and those of us already striving to maintain order will be of any utility.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, my amendment merely provides that the money appropriated will not be used to support presence on the campuses of individuals who use force to prevent others from enjoying academic or student freedom, and that money will then be available for some other student who would otherwise be unable to get a loan and I think that is the very least we can do.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. FLOOD) is recognized to close debate.

Mr. FLOOD. Mr. Chairman, the debate is closed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH) to the amendment offered by the gentleman from Florida (Mr. SIKES).

The question was taken; and on a division (demanded by Mr. BRADEMAS) there were—ayes 129, noes 58.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Florida (Mr. SIKES) as amended.

The question was taken; and on a division (demanded by Mr. SIKES) there were—ayes 162, noes 61.

So the amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

AMENDMENTS OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 56, strike lines 16, 17, 18, 19, and 20.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

(By unanimous consent, Mr. COHELAN was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

The CHAIRMAN. The objection comes too late.

Mr. COHELAN. Mr. Chairman, I further ask unanimous consent to have my amendment to strike section 408 and my amendment to strike section 409 considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California to consider amendments to sections 408 and 409 en bloc?

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 56, strike lines 16, 17, 18, 19, and 20.

The CHAIRMAN. Under the unanimous-consent agreement, the two amendments will be considered en bloc.

The gentleman from California is recognized for 10 minutes.

Mr. COHELAN. Mr. Chairman, by this time, as I know the House recognizes, this is somewhat of an old standard. Mr. WHITTEN and I have gone through this ritual now at least three times.

I come before the Members today with pride in announcing that our effort today is a bipartisan effort, as it has been

in the past, and henceforth let the country know and let the world know that this shall be known as the Cohelan-Conte amendment. The gentleman from Massachusetts (Mr. CONTE) who is my colleague on the Appropriations Committee, has conducted a very active campaign on his side of the aisle, and we stand together today for the amendments we are advancing here.

Mr. Chairman, we rise to offer an amendment to strike section 408 and to strike section 409 from this bill.

This is without question an issue of black and white.

A vote against these amendments to strike will be a vote against civil rights. It will be a vote against the Constitution, against the Supreme Court, and aganst elementary fairness and equality in education.

The provisions advanced by our distinguished colleague, the gentleman from Mississippi (Mr. WHITTEN), are an open invitation to recalcitrant southern school officials to continue defiance of the law, to disregard the constitutional rights of millions of Negro students to equal access to public elementary and secondary schools.

If these provisions are accepted, many school districts which have reluctantly complied with the law in the past will seize upon this as an opportunity for backsliding, for lawlessness on a scale this country has never before witnessed. All of us are against lawlessness, and all of us are against violence.

If these provisions are accepted, there is a real possibility that Negro students will once again be denied a precious freedom so long denied them, that of participating as equals with white contemporaries, in the same schools, and not in separate-but-equal or unequal schools.

If the Members vote against these amendments they will be affirming the South's right to keep its racially segregated schools. They will be ignoring the 1954 Supreme Court decision which I called the beginning of the second reconstruction in the history of the United States of America. They will be ignoring what the Congress overwhelmingly supported only 5 years ago when it enacted the Civil Rights Act of 1964.

We have seen some progress since the enactment of the civil rights legislation, but this progress now hangs before us in jeopardy.

During the 1967-68 school year—mark this—13.9 percent of Negro students in the South attended racially integrated schools. Last year this figure increased to 20.3 percent. Under the present law we can expect an increase to about 40 percent this coming year.

However, if we reject these amendments and accept this bill with sections 408 and 409 intact we can expect retrenchment—not 40 percent integration, but 10 or 5 percent. These provisions attempt to remove Federal enforcement of local school district policies to end unconstitutional discrimination. They attempt to leave a requirement that so-called freedom of choice plans are acceptable means of desegregating schools, even though such plans fail to eliminate discrimination and unconstitutional segregation in schools. They are an attempt to perpetuate, blatantly, discriminatory separate-but-equal dual school system concepts which were declared unconstitutional by the Supreme Court 15 years ago.

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

Mr. COHELAN. I am happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say to the gentleman that the amendments before us do not do a single one of the things the gentleman has mentioned. The membership not having heard the amendments, I ask unanimous consent that the gentleman's time be extended a minute and a half so that he can read the language, so that the Members can see it does not do what the gentleman has said.

The CHAIRMAN. Will the gentleman state his unanimous-consent request?

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that the gentleman may have a minute and a half to read the language so that it will be apparent it does not do these things.

Mr. COHELAN. I will be glad to read the language. I do want to tell the House that I have written to every Member of the House and I have submitted my view on the matter. I have also submitted to each Member the language of sections 408 and 409; the language which incidentally, was introduced in the Appropriations Committee by our distinguished colleague, Mr. WHITTEN.

I will be glad to do that.

Mr. WHITTEN. I wish the gentleman would read it. I do not believe it has anything but two syllable words.

Mr. COHELAN. I will read the language. But I do not want the Members to be deceived, or the Committee to be deceived by the language of the bill, because what is pertinent in the argument is that this is an attack on title VI of the Civil Rights Act of 1964. The substance and the thrust of what is being proposed is precisely what we turned down this year in the form of the Collins amendment.

All the civil rights organizations certainly know what it is. There are people here in this chamber today who are some of the leading spokesmen of the civil rights movement in this country, and they know what this proposal will do. They know this is an anti-civil-rights, anti-Constitution, anti-equality proposal.

In order to comply with the request of the gentleman, for whom I have the highest regard, I will read the language:

SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

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

Mr. COHELAN. Let me go on, please. I have complied with the gentleman's request. Let me complete my argument, and I will be glad to see that the gentleman's unanimous-consent request for further time is granted, because, as our colleague, Mr. LOWENSTEIN, the gentleman from New York, has said, this subject and the subjects we have been discussing today are much too important to quibble over questions of time. I believe that the gentleman's point of view should be fully discussed on the floor today, and I know he wants me to do the same thing. Now let me proceed.

As I said, Mr. Chairman, we have seen some progress. If we adopt this bill, the progress that has been made, and which has been relatively meager in 15 years time, will be done away with. We will see that if we persevere in enforcing the Constitution and the Civil Rights Act, we will achieve 40 percent desegregation in the South this year. If we adopt these amendments, we can expect nothing.

These provisions attempt to impose Federal limitations on local school districts policies to end discrimination.

They attempt to legislate a requirement that so-called freedom of choice plans are acceptable means of desegregating schools even though such plans may fail to eliminate discrimination and unconstitutional segregation in schools.

They are an attempt to perpetuate blatantly discriminatory "separate but equal" dual school system concepts which were declared unconstitutional by the Supreme Court 15 years ago.

They are an attempt to negate effective Department of Health, Education, and Welfare enforcement of title VI of the Civil Rights Act of 1964.

These provisions which have been previously considered by the House and rejected in the fiscal year 1969 appropriations bill are nothing but repeats of last year's efforts to force a Federal agency to accept ineffective freedom of choice desegregation plans when the Supreme Court and the Congress have made it clear time and time again, that paper compliance with the law is not enough. We can settle for nothing less than full compliance.

Tokenism in obedience to the law cannot become associated with this Congress nor with this or any other administration. The obligation upon the Department of Health, Education, and Welfare and other agencies is to enforce—fairly and firmly—the nondiscrimination requirements of title VI of the Civil Rights Act of 1964. Sections 408 and 409 are designed to achieve the opposite.

These provisions also make mention of busing and forced school closing. Mark this: But the fact is that they have nothing to do with busing. Under present law, Federal funds may not be used to force busing. They have nothing to do with school closings. The Federal Government, under current law, cannot force any school to be closed. These are emotionally charged issues designed to detract from the real issue which is to tie the hands of the Federal Government in its battle against unconstitutional segregation.

Mr. Chairman, I am tired of hearing the words "busing and abolishment of schools" invoked by the segregationists of the South. Where have these same voices been for years and years while both black and white children were bused from one side of a school district to another in order to maintain the black, white dual school system. Where have these same voices been for years while a large percentage of the overcrowded, all black schools in the South deteriorated into complete disrepair. I will tell you where these voices have been—they have been silent.

Busing and abolishment of schools are merely words used to disguise the real purpose of these provisions which is to allow the South to go back to adopting unconstitutional "freedom of choice," plans that result in the perpetuation of discrimination and unconstitutional segregation.

"Freedom of choice" is not a new concept. It has been used in the South until recently as a means of escaping the constitutional responsibility of school desegregation.

On May 27, 1968, Green against School Board of New Kent County, the Supreme Court held that freedom of choice plans are acceptable only when these plans result in the elimination of discrimination and unconstitutional segregation. In Green, the Court held that—

> The burden on a school board today is to come forward with a desegregation plan that promises realistically to work, and promises realistically to work now.

The Court added that—

> There are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, non-racial school system, freedom of choice must be held unacceptable.

Mr. Chairman, the Supreme Court's language is clear. When so-called freedom-of-choice plans fail to result in desegregation, they are not acceptable to meet the requirements of title VI of the Civil Rights Act of 1964. And, Mr. Chairman, the use of freedom of choice in the South has failed.

Freedom of choice has been tried in the South from 1954, the year of the first Brown decision, to early 1968. During that 14-year period, black children attending white schools rose from practically zero percent to a very poor 14 percent—an average of about 1 percent per year. However, between the fall of 1967 and the fall of 1968, following the Green decision, the desegregation rate in the Deep South States jumped by 6 percent to a total of 20 percent. If the Department of Health, Education, and Welfare can continue to reject ineffective and unconstitutional freedom-of-choice plans, the desegregation rate in the Deep South is expected to increase to 40 percent this fall.

With the adoption of the Civil Rights Act of 1964, the Congress stated unequivocally that the Federal Government should not extend financial assistance to segregated schools or other facilities or programs which discriminate on the basis of race. If sections 408 and 409 are not deleted from this bill, the Federal Government will be aiding discrimination against millions of school-age children. I believe that would be morally and legally unconscionable.

I have before me an analytical report from the Department of Health, Education, and Welfare which gives a detailed accounting of the numbers of Negro children in the southern border States now in integrated schools. The record is clear. The statistics speak for themselves. I request your permission to insert this report in its entirety in the RECORD, for it is excellent testimony on the case at hand.

Mr. Chairman, I cannot overemphasize the damage that will be done if this bill is passed as is. I urge adoption of the amendment.

Mr. CASEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. CASEY. Now, Mr. Chairman, our subcommittee considered these two sections that were submitted by the gentleman from Mississippi very carefully.

Now, the gentleman who preceded me here in the well is trying to revive the War Between the States or something because he keeps referring to the South. However, I imagine a few of you from the North are a little concerned now, because last year there was decreed by our committee uniform enforcement in this area throughout the country. So, I think all of you ought to know about this language. This is for the whole country. Let us not wreck our school system. Let us not take it completely away from local control.

Mr. Chairman, there is nothing to stop a local school district from busing students if that is what people in that district want. But you cannot say to some student that you are going to do so whether you like it or not or whether your parents like it or not, because we think you ought to do it in order to maintain equal education as they call it now, because we have stopped using the phrase "to overcome racial imbalance." In other words, they use some other excuse. What you will do is to take away the neighborhood schools. They tell us that by these sections we are destroying the neighborhood schools. However, I say that this will preserve them. You will be preserving them in the interest of the people who take an interest in the PTA. But, the bureaucrats think they have got to mix things up to better improve the school system. I suggest that they take a look at the District of Columbia school system. Do you think it has been improved in the last 5 years?

Mr. Chairman, this is not going to interfere with court orders. After all, the courts interpret the law.

As you well know, they also interpret the Constitution contrary to what a lot of us think it is. But read carefully sections 408 and 409. As the gentleman from Mississippi (Mr. WHITTEN), said, in a few simple words, any parent, if they want to institute a busing system, they can, but they cannot take some students who do not want to go in the bus and say "You have got to go."

And that is what is going to happen if you do not leave these two sections in.

It is not going to just happen in the South. It is going to happen all over this country. When some fellow in HEW gets the idea that it ought to be done, it will not be your school board, and it will not be the PTA, not the citizens who pay the local taxes, but it will be the man in HEW.

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

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

Mr. COHELAN. Mr. Chairman, would the gentleman tell the committee exactly upon what authority HEW would be acting in such a situation as the gentleman describes? Is it not true that they would be acting under the requirements that they enforce title VI of the Civil Rights Act to remove the elements of unconstitutional segregation of children?

Mr. CASEY. Mr. Chairman, I will say to the gentleman that they have been doing it, and they will continue to do it on the basis that you do it, voluntarily, or you do not get the money.

Mr. COHELAN. Well, how else do you do it? How else do you do this? How else do you enforce title VI of the Civil Rights Act?

Mr. CASEY. I will tell the gentleman again, and I will repeat what HEW said, and that is that we do not care how you do it, but you are going to get a certain number of black students in this school, and you are going to get a certain number of white students in this other school, and you are going to get a certain number of white teachers in this school.

You figure out how to do it. The only way you are going to get the black students from 15 miles away is to bus them.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield further, what have the courts held? Have not the courts held that that is exactly what they have to do, whether it be by a freedom of choice plan, or whether it be by busing?

Is that not what the court has held? Is not this really a kind of an effort to fuzz up the issues?

Mr. CASEY. Mr. Chairman, I would state to the gentleman that I think this is an effort to clarify the intent of this Congress that we want to let the school districts run their own schools.

Mr. COHELAN. The Congress said that we wanted to end the unconstitutional segregation of black children who are American citizens, and who have been deprived of their constitutional rights for almost 170 years.

Mr. CASEY. I understand that. I understand it very clearly. But I would say to the gentleman from California that there are some black people who do not want us messing around with their schools either.

Mr. COHELAN. There is no doubt that in some communities where they have a large proportion of black citizens that may be true. But what we are trying to do for America is to provide equal opportunity, and certainly that begins with ending segregation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CASEY was allowed to proceed for 1 additional minute.)

Mr. CASEY. Mr. Chairman, I just want to reiterate, and you can twist it around any way you want to, but read it very carefully and clearly:

If you knock these two sections out, you are going to have compulsory busing.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment offered by the gentleman from California.

Mr. Chairman, at the outset I want to compliment the gentleman from California (Mr. COHELAN) for his valiant efforts and the work he has put forth upon these amendments, both in the committee and here on the floor of the House in the past few days. We won yesterday on the Joelson amendment because we had bipartisan support and we can win today with that same support. Yesterday we struck a new blow for the betterment of our educational system, let us continue with that drive today by defeating sections 408 and 409.

Mr. JOELSON. Mr. Chairman, would the gentleman yield?

Mr. CONTE. I am happy to yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to take this brief time to say something about the vote yesterday on my amendment.

I would be remiss if I did not state that when I stood there as a teller that I was impressed when I saw many of the gentlewomen and gentlemen from the other side of the aisle pass through in favor of my amendment. I do not consider that a personal victory, but I am pleased to acknowledge the support I received from the other side, and to express my gratitude for it. I hope that they will continue their support later in the day.

Mr. CONTE. I thank the gentleman from New Jersey for his gracious remarks.

Mr. Chairman, I rise today in opposition to this most recent effort by the gentleman from Mississippi to persuade the House to take a most dangerous step backward—a step which would, in effect, undermine both Supreme Court decisions and the very clear commitment of Congress to complete the desegregation of our Nation's schools.

Before explaining the reasons for my opposition, Mr. Chairman, let me say that much of the language used in these provisions is nothing but a "Red herring." We hear phases like "Forced busing" and "Freedom of choice." It is important that their meaning be clear, so that all of us know just what is at stake here. At least three times before, the Congress has made clear that it is opposed to forced busing to eliminate racial imbalance. Racial imbalance is not a condition created by Government action. In the Civil Rights Act of 1964, in the Elementary and Secondary Education Act, and in the Metropolitan Development Act of 1966, forced busing or other acts to eliminate this innocently created "Imbalance" are prohibited.

Therefore, these sections offered by the gentleman from Mississippi are completely superfluous and unnecessary for that purpose. But, at the same time, they would nullify the action Congress has taken to implement the constitutional mandate to put an end to segregated schools.

Another deceptive phrase is "Freedom of choice." Its true meaning, in practice, is completely at odds with what it may appear to suggest. The Department of Health, Education, and Welfare has stated regarding this concept:

Experience has demonstrated that use of the so-called freedom of choice plan simply keeps in effect for the vast majority of Negro students a racially segregated school system with inherently resulting inequities and badges of servitude.

Last year in Green against School Board of New Kent County, the Supreme Court held that so-called freedom of choice plans are unconstitutional where they are designed to perpetuate a segregated system.

The gentleman from Mississippi seeks to repudiate the Green decision and in effect the national direction and purpose this country has followed for the past 15 years.

In clarifying the terminology, Mr. Chairman, which the gentleman from Mississippi has chosen to use, I think we clearly demonstrate the inappropriateness and the unfairness of his proposals. Under the guise of language which might have a certain surface appeal, he would have this Nation take a leap backward that can only be described as disastrous.

Adoption of these amendments can only be interpreted by our black citizens as an attack on their fundamental and constitutional rights to equal treatment in this country. At a time when the need is greatest for understanding and cooperation among all groups in this Nation, the enactment of these provisions could only serve to drive a stake, a barrier, a wall between black and white in this country.

The action proposed today, Mr. Chairman, would result in nullifying the mandate of title VI of the 1964 Civil Rights Act—its vital enforcement section.

This proposal would have us retreat to the shameful record of the past before the famous Brown decision. We cannot countenance such a retreat. What is needed is a rededication to the speedy implementation of that great decision.

Despite their deceptive phrasing, I urge my colleagues to see these sections for what they are, and to reject this latest desperate effort to turn back the clock. I urge the adoption of the amendment to strike sections 408 and 409.

Mr. EDWARDS of Alabama. Mr. Chairman, it is easy to sit here and listen to all these high platitudes and wonderful words. What I am asking you to do now for just a few minutes is to listen to some practical talk. It is easy to say that HEW cannot force busing. It is easy to say that they cannot close schools. But I want you to give me your attention for just a minute while I tell you some of the facts of life.

The Green case says there are other reasonable ways. But the Green case does not say you have got to pick up young students and bus them 12 miles across the city. And yet this is the HEW plan in my city of Mobile. HEW would haul 2,100 children 10 and 12 miles across the city of Mobile to carry out what we have been told here today cannot be done.

HEW'S plan would call for the closing of six schools in the city of Mobile to carry out what we have been told cannot be done. And, yes, the old dream of an educational park that was thought up in the last administration has even resurrected and set out in the plan of HEW for my city of Mobile, where they would join four schools and call on the school board to build covered walkways, if you will, from one school to the other and across many streets and even over a railroad track in one case. The plan calls for each child in a period of 4 years to attend one of the four schools, so that at the end of the 4 years each has been in all four. This is the HEW plan in practical aspect. The cost, Mr. Chairman, to the Mobile County School Board is $13.5 million. Think of it; $600,000 would be required just for buses.

Now, you can talk all you want to about these dreams, but this is what has happened.

Or think about Choctaw County, a fine rural county in my district. The HEW plan calls for students in some cases in Choctaw County to be bused on a trip that will take 2 hours in the morning and 2 hours in the afternoon on a round trip of 90 miles. You can use your own imagination as to how long you have to be up in the dark waiting on the schoolbus and what time these young children will get home. The HEW plan calls for the students of Choctaw County in almost every instance to go to six different schools in order to graduate from high school. You go here for the first and second grade, and over here for the third and fourth, over here for the fifth and sixth, and over here for the seventh and eighth. The plan even calls for the closing of the two largest high schools in Choctaw County if you can believe that. The HEW plans are racially oriented, they are racial entirely. I said to Secretary Finch of HEW only last week, "Isn't the purpose education?" HEW is not doing what some of my colleagues here would say they are doing, or what you perhaps hope they are doing when you write these laws.

These are the things that concern the people in my district. These are the things that should concern you and, yes, we have fussed about the Federal courts down there. But we are in the position now, with the plan of HEW, where we are saying, "Thank God for the Federal courts." Perhaps they will save us from what has been proposed by HEW.

Do not tell me that title VI, and what was in the HEW bill last year, is going to solve all the problems, because when you add the words "to overcome a racial imbalance," you open the door for HEW to use every other excuse they can dream up to bus the children around the countryside. These are the things that should concern you. These are the practical aspects of what HEW is doing.

I can say to Members as a practical matter, that I doubt very seriously if the present Secretary of Health, Education,

and Welfare has known that these things are going on. At least, he did not appear to know until last week when I told him. These are the things coming from the bureaucrats in the field, the dreamers, if you will, who could care less about the education of the children of the United States.

Mr. Chairman, I urge the Members to vote down the amendments.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the amendments.

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

Mr. EVANS of Colorado. Mr. Chairman, I yield with pleasure to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I think it was Victor Hugo who once said: "When the time for an idea has come, nothing can stop it."

The time for desegregation came several years ago. It could not be stopped then. It cannot be stopped now. Desegregation is here and it is going to stay here. No amendments and no provisions of the type offered by the gentleman from Mississippi (Mr. WHITTEN), for whom I have an abiding regard, are going to change that idea of desegregation.

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

Mr. CELLER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I would just like to say if the gentleman reads my amendment, while the gentleman talks about these things, the amendment says the moneys shall be made available for education and education shall proceed while these things are going on.

Mr. CELLER. Mr. Chairman, I understand that. I hesitate to use the harsh phrase and say the gentleman's amendment is a subterfuge.

As said by one of the earlier speakers, it would be turning the clock backwards. I do not think we would want to be doing that. We would be placing ourselves in the position we were a decade ago. The speeches we hear in support of the Whitten amendments are the same speeches we heard in opposition to the school desegregation case, Brown against Board of Education.

If we would do anything, Mr. Chairman, to bolster the Whitten amendments, we would be like the characters in the story that comes out of Greek mythology. Remember the story of Sisyphus. Sisyphus was ordered to push a huge boulder over the hill. He used his great strength to try to push that boulder over the hill. When he got to the top, however, the weight of the boulder overwhelmed him and down the boulder came with him.

We are not going to allow that boulder to come down upon us now by adopting the Whitten provisions. If we were to do that, we would cast into the abysmal depths of uselessness all the decisions of the Supreme Court attacking school segregation, as well as all the laws we passed with reference to desegregation, and I do not think we want to do that.

In my humble opinion, these Whitten amendments would seek to bring about segregation. That is exactly what they do. They will bring about a situation where we would have separate but equal schools, which have been declared unconstitutional by the Supreme Court. I would say for that reason the Whitten amendments are as irritating, to me at least, as a hangnail—and a hangnail can be extremely irritating.

I think these provisions offered by the gentleman from Mississippi are obnoxious and they should be ripped out root and branch from this appropriations bill.

Mr. Chairman, this bill to us flies in the face of a recent Supreme Court decision, *Green* v *School Board of Virginia*, 391 U.S. 430 (1968) involving New Kent County, Va., schools, where with all the ingenuity at their command, the school district said, "We shall provide freedom of choice." But this system yielded no desegregation. Instead it operated to perpetuate a dual-school system based on race.

The Supreme Court held "freedom of choice" was unacceptable in that situation.

I hope that the amendments offered by the gentleman from California will prevail.

Mr. Chairman, the so-called Whitten amendments, attempting to interrupt and prevent the slow but sure progress toward desegregation in education, have now become as inevitable as the winter frost and the summer heat.

Less than a year has passed since the Whitten riders were last rejected by the 90th Congress. In the interim our citizens have not faltered in their commitment to equal educational opportunity. The passage of a year has not made the Whitten amendments any more attractive.

It is strange and extremely sad that despite the passing of a decade and a half since the landmark Brown against Board of Education school decision, education in various sections of this country still remains segregated. A generation of schoolchildren have entered grade school and graduated from high school without enjoying the rights to which they were declared to be entitled 15 years ago. All manner and kinds of dodges and subterfuges and circumventions and delays have been used to prevent the realization of a unitary, desegregated educational system.

Ostensibly, the Whitten amendments are intended to restrict efforts to eliminate the badly discredited "freedom of choice" plans, which, by seeming to allow students to choose their own schools, often in atmospheres heavy with coercion and intimidation, have in reality resulted in no desegregation at all.

In *Green* v. *School Board of Virginia*, 391 U.S. 430, decided in May 1968, the Supreme Court met this issue head on. The Court unanimously ruled that "freedom of choice" was not an end in itself and that where there are reasonably available other ways which promise speedier and more effective conversion to a unitary, nonracial school system, "freedom of choice" must be held unacceptable. The Green case involved the New Kent County, Va., schools which were operated under a Court-ordered freedom of choice plan of pupil assignment. After 3 years of operating under this plan—New Kent County waited, it should be pointed out, 11 years after the first Supreme Court decision, Brown against Board of Education, to take step one toward desegregating—85 percent of all Negro children in the school district were still in an all-Negro school. The Court held that the imposition of freedom of choice shifted to Negro parents and children a burden which is the duty of school officials—the duty to "convert to a unitary system in which racial discrimination would be eliminated root and branch," 391 U.S. 430, 438. The Green decision enunciates the law of the land. Following the Green decision, Federal courts have been concerned with enforcing its teaching. The Department of Health, Education, and Welfare has followed the decision in order to enforce title VI of the Civil Rights Act of 1964 by preventing Federal funds from going to school districts which would discriminate on the basis of race, color or national origin. But the Whitten riders would attempt to overturn the Green decision. They seek to legitimize the so-called freedom of choice plans as the only acceptable and reasonable means of desegregating schools.

Mr. Chairman, the Whitten riders would frustrate and disappoint Negro school children and their parents who still wait to enjoy rights declared to be theirs 15 years ago. These Whitten riders also would confuse and give false guidance to school administrators who are trying to cooperate in ending the blight of dual school systems based on race.

The Whitten amendments represent the old pressure for unequal treatment. They represent a retreat from ending racial discrimination in schools steadily and speedily in accordance with the law of the land.

I urge my colleagues to join with me in voting to strike out the Whitten riders from the pending bill.

Mr. RIEGLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to speak in opposition to sections 408 and 409—items which President Nixon specifically deleted from his budget—and which the Attorney General of the United States also opposes.

Let me first address the legal questions this amendment raises. It is my understanding that no law now in existence—or the HEW appropriation bill, now before the House—requires the busing of students for the purpose of achieving racial balance. If HEW seeks to impose such busing, it does so without legal authorization. No existing or contemplated Federal law requires busing, nor should it. So the issue of "forced busing" is a smoke screen which diverts attention from the real meaning of this amendment, which is to resurrect the so-called freedom of choice plan.

As we all know, the freedom of choice plan can mean different things in different places, depending upon the way it is implemented. In certain areas of the

country practical experience shows it is a subterfuge to maintain segregated schools. In certain areas, that has been its effect—and one can only reasonably conclude that that has been its intent as well. So "freedom of choice" can and does mean segregated schools. The preservation of segregated schools by whatever means is illegal and wrong.

It violates the law, as written by this Congress.

It violates the Constitution of the United States.

It violates the Bill of Rights.

And it violates the conscience and dignity of man.

Denial and division based on race is wrong; it is repugnant and indefensible. And this applies to civil rights, jobs, housing, education, and everything else across the board.

Either we are one Nation indivisible, or we are not.

Either liberty and justice for all, means all, or it does not.

Either "all men are created equal, and endowed with certain inalienable rights," or they are not.

These are basic questions. They must be answered. If this flag is to hang behind the Speaker's chair, if the mace is to stand there as a symbol of liberty and justice, if our sworn oath as Members of Congress to uphold the Constitution is to mean anything, then they mean first, last, and always that human dignity, equal justice, and equal opportunity must be guaranteed for all our citizens, every single one—man, woman, or child; black or white—all day, every day, in every way, and everywhere in this country.

What right is more basic than education—the right to develop and learn, to grow in capacity, and to become productive and self-reliant?

For long centuries we have maintained the hypocrisy of separate and unequal schools in this country, based on a child's color. It continues today in various forms, in various regions of the country. It is wrong wherever it occurs.

Let us finally, as a Congress—as men—as a Nation—summon the moral courage to end it now. The snake of discrimination and racial denial will always grow a new head, unless and until we resolve to hack it to pieces, once and for all.

If there is a person in this chamber today who would tell a young returning serviceman from Vietnam, whose legs have been blown off in combat, and whose skin is black, that his children cannot attend integrated schools, then that man ought not to be here.

The law today is absolutely clear on the implementation of desegregation. The method and technique for ending segregation is left to the local school officials. Their only requirement is to get that job done in some way which is theirs to devise.

No one should intrude on that responsibility, as long as the law of this land is carried out. This in no way violates the neighborhood school concept, nor forces any particular implementation plan. It says only that our Nation's laws will be obeyed and carried out, and that the rights of all our people will be protected equally. It was not, and is not, the intent of the law to bus students to achieve racial balance.

This is not the year 1750, or 1875, or 1920. It is 1969. We are in a new time, where our vision and our ingenuity can let us reach the moon. But is it to be that we can reach the moon and not reach each other?

Is it to be that we can surpass physical and technical barriers and fail to overcome human barriers?

Must men be separated by color in our schools when they die in each other's arms in Vietnam this very minute?

Are we today, with this amendment, to deny human rights that are God given, inalienable, and which form the very basis of our national meaning? Or are we finally willing to speak and do what must be said and done?

Yes, there are temporary political risks which stem from public fear, misunderstanding, ugly passions, that have been inflamed by demagoguery, and such things as these.

Each man here, to a greater or lesser extent, must deal with these pressures.

But I would contend that the American people, above all else, ultimately wish to do what is morally right. They seek to understand; they seek the words and examples of their public leaders; they desire most to meet the great issues head on with courage, and determination, and a final willingness to commit their lives, their fortunes, and their sacred honor to their country's highest ideals.

And our people watch us today—200 million of them—they are ready to respond to inspired leadership, to fulfill the destiny of our country. They are asking us the way—which path is the one of honor and goodness.

Yet, as we deliberate, there is a rising chorus of extreme voices at both ends of the spectrum, whose only answer is to burn, and beat, and bomb, and break the law.

Most of our people repudiate this. Our people seek the higher road. But we here in this Chamber must be prepared to take it first.

And if we move, our voices and our bodies, toward what is right, we will meet the test we are asked to meet, and so will our people.

Mr. Chairman, I urge the adoption of this amendment to strike sections 408 and 409.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise addressing myself particularly to section 408, because I find myself somewhat perplexed as to how it would operate in my home city and in my State. It says:

No part of the funds contained in this Act may be used to force busing of students.

In the Sacramento Unified School District, the busing of students has been carried on for a number of years under an order of the superior court of the State of California. I assume, therefore, that none of these funds, because it is a forced busing, could be utilized by the unified school district for the expense of busing those students.

Now, Mr. Chairman, I want to go on to another point. We have a system of schools for the mentally retarded. Obviously, we cannot have one in each school district, so we have to bus students to these particular schools, which their parents may not approve of. However, our law requires that they attend school until they are at least 16 years of age. In the schools for the mentally retarded, we give them special programs of education. That is an enforced requirement of attendance at a particular school. I have the impression that under the language of this section my school district would not be permitted to use any Federal funds to carry out that program, worthy as it is.

Mr. Chairman, we also have schools for the handicapped in my district. Again we bus them there and again we require their attendance, because certainly we take many who otherwise would face a life of hopelessness and we give them again the special type of education which only the highly trained specialists can afford to give to these youngsters. It is a required attendance. Does not section 408 again withhold Federal funds? In my judgment it does. In my judgment, it does grave injustice in an effort to perpetuate a policy which has been discredited, which has been found to be unconstitutional, which has been declared illegal, and which has been found repugnant to the conscience of this Nation by the action of this body repeatedly and by the action of our cobody on the other side of the Hill.

I think it is time that we vote it down and recognize the reality of the age in which we live and try to establish communication, move ahead, and make progress and not go back for a quarter of a century.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, almost like Banquo's ghost, sections 408 and 409 rise to haunt us here in the Chamber this afternoon.

Mr. Chairman, most members of the committee felt that we had dispatched these iniquitous sections of this legislation in October of last year to a final resting place. They have no place in this bill. This is not a civil rights bill. This is an appropriation bill. So, why should we today convert it into an anti-civil-rights bill?

Mr. Chairman, it occurs to me that just a few days ago, within the week, that man made his way to the moon. Perhaps in a few years man may yet set his foot on some far distant planet. Will we still be quarreling about equality of opportunity in education? Or, will we once and for all be done with the matter and decide that we will not resort to the kind of subterfuge that is contained in this language, because mark these words and mark them well: We are not concerned with busing in these sections. It is a false issue. I suppose there is scarcely any word in the English language which arouses more intense emotion than this word "busing." To many this conjures up in the mind the pictures of some small frightened child far removed from the safety, security, and sanctity of a neighborhood school as the result of being bused to a school far from his home.

Mr. Chairman, there are ample provisions of law today to forbid the busing

of children in order to overcome racial imbalance. That is not the issue before this House. The issue is a very simple one. The issue is: Do you want to preserve the integrity and meaning of title VI of the Civil Rights Act of 1964?

I beg you, do not take refuge in some comfortable notion that there is some change in the temper of our times. The people do not want to abandon the goal of racial integration. I would plead with my friends on this side of the aisle as I did a few minutes ago when you applauded the idea that we cut off the funds to those students who would break the laws of our land.

I joined you—I joined you in supporting that amendment, because I feel there is an inherent right and power in the Federal Government, a right and power which it has to cut off funds to those who are today violating the laws of our land. Yet, when I read as I did in the RECORD a few days ago that there are school districts where 80 percent or 90 percent of the Negro students are still attending segregated schools 15 years—15 years—after we thought we had once and for all settled the proposition that separate but equal was not good enough. And, then I hear my friends—and they are dear friends and I very much dislike having to disagree with them, that say maybe the Federal courts will save us. I wonder if they still cling to some notion that by the process of legal delay they may yet have some years during which to delay compliance with what is the law of the land.

Mr. Chairman, I have in my hand an opinion containing a decision by one of the Federal district courts in which they say:

> School boards have the affirmative duty to take whatever steps may be necessary to convert to a unitary system in which discrimination is eliminated.

If you pass this law today with this kind of language, you are telling the school boards of this country that you cannot begin to comply—you shall not comply with the law of the land. Do not hide behind "freedom of choice." That was decided years ago by Judge Soboloff in the case of Green against New Kent County when he said:

> Freedom of choice is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation, and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to create a unitary, nonracial system.

Mr. Chairman, as I said a few minutes ago, a few days ago men found their way to the moon. A few years hence perhaps interplanetary travel may yet land man upon some remote and far distant planet. Will that event find us still quarreling among ourselves here on earth with regard to the implementation of desegregation in our Nation's schools? God forbid that we should be capable on one hand of so great a technological achievement and yet falter and fail in that far nobler purpose of freeing the human spirit from those forces that would chain and fetter it through ignorance and fear. Let us today strike these sections from the bill and renew our pledge to continue our march toward that goal.

As far as I am concerned, the test which would be applied to these provisions authored by the gentleman from Mississippi (Mr. WHITTEN) is simply this: Do they advance or retard the constitutional goal of providing equality of education? I think the answer must be painfully clear. If we ratify these provisions today, we tell scores of school districts where the goal of equality in educational opportunity has not been met—a little more delay is perfectly all right with the people's Representatives in the U.S. Congress. Instead of demonstrating a sense of urgency that we get on with the job of achieving the goal of integrated schools, we will signal a permissible slowdown in that effort. Mr. Chairman, this would be a tragic misreading of both the needs and the temper of our times.

I beg you to support the amendments of the gentleman from California to strike from the bill the language contained in sections 408 and 409.

Mr. JONAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct several questions to the gentleman from Mississippi (Mr. WHITTEN).

First, Mr. Chairman, a lot of horrendous charges have been made during the course of the debate about the intent of this language, and the results that will flow from the language. I would ask the gentleman from Mississippi, who is the author of the sections sought to be stricken, if there is any difference between the language in either one of these sections and the language adopted by this House a year ago?

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, these are the sections that we had a year ago.

As the gentleman will recall, the Senate added to the sections——

Mr. JONAS. Mr. Chairman, if the gentleman will permit me, I am not inquiring as to what the Senate did. I am asking the gentleman if the language in section 408 and section 409 is or is not identical with the language adopted by this House a year ago in the bill providing appropriations for this same department?

Mr. WHITTEN. It is.

Mr. JONAS. Now, Mr. Chairman, I did not hear a lot of the wailing and gnashing of teeth last year when this matter was before the House.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield——

Mr. JONAS. We had a little debate.

Mr. COHELAN. We had a big debate.

Mr. JONAS. And the House adopted the language that is now sought to be stricken.

I do not understand why the argument is made, then, that here suddenly out of the blue sky somebody is engaged in an effort to undo something that was started 15 years ago.

This is exactly the same action the House took a year ago. I do not see any reason why we do not have the right, if a majority of the Members of the House feel that this language is proper, to adopt it again regardless of what happens in the other body, or regardless of how the courts have ruled under on other laws, courts, or anything else. This House certainly has the right to express its views. And if you will just read the language in sections 408 and 409, you simply cannot believe that the arguments we have heard today apply to these sections.

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

Mr. JONAS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, may I say I hope they will read the language carefully, because all this says, when we talk about all these billions of dollars for education, that HEW has no right to withhold money from the people of all races which we appropriate for education in the schools, where they are completely desegregated, as we defined that term in the Civil Rights Act, that they have to have money for education.

With my provisions HEW cannot withhold those funds in order to make certain schools go beyond what the law requires. It is no more what has been described here than anything.

Mr. JONAS. Mr. Chairman, may I ask the gentleman from Mississippi another question?

It has been charged during the debate that this is a trick on the part of some southerners to pull the wool over the eyes of the rest of the country. Is there anything in the language of either of the sections that applies only to the South?

Mr. WHITTEN. There is not. I have before me the testimony given before the committee by the Commissioner of Education as to the situation in the city of New York. I have before me that story and others. It is my belief that unless we adopt or maintain these provisions—and may I say I put it in the bill, I do not want to put anybody on the spot—my provisions are in the bill. If retained, there will be no further vote in the House.

But may I say if you read the hearings which are available, then you will see that by far the greatest future problem with this, if we do not maintain this language, if we do not go ahead and require the use of these funds, is in the big cities of the North. They are ready now under the intsructions given to them last year.

Mr. JONAS. Is not the purpose of the funds provided in this bill to encourage and stimulate education?

Mr. WHITTEN. It certainly is.

Mr. JONAS. How do you improve education if you close schools?

Mr. WHITTEN. You cannot. And in the hearings you will see that right now they are withholding educational funds from a hundred or more schools which are fully desegregated, as that term is defined by the Congress in the Civil Rights Act, and that these children of our Nation are not receiving these funds for their education.

Mr. JONAS. Mr. Chairman, it would seem to me that if we want to promote

the quality of education we would want to utilize all of the existing facilities in doing that, and not by closing schools.

One of the purposes of the language of these sections is to prevent the closing of the schools, as I read it, and force the busing of children.

Mr. Chairman, I hope the amendments to strike these sections will be defeated.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I agree with the gentleman from Michigan (Mr. RIEGLE), who spoke a few moments ago. I would say it certainly is wrong to have any black children continue to have less spent on them in school than other children.

It is wrong to have any black children—or any other children—continue to go to rundown and dilapidated and overcrowded schools. It is wrong to have black children—or any children—neglected by a society that professes to care.

If this happens any place in the United States, it will not just be these children who will suffer, but it will be future generations that will suffer, because an irresponsible Government did not give yet another generation the education that was rightfully theirs.

Mr. Chairman, I have voted for every Civil Rights Act that has been before this House of Representatives. I favor the Civil Rights Act.

I have no quarrel with the gentleman from Illinois in terms of the Civil Rights law, but I do quarrel with the way the Civil Rights Act is being administered.

Two or 3 years ago on the floor of the House, I put into the RECORD some memorandums which were sent by HEW officials and were signed by them when they visited for a few days in various school districts. They said, in those memorandums which were written and signed by them:

> In "X" school you are to have a black teacher. In "Y" school you are to have a white librarian, etc., etc.

Where is this to be found in the Civil Civil Rights Act?

If anybody on the floor says that the enforcement division of the Civil Rights Act does not require busing, in my judgment he is blind to what is taking place.

When the civil rights enforcement people say that in a school 5 miles away you must have a certain racial mix and then you are not requiring busing—what are we doing? Requiring youngsters to walk 5 miles? Is that what we are asking?

I am not going to argue from the legal standpoint, because I am not a lawyer. But I am going to describe what I think is happening. I think we are witnessing in this country the deterioration of our public school system. I think certain national policies are contributing to this deterioration.

All that I would ask is for the House of Representatives in a levelheaded way to examine what is actually happening and what is the result of certain national policies in our school system? Then on the basis of the evidence, make a judgment.

The gentleman from California a moment ago asked the rhetorical question: "How do you enforce civil rights if you do not cut off funds?"

Well, a moment ago we were arguing on another matter and it was suggested another law might be enforced by the cutting off of funds to individuals who abuse the law and he was very much opposed to that.

May I suggest that we are obliged not only to write laws but to see how those laws are enforced and how they are working. I really am not fully persuaded that we have found the absolutely correct solution by cutting off funds to enforce civil rights. It may be that it is true, but I would like to see evidence and I would like to see this question brought out to the stage of "visible discussion"—and not just in private conversations or in the cloakroom.

Recently there was a situation in the State of Mississippi where funds were cut off and the first thing that happened was that 80 Negro teachers were fired.

I think it is a legitimate question to ask: Are we really hurting the very people we want to help? What happened to the black children in this case? I would like to see title VI requirements reexamined by the most ardent supporters of civil rights. Who is being helped? Who is being hurt? How has the cutoff affected the quality of educational opportunity?

Is there another way—a better way to enforce the provisions of the Civil Rights Act against discrimination in any form?

I am as committed to an integrated society as fully—as completely as any person in this Chamber. I always will be committed to an integrated society. I think that is the only way we can live on our little corner of this planet.

But also I have serious questions about a society that places the major responsibility for our social ills on one institution in our society. That is what we are doing. We are placing the major responsibility for integration on one institution. I think this ought to be examined by the most ardent supporters of civil rights. Also, I think it is very difficult for any society to cross two social barriers at one time, and this is what we are trying to do.

We are trying as a society to cross the racial barrier and the class barrier all at the same time—and, if I may say so, I think the latter is probably creating greater problems, greater disruption—yet we hear very little about it. We have never examined this closely when we talk about civil rights.

I should like to talk informally about a situation of which I know. Again, I do not discuss it from a legal standpoint, but it is what is happening, and I think this case can be multiplied by hundreds of thousands of cases across the country.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 5 additional minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, 8 years ago one of my close friends came to Washington with the Kennedy administration. This gentleman was and is committed to an integrated society. He had always supported civil rights legislation at the State level as well as the national. This family—and I am going to discuss them in personal terms, but not use their name: I think he would not object. This family is a Catholic family. They are also committed to the public schools. This family, because of income, could probably have moved into almost any area they wanted to in the District of Columbia. This family chose, because of their commitment, to move into an integrated neighborhood. They have three daughters. They placed all three daughters in the public school system.

About 2 years ago or 3 years ago they started busing 90 youngsters from Anacostia—and I am extremely critical of the deplorable situation of the District of Columbia schools. That is why I am pleased when we voted more funds for vital education programs—funds for the District of Columbia—and all other school districts. I may have different priorities on the programs that we ought to support, and had I had my druthers—I would have increased vocational education funds more and impact aid less. But we must improve the quality of education, and equality of educational opportunity for all. But let me get back to this particular family and their series of problems.

Two years ago their youngest daughter became one out of three white children in an all-black classroom. Ninety youngsters were bused from Anacostia. It was not a "random sample" who were bused—and I do not blame any principal in Anacostia—already overburdened with problems—short of space in the classroom. But discipline problems emotionally disturbed youngsters, were the ones to be bused out. At 8:15 in the morning the small buses came and picked up children of white families in this neighborhood, who had the money to send their children to private schools, and at a quarter to 9 the big buses came from Anacostia and put the black children in the schools to occupy the spaces that the white children had just vacated.

I agree with the gentleman who spoke—and I have forgotten who it was—a moment ago about the questionable benefits to be gained from busing. It is the disadvantaged home, the disadvantaged neighborhood which must be improved equally as much as the school. Will 30 or 35 hours in another school offset the other 120 or 130 hours a week spent in deprivation? Can we continue to ask miracles of a teacher during 5 hours a day in class? If we rely on busing to correct social ills, are we not obliged to ask what is at the end of that bus line? Emphasis on integration and busing unaccompanied by a demand for academic excellence is worthless. This is what we ought to be concerned about—the quality of the programs. But the busing from Anacostia continued and the quality deteriorated.

Last year, this youngster would have been the only white child in an all-black classroom. This family had to face the

problem, "Is my first responsibility to provide the best education I can for my daughter, or is my responsibility to maintain my commitment to an integrated class?"

And they decided, as hundreds of thousands of parents across this land are deciding, "My first responsibility is to provide the best education I can for my own child."

So this year they took all three of their children out of the public schools. The oldest daughter had also encountered major problems and threats of physical safety. All three of the daughters were taken out of the public schools and placed in private schools. This friend said—and he laughed—embarrassed as he said it—

Edith, for the first time in my life—and I am ashamed to admit it—I have a serious question whether I am going to support tax levies and bond issues. I'm now paying for tuition for all three daughters in private schools.

About a month ago this family, because the neighborhood was changing and because of the situation of their three daughters, this family sold their home in the integrated neighborhood and they moved out to Maryland.

Now, what are we accomplishing? What are we accomplishing in terms of improving education? I believe the situation I described has been duplicated thousands and thousands of times all across the Nation.

I want to say that what is happening in terms of national policy affects Oregon. We do not have the problems in Portland that we have in the District of Columbia, but in Oregon this year 126 tax levies for schools were defeated—an all-time high. More and more people become dissatisfied, they are going to refuse to support the public schools. You see it in every State of the Nation.

If this happens, we have another step in this vicious cycle and a further deterioration of the public school system. So I make the plea for the Members who are lawyers and who say the Civil Rights Act is working out as they intended, and that busing is not occurring, take another look, examine the results—really inquire as to whether it is being enforced the way it ought to be enforced, and let us not let the eager beavers in the enforcement division of HEW enforce it the way they want to enforce it irregardless of the law—but require them—if they want to rewrite the Civil Rights Act, to present their proposals to the Congress; let us argue the issues on their merit, and write the laws and decide the issues by a majority vote.

It seems to me these are policies we must consider if we are really concerned about quality education, and we must not continue to let people outside the Government or let those in the executive branch enforce their version of what they think a civil rights law should require.

Mr. RUTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak against the amendments.

Mr. Chairman, here I stand in the well, addressing this august body for the first time, and I find on the opposite side the chairman of the Republican conference and the dean of this body. But frankly, I do not feel I am talking in opposition to these gentlemen, because I think they have presented an excellent case for integration and against segregation, and I stand here agreeing with them. I think what they have forgotten to talk about is education—which is what this bill is all about.

Are we so willing to think in terms of civil rights that we blind ourselves about the purpose of education and commonsense?

If Members will hear, the Department of Labor, which is enforcing similar regulations, came before my committee not too long ago and said that in Job Corps it was found out that—and this is where people are old enough to work—when they moved the individuals out of their environment, they undid all the good that the Job Corps was doing. The program is being changed now, and is moving the individuals back into their own environment to work.

Are we going to take children, who are of primary school age, in the first, second, or third grade, and transfer them 10 or 12 or 15 miles out of their environment and keep them away from home as much as 10 hours and call this good education?

Are we going to destroy communities because they are forced to take action against their will? Are we going to not allow school boards to run their own schools? Are we going to not allow them to work out the best ways to use their facilities and funds and resources?

We of North Carolina accept the basic laws of the land, and wish them to be upheld with firmness. We believe interpretation and implementation should be left to the local communities. Where they are carried out in a manner different than Congress has decreed, it becomes necessary for Congress to assert its will anew. Sections 408 and 409 reaffirm the congressional will. I urge their adoption.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 5 additional minutes.)

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

Mr. WHITTEN. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I rise in support of the Whitten amendment. I am opposed to any other amendments which would remove the Whitten amendment from the bill.

I oppose busing of students simply for racial balance, and I support freedom of choice.

In taking this stand, I am as opposed to racial discrimination as I am in favor of good government.

The essence of what we are to decide here is whether a local school system can be operated to the best of its capabilities and expectations while conducting a program of busing for racial balance.

I believe it cannot.

It would be complicated, indeed challenging the faith our people have in the ability of their Government to perform basic functions and services. It would be costly and inefficient. Frankly, I feel it would tend to disrupt an already overburdened educational process.

Mr. WHITTEN. Mr. Chairman, we have heard numerous speeches on the subject of civil rights this afternoon. We have heard several speeches which I thought were excellent. Naturally, I suppose, I see it from the side I support.

I hope I can have the attention of Members. At my instance, the Appropriations Committee included these provisions, section 408 and section 409, in the bill by a vote of 34 to 11. I hope we can hold them.

We do not want to create any issue over the country, or here in the Congress, but I do think we want to consider the provisions for what they are.

May I say, this does not touch the Civil Rights Act. When we act against the amendment, and to keep my provisions in the bill, which I hope we will, the courts will still be in the courthouses and the judges will still have all the authority they ever had, and the Civil Rights Act will not have been touched though as you know I differ with them. What we will have done, by keeping my provision, is to see that these children, whom we all feel so sorry for, in the areas Members say they need it the worst, get their share of the billions of dollars we have in this bill and I hope get all branches of Government to see public education must come first.

As it stands now—and I have the list—200 or 300 schools are not getting the Federal funds we so proudly appropriate unless they kow tow to HEW. It is not that they are not desegregated as Congress provided. They are. It is because they will not offer a plan which HEW approves, which in every instance goes beyond what the law requires.

Can it be the Members would be so cruel here, with a bill providing billions of dollars, to let HEW withhold funds from these schools which Members say need them the worst, when they are in full compliance with the Civil Rights Act the Congress wrote, when the schools are open to people of all races?

A letter was sent out on this side, may I say to my friends, and a letter was sent out on that side. They say that busing is illegal under three statutes. I have not checked it, but I know it is at least two.

Should we stand by and let HEW hold up the money until they come in and agree to do that which the Members themselves say is illegal?

What would I say? Please listen a minute. Let us read what I would say.

Someone earlier asked me if this were a trick. Personally, to me this House is a jury. One might, in a courtroom trial try tricks, I suppose, and might get by with one jury, and the jury would be gone the next day but the jury is the same here, week after week. In my years here

I do not believe I have ever resorted to tricks. I see the same jury day after day and I assure you I want to lay it on the line.

Let us read my sections. Some Members have made wonderful speeches which might have been appropriate in 1964 but which do not apply to my language in this bill in the least.

Let us see what is in these provisions. I am not going to ask for a show of hands, but I ask the Members to think about whether they have read the provisions before they spoke. Many seem not to have.

Section 408 provides that no part of the funds contained in this act may be used to force busing of students—to force busing of students. That means the school boards are free to bus if the circumstances require it, if the parents want to, if the school board wants to.

Next is "the abolishment of any school". Goodness knows, with this country crying for school facilities, and everybody trying to increase the money for facilities, no part of the money in this bill should be used to make school boards close schools—or to force any student who is in school to go somewhere against the wishes of his parents.

This is not freedom of choice; it is freedom from force, a force we never did give to HEW, to the Commissioner of Education.

Now, the next section is the same, except it says that the Commissioner of Education, of Health, Education, and Welfare, cannot require school districts or people to bus students—require; force to close a school, or to send a student who is in school to another school before they let them have the money which the Congress provided in the appropriation.

Sometimes I think we forget how important education is. I spoke out at Mount Vernon Junior College to about 125 bright interns the other night, at the invitation of the administrative assistant of the Congresswoman from New York (MRS. CHISHOLM).

I was asked to come and I did. I was asked if I thought things would not work out better if all races sat down together and worked out our problems, and I said "Certainly." I said "Sure. However, if you have to put a shotgun on all parties to make them go to a place, they will go, but they are likely to be in a frame of mind where they would not make much progress." However, I agree that what you suggest is what we must work toward.

Be that as it may, it says in my provisions that HEW cannot claim authority to deprive these children of education from funds we have appropriated and make them go beyond the law.

You know, Mr. Chairman, one of the foremost necessities for continuing our society is a system of education. Except for what the young know by instinct, they must be taught. I have not heard a finer speech made on the floor than that presented by the gentlewoman from Oregon (MRS. GREEN). This was sensible, logical, honest, and comes from a sense of knowledge.

I want to say again that in the Civil Rights Act the Congress said that desegregation shall mean the assigning of students to public schools without regard to race, color, religion, or national origin. But it says that desegregation shall not mean assignment of them to public schools in order to overcome racial imbalance.

Mr. Chairman, I hate to see sectionalism get into this. I was enforcing civil rights before I ever came here, as a district attorney, When you go to my hometown, like I did last week, and the Negro owner of one of the best businesses came to me and said, "Congressman, is there not something that you can do to save our schools," it makes you realize the situation we are facing. When you go through the South you see these situations. We had some of these difficulties in the South, and they arose there, but you folks in other areas have the problem now. This is not the issue, though. Last year the Congress told HEW to treat the whole country alike. I picked up the New York Times on July 8 and I saw that HEW is moving into Chicago. At the insistance of HEW the Department of Justice has gone after the faculties there. It sounds as though Chicago is still pretty smart, though, because when HEW told them they had to do something, accordto the press, the school authorities said, "We will pay teachers a thousand dollars extra to teach in certain areas." Then they said, "We do not have the money to do it. You have to furnish the money if you want us to pay them that."

What they are doing is demanding that we take their dictation in schools all over the country. Some of my colleagues live in New York. If you will read pages 60 and 61 of the hearings, volume 5, you will see how Mr. Allen, who came down here from New York, testified. He said that there were 76 schools on one island. I believe I have the time to read this if you want to know why this is a national problem and why we are facing it as we are.

I now read the above-mentioned pages from the hearing:

Mr. SMITH. So I can more clearly understand what you are saying, we have this hypothesis I mentioned of the school district with two elementary schools. By freedom of choice, one becomes mostly a Negro school and one becomes mostly white.

Are you saying the children in both are getting an inferior education?

Dr. ALLEN. In my judgment both are losing something in education.

What I am saying is, that while you can provide good education in both schools, you need this additional ingredient of learning how to live together. You cannot do that in such schools and therefore you try to seek some way to accomplish that. So the main thing is to make certain the child does not feel he is in a school simply because of his race.

Mr. SMITH. There are 11 States in the East that have county school systems but in the rest of the country there are local school systems carved out by the legislature in one way or another. In most cases those are but a small part of the county. So to carry your opinion to the logical conclusion, you would have to conclude I think that with schools in these smaller school districts, if one district turned out to be 70 percent black and one was 10 percent next to it, you would have to require them to consolidate in some way.

Dr. ALLEN. That is right.

The only answer to the problem would have to be consolidation. That is right.

In New York that is one of the problems. On Long Island we have 76 school districts in a very small area, some of them very small. There is one that has now become about 98 percent black. There are three schools in the district and they are all black. The only way you can deal with that is to make that district a part of a larger unit so there is more flexibility in locating the school and in eliminating the racial imbalance.

Mr. SMITH. What do you do in a State like Iowa where 1 percent overall are Negro but they are mostly located in two cities? Do you have to incorporate the whole State into one school district?

Dr. ALLEN. You have to look at the practical side of this.

Mr. SMITH. What is the percentage below which you cannot go then?

Dr. ALLEN. I have never used a percentage. I do not think you can use a percentage. The effort we made in New York was within a community, if the blacks were 20 percent we think the schools should be a cross section of the community.

Mr. FLOOD. Why do you limit it to New York City? Why do you not take in the area around it and have a little different perspective?

Dr. ALLEN. That may eventually have to be done.

Mr. SMITH. This is crucial to determining what we are talking about because if you do not have some kind of a yardstick you do not know how many districts you should put together.

Dr. ALLEN. There is a limit to what you can do from a practical point of view. You cannot bus a child 50 miles away to a school just to achieve these things. It may be for some time to come that we are going to have to live with a segregated situation and hopefully, as we improve housing and economic conditions in these urban communities, the people in these communities will be able to take advantage, move out and work this thing out themselves.

Mr. SMITH. As you know, coming from New York City, it does not take as long to go 50 miles in some parts of the country as to go 50 blocks in some cities.

Dr. ALLEN. That is right. We have not advocated the child be taken 50 blocks or any particular distance in New York City.

Mr. SMITH. Would not your decision there require in most of the ordinary sized cities of the country, we will say 50 to 500 thousand, to just about scrap their high school system and have one central high school? They could not possibly have racial balance any other way, could they?

Dr. ALLEN. They might have more than one. And this is what is happening in a great many of the cities.

Mr. SMITH. Most of them will have four to six or eight high schools, attendance centers is what they really are. But in order to have racial balance or not to have racial imbalance you would have to scrap all of them?

Dr. ALLEN. You would——

Mr. SMITH. And have one central one?

Dr. ALLEN. You might have to in some cases, yes.

One of the things that is being worked out now in some of the urban centers is the transportation of children from the ghetto area out into the suburbs. This is going on in Rochester, N.Y., Hartford, Conn., and several other places as a means of giving an opportunity for the inner city children to be in schools with white children.

Mr. SMITH. This is voluntary on the part of the school district?

Dr. ALLEN. That is right; worked out between the suburban community and the city.

Mr. MICHEL. Mr. Commissioner, you understand our line of questioning here. While

not yet down to any specifics on dollar amounts and figures, and with you being new in the position, it is natural we take the line of first exploring some general policy guidelines and philosophy. I hope that seat does not get too darn hot for you. You are going to be there quite awhile. We would not expect that every year you would be coming up here, that we would be going into broad policy questions, although it is our prerogative where we are funding all of the programs to ask some basic questions and get some good answers for the people back home who are footing the bill.

Mr. Chairman, he said this:

Dr. ALLEN. There is a limit from the practical point of view, "You cannot bus a child 50 miles.

Mr. Smith said:

How far can you go?

Dr. Allen replied:

Well, I have not set up a distance.

Mr. Chairman, the only thing that I am undertaking to do through these provisions is to pursue the course which is available to me and that is to ask you to stop, look, and listen.

Mr. Chairman, during the course of the hearings it was developed that there are some 200-odd school districts which are being deprived of money which this Congress has appropriated at a time when we have increased the amount of funds available; others have, under duress, agreed to plans which will destroy our system of public education.

Mr. COHELAN. Mr. Chairman, will the gentleman yield? I would like to get the RECORD straight on this.

Mr. WHITTEN. Permit me to finish my statement and then I shall yield to the gentleman. Now, as we have that situation actually existing, the background history and information indicates that they have not come up with a plan which meets the proposed requirements of the Department of Health, Education, and Welfare and which must be approved by that Department.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. HAYS. Mr. Chairman, reserving the right to object, and I shall not object in this instance—I want to serve notice that I will object to any further extensions of time for the rest of the day. We have been on this bill 3 days and if anyone has not said already what they want to say, they ought to extend their remarks.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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

Mr. WHITTEN. I yield to the gentleman.

Mr. COHELAN. Is it not true that out of the 22,000 school districts in the United States there are only 100 districts presently having difficulty insofar as adjustments are concerned?

Mr. WHITTEN. I would not argue with the gentleman on that point.

Mr. COHELAN. That is the fact.

Mr. WHITTEN. As to the exact number I cannot say because the situation changes from day to day.

Mr. Chairman, when this amendment was introduced the figures were not available with reference to several districts and so I am not up to date.,

But, they have used this device of withholding their money in order to get them to agree to plans that go beyond what the law provides. My amendment would prevent that.

I hope those of you who spoke and those who have not as yet spoken, will get the bill and read those two sections. If you will do this you will see that I am only trying my best to see that the funds go to the students for their benefit and that all of the schools are already desegregated, as Congress defined that term.

We leave the Civil Rights Act alone as the rules require. We leave the judges in the courthouses though we hope for better from them. We just say that HEW is not going to misuse the funds made available to them. After all Congress is the one that makes funds for education available and sets the terms under which they are to be used. We cannot stand by and see them frozen or used to set up HEW as a dictatorship.

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

Mr. WHITTEN. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, in the final analysis who is hurt in the cutoff of funds to education? Is it the school board or the schoolchildren?

Mr. WHITTEN. The gentleman from North Carolina has made the best point I can imagine and one which I had intended to make but had overlooked. This is done under the guise that somehow by punishing the children you are taking it out on the school board and there could not be anything more ridiculous.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman I recognize the fact that the House is becoming a little impatient so I shall try to be brief and to the point.

Mr. Chairman, I have listened intently to the debate here today. I am proud to say that I sit in the House with someone like the distinguished gentlewoman from Oregon (Mrs. GREEN) who has such depth of feeling and who understands the true issues confronting us in this bill.

I do not come from a district that is heavily Negro. Probably less than 10 percent of the district which I am privileged to represent is Negro. Race relations are excellent. There is respect and consideration for all citizens.

In my hometown there is goodwill and harmony among the races. Integration has been accepted and is moving along well in the public schools. The Negroes and the whites are proud of the job they have done and are doing. They do not want to disturb this feeling of cooperation. The school authorities have worked diligently and effectively toward the implementation of a workable plan.

The school board was invited to Washington for a discussion of their integration plan. I accompanied members of the board to the Department of Health, Education, and Welfare. At the meeting it seemed to me that some of the employees of the Department were unmindful of the law and little concerned about the problems of members of the school board who had come to Washington to plead their case. The Government employees were not elected officials. They took it upon themselves to announce what the school officials could and could not do. It was my opinion that HEW employees were seeking to make requirements which could not be supported on the basis of the law.

When the meeting was over I was very courteous, but walked away in some degree of anger and disgust. I resolved then and there to do what I could to see to it that this country is run on the basis of a fair and reasonable interpretation of the enactments of Congress. That has not been the case in the administration of the laws with respect to the public schools.

I have been a little unhappy with my good friend, the gentleman from Mississippi (Mr. WHITTEN), because he speaks about "my amendment". Mr. WHITTEN did offer the amendment in the appropriations committee but this is not just the Whitten amendment. This is the amendment of the Committee on Appropriations which approved the action by a vote of 34 to 11. So I do not speak from a narrow platform. I speak from the standpoint of more than two-thirds of the Committee on Appropriations in supporting the language which is in this bill. We approved this same language last year, but it was later watered down to the extent that it was rather meaningless.

It is fair to say that this is the amendment of the Committee on Appropriations. And it is an amendment which I think certainly represents the prevailing view of the majority of the Members of the House.

Mr. Chairman, we are threatened, as EDITH GREEN so well said, with the destruction of the excellent public school system in this country. It is the system which has helped make this country great. We must not destroy this system. We have to preserve it by preventing capricious actions of autocrats who are harassing our people and making it impossible for the school officials and the school boards to do an adequate job in carrying out programs of integration. The integration law is here to stay. The only issue here is a matter of fair administration of the law. Our object is not to destroy integration but to prevent the destruction of our schools.

The CHAIRMAN. The time of the gentleman from Texas (Mr. MAHON) has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. HAYS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I appreciate the gentleman from Georgia (Mr. FLYNT) yielding to me.

I am sure the gentleman recognizes that we are confronted here with a very serious situation and we need to do something sensible about it.

We do not propose here the repeal of the civil rights law. This is not the issue. We want to try to make the law work in the interest of the people. What we are trying to get is a more practical application of the law .

Is there anything wrong with that? I think not.

I urge you, I plead with you, vote down the amendment offered from California and enable us to assert the authority of the Congress in demanding a more rational, sensible, and workable policy in the public schools of the country.

Mr. O'NEAL of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my colleague, the gentleman from Georgia.

Mr. O'NEAL of Georgia. Mr. Chairman, anyone who subscribes to the doctrine of separation of powers must agree that the Department of Health, Education, and Welfare is not authorized to set policy that is contrary to the legislative intent of Congress.

The Congress has never given HEW the right to force busing, the right to abolish schools, or the right to force transfer of pupils from where their parents are sending them to where HEW wants them.

As a matter of fact, officials in the Office of Education will probably admit that they do not have the right to affirmatively take these actions. Yet, they take them nevertheless. These overzealous officials are underhanded in their dealings with local school boards. They circumvent the intent of Congress by withholding Federal funds until schools "voluntarily" offer to meet certain requirements that HEW has no legal right to require.

If anyone doubts this is the current practice, let them examine the twisted arms and broken backs of school officials.

Therefore, I fail to see how there can be legitimate objection to the language in sections 408 and 409 of this bill. It is very simple and straightforward. Its only purpose is to keep HEW honest.

Let us set the record straight at this point. The two sections of the bill under consideration do not attempt to void the power of the courts. I wish there was a way to accomplish this, but the fact remains that the courts would retain all the powers they have ever had in dealing with the question of school desegregation.

We are simply requiring the Department of Health, Education, and Welfare to cease and desist from going beyond the law. Our Appropriations Committee has on several occasions written in its report that the Department continues to ignore the legislative intent of Congress. Since HEW officials have failed to take this subtle hint, our only recourse is to write these provisions into law.

I do not think that there can be any doubt that the sole purpose of title VI of the Civil Rights Act of 1964 was to prohibit the forced separation of races in the public schools. In other words, a system was instituted by which students would be free to attend the schools of their choice without regard to race, creed, or national origin.

The people of my State and district did in good faith comply. They established a bona fide freedom-of-choice system in the public schools.

It was not long before the guideline writers were dismayed to discover that a significant number of Negroes were exercising their freedom of choice in a manner which did not comply with the preconceived fantasies of the guideline writers. In other words, when given the freedom of choice, many Negro students chose to continue their education at the schools they had attended prior to passage of the Civil Rights Act of 1964.

Southerners were then accused af applying some vague, invisible pressure to maintain the status quo. Nothing could be further from the truth.

At this point the guideline writers went beyond the intent of Congress and with absolute disregard for the wishes of the parent, the child and the local school board forced what was to have been "voluntary" action.

Americans value their freedom. We have freedom of religion, freedom of the press, freedom of speech, and practically every freedom you can name. However, there is one lone exception. The Department of Health, Education, and Welfare has effectively denied the southern Negro the right to choose the school he wishes to attend.

They have completely overlooked the fact that those—black as well as white—who sincerely do not wish to integrate the schools have their constitutional rights too.

Mr. Chairman, I urge my colleagues to defeat the pending amendment and support the language in this bill which would prohibit HEW officials from setting policy that is contrary to the legislative intent of Congress.

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

Mr. FLYNT. I yield to the gentleman.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the Cohelan amendment and in support of language in sections 408 and 409 of the Labor-HEW appropriation bill.

No one can speak with more knowledge or authority about busing of students to achieve a racial balance in our schools than someone from Alabama. Since the passage of the Civil Rights Act of 1964 and Elementary and Secondary Education Act of 1965, Alabama schools have been the target of harassment and intimidation by Federal officials. Every public school system in Alabama is currently operating, under the threat of contempt citation, under one type of Federal court order or another. The latest blueprints of HEW and the Justice Department for Alabama's schools—calling for extensive busing and student and faculty balances—are perfect examples of the type of situation, hopefully, which the Whitten amendment can work to alleviate.

The Justice Department and the Department of Health, Education, and Welfare have requested, Mr. Chairman, and the Federal courts have ordered, extensive busing of Alabama students solely to achieve a particular level of integration—not desegregation, Mr. Chairman, but forced integration. Mobile County, for example, has been threatened with extensive busing of students at a cost of about $13 million.

In addition, the courts have ordered millions of dollars of school buildings closed by the State of Alabama for the sole purpose of achieving integration. In other instances, the courts have ordered entire grades shifted from one school to another. I contend, Mr. Chairman, that this action is contrary to laws already on the statute books.

Mr. Chairman, I believe that one very important element of our society has been overlooked by the Departments of Justice and Health, Education, and Welfare—and that is the welfare of the children of the Nation. HEW theorists are more interested in sociological considerations than they are in the education of our children. It appears that our social engineers are bent upon destroying, rather than assisting, public education—not only in Alabama, but throughout the country.

Mr. Chairman, I know that the school board in Montgomery, Ala., is more qualified to operate its schools than social theorists in Washington, and I, as a former judge and chairman of a school board, am certain that professional educators have more expertise in school matters than Federal judges. Our educators will continue to do the fine job they have always done if they are allowed to do so by Federal bureaucrats.

Therefore, I urge the Members of the House to oppose the amendment offered by the gentleman from California (Mr. COHELAN) and support the language in the bill, authored by the gentleman from Mississippi (Mr. WHITTEN).

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

Mr. FLYNT. I yield to the gentleman from Florida (Mr. SIKES), my colleague on the committee.

Mr. SIKES. Mr. Chairman, before we complete the debate on sections 408 and 409, I want to welcome my liberal friends to the ranks of States' righters. You were a little late in getting here, but better late than never. During the debate on section 407 just concluded, I was particularly touched by your concern that Congress not punish innocent and guilty alike by cutting off Federal aid to academic institutions which are not in compliance with the basic law of the land against Federal loans and grants to those responsible for illegal campus disorders and destruction. You did not want the Federal Government to inject itself in matters of State and local jurisdiction. I hope you will retain this solicitude just a little while longer and exercise it now when efforts are being made

to strike sections 408 and 409 from the bill; because in these sections there is language which expressly seeks to stop the punishment of all the pupils and their teachers and their parents in communities where so-called experts operating under extralegal guidelines have ruled that a few pupils are not in compliance. If my liberal friends considered the language in section 407 to be bad, then surely you must support the language in sections 408 and 409. Surely you will be consistent.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman.

Mr. ANDREWS of Alabama. Mr. Chairman, the HEW bureaucrats are fast destroying the public school system of America. They are ordering school boards all over the Nation to bus children across cities and in some instances across counties, to bring about a balance of Negro and white children. Often, these actions are forced upon the children against their wishes and against the wishes of their parents.

Few, if any—except private—schools in Alabama are as segregated as are the schools of Washington, D.C., the home of the Department of Health, Education, and Welfare.

The school population of Washington, D.C., is 95 percent colored, and a white student in most public schools is a rarity.

Prior to 1954 the Washington school system was rated as one of the best in the Nation. Today it is the worst and in fact is a joke. This is the "showcase" promised the Nation in 1954 when the schools were integrated. I hope there will be no more "showcases."

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

Mr. FLYNT. I yield to the gentleman.

Mr. FISHER. Mr. Chairman, we have heard some amazing things said during the debate on compulsory busing. Those who oppose the busing practice have been told by speaker after speaker that there is no such thing as compulsory busing, no such thing as closing down a school in order to comply with a desegregation order from HEW.

Such arguments are a confession of ignorance or misinformation about what is going on in this country. The fact is—and it can be confirmed in a hundred instances—that compulsory busing is being imposed, and schools are being closed as the only way to comply with orders from HEW's braintrusters. In many instances if they do not bus, if they do not close down a school when there is no alternative, the money appropriated for the benefit of the students in such schools is arbitrarily withheld.

To be sure, they do not have to bus; they do not have to close down a school; but what is the penalty if they do not take such actions? Money allotted for the affected schools is withheld.

That is happening now in San Antonio. It is happening in Sonora, Tex. It is happening in Odessa, Tex. And it can happen in practically every school district in my area—and probably will unless this amendment against compulsory busing is retained.

The demand for this legislation springs from the people—the parents, the teachers, and the school boards. And it comes from all races.

I am speaking of those schools where there is no semblence of racial discrimination, where there is total and complete integration, where any child—regardless of race—is admitted without question into that child's neighborhood schools where the child lives. That practice, that policy, conforms with Supreme Court decisions on the subject.

President Nixon as a candidate condemned this concept of compulsory busing. Secretary of Health, Education, and Welfare Robert H. Finch condemned it last March, as reported by a UPI news story which stated:

He (Finch) said moving pupils about just to obtain a 'salt and pepper effect' was detrimental to education and was opposed by both whites and blacks.

Mr. Chairman, let us forget about politics for a moment and face up to this issue. As stated in this debate, unless compulsory busing and other arbitrary controls over the management of local school affairs is curbed our public school system may be on its way out. Has it come to pass that local school boards, local teachers, local PTA's, and local taxpayers cannot, in their schools where there is no racial discrimination whatever, have something to say about the operation of their own schools?

The pending amendment, which would strike from the bill the provision against compulsory busing, the closing of schools, and the right of parents to send their children to local schools, should be defeated. Let us respond to the voice of the people we are elected to represent.

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

Mr. FLYNT. I yield to the gentleman.

Mr. ABERNETHY. Mr. Chairman, I thank my colleague from Georgia for yielding. My remarks will be brief.

First, Mr. Chairman, I wish to express my profound thanks to the Appropriations Committee for including sections 408 and 409 in this bill. It is sound and sensible. If left in the bill it will settle an abundance of unnecessary controversy and put the bureaucrats in the Department of Health, Education, and Welfare on the lawful and right track in administering the Civil Rights Act.

It is a well known fact that the Federal underlings are exceeding their authority. Their principal objective is not to better education but to bring about a social order in our country which meets with their approval.

When the Civil Rights Act was passed in 1964 the sponsors thereof clearly stated in debate that the bill was not designed to bring about racial balance; that it was not intended that the busing of students would be put into effect; that there would be no exercise of authority over the selection of faculties and that local officials would continue to operate their schools and receive Federal aid so long as they did not deny any child the right to attend any school he or she desired to attend. But, Mr. Chairman, the act has not been so administered.

There is more unrest in our educational institutions today than ever in the history of our Nation. The unrest is not confined to the colleges. A considerable amount is prevalent in our elementary and secondary schools—high schools, junior high, and grammar schools. Much of this has been brought about by the manner in which HEW underlings have administered the Civil Rights Act.

Mr. Chairman, all we seek is the right to allow our children to attend the schools in their own neighborhood or to attend any other school in the area which he or she desires to attend. We feel that the children are entitled to the full benefit of Federal funds under these conditions and which in many instances they are not receiving because of the improper administration of the programs.

The sections under consideration if left in the bill will not mitigate against any child, white or black, to get an integrated education in compliance with Federal law.

It has been clearly pointed out by the gentlewoman from Oregon (Mrs. GREEN) that education in many schools over the country is rapidly deteriorating because of the improper administration I have referred to. Her remarks were so sound, so sensible, and so reasonable. Regardless of what the views of the various Members may be about the subject of integration, every member of this body can vote to retain these sections, which the amendment proposes to strike, without waiver of his views on integration.

The language will merely eliminate forced busing and leave Federal aid moneys available to all children alike. The language repeals not one word of the Civil Rights Acts. It simply puts a stop to improper interpretation and unlawful administration of the law by underlings in the Department of Health, Education, and Welfare.

I thrust the amendment of the gentlemen from California (Mr. COHELAN), will be voted down.

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

Mr. FLYNT. I yield to the gentleman.

Mr. MONTGOMERY. Mr. Chairman, I rise in vigorous objection to the amendment presently under consideration. This amendment, if accepted, would mean the Department of Health, Education, and Welfare would be allowed to continue their present guidelines of requiring the busing of school students or the pairing and zoning of schools just to satisfy arbitrarily set racial quotas. These guidelines are causing irrevocable havoc with the quality of education offered in my home State of Mississippi. I have received numerous letters, telegrams, and telephone calls from school administrators in my Fourth District stressing alarm over the damage that will be done if they have to submit to the present guidelines of the Department of Health, Education, and Welfare which clearly go beyond the intent of the Congress and the intent of the Constitution. I urge all my colleagues to give a sounding vote of defeat to the Cohelan-Conte amendment and thus return the administration of local schools to local officials.

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

Mr. FLYNT. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, someone has said:

A lie will hold its throne a whole age longer if allowed to skulk behind the shield of some fair seeming name.

Mr. Chairman, I have listened to, and I have watched the parade of normally responsible people take this well against the Whitten amendment. Mr. Chairman, at least one distinguished chairman, by the tone of his voice, emphasized "the gentleman from Mississippi" so that immediately there would be animosity toward this amendment. Mr. Chairman, I have never seen more misrepresentations from responsible people nor have I heard more erroneous information even from people whose integrity neither I nor anyone else can impugn in this Congress. Certain of these gentlemen must therefore be just plain uninformed.

Mr. Chairman, I can only speak for South Carolina. We are living and observing the spirit and intent of the Civil Rights Act on integration in our schools. We have been, and are, faithfully trying to live under the law of the United States as passed by this Congress. However, Mr. Chairman, as the distinguished lady from Oregon has so aptly said, unless the bureaucrats in the HEW are stopped, the law of this country requiring busing will continue, and unless the arrogant misinterpretation of the law by this outfit is curtailed, education in my Southland will be destroyed for many of those for whom we seek to educate. The remarks of the gentlewoman from Oregon (Mrs. GREEN) should be heeded by every Member of this body since she is a knowledgeable woman and we should not forget that she led the fight for the Civil Rights Act.

Also, Mr. Chairman, we should heed the cool and sensible statement by the distinguished chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON) as well as the explanation of his own amendment, by the gentleman from Mississippi (Mr. WHITTEN).

Mr. Chairman, I believe this is a fair body; I am convinced that a reasonable group of men and women compose our membership. If we do not compel the HEW to observe the law which we have passed by enacting the Whitten amendment, we will be giving only lipservice to the rule of law. We will by our own inaction, underwrite and approve the actual violation of the law which this Congress has passed.

Mr. FLYNT. Mr. Chairman, although I had intended to use most or all of my 5 minutes, I was glad to yield as much of that time to the gentleman from Texas (Mr. MAHON) as he required to complete his remarks.

I oppose the pending amendments offered by the gentleman from California (Mr. COHELAN). The language included in sections 408 and 409, which the pending amendment would strike, were written into the bill by the Committee on Appropriations by a vote of 34 to 11.

As much as I would like to describe those two sections as freedom-of-choice provisions, they are not exactly that. The fact is that sections 408 and 409 constitute freedom-from-force provisions and are designed to prevent or reduce further harassment, capriciousness, and tyranny over elected school boards and school administrators by subordinate officials in the Office for Civil Rights in the Department of Health, Education, and Welfare who are elected by nobody, responsible for nothing, and apparently wholly unresponsive to the difference between right and wrong.

As I listened to the chairman of the Committee on Appropriations recount his experiences where he accompanied the board of education and the superintendent of schools of Lubbock, Tex., to a conference at the Department of Health, Education, and Welfare, it recalled to my own mind many bitterly frustrating experiences which I have had. In those same offices in the Department of Health, Education, and Welfare I have watched honest, honorable, responsible citizens and officials of my district harassed and almost humiliated by the prejudiced, opinionated, and inexperienced employees of the Office for Civil Rights in the Department of Health, Education, and Welfare.

On nearly every one of these occasions, I have accompanied school board members and school administrators who were acting in good faith and who were making determined efforts to voluntarily comply, not only with laws enacted by Congress, but with decisions of many courts, State and Federal. I have seen these schools officials offer plans which in a relatively short period of time would have voluntarily accomplished the stated objectives of laws and court decisions. I have seen HEW officials with little or no knowledge of school administration arbitrarily reject these proposals and suggest or demand unreasonable and unworkable plans. The net result was that Federal education funds would be cut off unless the well-considered local plans were abandoned and the arbitrary HEW plans substituted in their place.

The results have oftentimes been near tragic. In some instances, well-intentioned, strong-minded men of good faith and good will have either resigned their positions or have been subsequently defeated for reelection to school board members and school administrator posts. Another result has frequently been the defeat of school bond issues because the citizens, voters, and taxpayers were unwilling to accept an arbitrary HEW plan as a substitute for an equally good voluntary plan which they would have accepted and would have provided the necessary bonds with which to finance badly needed expansion of school and school building facilities.

Mr. Chairman, many of us have lived with these problems and this issue for nearly 5 years. We have exerted every effort possible to convince HEW officials of the good faith of our local officials and the good results which would be obtained by a degree of understanding and cooperation.

Mr. Chairman, we have seen these so-called compliance teams from HEW suggest that brandnew schools be closed under a direct threat of a cutoff of funds unless the schools be closed or unless children be transported from other communities miles remote from the location of the school.

We have seen other similar compliance teams order the pairing of classes within schools which would require at least a 100-percent increase in transportation mileage in order to transport the same students to the same school buildings—or else lose Federal funds to which the school system would otherwise be entitled.

Mr. Chairman, those of our colleagues who have never seen these arbitrary and tyrannical actions apparently are unable to believe they could happen. We who have seen these things urge the Committee to reject the Cohelan amendments and sustain the language presently contained in sections 408 and 409.

Mr. HAWKINS. Mr. Chairman, I move to strike out the last word.

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

Mr. HAWKINS. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. COHELAN).

Mr. Chairman, I was proud yesterday to help restore the Federal education program to a minimum funding level. Passing the Joelson amendment, with its total of $894,547,000 to increase the effectiveness of aid for constructing and operating schools and libraries, is a great victory for those who believe that there is no higher priority than quality education. The 242 votes cast on a teller vote for the Joelson amendment indicate that this House has not forgotten its commitment to education.

The victory, of course, is only partial. We have succeeded only in restoring Federal aid to education in most cases to the level of fiscal year 1969. I think it is obvious that we have never done enough for education. The funding levels for education in 1970 will be high enough to keep the hopes for quality education alive, but we must expect to work for better financing and more effective programs in the future.

We are now preparing to vote upon—and, I hope, to defeat—a highly dangerous proposal. The Whitten amendment sections 408 and 409 of H.R. 13111—would emasculate the national effort to educate our children on a just and equitable basis, by depriving the Department of Health, Education, and Welfare of the financial rewards and sanctions it needs to bring about school desegregation.

Mr. Chairman, the proponents of sections 408 and 409 claim that title VI of the Civil Rights Act is a club to be used ruthlessly against one section of the country. That is patently false. As the Members of the House know, the Department of Health, Education, and Welfare has used its financial sanctions against northern, as well as southern school districts which discriminate among students on the basis of color. The Department has used those sanc-

tions as a last resort, when moral persuasion was not enough to bring about desegregation. The sanctions have been applied sparingly, but effectively.

Given the history of title VI of the 1964 Civil Rights Act, no one can claim that he is promoting freedom or desegregation by removing HEW's enforcement powers. Sections 408 and 409 of H.R. 13111 are clearly segregationist measures. They must be defeated soundly, once and for all. I urge all the Members of the House, from all sections of the country, to join in voting for the Cohelan amendment to strike those sections from the Labor-HEW appropriations bill.

Mr. HAWKINS. Mr. Chairman, the Whitten amendments create more problems than they can possibly settle. None of the methods of desegregation prohibited by this proposal is now required by the Office of Education or the courts. How local school districts desegregate is a local matter. The law only requires that they do. If not bussing they can use other methods.

Backers of the Whitten amendments want to both use Federal money and segregate at the same time. As such they seek to violate an old maxim: Those who dip their hands in the public till should not object if a little democracy sticks to their fingers.

There is absolutely no justification for these sections even being in an appropriation bill. How Federal funds are being expended is not the issue. These sections do not even reach the basic laws they seek to abrogate.

Circuit Judge John Minor Wisdom, of the Fifth Circuit, U.S. Court of Appeals speaking for the majority in sustaining the U.S. Office of Education guidelines in 1966 declared:

> In any school desegregation case the issue concerns the constitutional rights of the State—not the issue whether Federal financial assistance should be withheld under Title VI of the Civil Rights Act of 1964.

If HEW is illegally withholding funds let school officials—not poor litigants go to court. Moreover, another title, title IV of the same act empowers the Attorney General to sue to desegregate a public school system even though it may not be receiving Federal aid.

These acts were based on the 14th amendment as interpreted by the Supreme Court in the 1954 school desegregation case, and the Whitten amendments in no way can reach this far: to destroy equality of educational opportunity as the law of the land. And thank God we live in a country of constitutional law where violence is not needed.

Equality of educational opportunity is important because a decent education is related to employment opportunities, obtaining better housing, and enjoying adequate medical care.

Also in our democracy, universal suffrage and good citizenship are based on such equality of educational opportunity.

Freedom of choice plans have also encountered legal troubles for the simple reason they seldom offer free choice and have not resulted in desegregation. Statistics are abundant that such schemes do not work.

Again, in pointing out what school officials should do if they really want to make them work, Judge Wisdom reveals the various devices which have been used to prevent desegregation:

> They (school officials) should see that notices of plans and procedures are clear and timely. They should avoid the discriminatory use of tests and the use of birth and health certificates to make transfer difficult. They should eliminate inconvenient or burdensome arrangements for transfer, such as requiring the personal appearance of parents, notarized forms, signatures of both parents, making forms available at inconvenient times to working people. They should employ forms which do not designate the name of a Negro school as the choice or contain a "waiver" of the "right" to attend white schools. Certainly school officials should not discourage Negro children from enrolling in white schools, directly or indirectly, as for example, by advising them that they would not be permitted to engage or would not want to engage in school activities, athletics, the band, clubs, school plays. If transportation is provided for white children, the schedules should be re-routed to provide for Negro children.

In addition, although he did not, he might have noted also economic reprisals, intimidation, and even violence being used to make freedom of choice a cruel delusion.

In addition, these amendments are wrong on another score. They contradict the very essence of the public school system.

In the historical development of American public education, we have moved from a position that education is for the elite or a "ruling class."

In so doing, we have rejected such theories that some children cannot or should not be taught or that there are such things as innate and cultural inferiority.

Today we are willing to examine our schools to determine why some children do not achieve as well as others and to insist that it is the responsibility of the schools to teach, not merely to accept the legal custody of children during school hours; and it is the schools responsibility to teach poor children as well as the rich, black children as well as the white.

Thus lacking both legal and educational theory support, these amendments can only create further racial discord in an already highly emotional situation.

The time has come when it is far better that we lay to rest the issues that once divided us as a nation. On this basis alone we should reject the Whitten proposals and adopt the amendments offered by the gentleman from California (Mr. COHELAN).

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to my colleague from California.

Mr. BURTON of California. Mr. Chairman, I would like to commend my distinguished colleague from California, and I associate myself with his remarks.

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

Mr. HAWKINS. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I wish to commend the gentleman from California (Mr. HAWKINS) for his splendid statement. He has pointed out how the Whitten amendments undermine title VI of the Civil Rights Act of 1964.

Mr. Chairman, I support the Cohelan amendment to strike sections 408 and 409 from H.R. 13111, which represent another attempt to defeat enforcement of title VI of the Civil Rights Act of 1964, and frustrate decisions of the U.S. Supreme Court requiring the desegregation of public schools.

Attempts to weaken the school desegregation efforts of the Department of Health, Education, and Welfare have become an annual event. On each occasion in the past several years on which we have considered funds for HEW, amendments have been made which seek to cripple enforcement of title VI of the 1964 Civil Rights Act. In fact, the provisions of section 408 and 409 of H.R. 13111, which we are debating today, are identical to provisions rejected by Congress only last fall.

The purpose of sections 408 and 409 is to compel HEW to accept so-called freedom of choice desegregation plans without regard to whether or not those plans will end segregation in schools. These sections are being offered in spite of the fact that in May of 1968 the Supreme Court ruled in Green against New Kent County, that freedom of choice plans are only acceptable if they accomplish the goal of desegregation and the prompt elimination of dual school systems. As I pointed out on June 25, 1968, when a similar amendment was offered by the proponents of so-called freedom of choice plans, the Supreme Court's decision followed logically from the Brown against Board of Education decision of 1954.

Despite unequivocal Supreme Court decisions, a strong civil rights statute enacted in 1964, and enforcement of civil rights compliance by the Civil Rights Office of the Office of Education, only limited progress has been made in achieving desegregated schools in the South. Figures released by the Office of Education in January of this year show that in the 11 States studied only 20.3 percent of the estimated 2.5 million nonwhite school age children in those States attend predominantly white schools. In the school districts in these 11 States desegregating under title VI, 25.6 percent of the 1 million nonwhite school age children attend predominately white schools.

As disappointing as these statistics are, however, it is important to note that significant progress has been made in the past year by HEW in eliminating segregation in public schools. In the school year previous to the one most recently studied by HEW, only 13.9 percent of nonwhite school age children in the same 11 States were attending predominately white schools, and only 19 percent of those residing in district desegregating under title VI attended predominately white schools.

While progress is slow, then, it is nonetheless moving toward the elimination of segregated public schools in the South. It is obvious that if further progress is to be made, HEW's desegregation efforts must not be obstructed. Yet that is precisely what the proponents of sections 408 and 409 seek to accomplish. References to busing in these sections obscure the real intent of these provisions; namely, to force HEW to accept freedom of choice plans. HEW does not require the transportation of students to overcome racial imbalance. Nor does it require the closing of schools unless the continued operation of inadequate minority attended schools would perpetuate discrimination and unequal educational opportunities. HEW does require that federally aided school systems eliminate unconstitutional discrimination and segregation as a condition to receiving Federal funds. That was the purpose of title VI which this Congress adopted 5 years ago. Title VI would clearly be undermined by sections 408 and 409 of H.R. 13111.

Mr. Chairman, 15 years after the Supreme Court outlawed segregation in public schools, only a minority of nonwhite students attend predominately white schools in the South. It has been 5 years since Congress enacted title VI of the Civil Rights Act of 1964 which provided for banning and cutting off Federal assistance to school systems which discriminate on the basis of color and 1 year since the Supreme Court declared ineffective freedom of choice plans unacceptable. Much remains to be done before the effects of 100 years of discrimination and segregation will be eradicated and equality of educational opportunity will be a reality for black Americans. We cannot allow that work to be impeded by legislation which would cripple HEW's ability to enforce title VI of the Civil Rights Act of 1964.

I urge that sections 408 and 409 of H.R. 13111 be stricken so that the work of bringing recalcitrant school systems into compliance with the law can be continued.

Mr. COLLINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today we are talking about the subject of neighborhood schools. To bring it down to language we understand, I know it is the same with each family as it is with mine. When we were trying to buy a home, the first thing my wife was interested in was where our children would go to school and how many blocks they would have to walk and we were not worried about where the bus stop was.

In 1964 and 1966 the language on busing was plain. But what has happened in recent years? The language was that we would not have busing. Now every school system is faced with two alternatives. They either have to redraw their boundary lines, as in Galveston, where they were drawn within one block of a school, to make a better pattern, or we have to close the schools, such as happened in Bear Creek, where a modern brick school was closed.

Then we start busing. It is a very real subject. It is not academic.

I want to get one thing straight about this, because it has been discussed. Ninety percent of the funds that take care of our school system are local funds. It is paid for by the State and the county and the city governments. Those are local funds.

As such, they are still available. That 90 percent is available.

That takes care of the handicapped in special situations.

What we are talking about is forced busing.

I read somewhere that 60 percent of the Members of the House of Representatives are lawyers, and the rest of us are businessmen and a general cross section of other walks of life. We have in this House very few who are educators and who really know firsthand what is involved in this.

I was interested in a survey that had gone to the people in the field of education, those who are concerned with education all over the country. This was not done just in the South or in the North, but it was the same everywhere, in the East and in the West and everywhere.

They went to people all over the country and asked these questions. They first asked the school superintendents if they would support busing as a desegregation measure, and 74 percent said "No." They then asked the Members of the school boards all over the Nation, and 88 percent said they would not favor busing. They then went to the teachers and had the NEA—which is a very representative group of teachers—and asked them the same question, and 78 percent of the teachers were opposed to busing students from one district to another.

These were three groups who knew something about it. They were the school boards, the school superintendents, and the schoolteachers, and they all said busing would not work.

We have several friends from New York City, where they have been very interested in this. In New York State they tried busing. Members will remember the New York State Legislature, which was in very close contact with this situation, by a vote of 104 to 41—and this is the State legislature which is closely in touch with the situation—in March of this year voted by this vote of 104 to 41—to ban busing in the State of New York.

I saw in a Washington paper this week a story about Charlotte, carried by the UPI, which wrote that Charlotte Negroes plan to fight desegregation proposals by the school board in which they would require over 4,200 black students to bus to schools outside their neighborhood. In the statement, which I will read, the Negroes said:

We will not under any circumstances accept closing of black schools and busing of black children. We cannot accept the lie that all black teachers and children are inferior.

This was the statement made by the black leaders in North Carolina.

I hope Members saw what happened in Denver, Colo. There they had a very energetic school board. This group was determined that they would put in an active busing system in Denver in September. In May they had an election of the school board, in that area. What happened?

In favor of busing they had the big newspapers, the Denver Post and the Rocky Mountain News, all the do-good groups in town, and all the civic groups. In fact, as the New York Times said later, they had everybody in favor of busing but the people.

I will tell you what the election said, when they took the vote. The man who got the most votes opposed busing. He got 75,000. The man on the school board, who said, "Let us have busing," got 28,000. They were listening to the mothers out there, and they were listening to the concerned parents in Denver, Colo. They listened to them as they said 75,000 to 28,000 they did not want busing in Denver.

I want to tell you; the folks in Denver, Colo., in Chicago, in Los Angeles, in Boston, and in Buffalo do not want busing.

I recommend that we answer the people of America and vote "no."

Mr. FLOOD. Mr. Chairman, I should like to know how many Members would like to talk at this time. Let me count.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The motion was agreed to.

The CHAIRMAN. Members standing at the time the limitation was ordered will be recognized for 1 minute each.

The gentleman from California (Mr. TUNNEY) is recognized.

Mr. TUNNEY. Mr. Chairman, adoption of this provision would represent a severe setback in the efforts we are making to end school segregation.

It should be strongly opposed.

This provision asks us to accept dual school systems for black and white. It tells us that we may not withhold funds from school districts which have failed to adopt a unitary nonracial school system. It tells us that, in effect, from now on we will use Federal funds to perpetuate discrimination.

Title VI of the Civil Rights Act of 1964 prohibits discrimination in programs receiving Federal assistance. This provision, if adopted, would nullify title VI fund cutoffs from school districts which have not come up with effective plans for desegregation.

The Federal Government does not require that an effective plan involve busing, or the closing of schools. It is up to the local school districts to devise the method for ending a system of dual schools. This may indeed require changes in transportation arrangements, changes in the use of facilities and new construc-

tion. This is only the result of the past ingenuity of school administrators in developing a system of racially divided schools.

This provision would reinforce the dual school system. It is not enough to operate on a "freedom of choice" basis, where parents are free to select which of two schools to send their children. This is not a two-way street. The whites choose to stay at the traditionally white school. None choose to transfer to the black school, which retains its traditional identity. A few black children may transfer to the white school. We still have a dual school system. It is this we must overcome, and we must defeat the proposed amendment to continue the effort.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, it is virtually impossible in 1 minute really to shed any light on this, but I want you to know one thing, that is, this is one Congressman who is very upset about what occurred in my district this week.

We had an $850,000 school closed and abandoned. That $850,000 just went down the drain. We were served notice, by HEW further, that we have five, six, or seven other schools that are deep in all-black areas. Without a single exception, every child going into this $850,000 Eva Thomas High School was going to the school that they lived closest to. HEW told the Fulton County system, "You may not assign the children to the school that they live closest to, but you must provide racial balance." They gave us three choices by which to abide. This is coercion.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, the Committee on Appropriations has quite properly included sections 408 and 409 in the bill referred to this Committee for consideration. The language contained in both of these sections is concise, to the point and is not subject to administrative or judicial "interpretation." These two sections taken together provide concrete assurance that this Government will not force busing of students or force any student to attend a particular school against his choice or that of his parents, and this is as it should be.

A history of ill conceived action by the Department of Health, Education, and Welfare makes inclusion of these sections mandatory. The continued existence of a system of public education beneficial to children of all races demands an end to HEW harassment. Therefore, Mr. Chairman, in order to protect public education in Alabama, and indeed, throughout the Nation, I urge that the Members of this body leave section 408 and 409 intact as written.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Chairman, I rise in support of the Cohelan amendment.

Mr. Chairman, it seems to me we have overlooked, or at least only lightly touched on, three items in this debate.

The first things we have overlooked are the provisions of existing law. Existing law is very clear and it has been for 5 years. Section 401 of the Civil Rights Act of 1964 clearly provides that desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance. Title VI provides explicitly for judicial review. I have heard a lot of complaints today about how school district leaders have been treated by the Department of Health, Education, and Welfare, but I have heard very little about their resort to the courts in order to secure justice under the law.

The second thing, Mr. Chairman, is that we have a new administration. It issued a comprehensive statement, the Finch-Mitchell statement, on July 3 of this year. I think we ought to give the Nixon administration an opportunity to work out its plans for school desegregation under existing law before we effect this drastic change through poorly considered language such as that now before us in sections.

Item 3, Mr. Chairman, is simply this: We have a School Desegregation Guideline Subcommittee of the House Committee on the Judiciary. Here is the place to consider sweeping changes in basic law; the proper vehicle is surely not this appropriations bill.

Mr. Chairman, the time for mere "deliberate speed" has run out in our efforts to make school desegregation a reality throughout America. As recent Supreme Court and circuit court decisions have stated, school districts not now in compliance must complete the process of desegregation "at the earliest practicable date."

I am pleased to see that the Nixon administration by word and deed has reiterated its determination to bring a speedy end to racial segregation in our schools in accordance with the law of the land. The procedures for achieving this goal have been spelled out in the comprehensive joint statement on school desegration by Robert Finch, Secretary of Health, Education, and Welfare, and Attorney General John N. Mitchell issued July 3. Their statement follows:

STATEMENT ON SCHOOLS: "OUR AIM IS TO EDUCATE, NOT PUNISH"

(NOTE.—Following is the text of a joint statement on school desegregation by Robert Finch, Secretary of Health, Education, and Welfare, and Attorney General John N. Mitchell.)

This Administration is unequivocally committed to the goal of finally ending racial discrimination in schools, steadily and speedily, in accordance with the law of the land. The new procedures set forth in this statement are designed to achieve that goal in a way that will improve, rather than disrupt, the education of the children concerned.

The time has come to face the facts involved in solving this difficult problem and to strip away the confusion which has too often characterized discussion of this issue. Setting, breaking and resetting unrealistic "deadlines" may give the appearance of great Federal activity, but in too many cases it has actually impeded progress.

This Administration does not intend to continue those old procedures that make satisfying headlines in some areas but often hamper progress toward equal, desegregation education.

Our aim is to educate, not to punish; to stimulate real progress, not to strike a pose; to induce compliance rather than compel submission. In the final analysis Congress has enacted the law and buttressed the Constitution, the courts have interpreted the law and the Constitution. This Administration will enforce the law and carry out the mandates of the Constitution.

A great deal of confusion surrounds the "guidelines." The essential problem, however, centers not on the guidelines themselves but on how and when individual school districts are to be brought into compliance with the law.

The "guidelines" are administrative regulations promulgated by the Department of Health, Education and Welfare, as an administrative interpretation, not a court interpretation, of the law. Frequently the policies of the Department of Justice, which is involved in law suits, and the Department of Health, Education and Welfare, which is involved in voluntary compliance, have been at variance.

Thus, we are jointly announcing new, coordinated procedures, not new "guidelines."

In arriving at our decision, we have for five months analyzed the complex legacy that this Administration inherited from its predecessor and have concluded that such a coordinated approach is necessary.

Fifteen years have passed since the Supreme Court, in Brown v. Board of Education, declared that racially segregated public schools are inherently unequal, and that officially-imposed segregation is in violation of the Constitution. Fourteen years have passed since the Court, in its second Brown decision, recognized the tenacious and deep-rooted nature of the problems that would have to be overcome, but nevertheless ordered that school authorities should proceed toward full compliance "with all deliberate speed."

Progress toward compliance has been orderly and uneventful in some areas, and marked by bitterness and turmoil in others. Efforts to achieve compliance have been a process of trial and error, occasionally accompanied by unnecessary friction, and sometimes resulting in a temporary—but for those affected, irremediable—sacrifice in the quality of education.

Some friction is inevitable. Some disruption of education is inescapable. Our aim is to achieve full compliance with the law in a manner that provides the most progress with the least disruption and friction.

The implications of the Brown decisions are national in scope. The problem of racially separate schools is a national problem, and we intend to approach enforcement by coordinated administrative action and court litigation.

SEGREGATION POLICY

The most immediate compliance problems are concentrated in those states which, in the past, have maintained racial segregation as official policy. These districts comprise 4477 school districts located primarily in the 17 Southern and border states; 2994 have desegregated voluntarily and completely; 333 are in the process of completing desegregation plans; 234 have made an agreement with the Department of Health, Education and Welfare to desegregate at the opening of the 1969-70 school year; under exemption policies established by the previous Administration, 96 have made such an agreement for the opening of the 1970-71 school year.

As a result of action by the Department of Justice or private litigants, 369 districts are under court orders to desegregate. In many of these cases the courts have ordered the

districts to seek the assistance of professional educators in HEW's Office of Education pursuant to Title IV.

A total of 121 school districts have been completely cut off from all Federal funds because they have refused to desegregate or even negotiate. There are 263 school districts which face the prospect, during the coming year, of a fund cut-off by HEW or a lawsuit by the Department of Justice.

These remaining districts represent a steadily shrinking core of resistance. In most Southern and border school districts, our citizens have conscientiously confronted the problems of desegregation, and have come into voluntary compliance through the efforts of those who recognize their responsibilities under the law.

SEGREGATION IN FACT

Almost 50 per cent of all of our public elementary and secondary students attend schools which are concentrated in the industrial metropolitan areas of the 3 Middle Atlantic states, the 5 northern Midwestern states and the 3 Pacific Coast states.

Radical discrimination is prevalent in our industrial metropolitan areas. In terms of national impact, the educational situation in the North, the Midwest and the West require immediate and massive attention.

Segregation and discrimination in areas outside the south are generally de facto problems stemming from housing patterns and denial of adequate funds and attention to ghetto schools. But the result is just as unsatisfactory as the results of the de jure segregation.

We will start a substantial program in those districts where school discrimination exists because of racial patterns in housing. This Administration will insist on nondiscrimination, the desegregation of facilities and school activities, and the equalization of expenditures to insure equal educational opportunity.

In last year's landmark Green case, the Supreme Court noted: "There is no universal answer to the complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance." As recently as this past May, in Montgomery V. Carr, the Court also noted that "in this field the way must always be left open for experimentation."

Accordingly, it is not our purpose here to lay down a single arbitrary date by which the desegregation process should be completed in all districts, or to lay down a single, arbitrary system by which it should be achieved.

A policy requiring all school districts, regardless of the difficulties they face, to complete desegregation by the same terminal date is too rigid to be either workable or equitable. This is reflected in the history of the "guidelines."

After passage of the 1964 Civil Rights Act, an HEW policy statement first interpreted the Act to require affirmative steps to end racial discrimination in all districts within one year of the Act's effective date. When this deadline was not achieved, a new deadline was set for 1967. When this, in turn, was not met, the deadline was moved to the 1968 school year, or at the latest 1969. This, too, was later modified, administratively, to provide a 1970 deadline for districts with a majority Negro population, or for those in which new construction necessary for desegregation was scheduled for early completion.

Our policy in this area will be as defined in the latest Supreme Court and Circuit Court decisions: that school districts not now in compliance are required to complete the process of desegregation "at the earliest practicable date"; that "the time for mere 'deliberate speed' has run out"; and, in the words of Green, that "the burden on a school board today is to come forward with a plan that promises realistically to work, work now."

In order to be acceptable, such a plan must ensure complete compliance with the Civil Rights Act of 1964 and the Constitutional mandate.

In general, such a plan must provide for full compliance now—that is, the "terminal date" must be the 1969–70 school year. In some districts there may be sound reasons for some limited delay. In considering whether and how much additional time is justified, we will take into account only bona fide educational and administrative problems. Examples of such problems would be serious shortages of necessary physical facilities, financial resources or faculty. Additional time will be allowed only where those requesting it sustain the heavy factual burden of proving that compliance with the 1969–70 time schedule cannot be achieved; where additional time is allowed, it will be the minimum shown to be necessary.

In accordance with recent decisions which place strict limitations on "freedom of choice," if "freedom of choice" is used in the plan, the school district must demonstrate, on the basis of its record, that this is not a subterfuge for maintaining a dual system, but rather that the plan as a whole genuinely promises to achieve a complete end to racial discrimination at the earliest practicable date. Otherwise, the use of "freedom of choice" in such a plan is not acceptable.

For local and Federal authorities alike, school desegregation poses both educational and law enforcement problems. To the extent practicable, on the Federal level the law enforcement aspects will be handled by the Department of Justice in judicial proceedings affording due process of law, and the educational aspects will be administered by HEW. Because they are so closely interwoven, these aspects cannot be entirely separated. We intend to use the administrative machinery of HEW in tandem with the stepped-up enforcement activities of Justice, and to draw on HEW for more assistance by professional educators as provided for under Title IV of the 1964 Act. This procedure has these principal aims:

To minimize the number of cases in which it becomes necessary to employ the particular remedy of a cutoff of Federal funds, recognizing that the burden of this cutoff falls nearly always on those the Act was intended to help; the children of the poor and the black.

To ensure, to the greatest extent possible, that educational quality is maintained while desegregation is achieved and bureaucratic disruption of the educational process is avoided.

The Division of Equal Educational Opportunities in the Office of Education has already shown that its program of advice and assistance to local school districts can be most helpful in solving the educational problems of the desegregation process. We intend to expand our cooperation with local districts to make certain that the desegregation plans devised are educationally sound, as well as legally adequate.

We are convinced that desegregation will best be achieved in some cases through a selective infusion of Federal funds for such needs as school construction, teacher subsidies and remedial education. HEW is launching a study of the needs, the costs, and the ways the Federal Government can most appropriately share the burden of a system of financial aids and incentives designed to help secure full and prompt compliance. When this study is completed, we intend to recommend the necessary legislation.

We are committed to ending racial discrimination in the Nation's schools, carrying out the mandate of the Constitution and the Congress.

We are committed to provide increased assistance by professional educators, and to encourage greater involvement by local leaders in each community.

We are committed to maintaining quality public education, recognizing that if desegregated schools fail to educate, they fail in their primary purpose.

We are determined that the law of the land will be upheld; and that the Federal role in upholding that law, and in providing equal and constantly improving educational opportunities for all, will be firmly exercised with an even hand.

The objective of the Nixon administration as set forth in this statement is to achieve total desegregation of our schools "in a way that will improve, rather than disrupt, the education of the children concerned." In the past the Departments of Justice and Health, Education, and Welfare have failed to fully coordinate their activities so as to effectively accomplish this objective. These two Departments are now working together to assure this type of cooperative effort. Where possible, greater emphasis is being placed on stepped up enforcement activities by Justice and greater use of technical assistance and other Federal help as provided for in title IV of the 1964 Civil Rights Act. This should help to achieve compliance without resorting to the use of the drastic device of a cutoff of Federal funds. These cutoffs often hurt most the very children who are in the greatest need.

As the Washington Evening Star recently commented:

Impressive statements are a poor substitute for productive action.

Speaking of the Finch-Mitchell statement the Star added that—

The selective tactic, now being employed, is more flexible but not necessarily more lenient on offending local officials.

Since the present administration took office, the Justice Department has become involved in 15 lawsuits and has issued three warnings affecting school districts in both North and South. Indeed the evidence to date provides little comfort for those who had hoped that this administration would abandon or compromise its clearly stated determination to vigorously enforce the civil rights laws.

Here is the full text of editorials from the Miami Herald and the Evening Star of July 11, 1969, commenting on this administration's actions to bring about school desegregation:

[From the Washington (D.C.) Evening Star, July 11, 1969]

DESEGREGATION TACTICS

It now appears that much of the civil rights community and a handful of editorial hipshooters sounded off somewhat prematurely about the Nixon administration's "sellout" to the school segregationists. The liberal lamentations—and those muted cheers from the segregationist camp—that greeted the announcement of a relaxation of the September desegregation deadline might better have been withheld until the administration's motives became a matter of knowledge rather than speculation.

The Justice Department's ultimatums to the school boards of Chicago and Georgia,

coupled with the six new school desegregation suits already instituted, provide persuasive evidence that what's afoot is a change of tactics, not a sellout.

It is, perhaps, somewhat too early for an unqualified endorsement of the new tactic. Everything depends on how earnestly the Justice Department follows up on its new policy of moving against offending school systems, wherever they may be, to force compliance with the federal law. All that can be said now is that the administration is off to an encouraging start, and one that can provide no comfort at all to the die-hard segregationists.

Those who set up the premature clamor over the administration's initial announcement evidently failed to appreciate that impressive statements are a poor substitute for productive action. The desegregation deadline, which sounded jim-dandy, would in fact have proved almost impossible to enforce. A strict enforcement would have inflicted severe penalties on school systems—and school children—which were unavoidably unable to meet the standards.

The selective tactic, now being employed, is more flexible but not necessarily more lenient on offending local officials. It should certainly be given a chance to prove itself before being condemned.

Civil rights leaders have complained, with ample reason, that desegregation, since the historic Supreme Court order 15 years ago, has progressed at an outrageously slow pace. It seems passing strange that so many of these concerned citizens should leap to the defense of the system that has produced such scant results, and should have moved so quickly to attack an approach to the problem that is new, and that may well replace the hollow promise of yesterday with results.

[From the Miami (Fla.) Herald, July 11, 1969]

THE MODERATE COURSE UNHINGES NIXON CRITICS

Once again, the Nixon administration shows its critics that they should not be quite so hasty in sketching its political profile.

The President continues to steer a middle and moderate course not easily categorized. His decision to try a new tactic in school desegregation is the latest evidence.

For the first time the Justice Department will sue for school integration on a statewide basis. Georgia has been given two weeks to begin remedial action.

At the same time, adding geographical balance, the city of Chicago is given the same two weeks to end school faculty segregation.

Just last week, critics were sounding the alarm that the President would not move decisively in this field.

Their concern was prompted by two recent decisions: That judgment should be exercised in applying September, 1969, school integration deadlines; that the Voting Rights Act be broadened to include all the nation, and that the Justice Department should exercise the initiative in prosecuting violations.

Both positions were interpreted as poorly disguised attempts to pacify segregationists, in particular Sen. Strom Thurmond of South Carolina.

As we said before, the President should be judged by what he does, not by what some are afraid he might do. The actions in Chicago and Georgia show that he is honoring his promise of "unequivocal commitment to the goal of finally ending racial discrimination in schools."

The careful, undramatic manner he chooses to meet this commitment may seem tame stuff in these intemperate times, but we see it as a good path for a nation too much torn by disruption.

Many will want a faster pace, and some will want no pace at all, but for the nation as a whole Mr. Nixon's deliberate pace seems to promise the most reliable progress.

Mr. Chairman, while I strongly favor the increased amounts now contained in the bill by amendment for the support of education, I cannot vote "yes" on final passage unless we strike from the bill the anti-civil-rights language inserted by the gentleman from Mississippi (Mr. WHITTEN). I urge my colleagues to support the Cohelan amendment to strike.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, so many others, especially the distinguished gentlewoman from Oregon (Mrs. GREEN), and the chairman of the Appropriations Committee (Mr. MAHON), have already said much more eloquently than I can, what I have been trying to get across since the passage of title VI of the Civil Rights Act of 1964.

Federal funds appropriated to help improve the public school systems of this country—to help bring about quality education, have too often been used as a blackjack to force local school officials to succumb to the wishes of those who are not elected officials but administrators in the Department of Health, Education, and Welfare.

No law can be meaningful and useful unless it is administered with wisdom and understanding. Sections 408 and 409 of this legislation will not change any court decisions nor any provisions of any civil rights law. It is intended to inject wisdom and understanding into the administration of title VI of the Civil Rights Act of 1964, and to prevent a cutoff of Federal funds in those school districts which are complying with school desegregation laws and in those where an honest, faithful effort is being made to comply through freedom of choice and other methods.

Freedom of choice in North Carolina has resulted in very substantial integration of our public schools, but regrettably both our courts and certain officials in HEW and the Department of Justice have not been satisfied. If the new administration intends to work for quality education and to be fair and just to all of our children, sections 408 and 409 will handicap them in no way.

Mr. Chairman, I oppose the amendment of the gentleman from California and urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Chairman, I rise in support of the motion to strike sections 408 and 409.

Fifteen years ago the Supreme Court, in Brown against Board of Education, ruled that discriminatorily segregated schools must desegregate with all deliberate speed. The realization of that mandate is long overdue.

Children who were about to enter school when the Supreme Court spoke have now completed their education. Yet many schools in our country are still segregated. Such delay is unconscionable.

Basically, there are two ways to compel a school district to comply with the Constitution: first, laws enacted in accordance therewith to withhold Federal funds, and second, to enjoin the segregation and hold noncomplying officials in contempt of court.

The second method is unworkable. In many parts of the country, the elected school board members must defy court orders to desegregate in order to retain their positions. Thus, noncomplying officials ofttimes achieve popularity while black children do not achieve equality.

Sections 408 and 409 would thus remove the more workable means of compelling compliance with the Constitution. Those sections, in effect, would prevent the executive branch of our Government from performing its most fundamental duty—enforcing the law of the land.

Those sections would not only prevent us from going forward but would require that we march backward from the goal of equal justice for all.

I urge the Members of this body to permit HEW to continue to enforce the Constitution and the laws enacted pursuant thereto. I urge the adoption of the motion to strike.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, there is no more troublesome issue in this Nation than that of racial segregation. We must get on with desegregation in our schools. The vote today is to decide whether or not we will.

Mr. Chairman, the purpose of freedom of choice in the South is merely a method to continue the dual school system. One is both shocked and saddened at the depth of dedication to continued racial discrimination. Can you imagine a school board closing an $850,000 high school rather than integrating it?

Mr. Chairman, the first time I ever heard a speech in this House of Representatives was in 1950 when I was sitting in the gallery. The issue pending at that time was whether or not we were to desegregate our Armed Forces. I recall very well the gentleman from Illinois (Mr. DAWSON), chairman of the Committee on Government Operations, making the most eloquent speech I ever heard pleading for an end to second-class citizenship for Negroes.

Mr. Chairman, the Congress in 1950 decided we would no longer make the Negro a second-class citizen while he was fighting for his country. In a few minutes we will vote on whether he is to be a second-class citizen while attending his country's public school.

A vote for the Cohelan amendment will be a vote for equality and racial justice. I urge support of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I rise in opposition to the Whitten amendment and in support of the amendment of the gentleman from California (Mr. COHELAN) and the gentleman from Massachusetts (Mr. CONTE), to strike sections 408 and 409 of the bill.

Mr. Chairman, very simply, these sections seek to perpetuate illegal segregation and discrimination in public schools: 15 years after the Supreme Court declared that segregated education is inherently unequal; 5 years after Congress enacted the Civil Rights Act of 1964 banning Federal assistance to school systems which discriminate on the basis of race; 1 year after the Supreme Court ruled that ineffective free-choice plans are unacceptable; and only 10 months, I submit, after this House deleted identical language from last year's bill.

Freedom of choice plans have been totally inadequate and insufficient evidence of desegregation, and the courts have held that such plans are acceptable only when these plans result in the elimination of discrimination and unconstitutional segregation.

Specifically, on May 27, 1968, the Supreme Court held in the Green case that the "burden on a school board today is to come forward with a desegration plan that promises realistically to work, and promises realistically to work now."

The issue of busing is introduced into these sections only as a red herring designed to negate the Supreme Court decision in the Green case and to vitiate title VI of the Civil Rights Act of 1964. The sections should be removed from the bill, and we should give full authority to the Department of HEW to withhold money to enforce desegregation. I compliment the gentleman from California and the gentleman from Massachusetts for their continuing leadership in the cause of justice.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise in support of the Cohelan amendment. I should like merely to point out that the court, through Justice Sobeloff, in the Bowman case clearly said that "freedom of choice" is not a talisman; that if it fails to accomplish the desegregation of black and white schools it must be knocked down.

The Supreme Court in the Green case has definitely declared that we have to desegregate the separate black and white schools.

Now, the provisions in the bill here clearly provide that HEW may not use abolition of the freedom of choice scheme to strike down black and white schools, and I submit it is clearly unconstitutional.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I would like to make a few comments in support of the committee language dealing with busing of students. Language of this type, I believe, is important to have in the bill, and I strongly hope that it will remain.

The main reason I feel it should be kept is that it will help us keep our desegregation efforts on an even keel, and will help assure that the neighborhood school concept is not completely abandoned.

As an example, I would like to cite the situation in my own home of Austin, Tex., where we recently have had several difficulties on the question of school desegregation.

By way of background, Austin has operated under a freedom-of-choice plan since the desegregation decisions were handed down in 1954 and 1955. This approach has brought us to the point over the past 5 years that over 54 percent of all Negro high school pupils, last school year, were in formally all-white schools. When these programs were started, that figure was less than 1 percent.

The school formerly characterized as the "Negro high school," Anderson High, originally had a peak enrollment of over 1,200, but as a result of the freedom-of-choice plans, enrollment by last year dropped by half to a level of approximately 800. In other words, two-thirds of the students in the Anderson area elected to stay at Anderson. They voted for Anderson. To me this is proof that a good freedom-of-choice plan can be a good one.

This approach met with wide approval throughout all parts of Austin. It was an approach which was showing definite progress, and which was not wholly disruptive of customs for the area.

A great deal of pride and tradition was built up in Anderson High, and it was not easy simply to discard it.

While the existing freedom of choice approach was acceptable locally, and was continuing to show progress, it was not acceptable to HEW. Instead of pursuing this plan, they recommended that Anderson High be closed down, that another junior high be restructured as to the grades it served, and that several other less sweeping steps be taken.

As might be expected, this approach was widely opposed. Primarily, the parents of high school students living in the relatively contiguous black areas of Austin, resented the fact that desegregation generally amounts to closing Negro schools, and transporting Negro students into other areas. As I have heard some Negro parents put it, "Why does desegregation always hit just us?"

Similarly, white parents in surrounding junior high school areas did not like the fact that the new student assignment rules proposed by HEW would cause them to travel greater distances into schools with which they were not familiar.

The HEW plan was aggravated by the fact that its desegregation efforts were, by HEW's own admission, temporary in nature, and did not, and could not, account for the large Spanish-speaking population in Austin. In other words, they said that this plan would still leave us with "minority schools," which would continue to assume an increasing minority ethnic character.

It was in the face of this that the Austin School Board resolved to try to come up with its own plan which would meet HEW approval, but which would also have the support of the local community.

In broadest terms, they elected to try to accelerate the freedom-of-choice program. Anderson High was to be beefed-up in its course curriculum, to include special vocational courses offered nowhere else in town: the faculty was to be more fully integrated—one white teacher for one Negro teacher—and there would be a strong program to encourage white students to transfer into Anderson. White students living in the Anderson area would not be allowed to transfer out, but Negro students would be encouraged to exercise their freedom of choice to attend other high schools.

This plan met with local approval, probably for the primary reason that it preserved Anderson High, but the school board went out on a limb with HEW to pursue this approach. But the Austin school system now has been cited for noncompliance.

Mr. Chairman, Austin is a town of over 260,000 population, and we probably have one of the most progressive records in the area of integration of all cities of similar size. Our school board over the years has been dedicated and alert to the needs of all students in the school system.

When HEW began to threaten our schools with closings, our board bent over backward to find a plan that would be acceptable. They made several counteroffers on plans, but HEW refused all of them. They have done all that they can to keep Anderson open, and this is a goal supported by nearly everyone in Austin. In public meetings, held repeatedly over the past few months, the sentiment has been expressed that the HEW plan is unfair.

I noticed recently that a Federal judge in another Texas city said that that school system must increase, over the next several years, the percentage of Negro students in integrated schools from the present level of approximately 10 percent to at least 16 percent. In Austin, the overall level now is more than 35 percent.

Mr. Chairman, HEW should not have gotten involved in this case at all. HEW seems more interested in obtaining full desegregation, as such, than they are in basic education. In effect, they are trying to abolish a popular and important school in our area. We should allow local school boards to run local schools if they are doing a good job. To the extent the committee language in sections 408 and 409 goes to remedy this problem, this amendment should certainly stay in the bill.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MCCLOSKEY).

Mr. MCCLOSKEY. Mr. Chairman, I would like to speak in favor of the amendment on a single point; that a due respect for law requires that sections 408 and 409 be deleted from the bill.

Respect for the law necessarily includes respect for Supreme Court decisions.

Regardless of how we may differ on the wisdom of any given Supreme Court decision, I doubt that there is a member in this Chamber who would argue that the Court's rulings are not the law of the land. Congress, more than any other body, owes a duty to respect those decisions and to follow the same law we ask our constituents to accept.

Sections 408 and 409, however, would write into our statutory law a principle which is in direct conflict with a constitu-

tional requirement laid down by the Supreme Court in May 1968, in Green against The School Board of New Kent County, Virginia.[1]

In the Green case the Court said that freedom of choice alone was not sufficient to meet the constitutional tests laid down in the first and second Brown decisions. A freedom of choice plan might be acceptable, but if under facts such as existed in New Kent County, Va., it was merely a subterfuge to preserve segregated schools, then title VI of the Civil Rights Act of 1964[2] would require that no Federal funds be granted to such segregated schools.

Sections 408 and 409, however, would permit funding of such segregated schools.

This is an incredible result, and in all good conscience I do not see how in this year of crisis in law and order we in the Congress can urge our constituents to respect the law if we deliberately enact a bill we know to be inconsistent with an unanimous Supreme Court decision.

Let me add that I do not urge here that the facts and rule of the Green case are applicable to all of the freedom of choice plans which may exist throughout the South and in many places in the North. Forced integration by absurd busing requirements, unreasonable school closings or transfer of pupils from long distances is just as wrong as the deliberate continuance of segregated schools by State or local agencies. Some of my colleagues whom I respect highly have called my attention to specific cases which, in their judgment, represent unreasonable requirements by HEW with respect to either busing or school closings.

But busing and school closings are not the issue here.

If any case occurs where HEW's recommendations or requirements in a given area are capricious or unreasonable. Congress may very well have the obligation to see that HEW does not abuse the rule imposed in the special factual conditions of the Green case.

It may be that we should ourselves clarify desegregation guidelines with respect to mandatory busing and school closings.

But the responsibility to prevent abuse of power in busing and school closing cases does not make it appropriate to deny the proper exercise of power in unlawful freedom of choice cases.

I, therefore, urge an aye vote on the amendment to strike those sections 408 and 409 which would preclude HEW's enforcement of the 1964 Civil Rights Act and the Supreme Court's desegregation decisions.

Purely as a matter of law, these sections are bad law and, in my judgment, would damage not only our efforts to achieve respect for the law by those we represent, but would also unnecessarily damage the reputation of the Congress as the world's foremost lawmaking body.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. CHISHOLM).

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman for yielding.

The CHAIRMAN. Does the gentleman wish to take up his time also at this point?

Mr. CONYERS. Yes, Mr. Chairman; I do.

Mr. Chairman, I wish to comment upon what a sad day this is for the democratic process when we listen to people who are apparently serious, telling us that the Whitten provisions are not a means for perpetuating or extending racial school systems in this country. It fools no one outside the Chamber of this House.

Mr. Chairman, I have been trying to check into some of the fanciful tales that have been supposedly recorded about the worst agency, apparently, in the Government—the Department of Health, Education, and Welfare. I have checked into one matter raised by my colleague, the gentleman from Georgia (Mr. THOMPSON), who told us how a new school in his district was forced to close because of abusive, dictatorial policies of the Department of Health, Education, and Welfare. When I sympathetically inquired into this situation, to my amazement and surprise, I found that the decision to close the school had been made by my colleague and the school officials. In making this determination they had rejected no less than three alternative provisions which would have kept the school open.

In addition, we have heard a lot about so-called freedom-of-choice plans. But the truth of the matter is that the freedom-of-choice programs were so slow in bringing about any significant amount of desegregation since the 1954 Supreme Court decision that HEW was reluctantly forced to begin to issue guidelines. That is why we have guidelines—to assist in the regular and speedy development of school desegregation plans. I, for one, refuse to take seriously the undocumented allegations being made against HEW.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. CHISHOLM) has expired.

The CHAIRMAN. The gentleman from Louisiana (Mr. WAGGONNER) is recognized for 1 minute.

Mr. WAGGONNER. Mr. Chairman, I have been a Member of the House of Representatives for five terms and I have never heard more misrepresentation over an issue than has come forth here today.

There has been more misrepresentation about what HEW is doing or is not doing and fewer people are informed about what HEW is doing than I have ever known in my life.

Quit clouding the issue. Stop your misplaced emotional appeals about segregation and integration. We are neither referring to nor talking about either. Our one concern is preservation of our public school system and quality education for all, both black and white.

If it is wrong to say you cannot, and it is, it is equally wrong to say you must or have to.

There is little to criticize in the language of the 1964 civil rights law. It does nothing more than outlaw discrimination. Discrimination is forbidden. There have been many slips between the cup and the lip. The Office of Education, HEW and the Courts have gone beyond the law with their demands and have ignored Congressional intent. Harold Howe, the last Commissioner of Education went so far as to say: "If I have my way, schools in the future will be built for the primary purpose of social and economic integration." He didn't even mention education.

Some of you make the ridiculous statement that HEW is not guilty of forced busing, but they are. I can prove beyond any shadow of a doubt by producing 37 plans for 37 school boards submitted by HEW to the Western District Court in Louisiana requiring forced busing to satisfy them. I challenge any member of this body to challenge this statement and fact. The arrogance of some HEW and Justice Department personnel defies description. Some of you allege that we will destroy neighborhood schools. Actually what we propose will preserve neighborhood schools. But more important it will give meaning to "freedom of choice" which is the cornerstone of Democracy by outlawing force. You should be ashamed of yourselves. Why don't you come South and see for yourselves how wrong you are. Get rid of your narrow view.

Mr. Chairman, even the Negroes, the professional school people in Louisiana, want freedom from force and this is what this language provides for. Surprising to you, I know, but true.

Vote down the Cohelan amendment so he can apply his efforts to his home town of Berkeley, Calif., where a real problem exists.

The CHAIRMAN. The gentleman from Illinois (Mr. YATES) is recognized.

Mr. YATES. Mr. Chairman, I am one of the members of the Appropriations Committee who voted against the Whitten amendments in committee. I shall support the Cohelan amendment to strike them from the bill.

Some years ago the distinguished author, John Bartlow Martin, made a survey of southern viewpoint on the Brown decision of the United States Supreme Court that public schools be desegregated with all deliberate speed. He incorporated the results of his study in a book entitled: "The Deep South Says Never." Fifteen years after that decision

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[1] "Although the general experience under 'freedom of choice' to date has been such as to indicate its ineffectiveness as a tool of desegregation, there may well be instances in which it can serve as an effective device. Where it offers a real promise of aiding a desegregation program to effectuate conversion to a unitary, nonracial system there might be no objection to allowing such a device to prove itself in operation. On the other hand, if there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, 'freedom of choice' must be held unacceptable." *Green v. County School Board of New Kent County, Virginia.*

[2] "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Civil Rights Act of 1964, Title VI.

the deep South apparently still says "never." The amendment of the gentleman from Mississippi, is the latest parliamentary expression of that viewpoint and is an amendment that seeks to nullify the Brown decision, that seeks to rescind title 6 of the Civil Rights Act, that seeks to restore, if that were possible, which it is not, conditions of segregation of the Nation's public schools which existed prior to 1954.

Mr. Chairman, it is unthinkable that the Congress should accept an ill-considered amendment of such extreme importance in an appropriations bill. The amendment is obviously unconstitutional. It would never be approved by the Committee on the Judiciary which has jurisdiction over civil rights matters, and which would be aware of its invalidity under the Constitution. For that matter, it would not be considered by the Education and Labor Committee, either, for that committee, which has jurisdiction over matters involving education, would not take action to turn back the clock. The Appropriations Committee has taken upon itself a legislative prerogative that rightfully belongs to a legislative committee.

The cause of education, the cause of democracy is not served by amendments of this kind. Equal justice under law, the cardinal American principle, embraces within its concept equality of educational opportunity for all the children of our country. The written amendments must be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Chairman, I rise in support of the Cohelan amendment, and concurrently commend that distinguished gentleman for the excellent and diligent leadership which he has provided in this matter.

Mr. Chairman, just a few moments ago, when the gentleman from California (Mr. CORMAN) mentioned the speech made by the gentleman from Illinois (Mr. DAWSON), it reminded me of the fact that in 1943 I happened to have been one of the young men in the U.S. armed services for whom Mr. DAWSON was pleading. I was one of the black soldiers in the service of his country who was required to ride in the back of the bus in Mississippi—even though I was in full uniform and on the U.S. Army post where I was stationed at the time.

I guess my heart just does not bleed this afternoon for those who are complaining of the problems that they are subjected to under busing.

My heart does not bleed for you because it bleeds for the 80 percent of the black children in America who are being subjected to this kind of continuous perpetuation of segregation and discrimination. Yes, my heart bleeds for those whose voices you do not hear today.

Mr. Chairman, it is difficult to understand how this House can spend so much time today talking about a law that should be applied to rebellious students, and yet not want the law of the land to apply to their States.

How long—how long, I ask you, do we go on crippling the minds of our young black children in America? For 15 years after the Supreme Court ruled that separate but equal was inherently unequal, the Southern States of this Nation have refused to obey that law.

No, my heart does not bleed for you and the problems which you are having from HEW as a result of your open and defiant disregard of the law. The alleviation of your problems can be summed up in one word—"compliance."

Yesterday, this House showed, during debate, great concern for handicapped children—those who by accident of birth were less fortunate than others. And it was right and proper to show such concern. But how can we turn around today and disregard those who were born normal but have been handicapped by their society? How can we ignore those who have been relegated to unequal educations in America merely because they happend to be black.

All over this Nation today we find evidence of the hostility and alienation of young people, black and white, toward the society in which we live. As a result of our trip to the moon we have harnessed the greatest scientific minds in the Nation to examine the components of rocks from the moon. What this House ought to be doing this afternoon is examining the psychological damage done to the hearts, minds, and souls of young black people as a result of segregation and discrimination in America.

This Congress has to bear a large share of the responsiiblity of explaining how the South still fails to comply with the desegregation order imposed by Brown against Board of Education 15 years ago. Not only has there been open defiance and noncompliance with the law of the land, but today you are being asked to reward the South with a legislative act authorizing their continued perpetuation of segregation.

This utter disregard and disrespect for law is intolerable today.

The greatest disregard for law is evidenced in the State of Mississippi, which has the following deplorable state of affairs:

School districts, 149.

Integrated districts, seven—4.7 percent.

Voluntarily complying districts, 20—13.2 percent.

Districts under court order, 66—44.3 percent.

Districts under administrative examination, 19—12.9 percent.

Districts which have lost all Federal funds, 38—25.5 percent.

This Nation has a responsibility to every child in America to educate that child without regard to his race or national origin. The segregation and discrimination which persists in this country is not in keeping with its promise of equality of opportunity for all Americans.

As one who has over and over again tried to defend the system under which we live, I can testify that this task is made more and more burdensome by every denial of the civil rights of black citizens.

I urge this House to rise up to its responsibilities to every child, black or white, for an equal opportunity in America. I beseech you to support the Cohelan amendment in the name of decency and honor.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, there are two points that should be made as we come to the end of this discussion. One is that the Office of Education does not, in fact, engage in busing, as I suspect all of us know, except in cases where busing has been used to perpetuate segregation or where school construction has been used as a device for that purpose. Before we vote, we should all know that we are not voting for or against compulsory busing—that is a cloak under which daggers are stabbing the law of the land in the back.

The second point grows from the first, and it is perhaps not much of an overstatement to call it the central matter at issue in this vote. For the fact is that the United States has reached a critical turn in its handling of what we have come to call the race question. We must move toward one society now, firmly, clearly, quickly, honestly; or the drift toward two societies will accelerate, and the Kerner report will move from baleful prophecy to awful reality. In short, Mr. Chairman, we must integrate or we shall surely disintegrate.

There are many people, black and white, who want to preserve—or create—a segregated society, a dual society, a society renouncing the Constitution and reviving separate but equal, this time as the national goal. Those of us who do not want to live in that kind of society, who do not want what was worst in our past to become suddenly the hope of the future, are in retreat, and, worse, in disarray. We retreat further at the price of greater disarray, and so it could continue, on and on, to worse divisions and greater frustrations. That is really what this vote is all about.

I would as soon believe that crocodiles fly as believe that my eminent colleagues who have spent their public lives fighting for segregation—for "our way of life," as it was called not so long ago—have suddenly abandoned their most cherished principles, and have in fact decided to demonstrate their commitment to integration by pressing for the Whitten provisos. I think we owe it to the American people to present squarely a question that is so critical to their future so they can decide which turn they want to take. The use of the busing distraction by those who have all along favored segregation suggests that they know their approach could not prevail if the question were to be joined squarely.

This House should never give strength to extremists of either race. We will give strength to extremists of both if we reject the Cohelan amendments. Every day offers further proof of how right those of us have been who have worked through the years for one America. We see where the failure to achieve one America is bringing us—that alone should be incentive enough for all men of

good will to try harder to do what we ought to have done so long ago.

I shudder for my country if we take the other turn.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, desegration is a very painful process in the North as well as in the South, and we must face the fact that there are people leaving the public school system. But, they are leaving primarily because the educational plants are going downhill.

What was so disheartening in this debate was that the same Appropriations Committee that brought in the so-called Whitten amendment also reduced the appropriation for education by about $1 billion. If we would put in the moneys necessary to make the public educational school plants in this country first rate, we would not have people fleeing the public schools.

Surely, all of us, when we reflect, know that desegration in every phase of public life, including the schools, is necessary to keep this country from polarizing. And, in our hearts as well as our minds we also know it is the right way to proceed, instead of doing those things which separate us and tear this country apart.

To repeat, we must put the needed money into public education so that parents who, understandably, will not sacrifice the education of their children, will bring those children back into the public schools. And at the same time we must continue to desegregate these institutions of learning. The children of this country, black and white are sacred, belonging to all of us and none of them should or need be sacrificed.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, we have heard a lot about busing and how it will affect the Chicago area. Just outside of my district in the Chicago area they have been busing for years—busing little white children, past a nearer all-Negro school, to an all-white school. When HEW tried to do something about it, they were accused of high-handedness. But sections 408 and 409 not only do not prevent that kind of busing; instead they prevent HEW from doing anything about that kind of busing. If that is even-handedness, then I do not understand the word.

I support the Cohelan amendments, striking sections 408 and 409.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from California (Mr. COHELAN), pertaining to sections 408 and 409, which by unanimous consent will be considered en bloc.

Mr. COHELAN. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COHELAN and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 141, noes 158.

So the amendments were rejected.

AMENDMENTS OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer amendments and I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. CONTE: On page 56, line 11, strike lines 11 through 15 and insert the following:

"SEC. 408. No part of the funds contained in this Act may be used to force bussing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parent or parents, in order to overcome racial imbalance."

And on page 56, line 16. Strike lines 16 through 20 and insert the following:

"SEC. 409. No part of the funds contained in this Act may be used to force bussing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school."

Mr. SIKES. Mr. Chairman, I wish to make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SIKES. Mr. Chairman, it appears to me that the rulings of the Chair heretofore on this bill this afternoon show clearly that this is legislation on an appropriation bill and not a simple limitation in that the language of the amendment will require someone in the executive department to determine whether busing is to overcome racial imbalance. Therefore, it imposes additional duties and as such I consider it to be legislation on an appropriation bill. The Chair has so ruled on a number of occasions on this bill to date.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. CONTE) care to be heard on the point of order?

Mr. CONTE. I certainly do.

Mr. Chairman, I do not see where these amendments I have, which only change several words in order to overcome racial imbalance, and these are the words that I add, and that is the crucial term—I do not see where it gives the Department of Health, Education, and Welfare or its head or anyone under the Secretary any additional burdens that the present Jamie Whitten sections 408 or 409 do not. I think it is certainly a limitation on the expenditure of funds, and, therefore, the point of order should be overruled.

Further, I may say, Mr. Chairman, if a point of order would lie on this, it will certainly lie on sections 408 and 409, and I will offer such.

Mr. WHITTEN. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. Certainly.

Mr. WHITTEN. Mr. Chairman, I would like to affirm the statement made by the gentleman from Florida (Mr. SIKES), with respect to the earlier ruling by the Chair this afternoon, this being the same factual situation. I submit it is clearly subject to a point of order and clearly in line with the earlier ruling of the Chair this afternoon.

The CHAIRMAN. The Chair is prepared to rule. The Chair recognizes that this is a very difficult matter. The proposed amendment for section 408 is different from section 408 of the bill in that it has added the words "in order to overcome racial imbalance."

The Chair believes that this would impose duties upon officials which they do not have at the present time and, therefore, it is legislation on an appropriation bill.

Mr. CONTE. Mr. Chairman, may I be heard for a minute?

Mr. WAGGONNER. Mr. Chairman, regular order.

The CHAIRMAN. The gentleman will please desist until the Chair has finished his ruling on the second amendment because they are being considered en bloc.

The additional words in the amendment to section 409 are "in order to overcome racial imbalance" and this clearly requires additional duties on the part of the officials. Therefore, it is not negative in nature and is legislation on an appropriation bill.

The Chair, therefore, sustains the point of order.

AMENDMENTS OFFERED BY MR. O'HARA OF MICHIGAN

Mr. O'HARA. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc. Both of them concern the so-called Whitten provision.

The CHAIRMAN. The gentleman from Michigan makes the unanimous-consent request that both amendments be considered en bloc as they both pertain to sections 408 and 409.

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

Mr. O'HARA. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I would like to ask my friend if he has copies of the amendments for the use of the Committee?

Mr. O'HARA. I would advise the distinguished chairman that I wrote them by hand just a few moments ago and have only one copy of them.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WHITTEN. Mr. Chairman, reserving the right to object, would the gentleman be so kind as to tell us what the amendments are?

Mr. O'HARA. Mr. Chairman, if the gentleman will yield, they strike the language having to do with attendance at a particular school and pertain to sections 408 and 409 to delete the language about busing and the abolishment of schools.

Mr. FLOOD. Mr. Chairman, will the gentleman from Mississippi yield to me?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, an hour ago I made a motion which was passed by the Committee to limit debate on that amendment and all amendments thereto to 30 minutes. That motion was

agreed to. Therefore, I submit, Mr. Chairman, that this is not in order.

The CHAIRMAN. The Chair must inform the gentleman that his limitation was to the Cohelan amendment, and all amendments thereto. But this is not the Cohelan amendment.

Mr. FLOOD. Mr. Chairman, for the first time since the War between the States—I used to call it the Civil War—I beg to differ. That was not my motion, or the extent of my motion, under no circumstances. I know exactly what I was doing. I did it to prevent this kind of thing, and this House voted on it, and it was sustained, Mr. Chairman.

The CHAIRMAN. The Chair will state that it was the understanding of the Chair that the gentleman referred to the amendment of the gentleman from California (Mr. COHELAN), and all amendments thereto. Since that time the Chair has recognized the gentleman from Massachusetts (Mr. CONTE), for an amendment to these sections, and no one objected to Mr. CONTE's amendments being considered.

PARLIAMENTARY INQUIRY

Mr. FLOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FLOOD. Mr. Chairman, I made the motion as chairman of this committee. I have no interest in what the Chair and the gentleman from Massachusetts (Mr. CONTE) did. I now say that I made the motion. I know exactly what the motion was, and this House sustained it. And, Mr. Chairman, the overwhelming majority of this Committee understands exactly what I did at this minute, do not press it.

The CHAIRMAN. The Chair will state that the gentleman is entitled to his opinion, and that the Chair is entitled to its opinion. If the gentleman insists upon his position the Chair will suspend any further proceedings until a copy of the gentleman's motion is brought before the Chair.

The Chair is trying to do a fair job for each Member here, and the Chair has the right to its opinion, as well as the gentleman from Pennsylvania having a right to his opinion.

Mr. FLOOD. Mr. Chairman, having been in that chair for many years, I yield to the chairman.

Mr. WHITTEN. Mr. Chairman, reserving the right to object to the unanimous-consent request——

The CHAIRMAN. The gentleman has reserved the right to object.

Mr. WHITTEN. Mr. Chairman, could we have the amendment read?

The CHAIRMAN. Under the unanimous-consent request, the amendments can be read with the gentleman from Mississippi reserving the right to object to them being considered en bloc.

The Clerk will read the amendments.

The Clerk read as follows:

Amendment offered by Mr. O'HARA: on page 56, line 12, insert "or".

On line 13 strike out the comma, insert a period and strike out all that follows through and including line 15.

On page 56, line 17, after the comma, insert "or".

On line 18 after the word "school" strike out all that follows down through and including the word "school" on line 19.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan (Mr. O'HARA), that the two amendments be considered en bloc?

Mr. WHITTEN. Mr. Chairman, I reserve a point of order against the amendments at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan (Mr. O'HARA), to consider the two amendments en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. O'HARA) is recognized for 5 minutes in support of his amendments.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. O'HARA. Mr. Chairman, I do not yield for a parliamentary inquiry.

The CHAIRMAN. Without objection, the gentleman's request to revise and extend his remarks is granted.

There was no objection.

Mr. O'HARA. Mr. Chairman, I would be happy to yield to the gentleman if he can get me extra time. Otherwise, I cannot.

Mr. Chairman, what I have tried to do is to narrow the issue.

You see the Whitten provisions deal with three different things.

First, "forced busing."

Second, the "abolishment of any school."

Third, and this is the hooker, Mr. Chairman—third, a prohibition against requiring a student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

My amendment simply strikes out that ratification ratifies freedom of choice. I do not change the "busing" provision. I do not change the "abolishment of a school" provision. But I remove those phrases that refer to freedom of choice school plans, because the gentleman from Mississippi (Mr. WHITTEN) is asking the House to adopt a freedom of choice school system.

Do you realize, Mr. Chairman, that you could not run a neighborhood school system using funds under this act if the Whitten provisions are agreed to?

The essence of a neighborhood school system is that the children must attend the school in their neighborhood. They have no right to say, "We do not want to go to that school—we will go to another school in a different neighborhood."

I cannot believe that this House, Mr. Chairman, wants to say that it prefers "freedom of choice" and does not like the neighborhood schools any more. But that is what we will be saying—unless we adopt my amendment.

And make no mistake, this ratification of freedom of choice school systems is the real essence of the Whitten provisions. This is what they want from the House.

The business about "forced busing" and the business about the "abolishment of schools," is a lot of window dressing. The real guts of this provision is the ratification of the freedom of choice school system as opposed to the neighborhood school system. I think you ought to consider that carefully before you cast your vote.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman.

Mr. BROWN of Michigan. May I pose a hypothetical situation to the gentleman that I think his amendment corrects?

In a school district such as in Kalamazoo we have two high schools. One is a brandnew high school with a swimming pool and other advantages and all the students wish to attend that high school.

Now without your amendment the school board would be incapable of dealing with that situation. Is that true?

Mr. O'HARA. That is correct. They could not be required to attend the school in their neighborhood.

Mr. BROWN of Michigan. They would have to let all the students who wanted to, attend the nice new school and nobody would attend the older school; is that correct?

Mr. O'HARA. That is correct.

Mr. Chairman, I ask that my amendment be agreed to.

The CHAIRMAN. Does the gentleman from Mississippi (Mr. WHITTEN) insist on making a point of order, under his reservation?

Mr. WHITTEN. No; Mr. Chairman, I will not make the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD), the chairman of the subcommittee.

Mr. FLOOD. Mr. Chairman, I move to limit debate on section 408 and 409 and all amendments thereto, to terminate in 15 minutes.

Mr. CONTE. Mr. Chairman, a parliamentary inquiry. Has section 409 been read yet?

The CHAIRMAN. It has not been read yet.

Mr. CONTE. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. If the request is agreed to, would it prevent me from raising a point of order against section 409?

Mr. FLOOD. Mr. Chairman, I do not like to seemingly advise the Chair, but we have passed on the merits of that section.

Mr. CONTE. Section 409 has not yet been read.

The CHAIRMAN. The Chair regrets to inform the gentleman from Pennsylvania that section 409 has not been read. Agreements were reached to consider several amendments to sections 408 and 409 en bloc, but section 409 has not been read. Therefore we must proceed in order.

Mr. CONTE. I thank the Chairman.

The CHAIRMAN. As the Chair understands it, the gentleman has asked that all debate on sections 408 and 409 cease in 15 minutes. Is that correct?

Mr. FLOOD. Mr. Chairman, I move that all debate on sections 408 and 409 be terminated in 15 minutes.

Mr. JOELSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOELSON. Section 409 is the last section of the bill. I understand there will be an explanation of a proposed motion to recommit. Will there be time to explain the motion and time for me to comment on it?

The CHAIRMAN. There will be time. Section 409 has not yet been read. Section 409 still must be read. The Chair will certainly recognize any Member after the section has been read, providing it is not for the purpose of offering an amendment to section 408 or section 409. In fact, the Chair will recognize the chairman for a perfecting amendment after that.

Mr. FLOOD. Mr. Chairman, I have no intention of attempting to foreclose a motion, if there is one—and I do not know that there will be—to recommit. I have no intention of foreclosing explanations, if there are any, by any opponent of the motion to recommit.

The CHAIRMAN. The Chair is pleased to have that statement, because the Chair had promised the gentleman who will offer the recommital motion to recognize him for 5 minutes when he moves to strike out the last word, after the Committee concludes action on sections 408 and 409, for an explanation of his motion to recommit.

Mr. JOELSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOELSON. Would the Chair allow me only 5 minutes to comment on the motion to recommit?

The CHAIRMAN. The Chair cannot answer that question right now.

Mr. CONTE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. Mr. Chairman, I should like to inquire whether my rights will be protected to raise a point of order on section 409 if the motion prevails.

The CHAIRMAN. The gentleman would be entitled to raise a point of order after section 409 is read.

Mr. CONTE. I thank the Chairman.

Mr. ECKHARDT. Mr. Chairman, reserving a point of order, is it the understanding that this motion includes both sections 408 and 409, section 409 not yet having been read?

The CHAIRMAN. That is the understanding of the Chair.

Mr. ECKHARDT. If it included only section 408, I should not make a point of order; but if it includes section 409 also, I would make a point of order that that section has not yet been read.

The CHAIRMAN. Does the gentleman from Texas say that he would make a point of order against the motion of the gentleman from Pennsylvania?

Mr. ECKHARDT. That is correct, cutting off debate on both sections 408 and 409 when section 409 has not been read.

The CHAIRMAN. The gentleman's point of order is well taken on that point and he will be protected on it.

Section 409 has not been read.

Mr. FLOOD. Mr. Chairman, can Members imagine me without words? That surprises me.

Mr. Chairman, I now move that all debate on section 408 terminate now.

The CHAIRMAN. The gentleman has made a motion. Does he include with that all amendments thereto?

Mr. FLOOD. That is correct, on section 408, and we will take 409 in due course.

The CHAIRMAN. And all amendments thereto? The Chair wants to be sure the Chair understands what the motion is. The Chair is ready to state the question on the motion. The question is on the motion of the gentleman from Pennsylvania that all debate now close on section 408 and all amendments thereto.

The motion was agreed to.

The CHAIRMAN. As a result of the motion, just agreed to, there will be no further debate on section 408.

The question now is on the amendments offered by the gentleman from Michigan (Mr. O'HARA), to section 408 and section 409, because unanimous consent has been obtained that they will be considered en bloc.

Mr. WHITTEN. Mr. Chairman, in view of the Chairman's decision that these are to be considered en bloc, I have a question.

The CHAIRMAN. That was the decision of the Committee of the Whole.

Mr. WHITTEN. Mr. Chairman, unanimous consent was requested, and for all practical purposes that includes section 408 and section 409, and the point of order would come too late.

The CHAIRMAN. The question before the House at this moment is a vote on the amendments of the gentleman from Michigan (Mr. O'HARA).

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. Mr. Chairman, the Chair has just now stated that the business before the House is on section 408, as amended, and I would point out the gentleman from Michigan (Mr. O'HARA), has proposed an amendment, and I have not seen nor heard any vote on it, so if the Chair will pardon the gentleman from Ohio, the business before the House, is it not, is the vote on the amendment of the gentleman from Michigan (Mr. O'HARA), to the sections 408 and 409?

The CHAIRMAN. The Chair just stated that the question is a vote on the amendments of the gentleman from Michigan (Mr. O'HARA) to sections 408 and 409.

Mr. HAYS. The vote is on the amendment, not on the section.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan to sections 408 and 409.

Mr. O'HARA. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. O'HARA and Mr. FLOOD.

The committee divided, and the tellers reported that there were—ayes 153, noes 157.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

POINT OF ORDER

Mr. CONTE. Mr. Chairman, I raise the point of order on section 409 on page 56 of the bill that this is legislation on an appropriation bill. It violates section 834 of the House rules. It does not comply with the Holman rule. It is not a retrenchment. In fact, it adds additional burdens and additional duties, just as the Chair ruled against my amendment to section 408 because it would require additional personnel to determine whether busing has been used, one, for the abolishing of any school and, two, to require the attendance of any student at any particular school. You would have to have investigators there to determine this as a condition precedent to obtaining Federal funds otherwise available to any State school district or school. No. 1, for the abolition of any school, and No. 2, whether the attendance of any student at any particular school could be investigated there to determine this as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Therefore, Mr. Chairman, I urge the Chairman to sustain the point of order.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. WHITTEN. I do, Mr. Chairman.

Mr. Chairman, I raised the point awhile ago that the gentleman, having asked unanimous consent that the amendments to the two sections be considered en bloc and having obtained that unanimous-consent request, and after having the amendments considered en bloc in connection with the two sections, that the House has already considered section 409 and the point of order comes too late. That is the situation on the one hand.

Second, a reading of the section clearly shows that the House has already considered section 409 in connection with the prior amendments. In addition to that, this is clearly a limitation on an appropriation bill and does not have to conform to the Holman rule.

Mr. WAGGONNER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. WAGGONNER. I do, Mr. Chairman.

Mr. Chairman, this is clearly a limitation on the expenditure of funds provided in this legislation. The wording of section 409 is identical in every

respect with the wording of the language included in the bill last year and agreed to by this House. Therefore, we have the precedent of its having been accepted without a point of order having been made.

Mr. CONTE. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for that purpose.

Mr. CONTE. The point of order that was ruled against the amendment offered was passed by this House last year on a unanimous vote and no one raised a point of order on that.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule.

The objection of the gentleman from Mississippi which has been made to the effect that this section had been considered when, by unanimous consent amendments to the two sections were considered, does not nullify the fact that section 409 had not been read. Therefore, when section 409 was read it was subject to points of order.

Mr. WHITTEN. I do not press that point, I will say to the Chairman.

The CHAIRMAN. The point was raised and the Chair wanted to clarify that point.

Now, the gentleman from Massachusetts (Mr. CONTE) has raised a point of order against section 409 on the ground that it constitutes legislation on an appropriation bill. The gentleman from Mississippi (Mr. WHITTEN) insists that the language is in order as a limitation.

The Chair has reviewed the section in question. It prohibits the use of funds in this bill to force first, the busing of students; second, the abolishment of any school; or third the attendance of students at a particular school.

The clear intent of this section is to impose a negative restriction on the use of the moneys contained in this bill.

The Chair has examined a decision in a situation similar to that presented by the current amendment in the 86th Congress, during consideration of the Defense Department appropriation bill, an amendment was offered by Mr. O'HARA, of Michigan, which provided—and the Chair is now paraphrasing—no funds appropriated in that bill should be used to pay on a contract which was awarded to the higher of two bidders because of certain Defense Department policies. The Chairman of the Committee of the Whole, Mr. Keogh, of New York, held the amendment in order as a limitation, even though it touched on the policy of an executive department—86th Congress, May 5, 1960; CONGRESSIONAL RECORD, volume 106, part 7, page 9641. Chairman Keogh quoted, in his decision, the precedent carried in section 3968 of volume IV, Hinds' Precedents, and the Chair thinks the headnote of that earlier precedent is applicable here:

> The House may provide that no part of an appropriation shall be used in a certain way, even though executive discretion be thereby negatively restricted.

The Chair overrules the point of order.

AMENDMENT OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FLOOD: On page 56, after line 20, add the following: "This Act may be cited as the Departments of Labor, and Health, Education, and Welfare, and related agencies appropriations act, 1970."

Mr. FLOOD. Mr. Chairman, with this amendment the heavens will not fall. I went to the opening of a very famous play a few years ago, "Something Funny Happened On The Way To The Forum." Well, something funny happened here, and I am very embarrassed. Believe it or not, the citation paragraph at the end of the bill was there in the committee print. I saw it with my own eyes. But it got lost someplace on the way downtown, and it is not in the official, numbered bill. So all this amendment does is restore it.

Mr. Chairman, I hope that we may conclude the amending process of this bill with a blaze of glory for the committee. I trust that the amendment is agreed to overwhelmingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD).

The amendment was agreed to.

Mr. MICHEL. Mr. Chairman, as we wind up the deliberations on this very important bill to fund all the activities of the Departments of Labor, and Health, Education, and Welfare, I would like to say that this 3-day debate has been a very healthy one conducted on the highest plane in keeping with the finest traditions of this House.

It turned out to be a controversial piece of legislation both in terms of money and philosophy.

On the strength of the increased money amendments adopted in the Committee of the Whole House, our Committee on Appropriations has been rolled for more money than I can recall in my 14 years as a Member.

In view of what some of us attempted to do, I'm naturally distressed to have lost. All of us in this arena like to win, but as in any game, we win some and lose some and tomorrow is another day.

I do hope that before long we will see the day when this war will be over and when inflation will be brought under control, for then I will feel that I too in good conscience can support a higher level of expenditures for these vital fields of Health, Education, and Welfare.

I intend to support the motion to recommit with instructions to be offered by the gentleman from Ohio (Mr. BOW), and if it fails will very reluctantly be forced to vote against my own bill. I just do not see how I can vote for a billion-dollar increase after voting against an extension of the 10 percent surcharge.

And finally when the Chairman of the Committee of the Whole, Mr. HOLIFIELD, steps down to report to the Speaker I believe he deserves a generous round of applause for his superlative performance and deft handling of several very complicated parliamentary situations.

Mr. BOW. Mr. Chairman, I move to strike the last word.

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

Mr. BOW. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Chairman, I have asked my friend, the gentleman from Ohio (Mr. BOW) to yield to me, and I appreciate his yielding to me, merely to announce that, immediately following the vote on this bill, the Committee on Rules will meet upstairs.

Mr. BOW. Mr. Chairman, until I have completed my statement I will decline to yield further.

Mr. Chairman, at the appropriate time I propose to offer a motion to recommit which would provide a spending limitation of $16,364,000,000 for the fiscal year 1970 for the departments and agencies covered by this bill.

I want to point out to the Committee that this spending limitation provides for the expenditure effect of the $156 million which the Committee provided above the budget estimates for 1970 and that it allows for the expenditure effect of the $398 million increase of aid to impacted school districts which was adopted as a part of the Joelson amendment.

Mr. JOELSON. Mr. Chairman, will the gentleman yield for a question?

Mr. BOW. No. I will not yield at this time.

Mr. JOELSON. Mr. Chairman, I am sure the gentleman would not want——

Mr. BOW. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. BOW. This does not affect the expenditure of trust funds for social security, unemployment compensation, soldiers home, railroad retirement, and military service credits, or other Federal fund payments made to trust funds.

Mr. Chairman, I am delighted now to yield to the distinguished gentleman from Texas (Mr. MAHON).

Mr. MAHON. As I understand it, the gentleman, in his motion to recommit, proposes to support the bill as reported to the House, which was $156 million above the budget, and in addition would include in his proposed expenditure limitation provision for the aid to impacted school districts; that is, the total figure as provided in the Joelson amendment; is that correct?

Mr. BOW. The gentleman is absolutely correct. I support the committee bill as to the $156 million increase over the budget and the $398 million for the impacted school areas.

Mr. MAHON. Under the circumstances, I shall support the gentleman's motion to recommit.

Mr. JOELSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) was courteous enough to provide me with a copy of the motion to recommit. I am very grateful to him for that courtesy.

Now I have read the motion to recommit, and I do not think it does what the gentleman from Ohio (Mr. BOW) thinks it does. This is a difference of opinion. I want you to listen to it very carefully when it is read.

What it does is to increase the committee's recommendation by $398 million. It does not say that the $398 million

should be for impacted areas. It can be for anything. If you think an administration that is against the impacted area aid is going to give money for the impacted areas unless they are mandated to do so, I think you are living in a wonderland.

Aside from that—just on the issues—even if it does what the gentleman from Ohio (Mr. Bow) thinks it does—and it does not—but assuming that it does—it just takes care of impacted areas. You turn your back on the kids in the city slums. You turn your back on those kids who want to go to college and get a loan. You turn your back on the schools of America who want a little money for libraries and for equipment. You turn your back on vocational education and you turn your back on school construction.

I say to you, it is a cynical ploy and I do not think it is going to work even on the Republican side of the aisle.

Mr. Chairman, I yield back the balance of my time.

Mr. DELLENBACK. Mr. Chairman, yesterday the House took a commendable step toward recognizing the urgent needs of education in our country today. By amending this HEW appropriation bill to increase the appropriations for several major programs by a total of almost $900 million, we of the House demonstrated our conviction that generous investment in education is extremely prudent economy for the Federal Government. The returns yielded by this investment will be beyond price.

Personally I am pleased perhaps most of all with the increase for vocational education. The additional $240,500,000 over last year's funds will make it possible for vocational educators to initiate exciting, promising, innovative programs authorized by the 1968 amendments as well as to continue ongoing programs which have proven successful.

As a further result of yesterday's action, school librarians who have made vast improvements with ESEA title II funds will be able to continue their progress in fiscal 1970 with an appropriation of $50 million. The past achievements under ESEA title III, NDEA titles III and V–A, were recognized also by substantial increases. All four programs should be strengthened further by consolidation in 1971 as provided in H.R. 514, already passed by this body and now awaiting action by the Senate.

Once again, controversy over the impact aid program opened up the possibility of a crisis situation for hundreds of school districts throughout the United States. To avoid financial disaster for these districts which had understandably counted on this aid, it was obviously necessary to fund the 3(b) category adequately. In order to avoid any repetition of this near-crisis situation in the future, it is essential for Congress to consider the future of the entire impact aid program as soon as possible. Certainly under no circumstances should the entire funding of 3(b) impacted aid programs be summarily cut off.

A financial crisis would also have resulted from underfunding of the NDEA student loan program. And worse, inadequate appropriations would have brought disappointment and disillusionment to students across the Nation. Hopefully, the increase of about $35 million over the 1969 appropriation will make it possible to expand this program in fiscal 1970 and bring the benefits of a higher education to an even greater number of students this coming year.

Finally, the addition of $180 million to the original bill's appropriation for ESEA title I clearly expresses an abiding concern for the disadvantaged children in this country and a special desire to make their futures brighter. In fact, all of these increases for outstanding educational programs will brighten the future of the entire Nation.

The first task now before us is for the Members of the House to pass this appropriation bill, as amended and to do so by a strong and convincing margin. The next task is for the Senate to act carefully but swiftly to join the House in passing this measure and make it the law of the land. And the next task is for all of us who are concerned about education to join together to make the dollars here committed to the causes of education fulfill their assigned functions as effectively and efficiently as possible. This bill will make a long step in the direction of making available the proper tools. It is now up to the educators—to the school boards and administrators—to the State legislators—to seize those tools and use them to their utmost potential.

Mr. BOB WILSON. Mr. Chairman, I want to add my strong and wholehearted support for the need for full funding of Public Law 874.

In recent years the Federal Government has become increasingly involved in the betterment of education across the country and innovative Federal programs have been established. Despite the initiation of new, highly specialized and federally controlled projects, education officials in my district have repeatedly emphasized the importance and value of the nearly two-decade-old impact aid program. This program consistently receives high marks from educators who are particularly attuned to its flexibility and lack of direct Federal controls.

The presence of Federal installations in a community removes a substantial amount of property from the tax base of the area, while at the same time causing a large impact on student enrollments and subsequent education costs. This greatly increases the local tax load of the already overburdened taxpayer. Failure by the Federal Government to provide impact aid funds to offset this burden would result in local fiscal havoc in education funding.

Despite the pleasing announcement today that we have a substantial budget surplus for the first time in many years, we are, nonetheless, aware of the importance of keeping down the level of Federal spending and fighting inflation. Reducing impact aid funding by more than half of last year's appropriation, however, would be false economy and a serious blow to an established and well-proven education program.

For these reasons, I support the full funding of both category A and B students and urge my House colleagues to restore these funds to the bill before us now.

Mr. DEVINE. Mr. Chairman, yesterday this House took a giant stride backward in what I consider to be a disgraceful performance in the area of complete financial irresponsibility. By a series of amendments, coupled with emotional speeches and some raw demagoguery, this body loaded the American taxpayers with additional obligations exceeding $1 billion. A real budget-busting billion dollar blow.

Mr. Chairman, to compound this reckless disregard of the heavy burdens already carried by the taxpayer, it should concern all of the American people that a great number of the Members who supported this billion dollar budget-busting operation, are among the identical ones who piously voted against the surtax extension that would provide some of the funds to pay for their excesses. In fact, an examination of voting patterns over the years reveals a substantial cadre that never-ever voted "no" on a spending bill, but these same big spenders vote against the bill to raise the funds.

Let us put it another way, Mr. Chairman. Can it be considered responsible conduct, free of political motivation to favor and speak for all of the bills giving millions and millions to kids, education, mothers, poor folks, old folks, veterans, handicapped, sick, disabled, retarded, teachers, with appropriate press releases about compassion, humanitarianism, and their general do-gooder posture, and then turn around and expect the other Members who responsibly control themselves within the anticipated revenues to bail them out by voting for the money to pay the bill? I think not, and feel this type of legislative chicanery is reprehensible.

It is easy, Mr. Chairman, to be for everything, and hold oneself out as the champion of all. And it is equally difficult to do the responsible thing and try to confine one's activities within the limitation of available funds. The Members obviously felt the warm breath of the school people manning the galleries and marched up the hill and down again, adding $398 million to impact aid; $110 million plus for libraries, equipment, and so forth; $131 million plus vocational education; $33 million higher education; $40 million plus NDEA student loans; $180 million plus ESEA title I. Further add-ons were $15 million plus for handicapped, $4 million mentally retarded; $7 million for libraries. There were at least a half dozen other amendments offered for more money for the Library of Congress, juvenile delinquency, consumer training. So far these are not included, but do not be a bit surprised when this thing comes back from the Senate, further loaded like a Christmas tree.

Mr. Chairman, those of us who cannot swallow the practice of voting for programs when we do not have the money; that will require the Government to go out and borrow the money; that will further compound the public debt; that will increase the interest obligations, will

also be vilified by the special-interest groups, lobbyists, and professional handwringers for being against children, education, teachers, libraries, motherhood, and any number of things. This, of course, is ridiculous and less than honest.

It seems to me our school people have sold out. This has all come about by the carrot-on-the-stick bribery of Federal funds. Many of us predicted what would happen when the local schools bought the Federal aid to education concept. The impact area theory was sound when initiated, but has gone completely out of control. Rather than being looked upon as a windfall to supplement local funds, they are now conditioned to expect perpetual and increased impact funds as a base from which to build their local budget. Of course, we recognize the very difficult problem of school financing and the reluctance of the people to approve levies and bond issues, but where in the world do people think Federal funds come from? Yes, the taxpayer. The same taxpayer who cannot exactly feel the direct impact of paying indirectly. As far as my State is concerned, the Tax Foundation suggests our people in Ohio pay $1.48 for each dollar they receive in Federal aid. That might show why a lot of other States support these programs, but it sure is a bad deal for my people.

In any event, Mr. Chairman, this legislation has been very revealing as to pattern and philosophy. Yesterday and today are landmarks that will not be forgotten. Perhaps the President may see fit to veto this bill and send it back within the bounds of reason and financial responsibility. I certainly hope so, because the American people continue to cry out for reduced spending and tax relief. It will never come by following the patterns we have seen develop this week.

Mr. LLOYD. Mr. Chairman, there is no question but that in an era in which we are spending $20 billion annually for a war and ever-increasing amounts in the exploration of space, we must give continuing consideration to our priorities, and I for one am in favor of adjusting these priorities to place greater emphasis on the obvious needs and opportunities in the field of education.

The fact that we are spending $4 billion annually for moon and space exploration certainly does not constitute a directive to us to overspend on projects not directly connected with the moon.

We must also give priority to the economic emergency which confronts us. The stock market has plunged to the lowest point in over 2½ years which is indicative of lack of confidence in our Nation's commitment to good management of our fiscal affairs which would give more stability to the value of the savings of our people. Last month our inflation rate was at the rate of 0.06 of 1 percent which is at an annual rate in excess of 5 percent.

Today we have legislation brought before us by the Appropriations Committee which has labored long and responsibly in consideration of our ability to give Federal aid to many branches of education. The committee has recommended that we increase our appropriations to education over the appropriations of fiscal year 1969. Personally I do not believe even that amount is sufficient, and on a selective basis, particularly in the area of aid to federally impacted areas, I favor a substantial increase in Federal appropriations. I also favor increases in other selected areas such as vocational education and libraries. I support selective increases.

The Joelson amendment, however, is an omnibus package adding nearly $900 million to the nine items covered, nearly doubling the entire appropriation recommended by the committee for those programs, and is, in my opinion, distribution of funds by a shotgun method, not in accord with fiscal responsibility.

It is particularly ironic that many of the supporters of this amendment have refused to affirmatively vote in this session the necessary taxes to pay for even the already budgeted expenses of Government. They vote for increased spending and against taxes, and in that direction we face disaster.

I have the greatest respect for the educators of my State, so many of whom have appealed to me on this issue. I fully sympathize with their dilemma and with their problem, and I conscientiously believe that approaching the financial problems of education on a selective basis will do more to assist education in the long run, while at the same time recognizing the other needs and responsibility of Government. Were I to submit to the entreaties of the educators because of the number and volume of their communications—personally, by telephone, by telegram, by letter, and by petition, then my job as a Congressman would be very simple—then I would merely vote to favor those individual interests most numerous in communication. I have confidence, however, that thoughtful members of the education profession will recognize that honest people, working in good faith, will disagree and that judging this matter as I do, to submit to them against my best judgment, and I certainly do not criticize those who see this issue differently than I, would be clear evidence that I would likewise submit to other interests based on a decision made purely on the basis of political gain.

I have supported and voted for continuance of the surtax in order that we will be able to support our essential needs of education at the same time attempting to protect the value of the salaries of our educators. A vote against the Joelson amendment is not a vote against impacted aid or any other individual line item in this education bill. Defeat of the Joelson amendment will allow individual amendments and selective judgment. Congresswoman MINK, for example, has an amendment ready on impacted aid which provides more funds than the Joelson amendment. Defeat of the $900 million Joelson amendment does not equate with a vote against education, regardless of any claims which may be made. In voting against the Joelson amendment, I do not vote against education, but rather vote to assist education in the selected areas where the needs are greatest and in accordance with what I consider to be the realities of our present situation. We will have before us this year a total of 13 appropriations bills. This is the sixth of those 13. The precedent of wholesale increases—the meat ax in reverse—over the considered recommendations of the Appropriations Committee is a very dangerous precedent to set, and from now on it will be much more difficult for this House to resist the pressures for excessive increases over those recommended by the Appropriations Committee. The obvious result is a ruthless attack against our efforts to control inflation.

In conclusion, the Joelson amendment is a direct disregard of the July 22 message of President Nixon. In that message he made specific reference to the Federal spending ceiling of $191.9 billion established according to law and stated:

> The new ceiling will be of little help in keeping Federal spending under control—if the Congress that imposed it does not cooperate actively with the Administration in meeting it.

He further said:

> I know Congress shares my determination to make the budget an effective instrument *against the inflation* that has wrought so much damage to the income and savings of millions of Americans. If Congress did not share that commitment, it would not have imposed this spending ceiling. However, this general expression of support for fiscal restraint must now be matched by specific acts of the Congress.

Mr. BRASCO. Mr. Chairman, that education is a vital function of this country is an oft repeated but more often ignored cliche. With this in mind I rise in support of H.R. 13111 as amended by the Joelson amendment. The passage of the bill as reported by the committee would place our schools and colleges in a desperate situation. It would mean, in short, the curtailment or outright elimination of many vital educational programs.

The Joelson package amendment provides about a $900 million increase for assistance to schools and colleges. It adds funds for impacted aid, school libraries, educational equipment and materials, guidance and counseling programs, construction grants for colleges, and national defense student loans.

This amendment does not fill all the great needs in these areas, but it is a step in the right direction.

Further, it will show the youth of this Nation that the Federal Government does care about their future. The programs mentioned before are vital to the success of our education processes. Had we passed this bill without the amendment, it would have been a sure sign to our young people that we do know, but do not care, about their problems.

Many of you who are aware of the pressing need for greater funding in the area or education are also economy minded. You recognize the problem, but wonder if we have the money to begin to solve it. Yesterday, the Government reported its largest surplus since 1957: $3.1 billion. With the passage of the surtax extension, we can be assured that the Government would not be involved in deficit spending in the 1970 budget even with passage of H.R. 13111 as

amended by the Joelson amendment. Some economists feel that a very large surplus could slow down the economy to the point where there is danger of a recession. A vote for the bill as amended is a fiscally responsible move for both the present and the future. It certainly would not hurt the economy now, and it would insure the future growth and prosperity of our Nation.

In the words of President Nixon, education is for "young Americans who deserve the chance to make a life for themselves and insure the progress of their country. If we fail in this, no success we have is worth keeping." I urge you to consider this statement carefully and then support H.R. 13111. In doing this, you would be fulfilling a basic commitment to our youth and to our Nation.

Mr. PHILBIN. Mr. Chairman, I strongly favor the Joelson amendment and this bill. I will also vigorously support all perfecting amendments that will strengthen and amplify this vitally necessary measure.

In my judgment, this is one of the most important bills ever presented to the House. It shapes up our educational program for the jet-space age. It provides the funds so urgently required to strengthen and improve our national educational system and help many States and communities to keep pace with the march of progress in American education that they would not be able to do without the funds and guidance provided by the bill.

The benefits and grants cover a wide range and are exceptionally important, if we are to go forward in enhancing educational standards and spreading them to all parts of the country.

In many areas, we have increased the funds and thereby will insure marked advances and expansion in impact aid, which means so much to so many, and must be increased and continued, in school library facilities, in new modern equipment, in guidance and counsel, in supplementary centers, in vocational education, of such surpassing import, in construction for higher education, 4-year undergraduate, NDEA student loans, title I ESEA, and in other areas entailing very substantial, sustaining help for many salutary educational aims and activities.

Let me repeat—this bill will prove a great boon to the cause of forward-looking education in this Nation. It represents real progress for our American system of learning, which we believe is the best in the world.

It is a milestone marking one of the most significant advances in education for students and teachers, families and communities and the Nation as a whole.

To be sure, there are always disappointments along the road in legislative matters, as in everything else. And this bill, commendable as it is, cannot be considered perfect. But it is a great triumph for those of us who for years have been working so hard to assist our own districts and States and all parts of the country to lift up educational standards and opportunities and move closer to the day when we proudly boast of high-standard, modern, adequate, freely available education at every level for all.

Let us continue our efforts to speed that day.

Mr. ECKHARDT. Mr. Chairman, let me explain precisely how this amendment is unconstitutional. A pattern of separate white and Negro schools had been adopted in many school districts in the South under compulsion of State laws. This was the case in the recent case of *Green* v. *County School Board* (391 U.S. 430). When such situations existed, it was necessary to strike down the laws and order desegregation "with deliberate speed," as was done in *Brown* v. *Board of Education* (347 U.S. 483), and then to order school boards operating dual school systems, part white and part Negro, to effectuate a transition to a racially nondiscriminatory school system as was done in the second Brown case—349 U.S. 294.

To resist this, some school boards fell back on a so-called freedom of choice scheme, permitting children or their families to choose schools in districts other than their home districts. In this way a system which had already crystallized under unconstitutional segregated arrangements could be continued. Though a Negro child who happened to live in a white school district could insist on enrollment in the white school, and thus would not have to move out of his neighborhood, few were in this situation. Theoretically, Negro children could go out of their neighborhood to the white schools but few were likely to do so due to various social pressures acting upon them to remain in the familiar school and familiar environment. The result was de facto segregated schools in many areas of the South.

The Court was confronted with this situation in a number of cases within recent years. One example was *Bowman* v. *County School Board* (382 F. (2d) 326), where it was said, on page 333):

> Freedom of choice is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end.

The Court quoted this case with approval in the recent case of *Green* v. *County School Board* (391 U.S. 430) and held—

> It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness.

Obviously in these circumstances there must be some plan presented by the school board which provides for certain students to attend a particular school, and in order to undo the segregated pattern which has developed under freedom of choice, the attendance districts must be such that children within them are assigned there, without affording freedom of choice to go to another school.

Several other means have been used by school districts, and approved by the Federal courts, to break the mold of segregation. For instance, school attendance districts have been enlarged so as to include two school buildings which ran the whole gamut of grades. The white school was made to accommodate the first four grades, for instance, and the Negro school was made to accommodate the fifth through the eighth grade. This is called "pairing." Obviously, the enlarged school district might, as a practical matter, require the picking up of students in buses.

In other cases, a dilapidated Negro school might be abandoned and all students in a wider area, formerly encompassing that school and a white school, might attend the latter.

But the Whitten sections, attacked by the Cohelan amendment, provide:

> SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

Section 409 provides substantially the same thing, with the specific proviso that the conditions cannot be "a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."

Therefore, the Whitten sections clearly provide that HEW may not use abolition of the freedom-of-choice scheme to strike down black and white schools. HEW may not insist on any pairing which would force any busing of students. And HEW may not abolish the dilapidated Negro school which stands in the way of desegregation.

Usually, in framing an order in a desegregation case in Federal court, the judge will bring HEW people, school board representatives, and the plaintiffs' attorneys together and try to establish an acceptable scheme to eliminate the unconstitutional white and Negro schools. If the agency, the school board, and the plaintiff cannot legally, within the provisions of the Whitten amendment, establish a means of eliminating the segregated school system, no means may be practically available to eliminate segregation.

Under the Whitten amendment, the school board can refuse to agree to using buses in the case of paired schools. Such would either destroy the scheme or make it so onerous on persons in the enlarged school district as to render it totally impracticable. Under the Whitten provisions a freedom-of-choice scheme cannot be thrown out, even by agreement of all the parties, because a parent may disagree and prevent the establishment of a neighborhood school attendance pattern which would accomplish desegregation.

Thus, it is perfectly obvious that the Whitten provisions, if viable, would block every feasible route toward desegregation in most cases where the school system had been previously frozen into a segregated pattern. This is exactly what they were intended to do. It is quite obvious that an agency of the

Federal Government cannot be mandated to regulate its flow of funds in such a way as to perpetuate segregation. Such was the object of sections 408 and 409 and they must fall as unconstitutional.

Mr. DORN. Mr. Chairman, I rise today to support the language in the bill adopted by the full committee by an overwhelming vote which was offered and proposed by my able colleague, the gentleman from Mississippi (Mr. WHITTEN). This section of the bill would prevent the Department of Health, Education, and Welfare from forcing on local school districts the busing of little children from one community to another and perhaps completely across the great cities of our country to achieve a so-called racial balance. I know of nothing which is more detrimental to the cause of education, illogically forced by HEW than the busing of students which is already being forced in too many areas of the country.

Mr. Chairman, in my own congressional district, in one of the counties which has a low per capita income, comparatively speaking, and in a county which needs every dollar it can get for education, all Federal funds have been completely cut off by unelected bureaucrats in the Department of Health, Education, and Welfare. These misguided, unelected officials have in their pomposity and arrogance denied little children Federal participation in the free lunch program, denied children the right to have better labs, better libraries, more books, and better salaries for teachers. They have gone even further and have been instrumental in denying funds to this county from the Forest Service which has been allocated by law for education.

Mr. Chairman, I am interested in education—the education of every single child regardless of race, creed, or national origin. It is a tragedy for these unelected Washington officials to deny any district which has complied with the law, these funds for the education of our boys and girls. I have five children in the public schools of my home city where the board of education is struggling night and day to keep the schools open and secure this money for the education of all of our children. I know whereof I speak.

If these funds are denied to even one school district in our Nation, then representative government has become a fraud and we have turned the administration of justice over to a totalitarian, centralized dictatorship. I believe, Mr. Chairman, that this House today will retain this language in the bill. I believe this House will exercise its constitutional right and that of the American people and provide to a maximum degree for the education, opportunity, and civil rights of all our children. Let us today uphold the law as passed and written by the Congress. Let us uphold and support the law of the land.

Mr. HAWKINS. Mr. Chairman, if the American dream has any reality, it is the promise held out to every individual to develop his talents to the fullest possible extent and, to this end, American public education is so structured, at least in theory.

In operation, however, we have often strayed from this ideal and in implementation of traditional educational programs favored the educated elite by refusing to adequately finance the very programs that compensate disadvantaged youngsters for conditions which we have imposed on them.

Equality of educational opportunity—as with equal rights for all citizens—is deeply involved in our American life, our basic law, and our ethics.

Under the 14th amendment, this right to equal treatment in education, as in other areas, is safeguarded for every citizen: white and black, rich and poor alike. This Congress cannot by legislation take away this right. But this Congress can, and should, implement and make this right a reality for all, not only because it is legally required and is morally right but in addition, because the strength of our Nation, our survival, and our enlightened self-interest depend on strengthening the wellsprings of public education from which we draw the talents and skills which make us productive, prosperous, and creative as a nation.

Genuine education costs money—far more than we are now spending. Compensatory education for those we have deprived of equal educational opportunities costs even more and precisely for the same reasons: Past neglect and false economy; we have frequently advocated in this body in recent years, so-called economy on budget balancing, fighting inflation, and stabilizing the dollar.

What we are doing then is sacrificing minorities and poverty-stricken youngsters—by depriving them of a decent education, we are cheating them of equal employment opportunities, better housing, and medical care—in order that we can balance the budget to fit what someone has considered to be the maximum revenues and restrict the national debt to a magical number. That in the process we violate the basic law of our Nation does not seem to matter.

It looks as if we have continued to cheat these disadvantaged youngsters. The Court said desegregate—and some of us seem willing to defy the courts and at the same time refuse to appropriate adequate money for an alternative, even if this is lawful, to do so.

At the local levels, property owners are rebelling against providing more school aid while the States are either unwilling or unable despite their insistence on local control.

Even if States appropriate adequately, can some with heavy immigration carry the load?

Federal assistance then is clearly needed if equal educational opportunities are to be realized.

We cannot in good conscience defend expenditures for liberal farm subsidies, fat military contracts, and an undeclared war in Southeast Asia as opposed to inadequate funds for education on the basis of either national security or equity in meeting national needs of a modern society in the space age—and certainly not on the basis of the benefits received.

Money alone will not solve our problems in meeting the crisis in education but without more adequate funding, reform and reorganization cannot be accomplished.

We are spending millions in education and training programs outside the school system to do the job which we should expect the schools to do—to teach simple skills, to educate for employment, and for our citizens to live relevant lives. Let us insist on the schools doing what they should, but let us give them the finances to do the job.

Mr. WHALEN. Mr. Chairman, I congratulate the distinguished gentleman from New Jersey (Mr. JOELSEN) for his efforts to restore Public Law 874 funds for thousands of schoolchildren across the Nation.

At issue yesterday was the cancellation of a resource which has been provided for almost 20 years now. These funds have become an integral part of the budgetary planning of every impacted school district. There is little doubt whatever that this assistance has contributed to the improvement in quality of the curriculums offered in many schools. For some, it certainly has made the difference between an acceptable educational program and a poor one.

Arguments in behalf of the elimination of this expenditure are persuasive. As an economist, I share the view that reductions in spending must be made during this period of inflation. But as an educator, also, I believe that we must bend every effort to assist, rather than impair, the betterment of the Nation's educational system.

Had we failed yesterday to enact the Joelson amendment to H.R. 13111, we would have complicated the financial position of school districts within federally impacted areas. Failure to provide Public Law 874 assistance does not contribute to the solution but, instead, adds to the problem. Had we not adopted the Joelsen "package," we would have created a hardship which, in some instances, would be staggering and lead to sharply reduced services for many schoolchildren.

We know this to be a fact of life in my district, Mr. Speaker, where seven school districts in the eastern half of Montgomery County, Ohio, are affected directly. They are Wayne Township, city of Kettering, Washington Township, Northmont, Vandalia-Butler, city of Dayton, and Northridge. The number of students involved is approximately 10,000.

As I said earlier, there is some merit in the arguments favoring elimination of Public Law 874 assistance. But what makes those arguments unrealistic is the absence of any alternative proposal whereby impacted school districts can avoid severe financial difficulty.

I doubt that there is a single Member of the House who would not agree that education deserves one of the highest priorities among all of our domestic needs.

I believe that the issue of Federal aid to impacted school districts relates directly to that commitment.

Therefore, Mr. Chairman, it was for this reason that I supported the Joelson amendment.

Mr. CHARLES H. WILSON. Mr. Chairman, in his inaugural address in January of 1961, President Kennedy began by noting that the occasion was "not a victory of party but a celebration of freedom." I believe yesterday's landmark vote in this body on the vitally important adoption of the Joelson amendment can be described in a similar manner. Though party lines were certainly evident and our Democratic leadership did a magnificent job, the solid vote in favor of meeting the crucial demands of quality education in this country signifies, more than anything else, that when the need is great, this distinguished body will rally to meet the needs of our people. Clearly, education is high on the list of those needs.

The administration has offered the continuing war in Vietnam as an excuse for all sorts of priority setting and budget cutting. How much longer we will continue to pay more to destroy than to build is impossible to predict, but yesterday's vote was an encouraging move in the right direction and one we can and should afford. The case for gutting Labor-HEW programs becomes rather weak when viewed against the backdrop of a $3 billion budget surplus. I would never be one to allow the education of young people to be compromised in order that the party in power can lay claim to an attractive surplus.

The Joelson amendment's passage will assure full and adequate funding in nine important areas relating to education. Under impact aid, 90 percent of the authorization will now be provided, representing a substantial increase of nearly $400,000. School library funds will also be substantially increased; this is especially gratifying when one considers the special relationship between the quality of library facilities and the quality of education a particular school can offer. The two go hand in hand. Guidance and counsel, vital to a well-rounded school program that must meet the needs of all sorts of students, from chronic truants to failing underachievers, will also receive larger allocations.

Vocational education is especially vital to underprivileged areas where unemployment is high and skills are few, and this area will see increased funding as well. Supplementary centers will receive full funding equal to that of fiscal 1969, as will construction of undergraduate higher education facilities. Increases in program costs for title I of the ESEA and the restoration of funds for grants to local educational agencies are also provided for. Finally, the NDEA student loan program will receive adequate funds to meet the increased demand for these extremely important loans.

In relation to the issue of making higher education available to the greatest number of young people, I believe my colleagues will find the contents of a recent article from the Los Angeles Citizen of interest. Using statistics from the U.S. Bureau of the Census, this fine paper has listed some of the financial obstacles which block the path to a college education for many.

The article follows:

A TRAGIC BARRIER TO THE POOR: NATION STILL HANGING DOLLAR SIGNS ON COLLEGE GATES

Despite the vast educational machine that has been created in the United States, the American people still do not make higher education available to the poor as they do to the wealthy and the better off.

To a highly troubling degree high school boys and girls who go on to college still are mostly representative of high family income and a background of parents, who, themselves, have gone to college.

Latest statistics compiled by the Bureau of the Census on the percentage of high school graduates who go on to college show that the "dollar sign still stands at the college gate."

The study was a follow-up on one made of high school seniors in 1965 and what happened to them by 1967. A number of important facts were found: only 8 per cent had dropped out of high school before graduation and the rate for girls was even less. But the most important fact to emerge was the educational and economic background of those students who finished high school and of those who went on to college.

1. Among seniors whose fathers had not completed elementary school, 15 per cent dropped out of high school as compared with only 5 per cent for those whose fathers had at least an elementary school education.

2. Among seniors whose family income was under $4000, 13 per cent failed to graduate compared with only 6 per cent of those whose family income was higher.

3. Among high school graduates whose fathers were college graduates, 82 per cent went on to college compared with only 22 per cent of those whose fathers had not completed elementary school.

4. "High family income is associated with the likelihood of college attendance," the report said. "Of those high school graduates who were from families whose income was $5,000 or more, 87 per cent went on to college."

As family income went up, so did college attendance: 19.8 per cent for those with family incomes of less than $3,000; 32.3 per cent for income of $3,000 to $4,000; 36.9 per cent for $4,000 to $6,000; 41.1 per cent for $6,000 to $7,500; 51 per cent for $7,500 to $10,000; and 61.3 per cent for $10,000 to $15,000.

5. Nearly half of the white high school graduates went on to college compared with only a third of the Negro High School graduates.

All of these findings indicate clearly that despite our many free and partly free colleges and the scholarship programs that have been pushed so hard by some foundations and the labor movement, the chances of a poor boy getting a college education are infinitely lower than those of a boy from a well-off family.

Actually, at a time when sending a boy or girl to college can cost between $3,000 and $4,000 a year, as it does now, the children of even relatively well-paid middle class workers and professionals find college difficult without extreme family sacrifice.

This need not be. The United States proved that it could reach into the ranks of all of its citizens and provide higher education to the veterans of World War II, a program that added immeasurably to the nation's wealth and growth. It has not been as successful with its program for its Viet Nam veterans or with its program to aid students get higher educations.

There are various reasons for this, many of them monetary. While Congress has enacted a score of highly progressive educational programs, it has failed to fund them adequately. So urgent has been the need for proper funding of these programs that its one gesture of help to high school students who seek to continue their education has suffered greatly.

In the mid-60's Congress sought to provide economic aid to college students to continue their scholastic careers. Organized labor supported legislation that would have extended direct Federal subsidies and loans to students at low interest rates. Instead, Congress settled for a compromise that merely guaranteed loans to be made by banks at low rates to needy students.

Unfortunately the banks have failed to live up to their end of the bargain. At a time when interest rates have been mounting steadily, banks have shown little interest in low-interest loans to students even with government guarantees. The result has been a sharp drop in such loans which have become extremely difficult to get.

The Bureau of the Census study is all the evidence that Congress needs to awaken it to the need for breaking down the economic barriers that still keep so many young Americans from getting the higher education they need so urgently.

The American people cannot afford to place the "Dollar sign at the College Gate" and thus lose the potential contributions that so many of its young—but poor—sons and daughters can make to the national welfare.

In conclusion, Mr. Chairman, I would like to express the hope that in the coming months we will score more victories for the public interest in other vital areas beyond education. Much remains to be done in order that we may move closer to guaranteeing that all Americans will have access to the bounty which America has to offer. The key to that access is a good education and I am proud to have shared in the effort to make it possible for millions of young people in this country.

Mr. MORSE. Mr. Chairman, 5 years ago, the Congress passed the International Education Act with the specific mission of finding ways to strengthen American educational resources for international studies and research. The act had wide bipartisan support. Since then, however, no money whatever has been appropriated to carry out the mission of this legislation.

This year, a modest request was made for planning money to begin the process of putting into action the intent of Congress as expressed in this act. The committee has deleted those funds so that for another year, the International Education Act may be nothing more than a fine idea.

I point this out, Mr. Chairman, because I am gravely disappointed in the committee's action. Let me just outline briefly what that money would have accomplished.

The International Education Act has two grant titles: the first for assistance to undergraduate institutions and the second for assistance to graduate institutions. The $2 million requested would have been spent to support undergraduate institutional planning and development at 64 institutions, 10 regional consortia, and two nonprofit educational organizations. In addition, some $300,000 of that amount would be used to support planning of centers for advanced international studies at 20 institutions. At

the undergraduate level, the grants would enable institutions to develop a comprehensive international dimension throughout the undergraduate program. While previous legislation for international education has had a highly specialized language-area study focus, this act permits broader focus on problem, issue-centered studies.

When Congress enacted the International Education Act, it found:

A knowledge of other countries is of the utmost importance in promoting mutual understanding and cooperation between nations; that strong American educational resources are a necessary base for strengthening our relations with other countries; (and) that this and future generations of Americans should be assured ample opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures.

Mr. Chairman, I would hope that we will not continue to forget the promise of that statement. It will be more, not less, germane in the next several years.

Mr. RANDALL. Mr. Chairman, I support H.R. 13111 with its substantial increase, mindful of the size of the increase, and yet with the recognition that every cent will be spent for education of our youth which, when all is said and done, is our most important resource.

There is nothing in the entire field of human endeavor more important than education. Many persons have tried to stress the importance of education but I can recall no one quotation that puts the thought in better perspective than the words of H. G. Wells, when he wrote in his "Outline of Human History":

Human history becomes more and more a race between education and catastrophe.

In passing I wish to be on record that I am pleased to see sections 408 and 409 of title IV retained in H.R. 13111. The issue involved in these sections is not a question of race or civil rights. I suppose on the merits the busing of disadvantaged children into areas away from their homes and by commingling them with students from more privileged areas really helps neither the slower student nor the better student. I have always believed that to insist upon the proposition that you will bus sudents from an area that has not had all the advantages into an area where the level of student ability may be higher helps none of the students. It does not assist those who are bused into the arca and certainly does not help the others. The net result is that it lowers the quality of education for both.

The important point of sections 408 and 409 is that if the local people wish or prefer to bus their children then that should be their privilege whatever the consequences may be. But these same local school administrators should not be forced to bus students or to force any students attending elementary or secondary school to attend a particular school against the wishes of his or her parents. Neither should funds provided by this bill be withheld from such school districts or should these districts be forced to bus students to attend a particular school as a condition precedent to obtaining Federal funds otherwise available.

Sections 408 and 409 spell out some guidelines established by the Congress that are guidelines which certainly should go toward correcting the maladministration in the past by the appointive or unelected persons down at Health, Education, and Welfare who have been telling school districts across the country what to do as a condition of precedent to obtaining their Federal funds.

H.R. 13111 has been increased substantially over the amount reported by the Appropriations Committee. Those of us who supported these increases must resolve to recoup some of these increases by cutting some other programs in order to obtain a balanced budget. When we increase funds for education we must not forget our responsibility to reduce other programs by a comparable amount. As I support this bill today, I want to provide the assurance that I shall support cuts in spending for nonessential military hardware, for unnecessary foreign aid, for money to pay for visits to every one of the planets and vote against money to provide handouts to every recipient that makes a request.

When we talk about money for education programs we are not talking about cold, hard dollars but about an investment in the future of our Nation and our world. Every one of us has an order of values or list of priorities and education should be at the top of that list. If we can spend over $30 billion in Southeast Asia then it is not a malapportionment of our revenues to spend a little over 3 percent of our estimated gross national product for education.

For 3 long days we have worked on this appropriation bill. For months beforehand the subcommittee heard more than 600 witnesses gathering more than 9,000 pages of testimony. We have increased the appropriations in several categories but it is my considered opinion that it is a great day when we can say we have dug into our resources in order to protect and enhance the value of our physical and human resources of the future.

There is no other Government program for which money is spent more effectively than for educational purposes. There has never been a breath of scandal either alleged or proved against the handling of funds for education. As we approve these increases in the several categories we are saying to the children of this country, the Congress believes in your capabilities.

As long as we live we will see the greatly appreciated returns from the investment we make today. In the passage of this bill we are saying to our youth, we have faith that by providing the maximum support for your education you will insure for all of us a greater future for America.

Mr. ROBISON. Mr. Chairman, like the visible portion of an iceberg, the ensuing rollcall votes on H.R. 13111—the Departments of Labor, and Health, Education, and Welfare, and related agencies appropriation bill, 1970—will reveal only a small part of the whole matter, so a recapitulation of my votes on the major amendments offered and considered in the Committee of the Whole House should be made a part of the RECORD.

As a preliminary to that, however, I would like to state that in any overall comparison of Federal priorities education—and Federal programs in aid thereof—has always occupied a high ranking in my mind. I was therefore disappointed earlier this year in the budgetary cuts suggested in many such areas by both the original Johnson budget and then the Nixon revision thereof. When the appropriations subcommittee charged with reviewing this portion of the budget finished its work and rendered its report to the full Committee on Appropriations—of which I have the honor to be a member—I thought that, on balance, the subcommittee had done a highly creditable job except for a number of educational programs that, in view of the need, still seemed to me to be underfunded.

In particular, I was disappointed in the apparent willingness of the subcommittee to permit the House—as it inevitably would—to once again increase its recommendation for funding the so-called impacted-aid program, and probably to lift the moneys for the same up to or beyond fiscal 1969 levels while, at the same time, allowing the funds for other, ongoing and, in my judgment, more desirable educational programs to rest at levels substantially below the 1969 figures.

Accordingly, when the subcommittee's bill was reported to the full committee I felt constrained to offer an amendment thereto restoring $110 million—on a categorical basis—to the subcommittee's recommendation—on a consolidated basis—for these four educational programs: ESEA title II, known as the school-library resources program; ESEA title III, the innovative supplementary educational services program; NDEA title III-A, the State matching program to enable our schools to acquire laboratory and other instructional equipment, and to accomplish such minor remodeling of their plants as necessary to accommodate the same, and NDEA title V-A, the so-called guidance and counseling program that, I am sure we can all agree, has had a catalytic beneficial effect in this important area.

The subcommittee chairman, the gentleman from Pennsylvania (Mr. FLOOD), in opposing my amendment, spoke less to its merits than he did to this matter of consolidation versus earmarking of funds—stressing the fact that, by virtue of our action earlier this year on H.R. 514, we have already voted to consolidate such four programs under a common State plan beginning in fiscal 1971, and he argued that we therefore ought to move in that general bloc-grant direction in this fiscal year, as well.

When my amendment was defeated in full committee, I thereupon determined that if I reoffered it during debate on the bill I, too, would accept the idea of consolidation, not only because I tend to favor this approach that gives the States a good deal more flexibility than they now enjoy and a better chance

at setting their own priorities, but also because I wished to meet Mr. FLOOD's objections in this connection. Running into his buzz-saw once, it seemed to me, was enough—but of course I had no way then of knowing that, in Committee of the Whole, he would remain silent on this same issue.

In any event, from this point forward—all add-on amendments as offered on a selective basis in full committee having been defeated—attention centered around the efforts of those advocating "full funding" of educational programs to put together a package amendment that would accomplish their purpose. In attempting to do this, the advocates of full funding intended to use the anticipated floor support for full impacted-aid funding—a highly popular, but to my mind largely indefensible program—as the "carrot" to attract enough votes to carry the rest of their package.

Having, at this point, succeeded in that ambition it can, of course, be argued that the ends have justified the means—an argument that someone like myself, a strong proponent of education, finds difficult to refute. Nevertheless, Mr. Chairman, since the fiscal situation in which we still find ourselves is one continuing to call for budgetary restraint—and an overall reordering of priorities that this Congress seems unlikely to accomplish—it appears to me that we are about to go well overboard. If sustained in the other body, this bill will present us with the largest education budget in history—with funding at a level some $500 million over that of the last fiscal year.

I made an early decision not to support the package approach for two reasons: As I have said, I find at least the 3(b) portion of the impacted-aid program indefensible. It does not address itself to need, and its benefits fall unevenly across the Nation with few if any dollars thereunder going into ghetto school districts in our larger cities or into the hard-pressed rural school districts trying to provide its children with an adequate education out of an inadequate tax base. About all that can be said in justification of the continuance of this part of the impacted-aid program is that moneys were poured through it into more than 375 congressional districts last year—including mine—and that the receiving school districts have come to depend thereon.

My other reason for rejecting the package approach—though I strongly favored many parts of the package—was that I believe this method of making budgetary decisions tends to destroy the basic appropriation process that, by and large, has served us so well for so long. Overriding decisions of the Committee on Appropriations, if it is to be done at all—and some in this Chamber are quite gleeful to see the committee get "rolled" as it certainly did this week—ought to be done on a selective basis, and not on the basis of putting all the things one bloc after another of Members is interested in all together on a take-it-or-leave-it approach. Carried to its ultimate—and perhaps now inevitable—conclusion, such an approach would tend to destroy the Committee on Appropriations that has the original responsibility for bearing in mind the overall expenditure picture and, up to now at least, has helped this House find a collective sense of balance respecting the same.

Earlier this year, my colleague from New York (Mr. CONABLE), musing about all this in a slightly different context, wrote:

> Is a congressman an individual officer or a member of a group? Obviously he's both, and every one of us has to find his own balance if he is to perform effectively for his country, his constituents and himself. Four hundred and thirty-five members of the House of Representatives, if every one were a complete individualist, would accomplish no more than a football team that had no plays and made no effort to divide up the duties.

Mr. Chairman, I must say that, this week—albeit with the best of intentions—this House has been acting much like Mr. CONABLE's disorganized "football team"; and I have some considerable concern for the future unless we can, somehow, recover our collective sense of balance.

And I must add—with all kindness—that no better illustration of that lack could be found than in our majority leader's description of the adoption of the package amendment as being a "great Democratic victory." One has to wonder where that may leave the gentleman from Pennsylvania (Mr. FLOOD) and the other four Democratic members of this particular subcommittee, who faced up as best they could in this instance to what was surely an unenviable assignment.

In any event, as to those votes: When the gentleman from Illinois (Mr. MICHEL) offered his substitute to the package amendment—seeking like the sponsors of the package to draw upon support for the impacted-aid program in order to preserve the subcommittee's general position elsewhere—I again felt constrained to offer my amendment, now on a consolidated basis, thereto. There were two reasons behind this move: First, from a parliamentary standpoint, had the Michel substitute eventually carried we would not then have been able to return to the four programs my amendment touched upon. And that would have left us with our educational priorities badly scrambled—willing, that is, to keep impacted aid at last year's level while, meanwhile, cutting these other four programs' funding $110 million below last year's levels.

My second reason was related: I was certain, as was everyone in the Chamber, that impacted aid would eventually wind up at or above last year's level; and, as I have just noted, with my opposition to the 3(b) part of that program, I thought it would be unconscionable to allow that to happen while cutting the educational budget elsewhere.

As we know, the amendment I offered failed, and thereafter I could not vote for the Michel substitute that offered me only more impacted-aid moneys.

When the substitute also failed, the next major vote occurred on the package—or Joelson—amendment. I voted against it, not because I opposed all it attempted to do but because, as I explained, I believed selective increases were what we should be considering, not an all-or-nothing package. It deserves to be mentioned, too, that had the Joelson amendment then failed, we would have been automatically returned back to page 25 of the bill and could then have worked our will, on that selective basis, on all the numerous education programs and, had I been recognized, my same amendment would, I believe, have been the first we would then have considered in that fashion—going on from there through the impacted-aid issue, the question of more money for ESEA title I, vocational education, NDEA student loans, and so forth, all of which, with adoption of the Joelson package has now become academic in a legislative as well as a literal sense.

Before commenting upon the anticipated rollcall votes, let me also note that the suggestion, as made during debate over my amendment, that consolidation of these four programs would "destroy" them, especially the popular library resources program, was sheer nonsense. The gentleman from Pennsylvania (Mr. FLOOD) made no mention of this during debate in Committee of the Whole, but I believe it fair to note that, in our full committee meeting several days ago, he indicated he had an "understanding" with the Commissioner of Education to the effect that any lump sum for the four programs would be distributed more or less in proportion to the categorical funding the same enjoyed in the last fiscal year.

Even if this were not so, at worst next year when these programs are to be consolidated—absent disagreement by the other body—the school librarians' battle over priorities among the four competing programs would merely shift from the Office of Education here in Washington to the several State capitals; and I have always believed that it is wise to get decisions on priorities as close to home as possible, so I do not see this as being bad.

In any event, I shall now have to vote for the Joelson package amendment if a separate vote is demanded thereon—for it contains more that I support than it does that I oppose, and my chance at selectivity has been destroyed.

For the same reason, I shall also vote for the amended bill on final passage even though, as noted, I believe it carries more money than it should and cannot help but add to the fiscal problems of the President whom we have, in our self-righteousness, burdened with an expenditure ceiling that, effective or not, represents something of an abdication of our own overall responsibilities in relation to all this.

I have, also, already taken a position in opposition to the so-called Whitten amendment—an ill-advised attempt to curb progress being made toward desegregation in our school systems—and, if opportunity permits, will vote against such language.

In the same fashion, should there be opportunity, I shall vote against what new remains of the effort, through this vehicle, to control campus disorders through a cutoff of funds to campus demonstrators. By virtue of the points of order that have been lodged and sustained against some of the bill's original language in this respect, what remains of that language is now better than it was, but I have become convinced that the Federal Government—and the Congress—should for the time being stay out of this legislative area, despite the fact that it is one of deep concern to all of us and to our constituents.

I hold no brief for student radicals or revolutionaries—and have been appalled by the scenes of violence and disorder they have produced. But mighty few of them, as we have discovered, are receiving Federal assistance of any sort. In addition to this, we already have laws on the books designed to do what can be done by the Federal Government to restore peace to the Nation's campuses, and I understand it to be the position of the administration that no further laws are now needed—much less the vague and uncertain prohibition now remaining for us to act on in connection with this bill.

Incidentally, while I have expressed my regret over the way matters have turned out—not so much in the way of dollars to be spent on education, perhaps, for the administration may be hard pressed to find those dollars no matter how many we vote down to it, as in terms of how we, as an institution, measure up to our fiscal responsibility—I might as well say a word for one program that was not funded in this bill. That program has yet to receive even any planning money, though it was authorized in 1966. Even in this difficult budgetary year, and even in the midst of the strictures it otherwise placed upon itself, the Nixon administration felt this program potentially valuable enough to request $2 million for planning purposes—and, of course, I speak of the International Education Act, for which the fiscal 1970 authorization—speaking of "full funding"—is $90 million.

In this rapidly shrinking world, it is important to remember that this is not a disguised foreign-aid program, but rather one designed for the purpose of strengthening a very much neglected aspect of American education and one that, especially now, would meet an important and timely domestic need. Perhaps the other body that, in former years, has found it necessary to review much that was contained or omitted in this annual vehicle, will now have time to take a closer look at that need. I, for one, hope that it does.

Finally, Mr. Chairman, it is also to be hoped for that all of us have learned much from this experience. It may be fun to set the Committee on Appropriations back on its heels now and then—and perhaps we deserved it in this instance.

But we are far from being out of the fiscal woods yet. That "surplus" which the administration was somewhat embarrassed to find in fiscal 1969's final review was pointed to by some in full-throated support of the Joelson package as proof we could afford what we were about to do. But it is essential to remember that this is not a true surplus under budgeting concepts that applied here until recently—this because trust fund balances are now counted in—and that, in 1969, we did experience what can be called an operating deficit of about $5 billion; far too much, yet, in a time of still-uncontrolled inflation.

It seems to me the Appropriations Committee should seek procedures—or take positions—in the future, that would prevent this sort of thing happening again. How this is to be done is not for me to suggest; at least I would not presume to do so at the moment. But if part of the answer lies in different procedure—or methodology insofar as the form of our bills in such instances is concerned—I suspect the rest of the answer rests in the committee better reading the temper of this House than it did in this instance. That can probably best be summed up in these lines from the poet, Yeats, who once wrote that "When the center cannot hold, things fall apart"—and it seems to me, Mr. Chairman, that that is about what happened here in this Chamber this week.

Mr. ALEXANDER. Mr. Chairman, I would like to express my support for the Sikes-Smith amendment to the education appropriation bill. This amendment purports to grant authority to college presidents to cut off Federal funds to any students who participate in or provoke violence on the campuses of the Nation. As with my colleagues, the citizens of the First District of Arkansas have made it very clear to me that they are deeply disturbed by the violence and disorders that have beset many of our colleges. It is intolerable that a few militants could be permitted to disrupt the orderly process of education in America. It is unthinkable that the same revolutionaries may be supported by Federal funds.

Had the original language included in the bill not been ruled out of order, I would have been forced to oppose that provision. Prior to the debate today on this subject, I consulted with one of the most outstanding and esteemed college administrators in the State of Arkansas, Dr. Carl Reng, president of Arkansas State University.

Dr. Reng, who is known for his fairness as well as his firmness, agreed with what many of my colleagues have said here today—that the original language in the bill would have played right into the hands of the militant few who are devoted not to the cause of education, but to the cause of destruction. While it may be true that some college administrators—I personally believe them to be a minute minority—may lack "backbone" as some of my colleagues have suggested, the original language would have been more likely to provide "backbone" to the radical minority who would then see the possibility that by persevering just a little longer, they could effectively close a university or college through no fault of the hundreds and thousands of law-abiding students, faculty members, and college administrators who are dedicated to the cause of education.

Dr. Reng said he is in agreement with the principle of the Smith-Sikes amendment, however, because it provides another tool to deal with campus disruptions while leaving the power and authority where it ought to be—with the local college administrators.

This provision also deals with one other problem that is justifiably upsetting to a large percentage of my constituents. There is no justification whatsoever to the taxation of our citizens, many of them who can hardly afford to support the education of their own children, to support the education of young people who are dedicated to the destruction of our educational system. This is an inequity that must be corrected.

This amendment is acceptable to the college administrators in my State. It is a necessary means of dealing with campus violence in the eyes of the people of northeast Arkansas. And it is an expression of my deep concern over the future of our higher education system. I support the amendment.

Mr. GILBERT. Mr. Chairman, the annual appropriations bill to provide funds for education in the United States is one of the most important pieces of legislation to come before Congress.

It is one thing for Congress to pass pious resolutions of intent in the field of education; it is quite another for Congress to provide the necessary money to finance that intent. This year's educational appropriation bill, as submitted to us by the committee, is grievously inadequate. It is a mass of broken promises. I am wholeheartedly in favor of the Joelson amendment to bring this measure up to a level that will give our educational programs meaning at a time when we desperately seek meaning for them.

We are dealing here not with the question of what Congress can afford to do so much as with the question of what Congress cannot afford to leave undone. If we are truly to meet our social problems—correct injustices and eliminate poverty and crime—we must go directly to the root causes.

I will not say I am satisfied with this appropriation, for I see far too much money wasted on arms and wars—money that should be directed to teacher training, student incentives, the development of relevent curriculums, and other objectives to redeem young people from unproductive ignorance. But the Joelson amendment is an important step; it will come closer to what is necessary to raise the Nation's network of schools to a decent level.

This amendment increases the Federal school aid appropriation by almost $1 billion. It raises the vocational educational allocation by $131 million to more than $488 million so that young men and women without academic aptitude can still be trained for interesting, useful jobs. It provides $50 million for school libraries and the acquisition of text books. It allocates $78 million for equipment used in science and foreign language training, equipment absolutely essential in our highly technological age. It provides $33 million for construction of the Nation's colleges, which are under intensive pressure from growing student

enrollment, and $229 million for student loans, which in these days of rising costs are essential to the young people of low and middle incomes. It also designates $180 million more for direct assistance to elementary and secondary schools. As our own experience in New York confirms, even this figure is highly inadequate. Our schools need more than bandaids if they are to educate today's young people as they must be educated. But every few dollars helps pay for the teachers that our youngsters require for a decent chance to live, and I heartily support this increase. If the funds unwisely cut in committee are not restored, the effect on education and library programs will be devastating. In New York it would mean serious curtailment of programs benefiting the culturally deprived youngsters through additional services and equipment, teachers' aides, books, and library services. It would mean that innovative programs of preschool training involving the pupil and parent alike would have to be abandoned; and it would mean that the quality of teacher instruction in critical subject matters would be hurt and the availability of educational equipment would decrease.

Mr. Chairman, while supporting the Joelson amendment, I am also announcing my opposition to the so-called Whitten amendment, which weakens the desegregation stipulations that have been written into this law. After all that the American people have gone through to assure equality to every citizen, this amendment in my view, is both immoral and unwise. I also am opposed to the amendment to punish colleges for the disruptive acts of their students.

Let me conclude, Mr. Chairman, that the time is growing short for American society to mend its ways. We are being shortsighted in our priorities. And there is no doubt about education being a priority. As I said earlier on this floor, a majority of my constituents, in response to a questionnaire from me, ranked education No. 1 priority. The significance of that response cannot be overlooked; the American people know the importance of education, to themselves as individuals and to our national community. We cannot reject the mandate of the American people to look ahead and not be deterred by momentary economic expediency. What matters most is that we have a strong, self-confident society right here. All our other achievements will depend on that. And if we do not build better schools, we will simply decline to a general level of social mediocrity which is not my conception of what our country is.

Mr. Chairman, I wish to insert for the RECORD, and call to the attention of my colleagues, an analysis of the package amendment. The analysis follows:

ANALYSIS OF PACKAGE AMENDMENT TO H.R. 13111, LABOR-HEW APPROPRIATION BILL, 1970

[In thousands of dollars]

Program	Fiscal year 1969 appropriation	Fiscal year 1970 package	Increase over House committee	Increase over fiscal year 1969	Purpose
Impact aid	505,900	585,000	398,000	79,100	To provide sufficient funds for 90 percent of the authorization.
ESEA title II school library	50,000	50,000	110,453	0	To provide funds equal to the amount appropriated in fiscal year 1969.
NDEA title III equipment	78,740	78,740		0	Do.
NDEA title V guidance and counsel	17,000	17,000		0	Do.
ESEA title III supplemental centers	164,876	164,876		0	Do.
Vocational education	248,216	488,716	131,500	240,500	To provide additional funds to meet urgent needs in vocational education.
Higher education construction (4-yr. undergraduate)	33,000	33,000	33,000	0	To provide funds equal to the amount appropriated in fiscal year 1969.
NDEA student loan	193,400	229,000	40,794	35,600	To provide necessary funds for increased demand for student loans.
Title I, ESEA	1,123,127	1,396,975	180,800	273,848	To restore diminished funds for grants to local educational agencies resulting from amendments adding additional participting agencies and to offset increases in program costs.
Total	2,414,259	3,043,307	894,547	629,048	

Mr. BLANTON. Mr. Chairman, I support the Joelson amendment. I believe this Congress ought to go on record in support of higher education in a realistic, meaningful manner, and this amendment does just that.

I am particularly interested in seeing that we give the necessary support to vocational education, for I feel that this is one of the major tools we have in attacking poverty and making useful citizens out of many unskilled persons. By allotting $131,500,000 more for vocational education in the States, we are investing in rehabilitating poverty stricken people, or people who are prime candidates for the welfare rolls, and our gain will be putting them into the mainstream of society with useful skills where they do not have to rely on Federal aid, or State aid.

Likewise, I believe the $110,453,000 increase this amendment provides for school libraries under ESEA II; for supplemental centers under ESEA III, for guidance and counseling—NDEA V—and for equipment—NDEA III—is realistic and averts a possible crises in education.

The Joelson amendments will restore confidence in Congress by educators who have been alarmed over the dragging of feet appearance we have seemed to give over education. It is inconceivable, in this day and time, that the Federal Government should ever be reluctant to be aggressive in funding of worthy educational programs. For education is the blood of our system of government, and without its support by the Federal Government, the States are simply unable to do the job.

HIGH PRIORITY FOR EDUCATION

Mr. SYMINGTON. Mr. Chairman, in the past few days we have achieved a victory for education and for young people in St. Louis County and across the Nation. By amending the Labor-HEW appropriations bill for fiscal year 1970 to include nearly $1 billion in additional funds for essential education programs, we are reaffirming the wisdom of centuries ago, that "the foundation of every State is the education of its youth." Our action will strengthen that foundation; it is a significant step toward quality education, but by no means the last that must be taken. The House bill must still pass the Senate; and even if the Senate concurs fully with the amended and expanded House proposal, Congress will be providing this year less than 44 percent of the funds previously authorized for various education measures.

The future of quality education has been given, however, a strong boost by the House acceptance of the Joelson amendment which would increase Office of Education appropriations by $894 million. The committee bill, before amendment, had provided education expenditures of $2.3 billion, a figure $100 million below 1969 levels. While the bill includes $123 million more than the administration request, it falls $5 billion below levels authorized by Congress. It would have been unfortunate to suffer such a drastic reduction in education, particularly during a period of unrest, in which the Nation relies on the intelligence of its young people.

The greatest increase—$398 million—provided by the Joelson package is for the program of aid to federally impacted schools with large enrollments of children of Government employees. With this increase, the bill provides $600 million, or 90 percent of the amount authorized by Congress for the program in fiscal 1970. The amendment restores vital category "B" funds under the impact aid program, which the committee bill had eliminated entirely. Under this category Federal assistance is provided for children of Federal employees who work but do not live on Federal installations. In St. Louis, for instance, there are 4,000 children whose parents are employed by the Federal Government—which pays no property tax. Such serious tax losses to the schools cannot easily be made up by escalating assessments on the property of tax-weary homeowners. Over the past year the Second Congressional District has received $797,293 from category "B" funds, and $1,326,000 from the entire impact aid program. These funds have helped to ease the burden on property owners and maintain quality education.

The package also provided $33 million for higher education construction grants, which had been excluded from the administration budget as well as the committee bill, and raised the committee figure by $131.5 million to provide additional funds to meet urgent needs in vocational education.

Other provisions in the Joelson amendment restore to 1969 levels vitally needed funds for titles II and III of the Elementary and Secondary Education Act, to provide school library materials and supplementary education centers to renew and revitalize schools from within. Through combined efforts, the First and Second Districts of Missouri have already received $250,970 in title II funds, which have produced substantial results in improving St. Louis libraries.

Title III funds have made a significant impact as well. Mr. Henry C. McKenna, project director of the St. Louis-St. Louis County title III social studies project, has advised me that their program alone involves 50 teachers from grades 4 through 12 working on innovative curricula in the field of social studies. This single effort, which received $258,614 for a 3-year period, has the potential to enrich the education of over 250,000 students in the area.

The amendment also restores 1969 level appropriations for titles III and V of the National Defense Education Act, which provides for instructional equipment, and guidance and counseling programs. Title II of NDEA, which provides student loans for higher education, was funded at $67.1 million above the administration request and $35.6 million over 1969 appropriations by including an additional $40.7 million in the Joelson package. This program, so vital in securing higher education for many young Americans, is doubly essential because of inadequacies of the guaranteed loan program today. A tight money market and better returns on other investments make banks reluctant to make loans at the 7-percent rate. Thus, many students must seek financial aid elsewhere, through such channels as the NDEA. Judging from rising college enrollment just in the St. Louis area, the need for even greater loan funds and guaranteed loans for education is tremendous. Such funds are part of our assurance that we need not surrender quantity for quality in educating our youth.

Another vital fund increase provided in the amendment is the $108.3 million—bringing to $1.4 billion total Office of Education funds for title I of ESEA—to provide assistance for educationally deprived children.

Despite small increases in annual Federal appropriations, this title has shown a consistent drop in per pupil expenditures each year since its passage. In St. Louis, for instance, the student base for title I assistance has risen from 22,000 to 28,000 over the last 3 years. During the same period, title I funds have fallen from $5.2 to $4.3 million, and per pupil allotments have dropped from $218 to $154. This is a rather solemn commentary on a Nation which has recently accomplished the first lunar landing and paved the way to the stars; a Nation in which education and democracy are inseparably connected and where injury to either wounds both.

House restoration of $894 million through the Joelson amendment, plus additional funds for public library construction, facilities for the mentally retarded and education for the handicapped will help to redress the imbalance. However, if we want the same kind of results in our school system that we achieved in the space program, we must approach the task with the same sense of urgency. While public education is traditionally a local responsibility in America, local communities cannot continue to finance education on their own. Last year the Nation spent $28.3 billion on public education—92 percent of which was provided by State and local governments. Over 50 percent of the local share came from property taxes. But declining urban tax bases, coupled with rising taxes, coupled with rising taxes on the modest homes of most of our citizens spell tragedy for our schools without massive State help, and promised resources from Federal programs—those which are authorized must not be underfunded. Subsistence education is not good enough for a Natien eyeing the stars.

The need to appraise and reorder our national priorities becomes more crucial each day. How important is education to a nation which spends more in 1 year on cigarettes and alcohol than on this vital investment in its young people? In the trend of national commitments to education throughout the world the United States, at all levels of government together, spends proportionately less than the U.S.S.R. on education. We also know that the United States ranks low among all nations in the proportion of tax dollars spent for education. Education programs must occupy a higher place on our list of priorities.

No one denies the need to curb Federal spending and dampen inflation, but, equally, no one can blame our educational investments for inflation. Military spending absorbs 41 percent of our Federal budget. Yet Congress is asked to cut education appropriations down to 1½ percent of that budget. Recently in the Senate, despite agreed budgetary consequences of a new weapons system and grave doubts and differences as to its efficacy, that system was adopted. Yet, on the floor of the House, increased educational assistance is questioned and criticized on cost alone. What are the national values which allow, or compel us to invest a sum in the next generation of weapons which might not work, and not one-tenth of that sum in the next generation of Americans who will certainly have to?

Our schools limp from crisis to crisis, while we seek cures rather than preventives for the problems of inadequate education. The question of what to do must not be answered with hindsight. As in the race to the moon, the course must be plotted and embarked upon by men looking ahead.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, 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. 13111), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HAYS. Mr. Speaker, I demand a separate vote on the Joelson amendment.

The SPEAKER. Will the gentleman from Ohio state which one of the Joelson amendments he has in mind?

Mr. HAYS. As I understand, Mr. Speaker, there is only one Joelson amendment, a lengthy amendment which covered several sections of the bill. To be more specific, I am talking about the amendment which raised various categories of funds for educational purposes in this country, and my specific reason for doing this is that I want the Members to have an opportunity to vote on that and then see if they want to vote for Mr. Bow's motion to destroy it.

The SPEAKER. The Chair understands the gentleman's demand. In other words, the gentleman is demanding a separate vote on the Joelson amendment providing for certain increases, and not the other amendments of the gentleman from New Jersey striking out certain other paragraphs of the bill.

Mr. HAYS. That is correct, Mr. Speaker.

The SPEAKER. The Chair understands.

Is a separate vote demanded on any other amendment?

Mr. SIKES. Mr. Speaker, I demand a separate vote on the Sikes-Smith of Iowa amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 25 strike out lines 9 through 24 and substitute in lieu thereof the following paragraph:

"For carrying out titles II, III, V, VII, and section 807 of the Elementary and Secondary Education Act of 1965, as amended, section 402 of the Elementary and Secondary Education Amendments of 1967, and titles III-A and V-A of the National Defense Education Act of 1958 $364,616,000: of which $50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of said Act of 1965; $164,876,000 shall be for supplementary educational centers and services under title III of said Act of 1965; $78,740,000 shall be for equipment and minor remodeling and State administrative services under title III-A of said Act of 1958; $17,000,000 shall be for guidance, counseling, and testing under title V-A of said Act of 1958; $29,750,000 shall be for strengthening State departments of education under title V of said Act of 1965; $5,000,000 shall be

for dropout programs under section 807 of said Act of 1965; $9,250,000 shall be for planning and evaluation under section 402 of the Elementary and Secondary Education Amendments of 1967; and $10,000,000 shall be for bilingual education programs under title VII of said Act of 1965. For an additional amount for grants under title I–A of the Elementary and Secondary Education Act of 1965 for the fiscal year 1970, $386,160,700: *Provided*, That the aggregate amounts otherwise available for grants therefor within States shall not be less than 92 per centum of the amounts allocated from the fiscal year 1968 appropriation to local educational agencies in such States for grants. For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $600,167,000, of which $585,000,000 shall be for the maintenance and operation of schools as authorized by sections 3, 6, and 7 of said title I of the Act of September 30, 1950, as amended, and $15,167,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950. For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, title II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $859,633,000 of which $159,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, $63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with the insured loan program, $154,000,000 shall be for grants for college work-study programs under part C of title IV of that Act (of which amounts reallotted shall remain available through June 30, 1971), including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment, $43,000,000 shall be for grants for construction of public community colleges and technical institutes and $33,000,000 shall be for grants for construction of other academic facilities under title I of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1971, $11,750,000, to remain available until expended, shall be for annual interest grants under section 306 of that Act, $222,100,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and $12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935. For carrying out the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391) (except part E of title I), and section 402 of the Elementary and Secondary Education Amendments of 1967, $448,716,000 of which not to exceed $357,836,000 shall be for State vocational programs under part B and $40,000,000 shall be for programs under section 102(b) of said Vocational Education Act of 1963, including development and administration of State plans and evaluation and dissemination activities authorized under section 102(c) of said Act, and $10,000,000 for part H of said title I, not to exceed $1,680,000 for State advisory councils established pursuant to section 104(b) of said Act, $13,000,000 for exemplary programs under part D of said Act of which fifty per centum shall remain available until expended and fifty per centum shall remain available through June 30, 1971, $15,000,000 for consumer and homemaking education programs under part F of said Act, and $14,000,000 shall be for cooperative vocational education programs under Part G of said Act.

Mr. COHELAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. SAYLOR. Mr. Speaker, I object.

The Clerk proceeded to read the amendment.

Mr. GERALD R. FORD (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. HAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 119, not voting 19, as follows:

[Roll No. 131]

YEAS—294

Adair	Cunningham	Harsha
Adams	Daddario	Harvey
Addabbo	Daniels, N.J.	Hathaway
Albert	Davis, Ga.	Hawkins
Alexander	Dawson	Hays
Anderson, Calif.	de la Garza	Hechler, W. Va.
	Delaney	Heckler, Mass.
Anderson, Tenn.	Dellenback	Helstoski
	Dent	Henderson
Andrews, N. Dak.	Diggs	Hicks
	Dingell	Hogan
Ashley	Donohue	Holifield
Aspinall	Dorn	Horton
Ayres	Downing	Hosmer
Baring	Dulski	Howard
Barrett	Dwyer	Hungate
Beall, Md.	Eckhardt	Ichord
Belcher	Edmondson	Jacobs
Bell, Calif.	Edberg	Joelson
Bevill	Esch	Johnson, Calif.
Biaggi	Eshleman	Johnson, Pa.
Biester	Evans, Colo.	Jones, Ala.
Bingham	Fallon	Jones, N.C.
Blanton	Farbstein	Jones, Tenn.
Blatnik	Fascell	Karth
Boggs	Feighan	Kastenmeier
Boland	Fish	Kazen
Bolling	Fisher	Kee
Brademas	Flood	Keith
Brasco	Flowers	Kleppe
Brinkley	Foley	Koch
Brooks	Ford, William D.	Kyros
Brotzman		Landrum
Brown, Calif.	Foreman	Latta
Brown, Mich.	Fraser	Leggett
Brown, Ohio	Frelinghuysen	Long, Md.
Broyhill, Va.	Friedel	Lowenstein
Burke, Mass.	Fulton, Pa.	Lukens
Burlison, Mo.	Fulton, Tenn.	McCarthy
Burton, Calif.	Galifianakis	McClory
Burton, Utah	Garmatz	McCloskey
Button	Gaydos	McClure
Byrne, Pa.	Gettys	McCulloch
Cahill	Giaimo	McDade
Camp	Gibbons	McDonald, Mich.
Carter	Gilbert	
Celler	Gonzalez	McFall
Chamberlain	Gray	McKneally
Chisholm	Green, Oreg.	Macdonald, Mass.
Clark	Green, Pa.	
Clausen, Don H.	Griffiths	MacGregor
	Gubser	Madden
Clay	Gude	Mailliard
Cohelan	Hamilton	Mann
Conte	Hammer-schmidt	Mathias
Conyers		Matsunaga
Corbett	Hanley	Meeds
Corman	Hanna	Melcher
Coughlin	Hansen, Idaho	Meskill
Culver	Hansen, Wash.	Mikva
Miller, Calif.	Pucinski	Stubblefield
Miller, Ohio	Purcell	Stuckey
Mills	Quie	Sullivan
Minish	Quillen	Symington
Mink	Railsback	Talcott
Minshall	Randall	Taylor
Mize	Rees	Teague, Calif.
Mollohan	Reid, N.Y.	Thompson, Ga.
Monagan	Reifel	Thompson, N.J.
Moorhead	Reuss	Thomson, Wis.
Morgan	Riegle	Tiernan
Morse	Robison	Tunney
Mosher	Rodino	Udall
Moss	Rogers, Colo.	Ullman
Murphy, Ill.	Ronan	Van Deerlin
Murphy, N.Y.	Rooney, N.Y.	Vander Jagt
Natcher	Rooney, Pa.	Vanik
Nedzi	Rosenthal	Vigorito
Nichols	Rostenkowski	Waldie
Nix	Roybal	Watts
Obey	Ruppe	Weicker
O'Hara	Ryan	Whalen
O'Konski	St Germain	Whalley
Olsen	St. Onge	White
O'Neill, Mass.	Sandman	Whitehurst
Ottinger	Scheuer	Widnall
Patman	Schwengel	Williams
Patten	Shriver	Wilson, Charles H.
Pelly	Sisk	
Perkins	Skubitz	Winn
Pettis	Slack	Wold
Philbin	Smith, Iowa	Wolff
Pickle	Springer	Wright
Pike	Stafford	Wyatt
Pirnie	Staggers	Wydler
Poage	Stanton	Yates
Podell	Steed	Yatron
Pollock	Steiger, Wis.	Young
Preyer, N.C.	Stephens	Zablocki
Price, Ill.	Stokes	Zion
Pryor, Ark.	Stratton	Zwach

NAYS—119

Abbitt	Edwards, La.	Morton
Abernethy	Erlenborn	Myers
Anderson, Ill.	Findley	Neisen
Andrews, Ala.	Flynt	O'Neal, Ga.
Arends	Ford, Gerald R.	Passman
Ashbrook	Fountain	Poff
Bennett	Frey	Price, Tex.
Berry	Goldwater	Rarick
Betts	Goodling	Reid, Ill.
Blackburn	Griffin	Rhodes
Bow	Gross	Rivers
Bray	Grover	Roberts
Brock	Hagan	Rogers, Fla.
Broyhill, N.C.	Haley	Roth
Buchanan	Hall	Roudebush
Burke, Fla.	Hébert	Ruth
Burleson, Tex.	Hull	Satterfield
Bush	Hunt	Saylor
Byrnes, Wis.	Hutchinson	Schadeberg
Cabell	Jarman	Scherle
Caffery	Jonas	Schneebeli
Casey	King	Scott
Clancy	Kuykendall	Sebelius
Clawson, Del	Kyl	Shipley
Cleveland	Landgrebe	Sikes
Collier	Langen	Smith, Calif.
Collins	Lennon	Smith, N.Y.
Colmer	Lloyd	Steiger, Ariz.
Conable	Long, La.	Teague, Tex.
Cowger	Lujan	Utt
Cramer	McEwen	Waggonner
Daniel, Va.	McMillan	Wampler
Davis, Wis.	Mahon	Watkins
Denney	Marsh	Watson
Dennis	Martin	Whitten
Derwinski	May	Wiggins
Dickinson	Mayne	Wilson, Bob
Dowdy	Michel	Wylie
Duncan	Mizell	Wyman
Edwards, Ala.	Montgomery	

NOT VOTING—19

Annunzio	Evins, Tenn.	Lipscomb
Broomfield	Fuqua	Pepper
Carey	Gallagher	Powell
Cederberg	Halpern	Snyder
Chappell	Hastings	Taft
Devine	Kirwan	
Edwards, Calif.	Kluczynski	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Chappell against.

Mr. Broomfield for, with Mr. Devine against.

Until further notice:

Mr. Evins of Tennessee with Mr. Lipscomb.
Mr. Kluczynski with Mr. Cederberg.
Mr. Kirwan with Mr. Pepper.
Mr. Carey with Mr. Halpern.
Mr. Gallagher with Mr. Taft.
Mr. Fuqua with Mr. Snyder.
Mr. Edwards of California with Mr. Hastings.

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

Mr. DAVIS of Georgia changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: On page 55 after line 8 insert the following:

"SEC. 407. None of the funds appropriated by this Act shall be used to formulate or carry out any grant to any institution of higher education that is not in full compliance with Section 504 of the Higher Education Amendments of 1968 (P.L. 90-575).

"No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institute of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

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

Mr. SIKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 316, nays 95, not voting 21, as follows:

[Roll No. 132]

YEAS—316

Abbitt	Brinkley	Corbett
Abernethy	Brock	Coughlin
Adair	Brooks	Cowger
Addabbo	Brotzman	Cramer
Albert	Brown, Mich.	Cunningham
Alexander	Brown, Ohio	Daniel, Va.
Anderson, Calif.	Broyhill, N.C.	Daniels, N.J.
Anderson, Ill.	Broyhill, Va.	Davis, Ga.
Anderson, Tenn.	Buchanan	Davis, Wis.
Andrews, Ala.	Burke, Fla.	de la Garza
Andrews, N. Dak.	Burke, Mass.	Delaney
Arends	Burleson, Tex.	Denney
Ashbrook	Burlison, Mo.	Dennis
Aspinall	Burton, Utah	Dent
Ayres	Bush	Derwinski
Baring	Button	Dickinson
Barrett	Byrne, Pa.	Dingell
Beall, Md.	Byrnes, Wis.	Donohue
Belcher	Cabell	Dorn
Bell, Calif.	Caffery	Dowdy
Bennett	Camp	Downing
Berry	Carter	Dulski
Betts	Casey	Duncan
Bevill	Chamberlain	Dwyer
Biaggi	Clancy	Edmondson
Biester	Clark	Edwards, Ala.
Blackburn	Clausen, Don H.	Edwards, La.
Blanton	Clawson, Del	Eilberg
Boggs	Cleveland	Erlenborn
Boland	Collier	Esch
Bow	Collins	Eshleman
Bray	Colmer	Evans, Colo.
	Conable	Fascell
	Conte	Feighan
		Findley
		Fisher
		Flood
		Flowers
		Flynt
		Ford, Gerald R.
		Foreman
		Fountain
		Frey
		Fulton, Pa.
		Fulton, Tenn.
		Galifianakis
		Garmatz
		Gaydos
		Gettys
		Giaimo
		Gibbons
		Goldwater
		Gonzalez
		Goodling
		Gray
		Green, Oreg.
		Griffin
		Gross
		Grover
		Gubser
		Gude
		Hagan
		Haley
		Hall
		Hamilton
		Hammer-schmidt
		Hanley
		Hanna
		Hansen, Idaho
		Harsha
		Harvey
		Hays
		Hébert
		Heckler, Mass.
		Henderson
		Hogan
		Holifield
		Horton
		Hosmer
		Hull
		Hungate
		Hunt
		Hutchinson
		Ichord
		Jacobs
		Jarman
		Johnson, Calif.
		Johnson, Pa.
		Jonas
		Jones, N.C.
		Jones, Tenn.
		Karth
		Kazen
		Kee
		Keith
		King
		Kleppe
		Kuykendall
		Kyl
		Kyros
		Landgrebe
		Landrum
		Langen
		Latta
		Lennon
		Lloyd
		Long, La.
		Long, Md.
		Lujan
		Lukens
		McClory
		McClure
		McDade
		McDonald, Mich.
		McEwen
		McFall
		McKneally
		McMillan
		MacGregor
		Mahon
		Mann
		Marsh
		Martin
		Mathias
		May
		Mayne
		Melcher
		Meskill
		Michel
		Miller, Calif.
		Miller, Ohio
		Mills
		Minshall
		Mize
		Mizell
		Mollohan
		Monagan
		Montgomery
		Morgan
		Morton
		Murphy, Ill.
		Murphy, N.Y.
		Myers
		Natcher
		Nedzi
		Nelsen
		Nichols
		Obey
		O'Konski
		O'Neal, Ga.
		Passman
		Patman
		Pelly
		Perkins
		Pettis
		Philbin
		Pickle
		Pike
		Pirnie
		Poage
		Poff
		Pollock
		Preyer, N.C.
		Price, Ill.
		Price, Tex.
		Pryor, Ark.
		Pucinski
		Purcell
		Quie
		Quillen
		Randall
		Rarick
		Reid, Ill.
		Rhodes
		Rivers
		Roberts
		Rogers, Colo.
		Rogers, Fla.
		Rooney, N.Y.
		Rooney, Pa.
		Rostenkowski
		Roth
		Roudebush
		Ruth
		Sandman
		Satterfield
		Saylor
		Schadeberg
		Scherle
		Schneebeli
		Schwengel
		Scott
		Sebelius
		Shipley
		Shriver
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Calif.
		Smith, Iowa
		Smith, N.Y.
		Springer
		Staggers
		Stanton
		Steed
		Steiger, Ariz.
		Stephens
		Stratton
		Stubblefield
		Stuckey
		Sullivan
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Thompson, Ga.
		Thomson, Wis.
		Ullman
		Utt
		Van Deerlin
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Wampler
		Watkins
		Watson
		Watts
		Weicker
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Winn
		Wold
		Wolff
		Wright
		Wydler
		Wylie
		Wyman
		Yatron
		Young
		Zablocki
		Zion
		Zwach

NAYS—95

Adams	Hansen, Wash.	Patten
Ashley	Hathaway	Podell
Bingham	Hawkins	Railsback
Blatnik	Hechler, W. Va.	Rees
Bolling	Helstoski	Reid, N.Y.
Brademas	Hicks	Reifel
Brasco	Howard	Reuss
Brown, Calif.	Joelson	Riegle
Burton, Calif.	Kastenmeier	Robison
Cahill	Koch	Rodino
Celler	Leggett	Ronan
Chisholm	Lowenstein	Rosenthal
Clay	McCarthy	Roybal
Cohelan	McCloskey	Ruppe
Conyers	McCulloch	Ryan
Corman	Macdonald, Mass.	St Germain
Culver	Madden	St. Onge
Daddario	Mailliard	Scheuer
Dawson	Matsunaga	Stafford
Dellenback	Meeds	Steiger, Wis.
Diggs	Mikva	Stokes
Eckhardt	Minish	Symington
Fallon	Mink	Thompson, N.J.
Farbstein	Moorhead	Tiernan
Fish	Morse	Tunney
Foley	Mosher	Udall
Ford, William D.	Moss	Waldie
Fraser	Nix	Whalen
Frelinghuysen	O'Hara	Wilson, Charles H.
Friedel	Olsen	Wyatt
Gilbert	O'Neill, Mass.	Yates
Green, Pa.	Ottinger	

NOT VOTING—21

Annunzio	Evins, Tenn.	Kirwan
Broomfield	Fuqua	Kluczynski
Carey	Gallagher	Lipscomb
Cederberg	Griffiths	Pepper
Chappell	Halpern	Powell
Devine	Hastings	Snyder
Edwards, Calif.	Jones, Ala.	Taft

So the amendment was agreed to.

The Clerk announced the following pairs.

On this vote:

Mr. Chappell for, with Mr. Annunzio against.

Mr. Devine for, with Mr. Edwards of California against.

Until further notice:

Mr. Evins of Tennessee with Mr. Lipscomb.
Mr. Kluczynski with Mr. Broomfield.
Mr. Kirwan with Mr. Cederberg.
Mr. Pepper with Mr. Hastings.
Mr. Jones of Alabama with Mr. Snyder.
Mr. Carey with Mr. Halpern.
Mr. Gallagher with Mr. Taft.
Mr. Fuqua with Mrs. Griffiths.

Mr. JOELSON and Mr. RUPPE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. 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

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit the bill H.R. 13111 to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment: On page 56 following line 20, insert a new section as follows:

"SEC. 410. Excluding expenditures from the social security, United States Soldiers' Home, and Railroad Retirement trust funds, military service credits paid to trust funds and other Federal fund payments to trust funds, money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1970 only to the extent that expenditure thereof shall not result in the net aggregate expenditure of Federal funds by all agencies provided for herein beyond $16,364,000,000."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 393, nays 16, as follows:

[Roll No. 133]

YEAS—393

Abbitt	Albert	Anderson, Tenn.
Abernethy	Alexander	Andrews, Ala.
Adair	Anderson, Calif.	Andrews, N. Dak.
Adams	Anderson, Ill.	
Addabbo		

Arends	Fish	Madden
Ashley	Fisher	Mahon
Aspinall	Flood	Mailliard
Ayres	Flowers	Mann
Baring	Flynt	Marsh
Barrett	Foley	Martin
Beall, Md.	Ford, Gerald R.	Mathias
Belcher	Ford, William D.	Matsunaga
Bell, Calif.	Foreman	May
Berry	Fountain	Mayne
Betts	Fraser	Meeds
Biaggi	Frelinghuysen	Melcher
Biester	Frey	Meskill
Bingham	Friedel	Mikva
Blackburn	Fulton, Pa.	Miller, Calif.
Blanton	Fulton, Tenn.	Miller, Ohio
Blatnik	Galifianakis	Mills
Boggs	Garmatz	Minish
Boland	Gaydos	Mink
Bolling	Gettys	Minshall
Brademas	Giaimo	Mize
Brasco	Gibbons	Mizell
Bray	Gilbert	Mollohan
Brinkley	Goldwater	Monagan
Brock	Gonzalez	Montgomery
Brooks	Gray	Moorhead
Brotzman	Green, Oreg.	Morgan
Brown, Calif.	Green, Pa.	Morse
Brown, Mich.	Griffin	Morton
Brown, Ohio	Grover	Mosher
Broyhill, N.C.	Gubser	Moss
Broyhill, Va.	Gude	Murphy, Ill.
Buchanan	Hagan	Murphy, N.Y.
Burke, Fla.	Haley	Myers
Burke, Mass.	Hamilton	Natcher
Burleson, Tex.	Hammer-	Nedzi
Burlison, Mo.	schmidt	Nelsen
Burton, Calif.	Hanley	Nichols
Burton, Utah	Hanna	Nix
Bush	Hansen, Idaho	Obey
Button	Hansen, Wash.	O'Hara
Byrne, Pa.	Harvey	O'Konski
Cabell	Hathaway	Olsen
Caffery	Hawkins	O'Neal, Ga.
Cahill	Hays	O'Neill, Mass.
Camp	Hébert	Ottinger
Carter	Hechler, W. Va.	Passman
Casey	Heckler, Mass.	Patman
Celler	Helstoski	Patten
Chamberlain	Henderson	Pelly
Chisholm	Hicks	Perkins
Clancy	Hogan	Pettis
Clark	Holifield	Philbin
Clausen, Don H.	Horton	Pickle
Clawson, Del	Hosmer	Pike
Clay	Howard	Pirnie
Cleveland	Hull	Poage
Cohelan	Hungate	Podell
Collins	Hunt	Poff
Colmer	Hutchinson	Pollock
Conable	Ichord	Preyer, N.C.
Conte	Jacobs	Price, Ill.
Conyers	Jarman	Price, Tex.
Corbett	Joelson	Pryor, Ark.
Corman	Johnson, Calif.	Pucinski
Coughlin	Johnson, Pa.	Purcell
Cowger	Jones, Ala.	Quie
Cramer	Jones, N.C.	Quillen
Culver	Jones, Tenn.	Randall
Cunningham	Karth	Rarick
Daddario	Kastenmeier	Rees
Daniel, Va.	Kazen	Reid, Ill.
Daniels, N.J.	Kee	Reid, N.Y.
Davis, Ga.	Keith	Reifel
Dawson	King	Reuss
de la Garza	Kleppe	Rhodes
Delaney	Koch	Riegle
Dellenback	Kuykendall	Rivers
Denney	Kyl	Roberts
Dennis	Kyros	Robison
Dent	Landrum	Rodino
Derwinski	Langen	Rogers, Colo.
Dickinson	Latta	Rogers, Fla.
Diggs	Leggett	Ronan
Dingell	Lennon	Rooney, N.Y.
Donohue	Lloyd	Rooney, Pa.
Dorn	Long, La.	Rosenthal
Dowdy	Long, Md.	Rostenkowski
Downing	Lowenstein	Roth
Dulski	Lujan	Roudebush
Duncan	Lukens	Roybal
Dwyer	McCarthy	Ruppe
Eckhardt	McClory	Ruth
Edmondson	McCloskey	Ryan
Edwards, Ala.	McClure	St Germain
Edwards, La.	McCulloch	St Onge
Ellberg	McDade	Sandman
Esch	McDonald, Mich.	Satterfield
Eshleman	McEwen	Schadeberg
Evans, Colo.	McFall	Scherle
Fallon	McKneally	Scheuer
Farbstein	McMillan	Schneebeli
Fascell	Macdonald, Mass.	Schwengel
Feighan		Scott
Findley		Sebelius
Shriver	Taylor	Shipley
Sikes	Teague, Calif.	White
Sisk	Thompson, Ga.	Whitehurst
Skubitz	Thompson, N.J.	Whitten
Slack	Thomson, Wis.	Widnall
Smith, Calif.	Tiernan	Wiggins
Smith, Iowa	Tunney	Williams
Smith, N.Y.	Udall	Wilson, Bob
Springer	Ullman	Wilson, Charles H.
Stafford	Utt	Winn
Staggers	Van Deerlin	Wold
Stanton	Vander Jagt	Wolff
Steed	Vanik	Wright
Steiger, Ariz.	Vigorito	Wyatt
Steiger, Wis.	Waggonner	Wydler
Stephens	Waldie	Wylie
Stokes	Wampler	Wyman
Stratton	Watkins	Yates
Stubblefield	Watson	Yatron
Stuckey	Watts	Young
Sullivan	Welcker	Zablocki
Symington	Whalen	Zion
Talcott	Whalley	Zwach

NAYS—16

Ashbrook	Erlenborn	MacGregor
Bennett	Goodling	Michel
Bow	Gross	Saylor
Byrnes, Wis.	Hall	Teague, Tex.
Collier	Jonas	
Davis, Wis.	Landgrebe	

NOT VOTING—23

Annunzio	Evins, Tenn.	Kluczynski
Bevill	Fuqua	Lipscomb
Broomfield	Gallagher	Pepper
Carey	Griffiths	Powell
Cederberg	Halpern	Railsback
Chappell	Harsha	Snyder
Devine	Hastings	Taft
Edwards, Calif.	Kirwan	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Cederberg for, with Mr. Devine, against.

Until further notice:

Mr. Annunzio with Mr. Railsback.

Mr. Evins of Tennessee with Mr. Broomfield.

Mr. Kirwan with Mr. Lipscomb.

Mr. Carey with Mr. Taft.

Mr. Kluczynski with Mr. Harsha.

Mr. Chappell with Mr. Hastings.

Mr. Edwards of California with Mr. Halpern.

Mr. Pepper with Mr. Snyder.

Mr. Bevill with Mrs. Griffiths.

Mr. Gallagher with Mr. Fuqua.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 13079. An act to continue for a temporary period the existing interest equalization tax.

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

H.R. 9951. An act to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable years; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous material.

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

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

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

Mr. HAYS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

COLLECTION OF FEDERAL UNEMPLOYMENT TAX

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9951), to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

Mr. BOGGS. Mr. Speaker, the gentleman from Louisiana equally admires the gentleman in the chair. I thoroughly understand the position of the distinguished Speaker.

FALSE ECONOMY OF CIVILIAN PERSONNEL CEILING

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

Mr. HENDERSON. Mr. Speaker, I applaud the recent action taken by the Congress in removing the limitation on the number of civilian employees on the Federal payroll; namely, section 201 of the Revenue and Expenditure Control Act of 1968. This has proven to be false economy.

Last August I indicated to Members of the House that over an 8-year period it has been the experience of the Manpower and Civil Service Subcommittee of the Committee on Post Office and Civil Service that a restricted control on civil service employment merely means an increased use of military and/or contractor employees in jobs normally and efficiently performed by civil service personnel. This has occurred despite the fact both sources of labor, military or contractor, are generally more expensive than the Government civilian employee. Likewise, an extensive use of active duty military for civilian-type support jobs can have an adverse impact on the combat effectiveness of our military forces.

In a letter on August 1, 1968, to Hon. WILBUR MILLS, chairman of the Ways and Means Committee, the subcommittee's extensive experience was made known. And, I quote:

> In view of the manpower limitations in the Revenue and Expenditure Control Act of 1968, I thought you would like to have the benefit of this subcommittee's actions in the area of manpower management. I am sure that you will agree that the American taxpayer is primarily interested in dollar savings; and, I know this was an object of the Ways and Means Committee in sponsoring Public Law 90-364. However, I think the members must understand that often ceilings on Government employment result in a greater expenditure of taxpayers' money. In the final analysis, we must find ways to save money and in so doing must be careful that we do not authorize more costly methods.

The above point was made in August 1968; and now in July 1969, the Appropriations Committee in House Report No. 91-356, a conference report for the second supplemental appropriation, 1969, has listed specific examples of the cost to the American taxpayer of the legislative control of civilian employees. The report reveals this limitation not only cost more than it saved but also resulted in inefficient utilization of personnel.

Mr. Speaker, now that we concur that the civilian personnel ceiling was improper, what should be our course of action?

I have written today to the Director of the Bureau of the Budget, Hon. Robert P. Mayo, outlining a plan of action, which I believe will give greater flexibility in managing the Government's civilian labor force. This, in turn, should reduce the need by operating officials to resort to the more expensive contractor personnel and/or active duty military to perform work normally handled efficiently over the years by Government personnel.

Mr. Speaker, our objective today must be the most effective use possible of our Government work force. To service the public efficiently and economically and to continue a strong defense posture, we cannot afford to limit the kinds and types of available labor to our Federal agencies. But, this is what a restricted Government personnel ceiling can do, and has done in the past.

The letter to the Director of the Bureau of the Budget follows:

> U.S. HOUSE OF REPRESENTATIVES,
> SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
> *Washington, D.C., July 31, 1969.*
>
> Hon. ROBERT P. MAYO,
> *Director, Bureau of the Budget,*
> *Washington, D.C.*
>
> DEAR MR. MAYO: I applaud the action of the Congress and the support of President Nixon in the removal of the legislative control over the Government civilian work force. It was my feeling last August (1968) at the time of the passage of Section 201 of the Revenue and Expenditure Control Act of 1968, P.L. 90-364, that this was not a satisfactory or realistic approach to effective manpower management in the Federal Government.
>
> For more than eight years this Subcommittee has been concerned about the effect of manpower ceiling restrictions upon the efficiency and economy of Government operations. Too often, these restrictions have caused Executive agencies to rely upon contractors, or costly overtime schedules, or upon military personnel for work which could be done more effectively or at less cost by civil service personnel working regular hours.
>
> We have devoted a substantial portion of our time and staff resources to this problem. In addition to hearings and less formal meetings with the heads of agencies most directly concerned (including, of course, the Bureau of the Budget), we have conducted extensive field examinations and have caused the General Accounting Office to investigate numerous specific conditions. These efforts have resulted in correcting some of the specific cases identified and have demonstrated not only to this Subcommittee but also to other principal committees of the Congress that the problem is general and not limited to a few isolated examples. However, I personally feel that actions have not actually been initiated to correct underlying causes of this general condition.
>
> Time and again we have noted a lack of flexibility in the overall control of Government civilian ceilings. Likewise, it has been quite evident that there has been an inadequate monitoring of contracts for personal services.
>
> During the past year, the opportunities for dealing with this problem effectively have been limited by the special restrictions imposed by Section 201. However, now that this statutory restriction has been removed controls of manpower undoubtedly will be administered by the Bureau of the Budget. This provides a new opportunity to examine this basic problem and to take the initiative in seeing that the necessary corrective measures are being taken or planned, such as:
>
> Actions to streamline the flow of documents to assure that ceilings are adjusted soon enough to permit conversion of uneconomical contracts, civilianization of operations being handled by military personnel and reduction of overtime. We would appreciate receiving a copy of any regulations issued for this purpose.
>
> Initiatives which the Bureau of the Budget plans to take in collaboration with the principal operating agencies to identify causes of delays and inflexibility which the General Accounting Office has found are the principal causes of failures to correct this problem. We would be particularly interested in any procedures designed to provide necessary manpower authorizations to permit prompt conversions as soon as they are justified.
>
> Plans in the Bureau of the Budget and in the principal operating agencies for immediate identification of contracts for personal services, which have been started or allowed to continue although they are suspected or known to be more costly than in-house operations.
>
> Plans for controlling the use of contracts for personnel services, military personnel, and overtime so they do not continue to be convenient escape routes from the restrictions on Government civilian manpower.
>
> Plans in the Bureau of the Budget for reviewing personnel ceiling controls where other controls are already in existence. I have in mind activities already under Industrial Funds.
>
> In summary, Mr. Mayo, I believe that effective manpower management entails more than the imposition of specific controls over only one of several sources of labor for the departments and agencies. It would appear proper and timely for the Bureau of the Budget to lead the way for the departments and agencies to reappraise the priorities of their missions, to look for overlap and duplication of efforts and to ferret out ineffective and inefficient operating techniques. This approach should lead to more effective utilization of our Government's labor force, and thereby reduce the Government's labor costs.
>
> The Members of the Subcommittee and staff are ready to cooperate with you to get a program under way.
>
> With best wishes, I am
> Sincerely yours,
> DAVID N. HENDERSON,
> *Chairman.*

EXPANDED CONTACTS BETWEEN SOVIETS AND AMERICANS COULD HELP EASE TENSIONS

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

Mr. FARBSTEIN. Mr. Speaker, next year marks the 25th anniversary of the end of World War II and the signing of the Charter of the United Nations. The hopes and dreams that surrounded those two historic events have yet to be realized and today many of the nations of the world view each other with suspicion and mistrust. This is no more true than in the case of the United States and the Soviet Union. The free exchange of ideas and peoples long desired by the United States has not developed. The Soviet Union, for reasons known only to Soviet leaders, has been reluctant to either open its doors to American citizens or to permit Soviet citizens to engage in meaningful exchanges with citizens of the United States. People-to-people contacts have been few and not easy to arrange.

I believe that more contact, more interaction between Soviet and American citizens could have a beneficial affect in helping overcome some of the misunderstandings that exist between the two countries. Such contacts could help ease some of the tensions that exist between the two countries. And if tensions between the United States and the Soviet Union can be lessened we may well help create a climate in which meaningful discussions on the several issues which

divide us could take place. I believe, like President Nixon, that the age of confrontation is being replaced by the era of negotiations. The Congress can help in this process.

Recently the Soviet Foreign Minister, Andrei A. Gromyko, called for increased contacts between Soviet and American governmental leaders and private citizens. I think that we should take him at his word. I believe that we should be willing to expose our country to the scrutiny of the Soviet citizen. I believe that we should encourage increased Russian visits to this country. I believe that we should take pride in the working democracy that we have produced in this country. I believe that we should be prepared to show Soviet citizens the true continuing revolution in process—the eternal quest of man for the blessings of liberty for himself and his posterity.

This America of ours is not an ordinary country—our Government is not an ordinary Government—it is a living, vibrant, enthusiastic, changing society attempting to find the solution to the age-old problem of creating an environment in which diverse peoples and cultures can live secure and at peace with one another.

This is not an easy problem to solve, but we are solving it. It will take decades and perhaps even a century before we finally reach our goal, but we are moving in the right direction.

Mr. Speaker, I believe that we should make every effort to publicize this great experiment—the greatest in the history of the world. I am convinced that anybody who experiences even part of this must go away with the realization that here is a people who only want to live in peace and get on with the creation of a world where the weak are secure and the peace preserved.

President John F. Kennedy, in speaking of relations with the Soviet Union once said:

> So let us begin anew—remembering on both sides that civility is not a sign of weakness and sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate.

Mr. Speaker, I believe that we should negotiate with the Soviet Union with every advantage that we have. And the greatest advantage that we do have—our greatest strength—is the American people who, regardless of race, color or creed, make our democracy work.

Mr. Speaker, as a first step, I am today introducing a resolution asking the President to extend an invitation to the Soviet Government to send a representative group from the Supreme Soviet of the Soviet Union to study the working democracy that we have produced in this country and to observe the American people as they really are and not as they have been told we are.

We would also encourage the President to arrange a series of visits by Soviet governmental leaders, students, and private citizens. We would throw open our doors to them. We would welcome them as friends. We would welcome them as cosigners of the Charter of the United Nations and as participants in the dream of one world free from the scourge of war. We would hope that they would reciprocate by extending similar invitations to U.S. governmental leaders, students and private citizens.

Regardless of the Soviet reaction, we would be offering to take a giant step toward better understanding which could lead to that day in the future when international understanding replaces mistrust and suspicion as a way of life—to that day when all mankind is able to enjoy the blessings of liberty for himself and his posterity.

Mr. Speaker, if this first step produces meaningful results, there is a possibility that the two countries could agree to observe 1970 as a year of renewed efforts to make the United Nations into the instrument for peace and cooperation that was envisioned for it almost a quarter of a century ago.

There are those who would object to a program such as I have outlined. But the time has come to begin anew the quest for peace. If it fails we will have lost nothing. Rather we will have gained. For when the history of this age is written, those writing it will say "they tried." We could not ask for a more fitting judgment.

VIETNAM IS NOT OUR FINEST HOUR

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

Mr. KOCH. Mr. Speaker, the statements made by President Nixon on his brief visit to Vietnam indicate that the basic lesson to have been learned from our initial and continuing involvement in Vietnam has still not reached the White House. President Nixon stated:

> I think history will record that this may have been one of America's finest hours, because we took a difficult task and we succeeded.

Succeeded in doing what? In trying to bomb a country and its people into submission? In creating millions of refugees? In supporting a corrupt military junta? Let us be blunt about this. The misguided policy of this President and the prior Presidents involved in this war has led to the loss of about 40,000 American lives. And by continuing our present insane policy the killing will continue. The policy is simply the persistence of national pride beyond any political, economic, or moral justification. As others have said, our pride be damned.

The American public should tell the President that we will not tolerate an extension of the killing. No, not even for another month. Our troops should be withdrawn, not at slow-paced intervals which will keep us there for years, but now and immediately.

On May 15 of this year several Members of this Congress proposed that the President call for an immediate ceasefire. On July 2, I wrote to the President asking that he endorse that proposal. This past week I received the response and whether by intention or otherwise the response misses the point. The President's staff responded:

> A ceasefire is a sensitive and complex question that hopefully will be addressed to an appropriate time in the Paris talks.

That time is now. Those peace talks have been going on since May 1968, and they are going nowhere. What the President can and should do is to propose a bilateral immediate cease-fire. Let it be the other side that turns it down. Who knows, they may accept.

AID TO BASIC EDUCATION—A COMMITMENT KEPT

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

Mr. MIZE. Mr. Speaker, I am heartened by the firm support for education in the House of Representatives. This support was clearly evidenced when this body approved an amendment to the education appropriations bill restoring some $900 million to authorize programs of the highest merit and urgency.

This action by the House is not a relapse from fiscal responsibility. Rather, it is striking proof that priorities are being considered by Members who traditionally support fiscal restraint.

For instance, it is well known that about $9 billion is spent each year on welfare programs. This is several times the amount appropriated for essential education programs at the elementary and secondary level. If the Congress will continue to show commitment to basic education for the disadvantaged among us—those same disadvantaged will respond with worthwhile, productive, independent lives. I have that much faith in human nature and our fellow Americans.

Mr. Speaker, the best way to break the poverty cycle, the best way to overcome malnutrition, the best way to reduce the welfare burdens over the long run is through upgraded education for the victims—better basic education, vocational education, higher education.

This Congress, I am proud to say, has spoken this week: To the extent possible, in spite of heavy burdens in Vietnam, the crucial education programs developed over the years will receive top priority in 1970.

The Congress will support Public Law 874—aid to federally impacted areas—the Elementary and Secondary Education Act—aid to school districts for helping the disadvantaged—and other worthwhile programs.

This priority, I fervently pray, will help provide millions of Americans with the capacity to lead successful, productive lives in the years ahead.

Education is not the only element for success—there must be available jobs in rural areas, and there must be credit opportunity for the deserving—but education is among the most essential.

The Congress has initiated a pattern of support which will lead to dignity and hope for those millions long left behind by both technology and their fellow men.

TRAGEDY AT CAMP LEJEUNE, N.C.

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

Mr. COLMER. Mr. Speaker, with some reluctance I desire to call the attention of my colleagues to a tragedy that occurred recently at Camp Lejeune, N.C., and I have written it out here.

Mr. Speaker, a few days ago at Camp Lejeune, N.C., a group of militant goons, reputedly led by Black Panthers, went on a rampage with the slogan, "Get the Whities." I am informed reliably that they were armed with chains and other lethal weapons. The result was that one white marine was killed and another was so badly mauled there is serious doubt that he will recover. The marine who was killed was a constituent of mine. He was Cpl. Edward Bankston of Picayune, Miss. Another of my constituents, Sgt. Michael Vereker, of Biloxi, Miss., was badly beaten. At the same time a considerable number of other marines were mauled and severely beaten. The fact that two of these marines happen to be my constituents from Mississippi naturally is of great concern to me. However, some of the more fortunate victims of this totally unjustified and intolerable outrage were from other sections of our great common country.

As a matter of fact, some of them were from the great State of New York. And, I am advised by our esteemed colleague, Congressman MARIO BIAGGI of New York, that two of his friends, who had served on the police force with him in the city of New York and who are now on duty as marines at Camp Lejeune rescued the Mississippi boy, who later died. Congressman BIAGGI, who is no racist, has made his own personal investigation and is outraged as I am over this tragedy. In fact, the New York Congressman joined me in requesting a full and exhaustive congressional inquiry in this totally fiendish attack on patriotic and innocent victims.

Both Chairman RIVERS of the House Armed Services Committee and the Commandant of the U.S. Marine Corps, Gen. Leonard F. Chapman, Jr., have assured me that the matter is being thoroughly investigated; and that some eight of the guilty parties have been arrested and incarcerated.

Mr. Speaker, unfortunately this is not an isolated incident. These attacks have been going on for some time. Several months ago three young Marine officers from the U.S. Marine base in Quantico, on the streets of the Capital of the Nation which they were serving, were assaulted, severely beaten, and from which beating one or more of them died. Only a few days ago a woman from Ohio, whose son was hospitalized as a result of wounds received in Vietnam, came to the Nation's Capital to see her son. She was attacked on the street not too far from Walter Reed Army Hospital. She was forced into a waiting automobile, driven off to a secluded spot where she was robbed of $102 and brutally raped by six men.

Mr. Speaker, too long have these militant racial groups been pampered and as a result the chickens are coming home to roost. If a patriotic American, serving his country in the Armed Forces of the Nation, cannot be safe on a military base from felonious assault by the enemies within, God pity the future of this country. As one Member of this Congress, who has no desire to fan the flames of racial discord, I do not propose to sit idly by and see this condition continue. This dastardly episode must be thoroughly investigated and the guilty parties fully punished.

MARINES ASSAULTED AT CAMP LEJEUNE

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

Mr. BIAGGI. Mr. Speaker, I commend my colleague, the gentleman from Mississippi (Mr. COLMER), for his statement in connection with the incidents at Camp Lejeune.

Mr. Speaker, in response to telephone calls and telegrams from some of my constituents who are members of a Marines Corps Reserve unit that is currently training at Camp Lejeune, N.C., I visited and inspected that military installation on July 23.

The inspection was prompted by the fact that members of this particular Reserve unit known as the 6th Communications Battalion from Fort Schuyler, N.Y. expressed concern for their safety because of conditions at Camp Lejeune.

While at Camp Lejeune, I spoke to many Reserves and Regular marines, to both commissioned and noncommissioned officers, and reviewed the matter with Maj. Gen. Michael Ryan, commanding officer of the 2d Marine Division at Camp Lejeune, and Brig. Gen. Fred Haynes, legislative chief at Marine Corps Headquarters in the Pentagon.

My conclusion was inescapable. Yes, there was ample reason for concern at Camp Lejeune. I, therefore, recommended as an immediate measure that the Reserve unit from my district be moved to safer quarters away from a section of the installation that was obviously a trouble area. The morning after my inspection tour, General Haynes telephoned my office to inform me that there was compliance with my recommendation. He reported that the Reserve unit was moved to an area very close to base headquarters.

On Sunday, July 20, 3 days before my inspection of Camp Lejeune, 15 Regular marines were assaulted on the base during an apparent outbreak of racial violence. Three of these marines were seriously injured and required hospitalization. One of them, Cpl. Edward Bankston of Picayune, Miss., has since died. This 19-year-old youth was so savagely beaten that had he lived he would have had to undergo months of plastic surgery and treatment for the restructuring of his face.

Both General Ryan and General Haynes informed me that the outbreak of violence on July 20 at Camp Lejeune was the worst ever experienced at that installation. But they also acknowledged that a pattern of trouble occasionally culminating in assaults has been developing at Camp Lejeune for some months now.

In addition, military intelligence officers and others in a position to know what is happening have reported that a similar pattern of trouble has been developing at other military installations here and abroad. They have informed me that a growing number of disruptive activities on some military installations are posing a serious challenge to discipline and authority.

I have been advised that, in addition to Camp Lejeune, some of the military installations burdened by this problem within recent months are Fort Jackson, S.C.; Fort Belvoir, Va.; Fort Lee, Va.; Fort Gordon, Ga.; Fort Hood, Tex.; Fort Bragg, N.C.; Fort Dix, N.J.; Fort Carson, Colo.; Fort Sill, Okla.; Fort Sheridan, Ill.; and Fort Knox, Ky.

In the Army alone, some measure of the disciplinary and morale problem can be gleaned from the fact that last year 39,239 men were classified as deserters. That is the equivalent of about two and a half infantry divisions.

In addition, an estimated 5,000 young men have fled to Canada to avoid the draft and more than 200 servicemen are known to have taken refuge in Sweden, either to avoid a continuance of military duty or to escape disciplinary action.

In regard to national security, I do not say presently that the problem has reached alarming stages. But I do say that the very nature of the problem is alarming and should be dealt with by this body at this time as a matter of national interest. The signs are conspicuous; there is sound reason for action.

It is sad but accurate to say at this time that American boys are not only dying on foreign soil, but their lives are also obviously being jeopardized needlessly right within the confines of some of our own military installations. That, in my opinion, is sufficient reason alone for objective procedure.

In that regard, I offer a resolution for the creation of a select committee composed of seven Members of the House of Representatives for the purpose of conducting an inquiry of all aspects of crime and disorder on U.S. military installations. Such a committee would compile findings and recommend fair and equitable procedures for correcting the problems that now exist.

It would purely and simply deal with the disruptive, illegal, and violent acts that have taken place on some of our military installations and strive for the means of alleviating the problems within the laws of our land.

I ask that you give this resolution your most serious consideration.

RACISM

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

Mr. O'HARA. Mr. Speaker, I was horrified to learn of the brutality that had occurred at Camp Lejeune, and I want to join my colleagues from Mississippi and

from New York in deploring that sort of vicious attack by one human being on another.

I was interested, too, in learning of the resolution the gentleman from New York has introduced. I would hope that this Congress would take its obligations to examine the causes of racial animosity and hatred in this country seriously and I hope that if and when we do so, we do an even-handed job and we look at both sides of the issue. We must not stop with examining racist attacks by the relatively recently organized black racist organizations, without also examining racist attacks extending over more than a half century for which white racist organizations such as the Ku Klux Klan are responsible in many States of this country, including the State of the distinguished chairman of the Committee on Rules. Only by looking at all aspects of this problem will we learn anything and make any useful contribution to public understanding.

RESOLUTION ENCOURAGING BUSINESSES TO DISPLAY AMERICAN FLAG

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

Mr. ST GERMAIN. Mr. Speaker, one of my constituents who lost a son in Vietnam wrote to me suggesting that American companies having contracts with the Government should fly the American flag at their place of business to indicate respect for the American men who have sacrificed their lives for their country.

I considered the suggestion an excellent one, and today I am introducing a resolution encouraging American businesses which have contracts with the Government to display the flag at a suitable site on their company premises.

The flag is a symbol of our Nation. It stands for this country's ideals of achieving liberty, equality, human dignity, justice for all our citizens, and insuring their protection from any foreign adversary. The flag is a symbol of our common history and of our unity as one people.

The flag also stands for the commitments of our Government—to education, to civil rights, to health research, to the eradication of poverty, to space exploration, to the protection of our allies.

The flag is not a symbol of aggression or tyranny or thirst for power. Has any government in history done more for its people, been less of an oppressor of its own citizens, or been more concerned with helping other nations?

Businesses with Government contracts should be proud to indicate their participation in the tasks of our Government and in furthering the ideals of our Nation by displaying the U.S. flag.

They should also take pride in thereby associating themselves with the brave men and women who have given their lives under the flag for our country. At this time especially, displaying the flag would proclaim a unity with our servicemen who have died and are dying now in Vietnam.

Displaying the flag would say to all that a business' goals are not simply profit or economic power, but that a broader vision guides its efforts, that it is engaged in implementing the ideals and tasks of our Nation.

We are living in an age of symbolism. People are commonly using signs, pins, symbolic actions, and so forth for communication. The flag is a universally recognized symbol of our country—which we became aware of once again so dramatically last week when our astronauts placed our flag on the surface of the moon. And how fittingly it symbolizes the ideals of our Nation. The red and white stripes have signified liberty since the very beginning of our Nation; and, as John Quincy Adams once noted, the stars in the blue field signify our dedication to peace—a fitting banner to implant upon the moon, but no less appropriate to keep before us here on earth.

It is important for the average American to associate himself with this symbol of our country. For if only the extremists display the flag—those who would have us use nuclear weapons at the least provocation, those who want more and more of the Federal budget spent on weapons systems and none on education and social programs, those who claim that all civil rights legislation is Communist inspired, then the flag will lose its value as a symbol of American ideals.

Businesses with Government contracts can help set an example for our people. Furthermore, they often have better facilities than family homes for displaying the flag. A business can help express the true feelings of its employees, many of whom would like to display the flag but have no appropriate setting where they live. In fact, if any business or corporation under contract with the Government were slow to take up this recommendation of the Congress which my resolution proposes, I am sure that there would be employees who would take the initiative of urging their employer to exhibit the flag at their place of work.

The American companies whose work for the Government in manufacturing or research and development comprises a major part of their annual business should be proud to indicate their commitment to the ideals for which this country stands, their dedication to the tasks with which our Government is involved, and their desire to express a common unity with other Americans.

The resolution I am introducing would make it the sense of Congress that they should do this by displaying the flag of the United States during each day at an appropriate place at the site or sites of their business.

ARMY MATERIEL COMMAND FACES AND WELCOMES NEW CHALLENGES IN ITS "SECOND GENERATION"

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

Mr. FLYNT. Mr. Speaker, on August 1, the U.S. Army Materiel Command, Washington, D.C., will celebrate its seventh anniversary.

This organization is headed by an outstanding leader, a great soldier, a dedicated citizen, a man who is respected by all who have had the privilege of knowing him. Gen. Ferdinand J. Chesarek is a public servant of the highest order. His greatest desire is to serve his country and sustain and protect and provide for our soldiers wherever they are stationed. It is my personal privilege and I am sure the privilege of my colleagues to salute Gen. Ferdinand J. Chesarek and his associates at the U.S. Army Materiel Command on this, their seventh birthday. Personally, and for the sake of our Nation, I wish General Chesarek a long and continually successful life.

At this time I would like to insert in the RECORD "Army Materiel Command Faces and Welcomes New Challenges in Its 'Second Generation' ":

ARMY MATERIEL COMMAND FACES AND WELCOMES NEW CHALLENGES IN ITS "SECOND GENERATION"

Terming the Army Materiel Command's support of the U.S. forces in Vietnam "an event that will stand tall in military history," General F. J. Chesarek, Commander of the Army's huge supply organization, today challenged its more than 177,000 military and civilian personnel to "consolidate our experience, refine our procedures, and develop new methodologies for the difficult tasks which lie ahead."

In a message disseminated to AMC's 180 installations and activities throughout the United States, on the occasion of its seventh anniversary, General Chesarek pledged the Command "to prove through performance that it is the master of the sciences of research, development, procurement, distribution and maintenance."

General Chesarek's declaration that "the second generation of AMC will be tough, professional, confident and alert" coincided with a message to AMC personnel from General W. C. Westmoreland, Chief of Staff of the Army, in which he expressed confidence that AMC's future accomplishments "will fully measure up to its established reputation."

Commenting upon AMC's past record, General Westmoreland said:

"In the difficult task of combining the most recent scientific and technological developments with present and future needs of the Army, you are ensuring that our soldiers are the best equipped in the world. While accomplishing this tremendous undertaking, you have reduced the number of project managers and made possible a higher level of responsiveness to requirements from the field. In addition, through your Integrated Logistic Support Planning, we are assured that necessary logistical support and instructions are available when new weapons systems are sent to the field."

An initial step in streamlining AMC's organization and improving its effective operation in support of the Army in the field was taken in May of this year with a realignment of the Command's Washington, D.C. Headquarters. The realignment involved the appointment of a Deputy Commanding General for Materiel Acquisition, who will center his attention on the industrial base, and a Deputy Commanding General for Logistics Support, who will focus upon supporting the Army in the field. These deputies were named in addition to the existing principal Deputy Commanding General, the CG's chief assist-

ant and resource manager, and already established Deputy for Laboratories. Simultaneously the previous total of 67 project managers was reduced to 49 by the elimination of 10, whose functions are being assigned to major subordinate commanders, and by combining eight with other project manager officers.

Under these realignments, the AMC Commander's span of control will be reduced about 60 percent. Instead of the 190 commands, agencies, or individuals reporting directly to the Command Group, there will be only 78.

Efforts also are underway to secure suitable office space to consolidate the AMC headquarters, now scattered in five government-owned facilities and four commercial office buildings, at a single site in Northern Virginia within a 10-mile radius of the Pentagon. Target date for the move is the Fall of 1971.

Specific actions taken by AMC during the past twelve months to support U.S. forces in Vietnam and to increase the over-all readiness of the Army in the field ranged from advances in support techniques to the development and introduction of new or improved items of weapons and equipment.

The following are typical of AMC actions over the past year designed primarily to contribute to the increase effectiveness of U.S. and allied combat forces in Vietnam:

AMC established VLAPA (Vietnam Laboratory Assistance Program, Army) to provide quick reaction, in-country, scientific and engineering assistance to U.S. Army forces in Vietnam. Under VLAPA, AMC laboratory representatives in Vietnam are allowed to levy their parent laboratories for quick engineering solutions to problems they encounter in the field. Some of the requests fulfilled or being worked on under the program include the aircraft crash position locator, paraglider evaluation, combustible cartridge support, and new packages for water purification tablets.

The newly-developed M551 armored reconnaissance/airborne assault vehicle, the General Sheridan, was initially deployed to Vietnam and committed to combat in February. According to field commanders, the weapon system has made a significant contribution to the firepower and mobility of using units.

As a result of an AMC development project the M113 armored personnel carrier was equipped to perform as an assault bridge. Bridging equipment consists of the launcher and the bridge itself—a modified box forming two treadway sections folded at the center for carry. Twenty-four units have been shipped to Vietnam for operational evaluation.

Under AMC direction Combat Evaluation Tests of five Vulcan Air Defense Weapon Systems were conducted in Vietnam. During the tests the systems were credited with stopping and destroying two ambushes and inflicting heavy enemy casualties in their ground support role.

AMC accelerated development of a 420-gallon-per-hour lightweight water purification unit for use in Vietnam, which was shipped to Vietnam for support of battalion-size mobile forces.

AMC continued to emphasize its program to obtain civilian employee volunteers for overseas assignments in support of users of Army materiel. As of July of this year, approximately 500 AMC personnel were in a "ready" position to provide quick reaction assistance when requested by commanders in Vietnam and other overseas areas.

In the field of aircraft development, maintenance and armament, AMC made numerous advances which will directly enhance the Army's combat effectiveness:

A new armament subsystem (XM35) was developed for the recently-deployed AH-1G Hueycobra helicopter. It consists of a 20mm six-barrel gun mounted on the left wing inboard station of the aircraft in a fixed position. The gun is capable of firing 750 rounds per minute. Later in 1969 a new armament subsystem XM59, caliber 0.50 machine gun, pintle mounted, is expected to become available for use on the UH-1D or H helicopter.

Also in final stages of development is the new CH-54B heavy lift helicopter. This helicopter is an improved version of the CH-54A, which has proved its value in Vietnam by recovering downed aircraft worth more than the total system cost. The CH-54B has greater safety and better maintainability than its predecessor and can lift a heavier payload.

Pre-production models of the newest version of the OV-1 Mohawk surveillance aircraft, the OV-1D, have been accepted by the Army for testing. Improvements over earlier models include interchangeable infrared and side looking airborne radar surveillance systems, increased engine power and installation of an inertial guidance system.

Turbine aircraft engine overhaul and repair production at the Army Aeronautical Depot Maintenance Center increased by 37% during the past year, compared with Fiscal 1968. Production has climbed to an output of more than 600 engines per month from a beginning figure of 19 engines in 1962.

Currently under development is a 50,000-pound capacity airdrop system for the C-5 aircraft, which will be able to airdrop four such loads. A new 135-foot parachute for use in the system has completed engineering design tests.

Advances also were made in the development, production and deployment of missiles and other weapons:

Engineering development was completed in what may be considered the most important breakthrough in mechanical time fuzes for artillery since World War II. The new fuze, which will undergo extensive field tests soon, features greater accuracy, greater coverage of optional time settings, universal application to all artillery calibers, improved decisive setting action and improved sealing against moisture and temperature environments.

Lance, the Army's newest battlefield artillery missile, now in engineering development, successfully completed a series of critical environmental flight tests. Lance is capable of carrying either a nuclear or conventional warhead and is the first Army missile to use pre-packaged storable liquid propellants.

A confirmatory test of the 20mm Vehicle Rapid Fire Weapons System for the M114A-1E1 Command and Reconnaissance Vehicle was completed in Europe. The new vehicle gives scout and reconnaissance personnel added firepower.

Vigorous flight tests against both moving and stationary targets were conducted with the shoulder-fired Dragon antitank missile system. In addition to its antitank capability, the Dragon can provide assault fire against such hard-point targets as weapon emplacements and field fortifications.

Units of the new Self-Propelled Hawk missile were shipped to Europe in preparation for issue to troops. The low-altitude, all-weather Hawk system was developed to provide a highly mobile air defense capability in forward areas. The launcher tows necessary radar and equipment for system operations.

AMC continued to progress in its continuing programs to meet the Army's immediate and long-range requirements for new and improved vehicles:

The United States/Federal Republic of Germany Main Battle Tank Program is utilizing six research and development pilot models in component tests ranging from a 6,000-mile National Waterlift suspension test run to main weapon fire control testing and missile firing tests. Six additional second generation prototypes are under fabrication, incorporating lessons learned during early component testing.

A contract has been awarded for development and production of 18,000 new cargo vehicles—the XM705, 1¼-ton truck—over a three-year period. The V8-powered XM705 will be a general purpose companion vehicle to the 1¼-ton, high mobility Gama Goat. The six-wheeled Gama Goat is in the early production stages and is expected to be issued to front-line Army and Marine Corps units in the Spring of 1970.

A new model ¼-ton truck incorporating many new design features to increase the vehicles' operational safety, reliability and durability has been approved for production. The improved model features a new rear suspension system, "Deep-dish" steering wheel, "lube-for-life" suspension and steering joints, and improved lighting on front and rear. Designated the M151A2, it replaces the A1 model in the military vehicular fleet.

A program of rebuild and retrofit of M48A1 tanks to the M48A3 improved configuration for use in Vietnam was completed in FY 1969. Major improvements include a diesel engine to increase cruising range and a Xenon searchlight and an infrared fire control sighting device to improve night fighting capability.

Assembly-line output of the new M656, 8x8, 5-ton truck started during FY 1969. The M656, newly added to the Army's general purpose fleet of tactical vehicles, has been selected to support the surface-to-surface Pershing missile system.

Approval is expected soon of the contract definition phase of the Armored Reconnaissance Scout Vehicle (XM800). The concept formulation phase was completed during Fiscal 1969. The small, lightweight, lightly armored, highly mobile XM800 will replace the M114A1 in the Army inventory.

The Mechanized Infantry Combat Vehicle (MICV) is expected to enter the contract definition phase later this year. The MICV is to be lightly armored, with protected cross-country mobility. It will have a firepower capability to support the mechanized infantry squad.

The Mobile Floating Assault Bridge/Ferry, a versatile amphibious vehicle, has been tested in Europe by Seventh Army troops. In the Ohio River test, a six-unit ferry successfully transported vehicles with a total weight of 118½ tons.

The following actions accomplished during the past year indicate the wide range of activities through which AMC is contributing to the world-wide logistical support of the U.S. Armed Forces:

Expansion of Project ARMS (Army Master Delta File Reader Microfilm System), which involves transmittal of supply management data via microfilm to the Army in the field, has raised to 1,100 the number of microfilm readers in use in the program. These readers are located within Regular Army units throughout the world, as well as National Guard units, Military Assistance Advisory Groups, and friendly foreign governments. Many advantages are accruing to the U.S. Government through providing supply management data to potential customers.

A new electronic data converter system (Data Converter, Coordinated Air Defense System, AN/GSA-77) has been developed to integrate Nike Hercules and Hawk missile batteries into Air Defense Control and Coordination Centers. The system represents the first application of micro-electronic technology to this type of equipment.

AMC played an important part in regard to procurement of units for the Department of Defense standard family of electric power generator sets. The Army has been designated executive agent for fielding the sets. AMC, through coordination with the other military services and Defense Supply Agency,

reduced the number of standard engine generator sets from 69 to 46 during FY 1969.

Specific improvements in overhaul methods, including installation of electrostatic paint spray equipment and standardization of the metal cleaning process, produced savings of more than $1.25 million during FY 1969.

As of the end of FY 1969, AMC was managing 16 coproduction projects with six foreign countries and NATO. Through these projects, which cover 15 different items of military hardware, some $500 million will be spent in the United States.

Under Project SWAP, early this month battalion-sized "packages" of improved Pershing Missile equipment, known as Pershing 1-A were loaded aboard the GTS Admiral William M. Callaghan at Port Canaveral, Florida for delivery to Bremerhaven, West Germany. On arrival, it will be "swapped" for the ground support equipment of present U.S. Army Pershing Missile units. The most apparent difference in the system is a change from track-laying vehicles to a new wheeled version. Other improvements include a computerized countdown and firing system, a fault isolation capability, expanded communications, a faster rate of fire and greater reliability. When SWAP is completed the U.S. Pershing battalions will have been fully updated with modern, fast reacting ground support equipment.

During the past year, AMC continued to win more than its share of formal awards and commendations for its performance in all areas:

The Command won the FY 1968 Department of the Army Award of Honor for the best safety program in worldwide competition with other major commands. It was the third consecutive time, and the fourth in six years, that AMC has been so honored. In addition, the National Safety Council recognized AMC's safety achievements during FY 1968 with the NSC Award of Honor. It was the fifth such award in six years.

Two films produced by the Army Pictorial Center (R&D Film Reports #34, "Seeing the Unseeable" and #35, "Fluerics—Thinking with Air") were awarded top honors, "The Golden Rocket Award," in the Popular Science Film Category, at the 16th Annual International Electronics, Nuclear and Telecommunications Congress, Rome, Italy.

Industrial Management Society film awards were won again by AMC in open competition with films entered by the nation's leading industrial firms. U.S. Army Missile Command won first place for its value engineering film, "Value Management". In the methods improvement category, Sharpe Army Depot won first place for its film, "CONEX Portable Warehouse," and Frankford Arsenal (U.S. Army Munitions Command) won a second place award for the film, "Work Simplification Project 321."

AIR TRAFFIC CONTROLLERS

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

Mr. MOSS. Mr. Speaker, I have become increasingly disturbed over the actions taken by Mr. John Shaffer, Administrator of the Federal Aviation Administration, in unilaterally canceling the dues deduction agreement with the professional Air Controller Association.

Mr. Speaker, the job of an air traffic controller is not under the most ideal conditions an easy one. Under the conditions existing in many of the airports of our Nation, it is an onerous undertaking. Those conditions have caused considerable resentment on the part of the men who have devoted many years of their life to serving the Government and the traveling public.

I do not question the authority of Mr. Shaffer to take action on an individual basis against persons who have acted in flagrant disregard of Federal law or Federal personnel policies, but I question the wisdom most seriously of a man who would take action against an entire body of many because of alleged wrongdoings of a fractional percentage; I might add, a most insignificant fractional percentage of the total of the organization. I am afraid the action of Mr. Shaffer reflects the lack of adequate experience in dealing with personnel problems, and unless he learns very quickly, the Nation will reap a whirlwind of disastrous portions because of his almost naive approach to the handling of relations with the men under his jurisdiction.

To indicate the attitude of the men themselves, I enclose a copy of a petition presented by a group of 175 control personnel in the San Francisco Bay area. I would call to the attention of all Members the years of service represented and the grade levels represented by the signers of the petition. I would say the two points focus most directly upon the thorough qualifications of the men for the job they hold and their dedication to the service in which they are engaged.

The petition and the names of the signers follow:

JULY 22, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: Enclosed is a copy of a petition which was presented to Mr. John Shaffer, Administrator of the Federal Aviation Administration, on July 18, 1969, during his recent visit to the San Francisco Bay area.

Because we have been informed by various sources that you are interested in the current air traffic crisis facing the United States, we believe that you would want to be apprised of this petition. Any assistance and action toward accomplishing its purpose will be greatly appreciated.

This petition was endorsed, independent of any organization, by 175 control personnel in the San Francisco Bay area. We feel implementation of its recommendations would contribute significantly to serving the best interests of the public, and the Federal Aviation Administration's purported purpose: safe travel by aircraft.

If you are so disposed, we earnestly solicit your aid in helping us provide the *safe* service the public deserves. May we assure you, Congressman Moss, that our desire to contribute to the correction of the present and increasingly pathetic crisis, *before an air tragedy occurs,* is sincere, genuine, and urgent.

Thank you.

PETITION

To John Shaffer, Administrator, FAA.
From the undersigned.
Subject petition.
Date July 18, 1969.

SIR: The undersigned control personnel of the control facilities located in the San Francisco and adjacent areas respectfully present this petition for action by the responsible authorities.

For the purpose of clarification, be it known and thoroughly understood that this petition is not derived from the desires of any organization; rather, it is an expression of the individual controllers who have chosen to endorse it.

Recently, many controllers throughout the United States have, by various means, conveyed their personal dissatisfaction with the conditions prevailing in their profession. This discontent extends to—and beyond—consideration of remuneration, retirement age, etc. The simple point has emerged: controllers are not tranquil and contented in their working environment.

Perhaps the Federal Aviation Administration would like to know why this condition exists. The signers of this petition cannot purport to represent all controllers, but they do consider their views as representative of many personnel in other facilities.

As virtually all conscientious controllers in high-density facilities would agree, and as all persons in lesser-density facilities—at least those with a modicum of five-year foresight should agree—the air traffic control system has reached a point of near chaos under saturation traffic conditions.

Why has this situation occurred? Certainly, controllers are dedicated, hard-working individuals; they maximize the aids allocated to them; the fault is not solely theirs. Controllers are professionals dedicated to the prevention of aircraft collisions and the correspondent preservation of human life. Should the controllers fail in this task, however, the burden of responsibility must be equally borne by a management which has provided very few qualified controllers, insufficient and sporadic training, substandard equipment, inadequate procedures, and bureaucratized, unresponsive attitudes to bona fide controller needs.

The recent discontent manifested by controllers concerning this situation has resulted in a continuing investigation and harassment of the very persons directly responsible for safe travel by aircraft—the controllers. We, as controllers, protest this action and request that the inquiry be directed into the long-range area where the ultimate bottlenecks to safe and orderly aircraft movement lie, i.e., in the area of management.

We desire that the present inquiry concerning controller actions during the month of June, 1969, be redirected into this area under the proceeding guidelines:

1. All management personnel be investigated for possible mismanagement and incompetence.

2. The inquiry be impromptu and not announced.

3. Special emphasis be placed on those facility officers who have held their positions more than ten years, thereby enabling them to erect massive substructures based on semi-patronage.

This request is based on the following premises:

1. Controllers must meet their job-requirements, but management has a reciprocal responsibility to furnish an adequate environment in which to accomplish these ends.

2. Management will attempt to defend the system they have built, however inadequate it may be, and this situation must be taken into account.

Denial of this request will only worsen the present situation and further complicate future progress. This petition constitutes a desire for understanding, a plea for some semblance of rational thought on the part of the Federal Aviation Administration, and an effort to establish order in present and pending chaos.

SAN FRANCISCO AREA CONTROLLERS.
(Signatories.)

(NOTE.—This petition was endorsed by 175 Control Personnel from the Oakland A.R.T.C.C., Bay TRACON, and San Francisco Tower.)

(Signature, current G.S. grade, and length of Federal service)

Richard L. Usson, 12, 10 years.
Hersey Wright, 12, 9 years.
Richard H. Holzhauer, 12, 14 years.
Kenneth W. Barton, 12, 15 years.
Calvin W. Steel, 12, 8 years.
Joseph R. Bpe, 12, 16½ years.
Forrest E. West, 12, 13 years.
R. O. Sigrist, 12, 14 years.
Warren J. Kreach, 12, 18 years.
Terry D. Falkner, 12, 10 years.
R. S. A———, 12, 14 years.
Baysite B. Ward, 12, 14 years.
Barry C. Airey, 12, 11 years.
Douglas G. Smith, 12, 8 years.
Robert E. Beyer, 12, 14 years.
Jos. Ellingsworth, 12, 15 years.
James E. Tohey, 12, 8 years.
Robert S. Potter, 12, 12 years.
Paul Kelley, 12, 12 years.
Fred Benedict, 12, 20 years.
James D. Hosford, 12, 9 years.
Robert Borden, 12, 12 years.
Verg D. Mansgoing, 11, 2 years.
Teozil McConhachino, 12, 13 years.
Donald Wunn, 12, 14 years.
Charles A. Heath, 12, 16 years.
Robert Ega, 12, 13 years.
Harvey A. Johnson, 12, 9 years.
John E. LaPosier, 11, 5 years.
Alex C. Sala, 11, 8 years.
Gerald A. Dickson, 12, 13 years.
Jack L. Drager, 12, 19 years.
Charles O. Maky, 12, 32 years.
Roy B. Blount, 11, 6 years.
Gordon K. Trimble, 9, 4 years.
James R. Edler, 12, 6 years.
Charlotte Kositch, 12, 15 years.
William Saffay, 9, 4 years.
James T. Wille, 11, 5 years.
David E. Kemp, 12, 19 years.
Charles R. Cox, 9, 5 years.
Robert T. Meyer, 9, 10 years.
LeRoy Zerah, 12, 15 years.
Frank B. Wilwin, 11, 2 years.
Levino R. Garcia, 12, 10 years.
David Wynn, 9, 8 years.
Robert L. Lowe, 12, 14 years.
Larry W. Swanson, 9, 2 years.
D. V. Torchin, 9, 2 years.
Harvey Bieber, 12, 13 years.
J. Neyhib, 11, 1½ years.
H. J. McVeigh, 12, 2½ years.
David L. Green, 11, 10½ years.
Sid S. Solomon, 12, 18 years.
Frank R. Taylor, 12, 10 years.
Leslie E. Resur, 12, 5 years.
Jack Williams, 12, 17 years.
Joseph C. Marlitz, 12, 25 years.
Richard D. Ullan, 12, 14 years.
Bob C. Crossdall, 12, 10 years.
Larry L. Scheuffele, 11, 4 years.
Diana Bradford, 9, 2 years.
Donald G. McDonald, 12, 8 years.
John A. Driskill, 12, 16 years.
Ronald E. Manville, 12, 12 years.
Kenneth E. Anderson, 12, 10 years.
L. D. Thompson, 12, 12 years.
G. Banchems, 9, 2 years.
R. L. St. John, 12, 32 years.
Joe E. Coltrain, 12, 15 years.
Lee E. Olson, 9, 2 years.
Carroll W. Park, 12, 17 years.
Edmond A. Chadwick, 12, 10 years.
Bruce C. Butte, 9, 2½ years.
D. F. Durant, 12, 30 years.
W. L. Burns, 9, 8 years.
Richard Trewhitt, 9, 2½ years.
Frank Blaken, 9, 22 years.
Joe I. Segura, 12, 16 years.
James A. Woody, 12, 15 years.
Earl N. Sunday, 12, 22 years.
Steph L. Bradley, 12, 5 years.
Myron L. Chaman, 12, 10½ years.
James C. Heath, 12, 5 years.
Wayne L. McLaughlin, 12, 18 years.
Raymond H. McKinney, 12, 10 years.
Douglas Nultey, 9, 2½ years.
David Rolley, 12, 10 years.
Nicholas C. Davis, 12, 12 years.
Reono J. Kosa, 12, 20 years.
Floyd C. Bishop, 12, 22 years.
Gerald D. Gibson, 12, 14 years.
Rudolfo R. Lucaso, 12, 14½ years.
John F. Dodcup, 12, 14 years.
Edward DeVille, Jr., 12, 14 years.
George R. Seyboldt, 12, 16 years.
Thomas A. Hager, 12, 32 years.
William A. Denton, Jr., 12, 21 years.
Thomas L. Whiting, 12, 10 years.
Edward L. Lippman, 11, 7 years.
Glenn Tom Woods, 9, 1 year.
Cyril R. White, 9, 14 years.
W. C. Wilson, 9, 21 years.
Jeb Aston, 9, 5 years.
John D. Simpson, 9, 15 years.
Michael H. Scott, 12, 5½ years.
D. L. Warwick, 11, 21 years.
F. D. Lippman, 11, 8 years.
C. M. Olin, 9, 1½ years.
C. B. Goodnight, 9, 2½ years.
P. B. Romney, 12, 13 years.
R. F. Templeton, 12, 17½ years.
Ronald S. Ryan, 12, 14 years.
Lawrence B. Kordin, 12, 7 years.
Donald Pittman, 11, 12 years.
James McRory, 12, 10 years.
Robert Metz, 12, 10 years.
Thomas F. Kulter, 11, 5 years.
Paul L. Clements, 12, 10½ years.
Charles F. Egan, 12, 14 years.
Steve Brigham, 12, 12 years.
Harold B. Chartte, 12, 9 years.
Charles F. Afer, 12, 13 years.
George E. Gorman, 12, 28 years.
Lee C. Sterner, 12, 15 years.
Vernon J. Riske, 12, 12 years.
C. A. Flatt, 9, 5 years.
Stuart J. Dodge, 9, 3 years.
Robert G. Pohms, 9, 15 years.
Leroy C. Hilton, 11, 8½ years.
James E. Pearge, 12, 19 years.
Herrel O. Taylor, 11, 15 years.
Robert C. Weaver, 12, 16 years.
Ralph L. Skaag, 12, 14 years.
Robert N. Quik, 9, 5½ years.
William Patrick O'Brien, 12, 16 years.
R. F. Davis, 12, 16½ years.
B. Stamp, 9, 3½ years.
J. R. Coolidg, 11, 7½ years.
J. Sheltin, 12, 15 years.
John D. Conrad, 12, 13 years.
Robt. A. Knight, 11, 5 years.
John M. Coon, Jr., 9, 8 years.
Daryl J. George, 12, 13 years.
P. W. Kamtman, 12, 13 years.
Cara Sims, 12, 17 years.
Kermit Nourse, 12, 12 years.
George M. Bell, 13, 10 years.
James A. Johnston, 13, 12 years.
Wendell E. Hartley, 13, 12 years.
William F. Fitzgerald, 13, 10 years.
Harold F. Heinrich, 13, 12 years.
Roger D. Stoddard, 13, 10 years.
Robert Amelin, 13, 9 years.
William J. O'Connor, 13, 11 years.
Charles T. Henderson, 13, 9 years.
William Melech, 13, 14 years.
Guy P. Brawly, 13, 9 years.
Keith Sinclair, 13, 19 years.
James E. Gray, 13, 22 years.
Howard L. Hawkins, 12, 14 years.
Eugene Klein, 13, 19 years.
Daniel K. Martin, 11, 11 years.
Fred C. Short, 13, 10 years.
Edwin T. Newberry, 13, 15 years.
Donald R. Mullin, 13, 13 years.
L. K. Jones, 12, 10 years.
Philip Lowenstein, 12, 34 years.
R. S. Bradley, 12, 18 years.
Leon C. Grand, 12, 8 years.
Neil H. Harris, 12, 21 years.
Robert T. Paris, 12, 16 years.
Donald G. Czyllo, 12, 18 years.
Joseph Bugarlo, 12, 11 years.
Donald G. Czyllo, 12, 18 years.

RETIREMENT OF GEN. JOHN P. McCONNELL

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

Mr. ANDREWS of Alabama. Mr. Speaker, at this very hour a retirement ceremony is being held at Andrews Air Force Base on the occasion of the retirement from the Air Force of their Chief, General McConnell.

Members of our Subcommittee on Defense were invited out there, and it was with regret that we had to forgo the occasion. I had planned to go with the gentleman from Pennsylvania (Mr. FLOOD), and the gentleman from Florida (Mr. SIKES), but due to the importance of the bill on the floor at this time, which is being handled by Mr. FLOOD, it is impossible for us to be out there.

General McConnell has had a brilliant career in the military service of this country. I hope that in retirement he will find a lot of rest and happiness.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I express my appreciation to my distinguished friend from Alabama for calling to the attention of the House the outstanding service of General McConnell. I associate myself with all the gentleman from Alabama has said in commendation of that really great officer. His has been one of the most distinguished records in Air Force annals. For him, retirement is richly earned, but the Nation will greatly miss his valuable services.

I, too, regret very much that it is not possible for us to be present to pay him tribute on this occasion.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I join with my friend the gentleman from Alabama, and with my friend, the gentleman from Florida. The three of us have been on the Defense Appropriations Subcommittee since it was established 20 years ago. We have seen General McConnell come up through the ranks. We admire him and respect him. It is only because of our present duties that we cannot be with him on this occasion today.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I, too, identify myself with the fine statements made by the gentleman from Alabama and the gentleman from Florida, and the gentleman from Pennsylvania. I, too, have served for years on the Appropriations Subcommittee for Defense. There I have had the privilege of knowing General McConnell. He had a long and distinguished career, is a fine man and citizen. May I say that I planned to attend the ceremonies also. We all regret very much that we cannot be there. To

General McConnell and his family we wish the very best in the years ahead.

A CHANGE IN THE FISCAL YEAR IN THE HOUSE OF REPRESENTATIVES

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

Mr. CONABLE. Mr. Speaker, I am introducing a bill today which would change the beginning date of the fiscal year to January 1. It is a change which will enhance the efficiency of the departments and agencies and allow the Congress time to act on appropriations bills before the fiscal year begins.

We are today in a fiscal year which is 1 month old, but our delay in funding programs for this year is a tacit recognition of the impracticality of such a schedule. Since the Federal budget has grown so large in the 1960's, it is taking Congress longer each year to review department requests for funds. As a result, appropriations for Federal programs are almost never available at the beginning of the fiscal year on July 1. Only six of the 13 regular appropriations bills have been approved by the House to date and only two have been acted on by the Senate. No appropriations bill has been signed into law and appropriations for such important programs as defense, public works, and transportation have not even emerged from committees. Some time later in the fall, when the fiscal year is nearly half over, the last of the appropriations bills will be enacted and the Government agencies will know how much money they will have for the next several months. In the interest of sound administration, they should have this for the full year.

If the timetable of congressional action were followed within the framework of a January-to-December fiscal year, these agencies would be able to make firm plans and commitments for the next fiscal year in advance of its beginning date. The need for these agencies to mark time on the basis of continuing resolutions would end and a new ability to respond more quickly and flexibly to needs as they arise would take its place. We criticize these agencies for not responding faster to needs, but often they are unable to proceed for lack of a firm budget. School programs which must proceed in September are particularly handicapped by this uncertainty.

A fiscal year which begins in January would require the Government to project its plans 2 years ahead rather than 18 months as now. If the present system worked as it was intended, this would be the disadvantage it seems, but the beginning date of July 1 is a fiction. The timespan under the present system frequently lacks only a month or so of being 2 years. The real advantage of timely appropriations outweighs this largely theoretical disadvantage of longer planning time.

Another consideration is that the tax year presently runs on a calendar year basis. It would be a help to have the fiscal year coincide with this other very important financial year.

Mr. Speaker, I hope this proposal will receive the serious consideration of the Congress.

REGULATION OF SEXUALLY PROVOCATIVE MAIL

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

Mr. ERLENBORN. Mr. Speaker, obscene mail is an increasing concern to my constituents, and I expect a concern to people throughout the United States. This concern is most assuredly justified when one considers the extensive flow through the U.S. mails of so-called advertising material which can only be described as hard-core pornography.

Many bills have been introduced to stop this abuse. They are suspect, however, on constitutional grounds or are impractical from an administrative point of view. My cosponsors and I have a legislative proposal which we believe meets both of these objections. The proposal is based on an approach recently suggested by Senator BIRCH BAYH of Indiana. The cosponsors are: Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. ARENDS, Mr. CARTER, Mr. CHAMBERLAIN, Mr. COLLIER, Mr. CORBETT, Mr. DERWINSKI, Mr. DONOHUE, Mr. EDWARDS of Louisiana, Mr. FLOWERS, Mr. HAMILTON, Mr. LUKENS, Mr. MCCLORY, Mr. MCCLURE, Mr. MCEWEN, Mr. MANN, Mr. MICHEL, Mr. MOSHER, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RAILSBACK, Mr. RONAN, and Mr. SCOTT.

Our bill would stop those who would invade the privacy of the home with smut mail; and it would help parents in protecting their children from exposure to pornography.

Briefly, it would prohibit the use of the U.S. mails to send sexually provocative materials, first, to any home unless the occupant specifically asked for such materials; and second, to minors in any State having laws prohibiting dissemination of obscene materials to minors. This means 36 States and the District of Columbia.

A section-by-section analysis of our proposal, the Sexually Provocative Mail Regulation Act of 1969, is as follows:

Section 2:

1. Finding by Congress that:

U.S. mails are being utilized to exploit sexual sensationalism;

Intrusion of sexually provocative materials into the American home constitutes an unwarranted invasion of the right of privacy;

Such intrusion lessens the ability of parents to protect their minor children from harmful materials.

2. Declaration by Congress that such use of the U.S. mails is contrary to public policy and the welfare of the American people.

Section 3 Amends Chapter 51 of title 39, U.S. Code, by adding a new section which:

1. Prohibits the depositing in the U.S. mails of any sexually provocative material pertaining to nudity, sexual conduct, sexual excitement or sadomasochistic abuse:

Unless the material is *addressed* to a *person* who has *specifically indicated* his desire to receive such material;

If such material is addressed to a minor in a State having laws prohibiting dissemination of such materials to minors.

2. Prescribes notification format to be used for determining if persons on the mailing lists of dealers in sexually provocative materials wish to receive such materials.

3. Allows only *non-illustrated* notifications to be sent *only in names of individual persons or organizations.*

4. Requires senders of sexually provocative materials to remove names of minors, and individuals not wishing to receive such materials from their mailing lists.

5. Authorizes the Postmaster General to issue appropriate regulations to carry out the provisions of the section.

6. Defines the terms "nudity," "sexual conduct," "sexual excitment," "sadomasochistic abuse," and "sexually provocative materials."

7. Provides for the mailing of publications which might fall within the above definitions if such material therein constitutes only an insignificant part of the whole publication (e.g., legitmate medical encyclopedias, textbooks, etc.).

Section 4 Amends Chapter 71, title 18, U.S. Code, by adding a new section which:

Provides for fines up to $50,000 or imprisonment of up to 5 years, or both, for violations.

The bill would place the administrative workload where it belongs, that is, on the purveyor of smut material rather than on the Post Office Department or the Department of Justice.

Most importantly, this bill would immediately and constitutionally stop the flow of unsolicited, hard-core smut advertising through the U.S. mails. It would serve to enforce the police powers of the States; and it would encourage the lagging States to enact appropriate laws for the protection of minors from sexually provocative materials.

Mr. Speaker, I am sure that all Members of Congress wish to help stem the tide of unwanted pornography which is flooding our homes. I urge them to support our proposal which is being introduced today.

ACTION AGAINST PORNOGRAPHY NEEDED NOW

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

Mr. MCCLORY. Mr. Speaker, I commend the gentleman from Illinois (Mr. ERLENBORN) on his statement and his initiative. I am in full support of the bill introduced by my good friend from Illinois, and cosponsored by myself and other Members.

There is little need to advise the Members of this body of the kinds of offensive materials that are daily being mailed, unsolicited, to the homes and offices of our constituents. I have received many letters complaining of this practice and I know that other Members have received similar complaints.

The question we must all face is: Will this House finally take action to halt the practice?

Mr. Speaker, in addition to cosponsoring this bill, I had the privilege earlier this year of cosponsoring legislation proposed by the President and introduced by the distinguished ranking minority mem-

ber of the Judiciary Committee (Mr. McCULLOCH). The bill introduced today by Mr. ERLENBORN takes a somewhat different approach than that of the administration.

One of the administration proposals allows any person who does not want to receive sexually oriented advertisements through the mail, to file a statement to that effect with the Postmaster General. After 30 days, the mailing of any such sexually oriented advertisement is illegal. The bill I cosponsor today, shifts the burden to the advertiser to obtain permission of the recipient before mailing the offensive material. Further, it prohibits altogether the mailing of offensive material to minors where the minor's State of residence has a law prohibiting such dissemination. Significantly, however, the Erlenborn bill does not prohibit the mailing of sexually oriented material to persons ordering it themselves.

In the long run, this may be the best way to fight the battle of pornography. By the enactment of this bill, we would protect our young people and at the same time rely on the mature judgment of our adult citizens to decide the issue of obscenity for themselves. Those adults who are interested, are not deterred, but the vast majority of Americans will no longer be faced with unordered smut.

Mr. Speaker, I consider both of these approaches to be worthy. Of course, we are all conscious of the first amendment, protecting freedom of speech, and none of us desires to violate its provisions. However, we are also conscious of the vast disruption created in our land by unwanted pornography. As always, it is up to the Congress to find a solution that deals with society's specific needs while at the same time upholding the spirit of the Constitution.

It is my hope that speedy and thorough committee action can be taken and that this measure may be passed and approved so that the overwhelmingly majority of our constituents can be protected.

DAY OF BREAD RESOLUTION

(Mrs. MAY asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MAY. Mr. Speaker, I am pleased to introduce today with 17 cosponsors, a joint resolution designating October 28, 1969, as a Day of Bread, and the week within which it falls a Harvest Festival Week. The proposal also calls upon the President to issue annually a proclamation calling on the people of the United States to join with those of other nations to observe this Day of Bread and Harvest Festival Week with appropriate ceremonies and activities.

The purpose of these observances, Mr. Speaker, will be to give universal recognition to the role played by wheat and its products in the nourishment of mankind throughout human history. Since bread has long been symbolic of all foods, these observances will also permit us to pay tribute to their contribution in meeting the most fundamental of all human needs.

As a representative of one of the largest and most productive wheat-growing areas in the Nation—the Fourth Congressional District of Washington State—I am especially happy to have the opportunity to sponsor this proposal. I feel it is most important that the American people have a good understanding of just how much U.S. farmers have contributed to our standard of living and way of life in this country, and all over the world. If a Day of Bread were to serve no other purpose than this, it would be a most worthwhile and productive observance.

A number of other countries celebrate a Day of Bread and our efforts in the United States would be closely coordinated with them. By joining with them in these observances we can also make a positive contribution toward greater international communication and understanding.

Mr. Speaker, the American Bakers Association, the Millers' National Federation, and the National Association of Wheat Growers are to be highly commended for their active interest and enthusiastic support with regard to this proposal and a nationwide program of observance of a Day of Bread and a Harvest Festival Week which they have planned for 1969.

GEN. JOHN PAUL McCONNELL

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today to add my voice to those who have spoken of the military career of Gen. John Paul McConnell, Air Force Chief of Staff. This renowned son of Arkansas was honored with retirement ceremonies today which I know would have been attended by many, many Members of the Congress—were it not for the important legislation before the House.

But as impressive as the Andrews Air Force Base ceremonies surely were—I find it difficult, if possible at all, to pay adequate tribute to General McConnell for the service he has rendered to his country.

He was born in Booneville, in my congressional district, February 7, 1908. By the time he received his congressional appointment to West Point, John Paul McConnell had also earned a bachelor of science degree from what is now Henderson State College at Arkadelphia. He was truly a brilliant student.

He demonstrated that same brilliance in the Military Academy, from which he graduated in 1932—as first captain of the Corps of Cadets.

Lieutenant McConnell chose the Air Corps for his career, won his wings in 1933—and from then through his present assignment he held positions of increasing responsibility and importance.

President Nixon said, in part:

I am happy to participate in honoring a man whose life has been dedicated to peace, dedicated to peace even when he has had to fight in war, and dedicated to peace as he has maintained the Air Force and their strength in time of peace.

General McConnell's response reflected his constant concern for all men in the uniform of the country:

It has been my privilege to serve with many hundreds of thousands of members of all services. I believe them to be the most competent, highly motivated people upon whom any nation has ever relied for the security of its fundamental institutions and its freedoms.

Mr. President, the Air Force is prepared and will continue to discharge any responsibility required of it by our Commander-in-Chief.

We in Arkansas are proud of this man and his distinguished record.

STUDENT ANTIVIOLENCE ACT

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

Mr. CRAMER. Mr. Speaker, I introduced H.R. 11802, the Student Antiviolence Act of 1969, on June 2, 1969, with 19 cosponsors. My remarks explaining the purposes of this legislation appear in the RECORD for that date at page 14419. I am today introducing a revision of the original Student Antiviolence Act to clarify certain phases of the previous bill, to make technical corrections, and to add a provision for injunctive relief, which I believe is essential if the bill is to be effective. Injunctions have proven to be effective violence deterrents, and if a local institution in unwilling to seek injunctive relief in the courts, then in instances where it appears the rights of other students are clearly being violated, the Attorney General should have the authority to seek injunctive relief. This is similar to the injunctive authority granted the Attorney General by the Congress in numerous other acts.

While this is largely a school vacation period, the problem is going to be with us again in full force very shortly after the new college semester year starts. It is, therefore, our duty to fully recognize the past proven seriousness of this situation and to meet it squarely head on now. There have been all kinds of piecemeal approaches—with varying amendments to appropriations bills, bill by bill, and section 504 of the aid to education bill, which merely has the effect of withholding funds from students who are prosecuted and found guilty of violent activities, but there has been no effort to meet the situation head on by affording protection and relief to all students whose rights are being violated, whenever a Federal function or Federal funds are involved. This basically is the same approach used in the 1968 Antiriot Act, except that instead of providing jurisdiction through the interstate commerce clause of the Constitution, this bill extends Federal jurisdiction on the basis of the Federal funds expended at educational institutions. The right to education is a right that must be protected.

This bill further strengthens the nonviolence act by amending it as it relates

to education in that the present law is limited in its jurisdiction to crimes of violence perpetrated by the party with intent to do so—"because"—the party aggrieved is participating in a Federal program. My bill removes that almost impossible burden of proof by providing that when "any person because or while he is or has been, or in order to intimidate such person or any other person or any class of persons from, participating in or enjoying the services, facilities, privileges, or advantages of any primary, secondary, or higher educational institution, public or private, or participating in or enjoying the benefits of any educational program or activity receiving Federal financial assistance," that person is in violation of the Student Antiviolence Act.

In that it appears that the House Judiciary Committee, to which H.R. 11802 was referred on June 2, and to which this revised bill will be referred, does not intend to take up the matter, and further in that the Education and Labor Subcommittee appears to have at least temporarily abandoned its efforts to find an answer to this problem, then it is my intention to take the matter up with the House Internal Security Committee which is presently holding hearings on SDS and student violence.

This is an amendment to an existing law which deals with the subject matter of nonviolence as it relates generally to Federal programs and federally funded activities. Certainly there can be no argument that the extension of this to the violent situation in our schools, recognizing the rights of all students to be educated without forceful interference of others, is the rational, reasonable and, I think, effective approach to meeting the problem. I therefore believe this legislation merits full consideration by the Congress and that it should be passed.

As a Member of the House who served on the Judiciary Committee when the first nonviolence bills were proposed, it seems to me that this is a natural addition, and an essential one, to the present statutes outlawing violent activities against a person who is attempting to participate in a federally subsidized or supported program.

Joining me in sponsoring this legislation today are Mr. WYMAN, Mr. CLEVELAND, Mr. ROTH, Mr. KING, Mr. DEVINE, Mr. SNYDER, Mr. SCOTT, Mr. WHITEHURST, Mr. MIZELL, Mr. HARSHA, Mr. EDWARDS of Alabama, Mr. COLLINS, Mr. BOB WILSON, Mr. DUNCAN, Mr. WATSON, and Mr. BURKE of Florida.

Following is the complete text of the revised Student Antiviolence Act:

H.R. 13261

A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance and to provide for injunctive relief

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 "Student Antiviolence Act of 1969."

SEC. 2. (a) Section 245 of title 18 of the United States Code is amended by adding immediately following subsections (b)(1) the following new paragraph:

"(2) any person because or while he is or has been, or in order to intimidate such person or any other person or any class of persons from, participating in or enjoying the services, facilities, privileges or advantages of any primary, secondary, or higher educational institution, public or private, or participating in or enjoying the benefits of any educational program or activity receiving Federal financial assistance; or"

(d) Such section 245 is further amended by renumbering existing paragraphs (2) through (5), as (3) through (6) respectively, including any references thereto.

(d) Subsection (b) of such section 245 is further amended by inserting immediately after "or for life." the following: "In addition any person who violates subsection (b)(2) through the use or threatened use of any firearm or destructive device, as defined in section 921 of this title, shall be fined not more than $10,000, or imprisoned not less than one nor more than ten years, or both. This penalty shall run consecutively with any other penalty imposed as a result of violation of this section."

(e) Such section 245 is further amended by adding at the end thereof the following new subsection:

"(d) Whenever one or more persons are denied rights protected by subsection (b)(2) of this section, a complaint asserting the denial of such rights may be filed with the appropriate United States attorney. The Attorney General or the Deputy Attorney General shall prosecute in accordance with subsection (a)(1) of this section. The Attorney General or the Deputy Attorney General may proceed by his own motion without such a complaint whenever he determines that prosecution by the United States is in the public interest and necessary to secure substantial justice. In the event the Attorney General or the Deputy Attorney General determines that a violation or violations of subsection (b)(2) of this section has or have occurred and determines to proceed on his own motion, and that it is in the public interest and necessary to secure substantial justice to seek injunctive relief either in lieu of or in addition to prosecution, the Attorney General or the Deputy Attorney General is empowered to seek such relief. The Attorney General or the Deputy Attorney General is further empowered to seek injunctive relief in addition to prosecuting a complaint if the Attorney General or the Deputy Attorney General determines it is in the public interest and necessary to secure substantial justice."

BENNETT INTRODUCES CONFLICT-OF-INTEREST LAW IN COLLECTING FIELD

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

Mr. BENNETT. Mr. Speaker, I am introducing today a bill to prohibit former Federal employees who participated in a contract formulation from employment with anyone who has a direct interest in the contract for a period of 2 years.

This legislation is similar to a bill I first introduced in 1951, and which I believe is needed today more than ever.

The bill covers Federal officers and employees who participated personally and substantially during the last 2 years of employment in the granting, awarding, or administration of a contract, bid, or grant whose total value exceeds $10,000. If such an officer or employee goes to work in any capacity within 2 years after his employment with anyone who has a direct or substantial interest in the contract he was involved in, then he would be subject to a maximum fine of $10,000 and/or a maximum prison sentence of 2 years.

There are provisions on the books included in the conflict-of-interest law passed in 1962—Public Law 87-849—and in the criminal statutes prohibiting representation or selling by a former Federal official in a contract area where he previously had an interest. My bill would tighten the law, particularly in the defense contracting field.

I believe it is needed in the light of recent findings concerning the so-called military-industrial complex and the questions of overruns on contracts and the apparent lack of adequate fiscal controls in some areas of defense spending. We have had critical comment on former military and defense officials going to work for defense contractors after having worked on familiar contracts. A recent report showed that over 2,000 retired, high-ranking regular military officers—Army colonel, Navy captain, or over—are now employed by the 100 largest contractors. The total from this preliminary survey represents almost three times the number of retired military employed per company that existed 10 years ago.

In 1956, a report on the inquiry into aircraft production costs and profits stated:

The presence of retired military personnel on payrolls, fresh from the "opposite side of the desk" creates a doubtful atmosphere . . . companies whose business is so closely interwoven with the military establishment ought to lean over backward so that no suggestion of favoritism, influence, or "old school tie" could be read into their conduct.

On June 3, 1959, an amendment on a defense appropriations bill to bar funds to defense contractors hiring military general officers who had been on active duty within 5 years of the date of enactment was defeated by one vote. Only a promise of a House Armed Services Subcommittee hearing on this general problem killed the amendment. Hearings, reports, and legislation resulted from the work by the Subcommittee on Special Investigations. The bill coming from the investigation, which passed the House in 1960, was concerned primarily with those involved in sales operations. In 1962, the Federal conflict-of-interest law was passed and went into effect January 21, 1963.

While there has been substantial improvement in the conflict-of-interest law as it relates to postmilitary and defense employment, I believe stronger legislation is required.

The Association of the Bar of the City of New York, in its excellent 1960 report "Conflict of Interest and Federal Service," which helped create the 1962 conflict-of-interest law, said:

Interviews revealed a substantial body of opinion that government employees who an-

ticipate leaving their agency someday are put under an inevitable pressure to impress favorably private concerns with which they officially deal.

My bill would isolate this concern and insure proper negotiation and complete candor between contracting officers and outside companies.

There have been several cases reported recently involving former Defense Department officials who worked on contracts while they were in Government service and who now work for the companies holding those contracts.

Five Air Force officers who helped supervise a contract for missile components now are employed by the contractor of the missile program.

In a book published a decade ago, "U.S.A.—Second Class Power?" it was pointed out that many retired generals and admirals have been hired, who seem to have no qualifications for the jobs for which they are hired except that they have contacts with the Pentagon.

Although the vast majority of military personnel on active duty and retired have done and do a fine job for their country in every respect, the exceptional or unusual cases of abuses have cried out for the correction that is represented in my bill.

Mr. Speaker, I believe my legislation should be enacted promptly to relieve the possible evil and conflict-of-interest problems in Government contracting, especially with the Defense Department, which represents almost one-half of our national budget.

Government contracting and procurement officers can be consciously or unconsciously influenced in favor of a company with which there is a possibility of employment at a big salary. Retired personnel have special influence not available to the public generally with their former associates who are still in Government. And even though nothing unethical may actually transpire, there is an appearance of evil which destroys public confidence in the integrity of the Government.

The Congress should enact a clear-cut law to prohibit former Federal employees who participated in a contract from employment with anyone who has a direct interest in the contract. My bill would do this.

The bill follows:

H.R. 13260

A bill to prohibit former Federal employees who participated in a contract formulation from being employed by anyone who has a direct interest in the contract for a period of two years

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

SECTION 1. Subsection (a) of section 1 of Public Law 87-849 approved October 23, 1962 (76 Stat. 1123), pertaining to disqualification of former officers and employees in matters connected with former duties or official responsibilities, and disqualification of partners, is hereby amended by inserting after the word "responsibility" at the end of subparagraph (b) a new subparagraph (c) as follows:

"(c) Whoever, having been an officer or employee of the executive branch of the United States Government, or any independent agency of the United States, or of the District of Columbia, including a special Government employee, and who, having participated personally and substantially during the last two years of such employment as such officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in the granting, awarding, or administration of any contract, bid, grant, or procurement authorization whose total value exceeds $10,000, is employed in any capacity within two years after his employment has ceased by anyone other than the United States who has a direct and substantial interest in the contract, bid, grant, or procurement authorization in which he participated personally and substantially while so employed—".

SEC. 2. Subsection (a) of section 1 of Public Law 87-849 is hereby further amended by—

(a) striking, after the word "responsibility" at the end of the second subparagraph, the dash, and inserting in lieu thereof ", or";

(b) inserting, after the words "That nothing in subsection (a) or (b)" in the third subparagraph, the words "or (c)";

(c) striking the period after the word "employee" at the end of the third subparagraph, inserting in lieu thereof a semicolon, and inserting further the following additional proviso: "*Provided further,* That nothing in subsection (a) or (b) or (c) prevents a former officer or employee for becoming employed by an agency of any State or local government or any educational institution if the head of his former department or agency shall make a certification in writing, published in the Federal Register, that the national interest would be served by such employment, and that such former officer or employee may act as agent or attorney during such employment on any matter formerly within his official responsibility or in which he has personally and substantially participated if the certification shall so state."; and

(d) striking at the beginning of the fourth subparagraph the clause designation "(c)" and inserting in lieu thereof the clause designation "(d)".

ANNUAL DAY OF BREAD

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

Mr. SEBELIUS. Mr. Speaker, today, Congresswoman CATHERINE MAY of the State of Washington has introduced a joint resolution designating an "Annual Day of Bread" and a "Harvest Festival Week." I am most proud to be a cosponsor of this legislation.

I would like to point out that it is most fitting the Congresswoman has introduced this legislation. These observances will permit us to pay tribute to the many who contribute toward providing the most basic and fundamental food for human needs. Certainly all those connected with the wheat industry are well aware of the Honorable CATHERINE MAY'S many and exceptional contributions to the world's most important food industry—the wheat industry.

Mr. Speaker, the introduction of this legislation is most appropriate today because it corresponds with a month-long event in my home State of Kansas. The month of July was designated "Kansas Wheat Month." The sponsor of the special observance is the Kansas Wheat Commission and the cooperating groups are the Kansas Association of Wheat Growers, the Kansas Bakers Association, the Kansas Wheat Improvement Association, the Kansas Restaurant Association, and the Kansas State Board of Agriculture.

Simply put, this joint resolution and Kansas Wheat Month have much in common because they come at a time when the harvest in our Nation's largest wheat producing State is being completed.

I think that within the concept of this resolution we can hopefully see the dawn of a new world of agriculture. Perhaps our Nation's greatest contribution to world peace is our ability and capacity to produce food and our willingness to share that knowledge and bounty with our neighbors and friends.

It becomes clear that considering the future race between world population and world food supply, we must make an all-out effort that calls for a new kind of agriculture—an international undertaking to combat hunger and modernize agriculture. This joint resolution calling for this most commendable annual observance might well mark the cornerstone of that effort.

Mr. Speaker, I commend the Congresswoman for her efforts in this regard and consider it a privilege and honor to cosponsor this joint resolution calling for an "Annual Day of Bread" and a "Harvest Festival."

VOLUNTARY CONTROLS OF TEXTILE PRODUCTS BY NATION'S CABINET

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

Mr. DENT. Mr. Speaker, I just copied a short article in the Daily News Record, a Fairchild publication, dealing with the textile industry.

It is headed "Voluntary Controls of Textile Products by Nation's Cabinet Under Discussion," datelined Tokyo.

The Japanese Government agreed to send a fact-finding commission of textile experts to the United States, possibly in September to study the conditions of the U.S. textile industry and to see if U.S. demands for controls on synthetic and woolen textiles, are justified.

Mr. Speaker, for many years I have warned you that what would happen would be that these foreign countries that have expanded their activities into this country in certain lines of endeavor, would soon come to believe that they have an inherent and indefinite right and period of time in which they can ship to the United States all of the goods that they can bundle up and put over our customs wall.

I visited with a committee to Japan on three occasions, looking into their industry. I was taken into the office of a steel company, and my committee were given helmets, coats, and gloves and then we were led into a small office, the office of the superintendent of the operation, and for 45 minutes we were told about the operation on the other side of the door, but we were never allowed to go into the factory to see the operation.

I went to the Sony plant with my committee and they fed us 7 UP to show how nice they felt about American relation-

ships. They washed our hands and brows repeatedly with hot towels, and told us about their great influence and great friendship with the United States. But we never got out of that office either. I think it is an insult to the American people that they tell us whether we are justified in protecting our Nation, our jobs, and our production facilities.

Mr. Speaker, I have tried for over a dozen years to alert the Congress to the dangers inherent in our outmoded trade policies.

Apparently Members have never stopped to think about the great volume of textiles that come over the so-called long term cotton agreement barrier. The truth is that the cotton contract has been cut below 50 percent and manmade fibers are being used. This lets billions of yards of textile products come in without any restrictions.

Shoes, steel, garments, gloves, mushrooms, tomatoes, radios, televisions, and hundreds of other items are entering our market from countries all over the world from factories, many built with our aid money and many owned and operated by American corporations.

We have bargained away hundreds of thousands of jobs, billions of dollars of taxes lost to local, State, and Federal treasuries. Glass and textiles have been the scapegoats in our trade mistakes for many years.

There are in our leadership in the Nation some who promote the policy of eliminating these industries.

They name these major, basic industries amongst those they say are dispensable.

Ask the textile worker, the glass worker if they think their right to a job in their chosen field of endeavor is properly an item to trade away in order that some other man's job can be secured from exports.

I have no right as a Member of Congress nor does any other Member the right to save one man's job by bartering another man's job away.

To sell subsidized cotton in world markets we save a cotton grower's job and welfare by destroying the jobs and welfare of the textile industry.

Mr. Speaker, time does not allow a more detailed denunciation of the brazen agreement, probably negotiated through our State Department or Trade Commission giving the Japanese the right to evaluate and determine the fate of our textile industry and our jobs.

PRECEDENTS AND TRADITIONS FOR DECORUM ON THE FLOOR OF THE HOUSE

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

Mr. TALCOTT. Mr. Speaker, the hour is late and we have been extraordinarily busy the last 3 days. The time for me to present this subject seems particularly appropriate. Several colleagues, a number of my constituents, and unions have urged me to speak out. Mr. Speaker, every person elected to the U.S. House of Representatives shares the highest honor and most precious privilege of any legislator in the recorded history of man. No matter how one contemplates his position in this body, he must experience a tremendous sense of awe and a deep sense of history. A new Member quickly acquires an unbounded respect for the traditions, precedents and rules of the House, as well as an appreciation of the enormity of his responsibility to his constituents.

EVERY MEMBER ELECTED

Each Member was elected in a free election by secret ballot. No one has ever achieved membership in this House by purchase, coup, or appointment.

This House is truly the most representative legislative body in the world. Each of us directly represents his respective constituents; there are no intervening agents, principals or forces. Each of us cherishes his independence, his individuality, his representative situation; yet, by the consensus of our votes, we are a national body—one of three coordinate, coequal branches of our Federal Government.

FOUR PARLIAMENTARY OBJECTIVES

Representatives in the 90th Congress endowed us with the most complex rules of procedures of any legislative body in the world. More importantly, our distinguished predecessors have given us a comprehensive set of rules that most nearly guarantees the four objectives of a representative parliament; namely, one, the expeditious disposition of legislation; two, the right of the majority, even a slim majority, to work its will; three, the concomitant right of the minority, even a small minority, to be heard; and, four, the right of the citizens to know. We have a solemn duty to this 91st Congress and to the future Congresses to safeguard and perpetuate these noble, but absolutely essential prerequisites.

RULES OF THE HOUSE ARE VENERABLE

Much of the greatness of our House of Representatives is embodied in its formal rules and its precedents. The origin of some of our rules can be traced to representative bodies of early civilizations. The first rules of the House were adaptations of the best parliamentary law of that day. The current rules have been continuously forged by skilled parliamentary lawyers and sophisticated practical legislators. Every improvement, every refinement has been "written in blood." The compelling need for every change was skillfully debated and thoroughly deliberated before acceptance by open vote. "Change for change's sake," or just to be different, was never an objective or a practice of this legislative body.

A particular rule may occasionally seem to delay or frustrate a particular legislative objective which at the time seems urgent to one member or a small group. But our venerable and finely honed procedural system was expertly designed, and passionately preserved, to expedite and perfect legislation for all citizens.

Time is a valuable possession of any person; but time is an especially precious asset of contemporary Congressmen. Our rules must safeguard our time.

Legislation enacted by the Congress of the United States may provide for the relief of a single person—not always a citizen of the United States. Most often, however, laws enacted by the Congress affect every person in the United States, probably in perpetuity. Moreover, because of the unique position of world leadership foisted upon our Nation, every act of the Congress probably affects every inhabitant of our universe. This is more than an awesome thought; it is a sobering actuality.

LEGISLATIVE WORK IS STRENUOUS AND ABRASIVE

The importance of the legislation, the enormity of the consequences of our deliberations, the pressures of politics, the demands of our constituents and the earnestness of our convictions quite naturally arouse passions and strain tempers. The competitiveness of the professional athlete, the adversariness of the political arena and the litigiousness of the trial lawyer are common ingredients of our floor debate and committee work. Few who have never served in the House can appreciate the strenuousness of our work, the onerous demands on our time, and the mental, physical, and emotional strains which are inherent in the discharge of our duties.

If Christ's admonition to "love thy enemy" has any efficacy in any frame of reference, the Congress ought to be a near perfect situation. "Love" may be a term too prissy for some to use comfortably; and "enemy" is certainly too venomous to describe a political adversary. But respect, understanding, and good will are appropriate synonyms of love. If we cannot truly love our adversaries, we must respect, and maintain a mutual good will among our colleagues.

We representative legislators cannot properly resolve the Nation's abrasive problems without occasionally exacerbating normal human tensions. But the House cannot continue to function effectively if Members permit personal animosity or vindictiveness to distort their perspectives or to disrupt their duties.

INDIVIDUALITY OF MEMBERS IS VALUED

Members of Congress are as different from each other as their districts are different from one another. This ingredient of individualism enhances the legislative product. Congress is also a unit, "a body" whose Members are all working, perhaps not in unison, but toward the same goal—perfect Federal legislation. We must literally live and work together much of the time. Our philosophical differences, our political disagreements, our divergent approaches to problem solving, our various backgrounds, abilities, experiences, and temperaments are all understood and valued by each other. But these differences, which we respect and want to preserve, require special rules of order and personal behavior to enable us to work and to live compatibly with each other and still accomplish our legislative objectives.

A MEANING OF "COLLEAGUE"

Full explanation, trenchant questions, responsive answers, vigorous argument, thorough deliberation are all necessary to perfect legislation. The sharpness of spontaneous debate, so essential to good

legislation, can cut to the quick, irritate, embarrass, even offend Members who are otherwise friends and mutual admirers.

We must foster incisive debate, yet preserve friendships. Debates on other issues, just as important, will follow closely. Later the same day, new advocates will be realined with different adversaries, but with a constancy of purpose and continuation of mutual respect. This is the essence of that special relationship which we call "colleague"—tough contestants while debating issues, but tenacious allies in maintaining friendships.

An important characteristic of a good legislator is that he wants the debate to achieve fully its intended purpose. He insists that the issues be understood and that all points of view be properly presented. He insists that all participants in a debate be fairly treated. The legislative product is more important than the process or the performance of the debators.

Orderly procedures, well understood and conscientiously followed, improve and expedite debate and preserve friendships.

MEMBER'S RESPONSIBILITY TO THE CONGRESS

In addition to our responsibilities to perfect legislation and to continue genuine respect and friendship among our colleagues, we have a large responsibility to our constituents, to all U.S. citizens, and to the Congress itself. In our offices and our districts we can generally conduct our business and deport ourselves as individualistically as we please. But on the floor of this great Hall we become an integral part of the House, part of its great history and its proud traditions. Here, we assume a larger role—we not only represent our districts; we represent our Nation. Even without photography, radio, or television we are observed by our constituents, other citizens of the United States—and of the world. Visitors from every place on earth from all walks of life watch us from the galleries. A steady stream of political scientists and historians, domestic and foreign students and officials, observe and study our sessions because they consider the House a great and model legislative body. All may not necessarily understand the formal rules of debate or the parliamentary situation, but they do form opinions about the personal appearances and the conduct of the persons on the floor. Moreover, they talk and share their observations with others. We, therefore, have a special obligation to the Congress to not only comply with the rules of order but to maintain proper decorum.

We not only have a legislator's vote; we have a responsibility to our predecessors to preserve the parliamentary function of representative government and a duty to our successors to perpetuate the traditions and precedents.

If we can, each of us should strive continuously to improve the product and the process of our deliberations in the Chambers of the House of Representatives.

DECORUM GROUNDED IN PRECEDENTS

The formal, written rules of the House pertaining to decorum are wisely limited. Itemized, codified lists of "do's" and "do not's" would be inappropriate, restrictive, and unresponsive to necessary modification. Precedent, custom, and tradition constitute a far better mode for prescribing behavior for a continuing body of continuously changing Members in changing times.

There were 71 new Members of the 90th and 26 new Members of the 91st Congress. Some have served in their State legislatures. Rules of decorum vary widely among State legislatures. Some State legislatures degrade themselves and demean their constituents by disdaining all rules of decorum. Some State legislatures benefit greatly from proud, faithful compliance with exemplary codes of behavior.

Many freshman Members have earnestly sought some single explicit statement of the proper decorum while on the floor of the House of Representatives. Obviously the best way to learn the procedural rules and the precedents and traditions of decorum is to attend the sessions regularly and observe the conduct of respected senior Members. However, this procedure is time consuming—and, regrettably, sometimes confusing.

ABRIDGED COMPILATION OF RULES AND PRECEDENTS RELATING TO DECORUM

Principally for the benefit of new Members, I have tried to research and assemble some official statements relating to decorum on the floor. These, of course, are not my suggestions—only a compilation of what I have found in the record. I have more than considerable trepidation in presenting this report. I had hoped that some other Member, especially one far more senior, knowledgeable, and decorous than I, would have performed this service.

MOST MEMBERS DEPORT THEMSELVES PROPERLY

Any observer will be favorably impressed by the apparence and conduct of most Members on the floor. Unfortunately, the few who deport themselves improperly attract the most attention—and their behavioral lapses are exaggerated, especially by the communications media.

CHILDREN AND VISITORS

Only Members of the Congress, the House and the other body, former Members and employees are permitted on the floor while the House is in session. Small children and grandchildren are permitted to sit with their parent Member. They should never usurp the seat of a Member.

On special occasions, such as joint sessions and state of the Union addresses, certain Ambassadors, the Cabinet, the Supreme Court, and the Joint Chiefs of Staff are especially invited by the Speaker as guests of the House.

"MR. SPEAKER" IS PROPER SALUTATION

When any Member desires to speak or deliver any matter to the House, he shall arise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor, or from the Clerk's desk. (Clause 1, Rule XIV)

That rule was adopted in 1880, but it was adapted from older rules which date back to 1789.

If the House has been resolved into the Committee of the Whole House on the State of the Union then, of course, any Member seeking the floor ought to address the presiding officer as "Mr. Chairman."

Any further embellishment of the salutation "Mr. Speaker" or "Mr. Chairman" is improper and a distinct breach of the rule.

On the political campaign trail, at a public banquet or a luncheon club, or at the dozens of various gatherings held throughout our land, it may be perfectly proper for the speaker to address his audience with "Mr. Chairman, ladies and gentlemen, colleagues, distinguished guests, fellow Americans, friends" and so on and on; but such salutations are out of place and against the rules of this legislative assembly.

A salutation which is sometimes heard in addition to "Mr. Speaker" is, "Ladies and gentlemen of the House," or if in the Committee of the Whole, "Mr. Chairman, and Members of the Committee." Both of these salutations are superfluous, clearly breaches of the rules of the House and should not occur.

The rule has been reiterated many times throughout the history of this House. The Speaker is the embodiment of the entire membership. The Speaker represents the House of Representatives in its organization; by addressing the Chair, a Member addresses the entire membership of the House.

Any salutation in addition to "Mr. Speaker" or "Mr. Chairman" was considered a slight upon the Chair. This should never be done intentionally; even if no slight upon the Chair is intended, it is, nevertheless, a clear infraction of the rules.

There appears to be no question about the rule. Throughout the history of the proceedings of the House, whenever a parliamentary inquiry was made concerning this rule, the answer has been without exception to the effect that the dignified method of procedure is to address the Speaker only when the House is in session and to address the Chairman only when the House is in the Committee of the Whole and thus the Member addresses the entire membership. The rule should be followed in the interest of dignity and decorum in the proceedings of the House.

CLOSE OF SPEECHES

To conclude a speech or an address with the words, "I thank you," is not only improper, but amateurish and superfluous, since a Member of the House speaks as a matter of right after he has been recognized by the Speaker.

USE OF MICROPHONES

Rule XIV not only draws our attention to the matter of addressing "Mr. Speaker" but also to the custom of speaking from the well of the House. Obviously, the rule antedated the installation of microphones. Common courtesy, or at least a consideration of one's listeners, indicates that any Member seeking to address the House should use the microphones properly so that other Members and the Speaker may hear him clearly.

REFERENCE TO ANOTHER MEMBER IN SECOND PERSON IS FORBIDDEN

Another infraction of proper procedure, which is increasing in practice, is

the casual reference to another Member in the second person—such as "you" or "your," the use of a given name "John" or "Bill", even "Mr. Jones" or "Mrs. Smith," or by an apparently affectionate term such as" Brother Johnson." These are plain infractions of well-established parliamentary principles and against dignified procedure. There are numerous rulings to this effect.

A Member should not address his colleague in the second person. It is not proper to refer to another Member except in the prescribed manner, namely: "the gentleman from—naming his State."

It is permissible to refer to another Member as "the gentleman," but it is a preferred practice to refer to him as "the gentleman from California" or the "gentleman from Alaska."

When referring to our colleagues of the fairer sex, it is proper to address her as "the gentlewoman from Washington," or whatever State she represents. It is neither more gracious nor gallant to say "the lady from —" or "the gentlelady from —."

Naturally, when it is necessary to distinguish between two Members from the same State it is proper to say, "the gentleman from California (Mr. SMITH)" or "the gentleman from Michigan (Mr. GERALD R. FORD)." We all have the obligation to make the RECORD correct.

WALKING WHILE A MEMBER IS SPEAKING

Another rule which is violated almost daily is rule XIV, clause 7, which provides as follows:

While the Speaker is putting a question or addressing the House no Member shall walk out of or across the hall, nor, when a Member is speaking, pass between him and the Chair.

It has become a distracting habit of some Members to walk in front of another Member while he is addressing the House from a lectern here in the well of the House. Such practices are in violation of the long-established rule of this body and are a contributing cause to much of the confusion and distraction manifested on this floor every day. I have often heard our visitors in the galleries comment unfavorably about this apparent rudeness to the speaker. To walk in front of a Member who is speaking, or to walk between the Member who is speaking and his audience, is objectionable and discourteous.

We often notice Members who are aware of their discourtesy because they try to pass behind the Member speaking from the lectern, but this too distracts the Member who is speaking and in fact disturbs and obstructs the view of the Speaker. Other Members often bend down or duck as they pass between the Member speaking and the Members seated in the House. All of these feigned obsequities to courtesy are distracting to the Speaker and the Member addressing the House and certainly confusing to our visitors in the galleries. The better and courteous practice would be to cross the House floor behind the seats or to avoid the floor entirely by using the doors on either side of the Speaker's chair. Any transit of the well while another Member is addressing the House from the well is discourteous and distracting and should be avoided.

It should be remembered that when the Speaker is putting a question or addressing the House most Members want to hear the Speaker and plain courtesy to the other Members, as well as compliance with rule XIV, clause, 7, requires that no Member leave or cross the Hall.

ALL SMOKING IN THE HALL IS FORBIDDEN

Another part of clause 7 of rule XIV, which is grossly violated by a few Members, reads as follows:

During the session of the House no Member—shall smoke upon the floor of the House; and the Sergeant at Arms and Doorkeeper are charged with the strict enforcement of this clause. Neither shall any person be allowed to smoke upon the floor of the House at any time.

The rule, and purpose for the rule, is abundantly clear. There appears to be some question about what constitutes the "floor of the House." By precedent and definition, the space behind the rail is as much the floor of the House as the space in front of the Speaker's rostrum. Smoking behind the rail is smoking on the floor of the House and is equally an infraction of the rule as smoking while seated in one of the seats or standing in the well of the House. Smoking behind the rail is even more obnoxious to our visitors in the galleries.

Walking into the Chamber with a cigar or pipe held in the mouth, whether lighted or not, is an invitation for caustic criticism and disparaging remarks on the part of our constituents who visit our sessions and observe our conduct and our compliance with well-known rules of the House.

The prohibition against smoking dates from February 28, 1871. Prohibiting smoking at any time was added on January 10, 1896. When we think seriously about our rules of procedure and decorum, we can quickly and surely understand that technical compliance with the rules may not always be enough to satisfy our fellow Americans who are watching this legislative body in action.

When our constituents come to Washington, it is almost certain that they will visit the Capitol and a session of this House. Members who have served here any length of time have heard with chagrin and embarrassment the harsh criticism from visitors directed at, what appears to them, a lack of reverence, dignity, and respect for this historic Chamber. Information from doorkeepers and officials of the House indicate that hardly a day passes without some constituent complaint regarding our habits or conduct on the floor.

CARE OF SEATS AND FURNITURE

A practice as defenseless as it is objectionable is the habit of placing our shoes against or on top of the seat in front of us. This habit is a clear and distinct breach of the rules of decorum of this House or of any place where we may be a guest. It is most noticeable from the galleries and draws the sharpest criticism and adverse comment from those who visit our sessions.

We may sometimes look upon this great Hall very narrowly as a part of our "shop," but the public looks upon this great and historic edifice as their Hall and their furniture and they expect us to treat it as the furniture in a friend's living room or in the boss' office.

READING AND SIGNING MAIL IS BREACH OF ETIQUETTE

Reading newspapers or magazines on the floor when the House is in session may not violate any specific rule, but such a habit conveys to the public, and to the other Members of the House, an impression of disinterest and indifference to our legislative duties, a lack of attention to the matter under discussion on the floor, and a personal affront to our colleague addressing the House or the Committee.

The reading or signing of mail upon the floor while the House is in session is a similarly rude practice which offends Members who are participating in the debate and degrades the image of the Congress in the sight of our constituents and the public in the galleries.

The greatness of this body is inexorably eroded and degraded by violations of decorum, acts of discourtesy to each other and practices offensive to our constituents. These matters may seem small, even inconsequential, in themselves; but, cumulatively, they are destructive of the confidence and respect of the people in their Representatives and their House.

PRESERVATION OF ORDER AND DECORUM

The Speaker shall preserve order and decorum, and, in the case of any disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. The rules of the House provide the Speaker "shall preserve order and decorum"—rule 1, clause 2. The Speaker does and can set the tone of the decorum and the procedure of the House. We notice a great difference among the various Chairmen who have presided over the Committee of the Whole House on the State of the Union. Every Member could help to improve the procedure and decorum of the House and the Committee of the Whole if he would constitute himself as a committee of one to assist the Speaker and the Chairman in the discharge of their respective duties by insisting that the rules are respected and obeyed.

By reason of our membership here, each of us is endowed with tremendous power over the destiny of our Nation and the lives of its people. With that power goes a concomitant responsibility to discharge the trust reposed in us by the people. Every word we speak, every decision we render is weighted with the position we hold. Our conduct and decorum is carefully observed and evaluated.

I am certain that each of us would want every visitor to these galleries to observe in us a genuine respect for this House of Representatives and for them to take their leave, even after a brief view, with a greater respect for our conduct of the people's business, with a greater pride in American citizenship, with a greater love for our Republic, and with a greater determination to help preserve our free representative parliamentary system of government.

Our compliance with the rules of the House, our courtesy to each other, and

our decorous behavior cannot guarantee these objectives, but it can help. Our failure in these respects can hurt immeasurably.

PROPER DESIGNATION OF COMMITTEES

The proper way to designate any committee of the House is to say "the Committee on Rules," the "Committee on Appropriations." Committees should not be referred to as "the Rules Committee" or "the Appropriations Committee." If we want to maintain the dignity of the committees of the House, we ought not to refer to them in a slip-shod manner. If we do not designate our committees correctly, we cannot expect better treatment from the news media or the public.

Orderly, fair, decorous, and effective parliamentary procedures are required by many and various organizations throughout the land. The rules, procedures, and decorum of the House of Representatives are widely copied by these organizations. Our example here not only influences official and unofficial organizations and institutions in every State of our Nation, but our rules, parliamentary procedures and decorum are widely copied, purposefully or inadvertently, by free nations throughout the world.

STAND TO OBJECT

One must always stand to object to any unanimous consent request and, of course, address the Speaker before voicing the objection: "Mr. Speaker, I object."

INTERRUPTION OF MEMBER ADDRESSING THE HOUSE

Anyone who wishes to interrupt a Member who has the floor should always rise and first address the Chair—"Mr. Speaker, will the gentleman yield?" In this respect, we oftentimes lapse into bad practices and discourtesies. Sometimes we make a quick verbal thrust in the middle of a sentence before the Member having the floor has had a chance to finish his thought—we just say, "Will the gentleman yield?" Some have been even more discourteous by interrupting without receiving recognition by the Chair or permission from the Member having the floor. Only the Member having the floor can yield to another Member; neither the Speaker nor a Member who may be addressing the House by leave of the Member having the floor may yield the floor. Any interruption of another Member should always be done courteously and always first by addressing the Chair, "Mr. Speaker, will the gentleman yield?"

If a Member having the floor yields for an interruption, the remarks of the Member yielded to must appear in the RECORD, but if the Member having the floor declines to yield, he may strike from copy for the RECORD the remarks so interjected—section 2465 of Hind's.

AUDIBLE CONVERSATIONS SHOULD BE AVOIDED

Other practices have been prescribed by an interpretation of the rules or by precedent. These may be of interest to those who sincerely desire to preserve the traditions of the House and to enhance the image of our proceedings. It is not good manners to, and we should not, engage in prolonged or audible conversation when someone else has the floor.

ETIQUETTE OF DRESS

If one breach of etiquette is tolerated by one Member, why should any etiquette be observed by others? The attire of the Members while on the floor is most important to the impression we project and the attitude we assume toward our representative parliamentary function. Although at one time it was considered to be beneath the dignity of the place to appear in anything but quite formal attire, the House long ago abandoned any regimen of special dress. Nonetheless, and in spite of widely individualistic taste and experimentation in wearing apparel by Members while in their home districts or while off the floor, the wearing of hats or sport clothes on the floor of the House is still considered either contrary to the formal rules of the House or a violation of longstanding unwritten rules of decorum for Members. Dark business suits—not bright colors, plaids, or sport clothes—plain, light-colored shirts; and dark single-colored shoes are prescribed for both summer and winter. There are many ways that we can attract the attention of the news media or our constituents in the gallery other than by wearing gaudy or casual clothes or behaving in a raucous or peculiar manner. Attire that is acceptable for folk dancing, sailing, or the horseraces may not be suitable for a session of the House.

We properly require high standards of dress and decorum of our employees, including committee staffs and pages. We should require no higher standards of our employees than we demand of ourselves.

Our constituents and the gentlemen representing the mass media know that adequate facilities have been provided for us immediately off the floor for the purpose of eating, reading, smoking, signing mail, talking, and meeting with constituents or visitors. As a courtesy to our colleagues who are engaged in the debate or who are anxious to hear and understand, and to enhance rather than mar the image of the Congress in the eyes of the public and the media, we ought not to eat, chew, sleep, read newspapers or magazines, sign mail, or try to communicate with the galleries by shouting, facial gestures, or arm and hand semaphores while the House is in session.

Members may not remain near the Clerk's desk during a vote. This practice of herding is contrary to the rules—see volume VI, section 190, Cannon's Precedents—it is distracting to the tally clerks and delays the vote; it gives the appearance of disorderliness to the galleries.

MISCELLANEOUS RULES RELATING TO PERSONAL REFERENCES DURING DEBATE

In debate, one Member should not even mildly impute the motives or intentionally misrepresent another Member—volume V, sections 5132 to 5138, Hind's Precedents.

It is unparliamentary and censurable for one Member in debate to declare that another Member has knowingly stated that which is false—volume II, section 1305, Hind's Precedents.

Language tending to hold a Member up to contempt is not in order in debate—Cannon's, volume VIII, section 2527.

It is not in order to cast reflections on either the House or its membership or its decisions, whether present or past—volume V, sections 5132 to 5138, Hind's Precedents.

It is a breach of order to reflect upon or to refer invidiously to the decisions of present or former Speakers. Cannon's, volume VIII, section 2531.

THIS IS THE PEOPLE'S HOUSE

Here in the House of Representatives, the people speak and hear their voices spoken. This is their forum, established by their forefathers as well as ours. This is their House of Representatives as well as ours. This is their furniture, furnishings, and works of art as well as ours.

Our behavior and decorum represents them as truly as our legislation.

We not only have an obligation to maintain the great traditions of this House, but we have a contemporary responsibility to comply with the rules and to present an image of behavior and decorum commensurate with our positions.

In an era when each of us has cried out for "law and order" or "justice and order under law," we, too, must make a special effort to comply with the known rules, and to strive to set high standards of decorum as a guide to other legislators and as proof that we want to maintain the confidence of the American citizen in our system of representative self-government.

WE MUST STRIVE TO MEASURE UP TO THIS GREAT PLACE

For those who think my suggestions may be picayune, I recall that when Thomas Jefferson came to write his famous parliamentary manual, he prefaced that great work with a classic axiom by one of the noted parliamentarians of the British House of Commons of a preceding generation to the effect that "careful and scrupulous adherence to orthodox rules of procedure was requisite to the maintenance of parliamentary etiquette and was especially necessary to the protection of the minority and the efficiency of successful majorities." Although this statement reaches back several hundred years, it is still one of the fundamental principles underlying applied procedure in every legislative assembly in the world today.

Mr. Speaker, our Capital is distinguished in many ways. It is the center of our Federal Government. It is the heartbeat of the world. Washington, D.C., is a magnificent city with majestic proportions, with wide tree-lined boulevards, expansive parks, impressive statues and monuments, thrilling sights, and the home of numerous American institutions. Most of the historic and popular sites in Washington are natural places or manmade structures—the Washington Monument, the Lincoln Memorial, the Smithsonian Institution, the Library of Congress, Arlington National Cemetery. They are beautiful, historic, and symbolic.

The House of Representatives, together with the other body, is also historic and symbolic. But it is alive, dynamic—here there is action. Here the diverse people of the United States are brought together.

Here there is history and tradition; here there is foresight and progress. Here many of the great voices of our future may speak. Here is the essence of representative government; here is the soul of our national life; here is the tenor of our national spirit; here is the standard of our Nation's compliance with law and the obedience to authority. Here is the hope for our Nation's future. I trust that we may preserve the influence and the labor of those who preceded us. I trust that we can safeguard this institution for those who succeed us. It would be my hope that we could make this House a beacon for other legislative assemblies throughout our Nation and our world.

National character without reverence for place, law and authority is analogous to a fireside without proper consideration for our guests. If proper decorum is disregarded by us, we will deface our image and impoverish our position in the eyes and minds of those who observe us and those we represent. The very stability and acceptability of our legislative acts may be threatened or enhanced by our conduct and behavior here.

Only a few of us, certainly not I, are entirely blameless of breaking the rules of the House or violating the proprieties of decorum. In an unguarded or thoughtless moment, we all have broken the written and traditional codes of conduct for this House. The penalties we pay for violating the proprieties of this body may be greater than we presently imagine. Here, as well as in any society, the loss of respect, the loss of prestige, the loss of faith and confidence, the unfavorable impressions, the adverse criticisms can all contribute to a gradual deterioration of self-government by a free people.

Mr. Speaker, I have recited numerous specific rules pertaining to procedure on the floor of the House and various traditions and precedents pertaining to conduct and decorum, but actually all of these rules and precedents are unnecessary. To paraphrase Robert E. Lee, American citizens expect their representatives in the Congress to be gentlemen—this is the essence of all the rules, I suppose. A gentleman, by definition, is considerate of place, purpose and people. Nevertheless, I trust it has been helpful to reiterate some of the rules and traditions which are part of our heritage and part of the traditions of this great body.

Mr. Speaker, I reiterate that a number of Members from both sides of the invisible center aisle have importuned me to make this study and presentation. I have done it with trepidation and humility as I have the greatest pride in the venerable traditions of this great House, as well as the highest respect for the individual Members of this body. I had hoped that some other Member or Members, more serious, knowledgeable, and decorous than I, would perform this task. For their individual reasons, others declined but each insisted that I proceed. I hope my presentation is helpful to the Members, employees of the House, and our guests in the galleries. I cordially invite other Members to revise or extend my remarks today or at some future time on this subject.

THE DEVELOPING SENTIMENT FOR A RENEWED ESCALATION OF THE VIETNAM WAR

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

Mr. TUNNEY. Mr. Speaker, all Americans realize that achieving peace in Vietnam will be an arduous task which will require patient and dispassionate as well as timely and decisive action. Unfortunately, there is fresh evidence of an emotional response to the problems achieving peace which may well undermine future peace efforts.

California Senator ALAN CRANSTON warned last week that a block of influential Republican Senators are encouraging the sentiment for a renewed escalation of the war. One of the most strident of these Senate advocates of returning to the disastrous policy of escalation is GEORGE MURPHY, who:

First, believes the United States can still win the war militarily;

Second, believes it was a mistake to stop the bombing of North Vietnam; and

Third, has advocated the adoption of a renewed military escalation of the war, if the Paris talks do not produce quick results.

This kind of emotional reaction to the difficult challenge of achieving peace is so obviously uninformed and out of touch with the feelings of Californians and indeed all Americans that it would be brushed aside if it had not come from a U.S. Senator, especially one whose views are shared by such other influential Republicans as STROM THURMOND and JOHN TOWER.

This is a group which has consistently opposed efforts to achieve peace in Vietnam and have felt that America's agony in the war requires our following the illusion of a military victory. Past efforts of escalation have led us further into the quagmire of Vietnam. Deescalation and political accommodation is our best hope of getting out of this tragic conflict. Those who advocate renewed escalation are asking that our present agony be compounded and our prospects for achieving peace be diminished.

Nothing could be more hollow as a threat to Hanoi than the threat of renewed bombing and escalation. They have absorbed at least as much bombardment as all our enemies in World War II and there is no indication that their will has been or can be broken by bombing.

What do we have to show for the bombing? There are about 600 brave American pilots in captivity in Hanoi. One of them is Lieutenant Alvarez of San Jose, Calif., who has been in captivity since August 1964. This is the longest that any American has ever been a prisoner of war in any war in our history.

We have also succeeded in strengthening the determination of the North Vietnamese to continue to resist.

Those who bow to their emotions in advocating a renewed military escalation of the war do a disservice to the country and offer a leadership that clearly will not be followed.

THE NATIONAL GAME

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

Mr. FEIGHAN. Mr. Speaker, professional baseball this year is celebrating its centennial, which reached its pinnacle here in Washington when the American League all stars played the National League all stars at Kennedy Stadium, Wednesday afternoon, July 23—the night after a great centennial dinner celebration at which baseball and many of its friends honored the greatest players who ever played in the major leagues.

This centennial year serves to remind us that at the age of 100 years, our national pastime is a lusty, progressive, and growing sport which well deserves its recognition as first among all the great team sports which bring so much enjoyment to people all over the world.

In this centennial year the major leagues expanded their membership from 20 to 24 teams, thus capping an exciting decade of growth which has seen the major leagues grow from 16 teams in 10 northeastern cities to 24 teams serving 22 great communities from coast to coast—from Minnesota to Texas—and including that beautiful metropolis in our northern neighbor, Montreal, Canada.

Under the progressive leadership of a youthful new commissioner, Bowie Kuhn, the major leagues continue to streamline their operations. One of the interesting developments of this centennial year is the revolutionary division of each major league into two six-club divisions, which has added immensely to the zest and excitement of the pennant races. There are, in effect, four pennant races now instead of two. The divisional winners will meet in a three-game series at the end of the season to determine which one will represent its league in the World Series.

This new dimension in the major league races is adding new appeal to the already tremendous interest Americans have in baseball. Last year the major league drew more than 23 million fans, and they are well on their way to setting a new record this year.

But paid attendance figures for the major leagues, impressive though they may be, do not begin to tell the story of the intense interest with which Americans follow the game of baseball. Each year, more than 10 million more fans pay their way to watch the splendid baseball played in 153 cities in the United States, Mexico, and Canada by minor league teams.

But these figures pale into insignificance when we consider the vast audience which listens to baseball games on radio and watch it on television. The number of listeners and viewers to each game, multiplied by the number of games played, mounts into the billions. More than 400 million viewers, for in-

stance, watched the seven games of the exciting 1968 World Series, when the Detroit Tigers made such a spectacular comeback to beat the St. Louis Cardinals for the championship.

More than 80 million persons watched on their television screens the stirring action of the all-star game.

Despite this great and growing prosperity, the men who lead baseball are always alert to maintain the exquisite balance between offense and defense which is one of the great charms of baseball. When the pitchers threatened to turn hitting into a lost art last year, the rulemakers acted swiftly and wisely to bring the game back into balance. The height of pitching mounds was reduced from 15 inches to 10, and the strike zone was reduced substantially. The result has been dramatic. If 1968 was the year of the pitcher, 1969 may go down in history as the year of the slugger. Men like the mighty Frank Howard of our Washington Senators, the exciting young Reggie Jackson of Oakland, and powerful Willie McCovey of San Francisco are leading an assault which has stirred excitement and interest everywhere.

And when I say everywhere, I do not mean just everywhere in the United States or even in Canada. Interest in our major leagues is worldwide. The World Series, and the all-star game, are followed with breathless interest in Mexico, in the Caribbean countries, in South America, in Holland, Spain and Italy, and most especially in Japan.

Baseball is one of our Nation's great ambassadors to other lands. Our national game has become the national game of Japan, of Mexico, of Venezuela, and the Caribbean islands. In all of them, it is played professionally with great skill and before huge crowds.

It is played on an amateur basis, on a constantly increasing scale of skill and participation, in Holland, South Africa, Australia, Italy, Spain, Korea, and the Philippines. Even in Cuba, baseball retains its popularity with boys and young men, and the results of major league games are a matter of vital interest to all who can listen to the radio broadcasts from the United States.

The tremendous interest in major league baseball reflects the fact that baseball is a vital part of every American's childhood and adolescence. Rare indeed is the American boy who has not played baseball.

More boys and young men are playing amateur baseball today than at any time in history. It is estimated that more than 4 million youngsters will play baseball in organized programs this summer.

Thanks to the unselfish volunteer activity of three-quarters of a million adults who donate their time and skills to supervising and sponsoring amateur baseball, these programs provide a healthful and wholesome recreational activity throughout the long, hot summer months.

These programs provide supervised league play at every age level from 9 to 21, and make a significant contribution to the mental, physical and emotional welfare of our young people.

Baseball is everybody's game—the American pastime. It is a game so simple that a 10-year-old can play it acceptably; and yet so incredibly difficult that the greatest athletes have never completely mastered it. The extraordinary appeal of baseball and our national fascination with major league baseball is based simply on the game itself.

Unknowing people sometimes complain that "nothing happens" in a baseball game. Innings pass, teams change sides, yet no one scores or appears to come close to it. This, of course, is far from the truth. It is only the fantastic ease with which a big league team completes the plays that makes it appear, when a good pitcher is working, that it will never be scored on. Yet disaster, as every player and every knowing fan knows, waits on every pitch, and can descend with appalling violence and speed. A pitcher can be working beautifully after six perfect innings, and then find himself, in the space of 4 minutes, on his way to the showers. A scratch hit, a bit of bad luck, an adverse call on a close pitch and a hit ball which just eludes the fingers of a racing outfielder, and the pitcher is done; his team defeated.

Here in its purest form is the drama, the perfection of baseball. Action and tragedy, defeat and triumph, are suddenly enacted against a background of apparent safety and invulnerability.

The more you analyze this splendid game, the more wonderful it becomes. Nothing in baseball is left to chance; nothing is slipshod. Although baseball is played outdoors, in an area so large that the contestants are dwarfed, every movement in a game can be and is measured against a standard of absolute perfection. If a runner gets on base, it is because he has either clearly earned it by a hit, or else because somebody has made a mistake—an error or a walk. And this is written down; records are kept.

The exactitude of the game is responsible for its endless statistics; the skill of a player can be precisely measured in his batting average, his runs batted in, his earned-run average. This all-pervading neatness in what should be, by all appearances, a sprawling, disjointed game, extends everywhere on the playing field. Almost never is there a baseball play which cannot be seen and instantly understood by everyone in the park; almost never does the baseball fan have to ask, "What happened?"

In this centennial year, and in every year, baseball remains the sport of America.

Mr. HAYS. Mr. Speaker, professional baseball, first and still the greatest of all team sports, is celebrating its centennial this year—a celebration which reached its climax here in Washington on July 21 and 22, when baseball and its friends joined in a great centennial dinner to honor the greatest players ever on July 21, and the American and National Leagues' greatest players met in the annual all-star game at Robert F. Kennedy Stadium the evening of July 22.

I take pride in the fact that this great game had its origin in Ohio, where the first professional sports team, the 1869 Cincinnati Red Stockings, set a baseball record that never will be equaled by winning 65 games without a defeat.

Ever since that beginning, Ohio has played a large and significant role in baseball.

Cincinnati was a charter member of the National League when it was organized in 1876, and Cleveland was a charter member of the American League when it was formed in 1900.

Cincinnati has been a proud member of the National League. Four times our battling Reds have won the National League championship, and in 1919 and 1940 they went on to win the world's championship.

The Cleveland Indians have won the American League championship three times, and twice, in 1920 and 1948, went on to win the world series.

It is men who make baseball great, and the annals of baseball are studded with illustrious names from the great State of Ohio.

Cy Young, the greatest baseball pitcher of all time, was born and spent his life in Tuscarawas County, and he won 268 of his amazing lifetime total of 511 major league victories for the Cleveland Indians.

Eppa Rixey, one of the great southpaw pitchers of all time, and like Young a member of Baseball's Hall of Fame, gained his fame pitching for the Cincinnati Reds, as did the incomparable "Bucky" Walters, who pitched the Reds to championships in 1939 and 1940.

Bobby Feller, the Hall of Famer with the blistering fast ball and unhittable curve, spent his entire pitching career with the Cleveland Indians, and still is an honored citizen of our State.

Tris Speaker, that nonpareil of center fielders, and Napoleon Lajoie, the epitome of grace at second base, reached the pinnacle of their careers with Cleveland. So also, Eddie Roush, still able and willing to play baseball at the age of 76, spent his greatest years with the Cincinnati Reds.

It was in Cleveland too that that grand old man, Satchel Paige, got his first opportunity to pitch in the major leagues.

Ohio has contributed hundreds of players to major league teams elsewhere, including such great ones as Hall of Famers George Sisler, Roger Bresnahan, Ed Delahanty, Elmer Flick, and Buck Ewing.

One cannot help wonder how the history of our national game might have been changed had it not been for such sons of the Buckeye State as Ban Johnson, founder of the American League; Kenesaw M. Landis, first commissioner of baseball; Miller Huggins, one of the alltime great managers; and the game's most creative genius of all time, Branch Wesley Rickey. Each one of these native sons of Ohio is enshrined in the Baseball Hall of Fame at Cooperstown.

Throughout the years Ohio has been the home of many great minor league teams too, and at this moment the fine teams from Toledo and Columbus are battling for the pennant in the International League.

Ohio has always been famous for its amateur baseball programs. We are proud that the American Amateur Baseball Congress, first of the fine youth baseball programs, has its headquarters in Akron, Ohio. Ohio's high school baseball championship tournament is renowned throughout the land as the best of its kind.

Baseball has always been an important sport in the colleges of Ohio, and Ohio

State University, under the leadership of that grand old coach, Marty Karow, has gone to the college world series at Omaha four times, and won the college championship in 1966.

Baseball is an integral part of life in Ohio, and Ohio has made contributions to professional baseball probably greater than those of any other State in the Union.

Mr. BURKE of Massachusetts. Mr. Speaker, baseball is more than a game.

Major league baseball has provided wholesome recreation and happiness to hundreds of millions of Americans, but the major league clubs have also made substantial contributions to the welfare of the community throughout the years.

One of the most important of these contributions is the generous program of free admissions given to young people, senior citizens, servicemen, the physically handicapped, and various groups of public servants.

Last year the 20 major league clubs gave away 3,867,965 free admissions to their baseball games. By far the greatest number went to youngsters. The clubs entertained 2,320,000 children and teenagers and nonpaying guests. Underprivileged children from the inner cities made up a large percentage of these admissions, and the rest went to young people as a reward to their contribution to the community as safety patrols, workers in charity drives, junior firefighters, honor students, and membership in constructive groups such as the Boy Scouts and Girl Scouts.

In addition to giving away their tickets, most of the big league ball clubs each year play in an exhibition game for the benefit of youth programs in the community. The New York Yankees and the New York Mets meet each year in the Mayor's Cup game which raises more than $60,000 annually for youth welfare programs in the metropolis. The Chicago Cubs and White Sox meet each year in a game which has raised more than $400,000 for health and recreation programs since 1952. All the other clubs are involved in similar programs.

And in the off season, the major league ballplayers and club officers and employees give much of their time to working with young people, and to visiting hospitals and military installations.

Each year, at the end of the season, a group of major leaguers visits our boys in Vietnam, and another group tours military hospitals in other parts of the world.

In its centennial year, we salute baseball as a good citizen.

Mr. CLANCY. Mr. Speaker, professional team sports are so much a part of our life, not only in the United States, but throughout the world, that it is hard to realize that it all began only 100 years ago, with a little band of 10 men in Cincinnati, Ohio.

The Cincinnati Red Stockings, first professional baseball team, were the progenitors of all the hundreds of professional leagues in all sports today.

Baseball, a popular game in the United States from the days of the American Revolution, began to take organized form after Alexander Cartwright drew up the first nationally accepted set of rules for the New York Knickerbockers in 1845.

After the Civil War, amateur baseball teams sprang up everywhere in the country, and as the game grew in popularity, all the inevitable evils of amateurism began to create dissension. Complaints of proselytizing and undercover payments to amateurs were rife.

Aaron B. Champion, president of the Red Stockings, hit upon a solution—the formation of an honestly professional team. He hired Harry Wright as manager, and hired nine other players who proceeded to set a winning record which has never been equaled. Touring from coast to coast and taking on all comers, the Red Stockings won 65 games without defeat.

Would you like to know the names of that pioneer group? Here they are: Harry Wright, manager and center fielder; Asa Brainard, pitcher, and the only pitcher; Douglas Allison, catcher; Charles Gould, first baseman; Charles Sweasy, second baseman; Fred Waterman, third baseman; George Wright, shortstop; Andrew Leonard, left fielder; Calvin McVey, right fielder; and Richard Hurley, substitute.

Harry Wright, as manager, was paid $1,200 for the season, and his brother, Shortstop George, got $1,400. Other salaries ranged from $600 to $1,100, and the total payroll for the season was $9,400. The minimum salary for a player on a 25-man major league roster today is $10,000.

The Cincinnati immortals pioneered in fashion, too. Baseball players had traditionally worn cricket uniforms, with long white trousers, but George Allard, one of the Red Stockings directors, designed a new baseball uniform, not too unlike that which still is worn.

Despite their sensational record on the field, the first professional team did not make its backers rich. Gate receipts were $29,726.26, salaries and expenses came to $29,724.87, leaving a net profit of $1.39 for baseball's—and sport's—first professional team.

Nonetheless, Aaron Champion, president of the Red Stockings, said proudly at the end of the season:

I would rather be president of the Red Stockings than be President Ulysses Grant of the United States.

The success of of the Red Stockings spurred the formation of many professional teams, and 2 years later, in 1871, the first professional league, the nine-team National Association, was organized.

The Red Stockings continued their incredible victory march in 1870 until June 14, when they lost an 8 to 7 decision to the Atlantics of Brooklyn, N.Y., after winning 130 straight games. Truly a record never to be approached again.

Mr. UDALL. Mr. Speaker, as one who has gained some infamy in these halls for his dabblings in partisan baseball, I am happy to lend my insights and experienced voice to this tribute to professional baseball. I am particularly pleased to note, with all due humility, on this centennial occasion that professional baseball's most promising young stars come from my home State of Arizona.

It wasn't always that way. A year before the first professional baseball team was even organized, Harvard University was the goliath of baseball, champion of the world, and no one would dispute its claim. Well, at Harvard they are doing other things now, and the two Arizona universities are America's best.

The University of Arizona and Arizona State University have in recent years fielded some of the best college teams in memory. Under the tutelage of the late and beloved J. F. "Pop" McKale and now under Frank Sancet, University of Arizona teams have consistently been in the running for the national title. More often than not, their rivals came from Arizona State University under Coach Bobby Winkles.

Just last month the great ASU Sun Devils won the College World Series for the third time in the last 5 years, and four of its members have entered professional baseball. Tradition indicates they will make it to the majors in very short order, as have fellow alumni Sal Bando and Reggie Jackson who play for the Oakland A's and recently starred for the American League all-star team. The University of Arizona is represented here in Washington, I might add, by Dave Baldwin, who pitches for the Senators.

Mr. Speaker, Arizona is proud of its baseball champions, and we feel the major leagues are fortunate to have this mine of future gold.

Mr. PATMAN. Mr. Speaker, it is a pleasure to join with the gentleman from Arizona in congratulating the fine Arizona State University and the University of Arizona baseball teams. However, I would like to recognize another college team in the Southwest that is capable, I believe, of giving even these schools a serious challenge. The Panola College Ponies, young ballplayers of wonderful talent from Carthage, Tex., recently brought great honor to themselves, their school, and their fine "winningest" coach, Bill D. Griffin, by becoming the junior college champions of the United States in Grand Junction, Colo.

These aggressive players fought their way back from an almost disastrous semifinal setback to become the outstanding team in the Nation. We in Texas are justifiably proud of Panola's exceptional accomplishment since this honor was won over 443 other junior colleges that fielded teams this year.

It is indeed noteworthy that although only 167 junior colleges supported baseball teams in 1961, just 8 years later, we find that an additional 276 teams have joined this fine sport.

When I first took an active interest in baseball, together with the companions of my youth, back in Cass County, Tex., the game was not quite so orderly, the facilities could be described as skimpy, and it was not so much a spectator sport because every young fellow took his turn at being a player, and I would not be surprised if at times there were more than nine players on a side. But that was a good 60 years ago, give or take a few years, a period during which baseball be-

came a highly organized game, as exciting for the onlookers as it was then for the sandlot players in Texas.

And having recently traveled out to the R. F. K. Stadium here in Washington I am firmly convinced that baseball is experiencing a mighty resurgence of interest. Personally, I never expect to see a player who will mean as much to me as Babe Ruth or Ty Cobb, and that latecomer, Joe DiMaggio, but it is also apparent that today's youth are in equal measure, fans of Willie Mays and Denny McLain.

Mr. Speaker, I respect the sentiment expressed by my good friend from Arizona, I admire the fine teams from his great State, but here today I would like to salute the indomitable practitioners of this great American sport in deep east Texas, the victorious Ponies of Panola College.

Mr. AYRES. Mr. Speaker, as we join in a salute to professional baseball's centennial, I think we should not forget the tremendous contribution to American life that is being made by the organized amateur baseball programs in this country.

Major league baseball has brought joy and excitement to hundreds of millions of Americans, and has offered thousands of young men an opportunity to gain fame and economic security. But our youth baseball programs are one of the most effective tools in fighting juvenile delinquency and in teaching young Americans the old-fashioned virtues of discipline, teamwork, and adherence to a code of rules.

Organized youth baseball gives millions of boys and young men a continuing interest through the long summer months when other boys find that idleness breeds mischief.

Sandlot baseball, as we used to know it, is fast disappearing, as the vacant lots on which neighborhood groups used to play their informal games have been covered with brick and concrete.

But more boys are playing baseball today than ever before in history, thanks to the vision and dedication of the youth programs which offer organized team play leading to State and National championships to our young people.

Almost 4 million youngsters take part in these programs, and there would be more if money was available to provide playing fields and equipment.

Each of these programs is spearheaded by a small band of dedicated administrators, but they exist only because of the devotion and self-sacrifice of hundreds of thousands of volunteer workers who raise funds, supervise the leagues, coach and supervise the boys, and do the thousand things that must be done to keep a program viable.

Baseball is unique in having this army of volunteers to keep the sport alive and growing. All other sports are sponsored and directed almost 100 percent by professional coaches in the high schools and colleges. The schools sponsor and teach baseball too—in 13,500 high schools, 971 colleges, and 443 junior colleges. But because of the nature of the game and its summer season, the school and college baseball players come from what we still call the sandlots, and play most of their baseball in the summer youth programs.

I would call your attention especially to the following fine youth programs:

The American Legion, whose posts sponsor highly competitive teams for 16- to 18-year-olds. More than 52 percent of the United States boys playing in the major leagues today are graduates of American Legion Baseball;

The American Amateur Baseball Congress is oldest of the youth baseball programs. Headquartered in Akron, Ohio, the Congress sponsors baseball in the Connie Mack Leagues for 16- to 17-year-olds, and in Stan Musial Leagues for older boys and men;

Babe Ruth Baseball, headquartered in Trenton, N.J., which provides a splendid baseball program for boys in the 15- to 16-year-old age level;

Boys Baseball, Inc., with headquarters in Washington, Pa., whose Pony, Colt, and Bronco Leagues offer competition on an advancing scale for boys from 12 to 17.

Little League Baseball, located at Williamsport, Pa., in which almost 2 million boys will compete this summer. Almost every American boy with any athletic ambition will have an opportunity to play Little League baseball if the program continues its phenomenal growth of recent years.

There are other worthy youth programs which sponsor baseball on a regional and local level.

As we salute professional baseball's great centennial, let us pay tribute also to the youngsters and the devoted volunteers in the youth baseball programs of America.

Mr. KUYKENDALL. Mr. Speaker, any discussion concerning baseball's 100th anniversary would not be complete without at least some mention of the American Legion baseball program. This program is active in every State of the Union, and I am proud to say that American Legion Post No. 1 of Memphis is the national champion by virtue of its victory in the national tournament at Manchester, N.H., last September.

Under our driving little coach, Tony Gagliano, Memphis won 52 out of 57 games last summer, including 22 in tournament play.

And though the two top pitchers on that team are now playing professional baseball, Memphis plans to make a strong bid for a repeat championship this year. Don Castle, Memphis' No. 1 pitcher and hitter in 1968, was No. 1 draft choice of our Washington Senators, and Ross Grimsley, another outstanding pitcher, has signed with the Cincinnati Reds.

Winning the American Legion championship is not an easy task. Every American Legion post team is a picked group of the best players in its community, and there are more than 2,800 of them. To finish on top in that select group is an honor of which to be proud, and we in Tennessee are proud of our Memphis boys.

American Legion baseball stands at the top of the Nation's competitive youth baseball programs. More than 52 percent of native-born Americans in the major leagues today are alumni of the American Legion program.

Since 1928, the major leagues of professional baseball have made substantial contributions to the Legion tournament program. They presently make a $75,000 grant to the program.

The association between baseball and the American Legion is surely one of the happy relationships in American culture. The Legion is devoted to perpetuating the ideals of patriotism, devotion to duty, and a disciplined approach to manhood. And baseball, the national pastime of the United States, always tries to instill these virtues in its players.

Mr. TAFT. Mr. Speaker, I am pleased to join in congratulating professional baseball on its 100th anniversary. I am also pleased to advise the House that the post office will issue a commemorative stamp in honor of this anniversary. Postmaster General Blount has informed me that the 6-cent stamp will be issued toward the end of the 1969 baseball season in Cincinnati where the first professional team, the Red Stockings, was organized in 1869.

While Cincinnati was the home base for the Red Stockings, the team toured almost 12,000 miles from Massachusetts to California in their spectacular 1869 season and succeeded in popularizing the sport on a national scale. The impetus of this coast-to-coast tour resulted in the establishment 2 years later of the National Association of Professional Baseball. This first pro league was succeeded in 1876 by the National League, which continues successful operation to this day.

This stamp, therefore, is in recognition of the role organized baseball has played throughout this Nation in the past 100 years. Parenthetically, I might add that baseball in this period has also been successfully exported to other parts of the world such as Latin America and Japan. It continues to attract large numbers of fans across the country and we believe that it deserves this kind of national recognition.

A number of baseball officials including Commissioner Bowie Kuhn and Cincinnati Reds President Francis Dale have joined me in efforts to win postal approval for this stamp. A bill I introduced earlier in this session to authorize printing of a commemorative stamp was cosponsored by former major league pitcher and now Congressman WILMER "VINEGAR BEND" MIZELL. I am grateful that through all of our efforts the Post Office will issue this stamp in honor of our national pastime.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I am pleased to join with my distinguished colleague, MICHAEL FEIGHAN, in paying tribute to baseball. This centennial year of professional baseball serves to remind us that the game of baseball may truly be considered our "national pastime." It is a game whose popularity first developed during the first half of the 1800's. Interest in the game multiplied yearly, ultimately evolving into the establishment of the Cincinnati Red Stockings in 1869, America's first regular professional team. It is my pleasure to be able to enthusiastically join all Americans in the celebration of the 100th anniversary of this important moment in the history of the sport.

The game of baseball is actively enjoyed by large numbers of Americans. The youth of this country seem to gain an enthusiastic appreciation for the

sport which serves them throughout their lives. This enthusiasm is of a nature which allows one, when unable to actually participate in the game, to vicariously experience the many joys and sorrows connected with this great game. The many radio listeners and television viewers, as well as the thousands of fans who flock to the ballparks to support their favorite teams, all point toward this time-honored American baseball phenomenon.

In this country today Americans are forced daily to withstand the tension from the many existing national problems. It is an era where war and the threat of war is the order of the day. It is a time when urban problems and domestic strife place great pressure on every responsible American. It is thus my belief that there has never been a time as fitting as the present when the Nation should express its gratitude for having such a pleasurable national pastime. By attending one of the many games of baseball, an individual, if only for a few short hours, is often able to leave many of his troubling cares and worries at home. Viewing a game often allows one to be able to not only lose oneself in the excitement of the game, but to rid oneself of many of one's pent-up emotions. Few experiences are as totally carefree and enjoyable as to be able to root one's favorite team to victory. It is an enjoyment equally appreciated by all; it is an emotion that knows no social barriers.

The free expression of this type of emotional release has never been more clearly demonstrated than in regard to my hometown team, the Red Sox. Over the years, along with the thousands of other Red Sox fans, I have cheered and supported the team through its many trials and tribulations. At times, I must admit, it seemed that the Red Sox had more than their share of "bad breaks"; but my enthusiasm never waned. In 1967, after a long and particularly rigorous season, the Red Sox won the American League pennant. After an initial lull caused by the traumatic shock of actually winning the race, the fans broke out of their trance and went wild with elated joy. One could actually feel the emotional fervor and excitement. Names like "Reggie," "Yaz" and "Conig" were proudly on the lips of the many baseball enthusiasts in the Boston area. It was as if every Red Sox fan, through his tenacious and avid support for the team had personally helped the individual players earn the pennant.

This centennial year of baseball is of particular significance to me. One of my alltime favorite Red Sox baseball players, Ted Williams, has come to Washington, my second home, to aid the Washington Senators in their quest to win an American League pennant. I wish Ted all the luck in the world, and hope that he is truly successful in carrying his team to a second-place finish—behind the Red Sox, of course. Drawing from my observations of his managerial performance, he has already instilled much of the same kind of Boston enthusiasm and spirit which I have enjoyed over the years through the Red Sox.

I would also like to take this opportunity to sincerely congratulate Joseph E. Cronin upon his being recognized as the greatest living shortstop. Mr. Cronin is not only a fine baseball player, but is a great gentleman and a credit to the game of baseball. The award could not be given to a more deserving individual.

I should finally like to close by offering a salute to the game of baseball, and thank it for performing its continuing and important role of acting not only as a welcomed emotional outlet but as a source of pure enjoyment for all Americans.

GENERAL LEAVE TO EXTEND

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 days in which to extend their remarks on the subject of my special order, which is the 100th anniversary of baseball.

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

There was no objection.

FEDERAL COAL MINE SAFETY REVIEW BOARD

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

(Mr. SAYLOR asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in a colloquy on July 22 between the gentleman from West Virginia (Mr. HECHLER) and me, the subject of the Federal Coal Mine Safety Board of Review came under some discussion. I pointed out at that time that my colleague's statements about the qualifications of one board member, Mr. Lewis Evans, were in error. However, when our discussion ended, Congressman HECHLER left the impression that Mr. Evans had been "consistently outvoted" as a member of the Board.

In order to check the correctness of the statement, I asked for a résumé of the Board's hearings activity. I bring that record to the attention of my colleagues and point out that the Board has only heard two cases since Mr. Evans has been a member of the Board. The first case was settled by the parties involved without the Board taking a vote. The second case is still pending. That, I believe, puts the matter of Mr. Evans' voting record in proper perspective.

At this point, Mr. Speaker, I want the RECORD to show the history of the Board's actions in cases from 1952 to the present:

CASES INVOLVING FORMAL BOARD HEARINGS, TYPE OF ORDERS, BOARD DISPOSITION

Name	Docket No.	Hearing dates	Type of order (Board disposition)
Morrisdale Coal Mining Co.	53-01	Oct. 17, 1952	Gassy classification order (Bureau order upheld).
Dominion Coal Co.	53-02	do	Imminent danger closing order (Bureau order annulled by Director of Bureau, after compliance by operator; appeal dismissed).
Moshannon Smithing Coal Co.	53-03	Jan. 27-28, 1953, Feb. 6, 1953	Gassy classification order (Bureau order upheld).
Snow Hill Coal Corp.	53-04	June 8, 1953, June 17, 1953	Elapsed-time closing order (Bureau order revised, to extend time for abatement, upon agreement of parties at hearing).
Rebecca Coal Co.	54-01	Nov. 10-11, 1953, Nov. 23, 1953	Gassy classification order (Bureau order annulled).
Kleaner Coal Co.	54-02	Oct. 1, 1953	Imminent danger closing order (Bureau order annulled after compliance by operator, and agreement of parties).
Princess Elkhorn Coal Co.	55-01	Nov. 30, 1954, Dec. 1-3, 1954, Dec. 6-10, 1954, Jan. 5, 1955.	Gassy classification order (Bureau order annulled).
Three Fork Coal Co.	55-02	Dec. 13, 1954, Jan. 17-20, 1955, Feb. 15, 1955.	Elapsed-time closing order (Bureau order annulled).
Gauley Mountain Coal Co.	55-03	Jan. 31, 1955	Eapsed-time closing order, gassy classification (Bureau order upheld).
Inland Steel Co.	55-05	Nov. 28, 1955, Dec. 12, 1955, Jan. 10-14, 1956, Jan. 16-17, 1956, Feb. 17, 1956, July 9, 1956, Sept. 11, 1956.	Glassy classification order (Bureau order upheld in part, and annulled in part).
Harlan-Wallins Coal Corp.	55-07	July 6-8, 1955	Gassy classification order (Bureau order upheld).
Crucible Steel Co.	56-01	July 30, 1955, Aug. 29-Sept. 2, 1955, Sept. 28, 1955, Oct. 24, 1955, Nov. 2, 1955.	Elapsed-time closing order (Bureau order annulled).
Rosedale Coal Co.	57-02	Jan. 31-Feb. 1, 1957, Feb. 4, 1957, Feb. 21, 1957	Gassy classification order (Bureau order upheld.)
St. Marys Sewer Pipe Co.	58-01	Jan. 3, 1958	Do.
Straight Fork Coal Co.	61-01	Jan. 6, 1961	Elapsed-time closing orders (case settled at hearing; operator complied with orders and appeal withdrawn).
Pittsburgh Plate Glass Co.	61-02	Aug. 3, 1961, Aug. 28-30, 1961, Oct. 9, 1961	Gassy classification order (Bureau order annulled, but increase in number of inspections ordered).
Panther Coal Co.	64-1	Apr. 14-17, 1964	Gassy classification order (Bureau order upheld).
R. & W. Coal Co.	67-11	June 27-28, 1967	Do.
Johnson Coal Co.	67-19	Aug. 8, 1967	Coal designation: anthracite or bituminous (appeal dismissed upon motion of Bureau, for lack of jurisdiction).
Midvale Coal Co.	68-01	Oct. 10-12, 1967	Gassy classification order (Bureau order upheld).
S. & F. Coal Co.	68-18	May 10, 1968	Gassy classification order (appeal withdrawn).
Ratliffe Coal Co.	69-77	Mar. 1, 1969	Imminent danger closing order (Bureau order annulled after compliance by operator and agreement of parties).
Barnes & Tucker Coal Co.	69-109	Apr. 22-23, 1969	Pending.

Note: Out of 22 litigated cases, the Bureau was fully upheld in 10; upheld in part in 1; and reversed in 5; and 6 cases were settled upon agreement of the parties after a hearing. Therefore, of cases fully litigated and decided, the Bureau was upheld in whole or in part in 69 percent, and reversed in 31 percent, of the cases. 5 of these cases were appealed to the U.S. courts of appeals (3 by operators and 2 by the Bureau), and the Board's decisions were affirmed in 4 cases, and in 1 case the appeal by the Bureau was dismissed as untimely filed. All decisions of the Board were unanimous, except in Princess Elkhorn (1955), in which the worker representative dissented and St. Marys Sewer Pipe (1958), in which the operator representative dissented; both majority decisions were affirmed unanimously by the courts of appeals. There were, of course, a number of other cases involving disputes, which were filed formally or informally, and which were resolved without a hearing. Also, there were a large number of State plan cases which were decided upon stipulation and without dispute of the parties.

This table should go a long way toward dispelling the notion that the Board is not carrying out its statutory function or that the Board is consistently deciding cases to the disadvantage of one group over another. There have been charges that the Board has a built-in bias in favor of the mine owners in that the Chairman of the Board is required to be a graduate mining engineer. The presumption is that such a person would normally come from the ranks of the coal operators as opposed to the miners.

This particular concern was recognized by the Congress when it created the Board and with particular reference to the Chairman, the United States Code provides:

> One person who shall be chairman of the Board, who shall be a graduate engineer with experience in the coal mining industry or shall have had at least five years' experience as a practical mining engineer in the coal mining industry, and who shall not, within one year of his appointment as a member of the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal mine operators or coal mine workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau.

The purpose of this section of the code is to make the Chairman of the Board the "public representative" and in my opinion, this is as close as one can come to having the best of two worlds; that is, a trained, experienced, technical expert to head the Board, yet one who is not beholding to either of the two groups—owners and miners—otherwise represented on the Board.

Mr. Speaker, in highly technical fields, such as coal mine safety, metal mine safety, and transportation safety, the legislatures have progressively sought to delegate the initial review of administrative orders to quasi-judicial boards rather than to the courts. Unlike the courts, these boards are equipped with the special competence to resolve technical conflicts, and can act with the speed, economy, and uncomplicated procedures particularly adapted to the problems involved.

The danger from the alternate course of sanctioning initial review by the courts was tragically demonstrated in the explosion which resulted in the deaths of five men at the O'Brien coal mine, Lovilia, Iowa, on March 30, 1953. That disaster, which was a direct consequence of a State court injunction prohibiting enforcement of the Federal act in the O'Brien mine, illustrates only too vividly the grave hazard of granting immediate jurisdiction over mine safety disputes to a court which lacks the technical experience and training, and the specialized procedures necessary to discharge this responsibility.

Apart from the foregoing, the tripartite review board, created within the framework of a coal mine safety program, provides benefits to each segment of the industry and to the Government inspection agency. The advantages to the mine operators are obvious: appeals can be rapidly and economically taken to an independent agency; the merits of the operator's claim receive technically competent consideration; the management experience is applied to the resolving of disputes; loss of production from unwarranted orders can be minimized; and the existence of the board itself helps to assure a fair and reasonable enforcement of the act.

While the advantages to the workers and to the inspectors may be less obvious, they are fully as real and vital to the respective interests of each group. For example, as to the mine workers, the review board can act quickly to prevent unnecessary mine closings, and the workers are protected thereby from substantial losses of personal income and employment, uncalled for by the requirements of mine safety. Moreover, labor representation on the board guarantees that the viewpoint and experience of the workers will be a major consideration at all times and will command the close attention of the Government and of the general public. Furthermore, the decisions of the review board are themselves a forceful means of specifying and compelling a more vigorous enforcement of particular requirements in the statute. As shown by the Federal experience, these decisions are equivalent to a court mandate to correct deficiencies in administration disclosed during the conduct of board hearings. Finally, the joint efforts of labor and management on a review board encourage the cooperation and the common purpose of the workers and operators on safety matters within the individual mines, without which no mine safety program, however well formulated, can possibly succeed.

As to the inspection agency, an independent review board can prove an extremely valuable ally to increase the freedom, stature, and effectiveness of a strong administration. For instance, since the board is readily available to consider appeals by the operators, the inspectors are completely free to probe the enforceable limits of each provision in the law, leaving to the board the responsibility for defining those limits and for the derivative effects of such actions. Also, as a matter of human nature, the mere right of a prompt and fair hearing of a dispute promotes a far greater willingness on the part of the operator to cooperate with the inspector, and to carry out his orders and recommendations. In this regard, since an operator is provided a simple method of taking an appeal, he is less likely to conform superficially with what he is convinced is an improper order and then to ignore the order after the inspector has left the mine. Consequently, a more intensive and persistent compliance with the laws is encouraged. Furthermore, the handling of disputes by a qualified review board often stimulates new ideas for resolving technical problems, and assists the inspection agency in obtaining the adoption and acceptance by the industry of changes in operating methods. Last, the direct participation of management and labor on a board within the very framework of the regulatory program strongly reinforces the inspection agency in its efforts to secure additional legislation and to maintain the independent status so essential to the effective performance of its statutory duties.

In conclusion, Mr. Speaker, experience under the Federal Coal Mine Safety Act has firmly established that an independent review board is of critical importance to the effective operation of any comprehensive mine safety program. The reasons outlined above show that the benefits derived from such a tripartite body are equally important to the operators, the workers, the Government inspectors, and the public at large.

LEGISLATION TO PROHIBIT SALE OF CARS POWERED BY INTERNAL COMBUSTION ENGINE

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

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 13225, legislation to prohibit the manufacture and sale of cars powered by internal combustion engines after January 1, 1978.

My bill is similar to one passed by the California State Senate last week and currently pending in the State assembly. The California legislation would become effective in 1975.

It is generally recognized that the automobile represents the most important single source of air pollution in the United States. It currently is responsible for 60 percent of all air pollution in the country and over 95 percent of carbon monoxide in the air. In terms of the total quantity of pollutants, it produces more contaminants by weight than all other sources combined. In addition to carbon monoxide, it is the prime source of hydrocarbons and the chief source of lead in the atmosphere and produces nearly half of the total nitrogen oxides released.

Even aside from the health and safety hazards, which are so often dwelled upon, the dollar loss resulting from air pollution is staggering. It is estimated at $11 billion a year or $600 per family.

Despite these facts, the automotive industry has resisted all proposals designed to reduce air pollution resulting from internal combustion engines. It would not install pollution reduction equipment in its automobiles until required to do so by Federal law. It would not equip its auto with safety belts or other safety equipment until the Federal Government told it that it had to. And it would not even recall defective vehicles for adjustments until after public agitation got too great. The industry does not appear to have any concern for the public's health and safety.

It is impossible to produce a low-pollutant engine powered by gasoline because uniform burning is impossible. Attempting to reduce pollution by stricter emission can only partially reduce the level of pollution emission. The rigid emission limitations of the Public Health Service set to go into effect in 1970 will be more than offset by the greater number of cars on the road.

As the Public Health Service's projection of the level of automotive pollution suggests, the increasing number of cars

will begin to offset the decrease in pollution brought about by exhaust emission control devices after 1980.

POLLUTION LEVEL FROM AUTOMOBILES BASED ON 1970-71 PUBLIC HEALTH SERVICE STANDARDS

HYDROCARBONS

[In millions of tons per year]

	1968	1972	1975	1980	1990
Urban	7.0	6.0	5.0	4.5	7.0
Total emissions, nationwide	12.0	10.0	8.5	7.0	10.0
CARBON MONOXIDE					
Urban	47.5	40.0	32.5	27.5	43.0
Total emissions, nationwide	68.0	55.0	45.0	37.5	58.0
OXIDES OF NITROGEN [1]					
Urban	3.0	4.0	4.5	6.0	10.5
Total emissions, nationwide	6.5	8.5	9.5	12.0	19.5

[1] There are no current Public Health Service emission standards.

We must seek alternative methods of propulsion for our cars. The auto industry has the technical capacity. Indeed, if it wanted, it could market a low-cost, low-emission vehicle today. But as brought out by hearings held by the Senate Commerce Committee, none of the Big Three automakers are actively moving toward this goal because they are satisfied with the market status quo. Only American Motors, which is not satisfied with its share of the current market, is moving to explore alternative methods of propulsion.

Among the alternative propulsion systems that have received the most publicity is the steam engine. It produces less than 5 percent of the pollution of the internal combustion or gasoline engine. Turbine engines are another practical alternative. Electric engines would have to be recharged quite often and while they cut down on carbon monoxide pollution, they would cause sulfur dioxide pollution.

The legislation I am today introducing would prohibit the manufacture, sale, or transporting into commerce any new motor vehicle powered by an internal combustion engine manufactured after January 1, 1978, unless the vehicular engine produces a level of exhaust emission of not more than .5 grams per mile of reactive hydrocarbons, 11 grams per mile of carbon monoxide, and .75 grams per mile of oxides of nitrogen.

Since the automobile complex in Detroit, bolstered by the oil industry, refuses to take the initiative to insure a livable world in the year 2000 Congress must act now. The problem is not one of technology, but of will.

The text of the bill follows:

H.R. 13225

A bill to amend the Clean Air Act to ban the use of certain internal combustion engines in motor vehicles after January 1, 1978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Clean Air Act is amended by renumbering section 212 as section 213 and by adding immediately after section 211 the following new section:

"INTERNAL COMBUSTION ENGINE BAN

"SEC. 212. (a) Notwithstanding any other provision of law, except as otherwise provided in subsection (c) of this section, it is hereby prohibited to manufacture for sale, to sell, or to offer for sale, or to introduce or deliver for introduction into commerce or to import into the United States for sale or resale, any new motor vehicle powered by one or more internal combustion engines and any new internal combustion engine manufactured for use in a motor vehicle if such vehicle or engine is manufactured after January 1, 1978.

"(b) Violations of this section shall be subject to injunction and the penalties provided in sections 204 and 205 of this Act in the same manner and to the same extent as is provided therein for violations of paragraphs (1), (2), and (3) of section 203(a) of this Act.

"(c) This section shall not apply to any new motor vehicle powered by one or more internal combustion engines or to any new internal combustion engine manufactured for use in a new motor vehicle which vehicle or engine produces a level of exhaust emissions of not more than .5 grams per mile of reactive hydrocarbons, 11 grams per mile of carbon monoxide, and .75 grams per mile of oxides of nitrogen."

CAMP LEJEUNE PROBLEM

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

Mr. RARICK. Mr. Speaker, earlier today the gentleman from Mississippi (Mr. COLMER), and the gentleman from New York (Mr. BIAGGI), described to this body the deplorable disciplinary conditions which exist at Camp LeJeune, N.C. The incident they referred to resulted in the most ghoulish death of one marine, serious facial disfiguration to another, and illustrates an explosive situation which must be recognized and severely dealt with by the command to prevent any such further terrorism.

I would like to state that these incidents are not the first, for last November 28, Pvt. Thomas L. Morrow III, a constituent from my district, an honor student from both Louisiana State University and Colorado State, was brutally assaulted and murdered by three marines while he was walking on the base at Camp LeJeune near his barracks.

One of the assassins was convicted of murder and sentenced to 15 years, one was acquitted, and charges against the third were dropped. The three assassins were colored; the victim was white. But it would be difficult to say that Pvt. Morrow, who had just arrived at Camp LeJeune, was a racist or had precipitated the incident since he had just left the Peace Corps prior to enlisting in the Marines.

I join with my colleagues in demanding a congressional investigation of the violent "packs" who have infiltrated into and roam about our military institutions terrorizing and victimizing our young men who are serving their country.

Especially I think that this body is entitled to know whether the problem is lack of competent leadership in the military or whether the leadership is being handcuffed from enforcing discipline because of officious intermeddling by "judicrats" of our Federal judiciary.

Mr. Speaker, I include several news clippings on this topic:

[From the Baton Rouge (La.) State-Times, Nov. 28, 1968]

THREE ARE HELD IN PROBE OF BATON ROUGE MARINE'S DEATH

CAMP LEJEUNE, N.C.—Three men, reported to be Marines, are being held in connection with the fatal beating of Pvt. Thomas L. Morrow III, 26, Baton Rouge, a spokesman at Camp LeJeune said yesterday.

Names of the three suspects were being withheld pending further investigation.

Morrow, son of Mr. and Mrs. Thomas Lindsey Morrow of 2024 Cloverdale and a graduate of Baton Rouge High School, was attacked on the base last Thursday night and died shortly after midnight Monday.

A base spokesman said Morrow suffered a fractured skull in the attack, which occurred in the Montford Point area of the base. Robbery was thought to have been the motive.

The young marine had been beaten and robbed on the base last Thursday night while he was walking back to his barracks. He was hospitalized at the U.S. Naval Hospital at Camp LeJeune.

Morrow was a student in the Marines' service support school training to work in the Corps' disbursement section, the information officer said.

The death is under investigation by the provost marshal at the camp. No affirmative results have been reported so far, the officer said.

Morrow's parents were at his bedside over the weekend.

They were returning to Baton Rouge this afternoon.

A graduate of Baton Rouge High School, Morrow, 26, received a bachelor's degree in wildlife and forestry from LSU in 1964. This June he received a master's degree in wildlife management from Colorado State University.

He graduated with honors from both universities and received numerous academic awards while he was a student.

He was with the Peace Corps briefly before joining the Marines. Morrow received his basic training in California and had been transferred to Camp LeJeune shortly before the fatal beating.

[From the Baton Rouge (La.) State-Times, Feb. 10, 1969]

LOCAL MARINE'S SLAYER IS METED 15-YEAR SENTENCE

JACKSONVILLE, N.C.—A Camp LeJeune Marine court martial board Friday convicted Pfc. Clarence E. Johnson, 20, of Kansas City, Mo., of murder and larceny in the slaying of another Marine from Louisiana.

Johnson was sentenced to 15 years at hard labor, dishonorable discharge, reduction in rank to enlisted man, and forfeiture of pay. The maximum penalty would have been life imprisonment.

He had been charged with murder and robbery in the death on the post of Pvt. T. L. Morrow, 26, of Baton Rouge, La.

Johnson's lawyer said he would ask the 10 members of the general court martial board to recommend clemency—a reduction of the sentence. Three-fourths of the board, or eight members, would have to assent. Johnson also can appeal through military channels.

Johnson and two other Marines were originally charged in the case. One of them, Pfc. Adam L. Vanlandingham, 18, of Baltimore, was acquitted of a murder charge last Friday. But he was convicted of larceny and sentenced to a bad conduct discharge and six months at hard labor.

Witnesses at the Vanlandingham trial testified that Morrow was knocked to the ground by another marine, kicked in the head, and robbed of $60.

The third original defendant, Pfc. Harold McDonald, whose address was unavailable, had been charged only with robbery. This charge was dropped Wednesday, the day Johnson's court martial opened.

[From the Wilmington (N.C.) Star News, July 26, 1969]

CAMP LEJEUNE CONFIRMS BLACK POWER PROBLEMS

(By Ted Fox)

CAMP LEJEUNE.—The joint informational services office confirmed Saturday reports published in New York that some Camp Lejeune Marines have armed themselves with chains, knives and clubs for "self protection" and also the black power salute was being publicly exchanged in service clubs, mess halls and other public places.

Capt. Larry LePage said that the base provost marshall is investigating each report and that some such incidents have been confirmed.

Capt. LePage said that reports of weapons being carried started shortly after a racial affray last Sunday when about 30 Black Marines are alleged to have attacked small groups of two or three White Marines or individuals.

Two of last week's victims are still in serious condition in the Naval Hospital at Portsmouth, Va., where they were taken with severe head injuries.

Investigations of the incidents that have occurred are given priority attention and those persons carrying weapons, including firearms, are being apprehended by the military police and base provost marshalls.

Those Marines giving the Black Power salute or otherwise trying to create racial tensions are being required to give an explanation to the commanding officers and could be charged under the Articles for the Government of the U.S. Navy.

LePage said in reply to a query from a Star-News Newspapers correspondent, "none of the base training session have been interrupted by agitators or that any of the thousands of reservists presently undergoing training had been involved in the racial conflict reported at the huge base during the past week.

Base authorities admitted that most of the militants identified so far have been Black. White militants reported to have accompanied the Black gang last week have not been located.

Investigators are also looking into the possibility of a connection with drug abuse on the part of the racial agitators.

LePage said that most of the reports of individuals arming themselves occurred after the Black-White battle last week near the Hadnot Point enlisted man's service club. He said many of those were apparently carrying chains and knives for fear of a reprisal for the attacks on the White Marines.

About 11 White Marines were injured in addition to those still hospitalized and one other who suffered several stab wounds in the back.

No firearms have been involved so far, according to LePage. He said that these are carefully controlled since Base regulations require that private weapons be registered and locked in the unit armory.

Married personnel may keep weapons in their quarters but still must register them with Base authorities.

[From the Wilmington (N.C.) Star News]

MARINE DIES OF INJURIES FROM BASE RACIAL RIOT

(By Ted Fox)

CAMP LEJEUNE—Capt. Larry LePage, joint information officer, said Sunday that Cpl. Edward Bankston, 20, of Picayune, Miss. died as a result of injuries he received in a racial attack a week ago.

He said the corporal was one of 14 Marines who had been attacked by a group of some 30 black Marines that resulted in Bankston's eventual death, skull injuries to James S. Young who continues in serious condition, and 13 others injured to varying degrees. One man is recovering from several stab wounds in the back.

LePage said the unit involved, 1st Battalion of the 6th Marines, had been celebrating their departure for duty in the Mediterranean. He said the unit has since departed and they do not anticipate further incidents.

An explanation was given for chains being carried by the men, reportedly being carried for defensive weapons after the racial attack. LePage said each man had been issued a short chain to be used to lock their weapons to the tubular frame of their bunks aboard ship.

He speculated they hadn't any place to put them and had to carry them.

Investigation continues into the causes of the attacks in which single white Marines or groups of not more than two or three were beaten. It was originally thought the attacks were precipitated by an incident at an enlisted man's dance during which a black Marine tried to cut in on a white sailor's partner.

This, however, is believed to have had no relationship to the subsequent attacks, which some authorities thought were organized. Nine of the participants have been identified and possible charges are now being investigated.

The death of Bankston puts the episode in a much more serious light according to local authorities.

UNFAIR BURDENS ON AMMUNITIONS DEALERS AND SPORTSMEN

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

Mr. HAGAN. Mr. Speaker, because of the strong reaction not only in my congressional district, my State, but across this vast Nation to the idea of firearms and ammunition registration, I have introduced legislation to correct what I consider unfair burdens on small ammunitions dealers and sportsmen in this country.

The following editorial, "Why Not Prohibit Crime?" from the Stars and Stripes points up well the fact that the good and decent citizen will be the only ones to give up possession of souvenir or protective firearms if the proposal of the President's Commission on the Causes and Prevention of Crime went into effect.

The editorial follows:

WHY NOT PROHIBIT CRIME?

Why does not Congress pass a law making it a crime to commit a crime in America? Foolish question? Not much more foolish in our opinion than that proposed by the President's Commission on the Causes and Prevention of Crime. In a report released early this week, the commission, which was appointed by Ex-President Johnson, proposed to prohibit most citizens, except policemen, from possessing a pistol or revolver. It would compel them to turn in their guns, ancient or modern to the federal government.

Any veteran of World War I who toted home a German Luger or other prized weapon 50 years ago to abide by the proposed law would have to surrender his gun. In many cases, he would have to dig it up from the bottom of a trunk or barracks bag where it may have been stowed these many years. Of course, the World War II man of some 20 years later too would have to throw his prized trophies into the government's pile.

But does anyone with a grain of sense think the professional crook and law breaker would dutifully turn in his tools of the trade? Crime has gone only one way in recent years—up. A courageous home or store owner now and then has thwarted a burglar or would be murderer with a revolver or pistol kept for meeting such an emergency. On occasions, he has put a professional crook or killer out of business for good.

Now the President's Violence commission comes up with the proposal to take away the honest householder's gun; to deny the sportsman who likes to shoot at targets his pleasure; to take from the ex-serviceman the captured gun he prizes and which he gained in the service of his country. These types of citizens are honest men. Under compulsion to abide with the law, most of them would turn in their guns.

The result would be leaving the criminal as the only man in possession of a pistol or revolver. Laws against more serious crime mean nothing to him. Yet, the President's commission apparently reasons that in this little matter of turning in his pistols and revolvers, he would readily comply. Started with a foolish question, we end with this foolish thinking on the part of the Violence commission.

YES, HUGH SIDEY, THERE IS ANOTHER AMERICA, THANK GOODNESS:

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

Mr. CLEVELAND. Mr. Speaker, in the July 18 issue of Life magazine, Hugh Sidey, a writer who endeavors to keep tabs on the condition of the Presidency, wrote a piece which prompts this response from me.

(The Sidey article is reprinted at the end of these remarks.) Briefly, he leaps all over the President. The cause, apparently, is that the President has not solved all the woes of the Nation and the world in 6 months' time. He goes on to wonder why the popularity polls show the President enjoying the outright approval of more than 60 percent of the population. He wonders, somewhat grumpily, whether there are really two Americas. He writes:

Some observers are asking whether or not (sic) there really are two Americas; one, which dominates the national dialogue, is hyper-liberal, Eastern-oriented, righteously arrogant, intellectually ferocious—but is now totally out of touch with the other America which is crime-fearing, inflation-weary and sick of being preached to, family-oriented and suburban-based, and which is the same as Richard Nixon mentally, culturally and, now, emotionally.

On the matter of the President's performance to date I would like to point out that it is easy to run down hill; it is hard to pull up hill. We have been going down hill as a country at a great rate for the past several years. I think President Nixon is doing very well if he can, in his first 6 months, just slow the downhill run appreciably.

For a general answer to the Sidey article, and I think it requires an answer,

I say "Yes. Most certainly there are two Americas":

There is the majority of the country and there is a small, but highly audible, overly visible segment, which he describes reasonably well in the part of the article which I quoted earlier.

In addition to the tiny segment of this self-styled elite, which talks to itself mostly and listens little, America consists of:

First. Hard-working white persons, struggling to meet their obligations, pay their taxes, and raise their children under increasingly chaotic social and moral conditions, and with a shrinking supply of money in terms of real purchasing power;

Second. Hard-working black persons trying to do the same thing;

Third. Young persons in school and college to learn. They work hard—and, yes, some of them join the ROTC to become leaders of our citizen-oriented armed services and many others report for induction without desperately exploring alternatives or contemplating flight from the country.

These are young people with pride in their country. Indeed, many of them are this moment fighting for our Nation's commitment to freedom. They are idealistic and, therefore, deeply distressed, and rightly so, by much that they see on the contemporary landscape;

Fourth. Many poor persons, of every age, weary in their poverty and sick of the soft and easy promises of vote-seeking politicians who do not deliver when they do get into office;

Fifth. Large numbers of citizens of every description who understand well the power of the Lord and the force which the love of the Lord has exercised upon the development of this country. They are sick of having the spiritual side of life downgraded and discounted while material things are elevated.

A large segment of this America, which I like to consider the real America, is encompassed by the famous phrase "The Forgotten Man." Who is the Forgotten Man? I described him partially above. Last year, in a July report to my constituents, I defined him as "the guy in the middle, the hard-working taxpaying, law-abiding, God-fearing citizen. He is not rich enough to fight the ravages of inflation by investing in the stock market or real estate, nor to command the advice of lawyers and accountants to steer him through the tax loopholes. He is not poor enough to have a Federal program smother him with affection, nor does he seem to be young enough nor old enough."

It should not be a matter for wonder—much less a full page in Life magazine—that the real America should welcome the change in tone brought to the administration of affairs by our new President.

Naturally, Americans welcome into power a man who reflects their concerns, who understands the spiritual power which underlies and still inspires everything good done in this land.

This style, for some reason, is not to the liking of most of that little band of self-styled elite. Perhaps they do not like it, because they see an early end to their days of living off the fat of the land. Those days went on far too long. Mesmerized by words and visions of Utopia, which these elegant drones are so adept at conjuring up, a lulled population left them too long in power.

Almost too late we have discovered that their talk of peace meant costly war; their talk of progress in civil rights meant riots in the streets and the near collapse of education; their talk of prosperity for all has meant feverish inflation and in the midst of material riches, the greatest amount of poverty, relatively, that our country has ever seen.

Their talk of individual liberty meant soaring crime and floods of pornography. Their talk of strength has meant a weakened national defense in spite of record spending on defense.

Their talk of morals in public life has meant a terrible falling off in public morals flagrantly illustrated by shocking personal, unethical behavior by one high public official after another in all branches of Government.

Small wonder that the young are disillusioned, that many are led to attempt to tear down what they regard as the corrupt establishment.

The arrogant little band, which has dominated the thinking and the political power of America for 40 years has failed the country miserably.

Yet, they are ever ready to find fault, noisily, with the new President.

It ill behooves them to do so against the background of their own failure.

President Nixon and his administration are striving to make sense and order out of the wretched mess they inherited. Nixon must pull the country together, cool the economy without a recession, calm the troubled fears that have gripped so many, fulfill an honorable commitment in Vietnam without further damage to the United States but without ceding the field to the Communists, and, generally, lead the country into the moon age, so full of unknowns, and all for the good of free men everywhere.

While he is engaged in these tasks, it is pathetic and galling to see him sniped at by those whose bitterness can only be a reflection of their own frustration at realizing how badly they have failed in their days of power.

They are out now. The torch has passed into new hands. And in the reason lies the answer to the question posed by Hugh Sidey: Yes, there is another America. And thank goodness for that.

The article follows:

THE PRESIDENCY: A SUDDEN SHIFT IN THE CAPITAL MOOD

(By Hugh Sidey)

On the surface nothing seems changed. Richard Nixon bounced back to Washington last week with a coat of Florida tan and his best Chamber of Commerce smile. He buried himself in background material for his round-the-world trip, summoned his legislative leaders for breakfast tax talk, studied the sports pages with satisfaction because of the Senators' steady improvement. Then one morning he was standing on a brilliant red carpet under the North Portico toeing the tape marker ("Pres. Nixon") and waiting for Ethiopa's Haile Selassie to come up the driveway and break a new monarchial endurance record—the emperor has paid visits on four U.S. Presidents in his 53 years of power.

The novice Nixon was rounding out his first half-year, sideburns steady at about seven-eighths of an inch, hair held to courtroom respectability, chin up (photographers watching, waiting), arms and hands unnaturally immobile at the sides, suit dark and blue (face still suffused with the light of triumph and the satisfaction of being President. *Hail to the Chief* was full and gripping. The tough little emperor came in bearded and smiling at nostril height. The tourists—Nixon's people—pressed against the far fence in awe. But it was not the same as it was a month ago, or even a week ago.

There is always change in the Presidency, of course, but sometimes as in a river there is a sudden plunge or turn and everything is profoundly altered. That happened to Richard Nixon's Presidency in a fortnight.

There are those very close to him who will argue that the hour actually came one hot morning last month in the Air Force Academy's Falcon Stadium when the Depression-ridden boy, the unsuccessful school athlete, the Communist-fearing senator, the vilified and exiled presidential candidate all rose up and asserted themselves in that ringing fusillade against military critics, doubters and waverers. But when the announcement of Vietnam troop withdrawal followed, incipient critics hunkered and hushed. Then came the case of Dr. John Knowles, and the unveiling by the dour Attorney General John Mitchell of a plan to broaden the Voting Rights Act which jeopardizes it more than helps it. Hard after that development came the announcement of new school desegregation guidelines which appear to relax the civil rights pressure that has been brought so painfully through 15 years.

The tone of many newspapers altered. Hostility replaced hope. The nation's leading cartoonist, Herblock, who flavors the morning coffee in the capital, left a huge dagger initialed R.M.N. in the back of HEW Secretary Robert Finch. Black leadership voices in Mississippi and New York rose in anger and fear. A liberal Republican lunching in the refined elegance of Washington's Jockey Club heard the Knowles news, called for a silver tray and burned his GOP registration card. A powerful and intelligent Republican senator leaned against his Georgetown doorway and said he was still waiting for the Presidency to force Nixon to grow bigger, as it had men like Truman and Kennedy. The Washington *Post's* letters column one morning was completely devoted to reader tirades against Nixon.

In small ways concern is acknowledged in the White House. Nixon's global tour is in part a diversionary tactic for the subsurface alienation. There is more talk among Nixon's men about how all this is only a creation of the press (a position, incidentally, taken by Lyndon Johnson as the nation gave him the bum's rush toward the exit). Suddenly, the Nixon family is cruising the river with poor children and explaining the Queen's Room to tourists. Disenthralled senators and congressmen have been invited down with increasing regularity for poached eggs in the morning or a Fresca (another L.B.J. habit) at night.

Yet with all of this there is about the White House a solid base of undamaged confidence. Aides dine with gusto on the delectable soft-shell crabs of the Sans Souci just a block from Nixon's office and point to the Gallup Poll showing 63% approval. Indeed, therein lies the heart of this fascinating drama.

Some observers are asking whether or not there really are two Americas: one, which dominates the national dialogue, is hyper-liberal, Eastern-oriented, righteously arrogant, intellectually ferocious—but is now totally out of touch with the other America, which is crime-fearing, inflation-weary and

sick of being preached to, family-oriented and suburban-based, and which is the same as Richard Nixon mentally, culturally and, now, emotionally.

Riots and crime and hippies and race and war have taken a toll in the mainstream of American life that still has not been calculated. It has been Nixon's avowed purpose to give these mainstreamers their voice, right or wrong, to show them that they are indeed the majority.

Not long ago Teddy Kennedy went to dinner to listen to one of the most respected Democratic seers of this city. What he heard was that if Richard Nixon plays his cards right and events are kind to him, the Republicans could capture this new political center and rule for the next decade. Kennedy came away no more enchanted with the White House occupant than before—but with a sober new view of political America.

NO FREEWAY TO PARADISE

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include a sermon.)

Mr. GROSS. Mr. Speaker, this week I received a copy of one of the finest sermons I have had the privilege of reading on the subject of welfare and the responsibility of individuals to help themselves.

It was delivered by Dr. Adam Baum, pastor, Central Baptist Church, Springfield, Ill., on June 29, 1969. In concluding the sermon, Dr. Baum offers this sound advice:

I wonder if the time should not come soon when preacher and politician alike all across our land will declare a moratorium on speeches and sermons about human rights, and shift the emphasis to the subject of human responsibility?

I commend the sermon to the attention of my colleagues:

NO FREEWAY TO PARADISE

It was nearly 40 years ago that Aldous Huxley, eminent novelist and skeptic, wrote an essay under the title, "Wanted, a New Pleasure." In this essay Mr. Huxley said, "If I were a millionaire I should endow a band of research workers to look for the ideal intoxicant. If we could sniff or swallow something that would abolish inferiority and atone us with our fellows in glowing exultation of affection and make life in all of its aspects seem not only worth living but divinely beautiful and significant, and if this heavenly world-transforming drug were of such kind that we could wake up the next morning with a clear head and undamaged constitution, then it seems to me that all of our problems would be solved and earth would be a paradise."

Whether we agree with Mr. Huxley's definition of paradise or his method of achieving it, one thing must be admitted: most people are in search of some kind of paradise—a world where life would be completely free of all that is unpleasant and painful and where life would be filled with undiminished joy and tranquility. It should be pointed out, however, that Mr. Huxley was willing to pay for his paradise. Said he, "If I had a million dollars I would endow . . ." There is evidence, however, that many of our present-day seekers for paradise are of the impression that all one has to do to obtain this glorious state of life is to demand it. Indeed, one of the conditions of the paradise of their choosing would be a freedom from all obligations. They want rewards without responsibilities, security without sacrifice.

One of the interesting and highly instructive words of our language is the familiar word "hitchhike." Its origin came about long before the era of air conditioned cars, and high speed freeways. It came into use in the days when travel on horseback was a common mode of transportation. When it happened that only one horse was available for two travelers, the plan was for one man to start out on horseback while the other began his journey on foot. When the first rider reached a certain point along the way he would then hitch the horse and proceed to hike on foot. When the second person caught up with the horse he would mount it and continue his journey. Once having passed his travel companion he again at a predetermined point dismounted the horse and hitched it to a post or a tree while he proceeded on foot. In this manner they would hitch and hike until their destination was finally reached. Hence the term "hitchhike." For us moderns, however, the term conveys a different meaning. To hitchhike means to ask for a free ride. It is to expect the advantages and benefits of travel without any of the cost. Someone else pays for the vehicle, the fuel, the tires, the taxes, the maintenance, and the insurance. The hitchhiker gets all the benefits while someone else assumes all the responsibilities. Should there be an accident along the way and the hitchhiker gets hurt it would not be altogether unlikely that he would sue the driver for the recovery of damages.

But hitchhikers are found not only along our highways but in many other areas of our social and economic structure. There is mounting evidence that we are giving encouragement to a social and economic system which suggests the story of a man who when applying for employment said, "I like the sound of the job but the last place I worked paid me more." The interviewer went on to ask, "But did you receive fringe benefits?" "Oh yes," said the applicant. "Did you have rest periods?" "Yes." "Life and health insurance?" "Yes." "Vacation with pay?" Again the answer was "Yes." The applicant went on to state that at his previous job he also received a substantial Christmas bonus. Somewhat puzzled the interviewer went on to ask, "Then why did you leave their employment?" The reluctant reply came, "The company went bankrupt."

Of no less concern is the rapidly growing group which brings to mind the case of the small boy who asked his father if he had any work that he could do around the house to replenish his finances. The father assured the boy that he could think of nothing for him to do at the moment. After a brief hesitation this modern child replied, "Then why don't you put me on relief?" There are now more than eight million people on the relief rolls of our nation. These receive some six billion dollars annually. But this is only a small part of the story. In addition to these eight million there are another twenty-five to thirty million who have been qualified by the government for financial assistance of one kind or another. This means that approximately one out of every six people is being subsidized by the government. The prediction is that it will not be long before these people will cost the American taxpayer about one hundred billion dollars annually.

Without question, as all of us know, there is a need, even a desperate need, for some of this program. There are families which remind one of the man who said to his boss: "I really would not have asked you for a raise if my kids hadn't found out that other children eat three meals a day." We would be guilty of the most deplorable sin if we failed to realize that even in our nation, wealthy as we are, there are those who are too old, too young, too sick, or to uneducated to earn an adequate living. Many of them are the forgotten members of the human family. These must be our collective responsibility. For it must have been people like these to whom Jesus was pointing when He said, "Inasmuch as ye have done it to the least of these ye have done it unto me." Yes, there are those who need our help. Indeed, there are some who should be receiving much more than we are now willing to give them.

But the deep mystery lies in the fact in a period of unprecedented prosperity the cost of our relief program is rising at a rate much faster than the growth of our population or the gain in our economy. During the past 20 years our population increased by some 40% while the number on relief rolls has gone up by 98%. Could it be that we are forgetting one of the most important lessons that history can teach us; namely, that the road to paradise is not a freeway. It is a long, hard, rough road and most of it is uphill. Professor S. M. Miller of Syracuse University saw our situation quite clearly when he wrote: "Welfare assistance in its present form tends to encourage dependence, withdrawal, indifference, and indolence." Or, to put it more positively, the best insurance against poverty is a steady job, a living wage, a willingness to work, and sound management of one's resources. But there is nothing new about this. From beginning to end the Bible gives strong emphasis to this principle as an effective rule of life.

It could well be that one of the critical needs of our day in our land is a return to a biblical philosophy of work. We must learn again that work is not intended as punishment, but as a preventative. One does not have to read far into the Bible to learn that it was in his paradise of idleness and abundance (all of which, incidently, was given to him without effort on his part) that mankind got into serious trouble. This is still true. Give a child or young person everything he wants without his having to earn it and see what happens to that human being.

It should be noted that according to the Bible when it comes to work God always sets a good example. Jesus said it like this: "My Father worketh and I work." God has placed us into a world in which gold must be mined, pictures must be painted, houses have to be built and maintained and crops have to be harvested. This is how human beings enter into a partnership with God and discover that work is not primarily what a person does to live but what he lives to do.

When the fires of Watts in Southern California had been put out and the riots brought to a temporary halt sociologists, economists, and politicians set themselves to the task of finding out the causes for this eruption and this senseless destruction. They were unanimous in their reporting that conditions were deplorable. Illiteracy was high and crime was rampant. They found that at least 60% of the people in the area were on relief. But at the same time it was learned that not many miles from the Watts community fruit crops were being lost in the fields because of a shortage of workers. Certainly there must be something tragically wrong with the system that permits that to happen.

It was about the time of the Watts uprising that someone made a study of another important minority group—the nation's 300,000 Chinese-Americans. It was learned that in spite of hardships and discrimination these people were becoming a model of self-respect and achievement in our national structure. In crime-ridden cities Chinese districts turned up as islands of peace and stability. As one Protestant pastor of the New York City Chinatown said, "This is the safest place in the city. They have a crime rate far below the nation's average." It is reported that New York City schoolteachers are competing for positions in schools where there is a large number of Chinese-American children enrolled. Few Chinese-Americans are getting welfare handouts. They simply do not want them. Instead they place a high value on a willingness to work often long hours and not infrequently for a pay far lower than it ought to be. Somehow they have learned that the road to paradise is not

a freeway, but is a long, rough, hard road most up hill. But back of this remarkable group of Americans is a story of adversity and prejudice that would shock those now complaining of the hardships endured by other minority groups.

On a recent trip through the state of Alabama we started earlier than necessary one morning so that we could turn off the freeway and visit the Tuskegee Institute. We arrived there about mid-morning and to our surprise found that the most prominent building on the campus was a beautiful modern chapel being made ready for dedication. We were told that the old chapel, a wooden structure, was destroyed by fire when struck by lightning a few years ago. For years alumni, trustees, and friends labored to raise funds and to make plans for a new religious center and chapel. Now they could see the fruits of their sacrificial efforts. We were profoundly impressed and deeply moved by what we heard and saw.

From the chapel we went to the George Washington Carver museum. We walked reverently and spoke softly as we reviewed the benefits that have come to mankind through the tireless labors of that great Negro scientist, George Washington Carver. Here was eloquent evidence of what one person can do when his energies are devoted to a noble task. On our way from the museum we paused before the statue of that magnificent man, Booker T. Washington, the founder of the Institute and for some three decades its distinguished president. I could not help but wonder how much strife and turmoil our nation would be spared if we could take seriously words of wisdom spoken by this great black American when he said to his own people and to the nation: "Our greatest danger is that we fail to keep in mind that we shall prosper in proportion as we learn to dignify and glorify common labor and to put brains and skills into common occupations of life. No race can prosper until it learns that there is as much dignity in tilling the field as there is in writing a poem. It is at the bottom of life that we must begin and not at the top. Nor should we permit our grievances to overshadow our opportunities." So spoke Booker T. Washington in Atlanta, Georgia, in 1895.

In conclusion, therefore, I wonder if the time should not come soon when preacher and politician alike all across our land will declare a moratorium on speeches and sermons about human rights, and shift the emphasis to the subject of human responsibilty?

INCOME TAX SURCHARGE

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

Mr. HARSHA. Mr. Speaker, yesterday I voted against the proposal to extend for 15 days the withholding of income tax surcharge deductions from workers' paychecks.

The Congress was advised by the Nixon administration officials that any surplus for fiscal 1969 would be a very thin amount, less than $1 billion, and we were further advised that unless the surtax was extended for an additional period of 1 year as proposed, there would be rampant inflation, a great deficit, and economic chaos in the country and international money market.

Most of us accepted those statements in good faith, and as recently as only a month ago, the Bureau of the Budget advised at least one body of this Congress that the surplus for fiscal 1969 would be less than $1 billion.

Now just within the period of a week the Treasury Department and the Bureau of the Budget suddenly announced that fiscal year 1969, which closed June 30, ended with a surplus of more than $3 billion, the biggest surplus since 1957 and three times what they estimated only 1 short month ago.

Let me say that I want to commend the administration for its effectiveness in holding down expenditures. This new surplus is in remarkable contrast to the $25.2 billion deficit suffered during the previous fiscal year. But I find myself highly critical of the administration's estimates for fiscal 1969 made in testimony before the Senate Finance Committee.

If only 1 short month ago the administration was off in its estimates by such a dramatic amount, there is every reason to believe that their estimates projected over a 12-month period for fiscal 1970 may prove even less accurate, and under the circumstances I could not in good conscience ask the American people to pay still more taxes based on fiscal estimates which in less than 1 month have proved so unreliable.

I find myself, like many of my colleagues, in the serious dilemma of being asked to support taxing procedures against which I have voted throughout my congressional tenure.

It was for that reason that I was one of the 105 Members of the House who yesterday voted against that which I found to be the unnecessary effort to extend the surtax withholding procedure for another 15 days.

MY OIL IMPORT QUOTA 'TIS OF THEE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, an absolutely minimal cut in accumulated oil industry tax advantage is to be offered to Congress. Early indications from the oil industry show strenuous opposition. One of their rebuttals states that any tax reform of the industry will raise gasoline prices by as much as 3 cents per gallon. A bit of enlightenment is in order.

The consuming public is being victimized at the gasoline pump. Retail operators are constantly squeezed. Home heating oil prices are maintained at artificially high levels.

Last week, Senate testimony revealed that abolition of quotas on oil imports could reduce gasoline prices by 5 cents per gallon, and fuel oil for home heating by 3.9 cents per gallon. For an average auto owner purchasing 700 gallons annually, a yearly saving is envisioned of $35. For homeowners with oil heat, an annual saving might be possible of $58.50. Since quotas were instituted in the Eisenhower era, it is estimated that retail prices of petroleum products have risen between $40 and $50 billion to the public.

Incontrovertible proof exists, backing these contentions. Americans today pay twice the going world price for oil. A barrel of oil from Iran costs $2 delivered in Philadelphia-New Jersey. A similar barrel of east Texas sweet crude sells at the same place after tanker delivery for $3.75.

With higher priced crude, a refinery wholesales a gallon of gasoline for 12.8 cents, and a gallon of heating oil for 10.5 cents. With $2 crude, comparable prices would be 8 and 6.6 cents. The American buying public absorbs the entire cost difference directly, to the tune of $7.8 billion, according to several estimates. Lowest estimate of extra annual cost to the public is $4 billion.

It is officially contended by the Federal Trade Commission that many auto owners pay for higher octane gas needlessly. Others pay for "regular" gasoline, which is supposed to cause engine damage. This is entirely due to failure by the oil industry to post octane ratings of their respective products. Today an average consumer has no way of choosing his brand intelligently.

What do we receive instead? Credit cards sent unsolicited. Sumptuous retail locations. Fraudulent games of chance. Full price of all these "added attractions" is passed on to the public, often by unwilling retailers who are required by oil companies to do so in order to remain in business.

Further, credit cards are not only being sent without solicitation to uncounted consumers, but are being abused by oil companies in other ways. They follow up successful credit sales by selling other consumer items. Recently, oil companies have inserted propaganda in their billings containing dubious arguments defending the oil depletion allowance. Credit card holders therefore become unwilling subjects of special-interest lobbying efforts. This is particularly fascinating, especially when we are aware that costs of printing and mailing such material is tax deductible for the oil company—a subsidy consumers cannot avail themselves of.

Title this latest scenario "The Oil Industry Versus America's Consumers." Title it unfair and intolerable. When they speak, they assault truth. When silent, they are trundling away what is left of our Treasury.

At the very least, we should expose every questionable practice of this industry. No matter how they lobby, truth will be told and the public will at last find out what is transpiring. Any victory oil scores now will be as hollow as a jug. Eventually a clean sweep will be made of their privileges, leaving them as bare of preference as they are now devoid of public spirit and fairness. The best is yet to come.

SHADOW OVER OUR LAND

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

Mr. PODELL. Mr. Speaker, a shadow looms and lengthens daily over all America. Title it abrogation of civil liberties. Its father is fear, and its mother is bigotry. Its children are hatred, estrangement, and terrible danger to any further hope for a pluralistic society. That shadow emanates from the Justice Department, which has, in the past 6 months,

changed from champion of the dispossessed to challenger of previous progress.

In the past several years our land has suffered severely from internal dissension which has more often than not taken the form of civil disobedience. Such activities have ranged the entire spectrum of dissent, alienating many Americans and frightening even more. Through our mass media we have been confronted with sights often strange and repellent. Because many dissenters deliberately depart from social norms of dress and behavior, they are of course difficult to accept with equanimity, much less understanding.

Accompanying this has been a growth of crime, use of drugs, and revelations of major activity by organized crime in our midst. Greater permissiveness in the fields of art and culture has resulted in excesses by both profiteers and pornographers. Everyone is familiar with these horrors. Yet taken together, these do not constitute cause for national overreaction and harsh repression. Yet, this seems to be the case today. Such overreaction not only erodes liberties, but also defeats its own ends. If a nation does not possess faith in its national vitality and that of its basic institutions, then repression will only accelerate the process of decay. This however, seems to be outside the political horizon and philosophical understanding of the administration and its chief law-enforcement officer, the Attorney General. As a direct result of his activities, a pall of fear now creeps like a darkening shadow across the face of our Nation, inhibiting behavior, endangering traditional liberties, and bringing into the open with shocking boldness the worst elements in national life. Our divisions are accentuated suspicions sharpened, and cracks appear in the fabric of our society that dissent could never have placed there.

We seem to have lost sight of the fact that dissent is an inalienable right. That almost all those who respectfully disagree are taking issue with acts and national policies which are repugnant to them—immoral, if you will.

Instead of calm in the face of disagreement, which is the mature reaction to be expected from national leaders, we have shrill condemnation and outright demagoguery. A steady stream of repressive utterances, negative legislative proposals, and punitive policies emanates from the Justice Department. Cumulatively, they are far worse than any other aspect of this new McCarthy era we have suddenly been plunged into.

Talk has been heard publicly of detention camps for dissenters. Punitive measures are proposed for student radicals, including stripping them of all Government aid. These are bare beginnings. What is actually taking place or in preparation, we can only conjecture over.

A bold, damning attempt has been made by the administration to roll back painfully won gains in the area of Negro voting rights. Corporations which discriminate in the most obvious fashion are awarded lush Government contracts. Generally, there has been deliberate, calculated catering to the most reactionary elements in American life as a purposeful policy of the administration.

Invasion of individual privacy by Government is attaining astronomical proportions. Wiretapping or fear of it is pervading the entire life of our Nation. Precedents are being set of public revelations of such eavesdropping which are fraught with frightening implications. No one is immune, and increasingly, millions of citizens are loath to utilize their telephones for truly private discussions of any type. All this is being done with full knowledge of the telephone company, which not only acquiesces but calmly covers for these spying activities when queried. On a nationwide basis such activities are spreading, prying into a multitude of personal situations under guise of protecting national security and domestic tranquillity. Let us be ever mindful that every dictatorship in history has used such excuses to deprive all its citizens of their guaranteed rights piecemeal.

A steady stream of legislative proposals are offered by the administration through the Justice Department which strike fear into the lives of law-abiding people by the millions as well as criminals. Rather than address Government full force at causes of criminality and antisocial behavior, the Attorney General is attacking, with loud public relations-minded battle cries and shouts of virtue, the effects alone.

The narcotics traffic is an abomination which should be stamped out through use of harsh penalties. Youth must be protected against those who would prey upon it. But that is only half a solution. It is all well and good to emerge with one of the harshest laws, complete with punitive measures and penalties. Yet what about causes? What of foreign countries producing, shipping, and looking the other way at this traffic? What about rehabilitation? How about adequate detention and treatment centers? Or education against the menace?

Not a word on these subjects. All this administration can offer is a spiked club raised in rage rather than a hand outstretched to heal. Instead of attacking problems at their roots in our deteriorating cities, they offer half-baked solutions slanted at taking advantage of or even exacerbating hatreds and emotions. With a grand shout of political indignation, they heave the baby out the window with the bathwater and shoot the sick person in order to cure him.

Following this comes a proposal for preventive detention of "dangerous" defendants in Federal criminal cases. Again constitutional rights are bypassed. Coupled with this is the Justice Department's outrageous assertion in Chicago last month that it possesses unfettered powers to eavesdrop in national security cases. No restraint can be placed upon their eavesdropping activities by either courts or legislature is the Attorney General's implied assertion. Is this not a threat to the innocent as well as the guilty? Who decides what is a threat to national security?

Now we are confronted by the concept of preventive detention advocated by the administration. This is simply pretrial imprisonment based on "pretrial trial," "probability" of guilt, and "dangerousness" of a person to the community. Rather than addressing itself to the real cause of this problem, which is our jammed judicial system, the administration proposes to cram our detention centers and jails with accused people. There is automatic presupposition of guilt, which is diametrically opposed to our traditional supposition of innocence.

However, the final assault upon the citadel of individual liberty emanates from the administration in form of a request to Congress to grant Federal narcotics agents authority to break into residences unannounced to seize drug evidence quickly.

They propose to seek legalization and nationwide establishment of a precedent fraught with disaster for individual privacy, liberty, and security of a citizen within the confines of his own home. If they succeed, a citizen can have his home broken into without any warning, indication of intent, or notification that his privacy is in jeopardy. In Hitler's Germany, at least there was a knock. And there is another element of danger to be considered.

A man has a right to resist any unauthorized entrance into his home or apartment. Suppose a totally innocent person seizes a pistol he happens to own and have handy, and kills several narcotics agents who enter the wrong domicile? Weapons aplenty are available in our society. Mistakes of this sort and others are made daily. Shall all Americans live in apprehension of a knock on the door? Or lack of one? Remember those old movies about Hitler's Germany and Stalin's Russia? Familiar?

Each of these measures, in the name of war on crime, assault the most basic constitutional rights of every citizen of our Nation. They are a direct menace to our Bill of Rights. The very linchpin of American criminal law is presumption of innocence until proven guilty. Those careful guarantees of our Bill of Rights were constructed to protect the innocent for very good reason. The fourth through eighth amendments of our Constitution take penetrating note of historical abuses of individual rights. Yet this administration disregards past lessons, instead toying with abrogation of individual liberties in the name of fighting crime. Woe unto any society which allows such steps to be taken in its name. The world's desolate places abound in the ruins of such civilizations.

Mr. Speaker, Alexis de Tocqueville warned of the "tyranny of the majority more than a century ago. He expressed fear that the severest test of American liberties and institutions would arrive when a majority used its massive weight to crush rights of a minority which caused it apprehension. Such is the case today.

Similar maladies have beset us in our history. There were the Alien and Sedition Acts. During the Civil War, President Lincoln abrogated civil rights on innumerable occasions, including suspension of habeus corpus. After World War I, Attorney General Palmer staged his notorious "raids." All are objectively

noted as unforgettable and disagraceful blots upon our national escutcheon. All were dangerous outbreaks of political pustules on the body politic. America survived each with scant glory and much sorrow. Not too long ago, the acrobatic gyrations of Senator McCarthy, of Wisconsin, scarred many Americans. Today, instead of guilt by association and innuendo, we have presumption of guilt and overwhelming repression by forces charged with protection of our liberties.

It has all been seen and done before by those who possessed too little faith in our dreams, ideals, institutions and national fiber. This time it is heightened by a worsening climate of fear and fruits of a science which cannot differentiate between a good and an evil master.

So it falls upon those among us who choose to stand up to these dark forces from the abyss of American life. We must and shall challenge them.

When we study past disasters, we wonder how such excesses could be tolerated. It was because those who should have spoken out maintained silence. Such reticence is inexcusable today. America is too powerful to lose its political senses—even momentarily. So it is that we must publicly oppose politics of oppression and repression—aimed solely at political grandstanding. We must halt onslaughts against the Bill of Rights.

In time, this will be a dreary nightmare confined to a line or two in history texts, and perhaps a specialized study or two. Today, however, it is an imminent peril. Let us face these forces with firmness and determination. In our hands we hold one weapon only—the Constitution, backed by America's faith in it.

WHAT THE FLAG MEANS TO ME

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

Mr. HANLEY. Mr. Speaker, recently, a young man in my congressional district was the recipient of the first prize in an essay contest. The title of that essay was "What the Flag Means to Me." The author of this essay is David James Coffey. The message he imparted in his essay was, in my judgment, eloquent. I would like to share with my colleagues David Coffey's opinion of what our Nation's symbol means to him:

WHAT THE FLAG MEANS TO ME

(By David Coffey)

To me, the flag of the United States means freedom. The country we live in is different from other countries because each and every American has the right to vote, the right to his own business, the right of free speech. These rights are what make our country different from others.

Liberty was not always here for us. The people of the United States fought hard for these freedoms. To me the flag is a beautiful symbol of equal justice and liberty for all Americans.

Our flag has represented us during war and during Olympic Games. It has represented us all during the history of our country as our nation has become a leader in world power. Love of the flag has made our country grow strong. Fighting men and boys have kept our flag waving high as a banner of liberty for all.

What made Francis Scott Key write the words which now make our National Anthem? It was the Stars and Stripes which were then as they are now, a symbol of freedom and bravery.

Every morning as we start school we pledge allegiance to the flag of the strongest and greatest country in the world. I am glad I am a citizen of this country. I am proud of my love for the flag.

HIGHWAY SAFETY: COMMENTARY NO. 11

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

Mr. CLEVELAND. Mr. Speaker, the following excerpt from the testimony of Dr. Robert Brenner, Acting Director of the National Safety Council, before the Subcommittee on Roads of the House Public Works Committee, brought to light a potentially effective way to perhaps deter traffic accidents in the future and certainly to advance safety research. During the dialog between Dr. Brenner and myself, the subject of the "little black box" for cars was brought up.

This device is similar to a flight recorder carried on all commercial airplanes. This recorder could provide valuable information concerning automobile accidents. Its presence in a car might cause the driver to exercise restraint and caution.

I wish to share this bit of dialog with my colleagues and other readers of the RECORD, who are concerned with the matter of highway safety:

Mr. CLEVELAND. Another question I would like to ask is: Why is it difficult to document one way or another, the role of excessive speed in highway accidents? I wonder if any studies have been done to show the correlations of changing speeds and accident rates? We discussed that a little earlier.

Have any studies been done to show whether there is correlation between traffic flow and the accident rate? By traffic flow I mean where the flow is smooth and constant as compared to where it is not.

For example, where lights are not properly staggered, or where the roads, side roads come in and people stop to shop, or something like that.

Dr. BRENNER. Answering your first question, sir; the reason why it has been extremely difficult to accurately document the role of excessive speed in highway accidents is the ability or the inability to know exactly or accurately what the speed of the vehicle was at the time of impact by such methods as looking at the skidmarks.

Skidmarks are one of our better means for determining speed at impact; but they are notoriously unreliable, depending upon the condition of the road surface, weather conditions, things of this sort.

There has been some work done to identify impact speed by the amount of crushing of the vehicle structure. This, too, is in its infancy as a usable technique.

We have investigated and are investigating the possibility of building into vehicles devices, such as flight recorders that will enable us to read the device following an impact and get an accurate measurement of how fast the motorist was traveling.

Mr. CLEVELAND. I would like to stop you there.

That sounds like a pretty interesting idea. I have not heard about it before. It is a little black box for the car.

Have there been any cost studies on that? How much this recording is going to cost to put in the car that would tell us the story of what happened to the car, before the accident? Is there any cost figure on that?

(Mr. Clark assumed the chair.)

Dr. BRENNER. No, sir. I very arbitrarily established that it would have to cost less than $10, and this has caused something of a problem.

Mr. CLEVELAND. What would this relate to—what would this recorder relate, that would be of significance?

Speed, obviously?

Dr. BRENNER. Speed, impact forces.

Mr. CLEVELAND. Time?

Dr. BRENNER. Well, there are devices of this sort now being used on trucks to monitor the speed, time histories of trucks. These have been used by fleets for many years. They are rather expensive.

But with regard to the specific measurement of the speed at impact, I believe we must come up with something for less than $10. That is an arbitrary figure.

Mr. CLEVELAND. Besides speed, which is one of the obvious ones, how about whether or not brakes are applied? Could that be cranked into this?

Dr. BRENNER. I think these ideas could be cranked into devices of this sort but every time you crank in something additional, the cost goes up. There is a question as to how much money can be spent on devices of this sort.

Mr. CLEVELAND. Is this one of your research projects?

Dr. BRENNER. Yes, sir; we have a program now at Indiana University in which we are examining the relationship of speed to crashes.

Mr. CLEVELAND. I am getting back to this recording question.

Dr. BRENNER. I am sorry. We have included this in our program plans. We were going to fund the start of a development activity of this nature this fiscal year. We were unable to do so. We hope to do so in fiscal year 1970; but we do have the basic program.

Mr. CLEVELAND. This particular item is one of the ones you had to defer for at least a year because of shortage of funds?

Dr. BRENNER. We had to allocate our funds where we felt the priorities were a bit higher.

Mr. CLEVELAND. How much is research on this?

What do you have slated for the cost of the research on this recording device?

Dr. BRENNER. I would have to submit that for the record, because I cannot tell exactly how much it will cost to bring a device of this sort into practice. It might be almost an off-the-shelf kind of item. It might take a lot of development, particularly because of the cost factor.

We could put a $200 or $300 instrument in without any difficulty today but, for our purposes, we must develop methods that are much cheaper.

There has been some research that attempted to establish the impact speed by looking at the filaments in the headlamps. There is comparatively little mass in these filaments and there is some indication that, by measuring the amount of bending in the filament you could do a pretty good job of estimating what the impact forces were. That works fine, unless the light is on, which makes the metal soft and it does not work.

We are working on the problem.

Mr. CLEVELAND. Was your thinking on this recording device coupled with aspect of law enforcement, for example, if somebody were stopped for speeding, they could take a look at this recording device and see who is right?

Dr. BRENNER. This is one possible application of a device of this nature. However, I want to emphasize that our first requirement with regard to devices of this sort is research, to assist impact forces.

Now, some corollary benefits, which might ultimately take place, would have to await the development of the product.

THE PROUDEST WEEK IN THE HISTORY OF THE UNITED STATES

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, last week has to be one of the proudest in the history of the United States. Not only has America's space program accomplished almost the impossible in landing a man on the moon; more incredibly, it has brought him home safely. The splashdown in the South Pacific was the culmination of months, indeed years, of backbreaking effort on the part of thousands of people, not the least of whom were the three brave astronauts who made the journey.

The names of Neil Armstrong, "Buzz" Aldrin, and Mike Collins will not only be enshrined in history, they will be remembered fondly and warmly by every American, and every young man and woman who has a dream for the future.

This victory, Mr. Speaker, was not a victory for the United States alone, however. It was a solid accomplishment for man seeking to unlock many of the cosmic mysteries which have hung like a dangled carrot before his mind for thousands of years.

There is a great lesson to be learned from our successful moon shot, Mr. Speaker. If we can achieve this goal, then certainly it is within the power of mankind to achieve the goals of progress here on earth. With solid determination, we can eliminate poverty, we can eradicate discrimination, we can rebuild our cities, we can reclaim our polluted rivers and lakes and air, we can provide jobs and educational opportunities. It takes guts and vision to achieve these goals, Mr. Speaker. I think we have already demonstrated that we have a measure of both.

NATIONAL TIMBER SUPPLY

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

Mr. MCMILLAN. Mr. Speaker, I insert in the RECORD an editorial written by Mr. Harold J. Sugarman, publisher of the Building Supply News.

This item gives some information which I think the Members of the House should read in connection with the national timber supply bill recently introduced by me and approximately 40 other Members of Congress.

The editorial follows:

A CALL TO PROMPT ACTION

Only a few short weeks ago, the home building industry was bemoaning high lumber-plywood prices.

You don't hear much about that these days; because the market "took care" of those prices. Instead, it's tight money that holds us back. At least that is what everyone seems to be saying.

Yet, the temporary shortages of timber that caused lumber-plywood prices to escalate are but a foretaste of much more serious shortages likely in the future, unless action is started this year on a long-range timber supply program. Money, however, is always available at a price; and the home buyer is less concerned with the price of money than with the amounts of his down payment and monthly payments.

In any case, the money problem will solve itself in due course; but the timber supply problem requires prompt remedial action.

ROOT CAUSE OF PROBLEM

Because the Federal government owns by far the greatest timber stands in the Western States, stands which are actually deteriorating steadily because of inadequate harvesting, the cost of saw and peeler logs regulates lumber-plywood prices in periods of short supply. Uncle Sam in effect regulates log prices by limiting access to much of the supply of ripe timber.

A bill now in Congress, the National Forest Timber Supply Act (H.R. 12025), is languishing in the Agriculture Committees of both House and Senate, despite the fact that the bill has many prestigious sponsors. This bill will enable the Forestry Service to take the steps necessary to open up vast timber tracts that are now "dying on the vine."

Delay in enactment of this bill only hastens the day when we will experience a lumber shortage that "will curl your hair."

The plans for 26,000,000 new and rehabilitated dwelling units in the next decade, can be slashed in half if action is not started soon to get at the causes of recurrent timber shortages.

You should write at once to your Congressman and Senators to support this legislation. Also, write to the heads of the two Agriculture Committees, Senator Allen Ellender (La.) and Representative W. R. Poage (Texas).

LEAD POISONING AMONG CHILDREN

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

Mr. RYAN. Mr. Speaker, I am pleased to announce that today 18 of my colleagues have joined me in cosponsoring a legislative package consisting of three bills which I previously introduced to combat one of the major diseases among the children of our cities—lead poisoning.

The following Members of the House are cosponsoring the three bills: Mr. BRASCO, Mr. BURKE of Florida, Mr. BURTON of California, Mr. BUTTON, Mr. DADDARIO, Mr. EDWARDS of California, Mr. HALPERN, Mr. HORTON, Mr. HAWKINS, Mr. KOCH, Mr. MIKVA, Mr. MCCARTHY, Mr. MURPHY of New York, Mr. PODELL, Mr. PUCINSKI, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. WOLFF.

This disease has been largely ignored in the past, and only recently the nature of lead poisoning and its effects has become known.

Young children eat anything they can get their hands on. In our urban centers, the thing that children living in dilapidated housing get their hands on easiest is bits of paint and plaster that have peeled or fallen from the walls and ceilings—and from this they get lead poisoning.

Many localities have recognized the danger of lead-based paints, and they have outlawed their use on the interior surfaces of housing. But lead-based paint that has been previously applied remains, and peels and falls off.

Children living in the substandard housing of city slums, therefore, are exposed daily to this deadly health hazard. It has been estimated that 9,000 to 18,000 New York City children have lead poisoning. Recent studies in Cleveland, Chicago, and Baltimore, show that 5 to 10 percent of the children tested had lead levels serious enough to qualify them as poisoned.

To make matters worse, lead poisoning cases are seldom reported. In New York, for example, cases were reported to the health department only after the disease had reached its most critical stages. When the poisoning gets this far, it results in permanent mental retardation, cerebral palsy, epilepsy, and death. In the last 10 years, 138 children died in Chicago of lead poisoning 128 children died in New York between 1954 and 1964. The early stages are very much like the flu or virus, and so are ignored by parents and doctors. Health officials and parents must be made aware of this health menace, or it will continue at a tragic rate.

In a recent article entitled "Lead Poisoning: A Diet of Death," which appeared in the New York Sunday News on June 22, Bert Shanas pointed out that the toll of children suffering from this insidious disease was astonishingly high. For example, last year in the city of New York alone, 863 children were reported to have lead poisoning. He also pointed out that this figure was really misleading because thousands of cases are not reported.

This last spring, three children in one family died of lead poisoning. The specter of this one fact alone to me is most ominous. For, if one child in a family is stricken, then other children will most likely be stricken.

Congress must take steps to halt this needless waste of humanity. It must again act to protect children from this hazardous condition, and spare their families the grief and suffering brought on by the untimely death of an otherwise healthy child.

The three bills being introduced today will help alleviate, and hopefully, terminate the problem of lead poisoning in our urban children.

The first bill establishes a fund in the Department of Health, Education, and Welfare from which the Secretary could make grants to local governments to develop programs to identify and treat individuals afflicted by lead poisoning.

The second measure is directed at the problem of slum housing itself, and the need to eliminate the causes of lead poisoning. It authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces.

The third bill, a potentially effective tool to combat the spread of this disease, would require that a local government submit to the Secretary of Housing and Urban Development, an effective plan for eliminating the causes of lead-based

paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation. It also would require that these plans be enforced.

Mr. Speaker, the situation in our major cities today, particularly with respect to the lack of available funds to eliminate lead-based paint poisoning, requires Federal Government assistance in the effort to eliminate the causes of lead poisoning in children.

There is no excuse for our permitting this poisoning to continue. Lead poisoning is not a disease whose cause is questionable and cure nonexistent. We know its causes and its cure.

There must be a national commitment to assist local areas to find those children with lead poisoning and give them proper treatment. Even more necessary, we must attack the problem at its roots. We must eliminate the lead-based paints from inner city housing. The three bills we have cosponsored today are aimed at achieving these goals.

SELECTION PROCEDURES FOR RURAL CARRIERS

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

Mr. OLSEN. Mr. Speaker, today I am introducing a bill to offset the very serious problem which was created by the new selection procedures for rural carriers administratively effected by the Post Office Department in April of this year. Under these new selection procedures, approximately 25,000 dedicated, loyal substitute rural letter carriers are denied the opportunity of ever securing a rural carrier appointment. Needless to say, this is a crushing blow to the morale of this group.

It is little known, but the large group of substitute rural carriers are noncareer appointees. They hold no civil service status. They are paid only a daily rate for each day they are employed. Yet, I am sure we all know these substitute carriers stand constantly ready to report for duty on any occasion when the regular rural carrier is on leave, or because of any emergency reason he is unable to make his appointed rounds.

As you know, it is extremely rare indeed when any of the Nation's 31,000 rural routes are not given service due to the absence of the regular carrier. With these thoughts in mind, I have drafted a bill providing each qualified substitute rural carrier of record with at least 3 years of satisfactory service will be eligible to receive a career appointment upon satisfactory completion of a noncompetitive examination. Appointments in this category would be made to any rural route vacancy remaining unfilled after reassignment procedures and consideration of career employees at the local post office have been completed.

Mr. Speaker, I sincerely hope this legislation can be given immediate attention by the proper committee and that it will be sent to the floor of the House for action and a vote prior to our recess at the end of this session.

OHIO RIVER—LIFELINE TO MID-AMERICA

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

Mr. HECHLER of West Virginia. Mr. Speaker, the mighty Ohio River, often described in song and verse as "the beautiful Ohio," is undergoing a multimillion-dollar lock and dam modernization program by the U.S. Army Corps of Engineers to avert a 981-mile traffic jam. The important role this river played in the early history of our country, the vital part it is playing today and what the modernization program means is described in the following article from the summer 1969 issue of Water Spectrum, a new quarterly publication by the Corps of Engineers:

LIFELINE TO MID-AMERICA

(By John W. Lane, public information officer, Ohio River Division)

It has been a long time since anybody shipped a barrel of whiskey, a dozen hogs or even their Aunt Betsie on an Ohio River Packet boat. But the river is closer to Ohio basin people than ever before.

There was a time when everything that moved in this part of the country traveled by river boat. Furniture, machinery, livestock, farm produce, hoopskirts and buggy-whips, all were shipped on river boats before the railroads and modern highways.

Ohio Valley merchants and manufacturers shipped and received their goods by packet boat. Barrels of Kentucky whiskey came on the same vessels with hogs and pianos. A cousin visiting from Pittsburgh probably came by river boat rather than endure an arduous journey over rough and possibly dangerous roads. During its pre-Civil War heyday, the Nation's inland fleet annually carried more tonnage than that handled by all the vessels of the British Empire—and in a day when Britannia really ruled the waves.

This movement of people and miscellaneous freight on the river ended with the rapid growth of the railroads, starting during the latter years of the Civil War. Just too fast for the graceful but plodding steamboats, the railroads soon took over the passenger and freight trade.

The end of the packet was as dramatic as its beginning. Within four years of the establishment of rail service between Cincinnati and Pittsburgh, the Pittsburgh and Cincinnati Packet Line failed. This had been one of the most luxurious of the inland fleets with the fastest and most comfortable vessels. The line annually carried $35 million in freight and some 80,000 passengers, or about 50 percent of the freight and some 75 percent of the passengers traveling over this reach of the river.

The death of the packet boats marked the beginning of a far more efficient, if less colorful, system of river transportation. This was the movement of bulk materials in barges pushed by towboats. After a shaky start in the late 1800's, America's inland waterways shipping has grown into a major industry with about $2 billion invested in equipment and employing about 200,000.

Lost with the steamboat era was the personal touch with the river that everyone in the Ohio Valley had in their daily lives. With more than 8,000 steamboat arrivals recorded at Cincinnati in 1852—about one an hour—Cincinnatians must have felt very close to the Ohio.

Today the river is as important as ever in our lives—probably even more than it was in the last century. Each year tonnage moving on the river surpasses the previous year. In 1967 some 113.5 million tons of freight were shipped on the Ohio, considerably more than the amount which went through the Panama Canal that year.

The materials that are shipped by barge on the Ohio are, however, in a condition not readily usable by the average resident. None of the 49 million tons of coal that traveled on the river in 1967 found its way into anyone's home as coal. But the electricity generated by that coal helped run our homes, schools and factories.

The river carried 21 million tons of petroleum for our cars and industries. Another 14 million tons of stone, sand and gravel fed to the burgeoning highway construction and urban rebuilding throughout the country.

Most people probably haven't ordered a ton of bituminous coal in their lives. Many have never been on a towboat. But while the public landing isn't the social gathering place it was a hundred years ago, the river and the low cost transportation it provides has helped generate the tremendous development in the Ohio Valley. The river could be accurately described as the lifeline of the Ohio Valley.

We are often asked how the Army Corps of Engineers became involved in building dams on the Ohio. This all began early in our Nation's history when, after the Revolutionary War, early Congresses, because of a shortage of engineers in the country, called upon the Corps to perform surveys and act as engineering consultant. This grew over the years into the Corps' present mission in comprehensive water resource development which includes navigation, flood control, water supply, hydroelectric power, recreation, flow augmentation and fish and wildlife enhancement.

The Corps' first work on the Ohio was in 1824 when Congress authorized $75,000 for the removal of snags, a major cause of steamboat accidents. The navigation problem of the Ohio, however, was more than simply snags. Almost annually, the river would run so low that a man could wade across at several places. When this happened, river traffic sat on its hulls in the mud and waited for high water.

Congress, recognizing an obvious threat to the Nation's economy, directed the Corps of Engineers to canalize the river by means of a series of low-lift locks and dams. The first dam, Davis Island near Pittsburgh, was completed in 1885, and the entire system of 46 structures was dedicated in 1929.

Most of the dams were of the movable wicket type. It consists essentially of a line of slats, or wickets, resting on a concrete foundation which stretches across the river. The sections of thick timber slats are nearly four feet wide and in the neighborhood of ten feet long. In the raised position each slat has one end resting on the foundation and the other projecting above water, and is supported by a strut. The whole effect is of a picket fence set across the river, the pickets so close together that only a trickle of water passes between, and the fence leaning slightly downriver better to withstand the pressure.

The advantage of the wicket dam is that when the river rises and becomes navigable without the aid of dams, the wickets can be lowered. The struts are released and the wickets are folded down flat against the foundation. Instead of using the locks, river traffic just sails right on over the dam. Thus the only time a tow has to go through a lock is when without a lock the river would be impassable.

The dams, designed to hold navigable pools during periods of low flow, had single 600-foot by 110-foot locks. The system adequately handled the 20 to 30-million tons of freight that moved on the river annually in the 1920's and '30s.

After World War II, the diesel-powered towboat began appearing on the river, and with its greater horsepower and load capacity it soon shoved the steam towboats into obscurity. The diesels also shoved the system of 46 locks and dams into obsolescence.

With their added horsepower the new boats handled loads twice as long as the 600-foot locks, resulting in tows having to be broken and put through the locks in two sections. This double-locking, taking up to two hours, threatened to strangle further development in the Ohio Valley.

To avert a 981-mile traffic jam, the Corps of Engineers in the early 1950's began replacing the 46 old structures with 19 modern high-lift dams. The new dams feature a 1,200-foot-long lock chamber for larger tows, plus an auxiliary 600-foot lock for pleasure boats and smaller tows.

The new structures speed transportation on the river with faster locking and by creating longer open pools. Markland Locks and Dam, just downstream from Cincinnati, creates a 95-mile long pool and replaces five old low-lift structures. Currently, there are 33 navigation structures on the Ohio, 10 of which have modern lock facilities.

Brig. Gen. Willard Roper, Division Engineer of the Corps' Ohio River Division, says the river's heaviest traffic moves on the stretch below the confluence of the Ohio and Kentucky's Green River. This traffic has been engendered by the boom in the coal business along the Green and other tributaries.

"The Division's biggest immediate problem," General Roper says, "is the replacement of Lock & Dam 50 and Lock & Dam 51, the two movable dams scheduled to be replaced by the Smithland Lock & Dam. We hope to start contracting next May to begin construction sometime in fiscal 1970. But the new dam will not be ready before a serious bottle-neck has developed."

As a result of the unexpected traffic pressure in the lower Ohio, Smithland Lock & Dam will be constructed with two 1,200-foot locks instead of the one 1,200-foot and one 600-foot lock found in the other new dams.

Corps planners are considering putting two long locks in the Mound City Lock and Dam, also.

This farthest-downriver dam has had other problems, however. The main one was finding a suitable site for a fixed dam near the mouth of the Ohio.

The foundations of the old wicket dams are relatively light and can be supported on piling in almost any kind of river bottom, but the heavy new dams are a different matter.

Pending completion of design, and construction at Mound City, L&D 52 and 53 will have to carry the traffic. These are both wicket dams. As noted already, Dam 53 is on the bottom of the river a majority of the time. Dam 52 is up half the time and down half the time. In order to meet the traffic load a temporary 1,200-foot lock has been constructed at Dam 52 at a cost of about $10 million. This should pay for itself within seven years in delays avoided alone. It will be at least this long before Mound City can be open for use.

But in spite of construction delays and traffic jams, tonnage projections indicate the Ohio will play a vital role in the future economy of the basin.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER, for Thursday, July 31, 1969, on account of official business.

Mr. SAYLOR, for 3 days, August 4 to 6, 1969, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 60 minutes, today, to revise and extend his remarks and include extraneous matter.

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

Mr. REUSS, for 30 minutes, today.
Mr. FARBSTEIN, for 15 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. RARICK, for 15 minutes, today.
Mr. HAGAN, for 10 minutes, today.

Mr. SAYLOR (at the request of Mr. FISH), for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

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

Mr. MADDEN and to include extraneous matter.

Mr. MICHEL prior to the Committee rising during the consideration of H.R. 13111 and to include extraneous matter.

Mr. RANDALL while in the Committee of the Whole on H.R. 13111 prior to vote on the Sikes-Smith amendment.

Mr. RYAN and to include extraneous matter during his remarks in the Committee of the Whole on the Smith-Sikes amendment.

Mr. RYAN prior to the adoption of the Kyl amendment while in Committee of the Whole on H.R. 13111 on Wednesday, July 30.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. HASTINGS.
Mrs. HECKLER of Massachusetts.
Mr. HARSHA.
Mr. GROSS.
Mr. ROBISON.
Mr. BUTTON.
Mr. CONTE.
Mr. ANDERSON of Illinois.
Mr. BEALL of Maryland.
Mr. WYMAN in two instances.
Mr. HORTON in two instances.
Mr. DERWINSKI in two instances.
Mr. DENNEY.
Mr. BUSH.
Mr. COUGHLIN in two instances.
Mr. DON H. CLAUSEN.
Mr. CARTER.
Mr. SNYDER.
Mr. WHALEN.
Mr. FULTON of Pennsylvania in five instances.
Mr. PELLY in two instances.
Mr. HOSMER in two instances.
Mr. DELLENBACK.

(The following Members (at the request of Mr. TUNNEY) and to include extraneous matter:)

Mr. HAMILTON in 10 instances.
Mr. MATSUNAGA in two instances.
Mr. CHARLES H. WILSON.
Mr. ASHLEY.
Mr. OBEY in three instances.
Mr. GONZALEZ in two instances.
Mr. SLACK.
Mr. GALLAGHER.
Mr. MIKVA.
Mr. WOLFF.
Mr. RODINO in two instances.
Mr. JONES of Alabama in two instances.
Mr. DORN in two instances.
Mr. EDMONDSON in two instances.
Mr. RARICK in four instances.
Mr. O'HARA in two instances.
Mr. TUNNEY.
Mr. HELSTOSKI.
Mr. HANLEY in two instances.
Mr. SCHEUER in three instances.
Mr. YOUNG in two instances.
Mr. TIERNAN.
Mr. MARSH in two instances.
Mr. BIAGGI in two instances.
Mr. DULSKI in three instances.
Mr. ROGERS of Florida in five instances.
Mr. RIVERS in two instances.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2678. An act to amend section 203 of the Flood Control Act of 1962 to provide for optimum development at Tocks Island Dam and Reservoir; to the Committee on Public Works, and

S.J. Res. 140. Joint resolution to provide for the striking of medals in honor of American astronauts who have flown in outer space; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13079. An act to continue for a temporary period the existing interest equalization tax.

SENATE ENROLLED BILLS SIGNED

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

S. 38. An act to consent to the upper Niobara River Compact between the States of Wyoming and Nebraska; and

S. 1590. An act to amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned task.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2785. An act to authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smoky Mountains National Park and cer-

tain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes;

H.R. 3379. An act for the relief of Sgt. 1C Patrick Marratto, U.S. Army (retired);

H.R. 5833. An act to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes;

H.R. 6585. An act for the relief of Mr. and Mrs. A. F. Elgin; and

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

ADJOURNMENT

Mr. TUNNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, August 1, 1969, 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:

1008. A letter from the Comptroller General of the United States, transmitting a report on selected automatic data processing activities, District of Columbia government; to the Committee on Government Operations.

1009. A letter from the Secretary of the Treasury, to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States; to the Committee on the Judiciary.

1010. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the export expansion facility program for the quarter ended June 30, 1969, pursuant to the provisions of Public Law 90-390; to the Committee on Banking and Currency.

1011. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of the work experience and training project in Wayne County, Mich., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

1012. A letter from the Acting Director, Bureau of Land Management, Department of the Interior, transmitting a report on negotiated sales contracts for disposal of materials during the period January 1 through July 31, 1969, pursuant to the provisions of Public Law 87-689 (76 Stat. 587); to the Committee on Interior and Insular Affairs.

1013. A letter from the Attorney General, transmitting a report on exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States, for the 6 months ended June 30, 1969, pursuant to the provisions of section 3 of Public Law 89-175; to the Committee on the Judiciary.

1014. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to adjust the maximum salaries for full- and part-time U.S. magistrates; to the Committee on the Judiciary.

1015. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide that agency heads be paid on a biweekly basis; to the Committee on Post Office and Civil Service.

1016. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide for the adjustment, by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control; to the Committee on Veterans' Affairs.

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. TAYLOR: Committee on Interior and Insular Affairs. S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; with amendment (Rept. No. 91-411). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. MESKILL: Committee on the Judiciary. H.R. 3629. A bill for the relief of Mrs. Sabina Riggi Farina (Rept. No. 91-408). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 3955. A bill for the relief of Placido Viterbo (Rept. No. 91-409). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 9001. A bill for the relief of William Patrick Magee, without amendment (Rept. No. 91-410). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 13220. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

By Mr. BIAGGI:

H.R. 13221. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. BUSH:

H.R. 13222. A bill to afford protection to the public from offensive intrustion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DADDARIO:

H.R. 13223. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. GIAIMO:

H.R. 13224. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 13225. A bill to amend the Clean Air Act to ban the use of certain internal combustion engines in motor vehicles after January 1, 1978; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA:

H.R. 13226. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in the benefits payable thereunder, with subsequent cost-of-living increases in such benefits; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 13227. A bill to provide additional Federal assistance in connection with the construction, alteration, and improvement of air carrier and general-purpose airports, airport terminals, and related facilities, to promote a coordinated national plan of integrated airport and airway systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 13228. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. SANDMAN):

H.R. 13229. A bill to amend title 18 of the United States Code in order to provide that committing acts dangerous to persons on board trains shall be a criminal offense; to the Committee on the Judiciary.

By Mr. SCHADEBERG (for himself, Mrs. HANSEN of Washington, Mr. JONES of North Carolina, Mr. UTT, Mr. MATSUNAGA, Mr. WHITEHURST, Mr. CAHILL, Mr. POLLOCK, Mr. CHAPPELL, Mr. CASEY, Mr. ASHLEY, Mr. HOWARD, Mr. SANDMAN, Mr. TIERNAN, and Mr. VAN DEERLIN):

H.R. 13230. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. THOMPSON of Georgia:

H.R. 13231. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. STEIGER of Arizona, and Mr. RHODES):

H.R. 13232. A bill to designate certain lands in the Petrified Forest National Park in Arizona as "wildnerness"; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. ABBITT, Mr. ABERNETHY, Mr. ALEXANDER, Mr. ANDREWS of North Dakota, Mr. BLACKBURN, Mr. BROTZMAN, Mr. CAFFERY, Mr. CUNNINGHAM, Mr. FINDLEY, Mrs. GREEN of Oregon, Mr. GUDE, Mr. ICHORD, Mr. KING, Mr. MATHIAS, Mr. MELCHER, Mr. MONAGAN, Mr. MURPHY of New York, Mrs. REID of Illinois, Mr. STUCKEY, and Mr. WIDNALL):

H.R. 13233. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama:

H.R. 13234. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 13235. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. ANDREWS of Alabama:

H.R. 13236. A bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and

for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS:

H.R. 13237. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CASEY:

H.R. 13238. A bill to provide that the half dollar shall bear the official symbol of the Apollo 11 flight; to the Committee on Banking and Currency.

By Mr. CONABLE:

H.R. 13239. A bill to establish the calendar year as the fiscal year of the U.S. Government; to the Committee on Government Operations.

By Mr. DIGGS (for himself, and Mr. BROYHILL of Virginia):

H.R. 13240. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. ERLENBORN (for himself, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. ARENDS, Mr. CARTER, Mr. CHAMBERLAIN, Mr. COLLIER, Mr. CORBETT, Mr. DERWINSKI, Mr. DONOHUE, Mr. EDWARDS of Louisiana, Mr. FLOWERS, Mr. HAMILTON, Mr. LUKENS, Mr. MCCLORY, Mr. MCCLURE, Mr. MCEWEN, Mr. MANN, Mr. MICHEL, Mr. MOSHER, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RAILSBACK, Mr. RONAN, and Mr. SCOTT):

H.R. 13241. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.R. 13242. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. FULTON of Pennsylvania:

H.R. 13243. A bill to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guaranties in developing countries to encourage local participation in self-help community development projects; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H.R. 13244. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

My Mr. HICKS:

H.R. 13245. A bill to prohibit the mailing of certain obscene matter; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 13246. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON (for himself, Mr. GARMATZ, Mr. MOSHER, Mr. ROGERS of Florida; Mr. PELLY, Mr. ASHLEY, Mr. KEITH, Mr. DOWNING, Mr. SCHADEBERG, Mr. KARTH, Mr. DELLENBACK, Mr. HATHAWAY, Mr. POLLOCK, Mr. CLARK, Mr. RUPPE, Mr. ST. ONGE, Mr. GOODLING, Mr. JONES of North Carolina, Mr. BRAY, Mr. HANNA, Mr. LEGGETT, and Mr. FEIGHAN):

H.R. 13247. A bill to amend the Marine Resources and Engineering Development Act of 1966 to establish a comprehensive and long-range national program of research, development, technical services, exploration, and utilization with respect to our marine and atmospheric environment; to the Committee on Merchant Marine and Fisheries.

By Mr. MACGREGOR:

H.R. 13248. A bill to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education; to the Committee on Education and Labor.

By Mr. MESKILL:

H.R. 13249. A bill to permit a Federal employee to transfer his enrollment from a Federal health benefits plan to another plan under certain additional circumstances; to the Committee on Post Office and Civil Service.

By Mr. MORSE:

H.R. 13250. A bill to establish an urban mass transportation trust fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. OLSEN:

H.R. 13251. A bill to provide career status as rural carriers to certain qualified substitute rural letter carriers of record; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself and Mr. WIDNALL):

H.R. 13252. A bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 13253. A bill to establish an urban mass transportation trust fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mr. BRASCO, Mr. BURKE of Florida, Mr. BURTON of California, Mr. BUTTON, Mr. DADDARIO, Mr. EDWARDS of California, Mr. HALPERN, Mr. HAWKINS, Mr. HORTON, Mr. KOCH, Mr. MCCARTHY, Mr. MIKVA, Mr. MURPHY of New York, Mr. PODELL, Mr. PUCINSKI, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. WOLFF):

H.R. 13254. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 13255. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 13256. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 13257. A bill to amend section 310 of the Communications Act of 1934 to require the Federal Communications Commission to make additional findings and hold additional proceedings before approving the transfer of station licenses or construction permits, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 13258. A bill to authorize the Secretary of the Treasury to carry out a program of research and development relating to devices and techniques for the detection of illegal importation of dangerous drugs into the United States; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. ADAMS, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. BRASCO, Mr. DADDARIO, Mr. FLOWERS, Mr. FRIEDEL, Mr. PRYOR of Arkansas, Mr. RUPPE, and Mr. TEAGUE of Texas):

H.R. 13259. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

By Mr. BENNETT:

H.R. 13260. A bill to prohibit former Federal employees who participated in a contract formulation from being employed by anyone who has a direct interest in the contract for a period of 2 years; to the Committee on the Judiciary.

By Mr. CRAMER (for himself, Mr. WYMAN, Mr. CLEVELAND, Mr. ROTH, Mr. KING, Mr. DEVINE, Mr. WHITEHURST, Mr. MIZELL, Mr. HARSHA, Mr. EDWARDS of Alabama, Mr. COLLINS, Mr. BOB WILSON, Mr. DUNCAN, Mr. WATSON, Mr. SNYDER, Mr. SCOTT, and Mr. BURKE of Florida):

H.R. 13261. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance and to provide for injunctive relief; to the Committee on the Judiciary.

By Mr. BOLAND:

H.J. Res. 853. Joint resolution to authorize and direct the Franklin Delano Roosevelt Commission to raise funds for the construction of a memorial; to the Committee on House Administration.

By Mr. BROTZMAN (for himself, Mr. CLEVELAND, Mr. WHALEN, Mr. MCCULLOCH, Mr. FLYNT, Mr. KLEPPE, Mr. POWELL, Mr. RIEGLE, Mr. HUNT, Mr. RONAN, Mr. WINN, Mr. BUCHANAN, Mr. DON H. CLAUSEN, Mr. GRAY, Mr. BURKE of Florida, Mr. MCDADE, Mr. HALPERN, and Mr. FISH):

H.J. Res. 854. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mrs. MAY (for herself, Mr. ANDERSON of Illinois, Mr. BERRY, Mr. DENNEY, Mr. HANSEN of Idaho, Mr. HORTON, Mr. KLEPPE, Mr. MCCLURE, Mr. MCKNEALLY, Mr. MARTIN, Mr. PELLY, Mr. POLLOCK, Mr. REIFEL, Mr. SEBELIUS, Mr. SHRIVER, Mr. UTT, Mr. WINN, and Mr. ZWACH):

H.J. Res. 855. Joint resolution providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week" in the United States; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 856. Joint resolution to provide for the designation of third week in May of each year as "Municipal Clerk's Week"; to the Committee on the Judiciary.

By Mr. LANDGREBE (for himself and Mr. DENNIS):

H.J. Res. 857. Joint resolution providing for the establishment of the Astronauts Memorial Commission to construct and erect with funds a memorial in the John F. Kennedy Space Center, Florida, or the immediate vicinity, to honor and commemorate the men who serve as astronauts in the U.S. space program; to the Committee on House Administration.

By Mr. MELCHER (for himself, Mr. HICKS, and Mr. OLSEN):

H.J. Res. 858. Joint resolution requesting the President of the United States to issue a

proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. BOGGS:

H. Con. Res. 311. Concurrent resolution expressing the sense of the Congress with respect to the future exploration of space frontiers jointy by the United States and other technologically advanced nations of the world; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 312. Concurrent resolution to invite members of the Supreme Soviet to visit the United States; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Con. Res 313. Concurrent resolution to encourage displaying the flag of the United States; to the Committee on the Judiciary.

By Mr. BIAGGI:

H. Res. 506. Resolution creating a select committee to conduct an investigation and study of all aspects of crime and disorder on U.S. military installations; to the Committee on Rules.

By Mr. ASHBROOK:

H. Res. 507. Resolution amending rule XXXV of the Rules of the House of Representatives to increase fees of witnesses before the House or its committees; to the Committee on Rules.

By Mr. KLUCZYNSKI:

H. Res. 508. Resolution providing funds for the Select Committee on the House Restaurant; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BURTON of California:

H.R. 13262. A bill for the relief of Vasilios Stavropoulos; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 13263. A bill for the relief of John R. Groves; to the Committee on the Judiciary.

H.R. 13264. A bill for the relief of Leda Kemmet; to the Committee on the Judiciary.

H.R. 13265. A bill to confer U.S. citizenship posthumously upon Lance Cpl. Frank J. Krec; to the Committee on the Judiciary.

H.R. 13266. A bill to provide for the free entry of one electron spin resonance spectrometer for the use of the University of Rochester, N.Y.; to the Committee on Ways and Means.

By Mr. MIZE:

H.R. 13267. A bill to direct the Secretary of the Interior to convey certain lands in Geary County, Kans., to Margaret G. More; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 13268. A bill for the relief of Agostino D'Ascoli; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

199. The SPEAKER presented a petition of the Board of Supervisors, Los Angeles County, Calif., relative to the Interstate Taxation Act, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GOOD SENSE ON THE CAMPUS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, July 31, 1969

Mr. FANNIN. Mr. President, we have had a plethora of advice from the left informing us that unless there is a great deal of change toward accommodating student dissidents there will be disorder and chaos. News reports of campus violence and recorded instances of administrative backbone turning to quivering jelly in the face of unthinking, nonnegotiable demands coupled with the threat of violence as well as actual violence, has led many members of the academic community to think that "the sky is falling."

Nowhere has controversy swirled with greater rage than in those locations where "defense research" was being conducted. The first silly outbreak of this kind of action occurred on campuses where Dow Chemical recruiters were working. Because this company makes, among many other products, a part of the weaponry called napalm, it has become a convenient target for campus radicals, spurred on by professional reactionaries and revolutionists.

These "third world" people cry on their beads and in the beards about burning babies with napalm and conveniently ignore the deliberate rocket attacks the Vietcong mount, aimed strictly at the civilian population. In instance after instance, brutalities, atrocities, and arms caches designed for civilian mayhem have been discovered and documented—but these bearded bleeding hearts look the other way. South Vietnamese civilians apparently do not feel pain, are not subject to atrocities, have no place in the third world dreams of these "great unwashed."

When I recently ran across a cogent and clearly stated document detailing the activities of these antiwar protesters it was like a breath of springtime. I wish to share it with the Senate and ask unanimous consent that an address by Charles A. Anderson, president of Stanford Research Institute, Menlo Park, Calif., given on June 6, 1969, before the Commonwealth Club of California meeting in San Francisco, be printed in the RECORD.

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

DEFENSE RESEARCH AND THE ACADEMIC COMMUNITY

(By Charles A. Anderson)

(NOTE.—SRI is a nonprofit organization, performing contract research for industry, government, and foundations in the United States and abroad. Its fields of interest are in the physical and life sciences, economics, management sciences, system sciences and engineering.)

Here and there throughout the country, news stories have cropped up in recent months, stories that are very similar and, to some people, rather disturbing. To a few others, they are good news. But, like most news items, they disappear the next day or the next week and there really hasn't been any real impact on the general public.

I am talking about the news story not long ago that Massachusetts Institute of Technology would not for the time being accept any more classified research programs in two of its affiliated laboratories. More recently, a faculty-student committee urged a cutback in military research at MIT.

There was a story some time ago that the Institute for Defense Analysis had ended its ties with a number of major universities that had sponsored it.

American University has ended all classified research for the government.

Here at home the faculty Senate of Stanford University voted not to engage in classified research after the sit-in by dissident students at the Applied Electronics Laboratory on campus.

And, of course, Stanford Research Institute has had its share of attention lately, most of it unwanted. It has been decided by the Trustees of Stanford University that the formal ties between Stanford University and SRI will be determined. Meanwhile, various campus groups, led mainly by the radical Students for a Democratic Society, have been demanding that SRI stop certain kinds of national security research.

If all these separate actions had happened on the same day, or if we saw them all as part of a national problem, we might look at them more soberly. Indeed, many of our citizens might be alarmed.

Put all these isolated incidents together and think about what's happening in America. We have a small but very active population of dissidents who have told us openly that they disagree with the national goals of the majority. They tell us openly they will destroy us by destroying our institutions and our ability to defend ourselves and our country, and that they will use violence and bloodshed when necessary. Recently, I was told that personally by a young SDS leader who was shaking his fist under my nose at the time. And then these revolutionaries go out and do exactly what they said they would do. They have succeeded on campus after campus and they are doing serious harm to America's research for national security. They get away with it, usually. I think it's high time for people of this country to be alarmed at this situation.

I should make it clear that I mean no special criticism of the Stanford University administration or faculty. We have had some 23 years of pleasant and mutually beneficial relationships with the University and we look forward to many more years. The academic community, however, has a difficult problem in dealing with violence and law-breaking on the campus.

I can understand the argument that classified research should not be carried out by a university. The university must keep in mind its purpose to make its knowledge known to the general public—in particular, to its students. SRI, on the other hand, was formed as an independent contract research organization that could work on projects resulting in classified and proprietary information for both government and industry.

College faculties over the years have demanded for themselves a great deal of authority in the government of the campus but they have never before been faced with conditions such as they face today. In their efforts to protect the campus tradition of academic freedom and freedom of dissent—and harrassed as they are by the inevitable minority of faculty members who belong to the radical fringe—they find it very difficult

to exercise the authority they have won. Ironically, they sometimes end up doing serious damage to the very ideas they seek to protect.

A faculty friend of mine said this about the recent radical activities on the Stanford campus: "These tactics are alien to the community; it remains to be seen whether they can be countered through means which themselves do not destroy the essence of the University.

He made another interesting point I would like to quote. He said: "I have never felt constraind from projecting my own views and actions into the outside community as an individual. The University has provided the firm base making such actions possible for all members of groups so stimulated.

"Unhappily, we seem now to be entering a period of 'consensus' in which the University itself is urged to adopt a position on issues moral and political, and those within who do not naturally subscribe to the consensus view must conform or be quiet." And he continued: "My alarm is heightened by the apparent ability of any hyperactive group, perhaps a group small in numbers, to gain enormous strength from the tacit enlistment through this process of the force of the total Universtiy community. It is dangerous to the University and, through extrapolation, to the outside community."

The extremists, the radical dissidents, have been successful on university campuses because each incident usually is small enough to leave the majority of the community uninvolved personally. Not until the cumulative effect of many incidents affects enough people directly will there be concerted efforts to stop the use of violence as a political tactic. In this connection, it is significant, I believe, that just this past week both the Congress and the President have officially noted this problem. There is, of course, the great danger that the country's reaction, if too long delayed, will be an over-reaction. I trust this will not be the case.

I am not an authority on these antigovernment movements on college campuses; I've been preoccupied with my own troubles lately. But I think the situation we've had at SRI contains many of the typical elements of the trend and some comments about our experience may be helpful.

It's important, I believe, to start off by telling you about Stanford Research Institute and its work. An understanding of SRI is necessary in order to see the radicals' demands in perspective.

SRI was the result of a strong need in the West for an independent contract research organization. With the help of West Coast business leaders, the Trustees of Stanford University chartered SRI in 1946 as a nonprofit, tax-exempt scientific research organization under the laws of the State of California. It now performs contract research for industry, government and foundations throughout the free world. Its fields of competence include the physical and life sciences, economics, management sciences, systems sciences and engineering. Its relationship to Stanford University has been that of a coequal, sister organization under a common Board of Trustees. As you know, the Trustees have now decided that this formal tie to the University will be terminated.

SRI has almost 3,000 employees and 1,500 of these are members of the professional and scientific staff. At the moment, SRI is at work on some 775 separate research projects. In a typical year, we will work on a total of 1200 projects. This is a contract research volume in excess of $60 million per year—and constitutes our only source of income. We have no endowment such as the University enjoys.

Most of the SRI staff is in our headquarters in Menlo Park. We also have a major facility in Southern California. Other SRI offices are located in Washington, New York, Chicago, Huntsville, Zurich, Stockholm, Tokyo and Bangkok. Project offices are established in other areas from time to time depending on particular requirements.

One of the most valuable assets of Stanford Research Institute is the fact that its unique position makes it one of the very few, perhaps the only research organization that can serve effectively as the point of contact, the interface between business, government, the universities, foundations and the public. Many of the problems facing the world today are too complex to be solved by the academic world alone, or by government alone, or by private enterprise alone. SRI is able to work freely and objectively with all these sectors of society throughout the world and in virtually all of the major disciplines of knowledge. In that position, it can—and does—make significant contributions to the solution of man's problems. In its short lifetime, SRI has become a very important and strategic national resource.

Last year the Institute created a new office to direct and co-ordinate major Institute-wide programs of research supported largely by the Institute's own research and development funds. In these broad programs we are concentrating on research in the areas of education, health, communications, transportation, pollution, public safety and urban development.

Our own internal resources for undertaking such program efforts are, of course, limited but we are investing in them in the belief that we will be able to make constructive beginnings that will attract major outside support.

For example, SRI has done a great deal of work on the problems of environmental pollution. Our medical people are studying the effects of many kinds of pollutants on the human system, our chemists are studying the composition of contaminants, our economists and corporate planners are studying market opportunities in pollution control.

In communications, in addition to the technical aspects, we are working more and more on the operational, economic, and social aspects of communications. Our activities range from experiments on space probes and satellite systems to communication aids for the blind.

In urban problems, we have worked with communities to improve their joint planning in providing education, health, welfare, housing and other social services.

We were accused of working in domestic counter-insurgency because of a project for the Small Business Administation, aimed at helping small businesses find better ways to guard against burglary, robbery and vandalism.

The SDS frowns on a village information project we have under way in Thailand to help the government plan, develop and implement a computer-based information system that will provide data on villages that are pertinent to improving the life of the common man in that country.

In engineering, which makes up about 30 percent of SRI's research activity, our scientists are working on microwave and laser technology, radio communication, radio physics, weather science, computer and information sciences, mechanics, system control and electron physics. About 90 percent of this work is sponsored by various agencies of federal and state government.

Dr. Donald Scheuch, who heads the engineering division, was discussing our ABM research in a presentation recently and made a very important point about SRI.

"Our government has major decisions to make," Dr. Scheuch said, "and competent and pertinent studies can only help the decision process. The crucial issue here is objectivity. The Army recognizes its own institutional bias; it also recognizes that it cannot expect complete objectivity from a manufacturer who could potentially sell a multi-million-dollar system. Precisely because the military services need objective advice, they turn to not-for-profit organization such as SRI."

In the division of life sciences, the largest part of our work is funded by various Federal agencies and is mainly directed at some disease condition. Research is being conducted on cancer, leprosy, kidney disease, organ transplants, malaria and other tropical diseases, emphysema, muscular dystrophy, nutritional problems and central nervous system problems.

In the physical sciences, programs are under way in structural dynamics, high-pressure and fluid physics, polymers, process metallurgy, the development of exotic new materials, crystal growth and chemical engineering. Personnel in management and systems sciences are working on resource management, airport planning, decision analysis and education policy.

About one-third of our work is for industry. Much of it involves relating the onrush of new technology to economic opportunities—helping management identify areas of opportuntiy and developing programs to contribute to and capitalize on the change taking place about us.

About 20 percent of SRI's work is in the international field. There is scarcely a country in the free world in which SRI has not contributed to progress.

You may be familiar with the International Industrial Conference sponsored by SRI every four years here in San Francisco. We have conducted other major conferences recently in Djakarta, Singapore, Lima, Manila and Vienna.

I realize that this recitation of SRI research has been long and perhaps a bit tedious, even though it doesn't even scratch the surface of what is going on. I just wanted to convey to you some sense of the tremendous range and scope of work at SRI, some appreciation of the kinds of people working there.

With that background, you can better imagine our feelings when members of SDS and other campus dissidents at the University—some of them well-intentioned but misinformed—attacked SRI as something sinister.

Unfortunately, the truth is no deterrent to the revolutionaries who are bent on destroying America's work in national security research and on the destruction of our important institutions.

What this element lacks in moral responsibility, however, it makes up in shrewdness. What finally was named the April Third Movement at Stanford is led by some very good tacticians. They appeal to feelings that most of us share—a desire for peace, frustration about Viet Nam, a longing for a better world for all peoples. They bring many sincere students and faculty into their orbit, or at least temporary.

The hard-core radical group in and about our universities is small but we should not mislead ourselves because of that fact. Their influence is out of proportion to their numbers.

In addition to the hard-core radicals and those who sympathize in some degree with their publicized aims (which aren't necessarily their real aims, as they themselves admit), there are a great many with no strong ideology one way or the other but, as John Gardner said in a recent lecture at Harvard, they "are running a chronic low fever of antagonism toward their institutions, toward their fellowman and toward life in general; they provide the climate in which disorder spreads."

Another factor in this climate is the average person's fear of seeming to be against dissent, or seeming to be "a square" in the

eyes of others. This desire by so many to seem tolerant, to seem concerned and avant garde, to be popular with everyone, makes it possible for dissidents to get away with unbelievable liberties while those who should be trying to educate them are instead pointing out that the dissidents have legitimate complaints that justify illegitimate means.

I know there *are* some legitimate complaints but I do not condone violence as a means of seeking correction. Nor do the vast majority of those on our campuses.

I have a real admiration for the vast majority of our college students. My associates and I have talked with hundreds of them over the past months and I am very much impressed with their sincerity, ability and intelligence.

As to the hard-core radicals, they are different. They feel the way to reform is to destroy. They offer no alternatives and no apologies.

Now let me summarize for you the events of unrest at Stanford, at least as they affected SRI.

Some months ago, the hard-core radical group began a campaign to convince others that it is morally wrong for a university or university-affiliated research center to do defense-related research—indeed, to do any classified research. As I indicated earlier, their definition of what is wrong is pretty broad and would include a number of projects at SRI and at Stanford funded by the Department of Defense. Of our $64 million volume last year, about $45 million was supported by government. About half our total volume was supported by the Department of Defense but only about 11 percent of our projects were classified.

As a result of the radical's agitation, the then-acting president of Stanford University appointed a faculty-student committee to make recommendations on whether the affiliation between the University and SRI should be maintained, altered, or terminated.

While this committee deliberated, the campaign against research in support of national security went on unabated. The radicals and their temporary supporters violently disrupted a Trustees' meeting. Then they seized the University's Applied Electronics Laboratory a full six days before the committee report was due to be released. It was obvious they knew the majority report was going against some of their demands and they decided, it seems, not even to go through the motions of due process and to force their own views on the majority.

The University lab was held from April 9 through April 18. Despite some pious protestations, the radicals caused a good bit of damage. To quote a laboratory official, "There was thievery, senseless vandalism, personal abuse, and threats of violence against our staff, a deliberate misuse of personal and laboratory property that cannot be described as careless or casual."

After the students left the laboratory on April 18, the University administration kept the lab closed an additional week—that is, until April 25—as part of the settlement. To repeat, the radicals' primary target was national security research at SRI but they seized a University building instead. The primary reason, I understand from students, is the fact that we had made it clear to the campus that we welcome sincere students who want to visit and talk with us but that anyone interfering unlawfully with out operations would be arrested and prosecuted.

On April 15, the faculty-student committee issued its report. It recommended various ways to control research at SRI but in that regard, it was pretty much agreed: there should be tight control to see that SRI stopped doing so-called immoral research, which in their definition, turns out to be largely research in the interests of national security.

The staff at SRI, by an overwhelming majority, let it be known they would quit rather than submit to control of their work by some outside morals committee. Strangely enough, the morals committee idea seemed to have some support among faculty members until others began pointing out how deadly such an idea could be to their own academic freedom. As one professor said, academic freedom is not a law, but an idea—and it is terribly fragile.

Through it all SRI remained firm in its stand that it would not permit the dissidents to disrupt its work and it would not permit outside control of its work.

On May 13, the University Trustees decided to terminate the SRI-University affiliation and said there would not be any artificial outside control of research. We agreed wholeheartedly with that decision.

As expected, the SDS-led April Third Movement, unhappy with having its demands turned down, lashed back. Using University buildings—the auditorium and the chapel—they held a public planning session in which they openly plotted the destruction of SRI. This meeting, frequently marked by obscene language, was carried on the student radio station to listeners in the Stanford area. Imagine. This was a public meeting to plot the harassment of our professional staff, the destruction of SRI property and the crippling of research for our national defense.

That night, May 14, they broke a door and a window in one of our buildings, and, incidentally, surrounded and held the car in which my wife and I were driving home. Two days later, after some more open meetings on the destruction of SRI, they attacked the building breaking most of the windows they could reach and causing about $10,000 worth of damage before police were able to clear them away. That sounds bad but there were only about 500 dissidents involved in contrast to the 1500 or 2000 they had tried to muster.

This was on a Friday. Over the weekend—with the aid of a number of Stanford students—we studied the hundreds of photographs that had been taken of the demonstrators and went over tapes of their meetings. By Sunday night we were serving the leaders and their organizations with a temporary restraining order.

The following Monday they tried again but could muster only about 200, plus another 100 high school youngsters looking for excitement. There was no damage.

On the next Friday, May 23, they tried again and could muster only about 35 hard-core radicals. By this time quite a few of their leaders had been arrested.

Through it all, no one was able to force his way into our buildings. There have been absolutely no compromise of security. Not one SRI employee has been injured. Our work has not been seriously disrupted.

But we have not relaxed. This is a long-term problem that we face. The radical groups have convinced me that they will persist perhaps for several years in their attempts to disrupt our work and to destroy our institutions.

I think we have convinced them that we're willing to fight for our rights just as hard and for just as long. I hope many others will join us in that determination.

I would like to share with you what I think I have learned from this experience.

Let's not by any means lose faith in the majority of the university and college students. Remember, most of them have been studying while a few have been breaking windows and laws. I do think it is important that we talk with these students on every possible occasion. We are I believe, uncomfortably close to a breakdown of communication and understanding with these students. They have many reasons for being discontent—and some good reasons from their viewpoint. We should listen to them—try to understand them. And in the process, they will better understand us, "the establishment" and isolate the few "hard-core" radicals who want only to destroy.

As for the hard-core radical student—the SDS type—I have found that they do not really want the so-called rational dialogue they speak of. It is only a phrase they use in trying to set up confrontation. They are bent on destroying the "establishment" and reducing our institutions to chaos. With them I believe we must be absolutely firm and make it clear that lawlessness and violence are unacceptable tactics in our society under any circumstance. We must make it clear that we will insist upon and protect our rights.

And above all, we must know in our hearts and explain to others that we have faith in this country's system of representative government and that we work for change in national goals when we vote.

On April 14, the first day of the radicals' spring offensive and the day several hundred appeared in front of our building for what they always call a "rational dialogue," we issued a statement. It ended with this thought:

"I have great faith in our form of government by elected representatives and in the basic good sense and decency of the American people who elect them. When that government, responsive as it is to the majority will of the people, asks our help, it will get our help (to the degree of our capability)—whether the problems deal with national security or with urban problems, economic problems or problems of housing, hunger or health. We will not abdicate that responsibility to suit the whims of dissident groups who do not represent the majority will of the people or their government. Neither will we tolerate disruption of our operations or of the work we are doing for our clients."

As I said, the last chapter has yet to be written about violence in America and about those who would destroy our institutions. In the meantime, SRI will stand with that statement of belief.

It seems to work.

NEW KIND OF POPULATION PROBLEM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. DERWINSKI. Mr. Speaker, in the process of inserting into the RECORD an article in the Tuesday, July 29 Christian Science Monitor, I must briefly comment on slight inaccuracies in this item.

The basic approach and point is excellent, but constructive criticism is in order. Specifically, the phraseology oversimplifies the power structure of the Soviet Union since there is much more to it than "Russians and Asians." It is necessary to point out that the Latvians, Lithuanians, Estonians, Ukrainians, Byelorussians, Armenians, Georgians, Tartars, and other peoples in Azerbaijan and Turkestan are all non-Russian.

It is also important to note that they are not only non-Russian, but that they are, for the most part, legitimate nationalists who are oppressed by the Soviet Government.

I feel that this brief explanation on my part is a necessary forward to the editorial that follows since the captive nations are often referred to as the "Achilles' heel" of the Soviet Union:

NEW KIND OF POPULATION PROBLEM

The next Soviet census is expected to reveal startling population figures. It is believed that this nose-counting will confirm what experts in Moscow now think is the case—Russians are no longer a majority in Russia. In short, preliminary and unofficial estimates reckon that minority groups now outnumber Great Russians for the first time in Soviet history.

What is more, every indication points to a proportionate increase in this non-Russian majority in the years ahead. Whereas the Russians made up some 55 percent of the Soviet Union's population as recently as 1959, it is not at all impossible that, 10 years hence, the racial minorities will put together, account for 55 percent of all citizens.

The reason for this is clear. It is the same reason which is increasingly plaguing (from one point of view, of course) almost all European Communist lands: a low and steadily dropping birthrate. It is now reckoned that the birthrate of those racially Russian is only 14 per thousand a year. On the other hand, among the various Asian minorities, many have yearly birthrates around 35 per thousand. And since the deathrate differences between Russians and Asians is nowhere near as great, this means the latter have a far higher rate of natural increase.

This steadily dwindling Russian presence (proportionately speaking) has intensified the Kremlin's nightmares over the growing restlessness of national minorities, some of whom are making demands for self-expression which Moscow looks upon as extremely dangerous in a closely controlled society. While no one expects the Great Russian control to be broken early on, it is obvious that Moscow has no small future problem on its hands.

Meanwhile, the very foundations of economic progress, as presently achieved, are being threatened in a number of other Eastern European Communist lands by an increasingly unfavorable population situation. Indeed, in East Germany, this has already reached crisis proportions. Between 1961, when East Germany put up the Berlin Wall to stop the flow of those wishing to leave and 1968, its population (including East Berlin) dropped from 17,125,000 to 17,084,000. At the same time, West Germany (including West Berlin) rose in population from 56,227,000 to 60,165,000. Worst of all, by 1968, East Germany's birthrate had dropped so sharply that virtually the same number of persons died (14.2 per thousand) as were born (14.3). Unless there is a drastic change, this means that the population drop could soon reach industry-crippling proportions.

While the world as a whole fights one kind of a population problem, European communism faces a very different kind of population challenge.

TWO VIEWS OF ELECTIONS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 31, 1969

Mr. THURMOND. Mr. President, great hopes for peace in Vietnam should not be placed on the proposal for free elections in South Vietnam. An astute analysis of this view is expressed in an editorial of the July 7 issue of the State newspaper in Columbia, S.C. Mr. William D. Workman, editor, has made an objective appraisal of this proposal. Hanoi's present reaction to the free elections validates his analysis.

Mr. Workman points out that:

Your offer of free elections is probably predicable on all but certain knowledge that the Viet Cong cannot win in a fair-and-square contest at the polls. So the concept of self-determination does not at this time seem to offer much hope for a quick peace. What is logical and fair to us is not so to the Reds.

Mr. President, America's patience is again being tested. Mr. Workman warns that our Nation must "pass the test." His appraisal of the election proposal provides an insight to the Communist intransigent attitude. His viewpoint is worthy of our attention.

Mr. President, I ask unanimous consent that this editorial be printed in the Extensions of Remarks.

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

TWO VIEWS OF ELECTIONS

False hopes for peace in Vietnam soar like gas-filled balloons. It doesn't take much to cut the strings, filling the sky for a fleeting period of time.

This is understandable. The American people—hawks, doves and those in between—want peace, of one kind or another, so badly they are ready to dance in the streets at any prospect.

Perhaps no concept so appeals to the American sense of fairness as the idea of self-determination for the people of South Vietnam through free elections. This is the carrot that the Nixon administration is dangling in front of Hanoi and the Viet Cong.

It tells them this: You might can get a voice in the Saigon government if you will quit fighting and submit the issue to the people of the south in free elections supervised by a mixed commission to assure there's no hanky-panky. Win or lose, the results stand and all parties will accept them.

This is the American way; this is the way things are done in a democracy.

But is such a carrot tempting to the Asian Communists? The answer is almost certainly no, unless certain conditions exist. Hanoi might buy such a plan in an effort to salvage something out of defeat. Has 20 years of off and on fighting so wearied the North that it is willing to give up its cherished desire to unify Vietnam under its control? There is little to suggest this is true now.

In fact, in a rare interview recently, Hanoi's hero of Dienbenphu, Gen. Vo Nguyen Giap, said, "We shall militarily beat the Americans." He even bragged that North Vietnam had lost half a million men in the war—the equivalent of six million Americans in terms of population. Columnist John P. Roche thinks this exaggeration of death figures was an effort on the part of the hawkish and brilliant Giap to indicate his country's total commitment to victory.

Another condition that may tempt Hanoi to accept self-determination is the feeling that non-Communists in the South are so fragmented that the Viet Cong, as a militant, well-organized minority, might gain control.

Otherwise, the elections have no appeal to our Asian enemies. Most Asians, even non-Communists, do not accept the winner-take-all view of elections. To them, the public goes to the polls simply to rubber stamp political conditions predetermined by the leadership. The result must be almost totally predictable in advance.

The American government, of course, knows this. Indeed our offer of free elections is probably predicated on the all but certain knowledge that the Viet Cong can't win in a fair-and-square contest at the polls. The best estimates are that they represent no more than 15 per cent of the population.

The recent formation by the VC of the so-called "provisional revolutionary government" is taken by some as meaning they have discarded the "free-election" idea. This is an ideal vehicle for taking over after U.S. troops leave and staging an election, Communist-style.

So the concept of self-determination does not at this time seem to offer much hope for a quick peace. What is logical and fair to us is not so to the Reds.

And yet can our negotiators go very far beyond this offer without selling out Saigon? Clearly not. It is a situation calculated again to test American patience and purpose. If America is to continue its role as a world leader and a protector of freedom, as President Nixon had said it will, then it must pass the test.

THE STUDENT REVOLT: A PROFOUNDLY HOPEFUL ANALYSIS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. MIKVA. Mr. Speaker, there is much debate and discussion in our society, and in the Congress, today about the causes of the generation gap, student unrest, and student disorder. Much of the discussion has centered on those few violent and disruptive representatives of the student generation who all too often capture the headlines. Little thought has seemingly been directed at the underlying causes of the malaise which afflicts students of this generation and which is so incomprehensible to many of their elders.

In the June 7, 1969, issue of Saturday Review the distinguished author and poet Archibald MacLeish has published what I believe to be a profoundly encouraging analysis of student unrest and student dissatisfaction. It is an analysis which not only asks the right questions, but puts us on the road to finding some of the right answers as well. Mr. MacLeish asks:

Why does the generation of the Sixties make itself morally responsible for the war in Vietnam, while the generation of 1917 stood on the Marne and quoted Woodrow Wilson . . .? Why, for the first time, do university students . . . demand a part in the process?

Later in his article Mr. MacLeish provides at least a part of the answer—an answer which I find both convincing and encouraging:

It is an angry generation, yes, but its resentment is not the disgust of the generation for which Beckett speaks. Its resentment is not a resentment *of* our human life but a resentment *on behalf of* human life; not an indignation that we exist on the Earth but that we *permit* ourselves to exist in a selfishness and wretchedness and squalor

which we have the means to abolish. Resentment of this kind is founded, can only be founded, on belief in man. And belief in man—a return to a belief in man—is the reality on which a new age can be built.

The article referred to follows:

[From the Saturday Review, June 7, 1969]

THE REVOLT OF THE DIMINISHED MAN

(By Archibald MacLeish)

(NOTE.—This article is adapted from a speech delivered by Mr. MacLeish on Charter Day at the University of California.)

Robert Frost had the universe, not the university, in mind when he wrote his laconic couplet about the secret in the middle, but the image fits the academic world in crisis as well as the mysteries of space.

We dance around in a ring and suppose
But the secret sits in the middle and knows.

Indeed, we do. Faculty committees, state legislatures, alumni associations, police departments, and all the rest of us whirl in a circle with our favorite suppositions—which increasingly tend to roll up into one supposition: that the crisis in the university is really only a student crisis, or, more precisely, a crisis precipitated by a small minority of students, which would go away if the students would stop doing whatever it is they are doing or whatever they plan to do next.

Which, needless to say, is not a wholly irrational supposition. Those who have seen a purposeful task force of Harvard students take over University Hall, carry out reluctant deans, break into files, shout down professors are within their logical rights when they conclude that the occupying students were the cause of the crisis thus created. But the supposition remains a supposition notwithstanding for it does not follow—did not follow at Harvard certainly—that the crisis is a student crisis in the critical sense that it can be ended merely by suppressing the students involved. When the students involved were suppressed at Harvard, the crisis (as at other universities) was not reduced but enlarged. Which suggests, if it suggests anything, that the actual crisis is larger than its particular incidents or their perpetrators.

And there are other familiar facts which look in the same direction; as, for example, the fact that it is only when the general opinion of an entire student generation supports, or at least condones, minority disruptions that they can hope to succeed. The notion that the activist tail wags the huge, indifferent student dog is an illusion. Had a minority of the kind involved at Harvard attempted to bring the University to that famous "grinding halt" in the Forties or the Fifties it would have had its trouble for its pains no matter how forceful the police. It succeeded in the Sixties for one reason and for one reason only—because the climate of student opinion as a whole had changed in the Sixties; because there has been a change in the underlying beliefs, the accepted ideas, of an entire academic generation, or the greater part of it.

To look for the cause of crisis, therefore, is to examine, not the demands of the much discussed minorities but something larger—the changes in belief of the generation to which they belong. And there at once a paradox appears. The most striking of these changes far from disturbing the academic world should and does encourage it. There are, of course, romantics in the new generation who talk of destroying the university as a symbol of a defunct civilization, but the great mass of their contemporaries, however little they sometimes seem to understand the nature of the university—the vulnerability, fragility even, of that free and open community of minds which a university is—are nevertheless profoundly concerned with the university's well-being and, specifically, its relation to the world and to themselves.

This is a new thing under the academic sun—and, in itself, a hopeful thing. Down to the decade now closing, demands by any considerable number of American undergraduates for changes in the substance or manner or method or purpose of their instruction were rare indeed. In my day at Yale, back before the First World War, no one concerned himself less with matters of curriculum and teaching and the like than a college undergraduate. We were not, as undergraduates, indifferent to our education, but it never occurred to any of us to think of the curriculum of Yale College as a matter within our concern, or the policies of the university as decisions about which we—we of all creatures living—were entitled to an opinion. Some of my college classmates protested compulsory chapel (largely because of its interference with breakfast), but no one to my knowledge ever protested, even in a letter to the *News*, the pedantic teaching of Shakespeare, from which the college then suffered, or the non-teaching of Karl Marx, who was then on the point of changing the history of the world.

And the same thing was true of the relation between the university and the world outside. We in the class of 1915 spent our senior year in a Yale totally surrounded by the First World War, but we were "inside" and all the rest were "outside," and it was not for us to put the two together—not even for those of us who were to go from New Haven to die on the Marne or in the Argonne under extremely unpleasant circumstances in the most murderous, hypocritical, unnecessary, and generally nasty of all recorded wars, the present one included. Our deaths, as we came to know, would be our own but not their reasons. When I myself was asked by a corporal in my battery what we were there for—"there" being the second battle of the Marne—I quoted President Wilson: "to make the world safe for democracy." It was not my war. President Wilson was running it.

And the generation which fought the next war twenty years later saw things in much the same way. They too were in a sense observers—observers, in their case, of their own heroism. When the war came they fought it with magnificent courage; no citizen army in history ever fought better than theirs after that brutal North African initiation. But until the war came, while it was still in the agonizing process of becoming, it was somebody else's war—President Roosevelt's, as the Chicago *Tribune* kept insinuating, or Winston Churchill's. "America First" was, in part, a campus movement but the terrible question posed by Adolf Hitler—a question of life or death for thousands of young Americans and very possibly for the Republic itself—was little argued by the undergraduates of 1941. The political aspects of fascism they left to their elders at home and the moral agony to their contemporaries in the French Resistance. They themselves merely fought the war and won it—fought it with a kind of gallant indifference, an almost ironic gallantry, which was, and still remains, the hallmark of that incredible generation and its improbable triumph.

It is in this perspective and against this background that the attitudes of the undergraduates of the Sixties must be seen. Here, suddenly and almost without warning, is a generation of undergraduates that reverses everything that has gone before, rejects the traditional undergraduate isolation, refuses the conventional segregation of the university from the troubled world, and not only accepts for itself but demands for itself a measure of responsibility for both—for university *and* world, for life as well as for education.

And the question, if we wish to understand this famous crisis of ours, is: Why? Why has this transformation of ideas—metamorphosis more precisely—taken place? Why does the generation of the Sixties make itself morally responsible for the war in Vietnam, while the generation of 1917 stood on the Marne quoting Woodrow Wilson and the generation of 1941 smashed the invincible Nazi armor from Normandy to the Rhine without a quotation from anybody? Why, for the first time in the remembered history of this Republic, do its college and university students assert a responsibility for their own education, demand a part in the process? Are we really to believe with some of our legislators that the whole thing is the result of a mysterious, country-wide conspiracy among the hairier of the young directed perhaps by a sinister professor somewhere? Or is it open to us to consider that the crisis in the university may actually be what we call it: a crisis *in* the university—a crisis in education itself precipitated by a revolution in ideas, a revolution in the ideas of a new generation of mankind?

There are those who believe we must find the answer to that question where we find the question: in the decade in which we live. Franklin Ford, dean of the Faculty of Arts and Sciences at Harvard and one of the ablest and most admired of university administrators, attributes this changed mentality in great part to "the particular malaise of the Sixties." Undertaking to explain to his colleagues his view of what we have come to call "student unrest," Dean Ford defined it in terms of concentric circles, the most important of which would include students who had been profoundly hurt by the anguish of these recent years: "The thought-benumbing blows of successive assassinations, the equally tragic though more comprehensible crisis of the cities, the growing bitterness of the poor amid the self-congratulations of affluence, the even greater bitterness of black Americans, rich or poor . . . all these torments of our day have hit thoughtful young people with peculiar force . . . Youth is a time of extreme vulnerability to grief and frustration, as well as a time of impatient, generous sympathy." And to all this, Dean Ford continues, must be added the war in Vietnam, which he sees as poisoning and exacerbating everything else, contributing "what can only be described as (a sense) of horror."

Most of us—perhaps I should qualify that by saying most of those with whom I talk—would agree. We would agree, that is to say, that the war in Vietnam has poisoned the American mind. We would agree that the affluent society—more precisely the affluent half-society—has turned out to be a sick society, for the affluent half as well as for the other. We would agree that the cancer of the cities, the animal hatred of the races, the bursting pustule of violence has hurt us all and particularly those of us who are young and they in particular *because* they are young, because, being young, they are generous, because, being young and generous, they are vulnerable. We would agree to all this, and we agree in consequence that there is a relationship between the malaise in the universities and Dean Ford's "particular malaise of the Sixties."

But would we agree, reflecting on those considerations and this conclusion, that it is the tragic events of the decade which, alone, are the root cause—the effective cause—of the unrest of which Dean Ford is speaking? If the bitterness, the brutality, the suffering of the last few years were the effective cause, would the *university* be the principal target of resentment? If Vietnam were the heart of the trouble, would the university curriculum be attacked—the

methods of teaching, the teachers themselves? Would the reaction not have expressed itself, as indeed it once did, at the Pentagon?

What is resented, clearly, is not only the present state of the Republic, the present state of the world, but some relation or lack of relation between the state of the Republic, the state of the world, and the process of education—the process of education at its most meaningful point—the process of education in the university.

But what relation or lack of relation? A direct, a one-to-one, relationship? Is the university blamed *because* the war is being fought, *because* the ghettos exist, *because* the affluent society is the vulgar, dull, unbeautiful society we see in our more ostentatious cities? Is the demand of the young a demand that the university should alter its instruction and its practices so as to put an end to this ugliness, these evils—reshape this society?

There are some undergraduates, certainly, who take this position. There are some who would like to bring the weight and influence of the university to bear directly on the solution of economic and social problems through the management of the university's real estate and endowments. There are others who would direct its instruction toward specific evils by establishing courses in African affairs and urban studies. Both attitudes are familiar: they are standard demands of student political organizations. They are also reasonable—reasonable at least in purpose if not always in form. But do they go to the heart of the matter? Is this direct relationship of specific instruction to specific need—of specific land-use program to specific land-use evil—the relation undergraduates have in mind when they complain, as they do, over and over, that their courses are not "relevant," that their education does not "respond to their needs," "preach to their condition"? Is it only "applicability," only immediate pertinence, the generation of the young demands of us? Is the deep, almost undefinable restlessness of the student generation—the dark unhappiness of which Senator Muskie spoke in that unforgettable speech at Chicago—an unhappiness which Centers of Urban Studies, however necessary, can cure?

I do not think so and neither, if you will forgive me for saying it, do you. The distress, the very real and generous suffering and distress of an entire generation of young men and young women is related certainly to the miseries of the Sixties, but it is not founded in them and it will not disappear when they vanish—when, if ever, the war ends and the hot summers find cool shade and the assassinations cease. The "relevance" these students speak of is not relevance to the *Huntley-Brinkley Report*. It is relevance to their own lives, to the living of their lives, to themselves as men and women living. And their resentment, their very real resentment and distress, rises not only from the tragedies and mischances of the last ten years but from a human situation, a total human situation involving human life as human life, which has been three generations in the making, and which this new generation now revolts against—rejects.

At the time of the Sorbonne riots a year ago a French politician spoke in terms of apocalypse: We had come to a point in time like the fall of Rome when civilizations collapse because belief is dead. What was actually happening in Paris and elsewhere was, of course, the precise opposite. Belief, passionate belief, had come alive for the first time in the century and with it rage and violence. The long diminishment, the progressive diminution of value put upon man, upon the idea of man, in modern society had met the revulsion of a generation of the young who condemned it in all its aspects, left as well as right, Communists as well as capitalist, the indifference of the Marxist bureaucracies as well as the bureaucratic industrial indifference of the West.

This diminishment of the idea of man has been a long time in progress. I will not claim for my generation that we witnessed its beginning, I will assert only that we were the first to record it where alone it could be recorded. The arts with us became aware of a flatness in human life, a loss of depth as though a dimension had somehow dropped from the world—as though our human shadows had deserted us. The great metaphor of the journey of mankind—Ulysses among the mysteries and monsters—reduced itself in our youth to that other Ulysses among the privies and the pubs of Dublin, Ireland. Cleopatra on her flowery barge floated through a Saturday night in the Bloomsbury Twenties. Even death itself was lessened: the multitudes of Dante's damned crossed T. S. Eliot's London Bridge, commuters in the morning fog. Nothing was left remarkable beneath the visiting moon.

And in the next generation—the generation, as we are now beginning to see, of Joyce's secretary and disciple, Samuel Beckett—the testimony of the arts went on. The banality of the age turned to impotence and numbness and paralysis, a total anesthesia of the soul. Leopold Bloom no longer maundered through the musty Dublin streets. He was incapable even of maundering, incapable of motion. He sat to his neck in sand, like a head of rotting celery in an autumn garden, and waited, or did not even wait—just sat there. While as for Cleopatra—Cleopatra was an old man's youthful memory played back upon a worn-out tape.

The arts are honest witnesses in these matters. Pound was right enough, for all the well-known plethora of language, when he wrote in praise of Joyce's *Ulysses* that "it is a summary of pre-war Europe, the blackness and mess and muddle of a 'civilization,'" and that "Bloom very much *is* the mess." The arts, moreover, are honest witnesses in such matters not only when they achieve works of art as with Joyce and Eliot and frequently with Beckett. They testify even when they fail. The unpoem, the nonpainting of our era, the play that does not play, all bear their penny's worth of witness. The naked, half-embarrassed boy displaying his pudenda on an off-Broadway stage is not actor nor is his shivering gesture a dramatic act, but still he testifies. He is the last, sad, lost reincarnation of L. Bloom, the resurrection of the head of celery. Odysseus on his lonely raft in the god-infested sea has come to this.

What was imagined in Greece, reimagined in the Renaissance, carried to a passion of pride in Europe of the Enlightenment and to a passion of hope in the Republic of the New World—John Adams' hope as well as Jefferson's and Whitman's; Lincoln's that he called "the last, best hope"—all this grimaces in pitiful derision of itself in that nude, sad, shivering figure. And we see it or we hear about it and protest. But protest what? The nakedness! The morals of the playwright! Undoubtedly the playwright needs correction in his morals and above all in the practice of his art, but in his *vision*? His *perception*? Is he the first to see this? On the contrary, his most obvious failure as playwright is precisely the fact that he is merely one of thousands in a thronging, long contemporary line—a follower of fashion. He testifies as hundreds of his betters have been testifying now for years—for generations—near a century.

Why have they so testified? They cannot tell you. The artist's business is to see and to show, not answer why: to see as no one else can see, and to show as nothing else can show, but not to explain. He knows no more of explanation than another. And yet *we* cannot help but wonder why—why the belief in man has foundered; why it has foundered *now*—precisely *now*—now at the moment of our greatest intellectual triumphs, our never equaled technological mastery, our electronic miracles. Why was man a wonder to the Greeks—to Sophocles of all the Greeks—when he could do little more than work a ship to windward, ride a horse, and plow the earth, while now that he knows the whole of modern science he is a wonder to no one—certainly not to Sophocles' successors and least of all, in any case, to himself?

There is no easy answer, though thoughtful men are beginning to suggest that an answer may be found and that, when it is, it may very well relate precisely to this vast new knowledge. George W. Morgan states the position in his *The Human Predicament*. "The sheer weight of accumulated but uncontrolled knowledge and information, of print, views, discoveries, and interpretations, of methods and techniques, inflicts a paralyzing sense of impotence. The mind is overwhelmed by a constant fear of its ignorance. . . . The individual man, feeling unable to gain a valid perspective of the world and of himself, is forced to regard both as consisting of innumerable isolated parts to be relinquished, for knowledge and control, to a legion of experts." All this, says Mr. Morgan, diminishes human understanding in the very process of augmenting human knowledge. It also, I should wish to add, diminishes something else. It diminishes man. For man, as the whole of science as well as the whole of poetry, will demonstrate, is not what he thinks he knows, but what he thinks he *can* know, can become.

But however much or little we comprehend of the cause of our paradoxical diminishment in our own eyes at the moment of our greatest technological triumphs, we cannot help but understand a little of its consequences and particularly its relation to the crisis in the university. Without the belief in man, the university is a contradiction in terms. The business of the university is education at its highest possible level, and the business of education at its highest possible level is the relation of men to their lives. But how is the university to concern itself with the relation of men to their lives, to the living of their lives, to the world in which their lives are lived, without the bold assumption, the brave, improbable hypothesis, that these lives matter, that these men count—that Odysseus on his battered, drifting raft still stands for a reality we take for real?

And how can a generation of the young, born into the world of the diminished man and in revolt against it—in revolt against its indifference to humanity in its cities and in its wars and in the weapons of its wars—how can a generation of the young help but demand some teaching from the universities which will interpret all this horror and make cause against it?

Centuries ago in a world of gods and mysteries and monsters when man's creativity, his immense creative powers, had been, as Berdyaev put it, "paralyzed by the Middle Ages"—when men had been diminished in their own eyes by the demeaning dogma of the Fall—centuries ago the university conceived an intellectual and spiritual position which released mankind into a new beginning, a rebirth, a Renaissance. What is demanded of us now in a new age of gods and mysteries and monsters, not without dogmas and superstitions of its own, is a second humanism that will free us from our new paralysis of soul as the earlier humanism freed us from that other. If it was human significance which was destroyed by the Middle Ages, it is human significance which we ourselves are now destroying. We are witnessing, as the British critic F. R. Leavis phrases it, the elimination of that "day-by-day creativity of human response which manifests itself in the significances

and values without which there is no reality—nothing but emptines that has to be filled with drink, sex, eating, background music, and . . . the papers and the telly."

Mr. Leavis, not the most optimistic of dons on any occasion, believes that something might be done to revive "the creative human response that maintains cultural continuity" and that gives human life a meaning. I, with fewer qualifications to speak, would go much further. I would say that a conscious and determined effort to conceive a new humanism which would do for our darkness what that earlier humanism did for the darkness of the Middle Ages is not only a present dream but a present possibility, and that it is a present possibility not despite the generation of the young—the generation of the Sixties—but because of it.

That generation is not perhaps as sophisticated politically as it—or its activist spokesmen—would have us think. Its moral superiority to earlier generations may not, in every instance, be as great as it apparently believes. But one virtue it does possess to a degree not equaled by any generation in this century: It believes in man.

It is an angry generation, yes, but its resentment is not the disgust of the generation for which Beckett speaks. Its resentment is not a resentment *of* our human life but a resentment *on behalf* of human life; not an indignation that we exist on the Earth but that we *permit* ourselves to exist in a selfishness and wretchedness and squalor which we have the means to abolish. Resentment of this kind is founded, can only be founded, on belief in man. And belief in man—a return to a belief in man—is the reality on which a new age can be built.

Thus far, that new belief has been used by the young largely as a weapon—as a justification of an indictment of earlier generations for their exploitation and debasement of human life and earth. When it is allowed to become itself—when the belief in man becomes an affirmative effort to re-create the life of man—the crisis in the university may well become the triumph of the university.

For it is only the university in this technological age which can save us from ourselves. And the university, as we now know, can only function effectively when it functions as a common labor of all its generations dedicated to the highest purpose of them all.

TIMID GREEK JUDGE SUFFERS FOR UPHOLDING PRINCIPLES

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, July 31, 1969

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there be printed in the Extensions of Remarks an article entitled "Timid Greek Judge Suffers for Upholding Principles," written by Mr. Alfred Friendly, and published in the Washington Post for Friday, July 25, 1969.

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

TIMID GREEK JUDGE SUFFERS FOR UPHOLDING PRINCIPLES

(By Alfred Friendly)

ATHENS.—Harassment of Greece's highest judge, who recently ruled against the government and refused its demands to resign, has reached the point where his physician was apparently pressured to declare him able to face an inquisition when, in fact, he had just suffered a heart attack.

The judge is Michael Stasinopoulos, president of the Greek Council of State. His illness is thought to be the result of the ordeal he was subjected to after he ordered the reinstatement of 11 Supreme Court judges fired by the junta. His physician is dependant on the government's favor for keeping his job in the state medical care system.

The 67-year-old jurist, subjected to attempted intimidation by a police officer who accused him of faking illness, has so far avoided the command to appear before the junta's No. 2 personage, the deputy prime minister. Another doctor, engaged only in private practice and accordingly not subject to official intimidation, was called in by Stasinopoulos and has declared that he is indeed seriously ill.

The history of the continuing ordeal of the judge was disclosed in circumstantial detail by a thoroughly informed source. The story that emerges is of a timid, conservative, ultra-cautious man forced to become a hero in spite of himself, when there was no escape from putting his legal principles on the line.

The chronicle begins more than a year ago when the government purged some 60 judges, getting around the provision that they had permanent status by suspending the constitution, by official decree, for three days.

MORAL CALIBER

Among those ousted were 11 judges of the Supreme Court, the highest appeals tribunal for all cases in which the state itself is not a party. The principal grounds were that the incumbent either had been identified with a political party in a way that rendered him unfit to serve, or was not of the requisite "moral caliber." Those purged were also disbarred.

The jurists appealed to the Council of State, the highest appeals court for matters in which the state is directly involved. They won their case on rescinding the disbarment, only to have the government overrule it by decree the next day. Thus they remain forbidden to practice.

In a different case, based on provisions of the new constitution that the junta itself prepared and had confirmed in a national referendum last September, the judges appealed their ouster on the grounds that the constitution provided them lifetime tenure.

Stasinopoulos realized the dilemma the case would present him and his 22-judge court. A small, fragile man, chosen for the presidency of the council by the colonels themselves, he had no stomach for a fight. A deep-dyed conservative, he is distinguished, if at all, as the author of rather mediocre poetry and as someone who has tried throughout his tenure to keep his court from coming into conflict with the regime.

His thesis has been that the Council of State, an institution created in 1930, does not have the Marbury v. Madison tradition of determining the constitutionality of government acts and will only get into trouble—especially with the present dictatorship—if it tries.

CASE STALLED

For a year, Stasinopoulos tried to duck the case, stalling it, urging the appellants to withdraw, arguing that whatever the outcome, both they and the court would lose. He did not need the warnings, which he got anyway, from his first cousin, Gen. Hadjipetros, head of the Greek equivalent of the FBI, to "be careful."

But in the end, the case was not to be avoided. In June Stasinopoulos summoned a public session of the full court. The case had been thoroughly debated and the president may or may not have known how the vote would go. He made a short speech, bidding his colleagues to take into account the position of the state but also to reflect on the requirements of their honor as judges.

Under the usual procedure, an open vote was taken, with each member, beginning with the most junior, announcing his vote and the reasons for it. By the time the tally reached the president, it was 10 to 10 (there was one absentee). Stasinopoulos voted to sustain the appeal.

He chose the narrowest possible of the six grounds on which the appeal was based: due process. He ruled that the judges could not be dismissed without first having been formally presented with reasons and charges, and having the opportunity to answer them, and being given a proper legal finding.

For the first time since it took power more than two years ago, the hitherto cool regime publicly lost its composure. It has been proceeding ever since from one flagrant action to another.

JUDGE SUMMONED

Premier Georges Papadopoulos immediately summoned Stasinopoulos to his office and, in a rage, demanded his resignation.

At 9 the next morning, the judge presented a letter to the Ministry of Interior refusing, on grounds of the self-respect of the judiciary, to resign merely because the Premier told him to. An hour later, the official gazette published a governmental decree "accepting the resignation of the President of the Council of State" and naming his successor.

Whereupon, the 10 members of the council who had voted with Stasinopoulos submitted their resignations, also as a matter of self-respect. The chief judge's successor, meanwhile, showed himself to be a good lawyer too. He pointed out that he was not the legal President of the council until the incumbent had formally resigned, and that until then a litigant could impeach any decision on grounds that the court was illegally constituted.

The pressure on Stasinopoulos to submit a pre-dated resignation was now immense. He was chivvied and argued with. His phone was cut off and police were placed in front of his dwelling to challenge all visitors and examine their papers.

The heart attack ensued. Shortly thereafter, about three weeks ago, Stylianos Patakos, the deputy prime minister phoned the judge—it turned out that the phone could be put back into operation when it suited the regime's convenience—and ordered him to present himself at Patakos' office. He replied that he was in no condition to leave his bed.

Next day, Stasinopoulos' physician made his morning call and without examining his patient told him he looked fine. The sick man protested that he felt terrible. At this point, the commandant of the regional police station pushed his way into the sick room and engaged in muttered conversation with the doctor. It was clear that some collusion was afoot. In a few moments, the doctor turned back to the judge and declared loudly: "You are now in good health."

FAKE ILLNESS

"So," said the police officer to the judge, "you've been faking illness. The doctor says you are well and therefore at 9 next Monday morning"—two days hence—"you will be in Gen. Patakos' office."

The judge's wife called in a physician in private practice. He has succeeded so far in forestalling Patakos's demand for Stasinopoulos' appearance.

Frustrated and all thumbs, the regime went Andrew Jackson one better, declaring that the court's ruling was not only unenforceable but unfounded because the subject matter was "excluded from its jurisdiction."

Also, it immediately disbarred and ordered one year banishment to a small island and to two remote hamlets for the three lawyers who had argued the Supreme Court justices' case.

George Christopoulos, Greece's ambassador to Paris, a former undersecretary of state

and the Junta's nominee, reported the nature of European reaction. According to those who have seen it, the gist of his message was that Greece could not expect to remain in the Council of Europe, which is considering ousting it, unless it chooses to abide by the conventional legal and moral standards of other member governments, otherwise, it should resign from the council before it is kicked out.

The regime's response was to fire Christopoulos and replace him in Paris with a general.

KEE FIELD—A RECOGNITION OF PUBLIC SERVICE

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. SLACK. Mr. Speaker, last Sunday, July 27, it was my privilege to be in attendance at the dedication of a new airfield near Pineville, W. Va., which will offer a new service to the residents of nearby coal mining communities.

A great crowd was present, far exceeding expectations for a very warm July day, and the new facility was appropriately named "Kee Field" in honor of a family which has maintained a record of continuous service in the House of Representatives since 1932.

From that year until his death in 1951 the late John Kee served with distinction and capped his career with the chairmanship of the House Foreign Affairs Committee. During the following six Congresses, his widow, Mrs. Elizabeth Kee, served the same Fifth West Virginia District with notable skill. Upon her retirement in 1964, their son JIM was elected, and has been with us as a valued colleague and friend, identified always with well-founded proposals aimed at improving the prospects for the people of southern West Virginia.

Unswerving dedication to the service of the Fifth District's people has been a Kee family tradition for almost four decades. That tradition is not only recognized, it has long been considered by the people to be as rockbound and unchangeable as the mountains of the Fifth District itself. A reflection of the firm belief in that Kee tradition is found in the following commentary by J. E. Faulconer in the July 28, Hinton, W. Va., Daily News:

DEDICATION OF KEE FIELD

"Senator" Earl Hayes and the writer were among several thousand grateful West Virginians who gathered at the new airfield near Pineville that was named in honor of the Kee family who have served the Fifth Congressional District so well for the last 37 years . . . The late John Kee served the district from 1932 until his death in 1951, and his wife Elizabeth served until her retirement in 1964, and was followed by son Jim who was elected for his first term in 1964 . . . Regardless of what you may think of Jim Kee it is doubtful if any congressman in the entire United States has accomplished more for his district, and this is especially true for Summers County . . . It would be impossible for us to mention all the many things Jim has done for this county and individuals, but to mention some of the r-e-a-l-l-y big things put down magnificent Pipestem Park . . . It belongs to the state, but it would never have happened without his hard work on the Federal level, and don't you forget it . . . Then there is the new hospital here, new post office, National Guard Armory, fire station, street improvements, and he even had a hand in the People's Plant at Pence Springs.

Yours truly really received a fine reception at the airport dedication that was marred some by the traffic congestion that delayed motorists from leaving for nearly two hours, never-the-less it was a great affair and the people of Wyoming are deserving of much credit for completing the $610,000 facility . . . The first person we met was former Secretary of State Bob Bailey who took us to Jim and his wife . . . Then Senator Jennings Randolph arrived by plane with officials from Washington that included Rep. Ken Hechler, William Whittle, District Airport Engineer for the FAA, and others . . . Rep. John Slack was nearly two hours late, and had to walk over a mile after his car was blocked by the heavy traffic on the narrow access road to the airport . . . Three students from West Virginia U put on a great show as they parachuted to earth amid the big airport crowd . . .

Louie Kaman was there with his Mullens High School band, and most of you will remember that he was Hinton's first band director . . . Following the dedication there was a big luncheon at the well appointed Cow Shed . . . Former Governor Hulett Smith was the Master of Ceremonies and did his usual excellent job, and Mr. Kee's hard working Administrative Assistant was also on the scene . . . The beautiful bronze placque that was unveiled read:

"Kee Field, Dedicated to West Virginia's Kee Family; John Kee, Mrs. Elizabeth Kee; James Kee; Who served West Virginia and The United States of America With Distinction, Dedication and zeal As members of Congress from the Fifth W. Va. Congressional District."

AX HANDLE JOURNALISM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, July 31, 1969

Mr. FANNIN. Mr. President, it has been called to my attention that one of the magazines which regularly espouse a liberally "left" line has elected itself to "take apart" a speech by the Secretary of the Air Force Dr. Robert C. Seamans, Jr.

This exercise, of course, is a prerogative of the free press in our Nation. However, it should continually be borne in mind that freedom bears responsibilities and the freedom to disagree with a point of view is not responsible when it is taken as a license to misrepresent and distort. All too often, in the current debate over our national defense strategy, members of the editorial fraternity become rather too emotionally involved with the issues and lose their perspective. This generally renders their comment invalid, irrelevant, or just plain silly.

Mr. John F. Loosbrock, editor of Air Force/Space Digest magazine, has undertaken to call attention to the objective shortcomings of one of his fellow editors, and by all accounts he has done a good job of it. His editorial, entitled "Truth Knows No Deadlines," in the August issue, should be read by those who are interested in a fair assessment of some of the editorial comment which has attended our debate. I ask unanimous consent that the editorial be printed in the RECORD.

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

TRUTH KNOWS NO DEADLINES

(By John F. Loosbrock)

On June 17 the Secretary of the Air Force made a dignified and thoughtful address in Denver, Colo. The occasion was the Honors Night banquet of the joint national meeting of the American Astronautical Society and the Operations Research Society of America. As one might logically expect the Secretary of the Air Force to do, Dr. Seamans chose to talk on a subject having to do with his duties and responsibilities. He called his talk "Planning for Strategic Deterrence in the '70s."

In the July 12 issue of *The Saturday Review*, the magazine's editor, Mr. Norman Cousins, took public umbrage at the Secretary's remarks. Or at least he purported to do so. A close reading of both the speech and the editorial reveals an almost flawless lack of resemblance between what Dr. Seamans actually said and what Mr. Cousins said he said. There are several ways to account for this singular lack of verisimilitude.

Perhaps Mr. Cousins did not read the speech, in which case his credentials for commenting upon it could be questioned. Perhaps he was merely told about the speech, in which case he was victimized by his source. Perhaps Mr. Cousins can't read, in which case it is difficult to account for his acknowledged success in publishing, a business in which few editors have become millionaires, as has Mr. Cousins.

Or perhaps he deliberately chose to deceive his readers in an effort to prove that the Secretary of the Air Force and the Department he heads represent a threat to the forthcoming arms-control talks and to world peace and stability generally.

In any case, Mr. Cousins chose to phrase his editorial in what is, literally, reverse English. He described the Secretary's speech as if it were one delivered by the Soviet Minister of Military Aviation before a Moscow audience of scentists at which two American physicists were present. (It turns out there were two Russian physicists present at the Denver meeting.) Only at the end does Mr. Cousins reveal he actually is referring to the Secretary of the US Air Force. Bearing this device in mind, let's see what Mr. Cousins said Dr. Seamans said.

Mr. Cousins said Dr. Seamans "called for a full program of antiballistic missile development."

The Secretary actually said: "The ABM program proposed by the President provides an orderly, step-by-step plan that can be halted at an early level of deployment if further expansion is not required for our security."

Mr. Cousins said Dr. Seamans said the USSR "was well advanced with a maximum ABM missile program."

We can't find a statement in the Seamans' speech that even comes close.

Mr. Cousins said Dr. Seamans said that US planners "were going to seize and maintain superiority over the USSR—not just in antiballistic missiles but in the use of space stations and devices that could deliver a succession of nuclear bombs on a string of Soviet targets."

The closest we can find is a Seamans' statement which says, "We are now working on a satellite early-warning system that would detect missiles as they are launched from land or sea."

Mr. Cousins went on to assert that the Secretary "ignored the forthcoming arms-control talks between the USA and the USSR."

Let's quote a bit more at length from Dr. Seamans: "Arms-control agreements are not

incompatible with necessary improvements in our current forces. Both arms-control and new-weapon developments must be designed to maintain deterrence. Neither side can accept and arms-control agreement unless it is certain that the proposed arms limitation will preserve its ability to retaliate against surprise attack.

"Arms-control agreements must structure opposing forces in a way that makes a first strike more difficult and retaliation more certain. This task should be eased by the growing realization that any effort to achieve a first strike will be countered heavily by the other side."

And, after further discussion of the relationship between deterrence and arms control, which Dr. Seamans knows is something quite different from either disarmament or peace—a fact that seems to have eluded Mr. Cousins—the Secretary went on to say:

"If both sides favor arms control, both missile payload and ABM defenses can be fixed at levels consistent with deterrence."

In all, more than three pages of a thirteen-page speech are devoted to a discussion of arms control, the subject which Mr. Cousins said the Secretary ignored.

We hope Secretary Seamans is not discouraged by his recent experience in the world of axe-handle journalism. He should keep on saying what he said in Denver and not worry about the Norman Cousins' of the world. They have forgotten the sage advice of a great liberal reporter, Heywood Broun, who used to say:

"Truth knows no deadlines."

ANSELM FORUM OF GARY, IND.

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. MADDEN. Mr. Speaker, one of the outstanding civic organizations in northwest Indiana is Gary's Anselm Forum, which originated in 1932 during our Nation's great depression. Nine Gary men of various nationalities huddled around coffee cups and released their intermost depression fear—fear of the future of mankind.

The basis for this organization's great success and expansion has been the Anselm World Tape Forum which has been under the able direction of Mr. Reuben Olson. Mr. Olson stated:

Many people in the world have a distorted idea of Gary. We try, in our tapes, to show them that there is good in our town.

The following excerpts from the article from the Glen Park Herald, of Gary, Ind., written by Mary Jo Mucha, narrates some of the organization's history, purposes, and civil and charitable accomplishments:

ANSELM FORUM OF GARY, IND.

(By Mary Jo Mucha)

These Anselm members are now 125 strong under Dr. Nicholas Bucur, president of the Forum. They represent 45 different ethnic groups and all the religions of the world. There is even an agnostic among them.

The 1932 days are in the past. And now, the Forum has begun to broaden itself. In 1959, a New Yorker named Harry Plissner was reading of all the racial tensions in the U.S. and came to the realization that our world image was being terribly degraded. He knew that people in other countries were thirsting for knowledge. So he decided to be an unofficial good will ambassador.

Plissner found that Americans throw away over 30 million magazines a month. This started his thinking. He sent 20 letters to newspapers all over the world and told the people that there were many American friends who were willing to send them magazines free. The response was overwhelming.

In Gary, Olson heard about Plissner's program. By contacting individuals and organizations, he located some 205 correspondents in Northwest Indiana for overseas letter writers who wanted the magazines. This was enough to prove Olson's point: "People are just aching to reach across the pond and shake hands!" Today, Anselm Forum is only partially active in this program.

The newest breakthrough in the world of understanding is going on in the medium of sound. It all started with an organization called World Tape Pals. This organization promoted the exchange of sound tapes between people of all nations. On its own, Anselm took part in recording tapes with the representative from Ghana, an attache from the Israeli Embassy and a religious leader from Johannesburg, South Africa. The tapes were sent to each of the respective countries.

Under the direction of Olson, the Anselm World Tape Forum has been organized. Members work on the premise that there is good in everyone and this theme is carried through all the tapes. But, even though the tapes carry on a wide variety of topics, they are not limited to friendly gestures. The men disagree and are very willing to accept the right to disagree.

There is no topic that the tape enthusiasts would not dare to touch upon. They discuss every thing—Vietnam, world population, birth control, race relations, loneliness, industry, art, music, judicial reform, police work, and juvenile delinquency. These are just a few topics.

Every conceivable stature in life is represented in the Tape Forum. Some of the participants include a lighthouse keeper from the coast of New Zealand, a blind judge who is also cripple, an Italian stylist from Brooklyn who designed the original Playboy Bunny outfits, a shopkeeper in Wales, a casino clerk who loves poetry and the finer things in life.

How are interested people contacted? Olson belongs to several "tape clubs" which publish names and addresses of "tapespondents" monthly.

A teacher in New Zealand became interested in tapes and started a club after school. They sent a tape of their first science lesson on the Atom Molecule. Melton School students in Gary answered the tape with a lesson of their own. The New Zealand teacher liked the tape so much that she played it in front of the PTA as part of meeting program.

Round-robins are a popular feature of the program. Each participant puts his opinions on ½ of a side of a tape and sends it to the next person who does the same. The tapes in this case are not erased.

Mrs. Ray Sanderson, of Lansing, Illinois, was for several years international judge for the Sweet Adelines, Inc. which is the woman's equivalent of the men's barber shop quarters. When Mrs. Sanders accepted the position as assistant director she became so involved in handling tapes for the blind and the handicapped, that she had to resign her post as judge. Ross Sheldon of Alabama now assists Mrs. Sanders.

The library of Mrs. Sanders contains tapes which are not erased. Of particular interest to the blind are the tapes of a Capetown, South Africa man named Harold Ewins. They have sounds of jungle animals, capture of an elephant and sea gulls fluttering above the water. Others are the tapes of a blind singer, organist, and composer of New South Wales, Australia. Someday Nellie Sweeney will publish her own hymn book.

She received a letter from Frank Senn, Jr., a blind organist at the Holiday Inn of Buffalo, New York. After hearing Mrs. Sanders sing on tape Senn wanted to play the organ on the tape, send it to Mrs. Sanders, and have her add the singing.

The assistant director is a talented lady well suited for the job. She has sung with the Merchandise Mart Chorus, Trinity Evangelical Covenant Church Choir, and the Aristocrats of Song. Mrs. Sanders is also quite creative and has numerous handicraft projects.

As an indirect result of the world tape project, Olson has a fabulous collection of postage stamps. In reciprocation, he buys commemorative US stamps whenever he can. He uses these in his correspondence so that every piece of mail from Gary arrives in some foreign land with a new and different stamp.

Olson says that "it gets in your blood and you keep going." He started out with 1 tape recorder and he now has four recorders and an assortment of amplifiers, microphones, receivers and electronic equipment.

Summing up the work of his organization, Olson says its all a part of "shakng hands across world boundaries in a neighborly sort of way."

The Anselm World Tape Forum will be an integral part of Festival 69. Olson will tape free for anyone in Gary who has sons or daughters in the military. Last year he taped for 99 people all over the world.

POEM WRITTEN BY A SERVICEMAN IN VIETNAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 31, 1969

Mr. THURMOND. Mr. President, an inspiring poem has been written by a serviceman in Vietman. It is entitled "A G.I.'s Protest." It reflects the American spirit of our boys in Vietnam. It reveals their disgust with the protesters back home who burn their draft cards, dodge the draft, use drugs and demonstrate against the war and our democratic institutions. It is my understanding that this poem was circulated among our boys in Vietnam as an expression of their protest to the irresponsible demonstrators back home who are not loyal to their effort.

Mr. President, I wish to quote a part of the poem:

You burn your draft cards
and march at dawn,
And you leave your signs on the White House lawn
And all you want is to ban the bomb
There is no war, you say,
in Vietnam!
And you refuse to lift a gun.

Mr. President, I am proud to report that Pfc. Timothy E. Heaton, of Clinton, S.C., wanted his friends in South Carolina to know this poem reflected his view of the protesters. He sent it home, and it was published in the Clinton Chronicle newspaper on July 2. The Reverend J W. Spillers, of Clinton, informed me about Timothy Heaton.

The Reverend Mr. Spillers' son, Major Jack C. Spillers, who was shot down over North Vietnam and is now assigned in Washington, D.C., has volunteered to return to Vietnam. It is the Heatons and the Spillers and the millions of others like them who deserve our Nation's eternal support, loyalty, and gratefulness.

Mr. President, I ask unanimous consent that the poem be printed in the Extensions of Remarks.

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

A G.I.'s PROTEST

(EDITOR'S NOTE.—The following poem was sent by a Clinton serviceman now in Vietnam who commented, "It states how a great deal of us feel about some people back home. . . . We do not want it to sound like we are big heroes or anything but only that we are ashamed of some of our own people.")

Take a man then leave him alone,
Then put him 12,000 miles away from home.
Then you empty his heart of blood
And make him live in sweat and mud
This is the life I have to live
And why my soul to the Lord I leave
You "peace boys" rant from your easy chairs
But you don't know what it's like over here.
You have a ball without near trying
While over here our boys are dying.
You burn your draft cards and march at dawn,
And you leave your signs on the White House lawn,
And all you want is to Ban the Bomb
There is no war, you say, in Vietnam!
You use your drugs and have your fun
And then refuse to lift a gun.
There's nothing else for you to do
And I'm supposed to die for you?
I'll remember you until the day I die
Cause you made me hear my buddy cry
I saw his arm a bloody shread,
I heard them say, "This one's dead!"
It's quite a price he had to pay
For you to live another day!
He had the guts to fight and die
He paid the price. What did he buy?"
He bought your life by losing his!
But who gives a damn what a soldier gives!

God have mercy on you and help us to continue, in our faith.

WE MEN OF VIETNAM.

MORE GUN CONTROL NONSENSE

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. HARSHA. Mr. Speaker, one of the most ridiculous proposals to come out of a Presidential commission in many a time is that recommendation recently made by the task force of the President's Violence Commission to totally disarm every American citizen in the United States.

Should this soft-headed recommendation ever go into effect, it will be like sounding a clarion call to every criminal in the United States informing him that the American public is totally disarmed and completely at his mercy.

Yesterday's Evening Star contained an editorial entitled "More Gun Control Nonsense," which expresses the sentiments of many American citizens more adequately than I, and I include it in my remarks and commend it to my colleagues:

MORE GUN CONTROL NONSENSE

As an introductory note to this editorial comment, an item in the crime news is worthy of attention. On Monday there were 22 armed robberies in Washington. This brought the July total as of that date to 450, compared to 332 armed robberies in all of July of 1968.

In the face of this a task force of the President's Violence Commission (appointed by President Johnson) comes forward with a wacky recommendation. Its proposal is, except in a very small number of cases, that all Americans should be required to surrender any hand guns they own to the government.

Here is the task force's reasoning: This is the only way in which the United States can break "the vicious circle of Americans arming to protect themselves from other armed Americans." Now what does this really come down to? Even the task force, we suppose, would concede that criminals are not going to surrender their hand guns. So what they are saying is that no homeowner, to cite one example, should be permitted to keep a hand gun in his own house to protect himself, his wife, and his children against the night when some armed criminal might break into his home. Their argument is that home owners "may" seriously overrate firearms as a method of self-defense against crime. The "loaded gun in the home creates more danger than security."

This strikes us as blithering nonsense. How many members of this task force have been awakened in the middle of the night by a scream for help by some member of his family? Probably not one. But thousands of Americans are exposed to this dreadful experience every year. And in such a situation what is an unarmed householder supposed to do against an armed intruder? Hide under his bed, and never mind what happens to his family?

The major thrust of this soft-in-the-head report is that the requirement to surrender your hand gun, of which there are an estimated 24 million in the country, would reduce crime. This is absurd, for the criminals are not going to surrender their guns. A better and much more realistic way to deal with this problem will be found in legislation now being considered in Congress.

The intent of this legislation is to provide tough, really tough, mandatory penalties for criminals who use guns in the commission of a felony, such as rape, robbery or burglary. For a first offense the penalty generally favored would be a mandatory jail sentence in a federal jurisdiction, which includes Washington, of from one to 10 years. A judge would be forbidden to suspend this sentence or to make it run concurrently with the sentence for the primary offense. In case of a second offense, much stiffer jail sentences are proposed, and they should be written into law.

A similar bill passed the House last year, but was watered down in the Senate before becoming law. The argument then was that mandatory sentences deprive judges of discretion in imposing penalties. And so they would. But in one week at the time the watered-down bill was passed 17 criminals in this city were found guilty of crimes in which guns were used. In six of these cases, more than one-third, the judge imposed suspended sentences, which means that no jail terms were served for using a gun.

So we say let's make the sentences mandatory. And let's not deprive the law-abiding citizen of hand guns in his own home while the criminal element will remain armed to the teeth.

THE TRUTH ABOUT INTERCITY TRAINS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. ROBISON. Mr. Speaker, in my continuing search for comments on and solutions to the problem of the decline in rail passenger service I came across the following editorial from the Wall Street Journal of July 29, 1969, which points up the need for Federal action in this area. I hereby insert it in the RECORD as further evidence of a growing awareness that something must be done soon:

THE TRUTH ABOUT INTERCITY TRAINS

As the Interstate Commerce Commission says in a new report, it's high time to decide what—if anything—to do about the disappearance of intercity rail pasesnger service. If some decision isn't made soon, there will be little service left to discuss.

In June 1968 there were 590 regular passenger trains. Now there are fewer than 500, and railroads are seeking to discontinue about 50 of those. In the past 10 years total noncommuter passenger revenue has fallen by nearly 50%, reflecting the disappearance of both trains and passengers.

Under present law, the ICC notes, there is nothing the Government can do to stop the eliminatin of service, although the agency's leisurely procedures do slow it somewhat. Carriers cannot be required to continue the operation of trains which constitute "unreasonable financial burdens."

While there may be reason to debate what is and what isn't reasonable, there's no question that passenger service is a heavy financial burden for the railroads. The ICC study of eight major rail lines, handling 40% of the noncommuter passenger miles, showed that in 1968 they sustained $118 million in "avoidable expenses" in the process.

That, of course, brings up the problem of defining passenger deficits. An avoidable expense is one that a railroad would not have incurred if it had not been operating passenger trains. The usual accounting formula assigns passenger service a share of the cost of maintaining tracks and other facilities that are also used by freight trains—and must be kept up even if no passenger trains run.

Under the conventional formula, the eight railroads reported a $214.3 million passenger deficit in 1968, nearly double the avoidable-expense figure. For all railroads, the Association of American Railroads estimates that the 1968 deficit, on the conventional basis, was around $485 million, which also far exceeds the estimated $170 million deficit for all roads on items solely related to passenger service.

Arguments over accounting have in the past tended to obscure whether the railroads "really" were losing on passengers. It should be clear now that even the smaller $170 million figure for all roads is too high to be borne for long by an industry which, last year, had net income of less than $600 million and a net return of less than 2.5% on its invested capital.

If the railroads can't carry the burden alone, the ICC figures the next question is whether the Government should carry any of it and, if so, how much. Any reasonable answer depends on a careful assessment of just what the public's need is for intercity service.

People who enjoy—or used to enjoy—riding the railroads often argue that patronage would be much greater if there were more, and higher quality, service. It's certainly true that passenger trains are not only fewer but often dirtier and less dependable.

It is, however, more than a little unreasonable to expect the railroads to pour huge amounts of fresh capital into passenger service in the hope that eventually it would make money. In some places it might work. In many areas, though, the hope would at best be a weak one; where airlines service is plentiful and reliable between distant cities, it is unrealistic to think that enough people would ride the trains to make them pay.

If the Federal Government gets deeply into passenger-train subsidies, then, it should

make sure that any service it subsidizes will provide a fairly popular alternative to air and auto travel. One example that may meet that description: The fast, Federally aided trains between New York and Boston and between New York and Washington.

Even in less populous areas there may be some argument for maintaining skeletal rail passenger service—possibly for use in some unforeseeable emergency. If so, the Government presumably would assume a large share of the cost.

Americans for years loved riding passenger trains, and some of us still do. But the truth is that the nation cannot expect the private railroad industry to continue forever financing this romance.

A BILL TO STOP PORNOGRAPHY SENT THROUGH THE MAIL

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BUSH. Mr. Speaker, I introduce for appropriate reference, a bill aimed at stopping the purveyors of pornography and sex-oriented advertising from using the mails as a means of transmitting their vile materials into private homes and businesses.

The volume of mail that has poured into my office in recent weeks decrying the use of the mails for this purpose has been staggering. It is readily apparent that American homes are now being inundated with more of this salacious matter than at any other time in history. This clearly indicates that it is time to stem this mushrooming tide of smut and obscenity that is violating the privacy of homes and corrupting the minds of our youth.

My bill requires mailers of obscene materials to first purchase from the Post Office Department a list of all families who have submitted their names to the Postmaster General indicating they do not want to receive such mail. The list would be made available only upon request and payment of a service charge, a fee covering all costs of compiling and maintaining the list.

The bill offers a refinement of present law in that it permits families to request that no obscene materials be sent them before, not after, they receive it.

This would be accomplished by a family simply informing the local post office that its mailbox is off-limits for smut mailings. Any mailer who violated this request and sent obscene materials to a family on the list would be subject to fine or imprisonment. The bill also contains penalties for sales, rental or lending of this list.

Further, the bill gives the Postmaster General the power to request the Attorney General to commence civil action against those who violate any provisions of the bill.

During preparation of the civil suit, the Attorney General may enter a temporary restraining order containing such terms as the court deems just, including provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons.

I concur with President Nixon in his conviction that no governmental approach provides the final solution to this problem.

In his words:

The ultimate answer lies not with the Government but with the people. What is required is a citizens' crusade against the obscene. When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back this tide.

This bill represents the sort of measure needed now to stop the abuse of the postal service for this depraved purpose and reinforce a man's right to privacy in his own home.

RETIREMENT OF LT. GEN. WILLIAM F. CASSIDY, CHIEF OF U.S. ARMY ENGINEERS

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. JONES of Alabama. Mr. Speaker, today marks the date of the retirement of Lt. Gen. William F. Cassidy, the Chief of U.S. Army Engineers, a distinguished soldier-engineer who has been a national leader in the development of the water resources of this great country.

General Cassidy's retirement will mark the end of a distinguished military career that commenced in 1931 when he was commmissioned in the Army Corps of Engineers after graduation from the U.S. Military Academy, West Point. General Cassidy's major military responsibility has been as the supervisor of all military engineering functions in the Army. He has been deeply involved in counseling, advising, and assisting in the constructio and combat support mission of the Army Engineer troops in Southeast Asia as well as in the expanding world-wide military construction program.

In his military service in the Army, General Cassidy has held many positions but I believe his greatest accomplishments have been when he was engaged in the field of water resources development, where he is truly one of the great experts. He has served as Division Engineer, South Pacific Division—as Director of Civil Works, and Deputy Chief of Engineers as well as in the position of Chief of Engineers. In all of these positions he has served his Nation well in bringing flood control to areas previously ravaged by floods, opportunities for industrial development along navigable waterways, municipal and industrial water supply to water-short areas, water-oriented recreational opportunities at reservoirs, and beaches throughout the country.

Mr. Speaker, I am pleased to have this opportunitly to congratulate Bill Cassidy for a job well done, and to wish him continued health, happiness, and success in the years to come.

GLUE-SNIFFING CAN BE ELIMINATED

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, recently, the Testor Corp., of Rockford, Ill., announced an important discovery. By the addition of a certain chemical to its glue products, the problem of "glue-sniffing" can be eliminated. We extend our sincere congratulations to the Testor Corp., on this important discovery. In particular, we commend the manufacturer of its generous offer to make its findings available to other concerns producing inhalable products such as nail polish remover, paint thinner, cleaning fluid, and propellants in aerosol spray cans.

A statement detailing the background of the Testor Corp. discovery follows:

STATEMENT

NEW YORK.—The largest manufacturer of plastic model cements has found a solution to the problem of glue-sniffing in a basic chemical that could also be used to end the sniffing of solvents from scores of household products used by millions of consumers.

The Testor Corporation, a division of the Chicago-based Jupiter Corporation, has been adding oil of mustard to its plastic model cements since May, 1968, after six years of development and testing.

Oil of mustard—known scientifically as allyl isothiocyanate—acts as a deterrent to the misuse of plastic model cements by providing the same jolt in the nasal area as that occurring after eating very hot mustard or horseradish.

At a press conference, Charles D. Miller, president of Testor, said that his company is offering its research and development results concerning the additive to any manufacturer whose products contain inhalable solvents.

The products include nail-polish remover, paint thinner, cleaning fluid, gasoline, and even the propellants in pressurized hair sprays, cocktail glass chillers, and the sprays that keep foods from sticking to pots and pans.

The oil of mustard, also called essence of horseradish, is a lacrimator, an irritant which produces excess tearing. Its effects are reversible—they cease as soon as exposure to the chemical ends.

James L. Badinghaus, assistant administrator of the Hamilton County Juvenile Court, Cincinnati, Ohio, and an authority on juvenile delinquency and drug abuse, said that several youngsters, arrested for glue-sniffing, told the Court that they could no longer sniff Testor plastic model cements.

"The youngsters told the Court, 'We can't use Testor's anymore—they've put something in it and it smells too bad to sniff'," Badinghaus said.

Hobbyists, who use plastic model cements for their appropriate purposes, have not noticed the existence of the additive in the cement.

Miller said that "solvent inhalation is the problem of all manufacturers whose products contain such ingredients. We are offering to these manufacturers whatever assistance we can give to help them add a deterrent to solvent-inhalation into their products too."

Forrest Elson, Testor vice president for research and production and a chemist pointed out that allyl isothiocyanate is approved by the Food and Drug Administration as a food additive, and is used to add spice to many food products. In different

forms, it is also used as a food preservative and in drug production.

Attempts to develop either a deterrent to solvent inhalation or products without such solvents have been made for decades. Investigations focused on developing an additive after it was learned that the solvents themselves are almost always basic to the functions of the products in which they are found. In plastic model cements, for example, solvents give the cements their excellent adhesive power and the ability to dry immediately after application.

The New York-based Hobby Industry Association of America, in 1962, commissioned an independent laboratory to investigate possible plastic model cement additives. In late 1962, the laboratory issued its report which contained a list of almost 100 possible additives.

In the two years until late 1964, the Testor Corporation combed through the list of potential additives, testing their safety, effectiveness and practicality, and finally selected the oil of mustard.

From 1964 to 1968, the company tested the additive in its plastic model cement production processes to be sure that the additive did not affect the adhesive qualities of its cements.

The Testor Corporation is the largest producer of plastic model cements, turning out more than 25 million tubes of the product annually, about two-thirds of the industry total.

Its model cements are used by hobbyists to build the millions of plastic models sold each year.

In addition to its plastic model cements, The Testor Corporation, a 40-year-old hobby products producer, manufactures other special-formula cements for various materials, decorative and hobby enamels paint-by-letter kits, styrofoam gliders, model airplane and automobile engines, and other model building and decorating supplies. The company has plants in Illinois, California, and Canada.

APOLLO 11

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1969

Mr. CABELL. Mr. Speaker, all of us in America and in all parts of the earth are proud of the success of the Apollo 11 trip to the moon. This achievement is one in which all of mankind has shared via worldwide television, made possible by our space age technology. The openness with which the United States has shared its exploration in space has made this international interest possible. Unlike the other space power, our program has been open for all to share in its successes and in any possible failure.

Many in the Congress, Government, industry, and education are due credit for a team effort unsurpassed in our history. Dallas County industries have played a significant part on this team. The courage of Neil Armstrong, Buzz Aldrin, and Mike Collins and their dedication made the final triumph on the lunar surface possible. However, if I had to choose one man to thank for the fact that the first flag planted on the moon was the Stars and Stripes, I would pick our former President, Lyndon Johnson.

During the early Russian exploration and success in space during the 1950's, then Senate Majority Leader Johnson was chairman of the Senate Space Committee and led the way in convincing the Eisenhower administration to go at least the first mile on this vital program.

Later, as head of the Space Council, then Vice President Johnson worked hard to assure that the American space effort moved smartly ahead. Finally as President Lyndon Johnson continued his support and enthusiasm for maintaining the momentum of the program whose success we have now witnessed.

With this background, nothing could have been more fitting than that former President and Mrs. Johnson were honored guests at the launch of Apollo 11 on its epic voyage.

At this time of exhilaration over man's most spectacular feat to date, it is fitting and proper that the three space heroes who made the final steps out onto the moon should be honored. However, many, many others contributed to this success and first among these is our fellow Texan, Lyndon Baines Johnson.

THE FUTURE OF SOUTHERN MARYLAND

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BEALL of Maryland. Mr. Speaker, recently my colleague, Representative ROGERS C. B. MORTON of Maryland's First District, addressed the annual meeting of the Southern Maryland Electric Cooperative, Inc. He spoke about the future and growth of this area, which is presently rural, and urged the residents to make the necessary preparations for this expansion. I think his remarks are of interest, especially to my colleagues in this body whose districts face similar developments.

I include the remarks in the RECORD at this point:

REMARKS BY CONGRESSMAN ROGERS C. B. MORTON, ANNUAL MEETING OF SOUTHERN MARYLAND ELECTRIC COOPERATIVE, INC., JULY 14, 1969, CHARLOTTE HALL, MD.

Today I've spent a few hours at Patuxent River Naval Air Station, at the Naval Ordnance Laboratory at Solomons, at the site of the new electric power plant being constructed at Scientist's Cliffs, and in the major communities of St. Mary's and Calvert Counties.

Every time I come to Southern Maryland, I am impressed with the opportunity that exists here. I am impressed with the beauty of the place, but most of all I am impressed by the people. I regard it as a high privilege that the General Assembly of Maryland included in the First District—Calvert, St. Mary's and part of Anne Arundel Counties. I wish I represented Charles County.

I see great change coming to Southern Maryland and I'm sure you do. It is something you and I together must think about; it is something we have to do something about. We have to maintain certain balances and just for a moment I am going to talk about those balances.

Practically everything you and I do today, when we go to the store—when we get up in the morning and turn on the lights—when we heat our homes—when we drive our cars—no matter what, we use energy. Basically, there are only three great sources of energy available to this civilization at this point in time. They are oil and oil derived from shales, coal and uranium. Those are the three sources of energy we use as tools. The other great source of energy, of course, is the solar energy from the sun.

We must remember that in our time on the crust of this earth, it will be necessary for us to keep in balance the great sources of energy. This is important. We must remember that in this we have known oil reserves of only about 8 years. Therefore, it will become necessary to use more coal and more uranium, which can be converted into nuclear energy.

If we fail to keep the consumption of these resources in balance, we will reach a point of crisis when drastic changes will take place. Imagine how it would be if you could burn the light in your living room only from 2 o'clock in the morning to 3 o'clock in the morning, if that's the schedule you were assigned. Or if you could run your refrigerator only 2 or 3 hours a week; or if you could buy only enough fuel oil to heat your house for 25 days through the winter period? This could happen if we run out of oil if we don't balance the use of that source of energy with other resources available to us.

New technologies are going to come along. There is a great power plant right here in Calvert County. One that is subject to controversy—mostly speculation on what might happen. But our technology has reached a point where we can control what will happen, if we are patient and if we are careful.

Because of my deep interest in the conservation of the Bay and its surrounding shore land, I would never approve an installation which would warp, destroy or in any way injure the integrity of a great resource which means so much to us—namely, the Chesapeake. So I am going to be as demanding as I can on the technology put forward, so we can insure this installation will not heat up the Bay and thereby deteriorate the ecology of the Chesapeake, and insure that no radioactivity in any toxic amount will be put into the environment. If it is done correctly and it is done with care and patience, this can be the cleanest and most efficient kind of energy conversion process we have. Let us demand of the officials who are in charge of that project the very best, but realize too that we as a people must begin to use a balanced mix of our energy sources.

There is one other balance I want to talk about, because it is a very important balance to you and to me and to every Southern Marylander. The three counties of Southern Maryland—Charles, Calvert and St. Mary's, are going to be under more stringent population pressures during the last quarter of this century than any other area in the State and on the entire eastern seaboard complex. The storekeeper down the street thinks in terms of new customers when he thinks in terms of growth. The fellow who is selling automobiles thinks in terms of more sales when he thinks of more people.

But there are greater balances which you and I have to think about if we are going to preserve the beauty and the spirit and the personality of this great part of the country. We've got to think in terms of balancing this growth with jobs. We've got to think in terms of balancing this growth with transportation so we don't become just a suburban traffic jam to Metropolitan Washington.

The leadership for this will come from many sources. It will come from the Board of Directors you've just elected of this great organization. It will come from the Planning Councils of groups like your Tri-County organization. It will come from the hard work of the County Commissioners. I've spent a good portion of the day with the County

Commissioners of St. Mary's County on this very matter.

Let us preserve the jewel-like atmosphere of Southern Maryland by carefully planning what our future is going to be, and not let some authority from Washington or some mysterious happening plan our destiny and our lives for us. We can do it if we try. We can do it if we work together. We are now at a density of only about 84 people per square mile. We now have a population in these three counties of only about 85,000 people. But in 1985, it is predicted that we will be 190,000. Everywhere you look on the road, where you now see one car there will be two. Everywhere there is a house, there will have to be two; but likewise, everywhere there is a new house, there has to be a new job.

Today, the people in St. Mary's, Calvert and Charles Counties have an average age which is 4 years younger than the State average. Let's convert the energy of all that youth and enthusiasm into the building of a great community that has balance—balance in its energy sources, balance between jobs and growth, balance between open space and closed space, balance among systems of transportation. Let's build a place that is exciting to live in, a place that is profitable to work in, a place that has a feeling of security and not one of frustration. Today is the day we should start with those plans.

Thank you very much.

THE ARMS TRADE—PART I

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. COUGHLIN. Mr. Speaker, I am compelled to comment on a state of affairs so dangerous and out of control that it threatens man's very existence on earth. Specifically, I am referring to the international trade in the weapons of war.

Since Hiroshima, mankind has been urgently preoccupied with devising ways in which atomic weapons will never again be used. Yet, while we have focussed our attention on this most worthy goal, we have virtually ignored the critical need to control the vast proliferation of conventional arms that has been a stark fact of life for the past quarter century.

Mr. Speaker, there have been 56 wars of significant size in this world since 1945, 54 of which have been fought in the underdeveloped areas. The nations doing most of the fighting do not have the capacity to make their own arms. Thus, the weapons they use to fight these wars have all been imported from the major industrial powers.

The worldwide volume in the trade in arms is currently $5 billion per year. Fifteen years ago it was only $2.5 billion; by the early 1970's it is estimated that the trade will double to $10 billion a year. This vast trade in arms is carried out largely unimpeded by any international laws or restraints.

The largest arms merchant in the world, Mr. Speaker, is the U.S. Government, currently distributing in excess of $2 billion in arms per year to some 70 countries. The Soviets are second, distributing some $1 billion a year, mostly to the Middle East. Vying for third are Britain and France, each of which is selling some $400 to $500 million in arms each year. Also aggressively involved in the sale of arms are Belgium, Italy, West Germany, Canada, Czechoslovakia, and Red China, as well as two peace-loving "neutrals," Sweden and Switzerland.

In addition, there exist several score major private arms dealers who buy and sell arms for personal gain. Their business collectively runs to some $100 million per year. The largest private dealer in the world, by the way, is a firm called the International Armament Corp. or Interarms for short, and it is located in Alexandria, Va., less than 8 miles from this Chamber.

All in all, some $66 billion worth of conventional arms have been pumped into the world markets since the end of World War II. Of this, the United States alone has been responsible for $50 billion. Thus, one might say that the postwar arms trade is fifty sixty-sixths an American responsibility. And it should be noted that in this atomic age, conventional arms are doing the killing, and not a thing is being done to stop the proliferation of these weapons of death.

A $5 billion arms trade becomes significant when one reviews the Cuban revolution. Fidel Castro had less than 1,000 regulars in the field; for an aggressive arms salesman to have supplied Castro's entire weaponry needs at that time would have required gathering together only 1,500 to 2,000 small arms, a value not exceeding $50,000. To deliver such a small order would have taken any reasonably efficient arms merchant less than 1 week.

It must be remembered that 2,000 small arms represent about one-three hundredths of one large dealer's inventory—a relatively small quantity. If a private arms dealer, with a mere $50,000 worth of arms, has the power to underwrite a revolution as significant as the one Castro led, it is obvious what can occur as the result of the U.S. Government distributing more than $2 billion in arms per year, and the entire rest of the world distributing another $3 billion.

There are virtually no regulations controlling the arms trade today: The few rules which exist are breaking down, not only because the trade is growing so fast and thus overwhelming the little control machinery that exists, but because of an excess of bureaucratic obscurantism, intellectual rigidity, and sheer human ignorance and greed.

This is why the potential mischief of the arms trade is so dangerous. I am convinced that the reason conventional warfare is dangerous in the atomic age is that, if a general atomic holocaust breaks out, it will occur as the direct result of a conventional war escalating out of control. That is why the Middle East is so critical: the Soviets have put their prestige on the line with Egypt; more and more we, the United States, are being forced to put our prestige on the line with Israel, the responsible Arabs, or both. If it comes to the point where neither great power can back down, then the buttons are going to be pushed.

I am disturbed that those nations distributing arms around the world are more and more involving themselves in the trade for economic rather than military reasons. Once arms were given away or sold, because it was in the military interests of the donor country. However, over the last decade, the emphasis has changed from military to economic. Now nations sell arms, because it is good for business, it brings in hard currencies, it keeps people employed, it off-sets an unfavorable balance of payments, it cements international relationships, it promotes the international flow of technology, and it keeps nations up in the state of the art.

In order to bring this subject to the attention of my colleagues and to increase the pressure on our Government to seek changes in the disastrous direction of our arms aid policies, I plan to speak out from time to time on this topic whenever I believe I have information which may be relevant.

Today, for instance, I am including in the RECORD an article from the New York Times concerned with the recent 5-day "Soccer War" between Honduras and El Salvador in which some 3,000 soldiers lost their lives and which saw both sides using arms supplied by the United States.

I believe the facts speak for themselves:

O.A.S. PEACE MOVE IS BACKED BY UNITED STATES; INDEPENDENT EFFORT TO SETTLE SALVADOR-HONDURAS WAR BARRED BY WASHINGTON

(By Peter Grose)

WASHINGTON, July 15.—The Nixon Administration deplored today the use of United States-supplied arms by two Central American republics to fight each other.

White House and State Department spokesmen expressed full support for the efforts of the Organization of American States to bring about a cease-fire between Honduras and El Salvador, ruling out any independent United States role to mediate the dispute.

[The Honduran Government said that its planes had attacked targets in El Salvador in retaliation for attacks on the ground and in the air by Salvadoran forces Monday. It said that a Salvadoran plane had been downed.]

The Organization of American States sent a team of diplomats from seven nations, including the United States, to Central America to report on the air and ground combat and to try to induce both sides to break off hostilities.

At an O.A.S. Council meeting today, special representatives from Honduras and El Salvador exchanged accusations of aggression. A former Foreign Minister of Honduras, Roberty Perdomo, charged that the Salvadoran armed forces were staging a "large-scale invasion" of Honduras. The President of El Salvador's Supreme Court, Alfredo Martinez Moreno, accused Honduras of carrying out a policy of genocide against thousands of Salvadoran citizens who live in Honduras.

An authoritative State Department official conceded the possibility that the military equipment being used by the two sides had been supplied by the United States under military assistance programs. "Such a situation is not without precedent," he said, "and we consider it very regrettable."

Senator J. W. Fulbright, chairman of the Senate Foreign Relations Committee, said he was "embarrassed" by the warfare between the two hemisphere neighbors "to the degree that we have responsibility."

"They might have solved it with fists and feet if we had not furnished them the arms to use instead," the Arkansas Democrat said.

United States military assistance to Honduras last year amounted to about $800,000;

to El Salvador $500,000. As Secretary of Defense Melvin R. Laird said, in testifying before Senator Fulbright's committee, the total military aid to Latin America is "a very small amount."

Senator Jacob K. Javits, Republican of New York, said the fact of the aid, not the amount, is what is important. Senator Fulbright suggested that the Pentagon might consider complete elimination of military grants to Latin American and other underdeveloped countries.

The O.A.S. peace-making commission flew to Guatemala City this morning in two aircraft, one a commercial flight, the other supplied by the United States Government. The Nicaraguan Ambassador to the United States Guillermo Sevilla Sacasa, heads the team. The United States members are Richard A. Poole and John W. Ford, senior delegates at the O.A.S.

President Nixon's representative at the O.A.S., Joseph John Jova, was quickly sworn in this morning so that he could take part in today's Council meeting. He had been Ambassador to Honduras since 1965.

The State Department spokesman, Robert J. McCloskey, said there were about 3,200 United States citizens in El Salvador and 2,100 in Honduras. The State Department has received no reports of American casualties in the combat.

RETALIATION RAIDS STAGED

TEGUCIGALPA, HONDURAS, July 15 (Reuters)—Honduras said today that her planes had shot down a Salvadoran plane during an air raid on the Toncontin International Airport here.

A government spokesman said there were no Honduran casualties in the bombing attack and damage to the airport was slight. The airport was closed to civilian traffic.

There was no indication what happened to the crew of the downed Salvadoran plane.

The spokesman said that Honduran planes had earlier bombed targets in El Salvador in swift retaliation for the attacks on Honduran territory.

Honduran planes destroyed fuel tanks at El Salvador's principal airport in Ilipango, knocked out airport installations and damaged port facilities, the spokesman said.

A military spokesman said that Salvadoran troops attacking frontier positions were being repelled.

The situation in San Salvador, meanwhile, was tense, with schools closed and a third of the shops and offices closed, the Salvadoran newspaper La Prensa Gráfia reported by telephone.

La Prensa Gráfia said that Salvadoran troops were penetrating deeper into Honduran territory in a march on Tegucigalpa. They were within 75 miles of the Honduran capital, according to an official Salvadoran announcement quoted by the newspaper.

The official announcement said that the purpose of the march was to protect the lives of more than 200,000 Salvadorans still living in Honduras. The San Salvador Government feared reprisals against the residents.

Radio reports from the mountainous border between the two countries said that fighting was continuing along the length of the 860-mile frontier. La Prensa Gráfia said. The border area is dotted with small farming villages growing rice, beans and corn.

HONDURAS IDENTIFIES TARGETS

TEGUCIGALPA, July 15 (AP).—The Honduran Government identified the targets attacked by its World War II Corsairs in El Salvador today as military bases and fuel depots at La Union, Acajutla and the Ilopango international airport. It said the airport had been put out of action, structures damaged and oil supplies destroyed.

There were unofficial reports that the Honduran port of San Lorenzo had been damaged by machine-gun fire, and that there had been casualties in Salvadoran air attacks on Ocotepeque, a town of about 5,000, and Santa de Copán, with 9,500 residents.

A Red Cross official in Managua, Nicaragua, said that 500 refugees of various nationalities had fled into Nicaragua from neighboring Honduras.

A good deal of the ill feeling between the two countries arises from the resentment of Hondurans toward the nearly 300,000 Salvadorans living in their country. Most of the Salvadoran immigrants are peasants who have gone to Honduras in search of land—something that cannot be obtained in their small and overpopulated country. Honduras, with 2.5 million people, has an area of 43,227 square miles; El Salvador has 3.1 million people living in 8,260 square miles.

These feelings came to a head last month during a three-game soccer match to determine which team would play in the World Cup matches. A wave of violence flared against Salvadorans in Honduras after charges of mistreatment of Honduran fans after a game in San Salvador.

DEATHS FROM KIDNEY DISEASE APPALLS HORTON

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. HORTON. Mr. Speaker, today a man will die from a disease for which a cure has been found 10 years ago. It is appalling to me that people continue to die from kidney disease, while techniques to save these victims' lives have been developed.

Kidney transplants and the kidney machines are two techniques that could save the lives of 10,000 patients. And yet, less than 5 percent of these patients receive these life-saving treatments, solely because of lack of funds.

Many of my colleagues may have read of a tragic example of this in the Star last week. It was a story of a young woman, a victim of kidney failure, who lay unconscious in the hospital. She was denied the use of the machine that might save her life because she could not guarantee payment. The machine could cost up to $15,000 a year.

Mr. Speaker, the citizens of the richest country in the world cannot stand by and see this happen. We can no longer let this ironic tragedy exist. We can no longer force a physician to choose who will live and who will die on the basis of money.

Today, I am introducing the National Kidney Disease Act. It is designed to provide needed training facilities, treatment centers, specialized professional personnel, and even the costs of necessary equipment and supplies for patients to treat themselves in their own homes.

My bill calls for the combined efforts of Federal, State, local governments, medicine, universities, nonprofit organizations and individuals.

This comprehensive approach to planning and implementing a national program for the treatment of kidney disease will secure the latest advances in diagnosis and research.

Mr. Speaker, aside from kidney transplants and kidney machines, basic research into the nature of the disease and mass testing procedures for the early detection is urgently needed.

This dreaded disease is one of our Nation's most widespread afflictions. Over 7 million Americans suffer from kidney-related disease and 100,000 deaths a year result from it.

Seventy-nine Members have cosponsored this bill. I am pleased to add my support to this urgently needed legislation, and I believe it is now time for Congress to take action.

LEGISLATION INTRODUCED TO COMBAT SHORELINE EROSION

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. ASHLEY. Mr. Speaker, I am introducing today legislation designed to combat the growing problem of shoreline erosion.

Under present law the Corps of Engineers may spend up to $50,000 in one locality in any one fiscal year for the construction of emergency bank protection works to prevent flood damage to highways, bridge approaches and other public works endangered by bank erosion.

However, the corps can provide assistance for damaged privately owned property only when the President declares that a disaster exists. The Office of Emergency Preparedness does not have available funds or programs for shoreline erosion relief. The Small Business Administration, which can purportedly lend money at 3 percent interest rates, cannot lend to a private property owner unless 25 homes have been destroyed—the criteria for the SBA declaring an area a disaster area.

Thus we are faced with a situation in which private property owners are often helpless until their lands and homes, and those of 24 of their neighbors, have been destroyed. This absence of preventative measures in the laws leaves property owners across the country in a bind. If they try to buttress up their own land, their efforts may result in more damage to the surrounding unprotected property and, at best, provide only temporary relief. Similarly, when the Corps shores up publicly owned property, its efforts often endanger the surrounding privately owned property.

On the other hand, if they do nothing, they may have a front row seat to watch their homes gradually slip into the water.

In Maumee, Ohio, for example, the erosion of the shoreline is so acute that homeowners are living on borrowed time as their houses inch ever closer to the Maumee River. One property owner graphically described the problems of the area to me in a recent letter:

Our homes and land have been slipping gradually toward the river, due to layers of silt and consequent veins of water lying up

to 30 feet under the town of Maumee, Ohio. For example the Lucas County Library itself is in danger of collapsing in the not-too-distant future.

* * * * *

. . . the natural flow of these veins of water is toward the (Maumee) river and our homes are in its wake, so actually the drain off of the town is responsible for the slippage and erosion on our land.

Personally, we built a $5000 terrace on our home toward the river and half of it has sunk 24 inches and is still moving. The terrain all along this area appears as a huge crust of the earth that has broken away. Many of our poor neighbors are having more damage than we are experiencing; near Judge Alexander's home it has dropped 5 to 6 feet.

This same scenario is repeated time and time again across the country and the amount of damage runs into the millions each year. It is clear that only a combination of private and public action can curb the problem. The Federal Government, acting through the Army Corps of Engineers, must coordinate the placement of abutments, retaining walls, jetties, and such other measures as may be necessary to prevent erosion from destroying productive lands, both public and private, from contaminating our waterways with large amounts of silt and sediment.

The private landowner whose property is benefited, for his part, must be required to pay his fair share of the cost.

The bill I have introduced seeks to effectuate a national program to abate shoreline erosion by allowing private property owners to qualify for assistance from the Corps of Engineers in accordance with already established procedures for civil projects to abate shore erosion on public lands. The bill would permit the Federal matching grant formula of 50–50 reimbursement to be met by responsible local interests. In this manner, private citizens, through the process of special municipal assessments, would be able to match Federal aid to solve a problem whose effects are of national importance.

In addition to the assistance provided by this bill, long-range erosion control must include adequate zoning measures to assure wise development policies in erosion susceptible areas. Only with such a two-pronged effort can we achieve lasting control—control which at the same time retains land and topsoil and eliminates the siltation pollution that results from erosion.

Mr. Speaker, the present situation can only worsen unless we authorize preventive measures immediately. I hope the House Committee on Public Works will act promptly on this measure.

ANN HENRY DELEGATE TO GIRLS NATION

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. DENNEY. Mr. Speaker, yesterday, I had the extreme pleasure of meeting Ann Henry, one of two Nebraska representatives to the 1969 Girls Nation.

Ann is the daughter of Mr. and Mrs. Herbert C. Henry of Lincoln. She will be a senior next year at Lincoln East High where she participates in a number of various clubs and other activities. Upon graduation, Miss Henry plans to enroll at the University of Nebraska, majoring in science.

At Nebraska Girls State, Ann was elected state auditor and on the final day selected to attend Girls Nation by her fellow girls staters. Here in Washington at Girls Nation, Ann was appointed Director of the Federal Bureau of Investigation and was hoping to meet with her actual counterpart.

Mr. Speaker, I would like to commend the American Legion Auxiliary for providing our youth with the citizenship training, practical experience in the processes of government and a clear understanding of their responsibilities as citizens of the United States.

A SALUTE TO THE ENGINEERS' GEN. WILLIAM CASSIDY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. EDMONDSON. Mr. Speaker, today a fine soldier and great American is being honored with a review at Fort Belvoir upon his retirement from active military service.

That man is Lt. Gen. William F. Cassidy, who has ably served for the past 4 years as Chief of Engineers for the U.S. Army.

To me, General Cassidy is a fine example of the soldier-builders of the Army Corps of Engineers. Trained and capable in the skills of war, these men have literally changed the face of America when they have turned their skills and expertise to civil works. They have tamed rivers, opened vast areas of our heartlands to river navigation, stabilized our beaches, and improved our Nation's water supply. No job is too big for them to tackle and successfully complete.

General Cassidy's career exemplifies this dual role of the Army Engineers. During World War II, General Cassidy commanded troops charged with building airfields. His war record was outstanding.

Following the war, he was assigned to flood-control works in the lower Mississippi Valley. When the Korean war broke out, he was sent to Japan and put in charge of engineer supply for the war effort. Once again, he performed his duties with great ability.

His next assignment was South Pacific division engineer where his work once again was directed toward flood control and navigation-related projects in California, Nevada, Utah, Arizona, and Hawaii—including disaster relief activities during severe flooding in 1955 and 1956.

He returned to the Far East as an adviser to the Republic of Korea Army, then came home to become chief of the corps' civil works division with overall charge of water-resources development in the United States. As Chief of Engineers, of course, he has been in charge of both phases of the Army Engineers' job, and has once again demonstrated splendid qualities of leadership and achievement.

Mr. Speaker, General Cassidy has become a close, personal friend of mine during the past 10 years, and is highly regarded by all Oklahomans. I have the greatest respect for him and for his splendid career, and wish him well in his well-earned retirement.

TRIBUTE TO ASTRONAUTS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent of mine, Miss Lena G. Doll, of Arlington, Va., was so impressed with the flight of our moon astronauts, and especially with the arduous contribution toward their flight made by Dr. Wernher von Braun and his colleagues, that she has composed a tribute to them which I insert at this point in the RECORD, as follows:

All mankind is beholden to Dr. Wernher von Braun for his extended contribution to the technology of space exploration. In Germany in 1945 when the Russians took Berlin, Dr. von Braun, then technical director of Germany's rocket program, his brother and team of 120 engineers loaded what rocket equipment they could truck and made way to the near American unit where they surrendered.

In America, Dr. von Braun was first sent to White Sands, then to Fort Bliss, and later to the Redstone Arsenal in Alabama. There he and his team developed the Redstone, the Jupiter and the Pershing missile systems.

After the Russians launched Sputnik I in the autumn of 1957, Dr. von Braun was authorized to make a satellite. Explorer I was sent into orbit at Cape Kennedy the last of January of the next year. Since then progress in space exploration has been continuous and rapid. The 18-pound Explorer was the beginning in America, and Saturn 5 with its 7½ million pound thrust is not the end. Americans dare not ignore the urgent dedication of Dr. von Braun and his colleagues in their abilities to promote man's farther reach towards learning the secrets of the universe. The Time is now. God bless them in their undertakings.

L. G. DOLL.

APOLLO AND THE EAGLE—SALUTE TO DR. WERNHER VON BRAUN

Man escaped from his bindrage
On Saturn 5 to the Moon
Where he landed with his module
And walked about thereupon.

He scooped up some of the surface
Of rocks, and dust, and such,
He also made two borings
To bring back to the Earth.

The whole feat accomplished
Indescribably neat
Safe landing on earth again
Made cycle complete.

"Once in a lifetime"
Said tearful, von Braun
Historic accomplishment
My forty-year dream.

Only one comparison
In historic span
That of aquatic life
Crawling out on the land.

From the sea to the land—
From Earth to the Moon—
Space calls to man's yearnings
To reach Mars very soon.

Yes, Mars, and then Venus,
Other planets in time,
The blueprints all readied
Rocket engines designed.

What an inspired vision,
Man's farther-reach plan!
Our salute to the team work
Of Wernher von Braun.

SMALL WATERSHED PROGRAMS

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. MILLER of Ohio. Mr. Speaker, flood control is a serious problem in many areas of our country. The small watershed program has proven to be an effective and economic measure in harnessing nature's water excesses. Watershed development results in many advantages in addition to flood control. Conservation, recreation, wildlife, irrigation, and cultivation benefits often accompany a well-managed watershed project.

An excellent account of the progress of the watershed programs in Ohio was recently published in the Sunday magazine of the Columbus Dispatch. I insert the article at this point in the RECORD:

HOW TO STOP A FLOOD—SMALL WATERSHED PROGRAMS TO BENEFIT MANY AREAS OF OHIO

(By Bob Waldron)

Water has a stubborn tendency to run downhill. When it runs too fast and in too large a quantity it can cause enormous damage. Fortunately there are ways to slow it down.

The land from which water drains to a given point is called a watershed. Everyone lives in a watershed of some sort. It may be very small, draining into a low spot in the backyard to form a mud puddle, or it may be very large like the Mississippi River basin which covers 1,243,000 square miles and is made up of thousands of smaller watersheds including the Ohio River and all its tributaries.

But a watershed is more than just a piece of land. It is a community shaped by natural rather than political boundaries. The people who live within a particuler watershed community have common interests in the proper management of the land and its water resources. Some of them take an active interest, others do not.

The problem started many years ago. Much of Ohio originally was forested, and rains sifted down through the trees into the thirsty leaf mold. There was not much runoff, the floods were inconsequential.

Early settlers cleared the good bottom land first, then moved up the slopes with their axes. No longer held back, the rain water poured down the hillsides and pushed across the cultivated fields, taking good topsoil with it. The faster it ran the more soil it carried away and the more flood damage it caused downstream.

Years passed and many millions of dollars in farm crops and urban properties were lost before any concerted effort was made to control the water run-off. Big dams have been erected to hold back flood waters on a large scale and to furnish water to burgeoning cities, but until recent years too little has been done in the upper reaches of the watersheds to control the rainfall run-off before it had a chance to get rolling in large quantities.

The tide is turning, however. Today many local areas which have problems of too much water, at the wrong time and in the wrong place, are doing something about it with the aid of a federal program designed especially for flood control on small watersheds.

Public Law 566, known as the Watershed Protection and Flood Prevention Act, provides technical and financial help to local groups that wish to establish watershed control projects. Although flood control in limited areas is the primary purpose of this legislation, many projects add to their importance by also providing public recreation facilities such as fishing and boating, and potential water supplies for villages and small cities. The federal program is administered through the Soil Conservation Service of the United States Department of Agriculture.

Small watershed projects depend on two main factors, (1) conservation practices on the land and (2) structures for water impoundment, drainage or irrigation.

The conservation practices are applied by the landowners themselves to absorb as much of the rainfall as possible, control run-off of the rest, reduce erosion and improve crops. Methods generally include such things as grass waterways, contour planting, terraces, reforestation, farm ponds and other control measures.

Structures are mainly earth fill dams fitted with mechanical spillways. Together, all these practices are aimed at one major objective—to trap the raindrops in the hills or at least slow them down.

So far, only five small watershed projects have been completed in Ohio, but many others are either under construction, approved for construction, in various stages of planning, or have gone through at least the preliminary application step.

The completed jobs are on the Upper Hocking in Fairfield County; Rocky Fork-Clear Creek in Highland County; Marsh Run in Crawford, Richland and Huron counties; Upper Wabash in Mercer and Darke counties, and the East Fork of Buck Creek in Champaign County.

The Upper Hocking plan was the first in Ohio, and served as one of several pilot projects across the nation to try out the new legislation. Desperate need for just this kind of water control had been experienced in the Lancaster area. Eight inches of rain one July night in 1948 inflicted $650,000 damage in the community. Water and silt washed off the bare cornfields north and west of the city, overflowed ditches, wrecked bridges, caved in foundations and covered the flood plain up to four feet deep.

Residents of the area, determined to stop such devastation, asked the federal Soil Conservation Service to develop a watershed protection and flood prevention plan. The Hunter's Run Conservancy District was formed, and under its direction the protection plan was enlarged to include two watersheds totaling 31,418 acres. Eight flood dams and 21 smaller water control structures were built. The entire project was completed in 1961 at a total cost of nearly $2 million.

Cost of the structures was paid by the Soil Conservation Service under the small watershed program. Cost of land rights and easements, approximately $160,000, was raised by the county, city of Lancaster, and property owners who stood to benefit directly. In addition, the wildlife division of the Ohio Department of Natural Resources purchased land around two of the dams and opened it to the public for fishing and hunting.

In the eight years since the project was completed Lancaster has escaped major flood damage from at least three storms that could have caused serious trouble if the built-in deterrents had not been there. It is estimated that more than 60 per cent of the cost already has been recouped through savings from flood damage that otherwise would have occurred. Property valuation in the area has increased tremendously.

Rocky Fork-Clear Creek watershed also was a pilot project, but not nearly so extensive. It involved only land treatment and stabilization features.

Marsh Run is a 20,000-acre watershed furnishing irrigation water for vegetable crops in the muck area of north central Ohio as well as serving as a protection against floods. It includes 15 miles of channel improvement and a 75-acre irrigation water supply reservoir.

Upper Wabash project covers 80,540 acres on the west side of the state. It features three flood prevention dams and 38 miles of stream channel work.

Smallest watershed project in Ohio so far is on the East Fork of Buck Creek in southeastern Champaign County. It includes only 6,570 acres, but to the farmers involved it is just as important as any of the larger programs. After repeated crop losses because of floods the farmers got together and asked the Champaign County Soil and Water Conservation office for help. USDA soil conservation technicians assisted in developing a plan for the valley. A local conservancy district was formed to handle details such as acquisition of land rights and the administration of contracts.

The project includes five earthen dams and a few miles of channel improvement, plus conservation practices on individual farms. Local costs were moderate because farmers donated most of the land easements. Edgar Hodge, whose 467-acre farm is in the upper corner of the watershed, typifies the cooperative spirit which makes such a project possible. He had been practicing soil conservation before the present plan was proposed, but he increased his efforts and accepted chairmanship of the local conservancy district board. Others joined enthusiastically in the program and as a result flooding of valuable crop land in the valley was reduced markedly.

Among other watershed projects now in progress, Rush Creek in Fairfield, Hocking and Perry counties is one of the largest. It involves 151,460 acres, 18 flood prevention dams, five multiple purpose dams, 22 miles of channel improvement and levee protection for the town of Bremen.

Margaret Creek project in Athens County will cover a 38,600-acre watershed with six dams and nearly 10 miles of channel improvement.

The West Fork of Duck Creek is designed to control run-off from 68,380 acres in Noble, Guernsey and Washington counties.

Local initiative and enthusiasm are major factors in getting approval for these small watershed projects, says Jesse L. Hicks, an assistant to state conservationist Raymond S. Brown in Columbus. "It is encouraging to see land owners in the upper reaches of a watershed cooperate unselfishly in a program which is designed mainly to keep flood waters off another man's property down in the valley."

Small watershed projects are limited to 250,000 acres. The average is about 85,000. "There is no competition between programs for construction of big dams by the Army Corps of Engineers and the small upstream systems built under Public Law 566," says James S. Bennett, another assistant state conservationist. "In fact, the two programs supplement each other. We work very closely with the Corps of Engineers and with the Ohio Department of Natural Resources in the development of joint projects."

Local project organizers have a choice of either forming their own conservancy district as a legal vehicle, or of making their bid

through the county commissioners if the board is willing to serve in that capacity. One of the few examples of county commissioner participation in Ohio is a joint Fayette-Madison County project now in the planning stage.

The Soil Conservation Service provides technical help in setting up the project and agrees to finance a generous share of the cost if the local community does its part. The federal government insists that a project must show at least a dollar's worth of value, through property protection and other benefits, for every dollar spent. State approval is required on all projects.

THE WARSAW UPRISING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. HELSTOSKI. Mr. Speaker, the story of the heroic Warsaw uprising and Soviet treachery goes back 25 years—to July 1944.

The invasion of the European continent by the Western Powers was progressing rapidly. In the East, the Soviet Army already occupied large portions of Polish territory which was won from the retreating Germans.

To induce the Polish people to take up arms against the Germans, Moscow radio, through its "Kosciuszko" station began to broadcast appeals to the Poles:

Warsaw . . . the hour of action has struck. Your houses, parks, bridges, railroad stations, factories, buildings, stores, have to be transformed into centers of resistance. The Germans will attempt to make a stand in Warsaw—to destroy the whole city. In Bialystok they were busy for six weeks destroying everything and murdering thousands of people. Let us do everything in our power to prevent them from committing the same crimes in your city. People of Warsaw, to arms . . .

These calls were repeated day in and day out, and finally, on July 29, when the Russian offensive ground to a halt on the right bank of the Vistula River, in the Warsaw suburbs of Praga, Moscow radio sent out a "more urgent appeal to Warsaw," urging the Poles to "fight against the Germans," for "the hour of action has arrived. Warsaw never surrendered, never ceased to struggle. And now everything will be lost in the Hitlerite deluge unless you save it through action. Poles, the time for freedom approaches. Poles, take to arms. There is no second to be lost."

The Polish underground authorities adhered to the instructions given by the Polish Government in London, where the Western Powers insisted that the Poles must actively cooperate with Russia. Accordingly, the Polish Government-in-exile issued such orders.

Then, on July 31, 1944, a delegate of the Polish Government in London, and the Vice Premier of the Polish underground branch of this government, Jankowski, after having heard the opinions of the commander-in-chief of the Home Army, General Bor-Komorowski and his chief of staff, General Monter, issued orders to the Home Army to start a revolt against the Germans the next day, August 1, 1944, at 5 p.m.

Three days later, on August 4, all activities on the German-Russian front ceased, although the Soviet forces already consolidated their positions in Praga. Even the heavy guns were silenced.

Instead of the promised and anticipated roar of the Soviet artillery, which was to herald a new phase of a Russian offensive, all was quiet on the Eastern front of Warsaw.

There was only one explanation: Warsaw had been betrayed by the Russians.

On August 17, Premier Churchill and President Roosevelt appealed directly to Stalin to help Warsaw. Stalin did not even reply to these pleas.

An Anglo-American staff drew up a plan in London for the bombing of German positions in Warsaw by means of shuttle operations. British and American aircraft were to bomb German strongholds in Warsaw, then fly for refueling at nearby Luck, already occupied and secured by the Soviet Army.

Stalin not only rejected this plea, but at the same time accused the Poles, fighting and dying in Warsaw, of "betrayal and collaboration" with the Germans.

The Poles fought on against all odds, against all hope. They forced the Germans to send three armored divisions, badly needed on the Western front, to Warsaw. These, with incessant bombing by German planes, finally crushed the uprising.

After 63 days of fighting, Warsaw capitulated.

Over 250,000 Polish men, women, and children died in this struggle, in which even juvenile Scout troops rose to the heights of heroism and sacrifice.

The Germans, with a Teutonic fury destroyed, burned, pillaged the remnants of the city.

Warsaw did not die, however.

The indominable spirit of the Polish people rebuilt the city from desolation and ruin.

Warsaw, rising like Phoenix from the ashes, remembers Nazi brutality and Soviet treachery, and it longs for the day on which a truly free and independent Poland returns to the Western family of nations.

The uprising became one of the most heroic chapters in the history of fighting Poland and, as such, its anniversary is observed by the Poles.

Mr. Speaker, at this time I would like to present to my colleagues a brief history of the 63 days of gallant fighting by the Poles in defense of their capital city:

THE 63 DAYS

The Warsaw Uprising broke out on August 1, 1944, and lasted for 63 days. Some 50,000 Polish soldiers took part in it. Against them the Germans used about 25,000 troops organized in a special corps under the SS general Erich von dem Bach. German units were recruited at first mainly from the SS, police and auxiliary Wehrmacht detachments under generals: Heinz Rheinefarth, Hans Bohr and Hans Köllner. The insurgents fought armed with light weapons: pistols, rifles, grenades and tommy guns. They also had some heavy machine-guns, anti-tank guns and mortars.

The Germans used air-force and artillery, including heavy guns and all types of tanks.

During the first six weeks of fighting the insurgents suffered a great shortage of weapons. The weapons flown from the West were reaching the insurgents in small quantities, due to transportation distance, strong anti-aircraft fire and small drop-areas.

Historians do divide the Uprising in Warsaw into two stages: the offensive (1 to 4 August) and defensive ones (August 5 to October 2, 1944). In the first stage the insurgents attacked the Germans, forced them into a defensive posture and seized large sections of the city, mainly in its center, situated on the left (Western) bank of the Vistula river. The Uprising in the Eastern part of the city, called Praga, was not successful and was put down by the Germans already on the 2nd of August. The success of insurgents in the first days of the Uprising resulted—to a large extent—from the support of the civilian population of Warsaw, which joined them en masse. It was thanks to them that the areas seized by the insurgents were fortified with numerous barricades and anti-tank trenches. However the weapons were scarce and the supply of ammunition inadequate (the successes of insurgents were only temporary. All major German posts in Warsaw which were protected by concrete bunkers and barbed wire managed to defend themselves, although some of them were encircled by insurgents. Thus the part of the city in the Polish hands did not present a whole entity. It was rather composed of 4 separated areas: the Center, Mokotów, Ochota and Zolibórz (the latter being the South, South-West and North Warsaw districts). An attempt at linking those centers into one tactical-operational entity did not succeed, a fact which later facilitated the Germans in the liquidation of the Uprising. The Uprising spread also to the neighboring areas of Warsaw, especially to the great forest units (Puszcza Kampinoska, Chojnów and Kabaty Forests), which were used as supply and air drop bases. In those areas there were large partisan groups of the Home Army.

The first German counter-attack began on the 5th day of August and after 2 days of bitter fighting resulted in dividing of the insurgent forces in the Center into two separate groups. The Nazis became masters of one of the two main East-West arteries of Warsaw and surrounding the Old Town from all directions. Till August 11 the Germans liquidated the insurgent forces in the Wola and Ochota districts, killing the civilian population amidst acts of pillage and violence. In both those districts some 50,000 civilians were killed. Reluctant to weaken their front lines the Germans could not launch large forces against the insurgents, especially the crack front troops. That is why von dem Bach took full advantage of the existence of isolated resistance centers and applied the tactics of successsive concentrated attacks against those centers depending on which center presented in a given moment the greatest threat to the Germans.

Wishing to stabilize their positions and aggravate the isolation of the insurgent Headquarters in the Center, the Germans launched a mass attack against the insurgent Old Town garrison, composed of over 9,000 soldiers, including some 1200 soldiers of People's Army, Polish People's Army and the Security Corps. The defense of Old Town, attacked on all sides, subjected to aerial and artillery bombardment lasted from August 12 to September 2, 1944. It remains in the history as one of the most heroic chapters of the Uprising. In spite of the crushing superiority the Germans did not succeed in breaking the resistance of the insurgents or forcing them into capitulation. After exhausting all possibilities of defense, when there was not a single house left and the tormented civilian population suffered from thirst and hunger, the insurgents left the Old Town and through the city sewers withdrew to the Polish held position in the

Center of the city. Having entered in the Old Town the Nazis organized a new massacre of the civilian population killing and, in several cases, burning alive almost all gravely wounded insurgent soldiers who were left there.

After the fall of the Old Town the Germans began to storm the center of the city. The attack was stopped however when the Red Army and the Polish People's Army started their offensive against Praga. Fearing the possibility of Polish and Soviet troops forcing the Vistula river in order to link with the insurgents, von dem Bach sent his main forces (including armoured units withdrawn from the front) to fight against insurgent areas adjacent to Vistula (Powisle and Upper Czerniaków) with a view of pushing the insurgents away from the river and establishing the German front on the western bank of the Vistula river. On September 15—when the units of the First Polish Army began to cross the Vistula to help the insurgents, the Germans had the situation on the West bank of the river already well under control. The Polish detachments crossing Vistula were therefore landing in the area occupied by the enemy, who was well prepared to repulse the attack. Only in the Upper Czerniaków sector two Polish battalions of the 9th Infantry Regiment landed on a small bridgehead, still held by the insurgents. Bitter fighting over the bridgehead, entirely isolated from the insurgents main forces in the Center lasted till September 23, and brought no success to the Polish forces. Altogether in attempts to force the Vistula river the First Polish Army lost, between September 15–23, 3,764 soldiers (killed, gravely wounded or missing). During the fighting over the Czerniaków bridgehead the People's Army Command proposed to the Home Army a joint attack from the Center towards the Vistula river with a view of joining the troops fighting in the bridgehead. However the Home Army Command rejected this proposal owing—as it was explained—to lack of sufficient forces.

After the fall of Czerniaków, general von dem Bach concentrated his troops at Mokotów, Zolibórz and Puszcza Kampinoska. Mokotów capitulated on September 27, Zolibórz—after heavy fighting—in the evening of September 30. A day earlier on September 29, the Germans crushed near Zyrardów a large concentration of Home Army troops which tried to break away from Puszcza Kampinoska to the Swietokrzyskie Mountains in the Kielce District. In this situation the Home Army General Command gave up further struggle and on October 2, 1944, signed at Ozarów near Warsaw the final act of capitulation. The document signed by the Home Army Command and the Germans assured relatively favorable conditions for the insurgents who were given by the Germans the full combatant rights (which were however not universally observed by the Germans afterwards). With respect to the civilian population however the capitulation act contained provisions leaving it entirely at the mercy of the occupant. Warsaw was to be completely evacuated and all its inhabitants sent to the transit camp at Pruszków, from where they were to be directed to various localities in the country still occupied by the Germans. In practice however, all young and fit persons were sent from Pruszków to various concentration and labor camps in Germany.

The Warsaw Uprising in spite of its great contribution to the armed struggle against the Nazi occupant brought the losses out of all proportions to its results. During the two months of fighting in Warsaw over 200,000 people lost their lives, including some 15,000 armed fighters (killed and missing), other thousands were wounded. The remaining civilian population had to leave the city, leaving everything they possessed, at the mercy of the bestial enemy.

LEADER AIDS KIDS FOR A BUCK A YEAR

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. FEIGHAN. Mr. Speaker, the occasion of the centennial anniversary of professional baseball is a particularly appropriate time to recognize those individuals whose dedication to baseball accounts for its perpetuation as America's most popular sport. One such individual is I. S. "Nig" Rose. His able management of the Cleveland Baseball Federation enables thousands of Cleveland's youths to participate in baseball. I commend to my colleagues the following article concerning this remarkable individual from the Cleveland Plain Dealer on July 6, 1969:

CBF Leader Aids Kids for a Buck a Year

(By Dan Coughlin)

Ever hear of CBF and its leader? Read on:

The morning sun already is high and burning a blinding yellow in the mid-summer sky when City Hall wipes the sleep from its eyes and shakes off its slumber.

The mammoth front doors, swing open and those who play the game of politics stream into their coliseum.

The young and ambitious in their $50 cord and cotton suits are the first to arrive. The elders, who carry the secrets of the city locked inside themselves, are next.

Among them moves one man who is secure in his job. He is not elected and he is not exactly appointed. He is treasurer of the Cleveland Baseball Federation because he is the only one who can do it.

He is I. S. (Nig) Rose.

Rose is on a first name standing with more rabbis, ministers, priests, monsignori, bishops, educators, businessmen, industrialists, millionaires, sports figures, celebrities and politicians than most politicians themselves.

Now 76, Rose retired from his $30,000 a year job as vice-president of Rosenblum's two years ago. He stepped into the one dollar a year job with CBF.

The CBF, an arm of the City Recreation Department, is located in Room 8 actually in a cluster of interconnected offices.

Rose sits at a desk in the busy main room behind a file cabinet in which is stored the history of sandlot baseball in Cleveland. If the file cabinet doesn't have all the chapters, Rose can fill in the missing pages from memory.

He's been with the CBF since 1919. He's been married to his wife, Tillie, only one year longer.

For as long as anyone can remember, Nig Rose has been in charge of the CBF coffers. A penny never has been lost. He signs the checks and raises the money to cover them.

Until two years ago, his office at Rosenblum's was the CBF fiscal headquarters. When he moved to City Hall, files went with him and his role with the CBF became full time.

Rose's most important job is raising close to $80,000 each year to balance the budget.

While taxpayers maintain the parks, playgrounds and baseball diamonds, it is left to private enterprise to equip the 20,000 Cleveland youngsters who play on them.

Rose provides it. He also gets a little bit of help.

Every year since 1948, the Indians have played an exhibition game for the benefit of sandlotters. Next game is Monday night, July 28, when the Indians play the Cincinnati Reds. It is the fulcrum on which the fund-raising drive rests.

It is left to Nig Rose to persuade people to buy tickets for the game. He learned long ago that, while every $2 ticket purchase is welcome and they add up, the selling of tickets piecemeal is an exhausting and time-consuming job.

"It takes just as long to cash a five dollar check and mail two tickets as it does to cash a $100 check and mail 30 tickets," he says.

So—In 1961, he instituted the Century Club. Although there had been several persons who had purchased more than $100 of tickets for the Sandlot Day game before that, in 1961, Rose put a label on this group and made it an exclusive organization.

"We only had 25 or 30 charter members," he recalls.

Last year the membership swelled to 260 and was directly responsible for $30,000 of the $78,000 budget.

Because he was highly successful during his life in both business and sports, he travels as comfortably in well-to-do circles as he does among ragamuffin kids on the sandlots.

"Not a day goes by that I don't pick up another Century Club member at lunch at the Theatrical Grill," he reveals.

Rose keeps a card file on every Century Club member. He can relate a history of every member.

Rose rattled off a list of names of former Clevelanders now living out of town who never forget to renew their Century Club membership.

"Here's Marty Friedman," Rose said as he pulled out another file card. "He was my first pro basketball coach. I fired him in 1927 but we're still good friends. He always sends his $100."

Rose was general manager of the old Cleveland Celtics pro basketball team which employed Friedman.

Some people have been donating to the Cleveland Baseball Federation since 1941.

Although some firms which donate to the CBF fund distribute the game tickets among their employees, many benefactors simply send their checks and instruct Rose to give the tickets to kids. Other donors send caddies from Hawthorne, Pine Ridge, Oakwood and Beachmont Country Clubs to the game.

Clearly, this is big business. Last year's budget was $78,057.70. Forty years ago the CBF budget was $9,100.

Rose estimates a professional fund-raising company would charge $15,000 to raise enough to balance the CBF budget. With Rose at the helm, it costs only one dollar.

Because it is such a big business . . . and so essential to Cleveland's sandlot program . . . and Rose does such a great job . . . there is a very real worry among sandlot leaders in this city.

What happens when Nig Rose isn't here to do it? Rose has given considerable thought to it, also.

"I dream of a foundation," he said. "The Cleveland Baseball Federation Foundation." Rose envisions a million dollar foundation and he estimates that the CBF could live off the interest for time immemorial.

He is ready to donate $25,000 of his personal funds to such a foundation. On the 50th anniversary of his affiliation with the CBF, Rose would like to leave behind a permanent largess to the kids of Cleveland.

SLEEPING BEAR DUNES NATIONAL LAKESHORE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BRADEMAS. Mr. Speaker, I have today introduced a bill to establish the

Sleeping Bear Dunes National Lakeshore in the State of Michigan.

Mr. Speaker, I have long been a supporter of the effort to create a similar dunes park on the shores of Lake Michigan, the Indiana Dunes National Lakeshore. Creation of this lakeshore took over 10 years of debate in this body before it was finally authorized in 1966. Proponents of the Sleeping Bear Dunes have now campaigned for a similar number of years.

Mr. Speaker, the time has come to make Sleeping Bear Dunes a national lakeshore. I note that creation of such a lakeshore has the bipartisan support of the Michigan congressional delegation. My bill should bear evidence to my colleagues in Michigan that a Sleeping Bear Dunes national lakeshore has support in the neighboring State of Indiana.

Mr. Speaker, I have introduced today a bill to create a Sleeping Bear Dunes national lakeshore. I am sure that differences between it and other similar bills introduced recently can be worked out by the Committee on Interior and Insular Affairs. I hope that early hearings will be held and that this body will be allowed to act favorably on this legislation during this session.

RISE REFLECTS NOT ONLY TIGHTER CONTROLS BUT MORE DEMAND FOR MEXICO'S NARCOTICS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, it seems that a day cannot go by without some reminder of the seriousness of the drug and narcotics addiction problem. Today an article in the Los Angeles Times July 27 edition came to my attention. This article points out the fantastic increase over the last 6 years of drugs seized at the Mexican border. While there has been a 2,000-percent rise in seizures which reflects tighter controls, there is also evidence that tremendously greater quantities of drugs are being smuggled into the United States.

Last year some 32 tons of marihuana plus more than 50 pounds of heroin, morphine, and cocaine were seized. No one knows, however, how much of the contraband of misery and death that these drugs represent were successfully smuggled across the border. This traffic will undoubtedly keep increasing especially because it is so very profitable for these dope peddlers.

Joint United States-Mexican efforts and cooperation must be increased. The 1,500 miles of common border must be more strictly controlled. This control must be present on both sides of the border with Mexican authorities taking cognizance of their responsibilities to destroy sources of supply as well as patrolling their side of the frontier. Concerned individuals such as Mr. William J. Hunt, publisher of the Gardena Valley News, have been crusading for tighter border security and legislation calling for greater cooperative efforts between the United States and Mexico. Consequently, legislation has been put forward and support is mounting.

The enactment of my Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969 will become even more effective when measures to halt the influx of heroin, cocaine, morphine, marihuana and other substances subject to abuse are strengthened.

The Los Angeles Times' article follows:

DRUGS SEIZED AT BORDER UP 2,000 PERCENT IN 6 YEARS—RISE REFLECTS NOT ONLY TIGHTER CONTROLS BUT MORE DEMAND FOR MEXICO'S NARCOTICS

(By Francis B. Kent)

MEXICO CITY.—The body in the coffin looked ordinary enough but there was something about the men accompanying it across the border into the United States that bothered the customs agents.

An informal autopsy revealed extraordinary contents: a fortune in heroin.

Not everyone connected with the illicit drug traffic goes to such bizzare lengths. Simpler techniques have been far more successful. Yet the incident serves to illustrate what U.S. customs men are up against and their task gets more difficult all the time.

In the past six years, according to customs officials in Washington, the quantity of narcotic drugs seized at border points has increased by 2,000%. Joseph Jenkins, the Customs Bureau's director of investigations, said this increase reflects not only intensified control efforts but a sharp rise in the dope traffic as well.

As a result of the growing demand among U.S. users, the production of illicit drugs has become a big business in Mexico. Just how big, no one knows, but the figures are sizeable.

CUSTOMS AGENTS

For example, U.S. customs agents along the 1,500 miles of border between Mexico and California, Arizona, New Mexico and Texas seized more than 32 tons of marijuana last year, plus more than 50 pounds of heroin, morphine and cocaine.

Mexican authorities, meanwhile, destroyed more than 7,500 fields of poppies, the source of opium and its derivatives, and burned off hundreds of acres of marijuana.

How much managed to get across the border and into the hands of users is anybody's guess. The consensus: considerable.

Illicit drugs cross the border in every conceivable manner. The young long-haired marijuana smoker may smuggle it over concealed in his surfboard. The professionals are more likely to use trucks with false bottoms, boats or airplanes. Unpoliced coastal landings and airstrips proliferate on both sides of the border.

Arrests and stiff prison sentences appear to be no more than a minor factor in slowing the traffic. Border arrests for trafficking in marijuana alone numbered 945 in 1965, and by last year had risen to 2,273. Conviction, under the Narcotics Control Act of 1956, brings a mandatory 5- to 20-year prison sentence with no hope of probation or parole. A second offense means 10 to 40 years.

On the Mexican side the law is even tougher and Mexican jails are not renowned for their luxurious facilities.

Until relatively recently, narcotics had not been much of a criminal problem in Mexico. Indians had smoked what is now called marijuana and munched on hallucinatory mushrooms long before the Spanish arrived in the early 16th century. Marijuana came into more popular usage about 100 years ago when the peasant took it up to ease his hunger pangs.

Now its use has been noted among secondary-school students, and an occasional homicide has been attributed to organized crime's efforts to control distribution, not only of marijuana but the so-called hard narcotics such as heroin as well.

Just one thing keeps the international traffic alive: money. And, according to agents of the U.S. Treasury Department's Bureau of Narcotics, not all of it flows into the hands of that sinister organization known as the Mafia.

"Dope smuggling," one agent told The Times, "is about as exclusive as betting on the ponies."

LARGE PROFITS

Profits are enormous. The 2-pound brick of marijuana that nets its grower about $4 in Mexico sells for as much as $300 in the United States. The usual price in, say, Los Angeles or New York, is $150. Much more profitable are the hard drugs: morphine, heroin, cocaine. They come in smaller quantities and provide vastly more effective results.

Calculating the profit margin on hard drugs is next to impossible, since they are invariably diluted at every stage of processing and handling and the price varies not only geographically but according to the balance between supply and demand. Almost any illicit narcotic, though, is worth at least twice as much on the U.S. side of the border.

Controlling the production and processing of drugs in Mexico is no easy task. Much of the interior is virtually inaccessible except by Jeep or burro. Yet the authorities here have mounted what is generally considered to be the most effective grassroots campaign in Latin America.

Under the supervision of Asst. Atty. Gen. David Franco Rodriguez, federal agents work closely with the army and with local and state police departments. Each spring, when the opium poppy is ripe for milking, mixed teams move out into the eight-state area where cultivation of the poppy is concentrated. Traveling by whatever means is necessary, often on foot, they descend on illegal plantations that have been spotted from the air, destroy the growth and arrest the grower.

Equally tough measures are directed against those in Mexico who serve as links in the narcotics traffic that originates in South America, the Middle East and the Orient. The South American countries of Bolivia and Peru, are a major source of cocaine, a derivative of the cocoa leaf that is chewed by Indians. The Mideast and the Far East produce heroin.

TURKISH HEROIN

Heroin is a particularly nettlesome problem because it is manufactured legally, under government license, in Turkey and India. U.S. officials estimate that up to 15% of the Turkish heroin finds its way into the contraband market.

Getting narcotics across the border into the United States, despite increasingly strict controls, presents no great challenge. Literally millions of U.S. and Mexican nationals cross the border every year and to search every one would be physically impossible.

"If we did," a customs agent observed, "cars would be lined up for miles and the congestion at airports would be outrageous."

Still, the number of U.S. agents along the border has almost doubled, to a total of 92, since 1965, and the combined efforts of U.S. and Mexican authorities have produced results, as can be seen by the increase in seizures and arrests.

MEETINGS HELPFUL

Jenkins, the bureau's investigations chief, is convinced that further cooperation will pay even greater dividends in the future. Joint meetings such as the recent roundtable conducted here between U.S. and Mexi-

can experts have been particularly helpful, he said.

What the authorities on both sides hope for and expect is a change of attitude on the part of young people, especially in the United States, where marijuana has acquired widespread acceptance.

Medically, according to a Narcotics Bureau agent, it has yet to be established that marijuana is harmless or not habit-forming, and the evidence indicates that its use often leads to hard narcotics.

"About 80% of our confirmed addicts," he said, "started with marijuana."

Jenkins, who was with the Customs Bureau in Los Angeles for 10 years before his transfer to Washington in January, recalls a grim courtroom scene in which a 37-year-old offender had just been sentenced to 40 years in prison.

"I don't think I'm going to make it," the defendant said.

"Son, you just do the best you can," the judge replied.

LESTER DECHMAN JOHNSON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. CONTE. Mr. Speaker, tomorrow, August 1, Lester Dechman Johnson will step down as U.S. Commissioner of Customs. Thus, Mr. Johnson will end a very long and very distinguished career in the public service. He served for 36 years in the Bureau of Customs, five of which were spent in the top and most difficult position of Commissioner.

I have worked closely with Commissioner Johnson on the House Appropriations Subcommittee for the Treasuury and Post Office, on which I am the ranking minority member. I have always found him to be a hard worker, a dedicated servant, and a superb administrator. In addition, he has always been extremely cooperative with all of us on the committee in our efforts to improve the Bureau.

Mr. Speaker, under the leadership of Mr. Johnson, the Bureau of Customs made fantastic progress. It should be remembered that this was during times of increasingly heavy workloads for customs. Nonetheless, collections soared while the cost of these collections continually decreased. Customs became, and remains, an example of real efficiency.

I have studied the Bureau very closely in my work on the committee. That is why I was so disturbed by the effects of manpower restrictions in this fine revenue-producing agency, and why I argued for lifting them on the floor of the House when we considered appropriations for the Treasury. In spite of these restrictions, Commissioner Johnson did remarkably well in running his shop. And, I might add, that was no easy task, given the severe strains caused by the personnel restrictions. He was operating, in effect, with his hands tied behind his back. For this reason, I think all of us owe him an additional note of thanks.

It is a real tribute to the greatness of this man that throughout the Customs Service he is known as the man who did more for it in 5 years than his predecessors achieved in the preceding 175 years. At the same time he was extremely loyal to the men and women in the service, and in turn achieved their respect and admiration.

Mr. Speaker, I could go on with numerous examples of Commissioner Johnson's great work at the Bureau of Customs. But I think it would be more fitting to conclude my remarks with what I said during the hearings this year. After commending Mr. Johnson for his outstanding service as a dedicated public servant, I said:

"He has been one of the truly great Commissioners at the Bureau of Customs. He has lived with a great tradition and done an outstanding job. He will be sorely missed. His shoes will be hard to fill. I wish him many decades of good health and happiness in which to enjoy a very well deserved rest."

That, Mr. Speaker, pretty well sums up the great respect that I have for Commissioner Johnson and the extent to which, I think, he will be missed by all of us.

Thank you, Mr. Speaker, for the opportunity to make these remarks about Commissioner Lester Johnson.

NEWARK YOUNG PEOPLE EXPRESS CONCERN OVER CIGARETTE SMOKING

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. RODINO. Mr. Speaker, through the courtesy of Mr. Vincent O'Rourke, Jr., I have received several letters from some of my younger constituents regarding cigarette smoking and its danger to our health. These letters certainly support the purpose of H.R. 5212, calling for stronger labeling on cigarette packages, of which I am a cosponsor. It is most heartening to me that these young people have expressed such an interest in this problem, and for this reason I would like to call the attention of my colleagues to the following letters:

DEAR MR. RODINO: I have saw a film about smoking and I think that it is no good for the heart. Because it is no good for any other part of the body. And I think you should stop selling cigarettes. And I am not going to start to smoke. And no one can make me smoke.

And this is to go to Mr. Rodino, the Congressman of Newark. Can you send me a picture of you?

Sincerely yours,

RANDY RICHARDS.

NEWARK, N.J.

Mr. PETER W. RODINO,
House Office Building,
Washington, D.C.

MR. PETER RODINO: My name is Michael Cook (son of George H. Cook) age 15 and I attend Barringer High School and this letter is to let you know how I feel about the subject of smoking. I do not like smoking even though I do it. It is a bad habit and I know that the cigarette commercials are only telling a one-sided fabricated story. So when you put your vote in whether you are against or for it please remember this letter.

Sincerely yours,

MICHAEL COOK.

NEWARK, N.J.,
July 29, 1969.

DEAR MR. RODINO: I think people shouldn't smoke because they will have cancer and cancer is no good. I have saw a film about. "Smoking and you."

SUSAN SEGARRA.

NEWARK, N.J.,
July 29, 1969.

DEAR MR. RODINO: My name is Pinky Brunson. I am 12 years old. I go to Webster Junior High. On July 29, 1969, I was at St. Lucy recreation center. I go there to improve my English. That day we saw a film about smoking and you. My opinion about smoking is that it should be stopped. Because the world is getting smaller and smaller. Some parents tell their children not to smoke, but they smoke their self. One day when I was looking at TV, I saw a commercial about cancer that you get from smoking, but right they finish telling us not to smoke and other commercial to smoke a certain cigarette, and I think smoking should be stopped.

Sincerely yours,

PINKY BRUNSON.

Mr. RODINO: My name is Mike Riveres. I live at 927th Avenue Apt. 1F Newark New Jersey 07104 St. Lucy School Age 11. The reason of smoking is because it gives you cancer. I don't smoke. I'm to young too smoke, and I ain't going to smoke, I hate smoking!

Smoking is dangerous to your body. Smoking has kill many liver. There should be no such thing as cigarette.

Sincerely yours,

MIKE REVERES.

MUDSLIDES FROM A BUILDING SITE PLAGUE NORTH SHORE COMMUNITY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. WOLFF. Mr. Speaker, for the most part, this summer in Washington has been quite hot and dry, that is, until the torrential rain a little over a week ago which left many drivers wishing that their cars were boats and many citizens wishing they had a penthouse apartment, if only to escape the floods.

Here the situation was but a temporary inconvenience with a few exceptions. Yet, there are a considerable number of Americans who find the exception the rule. Indeed, they face each heavy rainfall with strong trepidation since even a seemingly minor rainstorm can produce an expensive and dangerous problem—mudslides.

The people of the Third Congressional District, which I represent, is well aware of what I am describing. Unfortunately, they are among those who know the hardship of slides, pollution, and expensive repairs as a result of rainfall coupled with blatant abuses by builders and others who despoil vitally important soil-clinging trees, grass, and shrubs.

I have authored a bill, H.R. 12839, to establish an intergovernmental commission on the Long Island Sound. It would establish a 15-member commission to study the problems of the Long Island Sound and its shoreline and make suggestions for their improvement. The

measure, I would like to note, is aimed at combating problems such as mudslides, pollution, and other manmade imbalances of nature.

Today the New York Times had a story concerning the chronic mudslides that Cold Spring Harbor, which falls within my district, has been experiencing. Since the article clearly describes one situation which could have been adequately handled by the establishment of a Long Island Sound Commission, I would like to extend my remarks to include it in the RECORD:

MUDSLIDES FROM A BUILDING SITE PLAGUE NORTH SHORE COMMUNITY

(By Roy R. Silver)

COLD SPRING HARBOR, LONG ISLAND, July 30.—Torrents of water and mudslides from a building site on a high hill overlooking this rural North Shore community have been plaguing residents here for the last 18 months.

The steady and often heavy rainfall of the last two weeks has added to the fears and frustration of the occupants of almost 100 homes and businesses and has brought concern over the damage that could be caused by hurricanes next month.

Piles of brown mud and watery gray clay have slithered onto roadways, lawns and driveways and into basements and one resident's swimming pool.

The office of the Town of Huntington Supervisor, Jerome A. Ambro, acting in response to the clamor of protest from irate homeowners, said that starting tomorrow town personnel "will begin stabilization of the land by completing the storm drains, roads and dry wells."

Mr. Ambro's office said that Walter Stackler, the builder of 35 high-price homes in the Heritage Hill area, would be billed for the work. Only a few of the new homes are occupied.

MUDSLIDE ON ROAD

Residents said builders at the site, which was started about two years ago, had removed trees and underbrush from the steep slopes of the hill, leaving water and mud to run unchecked to the homes below.

The residents said they had complained to Mr. Stackler who replied: "Sue me." Town officials, they added, had told them there was nothing that could be done. Mr. Stackler was not available for comment today.

One effect of the heavy rainfall was a large deposit of mud on Route 25–A, which is called Main Street here. Two bulldozers worked all morning today to remove the slide.

Mrs. Frank Marshall, the wife of a dentist who lives in a home at the foot of the hill below the construction site, gazed despondently at their new swimming pool, which was filled with muddy water.

Pointing to a $700 water heater near the pool, she said: "It's ruined and I don't know who's going to pay for it."

While workmen pumped out her pool and removed some of the mud from a rear patio, she showed visitors her huband's basement office, from which two inches of mud had been removed in the early morning hours.

"We sleep with the bedroom windows open even though we have air-conditioning so that if we hear rain we grab our brooms, shovels and towels to start cleaning up," she said.

Meanwhile, in an unrelated incident, commuter service on the Port Jefferson branch of the Long Island Rail Road was disrupted this morning when 18 inches of mud slid onto the tracks.

The slide, which occurred at 6:12 A.M. between Huntington and Cold Spring Harbor, was cleared by workmen at 7:52.

THE PEOPLE'S RIGHT TO KEEP AND BEAR ARMS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. WYMAN. Mr. Speaker, illustrative of what can happen when you go overboard on the subject of gun control is the recommendation of the President's Violence Commission (President Johnson) that all Americans surrender their handguns to the Federal Government. The difficulty with all such attempts to "confiscate" the people's arms is that such measures will not keep arms from the criminal element but will deny law-abiding citizens their constitutionally protected right to keep and bear arms in the defense of life, liberty, and family.

Let us never be guilty of burning down the barn to save the horse, much less running roughshod over fundamental constitutional liberties of all Americans, as the attached Washington Star editorial of July 30 points out:

MORE GUN CONTROL NONSENSE

As an introductory note to this editorial comment, an item in the crime news is worthy of attention. On Monday there were 22 armed robberies in Washington. This brought the July total as of that date to 450, compared to 332 armed robberies in all of July of 1968.

In the face of this a task force of the President's Violence Commission (appointed by President Johnson) comes forward with a wacky recommendation. Its proposal is, except in a very small number of cases, that all Americans should be required to surrender any hand guns they own to the government.

Here is the task force's reasoning: This is the only way in which the United States can break "the vicious circle of Americans arming to protect themselves from other armed Americans." Now what does this really come down to? Even the task force, we suppose, would concede that criminals are not going to surrender their hand guns. So what they are saying is that no homeowner, to cite one example, should be permitted to keep a hand gun in his own house to protect himself, his wife, and his children against the night when some armed criminal might break into his home. Their argument is that home owners "may" seriously overrate firearms as a method of self-defense against crime. The "loaded gun in the home creates more danger than security."

This strikes us as blithering nonsense. How many members of this task force have been awakened in the middle of the night by a scream for help by some member of his family? Probably not one. But thousands of Americans are exposed to this dreadful experience every year. And in such a situation what is an unarmed householder supposed to do against an armed intruder? Hide under his bed, and never mind what happens to his family?

The major thrust of this soft-in-the-head report is that the requirement to surrender your hand gun, of which there are an estimated 24 million in the country, would reduce crime. This is absurd, for the criminals are not going to surrender their guns. A better and much more realistic way to deal with this problem will be found in legislation now being considered in Congress.

The intent of this legislation is to provide tough, really tough, mandatory penalties for criminals who use guns in the commission of a felony, such as rape, robbery or burglary. For a first offense the penalty generally favored would be a mandatory jail sentence in a federal jurisdiction, which includes Washington, of from one to 10 years. A judge would be forbidden to suspend this sentence or to make it run concurrently with the sentence for the primary offense. In case of a second offense, much stiffer jail sentences are proposed, and they should be written into law.

A similar bill passed the House last year, but was watered down in the Senate before becoming law. The argument then was that mandatory sentences deprive judges of discretion in imposing penalties. And so they would. But in one week at the time the watered-down bill was passed 17 criminals in this city were found guilty of crimes in which guns were used. In six of these cases, more than one-third, the judge imposed suspended sentences, which means that no jail terms were served for using a gun.

So we say let's make the sentences mandatory. And let's not deprive the law-abiding citizen of hand guns in his own home while the criminal element will remain armed to the teeth.

PRESIDENT'S POPULATION STUDY COMMISSION DESERVES PROMPT SUPPORT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. HORTON. Mr. Speaker, it is with a great deal of pride that I point out to our colleagues the very firm commitment our administration has shown to problems of population growth. As a member of the Republican task force on earth resources and populations, which has held many sessions on the problems of population growth, I was very pleased to see President Nixon propose a National Commission on Population Growth and the American Future.

At our present rate of growth, the population of the world will double by the year 2000. If growth is allowed to proceed at this uncontrolled rate, economic progress, good education and adequate food supplies will be impossible goals in many countries of the world, and will be extremely difficult goals for portions of our own country.

The nations of the world can no longer endure the seriousness of this situation. Widespread famine and even more serious pollution, economic and environmental problems in the years ahead must be contended with now. President Nixon may at last, be providing the world with the leadership that it will take to harness international energies needed to meet this problem.

For this reason, I am very pleased to cosponsor legislation which will create the National Commission which the President seeks. Beyond his call for a study commission, the President has joined many of us in Congress in calling for more funds in the area of population planning. The United States should provide aid in family planning to the developing countries of the world and should develop its own program of population planning to a much greater extent than we have to date.

In addition we need better coordination of our population planning assistance efforts both at home and abroad. As the President has also pointed out, flexible family planning programs must be developed to cope with the complexity of the problem. This can only be done with greater coordination between the various Government agencies dealing with these problems.

To accomplish these goals, up-to-date knowledge, new ideas, and dynamic leadership will be required. I believe that the new administration has shown the willingness to provide the leadership; I feel that the proposed Commission on Population Growth and the American Future can provide the knowledge and ideas, if the Congress will provide the essential resources and support.

PRESIDENT MEANY OF AFL–CIO BELIEVES GOVERNMENT SHOULD CARRY THE MAIL, TELLS WHY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. DULSKI. Mr. Speaker, former President Lyndon B. Johnson named 10 distinguished citizens to the President's Commission on Postal Reform, which became known as the Kappel Commission since it was headed by Frederick R. Kappel. The report was issued in June 1968.

Postal reform hearings began on April 22 before our Committee on Post Office and Civil Service. Mr. Kappel came before the committee on June 5.

On Wednesday, July 30, another member of the Commission was a witness: Mr. George Meany, president of the American Federation of Labor and Congress of Industrial Organizations—AFL–CIO.

Mr. Meany was an excellent, candid witness. It is interesting to note that he was the only member of the Commission to note an exception to the recommendations made to the President.

In a footnote on page 2 of the Commission's report, Mr. Meany said:

I agree with the goal of modernizing the postal system and improving working conditions and job opportunities for its employees. However, the status of the Post Office as a Cabinet Department has a positive value that should not be discarded lightly.

Mr. Speaker, President Meany made an excellent formal presentation of his views to the committee and I am including his text as a part of my remarks:

STATEMENT BY GEORGE MEANY, PRESIDENT OF AFL–CIO

Mr. Chairman, my name is George Meany. I am President of the AFL–CIO. The AFL–CIO is firmly opposed to H.R. 11750.

There are a number of specific objections which we intend to raise in support of our position. But our basic reason can be quickly stated:

We believe the government should carry the mail.

We agree with the Kappel Commission's documented description of low wages, poor working conditions and inefficient operations in the Post Office. There is no disagreement on the need for substantial reform.

However, there is substantial disagreement on how to achieve the needed improvements most effectively, in the best interests of the American people and the postal employees.

We are not convinced that a drastic reorganization of the Post Office Department into a corporate structure, removed from Congressional control, will improve the postal service. We believe that the substantial reform of the Post Office, required to improve its operations, can be achieved within the general framework of a federal government department.

ESSENTIAL GOVERNMENT SERVICE

The Post Office is an essential government service. The founding fathers reorganized the vitality of communications, the need to provide people of all walks of life and in all parts of the country with cheap, regular means for correspondence and education and the dissemination of knowledge.

The Congress, in its wisdom and in recognition of a changing society, has from time to time expanded the Post Office Department's duties and responsibilities. For most Americans, the postal service is their most direct and regular contact with the federal government.

Despite the various and often valid criticisms of the service, the Post Office works. It gets millions of pieces of mail collected and delivered each day, across a huge country of over 200 million people and a multitude of businesses and other private and public organizations.

Over 80 billion pieces of mail are handled in a year.

ERROR FACTOR IS MINIMAL

Even a 1% error factor would result in misdirecting 800 million pieces of mail a year. Few critics of the Post Office can find any giant operation with a better error record. Certainly America's big car manufacturers—now calling back thousands of defect-marred automobiles—can't claim such a record.

The Post Office performs this service, moreover, with such a high degree of integrity and honesty, that America's trust in the mails is legendary.

However, this performance is far from efficient. Often, there are delays and, at times, the delays in delivery are lengthy.

The truth of the matter is that the Post Office is woefully undercapitalized. It is compelled to use old structures in traffic-jammed areas of city streets, some distance from modern major roads and miles away from airports.

These structures were built near railroad terminals, when the railroads were almost the only means of transportation. The use of these structures today means built-in inefficiencies in a time when so much of the mail is carried by trucks and planes.

Moreover, most of these structures and much of their equipment were installed to serve the needs of a population that was about 40% or more smaller than today, when the volume of mail was much less than it is at present.

The Congress just has not kept the Postal Service abreast of a changing, growing nation. Dependence on such buildings and equipment in 1969 results in conditions that are most inadequate for postal employees, for the public and for the improved handling of the mail.

POOR WORKING CONDITIONS

The Post Office is burdened by unrealistic rates for the service provided for the daily outpouring of circular mail, the so-called junk mail. It is so burdened by a high rate of employee-turnover, reflecting poor working conditions and inadequate wages in today's job market.

Workable solutions are needed. But it is ridiculous to claim that the so-called efficiency operations of private corporations, use of new technologies, etc., can solve every problem.

What about direct postal service—mail delivery to homes and places of business? The only way to keep that from being a major cost item is to eliminate it—return to the days when a citizen strolled through the streets of his village to get his mail at the post office window.

Such a suggestion is ridiculous.

And how will major new machinery in post offices eliminate the delays caused by mid-city traffic jams or airplanes stacked-up over airports that can no longer handle the volume of air traffic?

H.R. 11750 NOT THE ANSWER

H.R. 11750 won't solve those problems and they are an important factor in the so-called postal problem.

Efficiency can and should be improved, within the practical limitations of existing and foreseeable technology and means of transportation. New and improved post office buildings and equipment can increase the volume of delivered mail per employee. Productivity and working conditions are in urgent need of improvement.

A major trouble is the lack of funds for modern plant and equipment.

Remedy of this problem requires a change in the means of financing Post Office investment—to provide the Post Office with some method to obtain self-liquidating funds for investment, instead of the present reliance on annual Congressional appropriations.

An adequate investment program for the Post Office requires long-term planning of research and development, as well as access to funds for the planned expansion of investment-outlays for rapid modernization.

I believe that such changes in the provision of investment-funds, in accounting for long-term investment outlays, and in improving the management of postal operations can be achieved within the structure of the Post Office as a federal government department.

The establishment of a Postal Modernization Authority, within the Post Office Department, as proposed in H.R. 4, introduced by Congressman Dulski, indicates a general approach towards this end.

An Authority of this type, with authorization to issue its own bonds, can achieve the financing objective of a corporate setup—and do it within the structure of the Post Office Department.

REFORM EXISTING STRUCTURE

It seems to me that a realistic rate structure and an improved wage level for employees can also be achieved through substantial reform of the existing structure, without the need for drastic reorganization of the Post Office into a corporate setup.

As a nation-wide government service, the Post Office is not comparable to any business enterprise. It is vastly different from such government enterprises as the Tennessee Valley Authority, which produce and sell products and services that can be compared with private business, in terms of production, prices, wages and productivity.

The Post Office is also much different from such government-regulated monopolies as the telephone service, in terms of provding direct personal service such as mail delivery, as well as a more limited potential for improvements in technology and profitability.

POST OFFICE IS SERVICE—NOT BUSINESS

The so-called postal deficit is part of the cost of underwriting essential government services. We regard the Post Office as a government service and not as a business. We do not think that whether any particular service pays its own way should determine whether the service should be maintained.

For example, rural mail service does not pay its own way and the Congress has deliberately decided that magazines and newspapers should be carried at a reduced rate.

We believe that those are political determinations made in the light of the value of the service to the public. Such determinations are not and should not be treated as business decisions on a simple cost basis.

Therefore, the AFL–CIO views subtantial reform of the Post Office Department's existing structure as workable and necessary.

We do not believe the widely advertised efficiency of a postal corporation can be achieved except by elimination of postal services, such as home delivery of mail. We oppose the abandonment of such service.

If the objective is efficient and necessary postal service for all Americans, then let us get on with the job of reforming the Post Office Department to reach that goal. Substantial reform—rather than a corporate set-up—is the prudent, realistic and workable approach to the problem.

REGARDING EMPLOYEE PROVISIONS

I turn now to the provision of H.R. 11750 with regard to employees. These are the provisions which are, of course, of most direct concern to the AFL–CIO and its affiliated unions which represent postal employees.

The philosophy of the Administration is that the postal service s not sufficiently governmental for postal employees to continue to have all the rights and protections of government employees, but that it is sufficiently governmental for postal workers to continue subject to most of the restrictions and disabilities of government employees. They are, to some extent, to have the worst of both worlds.

The provisions of H.R. 11750 on unions and collective bargaining are likewise selectively chosen to combine the worst features of public and private labor laws.

As you know the AFL–CIO does not regard Taft-Hartley as perfect, and while Executive Order 10988 was a great advance over prior handling of federal employee labor relations, we believe that experience under the Order shows the need for certain changes and improvements.

STILL BETTER THAN H.R. 11750

The AFL–CIO has made detailed proposals both for revising Executive Order 10988, and for supplanting it with legislation along the lines of H.R. 12349. However, we regard not only E.O. 10988 but Taft-Hartley as far preferable to H.R. 11750.

The AFL–CIO is thus flatly opposed to the personnel and labor relations proposals of the Administration. Let me spell out why.

Postal employees would lose civil service status, and, after a year, would no longer be able to transfer to other positions within the federal government. (§ 803).

Once the new corporation had established its own procedures, appointments and promotions would be made without regard to the civil service laws, and postal employees could lose the protections of the Lloyd-LaFollette Act against removal or suspension. (§ 801).

We see no reason why these protections of existing law should be taken from postal workers, nor do we believe that they have any relation to the operating problems of the Post Office Department.

INCONSISTENCE REGARDING WORKERS

At the same time, and quite inconsistently, postal workers would continue to be treated as government workers for purposes of the numerous invidious restrictions which are applicable to government employees.

Section 1918 of Title V of the U.S. Code makes it a crime for anyone to hold a government job who "participates in a strike, or asserts the right to strike" against the government. This provision would continue to be applicable to postal employees. (§ 209).

If the Administration has decided that postal employees should no longer be considered government employees, than it should go all the way and grant them the right all private employees have in a free country—the right to strike.

That goes too for the government security and loyalty program, which would, under H.R. 11750, continue to apply to postal employees.

H.R. 11750 likewise continues the application of the Hatch Act to postal workers. We think that the Hatch Act is excessively restrictive even as applied to those having full status as government employees, and see no warrant for applying it to those who are to be stripped of that status.

STRANGE CONTRADICTIONS

H.R. 11750 also continues for postal employees the ban on habitual drunkenness (5 USC § 7352), and the restrictions on the receipt of decorations from a foreign government (5 USC § 7342). These items are not important in themselves, but they illustrate the strange contradiction whereby H.R. 11750 would retain all existing restrictions but eliminate many protections for postal employees.

We come, then, to the vital matters of wages, hours, and working conditions, and of unions and collective bargaining.

Committee Print No. 8, in describing the "Highlights" of H.R. 11750, states, p. 1:

"Instead of Congress fixing wage rates and legislating classifications of employment, postal employees in every part of the country would have the right to bargain collectively for better wages and other benefits and for improved working conditions."

That sounds fine, doesn't it?

The problem comes with the next paragraph, which states:

"Existing law banning strikes by Federal workers would continue. However, the act would provide for binding arbitration in the event of a labor-management dispute which could not be settled by other means."

NEED STRIKE RIGHT TO BARGAIN

There is no real collective bargaining without the right to strike, because it is only the possibility of a strike that gives employees any bargaining power. As the Supreme Court put it:

"This repeated solicitude, i.e. by Congress, for the right to strike is predicated upon the conclusion that a strike when legitimately employed is an economic weapon which in great measure implements and supports the principles of the collective bargaining system." (*NLRB* v. *Erie Resistor Corp.*, 2736. S. 221, 233–234).

We believe that the right to strike merits solicitude, too, because it is an essential foundation of democratic freedom.

In our proposals for revision of Executive Order 10988, we have made clear our belief that, so long as the Congress denies federal employees the right to strike, the very least it should do is provide a terminal point for grievances and contract disagreements through binding arbitration.

But H.R. 11750 does not give the employees even this right to invoke binding arbitration. That right is vested solely in the "Postal Disputes Panel."

Under § 808 (a) it is the Panel and not the employees or the union, that decides whether to submit issues to final and binding arbitration, and the Panel also decides what issues, if any, to submit and is to "frame the language of the issue to be arbitrated."

Alternatively, if the Panel does not take jurisdiction, "the status quo surrounding those particular issues shall be maintained" (§ 808 (d)).

THREE WAYS TO HANDLE WORKERS

As we see it, there are three different ways that the labor relations of postal workers might be handled.

One, and the one which is now used, is for Congress to legislate on wage rates and certain other basic matters, but with other issues left to collective bargaining if the employee choose to form unions and bargain collectively.

We think that this is a satisfactory labor relations system for federal employees, and that postal workers should continue to be federal employees and to be subject to the same system as other federal employees.

We think, for example, that postal wage rates should continue to be uniform throughout the country, as in the case of other federal employees.

We do, however, believe that certain changes and refinements need to be made in the present federal employee labor relations system.

Two years ago, I made detailed proposals for revising Executive Order 10988, to the Presidential Review Committee on Labor-Management Relations in the Federal Service.

Six weeks ago, in a letter to Chairman Dulski, Mr. Biemiller expressed the support of the AFL–CIO for H.R. 12349, which would supplant the Executive Order with permanent legislation. It is worth noting that the labor provisions of H.R. 4 are quite similar to H.R. 12349.

OPPOSE PRIVATE OPERATION

Another possible way of handling the labor relations of postal employees would be to transfer the postal system to private ownership, and to put postal employees under the Taft-Hartley Act. We are opposed to that solution, but it would at least be internally logical.

H.R. 11750 proposes an irrational and unworkable mixture of these two systems.

Some incidents of employment would continue to be regulated by Congress. In addition to those already mentioned, postal employees would, for instance, continue to be covered by the Civil Service retirement program (§ 804).

Other aspects of employment would be determined by collective bargaining, but with the employees stripped of bargaining power, for they could neither appeal to Congress, strike, or invoke compulsory arbitration.

Except as otherwise provided, the Taft-Hartley Act is to apply, though neither its broad framework nor its numerous details were designed for an enterprise such as the postal service.

Taft-Hartley's broad framework is collective bargaining, with the stimulus for agreement provided by the right to strike and to lockout. Unions are denied the strike by H.R. 11750: what of the lockout?

IF TAFT-HARTLEY LAW APPLIES

If the details of the Taft-Hartley are to apply, unions will be free to picket post offices when negotiations break down, and may engage in organizational and recognition picketing, subject to certain restrictions.

They may undertake to negotiate union security clauses and work preservation clauses, but not hot cargo clauses. If a union asks for a wage increase, and the Postal Service pleads inability to pay, it will have to open its books to the union.

Many of these results seem desirable to us, but we rather doubt that they were all intended by the authors of H.R. 11750.

In sum, as regard to the labor provisions, we strongly oppose any change in the present system, which would, like H.R. 11750, drastically undercut the bargaining power of the postal employees and their unions.

To repeat, Mr. Chairman, we hold no brief at all for H.R. 11750. We find its basic premise—abandonment of the essential governmental necessity for delivering the mail—to be repugnant.

We agree the Postal System needs reform—more money, better labor relations, new buildings and facilities and modern technological improvement. All of these can be

accomplished within the present framework of government and we are sure will be. That, we insist, is the way to do the job.

FEEDING AMERICA'S HUNGRY CHILDREN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BIAGGI. Mr. Speaker, last week the House passed H.R. 11651, a bill to authorize temporary emergency assistance to provide needy children with nutritious meals. I am proud to have voted for this important measure, and I should like at this time to place on record my reasons for voting for it.

If it were operating at top capacity, the national school lunch program would be one of the most effective means by which hunger in America could be lessened and malnutrition decreased. Schoolchildren are, after all, among those who suffer most when not enough of the right foods are available to them. Schoolchildren are growing and learning; they must have good, nutritious meals to continue that development.

An adequately funded and administered school lunch program would provide needy children with at least one nutritious meal a day and would thus go a long way toward stopping hunger and lessening the dangers of malnutrition.

The school breakfast program, too, could be an effective weapon in the fight against hunger. A nourishing breakfast every morning would enable children, otherwise listless and inattentive because of lack of food, to become bright eyed, wide awake, eager pupils. The benefits from such a situation are evident. In fact, all of our children's food service programs have the potential for bestowing incalculable benefits on the health of our Nation as a whole as well as upon individual children. But, sadly and shockingly, indications are that these programs do not operate as well as they could—and should.

During hearings held last year the House Education and Labor Committee discovered the following dismaying facts about our food service programs for children: Over 4½ million needy children are not receiving free or reduced price lunches, more than 6,600 schools in economically deprived areas do not have food services, almost 3 million disadvantaged children in need of a school breakfast program do not have one, and as many as three-quarters of a million children who come from large families with annual incomes of over $3,000 are estimated to need food services. The diligence of the committee has shown the inadequacy of our children's food service programs as they are presently funded and administered. Action was clearly called for, and H.R. 11651, a bipartisan bill, answered that call.

The measure would amend the National School Lunch Act by adding a provision that would authorize the Department of Agriculture to use $100 million in section 32 funds during fiscal 1970. The funds would be used to improve the nutrition of needy children in schools, day care centers, and other organized activities. This authority is given specifically to provide food services to children in addition to the food service support provided under the National School Lunch Act and the Child Nutrition Act of 1966.

The money provided through H.R. 11651 would go primarily toward reaching those children in schools and other organized activities who are not now benefiting from the Federal food services programs. About $1 billion in section 32 funds has reverted to the Treasury during the last 10 years; this measure would put section 32 funds to use where they are sorely needed.

I feel that this piece of legislation goes a long way toward helping rid the richest land in the world of the intolerable presence of hunger and malnutrition among its children. I derive the greatest satisfaction in knowing that children in my State and all across the Nation will benefit greatly from the action we have taken.

THE BATTLE FOR FLOOD CONTROL

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1969

Mr. WINN. Mr. Speaker, the battle for flood control is being won in the Kansas-Missouri area. How this is being accomplished is outlined by Mayor Lamar Phillips of Ottawa, Kans., in a recent issue of the Mississippi Valley Association's newsletter which I would like to bring to the attention of my colleagues:

THE BATTLE FOR FLOOD CONTROL

The recent and current severe storms in mid-America serve as a grim reminder of the catastrophic flood of 1951 which resulted in more than a billion dollars damage. Mayor Lamar Phillips of Ottawa, longtime flood control worker and witness of damage from frequent floods on the Marais des Cygnes, has the following observations to make:

"The rivers of our continent, from the standpoint of geology, are ancient. They have been carrying storm run-off to the seas for ages. But, a change is taking place. Our old rivers are becoming new rivers. Or, perhaps it is more accurate to say they are being remodeled into new rivers.

"During recent days, streams of our Missouri River Basin have been called upon to carry more storm run-off than their channels are capable of carrying. An example is the Marais des Cygnes river valley of Eastern Kansas, the stream which becomes the Osage River after crossing the Kansas-Missouri border. Too much rain in too short a time caused this river to overflow its banks in some areas, and, regrettably, too much farm land and crops went under water. Today one reservoir is in operation—Pomona Reservoir in the upper Marais des Cygnes valley, and one local protection project, at Ottawa. In the recent overflows no water came into the city of Ottawa. The Pomona Reservoir level raised 12½ feet above the normal level, impounding 60,620 acre-feet of storm run-off. Eventually all of the projects in the Kansas-Missouri area will be completed.

"What is the task which lies ahead for those of us in Mo-Ark and Mississippi Valley Associations? We must be unselfish, but we must not give up. The battle for flood control is being won, and our contribution to the cause has been the fact that we are not competing with each other."

As of this writing, it is estimated that flood control projects constructed by the Kansas City District of the Corps of Engineers have prevented more than $130 million in flood losses this year. In areas where flood control projects have been recommended in the Kansas City District, but not yet financed for construction, there is an estimated $30 million loss.

NORTHERN KENTUCKY GIVES 100TH SON TO VIETNAM WAR

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. SNYDER. Mr. Speaker, throughout the history of the United States, the Commonwealth of Kentucky has given its valiant offspring to safeguard America's heritage of liberty. Particularly, has this been true of the upper bluegrass—known as northern Kentucky. On July 23, northern Kentucky gave its 100th son to the war in Vietnam. Phillip Hammons of Covington, Ky., volunteered to fight for his country and paid the ultimate sacrifice in order to defend it. Phillip Hammons has upheld the highest traditions of his family, whose sons have served and are serving their country..

To the Hammons family goes the heartfelt sympathy of thousands of American families who have suffered the same loss and the undying gratitude of those of us for whom he laid down his life. He fought and died in the finest spirit of gallantry of the Marine Corps and of America and he joins the ranks of the other brave fighting men of America and of Kentucky who have given their lives for freedom.

He did not die in vain. He died protecting the liberty of all of us who gratefully remain. It is our duty to see to it that what he died for we will fight for.

The following page 1 article in the Kentucky Post concerning Phillip was written by Sigman Byrd, whose son, Arthur, is counted among the 100 courageous northern Kentuckians who have died in Vietnam:

NORTHERN KENTUCKY GIVES 100TH SON TO VIETNAM WAR

(By Sigman Byrd)

The Upper Bluegrass has given the life of her 100th son to the cause of United States military policy in Southeast Asia.

While astronauts Armstrong, Aldrin and Collins streaked through space toward their bright blue home planet yesterday morning, Mrs. Myrtle Hammons, 2903 Alden court, Covington, received that most heartbreaking of messages.

Her son, Pfc. Phillip Hammons, a 20-year-old Marine rifleman, had been killed in combat on July 23, 10 miles northeast of An Hoa, Quang Nam Province, Republic of Vietnam.

"He sustained missile wounds to the body from a hostile explosive device while on a search-and-clear operation," said the message over the signature of the commandant of the Marine Corps.

Pvt. Hammons was the youngest of 11 children. Four of his five brothers are veterans of the armed forces. Another brother, an Army specialist, is stationed in Vietnam.

Sp. 4 William Hammons, aged 23, will be a member of the honor guard escorting his brother's body home.

Pvt. Phillip Hammons, the slain Marine, is the only one of the 11 children of John and Myrtle Hammons who never saw his father. The elder Hammons died shortly before Phillip was born.

But the father and son who never saw each other in life will lie side by side in death. After services at Allison & Rose Funeral Home in Covington, the fallen hero will be buried beside the grave of John Hammons in Adams Cemetery at Batesville, Ind.

It was in Batesville that John died and Phillip was born 20 years ago.

One of Pvt. Phillip Hammons' five sisters, Katherine (Mrs. Glen) Fugate, of Cincinnati, said she had a strong premonition of her brother's death when she heard a news report Wednesday about the death of 25 U.S. Marines in Vietnam.

"I don't understand it," she said. "As soon as I heard it, I said to myself: Phil's dead. I felt it so strongly that I phoned Juanita (Mrs. Paul Landrum, 415 Bakewell street, Covington, another sister).

"I told Juanita we ought to go and stay with mother, to be with her when the telegram came. And that's what we did."

Mrs. Fugate explained that she and Phillip were closer than most brothers and sisters. "You see," she explained, "my son Mike is 20 years old, too—just two months older than Phil.

"I guess I thought of Phil more like he was my son than my brother."

The mother of the 11, Mrs. Myrtle Hammons, was prostrate with grief Friday.

Mrs. Landrum said her mother had slept poorly Thursday night—despite sedation administered by a physician.

"Mother is bitter about Phil's death," said Mrs. Landrum. "I think she always will be. She says she won't accept Phil's decorations from the government."

Pvt. Phillip Hammons has at least two decorations, a Purple Heart and a marksmanship medal. He earned the markmanship medal in basic training in San Diego.

Phillip Hammons left Holmes High School in July 1968, to enlist in the Marine Corps before graduation.

"He volunteered," said Mrs. Fugate. "He wasn't drafted. He volunteered for combat duty in Vietnam."

"We tried to talk him out of it," said Mrs. Landrum. "We tried so hard to persuade him to join the Navy. But he wanted to fight the Communists."

Two of the six brothers are Navy veterans. They are John and Orville Hammons, both of Cincinnati.

Two others chose the Army. They are Clarence Hammons of Covington, and Pvt. William Hammons, now on the way home with his brother's body.

The other brother, Rolland Hammons, of Covington, is an ex-Marine.

The surviving sisters, besides Mrs. Fugate and Mrs. Landrum, are:

Mrs. Richard Goff, Covington; Mrs. Arthur Stahler, Cincinnati, and Mrs. Louise Dornbush, Covington.

Pvt. Phillip Hammons left the United States for duty in Vietnam in January of this year. His death—Kenton County's 39th in Vietnam—came about a week after his return to duty following a brief rest-and-rehabilitation period in Bangkok.

From Bangkok the Marine hero sent his mother a large and beautiful chest of flatware and a tape recording of a poem written by one of his comrades and recited by himself, Phillip.

Text of the poem follows:

"Take a man and put him alone—
Put him 12,000 miles from home,
Empty his heart of all but blood
And make him live in sweat and mud.
This is the life that I must live;
This is why my soul I give.
You peace-brothers laugh from your easy chairs,
But you don't know what it's like over here.
You have a ball without near trying
While over here your brothers are dying,
You burn your draft cards and protest . . .
Use your drugs and have your fun
And then refuse to raise a gun.
I'll hate you till the day I die . . .
I saw my buddy's arms a bloody . . .
And heard them say: 'This one is dead.'
He had the guts to fight and die.
He paid the price—but
What did he buy?"

At the conclusion of the poem, the voice of the martyred Marine, speaking to his mother for the last time, says in the tape recording:

"But who gives a damn what a Marine gives—except his mother, father, brothers and sisters?"

MUSKIE SPEAKS IN INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. HAMILTON. Mr. Speaker, I had the great pleasure of being host to Maine's distinguished Senator, EDMUND S. MUSKIE, in southern Indiana last week.

During his visit in the Ninth Congressional District of Indiana, Senator MUSKIE delivered one of the most enlightened, concise reports on this Nation's priorities that I have heard.

Senator MUSKIE's visit came in the wake of the Apollo 11 success and that glow of pride which all Americans share in this remarkable achievement. But the Senator's concern is that we take heart from this achievement and set ourselves goals here on earth.

Each of my colleagues will find reading this address a good investment of his time.

I include in the RECORD the entire text of Senator MUSKIE's excellent speech, given July 25 at the Jeffersonville, Ind., high school fieldhouse:

SENATOR EDMUND S. MUSKIE, INDIANA SPEECH, JULY 25, 1969

During most of the past two weeks, our people have been unified in a way that only great moments of triumph or tragedy seem to produce.

In the affluent suburbs; in the steaming inner cities; in our troubled universities, and in neighborhoods where the schools are inadequate and overcrowded; in mountain and seashore resorts, and in homes where families cannot afford a summer vacation; beside clear lakes, and on the shores of polluted rivers; whether we were white or black, rich or poor, young or old, supporters or critics of the war in Vietnam, Democrats or Republicans, New Left or Old Right—the magnificent adventure of Apollo XI gripped us all.

The image of Neil Armstrong's foot swinging down from the Eagle, and onto the surface of the moon, is a permanent part of our consciousness. No matter where we saw that television screen—in a rec room, or in a tenement—its fantastic image last Sunday night belongs to all of us. Time cannot erase it, nor in any way diminish its power. For a while, it made us one people.

And our unity was based on something deeper than national pride. Armstrong and Aldrin were representing all of us—all mankind—reaching out into the cosmos.

How long will that sense of unity last?

I'm afraid the answer is not long, if you consider the history of other great events that have drawn us together, in exultation or sorrow.

Because sooner or later the television sets go off, and we return to the earth and the heat of summer. To high prices. A weak stock market. To traffic congestion. Rising crime. Cities hard-pressed for funds, and public services deteriorating. The air we breathe dark with chemical waste. Mistrust between the races. Mutiny in the hearts of many young people. The war dragging on.

That, it can be said, is the real world. Our vicarious participation in the moon mission is just that—vicarious—though we did pay for it.

But I want to suggest tonight that at least one aspect of the moon mission is part of our real world, too—or could be.

I don't mean all the technological advances, the by-products, that are supposed to come from space science. I assume they are real. But by themselves, they are not likely to do much to relieve the problems we live with here on earth.

As a matter of fact, the science and technology, the national resources, and even the bravery that went into Apollo 11 could not in themselves have lifted that rocket a foot off the launching pad.

It took something more, something that could put all those elements together and give them coherence and power. It took a unifying goal, understood by all, and the will and determination to reach it.

In the case of the space program, the goal was simple. It was to enable a human being to walk on the moon's surface by the end of this decade. Achieving it was a terrifically complicated business. But the goal was clear and understandable and it inspired and unified our efforts, and we made it.

What if we decided that there were some goals here on earth that were no less important to us, no less urgent?

Now that we have seen that man can operate successfully in the lunar environment, what if we decided to help him operate successfully in the urban environment?

Now that we have shown ghetto children that a dream of sophisticated science may come true, I think it's about time to teach them to read.

Now that we have protected the health of three astronauts hundreds of thousands of miles away, I think we ought to find a way to give all our people good medical care at reasonable cost.

Now that we have built machines that can sustain great journeys in space, I think it's time to solve the problem of transporting people to and from work, without turning the countryside into concrete and the air into carbon and sulphur compounds.

Now that we've seen men cooperate to unite two machines in orbit at terrific speeds around the moon, let's find out how to get white men and black men to cooperate in improving city life.

I recognize that there is a difference between a physical triumph like putting a man on the moon, and a social triumph like putting a poor teenager on his way to a successful and responsible life.

With the one, we've been dealing with brilliant, highly educated men and women. We've had the use of the most advanced scientific equipment. We've been able to measure our

progress exactly. When we've failed, when there was a tragic fire that set us back, we've pressed on, undaunted. We've had the funds that let us call on the vast resources of private industry. And most of all, we've had a simple goal.

But dealing with our human problems is another matter. We've found that we could not simply put together a few ingredients—a little money to improve the schools, a year of Head Start, a job training program, and some good intentions—and heal the lives of people who have known nothing but poverty and deprivation from the beginning. We don't know yet how to measure the effect of most of what we are doing—how much a billion dollars of aid to education can do for school children, for example.

Every failure—every grant to some group that mis-spends it—is the occasion for cries of outrage and calls for stopping the program. We've talked a lot about getting private industry involved, but we haven't found the key—the incentive—to bring that about in sufficient quantity. And most of all, our goals have been very general—and very rhetorical.

I think it's time we delivered some simple goals and some firm target dates for our problems here in America.

Like improving the reading skills of high-school graduates in the ghetto from the ninth grade level to at least the eleventh grade level by 1976.

Like meeting the goal of the National Housing Act—26 million new units—in the next nine years.

Like cleaning every American river of unacceptable pollution by 1976.

Like assuring that no American family goes hungry by 1971.

Like reducing the delays in our courts of criminal jurisdiction by —% within five years.

There are plenty of other goals—in higher education, in mass transportation, in cleaning the air, in reducing infant mortality.

And it is up to the political leadership of this country to set those goals and to provide some target dates for reaching them—dates that are just as demanding as putting a man on the moon in the sixties was, when John Kennedy set it in 1961.

You don't provide that kind of leadership if you back-pedal before every reactionary breeze.

And whatever your Gallup poll rating, you can't lead from a low silhouette. You've got to stand up. You've got to invest some of your political capital in making this a more human and hopeful country. You've got to help your people understand how critical our problems are—and how we can marshall our energies, as we did in the space program, to solve them.

Because the real issue is not who wins in 1970 or 1972. It's what happens to the country in the next four years—whether it regains its old determination, its old optimism and hope, or whether it divides still further into frustrated, despairing factions.

I hope our President has a successful trip in Asia and Eastern Europe. But when he returns—as when Armstrong and Aldrin and Collins returned—he will find an America very much as it was when he left it: In need of political leadership that identifies our problems realistically, and that describes some human goals within our reach.

It may be that this is too much to ask from Republicans. They are better at turning the clock back, or making it stand still, than they are at anticipating what could be in the hours and days to come.

It has been our democratic role to identify national needs, and to set the forces in motion that will meet them. We have done that before. We shall do it again. And between now and 1972, let us press this administration to stand up and lead. Let us—speaking as the majority party representing the people—try to exert more forward pressure than Strom Thurmond can brake.

Let us take heart from the spectacular achievement on the moon, and set ourselves some goals here in America. And let us bring together the resources and the will we need to reach them, and press on, through whatever disappointments and delays, until we do. That is the way, and the only way, by which we can regain the union we knew last weekend. And, despite the glory of Apollo XI, that is what really counts.

STATEMENT OF ANDREW J. BIEMILLER, DIRECTOR, DEPARTMENT OF LEGISLATION, AFL–CIO SUPPORTING U.S. FOREIGN AID PROGRAMS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, Andrew J. Biemiller is Director of the Department of Legislation of the American Federation of Labor and Congress of Industrial Organizations. His statement follows:

STATEMENT

This statement represents the continuing position of the AFL–CIO in support of our country's program of foreign aid and to express our support for continuation of foreign aid authorization legislation.

The AFL–CIO Executive Council, on February 24, 1969, again stated its fundamental belief in the importance of the U.S. foreign assistance program when it said:

"The security and freedom of our country require a variety of efforts—political, diplomatic, economic, military, cultural and humanitarian. In this realization, Democratic and Republican Administrations alike have recognized the necessity of rallying our nation for generous assistance in various forms, particularly to the developing countries. Without the successes which have been achieved in the pursuit of this course, important areas, now centers of economic progress and advancing social justice, would today be pockets of political chaos and pawns in the hands of aggressors bent on world domination."

The AFL–CIO makes such a statement while being aware of the problems and inadequacies which have appeared in this country's foreign aid program in the past because we recognize that such an effort as this is relatively new in the history of mankind. The problems of poverty and race in our own country and the problems of underdevelopment in many regions of the world had for many years been accepted as inevitable and incapable of essential improvement. Perhaps because of our newly discovered ability to successfully engineer vast changes through the application of economic adjustments in critical areas of the nation's life, we are now confident that we are able to improve the condition of destitute human beings both here and abroad through specific measures. But we are relatively new at applying these solutions both here and abroad and it is apparently necessary that many of the lessons of practical administration of such a progressively innovative program must be learned through experience. The extraordinary successes we have achieved in such programs as foreign assistance must almost inevitably be marked by some failures as we apply new solutions to our changing array of human and industrial problems.

In the final analysis, then, both the humanitarian goals of the American foreign aid program and the costs of that program in terms of sacrifice reflect great credit upon the American people. The continuing presence of those goals, that of preserving world peace, promoting freedom and supplying for economic needs in compliance with social justice, urge us to continue to make the sacrifices this program requires. A decline in our overseas aid would represent not only an abandonment of our recognized responsibilities but the loss of essential means of development to other human beings who have a right to share in the wealth of the earth.

Conscious of the commitment made by our nation at the beginning of the present decade, the Executive Council of the AFL–CIO noted that:

"The U.S. has provided only 0.85% of its national income for overseas economic assistance—a lower proportion than the 0.93% expended on the average by the 16 industrially developed countries which constitute the Development Assistance Committee (DAC). Hence, no one can reasonably maintain that our foreign assistance program has been a drain on our nation's resources and capacities for dealing with its pressing urban and other domestic problems. No doubt, our country can do much more in the realm of development assistance while improving our domestic conditions."

The AFL–CIO again urges therefore, that for reasons "both of national interest and humanitarian concern" and also "for the practical mutuality of its benefits," the Congressional appropriations for the foreign assistance program should equal no less than one percent of our gross national product.

Because the horizons of possibilities have been expanded by the flight of Apollo 11 the whole program of space exploration should make us all increasingly conscious of the fact that we are members of the same human community on this planet, earth. If we are not conscious of the vital needs of our world neighbors, the conditions which beget violence and threaten world peace will continue to exist.

This does not imply that we support the United States Program of foreign assistance solely as an instrument of diplomacy to defer international difficulties. The AFL–CIO support of this type of program has been continuous since we encouraged the adoption of the Marshall Plan because, as trade unionists, we champion the fundamental American belief in the universality of human dignity, with all the responsibilities and rights which this dignity implies and demands; the universal right of man to work and to share justly in the product of his labors; and the right and obligation of every man to participate equally in the political process. Since these motives urge our organization and our government to strive valiantly to correct injustices and to provide for human opportunities within our own nation, then these same imperatives must effect our participation in the international community.

Among the criticisms voiced in opposition to the continuation of this country's development assistance program, much of which is unfair and has no basis in fact, there is one charge that AID has discouraged overseas private investment as a part of an overall development assistance program. The fact of the matter is that private overseas investments have not been in step with the wealth and vigor of the rest of this country's economic and financial profile. This was in spite of improved economic conditions both here and in the developing countries themselves. By comparison overseas investments from other countries such as West Germany, Italy and Japan have increased considerably. Because it is generally acknowledged that foreign private investment in developing countries is both necessary and beneficial as a source of capital, and organizational technological and commercial know-how, AID's

private Resources Development Services has been encouraging private investments in developing countries as a supplement and not a substitute for the government's program. While the AFL-CIO commends this present effort, it has serious reservations about the establishment of a new and parallel agency to foster such private investments since this will inevitably create confusion and conflict and be misunderstood in the developing world.

The AFL-CIO notes with satisfaction that the current bill provides for the continuation of the provisions of Title IX, of the Foreign Assistance Act, which urges that more emphasis be placed on the development and utilization of democratic institutions in the assistance program. This is an area in which labor feels most at home, for Title IX is an approach which emphasizes the determination by the people themselves of what they require.

For many years, the AFL-CIO has been supporting the work of the American Institute for Free Labor Development which has been deeply involved in the development of Title IX type institutions in the Western Hemisphere. Although the primary purpose of the AIFLD is the strengthening of democratic trade unions, it has, through its many social projects programs and educational programs and with the support of democratic trade unions developed various community institutions such as: cooperatives, credit unions, medical brigades, schools and community organizations of the type fostered by Title IX. Incidentally, since 1964 the AFL-CIO has, in Latin America, loaned interest-free or granted more than $470,000 from its own resources for over 200 projects to assist in what is now Title IX type institutional development.

It is important that foreign aid continue to strengthen the free and democratic trade unions in the underdeveloped countries and that it be made available for programs of social and economic impact which will ultimately develop Title IX institutions. Both as a target for development and as a tool of development, the democratic trade union movement in this hemisphere offers outstanding opportunities for progress. We hope this committee will recommend a specific amount of funding for Title IX activities.

The AFL-CIO would like to call to the attention of this committee the work that has been accomplished by such organizations as the African American Labor Center (AALC), the more recent Asian American Free Labor Institute (AAFLI) as well as the American Institute for Free Labor Development (AIFLD) which have been working for the development of free trade unions as adequate representatives of the workers before government, industry and political parties. These three AFL-CIO sponsored institutes have received financial assistance from AID for some of their work in their respective regions.

The effectiveness of the American Institute for Free Labor Development, established in 1960, in its union to union program in Latin America was not only an endorsement of our principle of overseas development, it was an encouragement to the AFL-CIO to undertake similar efforts first in Africa and then in Asia. The African American Labor Center was established in 1965 by the AFL-CIO and started with a vocational training program in Kenya. An American Trade unionist was assigned to the project as a technical advisor. The Institute continues to train Africans under three separate study programs, and, typical of such activities, the number of applicants is always four times the number of unionist enrolled. It is the purpose of an institute such as this to contribute to the growth of the economy of the country or region through the development of one of its more important resources, its human capital, while creating a form of organizational stability in the union to its members.

AALC has not only stimulated African economic development by fostering progressive and responsible trade union growth, it has entered into other areas of human resource development. Last year, for instance in response to the requests of the workers of Ghana, AALC provided special mobile medical facilities to care for workers and their families. At a time when public health is an increasingly more important area of concern to developing countries, AALC coordinated the resources of the workers, the World Medical Relief Service as well as its own to provide the medical assistance necessary in an area coming to grips with industrialization for the first time. AALC is presently operating in 28 countries in Africa and has completed 75 projects. It has established schools in Nigeria, Kenya, Congo, Ethiopia and Dahomey. It has run a number of Pan-African seminars and has brought a number of African labor leaders to the United States to study labor. Its activities in Africa have emphasized technical training (such as training drivers, tailors, motormechanics, and printers), workers education, cooperatives, health clinics and literacy training.

The needs for these labor programs are growing as the importance of labor increases and significance of training and developing human resources is appreciated. We feel that through these basic-type programs we are helping the trade unions to have a greater role in the economic and social development of their countries.

Again, moved by the needs of the workers of Asia and the commitment of the AFL-CIO to international development, another labor program has been established under the Asian American Free Labor Institute (AAFLI).

On January 17, 1968, the Asian-American Free Labor Institute (AAFLI) was incorporated as a non-profit organization by the AFL-CIO under the laws of the State of Delaware. AAFLI was formed for the purpose of promoting the development of free trade unions in Asia and the Near East. As an arm of the AFL-CIO, AAFLI is responsible for carrying out programs and objectives.

In Vietnam, where our program must have a double priority, the AFL-CIO has expended thousands of dollars on the relief of trade unionists and their families affected by the war.

The AAFLI elsewhere in Asia is planning and conducting a long range program designed to assist trade unionists to be more effective in bargaining. Part of the task the Institute has set before itself is the development of a trade union leadership which can assume much of the responsibility of discerning the needs of the workers and guiding their coordinated solutions to those needs. Free trade unionists in the Philippines, for instance, are aware of the resource that AAFLI constitutes as a source of trade union organizations and developmental knowledge.

Since much of the Asian region is agricultural, the Institute has plans to work on rural worker problems, especially in helping them to establish cooperatives. As elsewhere, such cooperatives are important in that they provide a marketing mechanism, which in turn, creates production incentives.

At the invitation of a host country's labor movement, AAFLI undertakes joint programs in the field of education and social development. Such programs will include trade union leadership and administrative training, cooperative organization and administration, press and information seminars, vocational training, and internships or on-the-job training, as well as social projects in the fields of cooperative development, medical clinics, community centers, and related "impact-type" projects.

To the maximum extent possible, AAFLI makes use of the services of host-country and third-country instructors and lecturers, leaving program planning and coordination to the AAFLI staff.

All AAFLI programs are developed and implemented with the coordination and cooperation of the host country unions. The programs are consistently designed as union-to-union activities and operated on a joint basis.

Since the programs are based on the principle of "Self-Help", with the objective that the host country unions eventually take over all aspects, a local contribution to all programs is required, based on the extent of the unions' resources. In the past, this has taken the form of contributions of manpower, such as instructors or administrative personnel, seminar facilities and equipment, student room and board or payment for loss of wages, and the like.

Although comparative studies are made of labor movements and working conditions in the United States and other countries, the focus of all training programs is on study of the conditions that exist in the host country with no attempt made to export the trade union practices or techniques current in the United States or other countries. The objectives of the program is to stimulate and develop the leadership and membership of the host country union toward strengthening the labor movement as a democratic institution, responsive to the needs and welfare of the workers, able to represent their interests, and prepared to contribute to the overall economic development of the country by raising wages, improving working conditions, and improving the standard of living of trade union members and their families.

Since June 1968, AAFLI's program in South Vietnam has trained over 400 persons in trade union leadership and plans to train an additional 2000 persons. 60 interns will be selected from graduates of the advanced leadership courses and will be utilized as instructors for the lower courses. 145 persons have received cooperative training and 31 of them have been selected as interns for a 12-month period, financed by AAFLI, to form cooperatives. 41 persons have been trained in methods of research, preparation and dissemination of trade union periodicals and materials, and 20 of these graduates have been selected as interns to work in the Vietnamese Confederation of Labor's printing shop for a 12-month period. Shortly after the 1968 TET military offensive by the VIET Cong, the AFL-CIO, acting upon an urgent appeal from the President of the CVT, allocated $35,000 for emergency relief to needy union families through AAFLI which is responsible for the relief and impact projects activities of the AFL-CIO in South Vietnam.

The present and potential value of this type of program in Asia is attested by the contracts granted by the Agency for International Development to support this effort. AFL-CIO recommends that AID increase the resources made available for this valuable assistance to the working people of Asia.

In support of this assertion I ask that the annual progress report of these organizations be included in the record as a demonstration of the extent and effectiveness of the work being accomplished. I would like to add to these reports the following information on AIFLD's work on education efforts in Latin America.

Since more than one hundred thousand workers have completed AIFLD sponsored courses, ranging from evening courses designed to convey the basic tenets of democratic trade unionism to full-time residential courses in relatively specialized fields such as Collective Bargaining and Community Development.

The philosophical thrust of AIFLD's efforts in Latin America is positive in its affirmation of the values of free men joining together in institutions such as unions as a means of increasing their influence, both in the private and public sector, in decision-

making which affects their own lives and that of future generations. As a recent independent evaluation study on Colombia and Ecuador stated "courses emphasize the positive aspects of free, independent, democratic trade unionism and present to students with alternative systems. Despite some excusable exhortation, the major concern in both countries is for rational choice and the substitution of reason for emotion."

The steadily increasing level of sophistication combined with the rising expectations of Latin American workers requires increased emphasis on advanced training. This means that the AIFLD is less and less involved in basic membership training as the unions themselves become able to assume greater responsibility for this effort thereby concentrating its limited resources on the kind of specialized training that a growing and dynamic trade union movement needs, if it is to participate fully in national and regional economic and political development. Not only is AIFLD concentrating more and more on advanced specialized training in each country, but concomitantly we are devoting more resources to advanced training here in the United States through our residential training in Front Royal, Virginia and our Labor Economics Program in Georgetown. We currently provide training for some 125 trade unionists annually in Front Royal in courses of 6 to 9 weeks duration dealing with relatively technical subjects such as job evaluation, productivity and wages, and group dynamics. These and other subjects are explored under the leadership of experts in their respective disciplines. During these courses, participants are offered an opportunity to engage in meaningful dialogue with trade union leaders, government officials and representatives of the numerous international agencies headquartered in the United States.

AIFLD experience has demonstrated that this opportunity for the exchange of ideas, information and viewpoints uniquely equips a trade union leader to return to his country with broadened horizons and increased depth of perception and more importantly with a keener awareness of the commonality of mankind's problems and of the resources both human and material which can be brought to bear in the never-ending search for solutions. Through the use of private funds, AIFLD has expanded the physical facilities at its Institute in Front Royal, Virginia, so that approximately ten 6-9 week courses for 20 students can be offered annually provided a sufficient level of funds for operating expenses can be made available.

Finally AIFLD's education effort encompasses certain special programs to cope with a given national problem of vital interest to workers, such as the vocational educational program in Guyana or the regional training program in economic integration in Central America. As with all AIFLD's activities these programs are conducted only at the request of and in cooperation with the trade union movements of the country and/or region in which they take place.

In recognition of the serious dearth of printed material available to worker education programs in Latin America, AIFLD has an on-going textbook publication program. Thus far, three books have been printed and distributed for use in Latin America and eleven others are in various stages of publication. As funds become available, we will be printing and distributing these textbooks together with instructor's manual for use in worker education programs throughout the hemisphere.

AIFLD's record of providing training to more than 110,000 workers throughout Latin America, ranging from the most elementary to the most sophisticated level, during its first seven years is unequalled. During 1970 we will be implementing a comprehensive evaluation system designed to provide a continuing appraisal of our educational efforts which will provide a measure of the effectiveness of educational programs as a guideline to policy and program decision making. This should result in an increased sharpening of focus, improved programming and even greater effectiveness in the use of resources available.

AIFLD has developed a series of programs with Alliance for Progress providing assistance designed to improve social conditions of thousands of Latin American workers. It should be noted that almost 20 million dollars in long term loans have been provided to the unions of Latin America directly from AFL–CIO affiliated unions under the AID investment guarantee program.

As of December 31, 1968, the Social Project Department of AIFLD had demonstrated marked success in a number of areas. In the field of workers housing, over 13,000 units with a total value of $55 million had either been completed, were under construction or were to be constructed under contracts already signed. The only worker owned savings and loan association, ASINCOOP, in Lima, Peru, had made 762 cooperative housing loans for a total of over $5 million and had 11,000 depositors who had saved more than $2.5 million. In the field of small self-help projects, over 220 such projects had been financed by the AFL–CIO/AIFLD Impact Projects Program and over 200 by A.I.D., for a total amount of $800,000 divided more or less equally between grants and interest-free loans. In addition, an A.I.D. financed Regional Revolving Loan Fund was established in July of 1968 for interest-free loans of up to $50,000. Four projects totalling over $110,000 had been approved. In the field of campesino assistance, three campesino service centers in Brazil and one in Colombia had been constructed and were in full operation. In Central America, regional and local rural leadership programs are held on a rugular basis giving four-week classroom courses followed by one week of action in community development projects.

At this time I would like to go into another matter of serious concern to the AFL–CIO regarding the language and provisions of the proposed Foreign Assistance Act.

As you know, Mr. Chairman, there has always been agreement between the American government and the AFL–CIO regarding the need for true trade union participation in economic and social development in order to ensure the success of the overall foreign assistance program. However, the problem of our Government's Foreign Aid agencies in translating the intent of the Congress into action often begins with vagueness of language and of priorities. In the proposal before you, the principles and criteria are all too often stated in general and nonspecific terms. This vagueness can lead to problems of implementation because the intent is not specifically clear. For that reason I would like to discuss some of the specific items that appear in the proposed legislation. The legal and policy basis for efforts in the labor field including the trade union as well as the government and management sectors are provided either explicitly or implicitly throughout the proposed Foreign Aid Act but particularly in Chapters I, II and III, part I of Bill–H.R. 11792. In general we observe that the new bill has used such general language as "institutions" while in the past, there were specific references to free trade unions, cooperatives and voluntary agencies.

Another specific difficulty with H.R. 11792 arises with the provisions of Section 204 (page 9 lines 13 through 18) concerning the Alliance for Progress policies when it states the "loans may be made only for social and economic development projects and programs which are consisitent with the findings and recommendations of the Inter-American Committee for the Alliance for Progress (CIAP) in its annual review of national development activities." This section has been one of the principal limitations of policy action affecting the interest of free trade unions in Latin America since the CIAP committee has not accepted the labor policy recommendations of the Inter-American Labor Ministers Conference which stresses participation of free trade unions in national economic and social planning efforts. On the contrary, CIAP has encouraged wage policies which in effect eliminate the collective bargaining function in many countries. Thus, if these policies follow CIAP recommendations exclusively are inconsistent with the legislation which supports the participation of such private institutions as trade unions in the development process. Further, these wage labor policies have also had a detrimental effect on the priority for trade unions and cooperative social projects under the allocations of Public Law 480—dollar project and program loan resources.

There is no question that these same wage freeze policies represent one of the factors which cause social unrest. We therefore recommend the clarification of the intent of this legislation by the addition of a requirement to make loan criteria consistent also with the Inter-American Labor Ministers Conference recommendations.

In Section 302 of the proposed legislation, which deals with capital and technical assistance in private enterprise development, there is provision for "capital projects" to increase the capacity of public and other facilities essential for private enterprise and loans for the support of "private enterprise activities" and "development or objectives" (page 21 line 6 through 9 in the bill). Again, the proposed legislation does not include any reference to free trade unions and cooperatives as participants in such loan project and capital project assistance.

It may well be that some of the difficulty that AIFLD, AALC, and AAFLI have had in receiving social project assistance in certain areas may be traced to this vagueness of language.

Finally, Mr. Chairman, I would like to call your attention to the statement on the U.S. Foreign Aid Program made by the AFL–CIO Executive Council in February of this year. The statement is an expression of the interest and concern of the American Labor movement for our country's world role and responsibilities. I would like to affix this document as an addendum to this testimony. I particularly call attention the eight issues highlighted by the specific recommendations of the Executive Council. This is an excellent summary of the position of the labor movement on foreign aid and legislation.

We appreciate this opportunity to express our support for the foreign aid program as visualized in H.R. 11792 introduced by Chairman Morgan. Thank you.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON STRENGTHENING THE U.S. FOREIGN ASSISTANCE PROGRAM, BAL HARBOUR, FLA., FEBRUARY 24, 1969.

The security and freedom of our country require a variety of efforts—political, diplomatic, economic, military, cultural, and humanitarian. In this realization, Democratic and Republican Administrations alike have recognized the necessity of rallying our nation for generous assistance in various forms, particularly to the developing countries. Without the successes which have been achieved in the pursuit of this course, important areas, now centers of economic progress and advancing social justice, would today be pockets of political chaos and pawns in the hands of aggressors bent on world domination.

Over the years, mistakes have been made and shortcoming manifested in carrying out the nation's vast foreign assistance program.

Certain lessons could be learned only through practical experience. By and large, little time was lost in improving administrative procedures and reducing the chances of misuse of help to a minimum. On the whole, the AID program and its humanitarian endeavors have been a great credit to the American people.

Last year, the U.S. contributed more than any other country to help the developing nations get on their feet. Thus, India, Pakistan, the Philippines and Turkey were enabled to have harvests. Every one of the fifteen nations which received 84% of AID's economic assistance last year can attest to its effectiveness in helping them achieve self-sustaining growth—economic progress, advances in health, education and the building of democratic institutions.

Moreover, in helping others, our country has also helped itself. Last year, 98% of AID's commodity requirements were American-purchased and 91% of its total expenditures were made in the U.S. P.L. 480 appropriations, which are a rather substantial part of the development assistance program, have been a source of significant support for the income of our nation's farmers.

Despite these constructive results, recent years have witnessed considerable criticism and opposition to the continuation of our country's development assistance program and projects. Much of the criticism has no basis in fact and is unfair.

For instance, it has been falsely charged that AID has discouraged private investments in development assistance. The fact of the matter is that, in regard to the developing countries, American private investors have not been in step with the "wealth and vigor" of our country's financial community. In order to improve this picture, AID's Private Resource Development Service has been encouraging and supporting with guarantees a number of private undertakings in the developing countries. Setting up a new, separate and parallel agency to foster such private investments would only lead to confusion and conflict. We must realize that, though private investment can and should play a vital role in the developing countries, it can only be supplemental to and not be a substitute for the government assistance program.

Some have argued that the very success of this assistance program makes its continuation unnecessary and that its mission has been fulfilled. Others, embittered by the failure of our Allies to help us in the Vietnam conflict, have turned to neoisolationism. Still others are demanding that our country reduce drastically its world responsibilities and stop helping others in view of the magnitude and urgency of some of our domestic problems.

Just as America cannot long enjoy peace and freedom in a world ridden with totalitarian dictators bent on global conquest and domination, so our country cannot long remain prosperous in a world steeped in poverty, ignorance, and disease. No one can deny that famine and poverty are still a massive peril in many parts of the world. What is more, by now it should be clear to everyone that poverty is not necessarily due to lack of natural and human resources, but is rather the result of a failure to use adequately and effectively the potential resources at hand. On a world scale, 80% of the natural resources and 90% of the human resources are today untapped. In this situation, our country with its great technological expertise and industrial capacity can render enormous assistance to the expansion of world economic development and human well-being. There is no better road to the elimination of poverty, disease and ignorance which are so assiduously exploited by the Communists in their drive for world power.

The U.S. has provided only 0.85% of its national income for overseas economic assistance—a lower proportion than the 0.93% expended on the average by the sixteen industrially developed countries which constitute the Development Assistance Committee (DAC). Hence, no one can reasonably maintain that our foreign assistance program has been a drain on our nation's resources and capacities for dealing with its pressing urban and other domestic problems. No doubt, our country can do much more in the realm of development assistance while improving our domestic conditions.

We of the AFL-CIO are not particularly concerned with what new name the new Administration might give our nation's development assistance agency. There is no reason to chase novelty for the sake of novelty. Sound improvements can be made only on the basis of experience and without hesitation to take new steps for meeting changed or new situations. However, the Executive Council will oppose vigorously all moves—regardless of their guise—to sap the strength or to alter the basic nature of AID by "restructuring" it in such a way as to deprive it of its vital functions. We hope, in this connection, that President Nixon will utilize the great opportunity he has to exercise energetic initiative and leadership in overcoming the tacit and explicit lack of concern in certain sections of our population for the less developed countries.

Towards enabling our country to fulfill ever more effectively its world role and responsibilities in promoting freedom, peace, and social justice, the AFL-CIO Executive Council urges that:

(1) Regardless of the new name which the overseas development assistance program will have, the organization should pursue the essential purpose and preserve the basic structure of AID so as not to divest it of its vital functions.

(2) The overseas development assistance program should be given greater authority and stability of funding through biennial Congressional appropriations.

(3) The Director of the new organization should be made an Under-Secretary of State for Economic Assistance Cooperation in order to strengthen its authority, enhance its mobility of operations, and reduce the frustrations of bureaucratic red tape.

(4) The new agency's career service should be improved by according its working staff the same status and prerogatives as enjoyed by the Foreign Service personnel of the Department of State.

(5) For reasons "both of national interest and humanitarian concern" and also "for the practical mutuality of its benefits", the Congressional appropriations for the foreign assistance program should equal no less than one percent of our national income.

(6) In line with the aims and spirit of Title IX of the U.S. Foreign Assistance Act it should be so amended as to provide help to democratic institutions and social projects (education, research, cultural exchanges, cooperatives, trade unions, etc.) even after countries become economically viable, that is, self-sustaining with respect to capital assistance on liberal terms.

(7) To insure that the great mass of the people, rather than any privileged minority in the developing countries, are the primary beneficiaries of American assistance, increasing emphasis should be put on expanding the activities of organizations like the AIFLD, AALC, and AAFLI which promote the building of democratic institutions (free trade unions, cooperatives, private local impact projects, etc.)

(8) Military assistance and aid for economic and social development should be separated from each other by legislative enactment.

INDUSTRY DEFENDS THE "COMPLEX"

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. RIVERS. Mr. Speaker you and the Members of the House will recall that on June 12 I spoke on the floor on the subject of the military-industrial complex. It was my purpose at that time to attempt to place in proper context the whole matter of the relationship between our military establishment and our industrial establishment. From comments I have heard since that time I think it quite possible that my efforts were not wasted and that my remarks, at least to some extent, helped in the forming of reasoned judgments with respect to that essential relationship—essential to the Nation's defense—known as the military-industrial complex.

I noted with a great deal of interest and pleasure that Mr. Roger Lewis, president and board chairman of the General Dynamics Corp., considered this whole matter to be of sufficient moment to grant an interview to a writer for the Christian Science Monitor in order that there could be a full and free discussion of the military-industrial complex from the standpoint of the industrialist engaged in the manufacture of military hardware. In my view this showed a certain amount of courage on the part of Mr. Lewis and I congratulate him for that and for the forthrightness of his statements.

The interview between Mr. Lewis and Mr. Martin Skala of the Christian Science Monitor takes the form of a question and answer discussion.

Mr. Speaker, this question and answer exchange on the military-industrial complex appeared in the Friday, July 11, 1969, Christian Science Monitor, and was prominently featured on the first page of the second section of that outstanding and responsible newspaper. I insert in the RECORD this thoughtful and very helpful exchange as one more step toward a realistic and considered appraisal of an inter-relationship without which this country, simply stated, would be unable to maintain its position of world leadership.

Mr. Lewis has done his country a great service. The article follows:

INDUSTRY DEFENDS THE "COMPLEX"

Is there really such a combination of interests as the so-called "military-industrial complex?"

Yes, there is something that can be called a "military-industrial complex." And I am using the word "complex" in the same sense that President Eisenhower used it in his 1961 farewell talk.

What seems to have been forgotten about President Eisenhower's statement back in 1961 is his reference to the fact that "we can no longer risk emergency improvisation of national defense" and have, therefore, "been compelled to create a permanent armaments industry of vast proportions."

A little later, after referring to the "conjunction of an immense military establishment and a large arms industry . . .," he went on to say that "we recognize the im-

perative need for this development." He was not criticizing its existence—he was cautioning against "the acquisition of unwarranted influence . . . by the military-industrial complex."

Of course, there is always an underlying implication that there is some kind of "improper" relationship between the military and industry. That's really what causes the question to be asked. But any analogy between this country and prewar Germany or Japan simply won't stand up. We do not have a strongly centralized government as they did and, further, there are some 40,000 companies doing defense work.

In addition to this, there are the numerous echelons of authority both within the executive branch and within the Congress that must study and approve procurement policies and actions.

And lastly, the whole procurement operation is done through a free-enterprise system. The competition is more severe, the risks are usually greater, and the profits are lower in the defense business than in commercial practice.

Remember that although the government is a customer, it's also a shopper, and it's determined to get the best product for the least money in the shortest period of time. Both our democratic system of government with all of its checks and balances and the highly competitive free-enterprise system of American business ensure the best and most productive relationship between the military and industry.

Have you seen any evidence that the American political system is being subtly altered by large-scale defense spending?

I have seen no such evidence. But it's a good question to raise, because world conditions being what they are defense gets the most money and the most attention and publicity. This is so because it has the biggest and most important job to do.

America has a history and tradition of concern that the military not be dominant in our political life, and it was with this in mind that our founding fathers separated the powers of the government, provided for civilian control of the military, and ensured freedom of speech and freedom of the press.

It is this very climate within which the free-enterprise system can operate so effectively and contribute so greatly to the preservation of the kind of government we have.

Do you believe, as some critics have alleged, that the large defense-oriented corporations have a "vested stake" in perpetuation of the cold war?

No. I do not believe that defense-oriented organizations like General Dynamics have a vested stake in the perpetuation of the cold war. And even if they did have such an interest, the considerations set out in the answer to the first question would prevent this. The Department of Defense devises national strategy and sets requirements. Industry only responds to these requirements.

Consider, too, the number of defense businesses in existence during and after World War II and how many fewer there are today. The situation is very fluid, with businesses coming into the defense area, shifting over to nondefense business, and even going out of business entirely. The record is pretty clear in this respect.

The executive branch determines policy, defense devises the strategy, Congress provides the money, and industry does its job in a tough, competitive atmosphere.

One prominent economist has suggested that the managerial system is being gradually altered because of stringent Pentagon controls over defense spending. Such as the contractual inclusion of "buy America" clauses, wage and overtime guidelines, etc. Is there any validity to this contention?

No, I don't think there is any such alteration. In my opinion, defense contractors are no different from nondefense companies. Both have the same responsibilities to their shareholders, employees, and customers.

However, defense money is public money, and large amounts are involved. The Defense Department is accountable by law and regulation to the President and the Congress and is subject to their constant inquiry. Because the Defense Department is not a customer in the ordinary sense, adequate control and safeguards over its expenditures are certainly in order.

The need is to achieve a balance between the government's requirements as a special customer and sovereign, and management's fundamental need to "run its business" to meet its contractual commitments in its and the government's interest. This is a constant problem, and both sides need to be alert to rules and regulations that could shackle management and prevent timely and wise decisionmaking. There is a great deal which can be done in this area, and the people in charge in the Pentagon are aware of the problem and are struggling manfully with it.

A point to remember is that even those defense contractors who do most of their business with the government don't lose their autonomy, individuality, independence, or—most importantly—their responsibility to perform just because the government is the customer. In the last analysis, the so-called management limitations of the Department of Defense are only very tight *reporting* systems.

How much of a problem is government red tape?

It depends on the kind of "red tape."

No one questions the Defense Department's need for reports to provide visibility as to the status of performance, expenditures, small business participation, and the like. We understand the need and can adjust to it. But reports that serve no useful purpose, including redundant reports, need to be eliminated, and we find the Defense Department receptive to suggestions for doing away with them.

On the other hand, "red tape" which delays decisionmaking by requiring unnecessary approvals of higher authority or a series of such approvals for matters which should be settled at the contracting level does interfere with the timely and proper performance of contract. To this extent it is a problem.

Why do you think there is so much talk about a "military-industrial" complex?

First, I think the Eisenhower statement has a great deal to do with the wide discussion of a military-industrial complex today.

Second, there is a great deal of money involved—public money—which is spent to satisfy man's most basic interests, his personal safety and his country's security.

Third, our history and tradition of civilian control of our government, coupled with the people's realization that other countries have suffered from military-industrial relationships, underlies much of this discussion.

Also, the recollection of the wars of the last 100 years and strong feelings about the conflict in Vietnam contribute to it.

And, lastly, the current controversy over the Safeguard antiballistic missile system provides the trigger for a higher-pitched dialogue on this subject.

All of this public interest, however, is healthy and is to be welcomed. It's a part of our system.

Based upon your experience in industry, are present Pentagon and congressional controls over military procurement practices adequate to prevent waste or malfeasance?

This is really a question of extent and degree. Big defense programs, just like big private business operations, have the built-in problems of size, complexity, and the fact that people are involved. Controls over military procurement are an old story to the Department of Defense and are founded on vast experience. There is a well-established watchdog relationship involved here and any great deviation from sound procurement practices is virtually impossible.

Also, a reading of the daily press, and certainly a reading of the Congressional Record, gives clear proof that waste and malfeasance are matters under constant scrutiny by the Pentagon, the Congress, the General Accounting Office, and other agencies. I think, too, that any further needed laws or regulations can be insured both by this scrutiny and by the publicity which is always given waste and malfeasance by an inquisitive and remarkably well-informed press.

Should the American people be concerned by the large numbers of ex-high-ranking military officers employed by major defense contractors?

I do not believe so, at least if other companies handle the matter as we do at General Dynamics. We have very few high-ranking military people in terms of our total payroll. We are very careful not to hire a military officer unless he has some special technical or organizational skill which we can use in the company in a way which will avoid any possibility of conflict of interest.

We apply the same criteria in selecting such men as we apply to those we hire from industry or in selecting men for promotion within the company.

On the other hand, I believe it is very important that we have the benefit of the specialized knowledge and experience of certain of these men. It is a question of management—how you use the talent and experience of these exceptionally well-qualified people.

I think that the defense industry would be properly criticized if it didn't use the talents of these trained and competent people. I think, further, it would be unfair to deny a man a job just because he had a military background. This really comes down to a question of proper management.

What percentage of General Dynamics' gross income comes from defense related or government contracting? What programs are involved?

Over the past seven or eight years about 80 percent of our total sales have been to the Department of Defense or NASA and 20 percent to commercial customers. We are primarily designers and developers of large weapons systems, such as combat aircraft, nuclear submarines, surface ships, and strategic and tactical missiles. We also build a variety of communications and data handling equipment for all three services.

We are proud of the fact that our company has played a significant role in the development of the first American satellite, the first supersonic bombers, the first nuclear submarines, and the first intercontinental ballistic missiles to be developed in this or any other country.

Are these profits being made by defense contractors way out of line with comparable profits being made by civilian nondefense firms as some critics have alleged?

Yes, profits are out of line.

Recently, an independent study was produced for the Department of Defense by the Logistics Management Institute [LMI]. The study took 18 months and was based on financial data from 65 defense contractors. The subject is so important—and so misunderstood—that I wish I had the space to cover it completely.

A summarization of the LMI Review states: "Despite policy objectives of the procurement system, defense-industry profitability has been in a steady decline. This is not supposition or argument. It is fact."

From 1958 to 1966 defense business profit declined while commercial business profit increased. The summarization points out: "By 1966, net profit after taxes on total capital investment was 6.9 percent for defense business, 10.8 percent for defense contractors' commercial business, and 12.4 percent

for a representative group of nondefense companies."

It's interesting to note that a $1,000 investment in 1957 in a group of mixed companies would have been worth $4,674 at the end of 1966, while the same investment in the primarily defense group would have grown only to $2,265. This same trend has continued in 1967 and 1968, and I see no evidence on the horizon that it's going to change for the better.

This is an unhealthy and potentially dangerous situation. Industry must keep pace with the rapid advances in modern technology, but the cost of maintaining and modernizing plants and acquiring machine tools and other facilities is steadily going up while profits are just as steadily declining.

At some point declining profits and rising prices must result in obsolescense. Obsolescense means deterioration of our mobilization base and, should need for accelerated production arise, greater costs for weapons systems and a slower production rate.

Allegations persist that General Dynamics in part won the F–111 contract because of political factors. What is the truth?

There were no political factors in the award of the F–111 contract. Actually the story is a simple one. Both the Boeing and General Dynamics proposals were reviewed by an evaluation group in the Pentagon. This consisted of 284 military and civilian experts. The final score in this contest was General Dynamics 175.6 and Boeing 172.1. Then the military source selection board took these two scores and attached appropriate weight to the various elements in order to give more emphasis to those of greater importance. After this second review, General Dynamics was again the winner, 662.4 to 654.2.

The board recommended the Boeing design but Secretary McNamara chose General Dynamics. The whole story of this is told on Pages 1911 and 1912 of the TFX contract investigation hearings. It was a close fight and a hard decision, but General Dynamics did win and won on the basis of the better design. I think a better airplane resulted from this tough competition.

What is the future of a heavily defense-oriented corporation like General Dynamics?

No precise predictions can be made about the future of General Dynamics or other companies heavily engaged in defense business. However, there are a number of points that can be made that might be helpful in establishing a framework for thinking about the future of defense-oriented companies.

First, I think that even if events should permit a smaller defense establishment than we have today, the need for excellence in our hardware and the need for keeping not merely abreast but ahead of the rest of the world still be matters of great importance.

The country must always be in a position to adapt itself to a sudden change in the world climate, must have the capability for rapid buildup, the ability to translate its scientific and industrial base into the best hardware in the shortest time.

It's hard for me to visualize a time in the future when it will be possible for the United States to be without an industry capable of producing weapons systems—very likely systems more complex than we have today. I think it's a real possibility that the industry could be—and some say should be—thinned down as the years go on to a fewer number of companies with the largest part of their effort directed to weapons development and production. But there will always be a proper place in the national-defense picture for capable, efficient, and rather specialized companies.

If circumstances do permit smaller military forces in the future and, therefore, a small volume of defense production, this would mean to me only an even more competitive atmosphere in which General Dynamics would work even harder to maintain a high-win rate in defense contracts.

MARLIN-ROCKWELL WORKERS SALUTE MOON LANDING

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. HASTINGS. Mr. Speaker, man has landed on the moon and those three daring astronauts have returned safely to Houston, marking a happy ending to what must be the greatest adventure in all mankind.

Their courage and skill cannot be praised too highly and taking a special pride in their astounding accomplishment are some 1,600 workers of the Marlin-Rockwell Co. plants in Jamestown and Falconer, N.Y., in my home district. They were a part of that massive work force which teamed up to make the landing possible. Their skill and resourcefulness provided the bearings for the mighty engines of the Saturn V which sent the spacecraft aloft and on its historic journey. And through their parent company, TRW, Inc., which employs 60,000 in 164 locations around the world, they had a hand in at least 9 out of 10 other space projects from providing the lunar module descent engine under subcontract with Grumman Aircraft Engineering Corp., to the development of a seemingly miraculous communications system which so enhanced the Apollo 11 mission.

So that others may share my pride in the part they played in the moon landing, I include the following Jamestown Post-Journal article, which tells in detail of their contributions, in the RECORD:

JAMESTOWN-FALCONER PLANTS SUPPLIED "HARDWARE": MRC WORKERS TAKE PRIDE IN MOON PROJECT'S SUCCESS

Hundreds of workers in a local industrial firm can take personal pride in the successful landing of man on the moon since they had a part in manufacturing important "hardware" that went into Apollo 11 engines.

The Jamestown-Falconer plants of Marlin-Rockwell Corp., employing about 1600, also supplied the bearings that went into the engines of Saturn V which lifted the Command Spacecraft and the Lunar Module and sent them on their way to the moon.

In addition the local firm is a division of TRW Inc. which is not only the first firm to build a spacecraft and to be a participant in nine out of 10 space projects, but it also performed eight major roles in the Apollo lunar landing program, according to word from its offices in Redondo Beach, Calif.

Among these was TRW System Group's Science and Technology Division, under subcontract to Grumman Aircraft Engineering Corp. which supplied the Lunar Module Descent Engine that lowered Astronauts Armstrong and Aldrin softly and safely the last 10 miles to the moon's surface.

By controlling the amount and direction of the engine's thrust, varying from 1,050 to 9,850 pounds during the lunar landing, the astronauts were able to break their descent, hover to select a precise landing site and then slowly descend to where no man has ever trod before.

TRW's Equipment Group under subcontract to McDonnell Douglas Corp. also provided the six 150-pound thrust attitude control engines for Saturn V's S–4B third stage. The rockets, a part of the S–4B auxiliary and propulsion system, are mounted in two clusters of three each and may be fired singly or in groups. On the Apollo 11 mission, the engines maintained roll control during the first J–2 engine burn, provided roll, pitch and yaw control in earth orbit and aligned the S–4B stage in earth orbit prior to the J–2 restart, injecting Apollo 11 into translunar trajectory.

At its Houston Operations adjacent to the NASA Manned Spacecraft Center, TRW's System group provided major assistance to the MSC Mission Planning and Analysis Division in the areas of trajectory design and analysis, orbital maneuvers, flight control computer program development, range safety analysis, operational softwear and mission error analysis.

TRW Systems Group's Space Vehicles Division, under contract to NASA's Goddard Space Flight Center, has produced two Test and Training Satellites placed in low earth orbit to check out the Apollo's worldwide Manned Space Flight Network and train the network's operators.

The 44-pound octahedral sate'lites are members of TRW's Environmental Research Satellite series. Test and Training Satellite 1 was launched Dec. 13, 1967, and simulated Apollo spacecraft communications during its four and a half month lifetime. The second test and training satellite was orbited Nov. 8, 1968, and has been used to ready the Apollo network for the Apollo 11 mission.

Four pioneer spacecraft in orbit around the sun and 10 Vela Satellites orbiting the earth, monitoring the sun for signs of major solar flares and other radiation powerful enough to harm an astronaut in space or on the moon, are built by TRW Systems Group's Space Vehicles Division. They are providing NASA with sufficient advance warning to delay a launch or alter an orbit, if necessary.

Among other major roles in the moon-landing program, TRW through its Electronic Systems Division has built for Collins Radio Co., the Signal Data Demodulator System which enhances clear voice communications through advanced techniques during the Apollo missions. Installed at 18 worldwide locations and on board Apollo ships as part of the Apollo S-band communications network, the Signal Data Demodulator handles nearly all forms of information from the spacecraft including telemetry data, in addition to voice communications. Should an emergency occur, SDDS will provide communications via a simple telegraph key.

Marlin-Rockwell of Jamestown, the consolidation of three oldest bearing manufacturers in the country, became a division of TRW Inc. in 1964. TRW today employs more than 60,000 persons in 164 locations around the world.

RETIREMENT OF LT. GEN. WILLIAM F. CASSIDY, CHIEF OF U.S. ARMY ENGINEERS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BLATNIK. Mr. Speaker, I would like to take this opportunity to express my personal best wishes to Lt. Gen. William F. Cassidy, who today will retire as Chief of the Army Engineers. General Cassidy has truly been one of the finest Chiefs of Engineers in the long history of that splendid organization.

Bill Cassidy has been in positions of leadership for many years and he has served his country well. As the Chief of Engineers, he has been charged with the tremendous responsibility for the worldwide military engineering activities of

the Army, including its involvement in Southeast Asia. However, in addition to a military construction program, the Corps of Engineers is the major water resource development agency in our country. And it is in this role that Bill Cassidy excels.

Under Bill Cassidy's leadership, the Corps of Engineers has contributed greatly to the well-being of this great Nation through the water resource development projects. These projects have created vast opportunities for our fellow Americans to live free from devastating floods, to enjoy the vast expanses of water areas and many miles of shorelines for outdoor recreation, and to participate in the economic advantages which accompany water resource development.

Mr. Speaker, on this day, which marks the end of Bill Cassidy's 38 years of military service which began in 1931 when he was commissioned in the Army Corps of Engineers upon graduation from the U.S. Military Academy, West Point, I wish to express the gratitude which I am sure is held by all who have come into contact with him for his able leadership, counsel, and assistance over the years. Bill Cassidy carries with him in his retirement from the corps our warmest wishes for continued health, happiness, and success in the years to come.

TAX-FREE FOUNDATIONS—AN INSULT TO TAXPAYERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. RARICK. Mr. Speaker, the question of tax reform is very much alive at this time, and when we have an opportunity to visit our districts after the middle of the month, we can expect to hear from our constituents on the subject.

A hard look at the gross abuses of tax exemption by some of the foundations is one of the things which our constituents expect of this Congress. There is no way on earth to justify these abuses. Typical of the sort of thing which irritates good Americans beyond words is the gem in tonight's local paper about such charitable contributions as $25 to "aid the blind" by the Wolfson Foundation.

This foundation, with tax-free capital gains of over $340,000—a third of a million dollars—last year, paid out only $10,512 in gifts, grants, and scholarships.

This is the same foundation, Mr. Speaker, which paid Abe Fortas $20,000—and agreed to pay him that same sum every year—to advise the foundation where to distribute its largess. No wonder the American taxpayers are downright angry at such shenanigans.

I include the newspaper clipping:

[From the Washington (D.C.) Daily News, July 31, 1969]

CHARITY BEGINS AT . . .

No wonder foundations are getting a black eye. The Louis Wolfson Foundation of Boston had tax-free capital gains of $348,291 last year. It paid out a grand total of $10,512 in gifts, grants and scholarships. Sample gifts: $25 to "aid the blind"; $48 to Hebrew University; and $50 to the Spadeford Scholarship Foundation. Foundation-watcher Rep. Wright Patman, D-Tex., take note.

GOLD AND THE BALANCE OF PAYMENTS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. GROSS. Mr. Speaker, I have had the privilege of reading as time permitted certain portions of a recently published book entitled "An Enemy Hath Done This." The author of the book is the Honorable Ezra Taft Benson, former U.S. Secretary of Agriculture in the Eisenhower administration.

I was particularly impressed by a chapter in the book which bears the heading of "Gold and the Balance of Payments." Here Mr. Benson sets forth clearly the manipulations of our monetary system and foreign policies that have brought us now to the brink of disaster.

This is a subject that vitally affects the lives and fortunes of all Americans yet it is a subject which all too few understand. It is in the hope that more of our citizens and taxpayers will read and profit therefrom that I include the following excellent chapter from Mr. Benson's book in the RECORD:

GOLD AND THE BALANCE OF PAYMENTS

"Manifestly nothing is more vital to our supremacy as a nation and to the beneficent purpose of our Government than a sound and stable currency. Its exposure to degradation should at once arouse to activity the most enlightened statesmanship, and the danger of depreciation in the purchasing power of the wages paid to toil should furnish the strongest incentive to prompt and conservative precaution." (President Grover Cleveland, Inaugural Address, March 4, 1893)

An entire volume could be written on the present dilemma we now find surrounding the nation's unfavorable international balance of payments and the dwindling gold supply.[1] The highlights of these problems, however, and the sequence of events that led up to them are here summarized:[2]

1. The root of all evil is money, some say. But *the root of our money evil is government.* The very beginning of our troubles can be traced to the day when the federal government overstepped its proper defensive function and began to manipulate the monetary system to accomplish political objectives.[3] The creation of the Federal Reserve Board made it possible for the first time in America for men arbitrarily to change the value of our money. Previously, that value had been determined solely by the natural interplay of (1) the amount of precious metals held in reserve, (2) the value men freely placed on those precious metals, and (3) the amount of material goods which were available for sale or exchange.

2. One of the first arbitrary and politically motivated interferences with the natural value of money was to peg the price of gold at $35.00 per ounce. At first, this made little difference because it was quite possible for men to mine gold profitably at this price. But as the government moved into a program of deficit spending, the motivation for fixing the price of gold became obvious. The artificial increase of the money supply caused the value of each dollar to decrease in relationship to the total supply of material goods which that dollar could purchase. This relative decrease in purchasing power, of course, is known as inflation. But, if gold were not held by law at a fixed price, then its value would have risen in direct proportion to the artificial increase in paper money, and as long as gold was guaranteed backing behind each dollar, the government wouldn't have been able to benefit one iota from deficit spending. The whole process would have been a bookkeeping operation similar to that of a corporation with assets of $100,000 suddenly doubling its number of stock-shares. Since the assets would increase, the *value* of each share simply would be cut in half. But, if the corporation somehow could force by law all persons to purchase each new share at the same price as the old, then it could realize a tremendous profit through sale of the new issue. This is exactly the kind of fraudulent practice that was and is perpetrated on the American people by forcing the price of gold to remain at $35.00 per ounce.

3. The natural result of this con game was that the mining of gold gradually came to a halt. Actually, the *real* cost of mining, due to technological advances, has decreased, but the cost *in terms of inflation-ridden dollars* has increased to approximately twice the artificially set level.

4. With practically no new gold moving into the Treasury to keep pace with the expanding paper money supply, it was essential for the government manipulators to have the nation go off the gold standard; that is, to remove gold as a guaranteed backing. The dollar was "cut loose" from gold by 75 percent. In other words, for every $1.00 of paper money, only 25 cents worth of gold is now legally required to back it. It is important to note, however, that Americans are not permitted to cash in their dollars for even that token amount. And if gold cannot be obtained in exchange for paper bills, then it is not really "backed" by gold at all. To say that it is, is merely to deceive oneself. The 25 percent so-called backing of gold is merely a bookkeeping ledger account designed to sustain the people's psychological confidence in and acceptance of our money system.[4]

Since there was no way for the federal government to *force* foreign investors to accept American dollars, or international credits based upon American dollars, and since they surely would not do so if there was no gold to back it, the new law applied only to American citizens. That's right, Americans were forced by their government to abandon any claim to gold behind their paper dollars

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[1] "All the perplexities, confusions, and distresses in America arise, not from defects in the Constitution or confederation, not from want of honor or virtue, as much as from downright ignorance of the nature of coin, credit, and circulation." (John Adams, *Works* 8: 447)

[2] "If we could first know *where* we are, and *whither* we are tending, we could then better judge *what* to do, and *how* to do it." (Abraham Lincoln, June 16, 1858; *Collected Works* 2: 461)

[3] "Gentlemen, it is the *currency,* the currency of the country,—it is this great subject, so interesting, so vital, to all classes of the community, which has been destined to feel the most violent assaults of executive power. The consequences are around us and upon us. Not unforeseen, not unforetold, here they come, bringing distress for the present, and fear and alarm for the future . . . its object was merely to increase executive power." (Daniel Webster, March 15, 1837; *Works* 1: 362)

[4] "They that can save up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." (Benjamin Franklin, *Familiar Quotations,* p. 226).

but foreign holders of these dollars are still entitled to "cash in" for gold if they wish—and at the full price, too.

5. Sensing that American paper money was now literally "worthless," many people began to put their savings into gold itself. If allowed to continue, this might have led to a parallel monetary system dealing in the private exchange of gold or credits against gold instead of government paper money. So the next step for the government manipulators was to make it illegal for Americans even to own gold. People of other nations may demand and receive gold bullions from Fort Knox for whatever American money they hold, but our own citizens are not permitted even to own an ounce of gold, except in the form of jewelry, art objects, or a few rare collectors' coins.

6. During and since World War II, our leaders in Washington have seen fit to give away to other nations over $130 billion dollars. (*U.S. News and World Report*, August 15, 1966, p. 46) According to *Information Please World Almanac*, this is approximately $25 billion more than the total assessed valuation of all land and personal property in the 50 largest cities of the United States. Much of this money has found its way back to our country, not in the form of purchases for American goods, but in the form of international credits which can at any time be converted into demands for gold.

7. Through a continued policy of giving away money to other countries, through gigantic military expenditures in other lands to supposedly protect them against aggression, through building up foreign industries to where they can compete effectively with our own industries (which not only pay higher labor costs, but also pay the taxes used to build up their foreign competitors), our leaders have finally brought us to the position where we no longer have enough gold left to pay off our solemn promise to foreign holders of U.S. dollars. Out of approximately $13 billion total gold stock, about $9 billion is required by law to back up our domestic money supply, and about $4 billion is left to meet claims of foreigners. But—and mark this well—the claims held by foreigners against this supply are already in excess of $29 billion and rising rapidly! Even counting *all* the gold—including that which supposedly is held as reserve against our domestic money supply—there is more than twice as much claim by foreigners than ability to pay. Internationally, we are bankrupt! (*U.S. News and World Report*, July 12, 1965, p. 39, and October 17, 1966, p. 63)

8. The pending economic crisis that now faces America is painfully obvious. If even a fraction of potential foreign claims against our gold supply were presented to the Treasury, we would have to renege on our promise. We would be forced to repudiate our own currency on the world market. Foreign investors who would be left holding the bag with American dollars would dump them at tremendous discounts in return for more stable currencies or for gold, itself. The American dollar both abroad and at home, would suffer the loss of public confidence. If the government can renege on its international monetary promises, what is to prevent it from doing the same on its domestic promises? How really secure would be government guarantees behind FHA loans, Savings and Loan Insurance, government bonds, or even Social Security?

Even though American citizens would still be forced by law to honor the same pieces of paper as though they were real money, instinctively they would rush and convert their paper currency into tangible material goods which could be used as barter. As in Germany and other nations that have previously traveled this road, the rush to get rid of dollars and acquire tangibles would rapidly accelerate the visible effects of inflation to where it might cost $100 or more for a single loaf of bread. Hoarded silver coins would begin to reappear as a separate monetary system which, since they have *intrinsic value* would remain firm, while printed paper money finally would become worth exactly its proper value—the paper it's printed on! Everyone's savings would be wiped out totally. No one could escape.[5]

One can only imagine what such conditions would do to the stock market and to industry. Uncertainty over the future would cause the consumer to halt all spending except for the barest necessities. Market for such items as TV sets, automobiles, furniture, new homes and entertainment would dry up almost overnight. With no one buying, firms would have to close down and lay off their employees. Unemployment would further aggravate the buying freeze, and the nation would plunge into a depression that would make the 1930's look like prosperity. At least the dollar was sound in those days. In fact, since it was a firm currency, its value actually went *up* as related to the amount of goods which declined through reduced production. Next time around however, the problems of unemployment and low production will be compounded by a monetary system that will be utterly worthless. All the government controls and so-called guarantees in the world will not be able to prevent it, because every one of them is based on the assumption that the people will continue to honor printing press money. But once the government, itself, openly refuses to honor it—as it must if foreign demands for gold continue—then it is likely that the American people will soon follow suit.

This, in a nutshell, is the so-called "Gold Problem." It's no wonder that our leaders who have gotten us into this mess don't talk about it very much, except to show the proper amount of public concern, and to assure us from time to time that they are "watching the situation closely."

The question that is uppermost in the minds of everyone familiar with the foregoing facts is "How can we prevent this from happening?" The honest answer is, "We can't!" Like the drunkard at the end of a weekend spree, there is no way in the world to avoid the inevitable "morning after." We have been feeling the exhilarating effects of inflation and have become numbed to the gradual dissipation of our gold reserves. In our economic stupor, when we manage to think ahead about the coming hangover, we have merely taken another swig from the bottle to reinforce the artificial sensation of prosperity. But each new drink at the cup of inflation, and each new drain on the gold supply of our body strength does not prevent the dreaded hangover, it merely postpones it a little longer and will make it that much worse when it finally comes.

What should we do? *We should get a hold on ourselves, come to our senses, stop adding to our intoxication and face the music!*

I realize this is an extremely unpopular answer. There are those—particularly among the government manipulators who endorse the polices that have brought us to our present unhappy state—who would have us believe that, somehow, if we just do a little *more* manipulating of our money, possibly even set up a world monetary system through the U.N., then we can avoid having to pay the fiddler; or, to be more precise, to pay the bartender. But such proposals are merely more of the same con game against the American people, and would not only fail to solve our economic problems, but could lead us into surrendering our economic independence as a nation to the dictates of a majority block in the U.N. which, conceivably, would be less interested in our recovery than in exploiting our misery.

No, there is no "happy" solution to our problems, but, if left to our own resources, the productive genius that is the product of the free enterprise system, coupled with the initiative and drive of the American people, can successfully lead us through the trying readjustment period that lies ahead, and then on to higher levels of *real* prosperity and security than we have ever known.

While politicians will continue to insist that our economy is not in the slightest danger, lest they be accused of being "negative," or "spreaders of doom," there is a sound and realistic course of action that we can follow to prepare for the coming readjustment period and to lessen the shock. As a nation, we must stop giving away money to foreign nations as though we had it. We should demand repayment of our loans to other countries—especially those, like France, which are making the heaviest demands upon our gold supply. We should cease giving them our gold until they pay their debts to us. We must stop the federal government from deficit spending, and begin immediately to pay off the national debt in a systematic fashion. This, of course, means increasing taxes *or* decreasing the size of government. It is doubtful that the American people can absorb more taxes without further injuring the productive base of our economy, but there is no doubt that government can be reduced without any such risk.

The price of gold must be allowed to seek its own level without artifical government restraint. Americans should be given back their freedom to own gold if they wish. Just as soon as the mining industry is able to respond to the higher price of gold and begins to extract it from the earth once again, it should be exchanged for 100 percent gold-redeemable paper dollars from the Treasury payable upon demand to *anyone* who holds these dollars. Make it known that the federal government eventually will offer the same conversion privilege to holders of the present Federal Reserve Notes just as soon as the acquisition of gold bullion and the repayment of the national debt makes it possible.

So much for the nation. As individuals there is also much that can be done to lessen the shock. *The first and most obvious step is to get out of debt if it is at all humanly possible.* We have lived in an atmosphere of inflation for so long that many people now accept the benefits of permanent debt as a firm law of economics. But if inflation runs its full course and drops over into depression with little if any *real* income for millions of workers, the country may well have to start over with a brand new currency which will be in extremely short supply to pay off those existing debts. Even in times of economic stability it is sound practice to live within one's income and avoid unnecessary debt. Such practice is doubly sound in times like these.

Each of us should make every effort to become economically independent, at least within the family unit. Avoid looking to government for handouts or future security. Again, this is not only good practice in normal times, but especially important today. A government which is unable to pay its own bills can hardly be depended upon to pay yours.

[5] "I have already endeavored to warn the country against irredeemable paper; against the paper of banks which do not pay specie for their own notes; against that miserable, abominable, and fraudulent policy, which attempts to give value to any paper, of any bank, one single moment longer than such paper is redeemable on demand in gold and silver. . . . We are in danger of being overwhelmed with irredeemable paper, mere paper, representing not gold nor silver; no, Sir, representing nothing but broken promises, bad faith, bankrupt corporations, cheated creditors, and a ruined people." (Daniel Webster, February 22, 1834; *Works*, 3:541-2)

Finally, when the going gets rough, we mustn't rush to Washington and ask Big Brother to take care of us through price controls, rent controls, guaranteed jobs and wages.[6] *Any government powerful enough to give the people all that they want is also powerful enough to take from the people all that they have.* And it is even possible that some of the government manipulators who have brought us into this economic crisis are hoping that, in panic, we, the American people, literally will plead with them to take our liberties in exchange for the fake promise of "security."[7] As Alexander Hamilton warned almost 200 years ago: "Nothing is more common than for a free people, in times of heat and violence, to gratify momentary passions by letting into the government principles and precedents which afterward prove fatal to themselves." (*Alexander Hamilton and the Founding of the Nation* [The Dial Press], p. 21) Let us heed this warning. Let us prepare ourselves for the trying time ahead, and resolve that, with the grace of God and through our own self-reliance, we shall rebuild a monetary system and a healthy economy which, once again, will become the model for all the world.[8]

GOOD PROGRESS FOR PENNSYLVANIA

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

NEWS RELEASE BY COMMONWEALTH OF PENNSYLVANIA, GOVERNOR'S OFFICE, JULY 29, 1969

Gov. Raymond P. Shafer announced today that more Pennsylvanians were employed during the month of June than at any time in history.

The Governor said an increase of 82,400 jobs over May brought the June employment total to 4,884,900, some 55,900 above the previous high established in June a year ago.

Noting that the current employment total is "almost a half million higher than it was for the same month five years ago," the Governor added:

"This remarkable increase is due largely to the great numbers of new and expanded industries now locating in Pennsylvania because of its favorable industrial tax climate as well as the industrial development program carried on by PIDA."

At the same time, the Governor said the average hourly and weekly earnings for production workers in all manufacturing industries also hit new highs in June for the fifth consecutive month—$128.39, up $1.04 over May.

"This figure is $8.10 higher than it was in June of last year," he added.

"A seasonal gain of 35,500 jobs from mid-May to mid-June sent non-manufacturing employment to 2,796,800—another all-time record.

"In addition, factory employment increased 23,800 to a mid-June total of 1,579,500, or 149,400 higher than it was in Pennsylvania five years ago."

The Governor said an additional 508,600 persons were either working on farms, were self-employed or listed as domestic workers during the month.

Although unemployment increased to 164,000 during the month because of the entry into the labor market of students seeking part or full-time jobs, the unemployment rate for the month stood at 3.2, the lowest for any June on record.

PRICE SUPPORT FOR MILK

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. OBEY. Mr. Speaker, last week I received a letter from the Office of Secretary of Agriculture Clifford Hardin indicating that the price support for milk will not be raised at the present time.

The letter was in response to one I sent to Secretary Hardin in early July asking that the price support level for manufacturing milk be raised to the full 90 percent of parity.

I was very disappointed by the reply from the Secretary's office, because it indicates to me that the Secretary is not aware of the real possibility which exists in this country for a severe milk shortage.

In my letter to Secretary Hardin, in which I was joined by Congressmen GONZALEZ, KASTENMEIER, and STRATTON, I pointed out that the milk production in May of this year was the smallest May production in 30 years, including a drop in the production in Wisconsin of 2 percent and a drop in Minnesota of 5 percent. Furthermore, as I said at that time:

The downward production of milk, the increase in fluid sales and the culling of herds could put this nation on a collision course which will lead to a severe domestic shortage of milk unless support prices are increased to 90% of parity.

The only way to insure an adequate supply of milk and other dairy products is to assure our farmers that they will receive a fair return for their investments. Increased costs to our dairy farmers has caused the price of manufacturing milk as a percentage of parity to decline from 89.5% in April, 1968, to 83% in April 1969, and this has dropped even further in May and June. Only an increase in the price support level to 90% will indicate to the dairy farmer that it is worth his while to continue his operations in the dairy business, and assure the American consumer of an adequate supply of milk in the future.

The increasing awareness that considerable malnutrition and hunger exist in our country is still another reason for us to make sure that we have an adequate supply of milk. President Nixon's Urban Affairs Council recommended an increase in Federal spending of at least $1 billion in the next four years to attack the problem of hunger and malnutrition. Certainly one of the best ways to increase the nutritional level of our citizens is to increase the amount of dairy foods in their diet, a goal which would be impossible unless the downward production of milk is reversed.

In response to my letter, I received a reply from Mr. Clarence Palmby, Assistant Secretary of Agriculture for international affairs and commodity programs.

In his letter, Assistant Secretary Palmby says:

The key factor now is the declining consumption of fluid whole milk, cream, and butter.

Although he cites figures indicating the per capita consumption of milk has declined, I would like to point out that it was, in part, because the consumption of fluid milk seems to be increasing that I felt it necessary to write to Secretary of Agriculture Hardin in the first place.

In my letter to the Secretary in July, I pointed out that total class I sales for April 1969, in 60 Federal marketing order areas was 1.5 percent above April sales of last year, and producer deliveries used in class I during the first 4 months of 1969 were 2.3 percent above such use during the same period a year ago. The most recent figures released by the USDA indicate that this trend of increased consumption is continuing.

According to the July 1969, issue of "Federal Milk Order Market Statistics," the volume of producer deliveries used in class I in 58 markets increased 2.8 percent from last year, and the volume of producer deliveries used in class I during the first 5 months of 1969 are 2.4 percent above such class I use during the same period in 1968.

Assistant Secretary Palmby also indicated in his letter that with an increase in price supports, the consumption of milk would decrease and CCC purchases would become larger. I contend, Mr. Speaker, that if price supports are not raised soon, we face the possibility of a shortage of milk in the future, and in that case, prices will rise significantly above levels which may occur with a price support increase.

Although the Assistant Secretary's letter said the Department of Agriculture has "been carefully studying developments in the dairy situation, with special attention to prices received by farmers, dairy farm income, and the trends in the number of producer and milk production," unfortunately, he in no way comes to grips with the problem of a constantly decreasing number of dairy farmers and a decline in the production of milk.

Mr. Speaker, there is a feeling among many people that the decline in the num-

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[6] "When the people are encouraged to turn to government to settle all of their problems for them, the basis for all revolutions is thereby established. For then the people expect the government to provide them with all of the material things they want. And when these things are not forthcoming, they resort to violence to get them. And why not—since the government itself has told them that these responsibilities belong to government rather than to them? I am convinced that a revolution would not be possible if the only relationship between government and the people was to guarantee them their loyalty and security." (Frederic Bastiat, quoted in *American Opinion*, February 1968, p. 22)

[7] "Though liberty is established by law, we must be vigilant, for liberty to enslave us is always present under that very liberty! Our Constitution speaks of the 'general welfare of the people.' Under the phrase all sorts of excesses can be employed by lusting tyrants to make us bondsmen." (Cicero, quoted in *A Pillar of Iron*, p. 512)

[8] "No duty is more imperative on . . . Government, than the duty it owes the people, of furnishing them a sound and uniform currency." (Abraham Lincoln, December 26, 1839; *Collective Works* 1:164)

ber of dairy farmers has abated since the steep declines we suffered in 1966. This is not the case.

In my own State of Wisconsin, 4,338 dairy farmers stopped farming from May 1966, to May 1967. From May 1967, to May 1968, we lost 3,295 dairy farmers and in the past year, from May 1968, to May 1969, an additional 3,298 farmers left dairying.

The dairy farmers in my district are disturbed and discouraged. They want some indication from the U.S. Department of Agriculture that there is a good reason for them to stay in the dairy business. This indication has yet to come from the new administration.

Two weeks ago—4 days after I wrote to the Secretary of Agriculture, and 5 days before Assistant Secretary Palmby's letter was sent to me—the Secretary's own Department reported that June milk production in the United States was down from the preceding year—for the 28th consecutive month.

Although I certainly do not want to sound like an alarmist, a question can legitimately be raised as to how long we can reasonably expect to meet the needs of a growing, and in some cases undernourished, population with these continuous declines in milk production.

During the past few months we have seen milk prices moving up—an inevitable result of supply and demand. In my opinion, this price increase alone is not enough to prompt dairymen to reverse the present downward trend in milk production. It is not enough, because it gives the dairy farmer no long-term assurance that he will continue to get an adequate return for his investment and labor.

As all of us concerned about dairy farming know, one of the significant factors today in dairy planning is the current price of beef. Dairy farmers must decide whether they are better off economically if they raise their herd replacements or sell them off for beef. Some dairy herds are being sold, because dairymen believe they will be money ahead if they sell rather than milk their herds.

And, once this is done, there is no turning back. For, while a herd can be disposed of overnight, it takes 3 years to complete the full biological period from conception of a calf to it becoming a producer of milk.

Dairy farmers, therefore, cannot rely on short-time price changes for their long-range planning. They must have confidence that it will pay them to milk cows in 1970, 1971, and 1972, and beyond.

It is for this basic reason that I have urged Secretary of Agriculture Hardin to increase dairy price supports to the maximum permitted by law. Price support increases would give some assurance that we as a nation are concerned about having an adequate supply of dairy products in the future.

Without this encouragement, and with the present price of beef to lure them out of dairying, dairy farmers are hesitant about expanding or even maintaining present production.

Mr. Speaker, I am including in the RECORD for the benefit of my colleagues, a copy of my letter to Secretary Clifford Hardin, and the reply I received from Assistant Secretary Palmby:

JULY 1, 1969.

HON. CLIFFORD HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: On April 1st this year you declined to make any change in the price support level for manufacturing milk. At that time you noted that total milk production has been running slightly below a year earlier. You also said that you would "keep developments in production, consumption and price support purchases under continuing review in the months ahead . . ."

Developments in these areas since April convince me that there ought to be an increase as soon as possible in the support price to the full 90% of parity, which would be about 35 cents a hundredweight higher than the present support level of $4.28.

According to the May issue of "Milk Production," published by the USDA, U.S. milk production in May was 11.1 billion pounds, 2% less than a year earlier and *the smallest May production in 30 years.* This included production losses in 4 of the 5 largest milk producing states, including a 2% drop in Wisconsin and a 5% drop in Minnesota, the two largest milk producing states in our nation. Nationally there was a 2.2% drop in production from January to May from a year ago, and in Wisconsin the drop was 3.61%.

Although these figures follow the decline in production which began in 1964, total Class I sales for April 1969 in 60 Federal marketing order areas was 1.5% above April sales of last year. Furthermore, producer deliveries used in Class I during the first 4 months of 1969 were 2.3% above such use during the same period in 1968.

In addition to the downward trend of milk production and the increase in consumption of fluid milk, farmers are being faced with increasing incentives to cull their herds. Beef cattle prices rose 8% during the month ending May 15, as compared to the period last year. And, according to "Dairy Situation," the slaughter value of milk cows was up sharply in the first quarter of 1969.

The downward production of milk, the increase in fluid sales and the culling of herds could put this nation on a collision course which will lead to a severe domestic shortage of milk unless support prices are increased to 90% of parity.

The only way to insure an adequate supply of milk and other dairy products is to assure our farmers that they will receive a fair return for their investments. Increased costs to our dairy farmers has caused the price of manufacturing milk as a percentage of parity to decline from 89.5% in April 1968 to 83% in April 1969, and this has dropped even further in May and June. Only an increase in the price support level to 90% will indicate to the dairy farmer that it is worth his while to continue his operations in the dairy business, and assure the American consumer of an adequate supply of milk in the future.

This is one area also in which the consumer has as much at stake as those in agriculture. If the price support level is not set at a point which will keep farmers in the dairy business, then short supplies will increase consumer prices well above levels that might evolve as a result of an increase in the support price.

The increasing awareness that considerable malnutrition and hunger exist in our country is still another reason for us to make sure that we have an adequate supply of milk. President Nixon's Urban Affairs Council recommended an increase in Federal spending of at least $1 billion in the next 4 years to attack the problem of hunger and malnutrition. Certainly one of the best ways to increase the nutritional level of our citizens is to increase the amount of dairy foods in their diet, a goal which would be impossible unless the downward production of milk is reversed.

For those of us concerned about the future of dairy farming, trends of the past few years are not encouraging. Young men are leaving farms for better paying jobs in urban areas; farmers find it increasingly difficult to obtain the substantial capital investment needed for today's modern and efficient dairy farm; and milk cow numbers continue to decline.

The objectives of our farm programs are to maintain production and stabilize farm income in a fair relation to the other sectors of the economy. We must use the price-support mechanism to encourage those who want to fight these forces which seem to be enhancing the continued decline in the number of persons involved in dairy farming.

In April 1968 the price support for milk closely approached its maximum legal limit of 90%. I urge you to raise our support price to this level again. It will give encouragement to our nation's dairy farmers, and is something which is truly in the national interest.

Sincerely,

DAVID R. OBEY,
Member of Congress.
HENRY B. GONZALEZ,
Member of Congress.
ROBERT KASTENMEIER,
Member of Congress.
SAMUEL STRATTON,
Member of Congress.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 16, 1969.

HON. DAVID R. OBEY,
House of Representatives.

DEAR MR. OBEY: This is in response to your letter of July 1, recommending an increase in the support price for manufacturing milk.

We have been carefully studying developments in the dairy situation, with special attention to prices received by farmers, dairy farm income, and the trends in the number of producers and milk production.

While increasing demand for cheese and skim milk products is a favorable development, the key factor now is the declining consumption of fluid whole milk, cream, and butter. Currently, annual per capita consumption of milk and cream is at a record low of 262 pounds. This rate has declined each year since 1961 when it was 349 pounds.

Recent price increases to producers as a result of market forces are encouraging. The market is allocating productive resources more effectively than with market prices at the support level. Declining production has resulted in higher prices for milk to farmers this year than last year in nearly all areas. The U.S. average price of manufacturing milk in June, adjusted for seasonal fat test, was $4.42 per hundredweight. This was 17 cents above a year ago and 14 cents above the current support and the highest U.S. average price for the month since the present dairy price support program started in 1949.

Commodity Credit Corporation price support purchases are still sizable. From April 1 through June 30 we removed from the market about 90 million pounds of butter, 18 million pounds of cheese, and 118 million pounds of nonfat dry milk. An increase in the support price for manufacturing milk would further discourage consumption of milk and dairy products and result in larger CCC purchases. This we want to avoid if at all possible.

Cash receipts by farmers from sales of milk and cream are showing a favorable upward trend. They have increased substantially in recent years as the price rise has more than offset the decrease in marketings. Total cash receipts in 1969 probably will reach 6.10 billion dollars, compared with 4.21 billion dollars in 1955, 4.76 billion in 1960, and 5.74 billion in 1967.

We will carefully watch further developments in the situation.

Sincerely yours,

CLARENCE D. PALMBY,
Assistant Secretary.

CBW REVIEW: FACT OR FICTION

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. McCARTHY. Mr. Speaker, on June 17, 1969, President Nixon directed that the executive branch undertake a detailed review of chemical and biological warfare, including the U.S. position on arms control and the question of ratification of the 1925 Geneva protocol banning first use of gas and germ warfare. In a letter to me, Mr. Gerard Smith, Director of the Arms Control and Disarmament Agency, explained that present and possible alternative policies are to be fully examined.

I welcomed this announcement. This executive branch review marks the first time that chemical and biological warfare policies and practices have been given a comprehensive review at the top level of Government for many years. This review offers the opportunity for the executive branch, Congress, and the people of the United States to reevaluate our approach to these particular forms of warfare. And in my opinion we can fully examine and possibly change a number of inconsistencies between our professed policies and our actual practices.

The Federal departments and agencies involved with chemical and biological warfare are now preparing position papers and analyses of our policies for consideration by the National Security Council. There undoubtedly will be differences of opinion that will have to be resolved by the National Security Council and ultimately President Nixon. The long-established procedure in our Government in reviews of this type is to resolve differences of views within the executive branch before recommending a national policy. In keeping with this practice, most Federal departments are now replying to questions concerning chemical and biological warfare policy by pointing out that the policy is under review. They further point out that it would be inappropriate to comment on these policies until the review is completed.

I was surprised, therefore, to learn that Secretary of Defense Melvin Laird on July 28, 1969, had made a strong statement in support of our present chemical and biological warfare policies. He was quoted as saying that the best way to make sure the United States is not the victim of chemical or biological weapons is for it to have its own such weapons as a deterrent. He is further quoted as saying that his own conclusions were that the United States must continue to develop offensive chemical and biological weapons. And he added:

We do not have the capability of the Soviet Union in this (gas) area. They have much greater stocks than the United States.

Although Secretary Laird said that he did not want to prejudge the results of the executive branch review, this is precisely what he has done. By publicly stating his opinions at this time, he cannot help but influence those within the Department of Defense as well as other departments who are now working on this review.

As the Secretary of a department his opinions will influence the conclusions arrived at by his subordinates. And it will have the effect of stifling new ideas and new approaches that might be put forward by other agencies. It also places President Nixon in the position of having to refute his Secretary of Defense should he choose to adopt a different policy from that stated by Secretary Laird.

I find this premature statement by Secretary Laird inexcusable. It raises a serious question as to whether the executive branch review of chemical and biological warfare is fact or fiction. Secretary Laird's statement seems to preclude the possibility of serious rethinking of new approaches.

In my opinion, much of the Department of Defense's thinking on chemical and biological warfare is a product of the prenuclear age. It has not undergone the rigorous analysis necessary to move from a pre-World War II and World War I approach to these weapons to one fitting the modern era. This thinking, at least in the Department of Defense, flies in the face of our announced position at the United Nations—that we fully support the principles and objectives of the Geneva protocol banning first use of chemical and biological warfare.

I would hope that Secretary Laird has the good sense to clarify his position. I would like to know whether in fact he has an open mind regarding the present review of our policies in this field. His failure to do so cannot help but call into question the final results of the review.

THE EXPORT CONTROL ACT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. ASHBROOK. Mr. Speaker, in 1949 Congress enacted the Export Control Act which restricted the export to the Soviet Union of key items of trade which would help implement the aggressive policies of that country. As other nations of Eastern Europe fell under the influence of the Soviet Union, the restrictions of the act were extended to them. For 20 years now this legislation has placed restrictions on a very important weapon of international economic warfare, but presently, for a variety of reasons, attempts are now being made to liberalize commercial arrangements with the Communist countries.

The Export Control Act will expire on August 31 of this year, and in all probability there will be a short extension before that date to continue the act in force. The main vehicle for liberalizing our trade policies with Communist countries is S. 2696, the Export Expansion and Regulation Act, which will soon be considered by the Senate. Among other things, S. 2696 would establish an export expansion commission of 15 members appointed by the President. The majority report on S. 2696 states:

Special emphasis would be placed by the Commission on promoting trade with the nations of Eastern Europe and the Soviet Union (where U.S. trade is only a fraction of that engaged in by our allies) as well as other countries eligible for trade with the United States but not significantly engaged in such trade.

The report also states:

The attitude apparent in the language of the Export Control Act is one of open hostility, which is an accurate reflection of the prevailing attitude 20 years ago. The committee believes that it will be helpful in the attempt to reach greater understanding with Russia and the nations of Eastern Europe if the legislation which deals with the regulation of exports accurately reflects current attitudes rather than ones which prevailed 20 years ago.

This, in a nutshell, is the thinking behind S. 2696, and in my estimation it is dangerous and unrealistic. The first anniversary of the occupation of Czechoslovakia by Soviet and other Communist troops is less than a month away, and one wonders how we can "reach greater understanding" by an increase in trade with regimes whose policies are nothing short of international banditry.

In the last Congress over 120 Members of the House, divided almost equally among both parties, cosponsored legislation which would establish a House select committee to review our trade policies, especially with Communist countries. The need for such a reevaluation of our policies in this area are readily apparent. When one considers that Ho Chi Minh could not have carried on his aggression adequately against the people of South Vietnam without the active support of the Soviet Union, it is reasonable to ask just how much different are conditions today between the Communist regimes and the free world than they were 20 years ago. Just ask the American flyers who had to face the withering fire of Soviet antiaircraft guns over North Vietnam. I am sure they would be hard pressed to discern a mellowing of Soviet policies in the direction of world peace.

Senators WALLACE BENNETT and JOHN TOWER submitted minority views in opposition to S. 2696 which present a number of compelling arguments. Their views on this important piece of legislation are worthy of consideration, and for this reason I insert them in the RECORD at this point:

MINORITY VIEWS OF MESSRS. BENNETT AND TOWER

We agree that legislative authority should be continued to provide for export controls

for reasons of national security, foreign policy, and domestic short supply. However, we support a straight extension of the existing Export Control Act and oppose the bill reported by the majority.

Over the years, the existing legislation has proven to be very effective in protecting the national interests. Time and time again, it has shown its adaptability to changing world conditions. We believe it would be extremely unwise to introduce into this legislation which has as its main purpose providing necessary *control* authority, another completely different and opposite concept of *trade expansion*. Other legislation covering tariffs, export credit, and trade promotion is much more appropriate for dealing with trade expansion. In attempting to have this bill provide for control while also urging trade expansion, what has resulted is a misleading bill from its title throughout most of the new provisions covering export control policies and procedures.

REQUIREMENTS COSTLY AND UNNECESSARY

The bill interposes a number of requirements in the administrative area which we believe to be unnecessary, burdensome, and costly for the Government. These requirements include organizational and procedural changes by the Secretary of Commerce and extensive review of the complete export control list by the Department of Commerce, frequent notification and detailed explanation to the Congress of routine exceptions authorized by the bill, a continuing review of reporting and documentation requirements together with detailed statements to the Congress of action taken and a burdensome requirement that extensive information be provided to exporters throughout the Department's consideration of licensing applications. In addition, the bill establishes a new Presidential Commission on Export Expansion which would, to a considerable extent, duplicate work already being carried on by established organizations and would thereby confuse rather than assist the export expansion program.

The bill requires the President to include a detailed statement of his action, if he restricts exports without making the determination, that comparable goods are not available elsewhere or that the exports would make a significant contribution to the military potential, which would prove detrimental to the national security of the United States. Even though as an exception, the President is granted the authority to restrict in the interest of national security, any commodity or technology as long as he reports such action to the Congress, the effectiveness of those administering the Act is bound to be inhibited by these changes. Exporters and representatives of other governments will read as significant change into the language of the bill and bring additional pressure to bear for reduction in controls on critical items and for approval of questionable export applications.

At best, the bill will be confusing to exporters, cause significant difficulties in administration and stimulate troublesome court challenges. Further, it will give an unwarranted signal to the Soviet Union that we intend to make our advanced industrial goods more readily available now, even though they have demonstrated no real desire for improved relations between East and West. In fact, last year's Czechoslovakian invasion stands as strong evidence against any such interest.

At worst, the bill could result in undue weakening of export controls with attendant risk to our national security.

THREAT TO NATIONAL SECURITY MINIMIZED

The proposal which would replace the present Export Control Act is based on the assertion that factors, which brought about the enactment of the Export Control Act no longer exist. We cannot agree with such an assertion.

It is suggested that we are now living in an era in which the Soviet Union presents a reduced threat to the security of the United States. We find no evidence that such a new era has been ushered in. In fact, we consider the Soviet Union as a much greater threat to the security of the United States than it was when the Export Control Act of 1949 was passed. While the majority denies this, it is interesting to note it admits, that the Soviet economy was undergoing a real struggle to provide the barest necessities because of the ravages of war when the Export Control Act was enacted in 1949, and goes on to claim that the Soviet economy has now become one of the most self-sufficient on earth. We do not feel it necessary to argue over the validity of that claim because of the differences in the consumption patterns and standards of living of various countries. But we fail to see any logic in the majority conclusion, that such an economy provides less of a threat to this Nation, than one which had a real struggle to provide the barest of necessities. We also point to the relative military capabilities of the United States and the Soviet Union in 1949 as compared with the present. Thus, we find the whole basis of the bill reported by the majority to contain a contradiction.

In addition to being contradictory on its face, many of the provisions of the bill contradict each other. The present Export Control Act establishes a forthright policy of restricting exports on the basis of contributions to economic potential or military potential. Its language allows restrictions of exports whenever it is determined by the President that they make a significant contribution to the military or economic potential of a nation or nations, which would prove detrimental to the national security and welfare of the United States. The majority has eliminated the criteria of "economic potential" and retained only the "military potential" criteria, yet it boldly asserts that the President's "authority to control exports is the same as that which is now contained in the Export Control Act." Either they have tried to reduce his powers or flexibility or they haven't, but it can't be both.

ECONOMIC POTENTIAL NOT CONSIDERED THREAT

While apparently deciding that economic potential and military potential are completely separate so far as the national security of the United States is concerned, the majority infers that its proposal underscores the determination of this country to protect its national security from military threat. This item is included in a policy section in the bill, and the majority makes its point saying, "The present law contains no such statement of policy." We find this inference to be unwarranted. The present Export Control Act in its authority section says that the rules and regulations set by the President or his delegated agencies or officials—shall provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information from the United States, its territories, and possessions, to any nation, or combination of nations threatening the national security of the United States if the President shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations, which would prove detrimental to the national security and welfare of the United States.

It is beyond us to understand, how the majority feels that it has in any material way strengthened prohibitions against exports, having military potential which would be detrimental to the national security. Particularly is it difficult to understand why the majority makes a point of this in light of the fact that the new "policy section" is a carryover from an earlier bill which did not allow the President to deny exports with significant military applicability unless there was in addition "substantial evidence that the particular exportation is likely to be used for military purposes, and that similar items are not readily available to the importing country from other sources."

POLICY IN BILL IS UNCERTAIN

It is ironic that the proposed bill in section 2 (4) says that the Congress finds that "the uncertainty of Government policy toward certain categories of exports has curtailed the efforts of American business * * *", yet this bill is sure to increase uncertainty. The whole announced purpose of the bill is to encourage the expansion of trade with all countries with which we have diplomatic or trading relations. This is stated in section 3(1)(A), section 3(3), and section 4(a)(1). It is interesting to note, however, that in every case where this "change of policy" is stated, it is always followed by an exception which allows the President to make export determinations on the basis of national security, foreign policy of the United States, or the need to protect the domestic economy. Those are the criteria which are used in the present Export Control Act. Thus the bill appears to encourage the expansion of trade on the one hand, while on the other hand it provides for essentially the same restrictions which presently exist.

In addition to the language included in the bill, the report states that "the Department of Commerce should clearly indicate to American business the change in export control procedures and attitudes reflected by the enactment of the Export Expansion and Regulation Act * * *." The report continues, stating that the Department of Commerce should make "public statements" so that the attention of American business will be focused on the change in policy. We think this puts the Department of Commerce in an awkward and untenable position, since the claimed change in policy which must be brought to the attention of American business is unclear and confused.

It will be difficult for the Department of Commerce to try to explain to American business that on the one hand the bill holds out the policy of equal treatment for all countries, yet section 3(5) of the bill states that it is the policy of the United States to use its economic resources of trade potential to further foreign policy objectives. We maintain that this latter policy is the one under which the United States has been operating for many years and in effect nullifies the "equal treatment change." The form without substance becomes even more apparent when it is known that the President of the United States, the one who holds the authority, opposes a change in policy at this time. Administration spokesmen have made it very clear that the President seeks a more appropriate time for liberalizing trade with the Communist countries. Yet the Congress, if it should pass this bill, would give, in the language of the majority report, "an overt indication of the change of policy or attitude of this country * * *." We believe that the President should have the latitude to relate liberalization in the trade area to broader foreign policy considerations. This bill, in our view, is an attempt to preempt the President's judgment on timing of liberalization, while still holding him responsible to determine specific export policy.

FEW EXPORT REQUESTS DENIED

The committee report indicates that the nations of Eastern Europe and the Soviet Union are currently trading with our Western Allies to a much greater degree than they are with the United States "because of the unilateral restrictive policies of the United States." This is far too simplistic to be accurate. The items under export control represent only a small fraction of the goods gen-

erally exchanged in international trade. Western Europe does much more business with Eastern Europe than we do primarily because of geographical proximity and traditional trade patterns. The great bulk of this trade is in products which our companies are also free to export, if they can obtain orders.

The Department of Commerce testified that less than 2 percent of the export license applications received for Eastern Europe are denied. Supporters of this bill claim that is true because American exporters just don't try to export to Eastern Europe or the Soviet Union in items on the control list in any degree because they know that they will be turned down. Any controls may have a deterrent effect on efforts to export, but we question the suggestion that exporters know they will be turned down. We do this because in the last quarterly report dealing with export control, we find that approvals were given for exports to East European countries and the Soviet Union for such items as harvesting machines, tractors, electronic digital computers, metalworking machinery, metal treating and metal powder molding machines, rubber processing and rubber products manufacturing machines and parts, nuclear-radiation detecting and measuring instruments, synthetic rubber, metal cutting milling machines, gear cutting machines, well-drilling machinery, metal processing and heat treating furnaces, telecommunications apparatus, and many other similar exports. With approvals on such a broad group of industrial products, not to mention the many agricultural and less sophisticated product approvals, how would an exporter come to the conclusion that his application would automatically be turned down?

We are particularly disturbed by repeated statements by the bill's proponents that its intent is to increase trade in "peaceful goods." Yet most of the industry witnesses represented companies with highly advanced technological products such as electronic control equipment, computers, and machine tools. Enactment of this bill following our hearings could well lead to a conclusion that the intent of Congress is to consider the bulk of our advanced technological products as "peaceful goods" to be freed for unrestricted sale to Eastern Europe. The result could be serious mutual misunderstandings among business, foreign governments, and those in charge of administering export controls.

TRADE POTENTIAL SMALL

The majority also discusses the dwindling of our trade surplus in the past few years and infers that relaxing of our export controls to Eastern Europe may measurably improve that situation. We are extremely concerned over the virtual elimination of our trade surplus which only 5 years ago was over $7 billion. We would like to point out, however, that this dwindling is not the result of the operation of our Export Control Act, but results from basic economic factors which are conveniently disregarded in the majority report.

Actually most knowledgeable estimates indicate that trade with Eastern Europe, even under most favorable conditions, can grow only modestly, and is unlikely in the foreseeable future to reach as much as 1 percent of our total exports.

East-West trade must be a two-way street. Because Eastern Europe has limited convertible currency, it must sell us about as much as it buys. However, Eastern Europe has few products which we need, and thus there is a limited basis for significant continuing two-way trade. The Soviet Union and Eastern Europe today are greatly interested in our advanced products and technology, many of which have both civilian and military significance, to expand their industrial capacity. Many of these transactions become one-shot deals with little or no follow-on sales prospects.

INCONSISTENCY ON CONFIDENTIALITY

We find a further contradiction in the committee's action on the proposed bill. Section 7(c) provides that "no department, agency, or official exercising any functions under this act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest." Section 9 of the bill requires the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this act to inform exporters of consideration which may cause a denial of license request so long as the information does not jeopardize the national security and effective administration of this act. The Department of Commerce, in its attempt to clarify the bill, recommended that a provision be included in this new section providing for confidentiality of business information. The majority turned down that request. We now have one section, section 7, requiring confidentiality, while the other section does not provide for confidential treatment of business information. We find this inconsistency by the majority unexplainable.

PENALTIES WEAKENED

The penalties for violating the act have been changed from those presently contained in the Export Control Act. Despite the fact that the present penalties have been used primarily as a deterrent, the committee decided to do away with a possible 1-year jail sentence for a violation unless it could be proved that the violator did so knowingly. During our hearings and discussions of the committee, there was no indication that the present penalty provisions had been misused or abused. We find it interesting, therefore, that the committee uses as a justification for the change that it is "concerned over the constitutional question of a severe jail sentence and fine for unknowing violations." We are unaware of any prior concern on a constitutional basis of the present provision authorizing up to 1-year imprisonment for a violation, and this has been part of the act for 20 years.

INCONSISTENCY IN TREATMENT OF COUNTRIES

It seems to us that the proponents of the bill should either decide whether they want to have equal treatment between Communist and non-Communist countries except for specific Presidential determinations or whether they want some differentiation retained as in the present Export Control Act. Section 3(3) of the bill states that "It is the policy of the United States that any export controls found necessary should be applied uniformly to all nations with which the United States engages in trade * * *" If, indeed, it is the intent of the majority to have equal treatment between Communist and non-Communist nations, why do they retain unequal penalty provisions? Much harsher penalties are authorized in the event of exports contrary to the act with knowledge that such export will be used for the benefit of any Communist-dominated nation. The committee report properly states that this subsection is identical to one now contained in the Export Control Act. What it doesn't say is that the Export Control Act differentiates between Communist and non-Communist nations, whereas this bill makes no such differentiation and in no other place in the bill is the term "Communist-dominated nation" used.

ADMINISTRATION SUPPORTS PROPER EXPORTS

During our hearings, representatives of the Department of Commerce explained their desire to assist American business with its exports. That is one of the major purposes of the Department of Commerce, so such an attitude was not expected. They explained their attempts to reduce the number of items for which licenses are required as well as their efforts to decrease to a minimum the paper work required by the business community. We have no reason to disbelieve their statements. In fact, we have every reason to believe that despite the very short period that the Department has been under the new administration, much has been done to improve its operations. We have been assured that for years it has been the Department's policy (limited only by budgetary restrictions) to maintain continual review of items requiring export licenses—adding to or deleting from the list whenever conditions warranted. We have confidence that the present administration intends to implement that policy and think they should be given an opportunity to prove themselves.

PRESENT ACT IS BETTER APPROACH

The committee hearings and in particular the information provided by the administration have demonstrated that no sharp reduction in regulatory authority is warranted. The existing Export Control Act has been shown to have ample flexibility to accomplish everything that could be accomplished through this new proposal. The Export Expansion and Regulation Act of 1969 as proposed in S. 1940 has been modified to substantially restore the authority it at first had sought to weaken. We now have a bill which retains parts of the original proposal, parts of the present Export Control Act, and some provisions which are inconsistent with both. Proponents of the bill apparently feel that significant changes have been made from the present Export Control Act, but the actual substance of these is far less than would appear. It must be recognized that the bill would be interpreted as a liberalization signal if nothing else. There is no evidence of the Soviet Union's readiness to move toward closer relations with the West which would warrant overriding the President's judgment that this is not the time to signal a change in relations with a new export control policy.

We, therefore, urge a straight extension of the Export Control Act of 1949 and recommend that the Senate defeat this proposal.

REPRESENTATIVE REID IS ONE OF THE FAIREST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. DERWINSKI. Mr. Speaker, I was especially pleased to note that a publication in my district carried an article discussing one of our most respected colleagues, the Honorable CHARLOTTE T. REID. The article which follows appeared in the Sunday, July 27, edition of the Homewood-Flossmoor Star:

REPRESENTATIVE REID IS ONE OF THE FAIREST

(By Bert Mills)

WASHINGTON, D.C.—Ladies are no longer a novelty in Congress, but it is still an unusual feat for a woman to succeed in the largely male world of politics. Only 11 out 535 members of the 91st Congress are of the fair sex.

One of the fairest of the Congressional ladies is Representative Charlotte T. Reid (R., Ill.), now serving her fourth term in the House. A trim and youthful 55, Mrs. Reid is in her third career and became a politician by accident.

As a girl she was a professional singer, known to millions of radio listeners as

Annette King. She was a featured vocalist on NBC and Don McNeill's Breakfast Club, for three years back in the '30's. Married to an attorney in 1938, they raised four children, all grown now. Mrs. Reid's two sons are both Viet Nam veterans.

Although interested in government and active in civil affairs in her home town, Aurora, Charlotte Reid became a political candidate as a result of a personal tragedy. Her husband died suddenly after winning the Republican nomination for Congress in 1962. GOP leaders persuaded the widow to carry on his campaign.

She did and was elected. Having since been re-elected three times by increasing margins, she is approaching veteran status and her seat is regarded as "safe." She has received more than 70 per cent of the vote in her last two elections.

One of the most important House committees is the appropriations committee, which originates all legislation to provide funds for governmental activities. Seats in this select company are eagerly sought, but after only four years in Congress Mrs. Reid was elected by her Republican colleagues to that body.

The appropriations committee has such a heavy workload that its members are restricted from serving on other legislative committees. Thus Mrs. Reid has surrendered seats on the interior and public works committee on which she had previously served. While on interior in 1965, she inspected the Trust Territory in the Pacific, and continued at her own expense to Viet Nam—the first congresswoman to visit that battlefield.

Mrs. Reid has been in the national spotlight upon occasion. She was a speaker at both the 1964 and 1968 Republican national conventions, as many TV viewers will recall. Richard Nixon named her to serve on his key issues committee during last year's campaign.

Mrs. Reid was also in the news this summer when she and three other Republican ladies from the House called on President Nixon to urge him to name more women to key government posts. That White House conversation lasted one and one-half hours and brought a Presidential pledge to appoint ladies to the highest openings, perhaps even to the Supreme court.

Mrs. Reid tends to her committee work and to the government needs of her constituents. She makes infrequent speeches on the House floor. Her current specialties are funds for foreign operations and the Labor and Health, Education and Welfare departments. She serves on those two subcommittees, and spends many hours at committee meetings.

At the luncheon table in the Republican Capitol Hill club near her office, she is known by most of those present. As a middle-of-the-road Republican, she has friends in both the conservative and liberal bloc. She is a Nixon booster and thinks the President has made a fine start.

She lives in an apartment in a tall building on the Virginia side of the Potomac river, featuring a stunning view of Washington and all that surrounds it. At a party, she has been known to accept an invitation to sing. Although she no longer has time to practice, she can still hit the high notes.

MASS TRANSPORTATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BIAGGI. Mr. Speaker, our cities can wait no longer for the formulation of a rational urban transportation policy which will bring Federal assistance for mass transportation into parity with assistance to highway construction.

We know the need. Adequate mass transportation is a prerequisite for a healthy central business district. The central business district, in turn, is essential to the support of city revenue through real estate and other taxes. Yet problems mount.

In my own district in Bronx County, N.Y., a multiple dwelling apartment complex known as Co-op City is under construction for middle-class families. It is a really fine housing complex, but the residents who have already taken possession of apartment units are struggling with a very difficult problem. They have no urban mass transit facilities within a reasonable distance of the complex.

I am sure that residents of so many other cities share this same problem. In this advanced era of space exploration and technology, it is difficult to understand why urban mass transit facilities have not been developed to the fullest extent for the benefit of millions of Americans.

It is estimated that our Nation will experience a population increase of 100 million within the next few decades. It is all too evident, therefore, that we can no longer ignore the problems created by inadequate transportation facilities.

In view of this critical situation, a number of bills have been introduced during this session designed to correct the shocking inequity in Federal funding.

During recent hearings on these bills held by the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency, further evidence was amassed which again reiterated the need for adequate mass transportation in our cities and emphasized the fact that this will not be achieved without adequate Federal funding.

I would like to draw special attention to several important provisions of these bills. Funding would depend primarily on the automobile excise tax, a tax which currently stands at 7 percent, but which is scheduled to be phased down. These bills would maintain the tax at 7 percent to support a mass transportation trust fund. The use of the auto tax to accumulate funds for mass transportation is justified and needs no explanation if transportation is seen as it really is—one system consisting of various modes of transportation. I hardly need emphasize that the automobile user is not the natural opponent of mass transportation, but rather one of its main beneficiaries.

These bills provide for 90 percent Federal funding for mass transportation. This will bring funding in this area into parity with highway funding and eliminate the distortion to local planning which results from an uneven Federal subsidy. The bills would also permit advance acquisition of urban land in order to facilitate rational comprehensive planning.

Provision is also made for Federal relocation assistance to families and businesses affected, comparable to that now offered under the Federal highway program.

Of particular importance to my constituency is the elimination of the current 12½-percent limitation of grants and loans to any one State. This provision is unfair to large urban States which may have more than 12½ percent of the urban transportation problems.

I support trust fund funding for mass transportation to provide the opportunity for rational long-run planning by cities. Unfortunately, the annual authorization and appropriation of funds has not provided that sure basis for planning, as a review of appropriations under the Housing and Urban Development Act of 1968 makes evident.

In the United States, urban disruption is evident. It is plain that we must use every resource at our command to solve the urban transportation problem.

THIEVERY OF CREDIT CARDS FROM THE MAILS

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. HANLEY. Mr. Speaker, in recent months, a dangerous trend in criminal activities has taken place causing a loss of untold millions of dollars. It involves the organized and wholesale thievery of credit cards from the U.S. mails. Within the last few days alone, grand juries in New York and Chicago have indicted over 40 persons in connection with these illicit operations.

There are two basic ways of halting this sort of activity, Mr. Speaker. The first involves increased surveillance on the part of the Post Office Department which is an administrative function. The second, and the issue to which I ask my colleagues to address their attention today, is a banning of unsolicited credit card deliveries from the mails. I am today introducing legislation which hopefully will effect this latter policy.

Because of the spiraling increase in the number of unsolicited credit cards sent through the mails, because of the inordinate temptations to pilfer them and because of widespread criminal attempts and successes at pilfering them, it is incumbent on the Congress to act promptly on this vital matter.

Briefly, Mr. Speaker, my bill will require anyone desirous of sending a credit card or similar device through the mails to send it as a registered item to a specific addressee, to mark clearly on the envelope that it is a credit card or similar device and to assume the cost for return delivery should the addressee refuse to accept the envelope.

The need for this legislation was clearly expressed by Brooklyn District Attorney Eugene Gold in an article appearing in yesterday's Wall Street Journal and in a press release issued by the Postmaster General last evening. I want to include the article from the Wall Street Journal and the press release at this point in the RECORD:

[From the Wall Street Journal, July 30, 1969]

TWENTY-THREE CHARGED IN NEW YORK WITH USE OF STOLEN CREDIT CARDS

NEW YORK.—A Brooklyn grand jury indicted 17 men and six women on charges of using stolen credit cards, a crime Eugene Gold, Brooklyn's district attorney, said was encouraged by "helter-skelter, indiscriminate" distribution of these cards.

The individuals indicted were accused of using 20 stolen Mastercharge credit cards to bilk First National City Bank, the issuer, of $175,000 during the past six months. They were charged with forgery, petty larceny and possession of forged instruments. Three men and three women have been taken into custody and the district attorney's office said the others were being rounded up.

Mr. Gold described the group as members of an organized credit card ring and identified Salvatore Cavallaro, 36 years old, as the ring leader. Mr. Gold said the credit cards had been stolen by five Post Office employees who were arrested earlier this month on Federal charges.

Members of the ring used the cards, Mr. Gold said, to charge "every kind of thing you could think of," and then sold some of the goods while keeping other items for their personal use.

In announcing the indictments, the district attorney attacked "the helter-skelter, indiscriminate distribution of credit cards" by banks and other businesses. He said such distribution encouraged crime by making it possible for unauthorized users to acquire cards and forge signatures on them.

This kind of crime, Mr. Gold said, "runs into hundreds of millions of dollars," and this cost "is passed on to the buying public." Mr. Gold said Federal-state legislation is needed to prohibit business from sending cards to persons who haven't asked for them.

A spokesman for First National City said the cards used by those indicted had been solicited. However, First National City and other New York banks have in recent months sent out thousands of unsolicited cards. The cards were sent to persons who have done business with a bank or who have an account there.

POST OFFICE DEPARTMENT PRESS RELEASE

Postmaster General Winton M. Blount announced that Postal Inspectors began an arrest roundup today of 30 persons in the Chicago area on charges of mail fraud. The group was indicted by a Federal Grand Jury on July 29, 1969, for allegedly conducting a widespread scheme to illegally use credit cards issued by five major Chicago banks.

In making the announcement, the Postmaster General said the indictments and arrests marked the first prosecutive phase of a continuing 2½-year investigation by a force of Postal Inspectors and the staff of United States Attorney Thomas A. Foran.

During the latter part of 1966, the banks—all members of the Mid-West Bank Card System—issued MBC Credit Cards to its depositors and others and entered into agreements with local merchants for the acceptance of the cards as payment for goods and services. Under the agreement, participating merchants were to forward the sales slips to the appropriate banks for reimbursements and the banks would then bill the cardholders on a monthly basis.

The indictment, however, accuses the defendants—including 16 retail store merchants, three gasoline station operators and a Chicago postal employee—of preparing false sales slips and mailing them to the banks for payment. The scheme reportedly resulted in the loss of millions of dollars to the banks before Postal Inspectors and local police, working closely with bank officials, were able to bring the fraud under control. Chief Postal Inspector Cotter stressed as invaluable the assistance rendered by Chicago banks in the lengthy investigation.

Investigations of alleged credit card frauds by Postal Inspectors have increased over 700 percent in the past four years. Chief Cotter said during this period a total of 223 persons have been convicted on charges of credit card fraud and 265 others are awaiting trial.

MINNESOTA ACCOUNTANTS: DIVORCE BANKS FROM ACCOUNTING SERVICES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. MATSUNAGA. Mr. Speaker, in April of this year, I appeared before the House Committee on Banking and Currency to present testimony in connection with the hearings on H.R. 6778, a bill to amend the Bank Holding Company Act. In my testimony I urged the committee to amend the omnibus measure to prohibit banks from engaging in professional accounting services, as provided in my bill, H.R. 272.

I am pleased to report that support for this proposed amendment has been steadily mounting, as evidenced by the recent endorsement of H.R. 272 by the Minnesota Association of Public Accountants. At its annual meeting last month, the association voted unanimously to endorse my bill.

In view of the impending House action on H.R. 6778, I believe my colleagues would find the information contained in the resolution both pertinent and informative. It is therefore submitted for inclusion in the CONGRESSIONAL RECORD:

Whereas increasing numbers of banks throughout this country are advertising and offering to perform accounting services for the public; and

Whereas this trend is not in the best interests of the business community, the public or the public accounting profession; and

Whereas it appears that this problem can be effectively solved only by Congress enacting legislation; and

Whereas a bill to prohibit banks from performing professional accounting services has been introduced in the United States House of Representatives as H.R. 272 by Representative Spark M. Matsunaga of Hawaii, and

Whereas the Matsunaga bill deserves the enthusiastic support and backing, not only by all members of Congress, but by every individual member of the public accounting profession and accounting organizations all across our country; and

Whereas Chairman Wright Patman of the House Banking and Currency Committee allowed consideration of H.R. 272 in conjunction with hearings on H.R. 6778, a bill to regulate one-bank holding companies; and

Whereas, the House Banking and Currency Committee has both bills under consideration at the present time;

Now therefore be it resolved that the Minnesota Association of Public Accountants does hereby express endorsement of H.R. 272 and H.R. 6778 by this Resolution; and

Be it further resolved that a copy of this Resolution be forwarded to the Senators and Representatives from this state in the United States Congress; and

Be it further resolved that a copy of this Resolution be spread upon the minutes of this meeting and be made a permanent part of the records thereof.

A TIRED AMERICAN

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. CARTER. Mr. Speaker, many of our good citizens think that the press, television, and radio convey the true feelings of the majority of our people. It is my belief that this is incorrect.

Many of our people feel as this former Army officer and veteran of the Vietnamese war feels. I include in the RECORD his letter for your perusal:

SHENANDOAH LIFE INSURANCE CO.,
Roanoke, Va., July 28, 1969.

Congressman TIM LEE CARTER,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN CARTER: The waves of un-Americanism radiating from the TV networks evening newsprograms have finally gotten to me. As my Congressman from the 5th District, and personal friend, you represent my only voice in Washington.

Dr. Carter, I am a tired American, tired of being considered "Square" because I stand up when the flag passes in review. I'm tired of having the world panhandlers stone our emissaries when they visit their countries. I am sick and tired of the bearded beatniks who say they have the right to determine what laws of the land they are willing to obey. I am also tired of the fat, insulated liberals on Capitol Hill who sit on their mountains of inherited money and blandly uphold the actions of this lunatic fringe who menace our streets and campuses.

I am fed up and ashamed of the long haired protesters who claim they represent the "new tomorrow" of America. I am also tired of the Congressmen who uphold the actions of these sallow-faced cowards whose only claim to fame is their ability to run down the old-fashioned virtues of honesty, integrity and morality. I am a tired American—who is extremely tired of supporting families with my tax dollars who have not known any source of income other than government give-away program for three generations. I am a tired American—who is fed up with that civil rights group that is showing propaganda films on college campuses from coast to coast with Che and Ho Chi Minh as their star performers.

I am weary of the bearded, unkempt bums who prefer protest marches and sit-ins to regular jobs. I am tired of slack-jawed clergymen who have made a career out of supporting self-righteous integration causes, yet send their own children to private schools.

I am a tired American who had to work nights, weekends and summers in order to earn a college degree, and I resent those who profess to hate capitalism, but are always at the head of the line demanding their share of the good life.

Congressman Carter, I am really tired of those elected officials who are willing to compromise on anything, but will make a firm commitment to nothing.

We live in the greatest nation in the world, dedicated to the principles of freedom and justice for all—all mankind. My fight is with those officials who would sacrifice my personal freedoms to appease the wailings of a few loud-mouthed radicals.

As my elected official, please convey my thoughts to your fellow Congressmen.

With warm regards,

JACK HIBBARD.

CAPTIVE NATIONS WEEK

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. BUTTON. Mr. Speaker, it was with great interest that I noted the passage of Captive Nations Week, which has been observed each year since 1957. Congress first recognized the plight of these nations when it passed Senate Joint Resolution 3, and the President issues a proclamation every year, focusing attention on the downtrodden peoples of Eastern Europe.

But it is not the state of the nations themselves that we deplore, so much as the form of human bondage which they represent. Bodies of people, calling themselves Rumanians, Latvians, Czechoslovakians—yet the freedom and self-determination of these peoples are overshadowed by the dire threat of force. Soviet policy is thrust upon them, and it is dangerous not to conform.

The "inalienable" rights of free speech, free press, and freedom of movement are curtailed for those peoples, nations in one sense, yet exiles in another, who are striving to lead lives of their own behind the Iron Curtain. The American tradition—indeed, the tradition common to free nations from the time of Locke to Gandhi to the present—is violated by the subjugation of the "captive nations."

Mr. Speaker, fortunately, the Iron Curtain is not impermeable. It is susceptible to rust, to corrosion. Particularly in today's world, people cannot help but reach out to others and communicate, regardless of the pressures put upon them. Such communication may take the direct forms of religion or Radio Free Europe; or it may be indirect, in the larger sense, such as the empathy which sparked the proclamation of Captive Nations Week. Man is by nature sympathetic, and desirous of freedom. So long as these two factors remain constant, which they have since the beginning of history, hope will persist. The Iron Curtain will dissolve.

One of the great ironies of today's world is that old nations, once free to determine their own courses of development, are held in abeyance, while new nations have been emerging in relatively prolific numbers throughout the past decade. The powers of America, England, and France have come to the realization that it is wrong to force their culture or forms of government—democratic, or no—upon other peoples, even if it would be "for their own betterment." Thus, colonialism, even "new colonialism," has become archaic to a great extent. The important principles to abide by are that such peoples can determine their own government, and that such rights as are enumerated in our first amendment to the Constitution are not intimidated. An African nation, for instance, who chooses a socialistic form of government, is recognized by other free nations, regardless of their own form of government. The key word is "choose"; that nations—defined in terms of people—are free to choose the form of government which seems most workable and desirous in reference to their peculiar situation.

It is incredible that "captive nations" should exist in the political climate described above—one of tolerance, which stresses the freedom of self-determination. The repression of free speech and action is indeed an eyesore in today's world. It is an awareness of this repression, and a continuing hope that the free world will not allow such a situation to persist indefinitely, that prompts me to recognize the significance of Captive Nations Week.

WHAT IS MAN'S FUTURE IN SPACE?

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. KEITH. Mr. Speaker, in the aftermath of the Apollo flight, hundreds of thousands of words have been written in its praise. I doubt that there is a newspaper in the Nation that did not address itself to this remarkable achievement. Many, however, went beyond the moon landing in their editorializing, and speculated on the future of this historic quest of mankind's into the unknown of space.

And many concluded, as I have, that future space flights must be joint efforts, international in scope, both for the benefit of this country and the rest of the world. Some have suggested the U.N. as a medium; others have suggested binational agreements. But an encouraging number are united on the premise that space cannot be one nation's province—and should not be even if we could afford to "go it alone."

It is both appropriate and symbolic of the broadness of this opinion that the New York Times, a national newspaper; the Boston Globe, a regional one; and the Quincy Patriot-Ledger, a city newspaper from my district—all reached similar conclusion on the desirability of international cooperation in space.

This uniformity of opinion is a rare thing for such different newspapers, and serves to strengthen my belief that I am representing a much larger body of opinion than that of my district alone when I filed a resolution last week calling on the President to formally invite other nations to join our space program.

I, therefore, call the attention of my colleagues and the Nation to these three editorials. I feel they represent well the feelings of the American people on this matter.

The editorials follow:

[From the Boston (Mass.) Globe]

WHAT NEXT? AND BY WHOM?

With their splashdown in the Pacific Thursday, new luster will be added to the names of Neil Armstrong, Edwin Aldrin and Michael Collins, already writ as large and bright as any in history. Then what? And by whom?

It is unthinkable that man should quit now. Nor will he. The imagination that enabled him to bounce like a laughing child on the satellite of the small planet which he so recently and with such vanity believed to be the center of the universe will not let him rest until he has plunged deeper and deeper into the unknown that surrounds him.

He will climb the space mountains because they are there. He will go on, in the words of the French political economist, Jean Monnet, because "he can no longer think in limited terms." Or because, as microbiologist Rene Dubois sees it, "the human spirit derives boundless power from a poetical faith in what it can do." Or, perhaps better still, for the reasons given by the Jesuit theologian, Walter Burghardt:

"It is part of man's task, his Godgiven destiny, to master the universe, to uncover its secrets, to make it serve man, to make him more human, to bring him closer to his fellow man."

Human, in its best sense, man is not. He is one of the most destructive and avaricious of earth's animals, over all of whom he was created to reign, unable and often unwilling even to feed all of his own kind, habitually fouling his own environment. But human beyond dispute he must learn to be, for otherwise his days on his beautiful Earth most surely will be numbered.

His situation cannot be so bad as historian and urbanologist Lewis Mumford sees it:

"The Moon landing is a symbolic act of war and the astronauts' slogan . . . proclaiming that it is for the benefit of mankind is on a level with the Air Force's monstrous hyprocrisy, 'Our Profession Is Peace.'"

Yet, denying Mr. Mumford's denouncement, we cannot afford to preen ourselves, either, merely because three virtual supermen have accomplished near miracles. Getting off the Moon and docking with the mother space ship was perhaps even more wondrous, and certainly more frightening to the rest of us earthlings, than landing on it.

Just the same, there is no denying that the Moon triumph, for all the boundless accolades that are its proper due, does indeed coincide, not only with utterly senseless rivalries of governments, whose peoples hunger for peace. It also coincides, right here in the United States, with racial, class, economic and other totally avoidable woes suggesting the possibility of social deterioration for which there is no excuse in a society capable of our technological miracles.

Space exploration should and will go on. But it should be a project of a united rather than a divided mankind. It is ridiculous for nations to vie for little pieces of it, racing for this corner of it or that in the name of national prestige, risking national bankruptcy, further rivalry and continuing domestic turmoil in the process.

The Moon project has cost the United States approximately $24 billion. The Russians probably have spent as much or more. It is argued that the technical spinoff of their individual triumphs are too valuable for rival economies to share. But it surely may be answered that the spinoff of learning to work together in the vastness of space would be invaluable on Earth. Space exploration is an ideal instrument for unifying mankind. It could be turned to no more noble purpose.

[From the New York Times]

THE SURGE INTO SPACE

In time, there will be a new generation that will take manned flight to the moon as much for granted as college students today take airplane travel and television. By this weekend, the wonder and the jubilation at the historic feat of Apollo 11 are still reverberating around the world, evoking in men of every land and every clime a sense of awe at what they had seen, mingled with gratification that they were alive at this historic moment in the history of the human race.

If there had been any doubts that mankind in general and the United States in particular would persevere in space exploration, they have been removed by the spectacular success of the lunar voyage of Armstrong, Aldrin and Collins. But important questions remain as to what shall be done and in what order the wide variety of challenges and opportunities of space exploration shall be approached. Priorities in space research are essential because neither the United States nor all the world's nations together are rich enough to do simultaneously everything that might be done in this still-new dimension of human achievement. Even a brief recital of the most obvious possibilities is enough to indicate what difficult decisions lie ahead.

In the volume of space near earth it would be useful to establish one or more permanent stations for scientific study of the heavens—through telescopes beyond the obscuring atmosphere of this planet—and of the earth itself, many aspects of which can best be examined from orbit. The earliest opportunities for commercial exploitation of space are likely to raise in this zone, where communications satellites have already blazed the path. Development of reusable space shuttles would cut costs and speed the economic development of the region near earth.

The moon itself requires far more extensive exploration than is envisioned in the presently projected limited series of Apollo flights. Sooner or later, this exploration as well as the exploitation of the moon for scientific and other peaceful purposes will require establishment of permanent settlements on earth's satellite. What might be called the domestication of the moon will take decades, even centuries. The full difficulties of the task will not be clear until more is known about the resources of that body, particularly whether water and other essentials for life can be found there.

Exploration of the other planets of the solar system is still in its infancy, but offers enormous challenges and possibilities. Hundreds of unmanned, instrumented rockets—like those that have already made the initial reconnaissances of Mars and Venus—will have to be sent out in the years and decades ahead, reaching finally even to distant Pluto.

Any effort to send men to Mars this century, as Vice President Agnew has suggested, will be enormously expensive and far more difficult than anything on mankind's present space agenda. A decision to attempt this—if one is made—should be taken only after extensive analysis and debate, instead of being promulgated hastily in the euphoria induced by the colossal feat of the American astronauts.

In 1493 Pope Alexander VI issued a decree dividing between Spain and Portugal the "new world" Columbus had discovered. No similar document is needed now because, fortunately, the Space Treaty provides international agreement that no celestial body is subject to national appropriation. But what is needed is action and organization to make space exploration truly international so that the resources of many countries, not only the two most powerful nations, are drawn into the effort. And there must be an international division of labor that will assure maximum coverage of all the tasks ahead while avoiding the expensive waste of needless duplication and rivalry which marred the trek to the moon.

Precisely because it was Americans who first landed on the moon, President Nixon could well take the lead in inviting the United Nations into the picture as the organizing force for man's coming surge into space.

[From the Quincy (Mass.) Patriot Ledger, July 29, 1969]

AFTER APOLLO

What next in space?

In the moonglow of Apollo 11, the possibilities seem limitless. Yet, against the potentials of space exploration must be weighed the United States' limited resources and human needs here on earth. Our space program must go on, but the critical questions are the direction, the speed, and the level of these activities.

Future targets of the American space program are currently being studied by a White House "space task group" headed by Vice President Spiro Agnew and including Dr. Thomas O. Paine, NASA administrator; Air Force Secretary Robert Seamans and Presidential Science Adviser Lee Dubridge. The report of this group, setting forth proposed space objectives for the next 15 years, is scheduled to be delivered to President Nixon in September.

The goal of the 1960s was precise: send a man to the moon and back safely before the end of the decade. This target now has been met, the pledge has been fulfilled and U.S. pre-eminence in space well established.

At this time, there is no need for "crash" programs in space requiring massive funds. NASA's budget, once over $5 billion, has since leveled off at about $4 billion—which Dr. Paine observes is only 5 percent of our defense budget and only 10 percent of what we spend on women's dresses.

Instead of large-scale financing, NASA's budget for the coming years should be steady and predictable—perhaps in the $3 to $4 billion range—with funds committed in advance by Congress for several years to enable sensible planning.

The United States should also seek greater expansion of cooperative international space programs. Already, there are several international space projects in operation—in such areas as meteorological and communications satellites, for example—and in many cases international cooperation is not only desirable, but imperative.

Space exploration should not become the province of a few wealthy, scientifically-advanced nations. It should belong to all civilization, ideally with the talents and the resources of many nations being pooled to expand man's knowledge and to share in its benefits.

Hopefully, instead of competition in space between the United States and Russia, there will develop cooperation in exploring man's new environment, including joint manned space flight ventures. The United Nations can provide the institutional umbrella for such cooperative programs.

Certainly a long-range program should be planetary landings—on Mars, then on other planets. But from the moon to Mars is a mighty jump, even though scientists are ultimately confident it can be achieved.

For the shorter term, our efforts should be directed toward mastering our spatial environment between earth and the moon. NASA's plans for a series of followup moon landings, for the development of orbital laboratories, a large space station and "space shuttles"—a reusable rocket system—are realistic and important projects.

FOLLOWTHROUGH NEEDED ON MARITIME RESEARCH AND DEVELOPMENT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. ROONEY of New York. Mr. Speaker, our national seapower is a topic of great concern to many of us here. One of the aspects of seapower is, of course, research and development, and the following article written by my friend of many years, Capt. Hewlett R. Bishop, spells out some of the problems we must face in this area. I have known Captain Bishop since I first came to the Congress. He retired a few years ago from the position of Atlantic Coast Director of the Maritime Administration after serving 15 Administrators over a 19-year span. He is now the executive vice president of the National Cargo Bureau, Inc., and is, therefore, a man to be listened to when he addresses himself to the problems of the U.S. merchant marine. I urge my colleagues to read Captain Bishop's article.

Under the permission heretofore unanimously granted me I include Captain Bishop's article with these remarks:

[From the Journal of Commerce, Nov. 14, 1968]

ENGINEERING RESEARCH FOLLOW-THROUGH NEEDED

(By Capt. H. R. Bishop)

R&D have been the magic letters in Government and Business circles for the past several years. The word has been, "budget it in R&D and you're home free." In the maritime field government has done a lot but, I think, only half way because after the Research and some Development, usually to prove to the ones working on the project it's feasible, they drop it. There has not been enough follow through. Then some time later someone else, usually in another part of the world, capitalizes on our R&D.

A few "for instances" that come to mind:

The United States Shipping Board, in the late 20's and 30's, had a ship upgrading program—WW I ships were reconverted (Congress could not see any necessity to build when all those good(?) ships were in lay-up). Three such ships were the "Triumph," "Courageous" and "Defiance." I was aboard the latter in Hong Kong. She had, as did the other two, bridge control that worked. The main engines were a flop, so they forgot about the successful bridge control. The U.S.S.B. also converted a fleet of ships to direct diesel. These produced many headaches and had many bugs, BUT they led to a successful diesel building program in World War II. The United States merchant marine industry wasn't interested after the war, so they were sold foreign and served efficiently and made money for their new owners for many years in competing merchant marines.

U.S. RESEARCH ADAPTED

Thirty years later a foreign nation came out with a much heralded automated diesel with a reduced crew complement and bridge control. They were visited by the top government merchant marine officials in this country who never realized the crew complement was the same as the United States diesels of U.S.S.B. vintage and the bridge control was no more efficient. Now everyone has accepted the results to which United States R&D contributed, except the United States.

Hydrofoils are another more current example. Marad and industry (engine manufacturers, aluminum and aircraft, among others) cooperated to design and develop the worlds first seagoing hydrofoil. It was named for the deceased Chief of the R&D of Marad who conceived it. Despite the errors, which included the decision not to fit her for useful service (a decision made for budgetary reasons), the "Denison" was a success. But her timing was off when the program was ready for a major Governmental decision. It was one of the many times Marad was changing administrators, and the agency was being dictated to, and hamstrung, by the Department of Commerce, which had little interest and no knowledge of maritime affairs. So, they decided to do nothing—a rather common maritime practice—and the brand new, successful craft was sent to the nearest reserve fleet to await developments. She made the headlines again, this time unfavorably, for she ran ashore. Few knew why, her control house (pilot house) design had been greatly influenced by aircraft people, she had no vision astern. She ran up on a mudbank in a river where the channel ranges were astern. What an inglorious finish for a successful research project. Just last month I read an article which referred to the "Denison" as an early NAVY project. It's obvious we not only do not follow through—we forget.

A SHIP PROJECT CITED

Nuclear ships is perhaps our most well-known research project. The "Savannah" was so long building, during which time we escorted representatives of foreign countries (friendly or otherwise) through her, with access to her plans, that some of her features, including the control room and the bridge control, were adopted and in use on foreign ships even before the "Savannah" put to sea. Here is a perfect example of a successful research project, despite Governmental bickering between agencies, that now no one knows how (or if they do, has not the courage to say so) to carry on and take advantage of it.

These are only highlights—there are many more of the same—of the failure to follow through and take full advantage of R&D. We all know it has to take time, but projects should not just sit and wait for someone else to take the advantage of them. Decisions and action are needed. Perhaps it should be RDD&A, for Research, Development, Decision and Action.

Just in case there is any misunderstanding, I am all for R&D. In fact, the National Cargo Bureau, with whom I am associated, has been working on such a program in cooperation with the United States Coast Guard. Through the State Department our joint efforts have expanded to the International Maritime Consultant Organization and has resulted in an interesting project. The joint industry and government participation has been able to get over many of the rough spots with National Cargo Bureau research funds paying the way, instead of having to wait for Government money. Ideas and manpower have been furnished, without cost, by both industry and the United States Coast Guard.

GRAIN STILL TROUBLESOME

The goal is the safe carriage of bulk grain. It seems strange that a commodity that was probably the first to be transported on board ship should still be making problems, but it is.

Bulk grain regulations were first issued by local authorities. In this country they were first established by the New York Board of Marine Underwriters and later put into regulations by the United States Coast Guard. The first international agreements for grain were contained in Chapter Six of the Safety of Life at Sea Convention of 1948. The current is Chapter Six of SOLAS 1960, which became effective in 1965. Even before this doubts were expressed as to the effectiveness of the regulations, which had been adopted in the belief that grain could be trimmed completely, filling compartments up to the deckhead, and that grain settled two (2) per cent on the passage. To control the latter, feeders were required in the belief that grain would flow into the void spaces caused by the settling.

Through the facilities of IMCO a program of studying the settlement of grain in feeders and hatches were devised. This resulted in participation of Masters of the performance of over four hundred (400) grain ships loaded in worldwide ports, and proved that there was no settlement in good weather and much settlement in bad weather. The question was obvious, if no settlement in good, where was the grain going in bad weather. It increased the doubt in the effectiveness of the regulations.

This resulted in the decision for us to launch our R&D program. This has involved extensive sea tests and studies to which American ship owners have contributed the use of their ships. The American Bureau of Shipping also was consulted and nothing was done that would alter a ship's class. The project culminated in three series of shore based tests on a scale model of a cargo ship's grain compartment, fitted alternately with every approved and newly conceived contrivance for carriage of grain. Ideas and manpower were contributed by the Coast Guard and National Cargo Bureau. Reports of the first tests were made to a United States panel of marine experts and, through them, to the Sub-committee of Bulk Cargoes and Sub-Division and Stability in IMCO. This resulted in further tests, with ideas and suggestions being made by all of the forementioned bodies. In the final series, the United Kingdom and Canada participated. In the meantime, other nations carried out companion experiments and tests. All in all, sixteen nations have participated in this work and all have made some contribution.

We now know that grain cannot be trimmed up entirely to the deckhead, that the two (2) percent settlement does not occur, and that feeders do not feed. Therefore, the concepts of which the present SOLOS 1960 bulk grain regulations are based are erroneous and that some of the conditions of loading permitted are dangerous. This has been reported to the Maritime Safety Committee and the Sub-committee of Bulk Cargoes has been directed to prepare amendments to Chapter Six with the Sub-committee of Sub-division and Stability preparing the stability criteria.

We have been spurred on in this work being ever aware that too many seamen (now at least 125) have lost their lives on ships loaded with bulk grain since the present international regulations were adopted. Unfortunately, several of the ships just disapproved—the latest of these in October of this year.

NEW RULES FORMULATED

Based on these experiments, studies and tests which have involved thousands of man hours and hundreds of ships, as well as shore based equipment, the Sub-Committee on Bulk Cargoes has in draft a new Chapter Six, which should be finalized at its January, 1969 meeting in London. The stability criteria should also be finalized by the Sub-Committee of Sub-Division and Stability at their January, 1969 meeting. If both are approved, they will be sent to the Maritime Safety Committee for action at its February, 1969 meeting.

Approval there would send it to the Assembly for action in the fall of 1969. If any of the four fail to approve, it will be set back at least two years. You can be assured that the United States will not rest on its oars and will work for its approval. We have already taken interim corrective action on our own ships. The new rules, if approved, will consider each ship on its individual characteristics. This is where the Naval Architects will have to assist in preparing ships data for the use of the Master and loading authorities. Incidentally, the rules will not only be safer, but in most cases more economical for the shipowner.

A lot of work and words about old commodities and their problems, but we mustn't neglect the new ones. Last year I wrote in this issue about the importance of container ships being designed to protect the cargo. Much work has been, and is being done, on this problem.

CONTAINERS PRESENT PROBLEM

The greatest damage to cargo stowed in containers is occurring for two principal reasons—improper packing and stowage of the cargo in the containers and damage to containers carried on deck. The latter is one that naval architects can still contribute a great deal to reducing.

Ships are being built with greater freeboards, some are being weather routed, and some have higher forecastle heads to protect the cargo. A few have their bridges forward for the same reason (a combination of the two would be ideal, and you may see it soon). The use of a structure to support other than the bottom tier on deck so that the entire load will not be lost and raising the height of the bottom tier to permit the force of the seas to break under it are two other improvements in use. Stabilizers are also being installed. These, and many other changes, are all to the good.

More still has to be done to protect the sides of the container from boarding seas. It only takes one to jeopardize the entire deck load and perhaps the ship. Last year I mentioned this problem and stated that many years ago seamen on small ships stretched lines on deck to break up the sea and prevent its full force breaking on the hatches; also, that during World War II the suggestion was made that wire nets be rigged outboard to break up the sea. (We took another approach and strengthened the outboard sides of the cases.) It seems that the breaking of the force of the sea needs more serious attention on the container ship.

Once more going back to the sea for ideas—years ago we used to hear of storm oil to smooth the sea. It worked. Several times, in my experience when we couldn't get forward to turn the valves, we used a can of lubricating oil, pouring a pin-sized stream into a toilet midship on the weather side, the valve being secured in an open position. I've seen a gallon of lubricating oil protect a cargo on the after-deck a whole night, and it didn't cause a mess either.

Perhaps in these days of new oil products, someone can come up with an inexpensive oil that could be ejected in a stream of water, under pressure, in several locations (ships are now bigger and faster) on each side of the ship, to be used in heavy weather when and where required. If it left any residue, it would be no worse than that picked up by the containers on the open road.

I believe there is still room for improvement and Naval architects are the ones who are in a position to come up with the solution.

MOON-NIGHT

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. TIERNAN. Mr. Speaker, all Americans and citizens of the world were thrilled at the recent success of the

Apollo 11 mission. The courage and expertise that were evidenced by our three astronauts, Neil Armstrong, Edwin Aldrin, and Michael Collins, was a tribute not only to man's technology, but also to the testimony of President Kennedy, who 8 years ago committed this country to a manned lunar landing by the end of this decade.

Among the many tributes that have flowed into my office is a poem composed by one of my constituents, Mrs. Irene Viau of Warwick, R.I. I feel that this poem would be of interest to my colleagues and urge their attention to it, as follows:

MOON-NIGHT

(By Irene Viau)

Moon-night moon light night of wonder
You hold me in your spell.
Moon-night while in my deep slumber
Loves dream only, you foretell.

Moon-night and the stars in array
Heaven made the plan one day
Now you cast your magic spell
On Neil, Edwin and Michael.

You Were a gracious host
The gems they left, they loved the most.
Old Glory now stands high
The world is thrilled and so am I.

ROGERS AGAIN URGES MEANINGFUL TAX REFORM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. ROGERS of Florida. Mr. Speaker, recent actions regarding extension of the surtax and consideration of tax reform legislation indicate the depth and pervasiveness of these issues with the American people.

I have supported an extension of the surtax because I believe it is the fiscally responsible position to take in light of our extensive commitment in Vietnam and the devastating effects of inflation at home which, if not controlled, will take 5 or 6 cents more out of every dollar before the end of the year.

Yet, I did not support the surtax without a strong belief that the Congress should promptly consider meaningful tax reform legislation, and particularly that the House Committee on Ways and Means would afford this body an opportunity to do so before the August recess.

Time is short now before that recess is upon us, and the burden upon the low- and middle-income taxpayer of this Nation has been heavy, and deserving of relief. I have repeatedly, through legislation and remarks on the floor of this body, called for meaningful reform, and I now again call upon the House Committee on Ways and Means, and upon the distinguished chairman of that committee to afford the House an opportunity to consider tax reforms.

Specifically, I have introduced legislation to increase the personal exemption from $600 to $1,200 because I believe the present amount is only token relief in view of the spiraling cost of living we experience today. Raising a family is not possible on $600 per person per year and I hope and expect at least a substantial increase in this exemption if reform is to be meaningful.

Moreover, I have called for a reassessment of the provisions governing the head-of-household deductions, and I would like to see a reduction in the rates. At the present time, at the middle-income level of $6,000 to $8,000, there is little difference between the rate paid by a taxpayer who is the head of a household and one who is single, yet the expenses of the head of a household, such as a widow with children, are much greater in most instances. At the $6,000 level, the single taxpayer pays only $70 more in taxes than the head of the household under present rates. I believe the rates applicable to the head of the household should be more in line with those available to joint returns.

Too, I have introduced legislation to permit those over 65 years of age to deduct all medical expenses. This would restore the provisions in the law that were in effect until January 1, 1967. I do not feel that the present law which permits deductions only if medical expenses exceed 3 percent of income is realistic in light of the present cost of living, and I would hope the Ways and Means Committee will consider this proposal.

In conclusion, I believe that the strong support being given to closing many of the tax loopholes that exist with respect to charitable trusts, the oil-depletion allowance and others will do more toward helping the overwhelming majority of lower- and middle-income taxpayers who share most of the burden and too often have been taken for granted because they are honest and do pay their taxes.

RETIREMENT OF LT. GEN. WILLIAM F. CASSIDY, CHIEF OF U.S. ARMY ENGINEERS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. DORN. Mr. Speaker, today a great soldier leaves the Army. Lt. Gen. William F. Cassidy, the Chief of Army Engineers and one of the finest gentlemen in the Federal service, will step down from that distinguished position after many years of faithful service to his Nation.

General Cassidy was appointed Chief of Engineers in July 1965, after holding the most important and prestigious assignments which the U.S. Army Corps of Engineers has to offer. These positions included division engineer, South Pacific Division, senior logistics adviser to the Republic of Korea, and Deputy Chief of Engineers, all of which broadened and qualified him for the most important role of Chief of Engineers. In this position he has distinguissed himself as, without a doubt, one of the greatest in a long line of great Chiefs of Engineers.

General Cassidy leaves a glowing record of accomplishments, a top-flight engineering and construction agency, and a career which is an example for all to emulate.

As a member of the Public Works Committee, I am personally proud to have worked with General Cassidy over the years and to have this opportunity to extend my personal wishes for continued success in the future.

VIETNAM, CRIME TOP DELLENBACK POLL

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. DELLENBACK. Mr. Speaker, Oregon's Fourth Congressional District gives top priority to the war in Vietnam as an area of national concern, according to the results of my third annual constituent questionnaire. While this is not surprising, I did find it both surprising and interesting that the district ranks crime second in a list of 20 problem areas. This indicates that even in a district where there is relatively little crime in the streets, racial turmoil, and campus disorder, people recognize the need to place a high national priority on fighting crime.

The more than 22,000 persons who responded to my request for their views also reported that they strongly favor direct popular election of the President and Vice President and the elimination of all restrictions on wage earning for a beneficiary drawing social security benefits. They are in approximate balance, pro and con, as to the President's recommendations for an anti-ballistic-missile system and on the proposal to place the Armed Forces on an all-volunteer basis. They are opposed to lowering the voting age to 18.

The questions and the responses follow:

Do you favor

[In percent]

1. The direct popular election of the President and Vice President?

Yes	85.1
No	9.5
No opinion	5.6

2. Placing the Armed Force on an all-volunteer basis?

Yes	45.0
No	45.5
No opinion	9.5

3. The President's recommendations concerning an anti-ballistic-missile system?

Yes	40.8
No	40.6
No opinion	18.6

4. Lowering the voting age to 18?

Yes	65.0
No	29.8
No opinion	5.2

5. Eliminating all restrictions on wage earning for a beneficiary drawing social security benefits?

Yes	60.5
No	31.5
No opinion	8.0

In my questionnaire I also listed 20 issues and asked my constituents to number in order the six they considered the highest priority areas of national concern. Just as I asked residents of the Fourth District to make priority ratings, I ranked the answers, giving more weight, for example, to an item marked "1" than to one marked "6."

Following is a complete ranking of the 20 areas:

1. Vietnam.
2. Crime.
3. Inflation.
4. Tax Reform.
5. Tax Reduction.
6. Student Unrest.
7. Poverty.
8. Pollution
9. Race relations.
10. Defense budget.
11. ABM.
12. Education.
13. Social Security.
14. Draft Reform.
15. Electoral Reform.
16. Conservation.
17. Agriculture.
18. Housing.
19. Space Exploration.
20. 18-year-old vote.

Mr. Speaker, I also include the text of the bill I introduced amending the Military Selective Service Act of 1967:

H.R. —

A bill to amend the Military Selective Service Act of 1967 in order to provide for a more equitable system of selecting persons for induction into the Armed Forces under such Act

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 "Selective Service Amendments Act of 1969".

SEC. Section 5(a)(2) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455 (a)(2) is hereby repealed.

SEC. 3. Section 6(h)(1) of the Military Selective Service Act of 1967 (50 App. U.S.C. 456(h)(1) is amended—

(a) by amending the fifth sentence to read as follows: "Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, or who is otherwise deferred or exempted under the provisions of this section, shall, upon the termination of such deferred or exempt status, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred or exempted."

(b) by adding the following new sentence: "When such prime age group is designated by the President, any person who has attained the nineteenth anniversary of the date of his birth but not yet the twenty-sixth such anniversary who is not in a deferred or exempt status shall, if qualified, be liable for induction as a registrant within the prime age group."

SEC. 4. Section 16(a) of the Military Selective Service Act of 1967 (50 App. U.S.C. 466 (a)) is amended by adding the following proviso at the end thereof: *Provided,* That, in establishing categories of selection and in the selection of registrants within categories, the words 'age group or groups' may be construed to mean persons born between designated dates."

A COORDINATED NATIONAL AIRPORT AND AIRWAYS PLAN

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, this morning, I testified before the Interstate and Foreign Commerce Committee in support of legislation designed to build an airport and airway system consistent with jet age needs and objectives.

In view of the broad interest in the subject, by my colleagues, and aviation interests throughout the Nation, I take this means of bringing the content of my testimony to their attention.

I sincerely hope my recommendations will be helpful to all Members as they consider and evaluate the various aviation proposals before the Interstate and Foreign Commerce Committee.

My testimony follows:

SUPPORT OF H.R. 9325

Mr. Chairman, I sincerely appreciate this unique opportunity to testify today in support of H.R. 9325 to promote a coordinated national plan of integrated airport and airway systems in this country.

As I appear before this committee today, I'm tempted to say in a loud and clear voice, "Hallelujah, this is the judgment day." I've been waiting for a long time—looking forward to the day when a meaningful program, for building the finest coordinated, integrated and balanced airports and airways system, would be considered and advanced by the Congress of the United States.

In order to clarify what I mean by an airport system, I will briefly outline what I see will be required for the current and future interests of our air transportation users.

1. *Metropolitan areas* must move toward the adoption of the integrated airport system concept (HUB commercial or regional airports with satellite reliever and STOL based on air traffic engineering recommendations). This will permit more air access to the community rather than restrict the flights into the over-congested and too limited airports now serving our major cities.

2. *Intra-state* airport systems and programs must be established with special consideration given to helping small communities provide air access and some form of Federal, state or local government tax incentive or relief for private airports serving a public use. (Part of the state or local government matching share might be in the form of relief granted by local political subdivisions for privately owned airports—at least the runway, taxiway and parking ramp areas which are generally not direct revenue producers. Strong language in the committee report might serve to motivate the states to implement this recommendation.)

3. An *inter-state* system of airports.

4. *Inter-continental* or international system of airports capable of handling the SST and Jumbo Jet-type aircraft.

5. An *inter-metropolitan* area STOL transportation system of airports for communities less than 500 miles apart.

6. *Heliports.*

Two years ago, Mr. Chairman, I was privileged to address the House under special order on the subject of "the growing crisis of the lack of airports." At that time, I stated my conviction that the United States was facing an airport crisis of crippling proportions. In the two short years since I made that statement, the crisis has become even more acute, reaching a peak last July and August when congestion in the metropolitan area airports, airways and approach control facilities of the nation almost paralyzed the air transportation system. This situation, in my judgment, will continue to deteriorate unless the Federal government, the state and local governments, general aviation, commercial aviation, airline passengers, and air shippers act now to improve the system. The time has passed when we can defer action to await "further study of the problem," in hope of a few "painless," easy solutions.

OUTLINE OF A COORDINATED NATIONAL PLAN OF INTEGRATED AIRPORT AND AIRWAYS SYSTEM

Two basic requirements are needed—consideration and recommendation for adoption of a national airport system plan and a recommended method of financing this plan.

With the large costs involved, coordination between all levels of government in our Federal system must be maximized and unnecessary duplication of facilities must be minimized.

With land values escalating and available airport sites diminishing, particularly in the metropolitan urban areas, the problem of guaranteeing aviation access for general and business aviation type aircraft is crucial and a solution must be found immediately.

The problems of air safety and air space planning cannot be resolved or even considered until such time as the airport and heliport sites are specifically located on the ground.

As a member of the Roads Subcommittee of the House, I can tell you the United States of America has an enviable position of leadership in the world for having developed one of the finest road systems known to man—why not start today by committing ourselves to work toward developing the finest and safest airport system in the world.

With the congestion on the ground and in the air increasing, it becomes mandatory that we maximize the coordination between surface and air transportation program recommendations.

For many years, I have advocated locating air strips contiguous to highways. Lands for these strips should be acquired at the same time lands are acquired for highway purposes. All that is required is coordinated planning and financing.

Quite frankly, it might be helpful to have the Roads Subcommittee and the Aeronautics and Transportation Subcommittee meet in joint session for the purpose of considering these possibilities.

In any event, the history of our road construction program, which built the Interstate Highway System and has assisted the States in building their primary and secondary road systems, may well serve as a basic guide for programing an airport system. With the rapidly changing world situation, I have concluded in my own thinking that the U.S. airport needs of the immediate future will require:

1. A system of international airports to accommodate airborne traffic flying the world's airways, strategically planned and located in select sites throughout the United States.

2. An interstate system of airports for handling interstate flights.

3. Each State and county should develop an intrastate system of airports for aircraft flying principally between cities within a given State.

4. Every metropolitan area should develop an integrated system of airports designed to guarantee expeditious access and maximum safety for general aviation, commercial, military, and rotary-wing type aircraft.

5. Every incorporated community in America should have at least one airport with plans for expansion and adding airports.

Obviously, many of the airports will serve dual and possibly triple purposes until increased traffic would necessarily restrict them

to a single purpose. As examples, in the Washington-Baltimore area, Dulles and Friendship now serve international, interstate, and intrastate air traffic requirements. Washington National serves principally the interstate and intrastate categories.

WITHIN THE NATION'S AIR TRAFFIC CONTROL-AIRPORT SYSTEM

1. Create and develop general aviation airports that will be suitably located in metropolitan areas that will provide all required airport facilities, including communications and terminal VOR's, to attract a maximum volume of general aviation activities away from air carrier airports so as to achieve maximum airspace and airport capacity at air carrier airports. Such reliever airports to adequately serve general aviation should have:

Convenient ground transportation to business areas;

Convenient transportation to air carrier airports;

Adequate navigational and landing aids, et cetera; and

Adequate passenger and crew facilities and services.

2. Encourage the Federal Aviation Administration to establish Federal regulations which will require that all aircraft operating within the terminal air space at major airports meet uniform standards for instrumentation, communications and navigational equipment. This objective is necessary to achieve optimum compatibility with the air traffic system and efficient utilization of all airport facilities created as an integral part of the national air transportation network.

3. Encourage the full development and utilization of reliever general aviation airports and other facilities that have been developed and financed for specific use by different segments of aviation.

4. Encourage and assist the Federal Aviation Administration to develop adequate air traffic control procedures for V/STOL aircraft which will permit maximum advantage to be taken of the unique characteristics of both V/STOL and fixed wing aircraft with a minimum of mutual interference. The greatly expanded use of V/STOL can provide substantial relief and alternatives for the growing problem of public ground access to airports.

5. Encourage the Federal Aviation Administration and the Civil Aeronautics Board to study the increasing volume of air taxi type operations at air carrier hub airports. Such operations should complement air carrier services at major airports without disrupting airline service.

6. Require Federal Aviation Administration to change criteria for placing towers, instrument landing systems, high intensity approach lights, radar surveillance and approach facilities, on smaller community airports outside of high density areas. With adequate facilities, many communities would then be in a position to attract industry for industrial airpark developments, provide relief from high density traffic areas, establish a constructive trend toward decentralization of business and government, and provide more stable and balanced economic development in the entire country.

7. Encourage wider use of helicopter service. Link the major air carrier airports together through the establishment of helicopter shuttles.

8. Escalate plans for developing surface transportation—improved access roads, monorails, and so forth—systems to serve airports of area. Coordinated planning and development of air and surface transportation systems is mandatory.

In order to better illustrate and define the suggested integrated airport system, I herewith submit a plan that could be applicable to the Washington, D.C., metropolitan area and other similar expanding urban areas of the country. Properly implemented, this plan could serve as a model for adoption elsewhere. This being the Nation's Capital, we should provide the example for others to follow:

METROPOLITAN AREA INTEGRATED AIRPORT PLAN

Introduction

One of the most critical problems facing the growth of the National Air Transportation System is the need for responsible overall planning in metropolitan areas.

It therefore appears appropriate for the Administration to develop and adopt an air transportation integrated airport philosophy to meet the growing demands of the public.

The following plan, already proven successful in application, will serve as the basis for developing this philosophy.

Objectives and purposes of an airport integrated system

To serve the public interests; promote air navigation and transportation; develop and increase air commerce; promote efficient, safe and economical handling of air commerce; to develop facilities for all segments of aviation. (General Aviation and Scheduled Air Carriers Aviation).

Systems requirements

The development of an efficient, economical and safe integrated system of airports conveniently located in and around a metropolitan area should consider as essential three basic assumptions:

1. Create an independent metropolitan airport authority by state legislation, with a clearly defined geographic area of jurisdiction. This authority, to be effective, must have the responsibility for all activities related to the planning, development, operation, maintenance and use of the system of airports. Further, the responsibilities must extend beyond the airport boundaries as critical considerations lie in the preservation and protection of the entire airspace over-lying the area of jurisdiction. Control over the construction of tall towers and other high structures is essential to maintain air traffic capacity of the system along with the need for adequate clear zones and buffer areas. The authority must anticipate the requirements for and make acquisition of sufficient land for these purposes.

It is noted that this basic plan does not oppose private ownership of airports within the jurisdictional boundaries, but rather, encourages such within the integrated airport systems concept.

2. Accessibility to the airport by the public will directly determine the extent to which people will use air transportation. Each airport within the integrated-airport system, therefore, should be no further than 30 minutes from the potential user by a convenient highway system. Future airport development should consider high speed freeways and access roads already in use along with those under construction or planned.

3. Aircraft with widely differing performance characteristics and runway load bearing requirements should be segregated. The capital and operating expenses required to provide facilities, at each airport, for such a broad range of aircraft is economically unrealistic. However, small aircraft should not be regulated off of publicly owned and operated large airports. By providing readily accessible facilities for General Aviation aircraft at satellite airports, General Aviation can be enticed to the smaller airports and in doing so, preserve the large air carrier type airports for expansion in air carrier operations. The value of scheduled air transportation has long been recognized, however, the impact of the General Aviation segment of the air transportation industry upon the metropolitan economy has never been fully understood or appreciated by the general public. As General Aviation continues to grow and serve as an ever increasing tool to business and industry, it is evident that the economy of metropolitan areas will be materially influenced by the availability of General Aviation airports.

Requirements for action

Legislative action at the state level may be required to provide a fully independent airport authority. Such legislation may also provide the foundation at the local level for public support and reduced costly rivalry by uniting the total metropolitan area within a single plan for economic growth. Legislation may further provide the framework for needed financial cooperation at the three government levels: federal, state and local.

The development stage of this legislation is the appropriate place for a thorough examination of both the current and forecast air transportation needs for the metropolitan area. Further, it is the proper time for numerous public hearings that will assure the maximum display of public participation in the development of the integrated airports system.

The result of the legislation should be a plan of operation that will identify the airports and their role within the metropolitan integrated airport system.

System operation

The layout of the individual airports should, in consideration of long range needs, provide for expansion. An example of this can be found in planning runway configuration. Two parallel runways into the prevailing wind will provide the greatest return for each dollar spent in both the area of greater utilization as well as land purchased for clear zones and buffer areas. Additionally, provisions should be made for at least one cross-wind runway.

Clear zones and buffer areas must be considered at the very beginning in order to permit the installations of all weather landing systems and to minimize noise problems.

The geographical location of each airport must be such that it does not conflict with the flow of traffic of any other field in the metropolitan area.

The problem associated with flights over populated areas and the intrusion of aeronautical hazards into the lower airspace cannot be solved by simply moving airports further from population centers. In order to attain the maximum capacity for air traffic, aircraft must be separated vertically as well as horizontally. With the authority to preserve and protect the lower altitudes, this integrated airport will provide space for a greater flow of VFR traffic without interfering with aircraft operating under positive control.

The ultimate goal of this plan should be the condition in which the only limiting factor for the volume of traffic is the capacity of each airport ground handling and servicing abilities.

Economics

The economic considerations in the development of the plan described herein are borne out by the experience gained in one metropolitan area over a period of 25 years. It has been recorded in metropolitan areas that over 90 percent of their aviation budget has been spent at airports maintained for aircraft having performance characteristics and runway loads bearing requirements equal or similar to those in scheduled air transportation. These aircraft comprise 25 percent or less of the total aircraft movements. On the other hand, 75 percent of the total aircraft movements (General Aviation) are accommodated at those facilities where less than 10 percent of the total capital investment has been made.

Conclusions

1. A good statute clearly setting forth the objectives and providing complete independence for the airport authority from the cross currents of local pressures, with general

agreement and support of an integrated airport system.

2. The safety of operation in the accommodation of air transportation in a metropolitan area dictates the separation of the smaller General Aviation aircraft from the larger, high performance aircraft used by the scheduled air carriers. This separation should not be attained by regulations.

3. In order to attain the maximum capacity for air traffic in a metropolitan area, aircraft must be separated horizontally as well as vertically. With the protecting of the lower altitude for VFR flights this greater volume of air traffic can be safely accommodated without positive IFR control. The integrated system of airports strategically located throughout the metropolitan area further permits the safe dispersing of air traffic throughout the entire metropolitan area.

4. The ultimate success of a metropolitan integrated airport complex is dependent upon the preservation of the lower altitudes for air traffic.

5. The problems inherent with the flight of aircraft over populated areas are not solved by moving of airports farther from the population center. Accessibility to the airport and thus the airplane directly determines the extent to which people will use air transportation. Convenience and accessibility can most logically be accomplished by a system of airports readily available to the populated area they serve, and accessible over high speed highways.

6. The separation of General Aviation aircraft from the scheduled air carrier aircraft is dictated by economics of airport development and operation. The relative capital and operating costs of providing facilities at scheduled air carrier airports is so great as to make it economically unfeasible to provide for the large volume of General Aviation aircraft on scheduled air carrier airports.

7. The value of scheduled air transportation is readily recognized, however, the impact of General Aviation upon the economy of a metropolitan area has never been fully understood or appreciated by the majority of the citizenry. As General Aviation aircraft will continue to serve as an increasingly vital tool to business and industry, it follows that the economy of metropolitan areas will be materially influenced by the availability of General Aviation airports to accommodate such air traffic.

Recommendation

The National Air Transportation philosophy should recognize that a need exists to develop an integrated system of airports in the metropolitan areas which will serve all users and yet preserve the capacity of the major airports for those who have the need for its specialized services.

AN EFFECTIVE AIRPORT TRUST FUND

In order to bring about the most orderly planning and implementation of the above system recommendation, I believe it is absolutely essential to adopt the Airport Trust Fund approach to revenue accumulation and apportionment.

Once adopted, the highway access routes to and from the airports can be better coordinated with the established Highway Trust Fund.

In order for this Nation to achieve the maximum in economic growth, the best environment for future living and totally balanced transportation system, a balanced method of finance must be advanced. Therefore, I strongly urge the adoption of three basic Trust Funds:

1. Highways and Roads.
2. Airport and Airways.
3. Urban Area Transportation Systems.

With the forthcoming Jumbo Jets, the surface transportation systems and routings are inadequate to handle the contemplated passenger traffic. Therefore, highways, bus and mass transit systems must be planned and constructed to accommodate the passenger flow generated by this type of aircraft.

COORDINATION AND BALANCE

I earnestly feel the public and private transportation engineering organizations of this Nation can come forth with the finest coordinated and balanced transportation system in the world if we, in the Congress, provide them with the financial vehicle (3 Trust Funds) to carry it forward.

The committee will have a monumental task in sifting through the thousands of words of testimony and then coming forth with the best possible recommendation for authorization.

THE ROLE OF THE CONGRESS

Fundamentally, there are two basic questions to be resolved by the Congress through legislation:

1. Authorizing the best possible airport and airways system to be built and developed over the next 10 years.

2. Adopting the most equitable finance formula required to fund this system.

Inasmuch as this committee has the prime system authorizing responsibility, I think it behooves all of us to concentrate on what we believe will ultimately provide us with the safest and most efficiently operated airport and airway system available or attainable—consistent with prudent fiscal recommendations.

Mr. Pickle of Texas and I have joined in introducing H.R. 9325, which is designed "to provide additional Federal assistance in connection with the construction, alteration, and improvement of air carrier and general purpose airports, air terminals, and related facilities to promote a coordinated national plan of integrated airport and airway systems."

WHAT DOES H.R. 9325 PROVIDE?

The key provisions of the Bill are:

1. The recognition that we can and must expand and improve the airport and airways system and that the civil user should not be required to provide all of the funds required, but rather, that revenues obtained from the general taxpayer will continue to be utilized.

2. A provision requiring the Secretary of Transportation to conduct a study to determine the allocation of costs of the airport and airways system, and identify these costs that are applicable to the Federal Government and the value to be assigned to the general public benefit.

3. Probably the most important aspect of the Bill is the establishment of the Airport and Airways Trust Fund, which will provide the necessary funds for the development of the system.

4. Granting the Secretary of Transportation authority to guarantee any lender against any loss on loans to finance any public airport development project.

5. The designation, by each state, of a state agency or official to be responsible for public airport systems planning.

6. Provisions for grants to the states to carry out a comprehensive state aviation program that, in the opinion of the Secretary of Transportation, is not inconsistent with the development of a national air-transportation system.

7. Authorizing the Secretary to make grants from the Trust Fund to sponsors of public airports, and—

8. Amendment of the Federal Airport Act to provide the necessary funds for the development of airports whose primary purposes are to serve general aviation and relieve congestion at those airports that have high density traffic serving other segments of aviation.

While neither Mr. Pickle nor I believe the Bill to be perfect in all respects, we do believe it provides an excellent, workable base upon which the committee can build. The Administration's proposal is similar in nature and objectives and I therefore believe the committee would be well advised to include the best of both of these legislative proposals in your final committee bill.

THE MOUNTING VOLUME OF AIR TRAFFIC

Transportation is the "backbone" of our Nation's economy and air transportation is becoming the "backbone of our common carrier transportation system". In 1950, only one out of ten intercity common carrier passengers traveled by air. As of today, however, seven out of ten use air travel. The preference for air travel has been clearly established and the volume of airline traffic is now greater than that of rail and bus combined.

Air transportation problems and forecasts of ascending volumes of traffic do not diminish with the passage of time. Up to now, we have accommodated growth problems within the existing system, but we have reached the point where the airways and airports of the nation are no longer sufficiently elastic to absorb the ever-increasing demands now being made on them.

Quite clearly, the problems of civil aviation today are the result of its successes—not its failures. The essential problem, as I view it, is not in sustaining success, but in achieving coordination and balance. The extent of aviation service to the public has far exceeded, in my judgment, the public support of aviation and the results are now beginning to show, not only in congested airports but in the profit and loss columns of the operators and in the economy of communities where air transportation is a vital factor.

It is noteworthy, I feel, that the airlines reported a 42% decline in earnings last year despite a 16% increase in passengers and cargo. Operating revenues were up 13% but operating costs increased more than 18%. A large share of the operating cost increase, nearly one hundred million dollars, is attributable to inadequacies in our air traffic control and airport systems.

THE PROBLEM OF CONGESTION

The effect of delays and congestion on the economy of New York City is already evident. Last year's congestion and problems in that city, due to inadequacies in the airport/airways system, are estimated to have cost more than two hundred million dollars and unless these problems are corrected, the loss is estimated to reach approximately six hundred million by 1980. Air transportation is one of the basic attributes which have made New York City a mecca for commerce, which distinction may quickly disappear if its airport requirements are not met. And there are other signs. The stock market is considering leaving Wall Street. The garment industry is seeking to locate elsewhere. Other manufacturing industries are seeking locations away from New York. At one point, 18 major companies accounting for over 11,500 on-the-spot jobs had actually decided to move or were actively looking for new locations away from the city of New York—primarily because of over-crowded and congested conditions.

This same situation exists in many other cities, large and small, in the Nation. Clearly evident is the importance of the role of the airport and air transportation in the economy of the community each serves.

Just since the time of my statement two years ago, referred to above, the number of airline passengers has increased by almost 40 percent. This growth is good to be sure. Indeed, it is essential to our burgeoning economy and our security requirements, but if this growth is to continue, the resultant problems and challenges must be met. The urgency is great and the time for action is now.

FUTURE GROWTH FACTORS

While the past growth in aviation has been fantastic, the future is expected to be even

more spectacular. During the next ten years, passenger traffic on schedule airlines is expected to triple—general and business aviation will quadruple. Most of us are familiar with the crowding at our airports and with the delays in the air that are occurring now; imagine, if you will, handling three times as many aircraft on the ground and in the air.

At present, the number of intercity passengers using air transportation is about equally divided between the airlines, and business and private airplanes. The airlines are receiving approximately one new jet aircraft per day and the 115,000 general aviation airplanes of today are expected to increase to over 200,000 in the next ten years. More than twenty thousand corporations own and operate more than forty thousand business airplanes today and this is expected to increase by two and one-half times in the next ten years. Aircraft are also increasing in number of passengers carried along with the number of aircraft being delivered. All of this means more planes, more people, more problems—but I am convinced we can, and must rise to the challenge.

If we are to meet this challenge, there must be a tremendous increase in our developmental effort for the airways/airport system. At the present time, airport construction is seriously lagging. This is due largely to the inadequate incentives provided by financial assistance through the federal aid airport program in the recent past. Considering the lead time of 7 to 10 years required to plan and build a new air carrier airport, it is obvious that we are already several years behind schedule and the situation is certainly going to get worse before it gets better. The development of the airways and air traffic control system is also lagging dangerously. Although a plan was developed by the FAA for the automation of the air traffic control system in 1961, it is a fact that the first operational unit is still under construction and not yet commissioned at Jacksonville, Florida. Only one terminal area traffic control facility has been constructed and this primarily for test purposes. Therefore, I believe we must provide legislation that will accelerate the development of our airport/airways system as well as plan now for the system requirements of the post-1980 period.

DECENTRALIZATION AND REVITALIZATION THROUGH AVIATION

Another growth problem facing this nation, and *not unrelated* to the growth problems of transportation, is urbanization. At present, more than 70 percent of our total population resides on only 1 percent of the land area. If this rate of urban migration continues, by 1980, it is estimated that 80 percent will reside on 1 percent of the land and by the year 2000, 90 percent. The problem generated by this combined migratory and growth trend are of such magnitude that they have raised the very serious question of whether or not they are capable of solution. Even if they are capable of technical solutions, it is questionable whether the financial requirements can be met.

Mounting problems in every aspect of urban life crowd the pages of our newspapers daily and highlight the growing paradox of space age accomplishments and urbanization paralysis. While our major metropolitan centers of this country have grown too overcrowded, grossly over centralized and totally unmanageable, the rural economies and the rural communities in this country are in desperate need of revitalization and diversification. And where has this over-crowding been felt most? Right in the heart of the central city—the very focal point of social dissatisfaction and unrest in America today. For, it is here that the majority of the untrained, unskilled, and unemployed people from the rural areas end up. And these are the same people who seldom, if ever, make it to the suburbs. Lacking the funds to return to the place they left, it is these people who find themselves trapped and who are, in the final analysis, paying the price of life in the big city. Drawn there in search of a better life, countless thousands of migrating Americans too often find only disappointment and the sad realization that they would be better off where they came from. Too often, their only recourse is to swell the ranks of the unemployed and the legions on welfare. The thought of once-productive citizens transformed into wards of the State—is indicative of this migratory trend which has brought with it social and economic decay.

You may well ask, at this point, what is the relationship between the urban and rural crisis and airport/airways legislation?

The availability of an airport is absolutely essential today if any community expects to attract industry. This does not necessarily mean an air carrier airport, but rather a facility which is adequate for the kind of airplanes operated at the present time by more than 20,000 U.S. business concerns.

Transportation technology today has completely eliminated the necessity for locating plants near waterways, close to raw materials or processing plants, or near large concentrations of distribution points for goods. Implementation of the foregoing concept is the purpose of section 204(d) of the bill which my colleague, Mr. Pickle, and I have introduced, and which calls for the Secretary of Transportation, in administration of this program, to give priority consideration for an airport development project which improves air access to the area or is essential to the economic and social development of such an area.

We can bring about "rural revitalization" by redirecting the emphasis of Federal programs so as to provide incentives for industry to establish manufacturing facilities in smaller communities and thereby create job opportunities at the point where urban migration originated. There is, I believe, sufficient expansion of industry presently forecast to create a reverse migration if the new plants contemplated are located in smaller rural communities and not the major metropolitan areas.

Studies by the U.S. Chamber of Commerce have shown that the establishment of a plant requiring 100 employees results in over 150 additional jobs in the same area or a total of 250 new jobs. Brookings Institute made studies many years ago which show that a dollar of new money brought into a community is respent 20 times in the economic cycle of that community. The resultant payrolls of new plants in small communities enlarges the local tax base to provide the revenues for construction of other public facilities such as streets, schools, recreational facilities, etc.

It now seems clear that, if we are to continue to move ahead, we must reverse and redirect the imbalance in our population distribution and to do so requires a balanced, coordinated and integrated transportation system that will promote and enhance economic growth in small communities.

In addition, we must have programs supported by user charges which provide for urban transportation systems, intra-state air and highway systems, interstate and intercontinental air systems.

The legislation Mr. Pickle and I have proposed provides a program which will bring about the development of intercontinental, interstate and intra-state systems of airports on an equitable basis. It also provides for the development of airways systems and, in the near future, for the entire cost of operating the airways system. This bill also provides for planning grants to assist in developing plans so essential to the timely, balanced and integrated comprehensive air transportation systems.

Not only is this legislation designed to meet the needs of large cities but also to assist in the revitalization of our smaller communities and ease the pressures resulting from the "urbanization avalanche" going on now.

Our bill also provides for a share of the revenues derived from the user charges to be returned to the 50 states for administration of aviation programs, air transportation system planning and airport development within the state based on local priorities aside from Federal interests. The objective, of course, is greater involvement of the states in air transportation system planning and development as is the case of our Federal highway program.

This legislation further establishes a trust fund for airport/airways development and the manner in which this fund shall be utilized. We have not included user charges or taxation provisions which are matters within the purview of the Ways and Means Committee. In this regard I respect the sagacity of this committee to determine the most appropriate and equitable system of taxation to meet the requirements of this legislation.

BALANCE IS THE KEY

Therefore, as I see it, we should be concentrating heavily on a comprehensive legislative "package" that will, in the final analysis, give us the best system of airports possible using a distribution formula that recognizes not just our present population distribution—but where our population can and most likely will be located in the future.

In my judgment, this is one of the most fundamental and paramount considerations that must be incorporated into planning of a comprehensive airport and airways system.

All things considered, Mr. Chairman, I believe the keyword in putting such a "package" together is "balance". Because, from this legislation, there must emerge:

1. A balanced finance formula.
2. A balanced airport/airways system.
3. A balanced national transportation system.
4. A more balanced population pattern.

BASIC AIRPORT AND AIRWAYS FUNDING CONSIDERATIONS

Philosophically, there is no doubt that considerable monies must be obtained for the continuation and expansion of the airways and airports to accommodate the rapidly expanding transportation needs of the country. It is no longer possible, in my judgment, to place this burden solely on the general taxpayer. User funds should be directed toward the development of a comprehensive airport system, while general funds should be utilized for airways and air systems development.

It has already been established by presidential directive that the user will pay for special services rendered by the Federal Government, and there just is no question that the general public does benefit appreciably from aviation. Therefore, it is not unreasonable to assume that a portion of the costs for expanding and continuing the airport/airway system should be borne from general funds. What portion this should be is highly debatable and, as I have previously stated, a matter for the House Ways and Means Committee to decide.

Keeping in mind the contemplated new era of Federal, state and local cooperation, I feel that the greatest portion of revenues collected for airport planning, development and actual building of airports should be directed to state agencies for application and project completion, and that the major role of the Federal Government should be the development of guidelines that would be used by the states themselves for airport development.

I feel quite strongly about the fact that, somewhere in the Bill, emphasis must be placed on the preservation of the privately

owned airport that is open for public use. During the past few years we have witnessed many existing private airports fall under the pressure of local taxes or increased land values causing the ownership to sell for other than aviation purposes. A method of relief to these owners could come about through tax advantages or by direct purchase by local or state governments to assure the airport continues to operate as an airport.

While it is true that H.R. 9325 differs both with the Administration Bill and with other similar bills which have been presented for consideration, especially in regards to air carrier fuel charges, I am perfectly willing to leave this problem to the House Committee on Ways and Means. Quite frankly, I am more interested in seeing that these revenues are expended in a way that these concepts and ideas which I have outlined herein, can be generally supported and eventually implemented.

RESEARCH AND DEVELOPMENT A MUST

Whenever large sums of money are to be expended over a long period of time, we certainly need sufficient, on-going research and development to enable the industry to provide the latest "state of the art" equipment and systems that will be absolutely essential in providing an effective and forward-looking airport and airways system with the latest and best equipment and facilities available or attainable. This seems to me to be a must!

I also believe that a greater share of these funds should be channelled into planning functions. Here again, this should also be a state and local function, with Federal coordination so that each state's master plan fits into and dovetails the national systems program.

And lastly, in this regard, I feel that greater allocation considerations be given to the states, because such a program as I envision and have advanced here today, would entail much larger and more competent state organizations and, certainly, additional funds would be required to support it and using a distribution formula based on geographical area and population criteria that I have outlined elsewhere in these remarks.

In conclusion, Mr. Chairman, I submit that we, in the Congress, must attack the airport crisis in a manner that will meet the challenges facing us and avoid all constraints that might well inhibit the safety of the skies and the full economic growth potential of this Nation.

Again, I want to thank the Chairman and the members of this Committee for this opportunity to outline my views, suggestions, and recommendations on a matter of utmost urgency.

CAN'T WE EVER LEARN?

HON. JOHN YOUNG

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. YOUNG. Mr. Speaker, the Ways and Means Committee last Friday issued a press release announcing tentative decisions on tax reform made by the committee since July 11, 1969. Included among those decisions were several which would adversely affect the petroleum industry.

Perhaps the most significant was the reduction of the percentage depletion rate on oil and gas wells from 27½ to 20 percent. Other items in the package were the decision to treat carved out production payments—including A–B–C transactions—as loans and to deny percentage depletion on foreign oil and gas wells. In addition, certain changes were made in the application of the foreign tax credit which have the effect of reducing the benefit of such credit. In fact, the change made with respect to companies on the overall limitation was specifically directed toward the oil and gas industry.

The net effect of the committee's recommended tax changes in the natural resources area would be to greatly increase the tax burden of the petroleum industry at a time when the industry's need for exploration and development is the greatest.

In 1968 the United States consumed 50 percent more oil than the domestic petroleum added to its proved reserves and this represented the ninth consecutive year in which reserve additions of crude oil and other petroleum liquids were below the level of consumption. Under ideal conditions new reserves added each year should exceed consumption. This is not absolutely essential since to some measure the Nation's domestic reserves can be augmented by oil imported from foreign sources. However, in view of the conditions prevailing throughout the globe, it is imperative that this Nation not become too dependent on foreign oil and remain largely self-sufficient in this regard. Between now and 1980 the domestic petroleum industry must find and develop 87 billion barrels of oil—70 for consumption and 17 for inventory, to assure its self-sufficiency.

This can be done only by the expenditure of huge sums of capital currently estimated at $116 billion. This sum is more than twice as much as the industry has been spending in recent years. Historically, the industry has obtained its capital as follows: 45 percent from net earnings, 45 percent from capital recovery, and 10 percent from capital markets. The committee's action in recommending tax law changes which would appreciably reduce the industry's net earnings and capital recovery, would force the industry into the capital market with no assurance that the funds would be available. Absent the funds for exploration and development, the domestic petroleum producing industry would slowly wither on the vine and the United States would ultimately become largely dependent on imported oil. No rational person would want this situation to develop.

There is, however, one practical alternate source of capital—an increase in net income which could only be accomplished by an increase in gross revenue, which in turn would necessitate higher prices for petroleum products. Thus, in the final analysis, a cut in the depletion allowance would result in what would be equivalent to a tax increase on consumers, just one more item contributing to the inflationary spiral.

The Chase Manhattan Bank in its monthly review of the petroleum situation released July 31, 1969, analyzes the situation the industry is in today with respect to demand, supply, and capital requirements, and points out unequivocally that any reduction in the depletion allowance must be replaced by some other source of capital if it is to survive.

I would like at this time to insert in the RECORD the commentary contained in the Chase Manhattan Review dated July 31, 1969, and suggest that the Members consider carefully the results of a reduction of the depletion allowance and the other key incentives for the oil and gas industry.

The commentary follows:

CAN'T WE EVER LEARN?

Last year the United States consumed 50 percent more oil than the domestic petroleum industry added to its proved reserves. It was not the first time the industry has been unable to keep pace with the nation's growing needs. Indeed, 1968 was the ninth consecutive year in which reserve additions of crude oil and other petroleum liquids were below the level of consumption. For the entire nine year period, the new reserves represented little more than four-fifths of the accumulated consumption in that time.

Ideally, the new reserves added each year should not only match consumption but should exceed it. Proved reserves are in the nature of underground inventories. And, as such, they should expand in reasonable proportion to the growth of market demand—if the market's needs are to be fully and continuously accommodated. If that goal had been achieved over the past nine years, the petroleum industry would have had to find 1.4 barrels of proved reserves for each barrel consumed instead of the 0.8 barrel it actually did find. In other words, it should have discovered a total of 51 billion barrels in the nine year period—two-thirds more than the 30 billion actually found.

It is not absolutely essential, of course, that the ideal situation be achieved. To a degree, the nation's domestic reserves can be supplemented with oil imported from foreign sources. And the United States now relies upon imports for nearly one-fourth of its needs. But the nation would incur a very grave risk indeed if it became heavily dependent upon outside sources. As the record forcefully demonstrates, reason does not prevail throughout the world. And there is no real assurance that oil from abroad would be continuously and fully available. The economy of the United States is much too dependent upon oil to tolerate an inadequate supply. And in the unfortunate event of another international war the nation's position would be perilous if it had to rely upon a high proportion of imported oil. Prudence and common sense, therefore, require that the nation remain largely self-sufficient.

But it won't be for much longer, if the trend of the past nine years continues. By 1980, the annual consumption of oil products in the United States is expected to reach 19 million barrels per day—nearly 50 percent more than the 13 million a day consumed in 1968. Between 1968 and 1980, the accumulated consumption is expected to amount to 70 billion barrels. If the United States is to maintain a minimum safe inventory of proved reserves and not become more dependent upon outside sources than it now is—obviously a desirable goal from the standpoint of the nation's well-being—the domestic petroleum industry will need to find and develop a total of 87 billion barrels between 1966 and 1980. Against that requirement, the recently reported discoveries in Alaska do not loom large—and we should be mindful that they are not yet in the category of proved reserves.

To find such a tremendous amount of oil will require an equally enormous capital expenditure. For the past two decades there has been a consistent relationship between the amount of money spent in the search for oil and natural gas and the proved reserves actually found. And if this relationship con-

tinues, the petroleum industry will need to spend approximately 116 billion dollars to find and develop 87 billion barrels of oil. That would necessitate an average outlay of 9.7 billion dollars a year between 1968 and 1980—well over twice as much as the industry has been spending in recent years.

In the past nine years—the period during which domestic reserve additions were less than consumption—the petroleum industry spent as much as 40 billion dollars trying to find and develop new sources of petroleum in the United States. By any standard, that was a huge financial effort. But, obviously, it was not enough. To have found sufficient oil to match market needs and maintain a satisfactory level of proved reserves, a capital expenditure of about 68 billion dollars would have been required—70 percent more than was actually spent. Why—if there was a need—did the industry fail to spend that much? The answer hinges primarily upon two factors: (1) the incentive to spend, and (2) the ability to spend.

Insofar as the search for oil and natural gas in the United States is concerned, the petroleum industry may be divided into two basic groups—the major companies and the independent producers. For a decade following World War II, both groups spent nearly identical amounts of money. And they both increased their levels of spending year after year, keeping pace with market expansion. By the mid-fifties, each group was spending approximately 2.5 billion dollars a year—more than three times as much as they were a decade earlier. But since that time, their pattern of capital spending has changed to a marked degree. The major companies have sharply curtailed the rate of growth of their expenditures. And the independent producers have progressively reduced their annual outlay. Currently, the independents are spending only half as much as they were a dozen years ago.

These developments provide clear evidence of damage to the incentive to spend. Obviously, if the rate of return on their investment had been more attractive relative to other investment opportunities, both groups would have spent more than they did in their search for additional domestic reserves of oil and natural gas.

But neither group had financial resources sufficient to support a fully adequate expenditure. The petroleum industry is far more capital intensive than most others. And the scope of its activities creates vast capital needs. It is also an industry whose operations involve a substantially higher degree of risk than most others. And, for that reason, it has had to generate most of the funds for its capital and other financial requirements from its operations. Historically, about 45 percent of the money needed has been derived from net earnings, another 45 percent from the various provisions for capital recovery, and only 10 percent from the capital markets. But in recent years the industry has been unable to generate enough from operations and has had to depend much more heavily upon borrowed capital. Currently, its use of borrowed funds is well over twice as large as the historical proportion. Had the industry chosen to spend all the money required to maintain a satisfactory level of proved reserves over the past nine years, it would have been forced to borrow far more than it actually did. And we must be mindful, of course, that all borrowed capital eventually must be repaid with funds generated from operations.

Clearly, the availability of sufficient petroleum from domestic sources is vital to the welfare of the United States. And, obviously, if the petroleum industry is to satisfy the nation's needs and also maintain a safe margin of proved reserves, it must have enough capital to perform that function, it must also have sufficient incentive to use its capital for that purpose. In the face of these demonstrated needs, it would be logical to think that nothing would be done to prevent the industry from accomplishing its essential purpose. Yet, incredibly as it may seem, obstacles are indeed placed in the industry's way.

For the last decade and a half, the industry's generation of capital funds has been severely limited by governmental regulation of the price of natural gas. Carried on without sufficient regard for economic and competitive circumstances, the regulation forces the industry to accept a price for gas that is much too low. Since various oil products must compete in the market with the low priced gas, their prices are indirectly affected also by the regulation. These circumstances limited both the generation of capital and the incentive to invest the funds that actually were available. Significantly, the cutback of capital spending devoted to the search for new oil and gas reserves was initiated shortly after the imposition of the price control. And, as a result, the nation is now faced with a shortage of both oil and natural gas. How, we might wonder, could anyone ever have believed the United States could continue to have adequate supplies of oil and natural gas, if the petroleum industry were denied sufficient funds to search for them? Yet, that denial has persisted, despite repeated warnings of the consequences.

And there exists today a situation that demonstrates further how poorly the lesson has been learned. As noted earlier, the petroleum industry derives a large proportion of its capital funds from the various provisions for capital recovery. Together, amortization, depreciation, depletion, etc. rank equally with net income as a source of capital. Until recently, they satisfied as much as 45 percent of the industry's over-all financial needs. All private industries, of course, have provisions for capital recovery—otherwise, they could not survive. But they all do not have the same provisions. A factory or a piece of machinery can be depreciated over its lifetime. And when they are worn out, they can be replaced. But when oil and natural gas have been extracted from the earth and consumed they cannot be replaced—new sources must be found instead. And that can be an exceedingly costly and risky undertaking. The record abundantly demonstrates that vast sums of money can be spent without any oil or gas being found. Since, in fact, the production of oil and gas represents a depletion of its capital assets, the petroleum industry is permitted by law to recover a portion of this capital by means of a depletion allowance.

This procedure, however, has been subjected to increasing attack. And there are mounting demands that the allowance be reduced or eliminated. Some of the attacks obviously are politically motivated. But there is also criticism that reflects a lack of understanding of the true role played by the depletion allowance. There is a failure to recognize that the allowance applies only to revenue generated by the industry's successful producing properties—and the benefits derived do not offset the large sums spent on the search for petroleum that proves unsuccessful. Most often, the allowance is labeled by its critics as a tax loophole—conveying the impression that the money thus obtained is utilized for some nonessential purpose. But regardless of what its detractors choose to call it, the depletion allowance is today what it always has been—a source of capital. And if that source is reduced or eliminated, it must be replaced by another.

There is only one practical alternate source. If, for example, the industry's generation of capital funds were reduced 10 percent by a change in the depletion allowance, net income would have to be increased by an equal amount. And that could be achieved only with an increase in gross revenue—which, of course, would necessitate higher prices for petroleum products. Thus, a cut in the depletion allowance would, for all practical purposes, be the equivalent of a tax increase to consumers. And, as such, it would carry all the inflationary force of any other rise in their costs.

Clearly, a reduction in the depletion allowance—or any of the other provisions for capital recovery—would not be in the best interests of the United States. The nation's dependence upon petroleum, its tremendous needs, the vast amount of capital required by the petroleum industry to satisfy those needs, the industry's decreasing ability to generate enough capital and mounting dependence upon borrowed funds, and the developing shortage of both oil and natural gas are all reasons why such an action would be ill advised. Rather than inhibit the generation of capital and thereby discourage its use, the interests of the United States would be far better served by positive actions designed to achieve the opposite results. If we are to have enough oil and gas, we have to pay enough for them—there simply is no other way. Why is that elementary fact so difficult to understand?

THE DEATH OF ALL CHILDREN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From Esquire magazine, Sept. 1969]

THE DEATH OF ALL CHILDREN—A FOOTNOTE TO THE ABM CONTROVERSY

(By Ernest J. Sternglass, professor of radiation physics, University of Pittsburgh)

Hopefully it is not too late to ask the members of Congress in their deliberations over the Administration's proposed Anti-Ballistic Missile system to pause and reflect on the nature and urgency of the matter they have been debating.

In view of new evidence on the totally unexpected action of strontium 90 on human reproductive cells, it is apparent that Congress has not yet considered what may well be the most important factor affecting its decision to proceed or not to proceed with the first steps toward the A.B.M. shield. The fact is this: a full-scale A.B.M. system, protecting the United States against a Soviet first strike, could, if successful, cause the extinction of the human race. (Indeed, the scientific evidence indicates that *already* at least one of three children, who died before their first birthdays in America in the 1960's, may have died as a result of peacetime nuclear testing). Such is the conclusion indicated by new information on the unanticipated genetic effect of strontium 90, presented at a recent meeting of the Health Physics Society.

Proponents of the A.B.M. system argue that it is necessary to prevent the destruction of our deterrent forces by a massive first strike of Russian SS-9 missiles carrying thousands of multiple warheads. But the threat of such an attack loses all credibility against our present knowledge that the vast amounts of long-lived strontium 90 necessarily released into the world's rapidly circulating atmosphere could lead to the death of all Russian infants born in the next generation, thus ending the existence of the Russian people, together with that of all mankind.

The unanticipated genetic effect of strontium 90 has become evident from an increase in the incidence of infant mortality along the path of the fallout cloud from the

first atomic test in New Mexico in 1945, and from a detailed correlation of state-by-state infant mortality excesses with yearly changes of strontium 90 levels in milk.

The computer-calculated change in infant mortality was found to have reached close to one excess death in the U.S. per one hundred live births due to the release of only 200 megatons of fission energy by 1963. This indicates that a release of some 20,000 megatons anywhere in the world, needed in offensive warheads for an effective first strike or in the thousands of defensive A.B.M. warheads required to insure interception, could lead to essentially no infants surviving to produce another generation.

The specter of fallout has of course loomed before in the national anxiety over nuclear explosions. But the result of these studies comprises the first documented, long-range analysis showing direct quantitative correlations between strontium 90 and infant mortality. (They will be published later this year as recorded in the Proceedings of the 9th annual Hanford Biology Symposium.)

The physicists who exploded the first atomic bomb at Alamogordo had expected radioactive materials of some kind and assumed that they would fall to earth downwind as far as fifty miles away. Accordingly, the test site had been located in an isolated area of southern New Mexico. When a subsequent series of tests was held in 1951, six years later, the scientists moved to the isolation of desert country in southern Nevada. By now, however, and without the knowledge of the scientific community, the death rate of children *in states* downwind from Alamogordo had begun to rise.

The infant mortality rates in the United States have been carefully collected for many years. From 1935 to 1950, the rate shows a steady decline and mathematical models allow the rate to be extended to show, on the basis of previous experience, what the infant mortality rate for any time, consistent with the immediate past, ought to be. But while elsewhere (with one exception) in the U.S. the rate continued downward as expected; in the states downwind of Alamogordo it did not. There was no change in the infant death rate in 1946—the year after the Trinity test—but by 1950 the rate in Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and both Carolinas deviated upward from the normal expectancy. Increases in excess infant mortality of some twenty to thirty percent occurred some thousand to fifteen hundred miles away in Arkansas, Louisiana, and Alabama, where mortality rates were between 3 and 4.5 per hundred live births. Thus, as observed by our research group at the University of Pittsburgh, the Alamogordo blast appears to have been followed by the death, before reaching age one, of roughly one of one hundred children in the area downwind. No detectable increase in mortality rates relative to the computer-determined 1940–45 base line was observed in Florida, south of the path of the fallout cloud, or in the states to the north; and the mortality excesses became progressively less severe with increasing distance eastward, in a manner now understood to be characteristic of the activity along the path of a fallout cloud. Though the increase in infant mortality in these states was taking place during the years 1946–1950, it does not appear to have been associated with the Alamogordo fallout before our studies beginning in October, 1968.

Meanwhile, the study of radiation effects proceeded elsewhere in the scientific community. It became known in the early 1950's that radioactive strontium was concentrated in cow's milk and transmitted, along with the calcium to which it bears a close chemical resemblance, to the rapidly growing bones of the fetus and the subsequent infant. Still, the radiation from strontium 90, though long-lasting, was relatively small in degree; and it was a matter of record, from studies of young women employed in painting luminous watch dials, that very large amounts of radiation over long periods of time are required to produce bone cancer or leukemia in adults. Besides, the survivors of Hiroshima and Nagasaki and their offspring were carefully observed, without discovering any very serious long-term effects of radiation. A small number of leukemia cases turned up, and a very few detectable abnormalities among their children, but compared with the rest of Japan the difference was slight. The measurable effects of fallout, at the time, did not seem so ominous after all. So atmospheric nuclear weapons testing proceeded in Nevada until 1958, and continued in the Pacific until 1963 under the pressure of the Cold War. No obvious or clear-cut incidents of serious harm to anyone were reported outside the immediate area of testing.

Still, there was concern among radiobiologists and geneticists over the possibility of radiation effects on the highly sensitive human reproductive cells, rapidly dividing and developing to form the human embryo during the first few weeks and months of gestation. Evidence from animal experiments, as well as from the observation of pregnant women who had been exposed to X-rays, suggested that ova and embryo might be from twenty to fifty times more sensitive to the development of leukemia than the mature adult. If so, the potential danger of even relatively small amounts of radiation would be greatly magnified.

The evidence implicating X-rays in childhood leukemia had been discovered—quite unexpectedly—by Dr. Alice Stewart of Oxford University, in the course of a survey designed to uncover the causes of a disturbing rise in childhood leukemia among the children of England and Wales during the 1950's. Her study, published in 1958, showed that mothers who had received a series of three to five abdominal X-rays in the course of a pelvic examination gave birth to children who were almost twice as likely to die of leukemia or other cancers than the children of mothers who had not been X-rayed during pregnancy. Subsequent studies showed that only about six percent of all childhood leukemia is related to X-rays, but Dr. Stewart's research remains significant, since before then no serious effects of ordinary diagnostic X-rays had ever been demonstrated, especially since a single abdominal X-ray gives the fetus a radiation dose not much larger than what each of us receives in the course of some three to five years from cosmic rays and the natural radiation in the rocks around us.

It is true that leukemia and childhood cancer are relatively rare. Only about one child in one thousand is affected. Nevertheless, since leukemia and other cancers are the second greatest cause of death among children between five and fourteen (ranking only after accidents), Dr. Stewart's findings were regarded by physicians as startling, and efforts were made to check them. Perhaps the most definitive such examination was done by Dr. Brian MacMahon at the Harvard School of Public Health. Using a study population of close to 800,000 children born in large New England hospitals, where careful records of X-rays given to mothers were available, Dr. MacMahon confirmed Dr. Stewart's findings. He observed only about a forty percent increase in the cancer rate among exposed children, probably because of improvements in X-ray technology that allowed lower exposures.

Meanwhile, in April, 1953, a sizable amount of nuclear debris from a test explosion in Nevada was wafted downwind some two thousand miles to the east and, thirty-six hours later, deposited by a rainstorm over the Albany-Troy region of New York State. Dr. Ralph Lapp, one of the first scientists to be concerned with the hazards of peacetime nuclear testing, drew attention to this heavy local fallout. Subsequent examination of the childhood leukemia pattern in this area showed that leukemia doubled over a period of some eight years after the fallout—and then decreased. Here, for the first time, was a documented case in which fallout appeared to produce serious effects at a rate consistent with what was expected from the study of children exposed to prenatal X-rays.

Further examination of the leukemia rate for the entire State of New York revealed a pattern of increase and decrease following the sequence of individual test series in Nevada between 1951 and 1958, with a characteristic time delay of about five years after each detonation. The rise and fall were particularly marked in the age group from five to fourteen years, the group most indicative of radiation-produced cases.

More disturbing yet, the evidence showed that the arrival of the fallout was followed by a halt in the normal decline of the rate of stillbirths. For the previous fifteen years, from 1935 to 1950, the stillbirth rate had shown a regular and progressive decline. Within a year after testing began in Nevada in 1951, the rate began to deviate upward. Between 1957 and 1963 the fetal death rate, instead of steadily declining as it had from 1935 to 1950, leveled off completely at around twenty-three per thousand live births. In 1964, the fetal death rate rose to 27.3 per thousand, the first such leap since records had been kept in New York State. In 1965 and 1966, it declined slightly, as a gradual reduction of fallout in milk and food took place throughout the U.S. In contrast to New York, the fetal death rate for California—upwind of the Nevada test site, and therefore not affected by it—continued its steady decline, in line with the 1935-1950 figures from which New York so sharply deviated. Still, the rate of decrease began to slow down in California also—two to three years after the onset of hydrogen bomb tests in the Pacific in 1954.

The implications of the fetal death rate could be considered much more serious for society than the incidence of childhood leukemia, since there are more than ten times as many fetal deaths reported than cases of childhood leukemia. Moreover, for every fetal death reported, an estimated five or six are not reported, yielding perhaps fifty or sixty fetal deaths for each case of leukemia. Consequently, the search for further evidence continued. More fallout seemed to be followed by more fetal deaths, but no precise statistical correlation had been drawn. Since the amount of strontium 90 deposited in the soil is easily measurable, the cumulative deposit of strontium 90 was plotted against the *excess* of fetal mortality over what the mortality *should* have been if the 1935–1950 decline had persisted. The finding: except for the first few years of testing in Nevada, when short-lived isotopes rather than the long-lived strontium 90 were dominant, the fetal death rate in New York followed the same general pattern as the accumulated strontium 90 on the ground. Both curves showed the same decrease in rate of climb coincident with the temporary halt of nuclear testing from 1958 to 1961; both show a sharp rise beginning with the large Soviet test series in 1961. Two years after the test band in 1963, both the fetal death rate and the radioactivity in the environment once again began to decline.

A similar pattern in the fetal death rate exists in the data for the United States as a whole for all periods of gestation up to nine months. Again, there is a steady rate of decline until the Fifties, a leveling off in 1951–52, and an actual rise in 1954, corresponding to the onset of the Pacific H-bomb tests; and a second rise in 1961, corresponding to the Soviet test series.

But perhaps the most disturbing evidence of all indicates that the rates of infant mortality in the United States and all over the world seem to have been affected by nuclear testing. The infant mortality rate is far more accurately known than the fetal death rate, since the death of a baby unlike a miscarriage or an abortion, rarely escapes notice in the advanced countries. Like fetal deaths, infant mortality had shown a steady decline in the period 1935–1950; but beginning with the Nevada tests in 1951 and continuing until just after the test ban in 1963, the rate suddenly leveled off in the U.S. This leveling off did not occur in such other advanced countries as Sweden, Holland and Norway, or in Southern Hemisphere countries like Chile and New Zealand, until late in the 1950's when hydrogen-bomb tests in the South Pacific and Siberia began to produce worldwide fallout on a much increased scale. Only after the major portion of the most violently radioactive material from the 1961–62 tests had disappeared did U.S. infant mortality begin to decline again in 1965, at a rate close to the previous 1935–1950 decline.

The most serious effects appeared in the age group from one month to one year. Here, the rate of deaths per one thousand live births should have been, according to the 1935–1950 figures, about 2.7. Instead, the observed number was 5.4 per thousand, twice what is should have been and twice what it actually was in Sweden, where the rate had steadily declined to 2.6 per thousand.

Not only was there a drastic change in overall infant mortality for the U.S. as compared to the rest of the advanced countries, but there were also disturbing patterns of change within the U.S. For example, the infant mortality rate started to level off sharply in the Eastern, Midwestern and Southern states within two years after the onset of atomic testing in Nevada in 1951, while it continued steadily downward in the dry Western states. But this is exactly the known pattern of accumulated radioactive strontium on the ground and in the diet, since strontium is most heavily deposited in states of high annual rainfall, especially in those to the east of Nevada.

Serious difficulties remained, however, in establishing a casual connection between nuclear testing and these drastic changes in fetal and infant mortality. First, why should fallout, and in particular strontium 90, cause fetal and infant deaths, since it goes to the bones and should therefore cause, if anything, bone cancer and leukemia many years later? Second, there was no observed direct quantitative relation between different levels of strontium 90 in the body and mortality rates at any given age. Therefore it was difficult to see how the very small amounts of radiation resulting from peacetime testing could possibly have been the cause of the deviations in fetal death and infant mortality, especially since no significant genetic effects had been observed among the children of the Hiroshima and Nagasaki survivors.

The causation puzzle now appears to be solved. In 1963, K. G. Luning and his coworkers in Sweden published their discovery that small amounts of strontium 90, injected into male mice three or four weeks prior to mating, produced an increase in fetal deaths among their offspring. No such increase appeared when corresponding amounts of chemically different radioactive cesium 137 were injected. More recently, evidence presented at an International Symposium on the Radiation Biology of the Fetal and Juvenile Mammal in May, 1969, has demonstrated severe chromosome damage, fetal deaths and congenital malformations in the offspring of female mice injected with strontium 90 before and during pregnancy. Similar effects have now been observed for very small quantities of tritium, produced by both A-bombs and relatively "clean" hydrogen weapons.

In the light of these studies, the absence of genetic effects in Hiroshima is understandable. In Hiroshima and Nagasaki, the bombs were detonated, not on the ground as in New Mexico, but at such an altitude that there was essentially no fallout in these two cities proper. The radiation exposure there resulted almost exclusively from the brief flash of X-rays, neutrons and gamma rays at the instant of explosion. Consequently no special effects related to strontium 90 appeared in the children of the survivors; but the rate of cancer deaths among children up to fourteen years in Japan as a whole jumped by more than two hundred percent between 1949 and 1951, four to six years after the bombs, when the fallout had had a chance to produce its effects throughout the southern parts of Japan—exactly the same delay observed after the fallout from Nevada arrived in Albany-Troy.

But the problem remains of demonstrating a direct connection between the levels of strontium 90 in human fetuses and infants, on the one hand, and observed changes in fetal and infant mortality, on the other. Such a direct connection seems to emerge from the so-called "baby-tooth survey" carried out by the Dental School of Washington University in St. Louis, supported by the U.S. Public Health Service and directed by Dr. H. L. Rosenthal. Using the data from tooth-buds and mandibular bones of aborted fetuses and from baby teeth collected in the greater St. Louis area, Dr. Rosenthal's study showed that the concentration of strontium 90 in the teeth followed closely the measured concentrations in bone and milk. Measurement of the strontium 90 content of milk anywhere in the world permits a calculation of the concentration in the bones of infants and fetuses developing in the same areas. We have found a direct correlation between the yearly changes of strontium 90 contained in the teeth (and therefore the bones and bodies) of the developing human fetus and infant, and the changing excess mortality rates, going up and down together as atmospheric tests began in 1951 and stopped in 1963.

From our examinations of the infant mortality changes from a computer-fitted base line for 1935–1960, for various states in which the Public Health Service reported monthly values of the strontium 90 concentrations in the milk since 1957, there emerges a close correspondence between average strontium 90 levels and infant mortality changes. Whenever the strontium 90 rose to high values over a four-year period, as in Georgia, a large, parallel, year-by-year rise in infant mortality also took place; while in areas where there was little stronium 90 in the milk, as in Texas, the infant mortality remained at a correspondingly lower value. Other states such as Illinois, Missouri, New York and Utah also show a rise, peaking in the same 1962–1965 period levels between these extreme cases, each according to their local annual rainfall and strontium 90 concentrations in their milk.

For the United States as a whole, we found a detailed correspondence between and among: 1) the excess infant mortality relative to the 1935–1950 base line; 2) the total strontium 90 produced by nuclear weapons; 3) the strontium 90 thus produced actually reaching the ground; and 4) the four-year average concentration in U.S. milk from 1955, the year after the first large H-bomb tests; and 1965, the year when strontium 90 concentrations began to level off and started to decline once again.

At the peak of this excess infant mortality, it was the District of Columbia that showed the largest excess in 1966—157 percent, compared with an average excess of 72 percent for the U.S. as a whole. The low value was found in dry New Mexico, minus-eleven percent—actually below the 1935–50 base line.

To appreciate the magnitude of these effects, it must be recognized that in the 1950's about 2.5 to 3.4 infants out of every hundred born in the U.S. died before reaching the age of one year. The average excess infant mortality, therefore, represents close to one child out of one hundred born, or one of every 2.5 to 3.0 that died during the first year of life.

Since about four million children were born annually during this period, close to 40,000 infants one year old or less died in excess of normal expectations each year, totaling some 375,000 by the mid-Sixties and continuing at about 34,000 per year since the end of atmosphere testing by the U.S. and the U.S.S.R.

It is no wonder, then, that infant mortality has been a major concern of our Public Health Service since this trend was first pointed out in 1960 by Dr. M. Moriyama of the National Center for Health Statistics.

However, as Dr. Moriyama and his associates observed during an international conference devoted entirely to infant mortality in 1965, none of the factors so far considered—medical care, population movement, new drugs, pesticides, smoking or epidemics of infectious disease—suffices to explain the observed facts.

That the recent excesses in infant mortality cannot readily be explained by medical and socioeconomic factors normally influencing mortality trends may be seen from an examination of the death rate in the various states following the Alamogordo blast. At the University of Pittsburgh, we have plotted the percentile infant mortality excesses or decrements relative to the computer-determined 1940–1945 base line for the first and fifth years after Alamogordo. In 1946, one year after the detonation, there was no sign of any excess infant mortality in the states downwind from New Mexico; but by 1950 a clear change toward excess infant mortality appeared in the states over which the fallout cloud had drifted, and only in those states. Furthermore, the excess mortalities are seen to be distributed in such a pattern as might be expected from nuclear fallout originating in New Mexico, since the effects are lowest in the dry area of western Texas, and largest in the areas of heavy rainfall first encountered by the cloud, namely Arkansas, Louisiana, Mississippi and Alabama, declining steadily thereafter toward the Atlantic.

The only other area that showed a clear excess infant mortality greater than ten percent as compared to the 1940–1945 period was found to be North Dakota. There, subsequent measurements of strontium 90 in the milk, carried out by the Health and Safety Laboratories of the Atomic Energy Commission, revealed the highest concentrations anywhere in the U.S. for which data is available prior to 1960. The causes of this "hot spot" are not yet fully understood, but they are quite possibly connected with known accidental discharges of radioactivity from the Hanford plant of the Manhattan Project, directly to the west, in the early years of its operation, where the fissionable plutonium for most of the nuclear weapons was produced beginning in 1944.

Since no excess infant mortality was registered along the path of the New Mexico fallout cloud in the first year after the detonation, the deaths occurring downwind in later years could not have resulted from the direct effects of external radiation from fallout on the developing embryo. It becomes clear then that we are dealing with an effect on the reproductive cells of the parents, or a so-called genetic effect.

The evidence available so far therefore suggests that radioactive strontium appears to be a far more serious hazard to man through its long-lasting action on the genetic material of the mammalian cell than had been expected on the basis of its well-known

tendency to be incorporated into bone. The resultant effect appears to express itself most noticeably in excess fetal and infant mortality rates among the children born two or more years after a nuclear explosion. Presumably such factors as lowered birth weight and reduced ability to resist ordinary infectious diseases are involved, accounting for the greatest increase in infant mortality in the U.S. as compared to the advanced countries of Western Europe since the early 1950's. Children who receive adequate medical care are more likely to survive these factors than those who do not.

What does all this imply for the debate over the deployment of new nuclear weapons systems, such as the A.B.M. or the M.I.R.V. (Multiple Independent Reentry Vehicle), carrying many nuclear warheads in a single missile? To appreciate the probable genetic effects of a large nuclear war, we can consider first the effect of small tactical-size nuclear weapons comparable to the 20 kiloton bombs detonated over Hiroshima, Nagasaki, and in the desert of Alamogordo. Since increases of some 20 to 30 percent excess infant mortality were observed from a thousand to fifteen hundred miles downwind in Arkansas, Alabama and Louisiana, where mortality rates were between 3 and 4.5 per hundred live births, the detonation of a single, small tactical-size nuclear weapon on the ground in the western United States appears to have led to one out of one hundred children born subsequently dying before reaching the age of one year. Therefore, the detonation of a hundred or so weapons of this size, amounting to the equivalent of only two megatons in the form of small warheads, would be expected to lead to essentially *no* children surviving to maturity in the states directly downwind.

But according to former Defense Secretary Clark Clifford, speaking at a N.A.T.O. conference in the Fall of 1968, we have close to eight thousand tactical nuclear weapons in the kiloton range ready to be released in order to protect our European allies from a ground attack by Russia. Thus, we would probably achieve the protection of Western Europe at the cost of the biological end of these nations through the death of the children of the survivors, together with the likely death of most children subsequently born to the people of Eastern Europe, Russia and China as the radioactive clouds drift eastward around the world until they reach the United States. Thus, the use of the biologically most destructive small nuclear weapons in tactical warfare now appears to be at least as self-defeating as the release of large quantities of nerve gas, killing indiscriminately soldiers and civilians, friends and enemies alike.

But, what about the use of large megaton warheads in a massive first strike or in A.B.M. missiles detonated high up in the stratosphere or outer space, as proposed for the Spartan missile that is to provide us with an impenetrable shield against a first strike attack by large Chinese or Russian missiles in the 1970's?

According to the figures on infant mortality in the United States, based on the testing of large hydrogen weapons in the Pacific and Siberia, both in the atmosphere and outer space, close to one out of every one hundred children born are likely to have died as the result of only about 200 megatons worth of fission products into the world's atmosphere, under conditions which were especially designed to minimize the possible effects on health.

According to the testimony of Defense Secretary Melvin Laird in the Spring of 1969, the U.S.S.R. will have the capability of launching some 500 SS-9 missiles, each capable of carrying 25 megatons worth of bombs in the form of many multiple warheads, or a total of some 1500 to 2500 warheads. Together with comparable numbers launched by smaller missiles, the total megatonnage would therefore be of the order of 10 to 20,000 megatons needed in a first strike that attempts to destroy most of our thousands of missiles and bombers at the same time.

Thus, the threat of a first strike by Russia loses all credibility since, in order to have any chance at all of preventing devastating retaliation, it would necessarily have to release so much radioactivity into the circulating atmosphere that it would lead to the death of most Russian infants born in the next generation, ending the existence of the Russian people together with that of all mankind.

Since it takes at least three to five Anti-Ballistic Missiles launched to insure a high probability of interception, the U.S. must be prepared to launch some 5000 to 15,000 A.B.M.'s in order to provide a meaningful "shield" against such a massive attack.

We know that each Spartan missile must contain a warhead of at least 2 megatons to produce a sufficiently intense X-ray pulse to achieve interception, so that the use of this system to protect our own missiles and cities would require the detonation of some 10,000 to 30,000 megatons into the stratosphere, not counting any radioactivity from the Russian warheads, from our own counterstrike, or from the Russian A.B.M. missiles.

Thus, even if anti-missile systems were to work with ideal perfection on both sides, preserving every home, every school, and every factory from destruction, the release of long-lived radioactive materials would produce more than a hundred times as much radioactive poison as during all the years of peacetime testing. Based on the excess mortality observed during the period of testing, this would most likely be sufficient to insure that few if any children anywhere in the world would grow to maturity to give rise to another generation.

Nor will it make much difference how high above the atmosphere the bombs are detonated, because the strontium 90 takes twenty-eight years to decay to half of its initial activity, long enough for most of it to return to earth well before another generation of children is born. And even if a perfectly "clean" weapon containing no fissionable material at all could ever be developed, the carbon 14 it produces would get into the genetic material controlling the life processes of all living cells, and it takes 5770 years before half of its radioactivity is exhausted.

The implications of the warning mankind has received from the death of its infants during nuclear testing are therefore clear:

Nuclear war, with or without anti-missiles or elaborate shelters, is no longer "thinkable" due to a fatal flaw in the assumptions of all our military war-gamers, namely the unexpectedly severe biological sensitivity of the mammalian reproductive system to genetically important by-products of nuclear weapons, which must now be regarded not merely as vastly destructive explosive and incendiary devices, but as the most powerful biological poison weapons that man has yet invented.

REPORT OF DELOS SEVEN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. SCHEUER. Mr. Speaker, earlier this month, at the very time three extraordinary Americans were opening up a new page in history by planting mankind's first foot on the moon, 39 citizens of the world were meeting for a week in Greece to devise ways in which mankind could achieve his full potential and true destiny here on earth.

Under the gifted and talented leadership of Constantine Doxiadis, world-famous Greek architect and planner, representatives from Greece, England, Scotland, Brazil, India, France, Nigeria, and the United States conferred on the subject, "Society and Human Settlements: Policies for the Future."

I was privileged to join a very distinguished American contingent consisting of former Undersecretary of HUD Robert C. Wood, former Secretary of the Interior Stewart L. Udall, John W. Riley, vice president, The Equitable Life Assurance Society of the United States, Edwin O. George, president, The Detroit Edison Co., W. McNeil Lowry, The Ford Foundation, Whitney Young, president, National Urban League, Martin Meyerson, president, State University of New York at Buffalo, James A. Perkins, president, Cornell University, Harland Hatcher, formerly president, University of Michigan, Prof. R. Buckminister Fuller, Southern Illinois University, Margaret Mead, curator of ethnology, American Museum of Natural History, among others.

The deliberations produced a thoughtful consensus on achieving better urban systems, facilities, and services and above all a change in worldwide priorities to make these enlightened recommendations a living reality for urban people around the globe.

The thoughtful and creative final report of the conference, and a complete list of the conferees, follow:

REPORT OF DELOS SYMPOSIUM—1969

1. As long ago as the Declaration of Delos One in 1963, we stated:

"The City throughout history, has been the cradle of human civilization and progress. Today, live every other human institution, it is profoundly involved in the deepest and widest revolution ever to overtake mankind."

2. This revolution has broadened and intensified in the intervening years. The unfulfilled expectations of men and women have now become legitimate demands and therefore heighten the need to show visible progress towards their resolution.

THE AGE OF URGENCY: THE NEED TO REORDER PRIORITIES

3. This year, 1969, we realize more acutely that there is a mounting and accelerating impatience in the world, a demand that the major evils be remedied. Now, or, where this is patently impossible, that at least credible steps be taken towards their solution. We recognize particularly that steps must be taken at once, to ensure world order and prevent nuclear disaster, to meet the population explosion, to halt the contamination of air, water and land, to provide food, housing and basic amenities for the billions—5 by the lowest and *most* optimistic count—who will have to be fed and housed by the turn of the century.

4. Today there is a world-wide crisis of urbanization. Most of the inhabitants of the planet are either housed in rural hovels or in the super slums of great cities. The migration to urban areas is a global phenomenon. Population increases as well as many other forces produce new problems faster than they are being solved. There is not only a world-wide crisis of urbanization but there is also a basic distortion of values in society's failure to allocate resources for the improvement of human settlements, the upgrading of the total environment, the strengthening,

protection and education of the young and the equalization and enlargement of individual opportunity.

5. This distortion of basic investment priorities is being dramatized by a value revolution that is the primary preoccupation—and the contribution—of the younger generation, who assert that many of our present institutions, political processes and goals are obsolete and that we have the resources and the technical knowledge to achieve the goals we profess.

6. The recent successes of the space programs of the U.S. and the USSR highlight how high our capacity is for organization, assembly of resources, and application of technical skill, and how woefully low our use of this capacity for the general betterment of mankind. We believe that concentrated programs of this sort should be organized to solve the pressing problems of world order, urbanization, population policies, housing, food supply, education and health, equality and justice, and the interpretations in action of science and technology in the political process.

7. But at the same time it is necessary to deal realistically with those events that are already so much *en train* that there is no short term possibility of altering them—the enormous urban aggregations that already exist; the great numbers of hungry children who are already born, and the contamination of air and bodies of water that has already occurred. How to maintain a balance between establishing immediate provision for those who must be housed and serviced within our present possibilities, whether in Detroit or in Calcutta, and keeping our imagination free and beginning to unfreeze our institutions—this is one problem. How to short cut the kind of integration previously envisaged by a multi-disciplinary approach—which is too slow to meet the sense of urgency of the times—is a second problem which can be met by treating our subject matter as a whole, rather than attempting to fit together its fragmented practitioners. If we treat the living ecology of the planet as a seamless web, within which breaks are disastrous we can plan for the way in which man's construction of an artificial environment can complement and improve the natural environment of this planet. Exploration within the solar system and the use of near space for satellites and rapid transportation exemplify the disciplined use of technology which has been absent in man's exploitive use of the earth itself. Within this living cosmological system, we should no longer seek to maximize isolated effects, one at the expense of another, but seek to optimize and integrate the factors involved for the benefit of man.

8. To this end, we recommend international crash development programs to discover and produce inexpensive and effective new methods of regulating population increase. These should assure that free choice is available to all individuals and all groups to assure the maintenance of personal dignity and ethnic diversity throughout the world. There are other equally important areas of research and development such as biological nitrogen fixation and nonconventional sources of food, e.g. since cell protein or protein from oil derivatives and other sources.

9. With this framework we can look for many variations in the forms of human settlements. We can seek flexible adaptations to the needs of different kinds of national temperaments, to different age groups, to different cultures, to the stages of technical and agricultural development of different countries, and for possibilities of multiple choice and equal access to opportunities. But we recognize also that the human environment is now the entire earth. While the infant presents us with the greatest hope of constructive intervention and protection of human life, small children will be reared from birth in an increasingly planetary environment where news comes in by satellite. In fact, television and radio are crucial for the future in the formation of attitudes on this inter-communicating planet. The importance of mass media increases the importance of providing the best care for infants, and the protection of the infant's total environment as well as that of the immediate family, because it is there that our chance for effective intervention is greatest. At the same time we cannot wait for infants still unborn to change the nature of our society; we must work with members of the four generations now alive, all of whom are capable of change.

THE CRUCIAL ROLE OF POLITICS

10. Our present political processes no longer involve individuals and communities in terms of their deepest interests in the affairs of their small communities, regions, cities, nations and emerging world-wide organizations. We need new attitudes and new political institutions which will permit individuals and small groups to be responsible, initiating, and appropriately involved at every level of the decision making process, while at the same time making full use of the resources of modern science and technology. To mobilize the will of men to act on behalf of the well being of mankind each individual must be able to act with human dignity and to feel assured that his action is effective. Unlike our predecessors, who have labored through the centuries through scarcity and lack of means, we have the resources, we have the technology, we have the means, but we must establish the conditions, that will release the human will to act.

11. In this seventh annual Delos symposion we have dealt particularly with the potentialities of cooperation between economic enterprises and government and the academic professions. We have also dealt with ways of meeting immediate urgent situations within our commitment to long term objectives for the benefit of mankind.

12. The policies connected with human settlements and all of those whose decisions, and practices are related to them, recognize that it is our purpose to construct settlements in which all men, women and children, regardless of previous class, colour or origin in different parts of the earth may reach their fullest individual potential within a setting designed for the common good. In the past, planning has been too separate from politics, political decisionmaking, economic enterprises, social science and technology.

THE NEW OPPORTUNITIES

13. Only by cooperation among all of these, by a focus on the whole system under consideration, from rural villages to urbanized regions and the entire planet, can this separation be overcome. As the point at which the individual can be most efficiently and inexpensively prepared to exercise his fullest potential is by prenatal and immediately post-natal attention, society should give priority to care at this point in the life cycle; but we must recognize that change is possible at every age and that to change any system we must provide for changes of attitude in individuals of all ages. The educational system is a crucial component of the changes that we desire since only through changes in attitudes and development of the will to act can changes be inaugurated and maintained. The fate of the university, as a central institution—an agora—or a dispersal of its functions throughout the entire community, is in question. The solution lies in the relationship between education, increase in knowledge, storage and retrieval of knowledge, and academic life and other sectors of the community.

14. The present state of modern science and technology frees us from some of the determining factors in the past, like location of heavy fuels, need for concentrations of labor, or lack of transportation or communication. It is possible to realize many forms of community and the arts associated with them: to cherish the small face to face community in which the child is not isolated in a nuclear family; to build communities for different levels of rewards and satisfactions and to establish types of high level intercommunication.

15. But we must recognize the realities with which we must at present deal: the huge population that must be fed while we prepare better sources of food and better methods of contraception; the dangers of nuclear warfare and the expenditures on armaments while we prepare better forms of worldwide order and conflict-solving methods; the many decisions which will be made tomorrow, by builders, planners and governments which will further bind the future into which we are moving. But we must also recognize that, as part of a planetary-living ecological system, we are now able to make a complementary man-made system within which the aims of a better life for man become increasingly within our reach.

16. Many of our institutions are now inappropriate and unresponsive. Political processes are breaking down, causing different groups to use extra-institutional forms to express protest. While such collapses have occurred before in history, the increase in scale—to worldwide dimensions—makes a crucial difference. We must decide whether to maintain, defend, transform or destroy (or permit to drop out) some or many of the major institutions which now characterize society. In doing so, we must not confine ourselves only to the institutions of modern industrialized society but we must also take into account the culturally diversified institutions of family and community in different parts of the world. These, too, may have to be changed in such a way that each people can individualize their lives while taking advantage of science and technology to improve them. At the present time, types of political communities, characteristic of earliest isolated village level of human settlements, coexist with cosmopolitan worldwide networks of common interests or special skills.

17. In order to accomplish the objectives which we are able to state, and for which the technology is now available, it is important to involve planning with the academic, economic enterprise and political processes at every level. Furthermore a sense of responsibility and participation must be established at the grassroots, in the smallest community; and linked with each higher level in such a way that individuals are involved, all the way to the top, in decisionmaking regarding the allocation of resources, and choices between different courses of action. There must be provision for feed-back and initiative between all levels of the system, and it must be recognized that the wider the area covered by a decision the more important it is to involve technical experts in interpreting the action to be taken.

18. We should recognize that genuine conflict will arise between individuals and small groups and the wider good, and we must face it frankly in the political arena. The events which have occurred, like the reduction of some portions of mankind to slavery, exploitation, poverty, and second class citizenship, have not been inevitable, but have been the result of definite decisions taken in the past. To improve the condition of the disadvantaged around the world requires definite acts of will, and political implementation of that will. If we describe man as feeling, thinking and acting, we may say that all these three aspects must be involved within the political decision-making process; but that, at present, feeling is the most involved and acting the least. We need to con-

sider that inertia and indifference are produced by lack of communication and sympathy, and that involvement is produced by good communication and adequate political systems.

STEPS TO BE TAKEN

19. Our present forms of political democracy are inadequate by themselves for our present needs, capacities and goals. The method of representation—one trip to the ballot box, "you vote and we will do the rest"—must be altered or supplemented by forms of continuing political participation of an entirely different sort. We need representation not only of geographical units but also of group interest units of many sorts. We must also recognize that with the development of urbanization, the poor, the miserable, the disadvantaged, increase in proportion, and tend to be more geographically segregated. Reconciliations must be found between the values of dispersal within the wider population, on the one hand, and of political power on the other. We must also recognize that we need bi-modal planning for the protection of special milieux necessary for ethnic choice and for special forms of artistic creativity.

20. It is necessary to have a framework of theory within which to place the problems of micro groups. The more complex the system, given today's technology, the greater the possibilities for individual choice, for quality of human contacts and for multiple group relationships.

RESISTANCES TO CHANGE

21. All over the world, under conditions of rapid change, new social classes are formed that are highly vulnerable to the fear of loss of their recently attained status. Such groups—the new middle class in the U.S., new urban elites in some emerging countries, etc.—tend to be deeply hostile to any change which involves loss of their recently attained privileges. They are also responsive to externally set styles, such as inclusiveness or to the use of resources for social goals. The involvement of the most privileged and best educated in the cause of the poor and disadvantaged is complementary.

22. Political responsibility and involvement can result from an effective communication of the costs of lack of responsibility and lack of commitment of resources. For example in the U.S. investments in an infant's health may save tenfold their cost of adolescent rehabilitation or one hundred fold in treatment of a criminal later. Around the world unless larger resources are allocated to housing, education, health, welfare, waste disposal, police and parks and to domestic amenities for working mothers, the situation of our urban settlements will continue to deteriorate. On the other hand, any city or region or nation which takes all of these matters into account should have a very rapid pay-off. The managers of economic enterprises can also come to realize the loss of intellectual resources attendant on outmigration, or the loss in trained manpower, or in consumption capacity, attendant on inadequate local education.

23. We need to estimate the consequences of different kinds of action within a given direction of change. Great waves of change contain wavelets of different scale. Institutions must be goal-seeking not goal-setting. We must recognize that in many areas of the world, one man's gain is no longer another man's loss, but that in other areas there is genuine scarcity, and the need for very harsh priority-setting is essential. And it is necessary, in all cases, to balance minimum desirable goals against minimum possibilities of attainment. Where change is introduced simultaneously, as in the introduction of new agricultural techniques into the old village system in India, or where all generations are permitted to participate in change, many difficulties can be overcome and the new technologies can be combined with the older cultural identity. As peoples enter the wider technological system at different periods in technical development, it is not necessary for each country to traverse the same steps, but higher technology can be used to take short cuts to development.

At the same time, it is necessary to keep in mind that long term trends of development have tended to be very similar, in spite of the fact that curves of development are not smooth, and vary greatly over short time periods.

24. The desperate urgency of our present situation requires immediate action, and we have enough knowledge to move forward far more effectively here and now. This intensive short term action will buy mankind the time in which to pursue the basic research needed to cope with the long-run problems of man in society.

25. Unsolved problems of great urgency included: How the political process is to be actually involved? What is the role of political parties? Can large political parties accomplish the desired ends, or would smaller parties do better? How is scientific know-how to be communicated to politicians, legislators or administrators, in time? Who, within the governmental apparatus, is to receive communications from science that are external to the governmental process? Where is the center of decision-making to lie, to whom is it to be accountable, and in what forms? Finally the whole question of the way human interactions determine the shape of human institutions and how the process of institutional change can be shaped purposefully.

26. These questions we cannot now answer with confidence. But this we know: if man is to have the life he wants and deserves, and that his resources would permit him to enjoy, he must join together with others at every level determined to shape their joint future.

LIST OF DELIANS—DELOS SEVEN

Robert A. Aldrich (USA), Director, Health Resources Study Center, University of Washington; William Benton (USA), Chairman and Publisher, Encyclopedia Britannica; Willard Brown (USA), President, University Circle Research Center, Cleveland, Ohio.

Carlos Chagas (Brazil), Ambassador to UNESCO, Paris; Karl W. Deutsch (USA), Professor of Government, Harvard University; C. A. Doxiadis (Greece), President, Athens Technological Organization.

Spyros Doxiadis (Greece), Chairman, Institute of Child Health, Athens, Director, Aghia Sophia Children's Hospital, Athens; R. Buckminster Fuller (USA), University Professor of Generalized Design Science Exploration, Southern Illinois University; Edwin O. George (USA), President, The Detroit Edison Company.

Jean Gottmann (France), Professor of Geography both at Oxford University, England, and at the Ecole Pratique des Hautes Etudes, France; Roger Gregoire (France), Conseiller d'Etat; Harland Hatcher (USA), formerly President, University of Michigan, Ann Arbor.

Suzanne Keller (Mrs. Huber) USA, Professor of Sociology, Princeton University, New Jersey; T. Adeoye Lambo (Nigeria), Professor of Psychiatry, Neurology & Neurosurgery, Ibadan University; Lord Llewelyn-Davies (UK), Professor of Architecture, University College, London.

Reginald S. Lourie (USA), Professor of Pediatric Psychiatry, George Washington University; W. McNeil Lowry (USA), Vice-President, Division of Humanities and the Arts, The Ford Foundation; Carl Maston (USA), Architect, Fellow American Institute of Architects, Los Angeles, Calif.

Sir Robert Matthew (UK), Professor of Architecture, Edinburgh University; Margaret Mead (USA), Curator of Ethnology, American Museum of Natural History; Robert Merton (USA), Chairman, Sociology Department, Columbia University.

Martin Meyerson (USA); President, State University of New York at Buffalo; Robert B. Mitchell (USA), Director, Center for Urban Research & Experiment, University of Pennsylvania; Jérôme Monod (France), Délégué à l'Aménagement du Territoire et à l'Action Régionale, Paris.

Hasan Ozbekhan (USA), Executive (Planning and International Development), Worldwide Information Systems, Inc.; James A. Perkins (USA), President, Cornell University; John Platt (USA), Research Biophysicist and Associate Director, Mental Health Research Institute, University of Michigan.

John W. Riley (USA), Vice President, The Equitable Life Assurance Society of the United States; E. A. G. Robinson (UK), Professor Emeritus of Economics, Cambridge University, England; W. W. Rostow (USA), Professor of Economic History, the University of Texas at Austin.

Vikram Sarabhai (India), Chairman, Atomic Energy Commmission of India, Secretary, Government of India; James H. Scheuer (USA), Member of US House of Representatives for the 21st Congressional District, Bronx, New York; Marietta Tree (USA), Director, United Nations Association.

Constantin A. Trypanis (Greece), Professor of Classics, University of Chicago; Jean-Paul Trystram (France), Professor à la Faculté des Lettres et Sciences Humaines de Lille, and Chargé de Mission à la Délégation à l'Aménagement du Territoire et à l'Action Régionale, Paris.

Stewart L. Udall (USA), Chairman of the Board, The Overview Group; C. H. Waddington (UK), Professor of Animal Genetics, Edinburgh University.

Robert Wood (USA), Head, Dept. of Political Science, M.I.T., Director, Joint Center for Urban Studies of M.I.T. and Harvard, Chairman, Urban Coordinating Group, M.I.T.; Whitney Young (USA), President, National Urban League.

STATEMENT ON THE ASTRONAUTS

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. MARSH. Mr. Speaker, on the eve of the Apollo 11 flight, that well-known American commentator, Eric Sevareid, made, I think, a highly perceptive statement on the three astronauts who took part in this historic mission. Because of its insights, I wanted to bring to the attention of other Members of the House who may not have heard Mr. Sevareid's observations, the statement which he made on the CBS evening news with Mr. Walter Cronkite on July 15, 1969.

The statement follows:

STATEMENT BY ERIC SEVAREID

The modern sciences of rocketry, radar and computerization came together in remarkable coincidence to make Apollo 11 possible. But the feat is wholly human, all flesh and blood. Every gadget represents a thought and a hand. There's no such thing as a technical success or failure, only human.

It is the three men who fly tomorrow who are mysterious, not their equipment. The three are almost exactly the same age, height and weight. They vary in aspects of temperament, but there, too, they share a common denominator. They are a hybrid species. All three are symbolic of the organization man, the cooperator, but each remains in this corps a loner, inner-directed, as were Lind-

berg and John Glenn, individualists who will function as cogs in a vast human machine.

Lindberg, Glenn, now in all probability Armstrong, these three will stand as the supreme American heroes of the age. All three happen to have been boys in small, midwestern towns. Perhaps there is something in the mystique, the folk image, of the small American town and its formative influences. They have security, they have leisure to prowl and to dream. Innocence existed; sophisticated tensions did not press upon them. Intellectuals of literary bent seem disappointed that their speech does not match the eloquence of their feat. But it is the silent artists, like Armstrong, Aldrin and Collins, the men who see beauty in the machinery and its functions, who do the thing.

Artists they are, because they are perfectionists seeking the outer limits of their strength and their talents. Were they men of words, were their minds occupied with poetic imagery or philosophical abstractions as they fly, they would surely fail.

They are the men of Apollo 11 by the luck of the draw, but Armstrong will put the first foot down upon the moon by somebody's deliberate decision. And it is a logical suspicion that he is the chosen one not only by reason of his undoubted competence and civilian status, but also by reason of his personality and appearance.

If the mission succeeds, this man will become the symbolic American to the world. He fits the stereotype, the folk image of the all-American boy, the kid next door. He has all his hair, he has frank blue eyes, his smile is a slightly shy half-grin. And he has the inner strength to bear his country's pride to the rest of the world, strength he will need, not only for his country but for himself and for his family. His life and theirs will never be the same again.

NARCOTICS AND DANGEROUS DRUGS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1969

Mr. TUNNEY. Mr. Speaker, for the last several months I have viewed with growing alarm the lack of effective action being taken to stem the flow of narcotics and dangerous drugs being smuggled into the United States from Mexico.

By June, when no signs of improvement were visible on the horizon, I undertook my own factfinding tour of the border at San Ysidro, Calif. What I saw there in a few short hours convinced me of the need for a congressional hearing to obtain additional evidence upon which to base effective legislation.

At my initiation, four California colleagues joined me in conducting such a hearing in San Diego just 3 weeks ago. Not altogether surprisingly, the testimony we obtained confirmed our worst fears.

Drug smuggling is rapidly becoming a major scandal of national proportions. Despite the best efforts of a sadly undermanned Customs staff, narcotics, and dangerous drugs are flowing across the border in increasing quantity like sand through a sieve.

Arrests at the border for attempted smuggling—which border officials readily admit only skims the surface—have increased 14 times since 1960. More than 35 tons of marihuana were seized last year—an increase of over 20 percent just in the past 6 years. Some five million five-grain units of amphetmaines and barbiturates were seized in 1968 alone.

Inspectors are forced to cope with a crushing volume of people crossing the border daily. Yet, the number of inspectors and border station operations have remained basically unchanged for the last 5 years. As a result, only 1 percent of the vehicles entering the United States are ever searched, and the decision to conduct a search often must be made on little more than an inspector's intuition.

In the past few weeks, Mr. Speaker, I have introduced two specific bills to strike directly at the core of this illegal drug traffic. One bill would increase by 50 percent the number of border inspectors in California, where most of the smuggling is concentrated. The other bill directs the responsible Federal agencies to investigate the means by which to cut off the flow of dangerous drugs manufactured in this country and smuggled back and forth into Mexico and the United States.

Today, I am introducing a third bill to ultimately arm the border inspector with more than his intuition as a weapon against the smugglers. This new bill directs the Secretary of the Treasury to embark on the research and development of modern devices and techniques to detect concealed narcotics and dangerous drugs.

I was astounded to learn at our San Diego hearing, Mr. Speaker, that the Bureau of Customs presently conducts not one bit of research and development to improve its surveillance techniques and equipment. The sum total of its efforts revolves around checking a few devices of amateur inventors—reviewing military research to find new gadgets that could be converted—or waiting to see what is produced on the commercial market that might be adaptable.

In view of the smuggling problem, this paucity of ongoing research and development is downright ludicrous. The executive branch spends billions on military research and development projects. Yet, the Customs agency—whose surveillance of goods crossing our borders was among the first authorizations of Congress clear back to 1789—conducts no research and development toward winning its war on drug smuggling.

Our Federal agents are being overwhelmed at the border by the increasing volume of vehicular and pedestrian traffic. Though more manpower is urgently needed now to catch up with the present crisis, the time will come in the not too distant future when increased workloads cannot be met simply by adding more and more people in the absence of concerted efforts to use personnel more wisely.

The agents, themselves, literally plead for new techniques and new devices to perform their jobs more effectively and efficiently. It is high time we gave them something more than horse-and-buggy tactics. Reliance upon intuition provides a thin line of defense. We have got to bring our modern technology into the battle.

I urge all my colleagues to join me in supporting this legislation. The time for action is now; prolonging the procrastination will perpetuate the smuggling.

HOUSE OF REPRESENTATIVES—*Friday, August 1, 1969*

The House met at 12 o'clock noon.

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

Where two or three are gathered together in My name, there am I in the midst of them.—Matthew 18: 20.

O God and Father of us all, at this noontide hour we pray that Thou wilt touch our spirits and transform our souls by Thy grace that we may have strength for the day, courage with each hour, and peace in every moment.

Kindle within us the fire of Thy spirit and warm our hearts with the power of Thy presence that in the time of trouble we may be equal to every experience, ready for every responsibility, and adequate for every task.

Grant that we may see Thy way more clearly and be given wisdom to work with Thee in making the world a better place in which Thy children can live together in abundant happiness, in abounding harmony, and in abiding hope.

In the Master's name, we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 85. Joint resolution to provide for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week."

PROVIDING FOR AGREEING TO THE SENATE AMENDMENTS TO H.R. 9951

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 509) (Rept. No. 91–412), which was referred to the House Calendar and ordered to be printed:

H. RES. 509

Resolved, That immediately upon the adoption of this resolution the bill (H.R.