B. Church of Jesus Christ of Latter-Day Saints, 47 East South Temple, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.

B. College Placement Council, Inc., 65 East Elizabeth Avenue, Bethlehem, Pa.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. American Express Company, 65 Broadway, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. Chronicle Publishing Co., Fifth and Mission Streets, San Francisco, Calif.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. Kaiser Industries Corp., 300 Lakeside Drive, Oakland, Calif.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. Massachusetts Institute of Technology, Cambridge, Mass.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. Stanford University, Stanford, Calif.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. National Corporation for Housing Partnerships, 1625 L Street NW., Washington, D.C.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. Yale University, New Haven, Conn.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. City of Palm Springs, Calif., Municipal Building, Palm Springs, Calif.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Unionamerica, Inc., Fifth and Figueroa Streets, Los Angeles, Calif.

SENATE—*Monday, April 13, 1970*

The Senate met at 12 o'clock meridian and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Eternal Father of Life, fountain of our being and light of all our days, giver of every good and perfect gift, we pause for cleansing, for renewal, for dedication, and for direction in daily duties. Make our hearts and the hearts of all the people a temple wherein Thy spirit dwells.

Lift this Nation to holier living and higher purposes. Make it a land where all who toil shall be honored and rewarded; where a man's worth is reckoned higher than the things he makes or uses; where property is valued as the extension of the person; where science serves not destruction but preservation of the common good; where all men have freedom under the law; and where by Thy pervading presence we live in the unity of spirit and the bonds of peace.

O God, we beseech Thee to guide this Nation and its leaders through the perils and conflicts of the present into the glorious light of the new day when Thy kingdom comes and Thy will is done on earth.

In the Redeemer's name. Amen.

MESSAGES FROM THE PRESIDENT

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

MARINE SCIENCE AFFAIRS—SELECTING PRIORITY PROGRAMS—MESSAGE FROM THE PRESIDENT—(H. DOC NO. 91-304)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States which was referred to the Committee on Commerce:

To the Congress of the United States:

The fact that the United States is first in space is well known; it is less well known that we are also first in oceanic science and technology. And while most of our citizens recognize the opportunities which lie before us in space, fewer understand the enormous benefits which can flow from our national martime activities.

During 1969, the National Council on Marine Resources and Engineering Development, chaired by the Vice President, identified a number of policies and programs concerning the sea which, in their judgment, deserve Federal support. I am today transmitting to the Congress the Council's annual report, "Marine Science Affairs—Selecting Priority Programs." The marine science programs which I have approved for Fiscal Year 1971 are based in part on the Council's recommendations.

My budget request for Fiscal Year 1971 provides $533.1 million for marine science and technology activities. These funds would help us to improve the management of our coastal zone, expand Arctic research, develop a program for restoring damaged lakes, expand the collection of data concerning ocean and weather conditions, reduce merchant ship operating costs, and undertake other important projects. The funds would also support U.S. participation in the International Decade of Ocean Exploration, a program which can contribute much to the quality of the marine environment and to the pursuit of world peace.

In November of 1969, this Administration sent to the Congress a comprehensive proposal for protecting and developing the land and water resources of the nation's estuarine and coastal zone. I hope that the Congress will give this program early and careful attention.

The Federal government will continue to provide leadership in the nation's marine science program. But it is also important that private industry, State and local governments, academic, scientific and other institutions increase their own involvement in this important field. The public and private sectors of our society must work closely together if we are to meet the great challenges which are presented to us by the oceans of our planet.

RICHARD NIXON.

THE WHITE HOUSE, *April 13, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, April 10, 1970, be dispensed with.

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

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, as I understand it, under the order previously entered, the distinguished Senator from Arizona (Mr. FANNIN) will be recognized, and I wonder whether he will yield to me without losing his right to the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona is recognized for 30 minutes.

Mr. FANNIN. I am happy to yield to the Senator from Massachusetts, without losing my right to the floor.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. KENNEDY. Mr. President, I ask unanimous consent to waive the call of the calendar of unobjected-to bills under rule VIII.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Arizona (Mr. FANNIN), there be a period

for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the morning business, the unfinished business be laid before the Senate.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator from Arizona yield briefly to me, with the understanding that he not lose his right to the floor?

Mr. FANNIN. I am glad to yield to the Senator from Pennsylvania.

S. 3709—INTRODUCTION OF A BILL—VETERANS' PENSION-SOCIAL SECURITY BILL

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to make sure absolutely that no veteran, widow, or dependent suffers any financial penalty or loss as the result of the 15-percent social security increase now payable.

My bill, Mr. President, represents a simple and straightforward answer to this problem. It provides that no part of the 15-percent social security increase may be counted in any way as "earned income" in the computation of veterans' pensions. All veterans and dependents would receive this protection, whether covered by the Veterans' Administration's program for non-service-connected pensions, the so-called pension law governing entitlement prior to July of 1960, or dependency and indemnity compensation known as DIC.

Precise figures are not available, but the best estimates place at well above 1,200,000 the number of beneficiaries throughout the Nation who receive both Veterans' Administration and social security payments in some form. This figure represents about 70 percent of those now on VA pension rolls.

Unless Congress acts, however, many of these veterans will suffer a future financial reduction, including even a full loss of VA pension, under the law which now bases eligibility in part on annual earned income limitations of $2,000 for a veterans or widow with no dependents, and $3,200 for a veteran or widow with dependents. Since social security is otherwise counted by the VA as a part of earned income, it is vital that the 15 percent social security increase, passed by Congress as a provision of the 1969 Tax Reform Act, not be included in these computations. This is the purpose of my bill.

I am aware, of course, that none of these reductions could be effective before next year. This is because of the current law which precludes recomputation in the year in which an increase in earned income takes place.

Nevertheless, my mail indicates that a great many veterans, perhaps not fully familiar with the law, see the social security increase as a matter of immediate concern and worry. They want assurance now that Congress will resolve specifically this problem.

Mr. President, I am well aware of the many proposals both to increase veterans' pensions and to liberalize income limitations. I have supported such legislation in the past, and I expect fully to do so again. Therefore, I offer my bill today not as a cure-all for the many problems facing VA pensioners, but in the attempt to identify and to insure prompt action on a situation of current, overriding concern.

Clearly, Congress did not intend the social security increase to become a source of worry for our veterans, their families and survivors. Congress should remove this doubt by acting quickly on my bill. As the legislators for a nation grateful to its veterans, surely we can do no less.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred.

The bill (S. 3709) to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in social security benefits provided for by the Social Security Amendments of 1969, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Finance.

FREE AND FAIR COMPETITION IN INTERNATIONAL TRADE

Mr. FANNIN. Mr. President, we must move faster toward the goal of free and fair competition in international trade. Right now the jobs of thousands of American workers are gravely threatened by our imbalance of trade, the first in the modern history of our Nation. The roots of this imbalance are twofold: unfair foreign barriers to our exports and unfair competition in our domestic markets.

We do not need or want to restrict competition. Competition is the lifeblood of our economic system. We need only the opportunity to compete fairly both at home and abroad. But we need that opportunity urgently.

In my remarks on this subject several weeks ago, I expressed particular concern over imports from abroad that compete unfairly in our domestic markets. More and more of our basic industries are being affected by this unfair competition. Unfair, not because of lower wage costs—we should be able to compete in spite of this factor by keeping our own wage costs within bounds and by constantly improving our efficiency—but unfair because of foreign government subsidies or outright dumping, designed, in both instances, to steal our domestic markets.

In my earlier remarks, I pointed out that in electronics, electrical equipment, steel, chemicals, autos, textiles, garments, machinery, and many more of our basic industries, American jobs are being lost, are, in effect, being exported from our shores, because of this unfairness. I asked your help and the help of labor leaders, industrialists and government in developing all of the facts. The response has been gratifying, but the facts are alarming. I also urged that Congress meet its constitutional responsibilities in the area of foreign commerce and act to eliminate this evil of unfairness in our foreign trade.

Whether or not additional legislation is needed remains to be seen after a thorough congressional investigation. Meanwhile, there are two statutes already on the books which, if effectively executed, could go a long way toward solving the problem. One is the countervailing duties statute which has been a part of our law for more than 70 years. The other is the Anti-Dumping Act of 1921. Today I would like to initiate consideration of the former.

The countervailing duty concept is almost as old as international trade itself. For centuries it has been recognized that the encouragement of exports through Government subsidy distorts the natural and most efficient allocation of resources in international trade and creates false competitive advantages. The device most commonly used over the years to counteract the harmful effects of such subsidies has been the countervailing duty. The countervailing duty is simply a duty imposed by the importing country to offset the unfair advantage created by the subsidy.

Our general countervailing duty law was originally enacted as a part of the Tariff Act of 1897. It was reenacted in the Tariff Acts of 1909 and 1913, widened in scope in 1922, and, in its present form, embodied in section 303 of the Tariff Act of 1930. Under its provisions, whenever a foreign government has subsidized a dutiable import into this country, the Secretary of the Treasury is required to determine the amount of the subsidy and to impose an additional duty on the import equal to the net amount of the subsidy.

The statute does not actually use the word "subsidy." It speaks of any direct or indirect "bounty or grant," a phrase which is perhaps even broader than subsidy and one which would seem to encompass almost any conceivable pecuniary device to create false competitive advantage. However, I am informed that the foreign government practices generally regarded as being covered by the statute fall within the following general categories:

First. Direct export subsidies.

Second. Rebates of taxes by virtue of exportation.

Third. Preferred tax treatment.

Fourth. Excessive customs duty drawbacks.

Fifth. Export financing.

Sixth. Export insurance.

Seventh. Currency manipulations in favor of exports.

Eighth. Price supports.

Ninth. Government enterprises.

This list of general categories constitutes a convenient check list when considering the availability of countervailing duties to offset the false competitive advantage given to an import by a particular foreign nation.

There is nothing unique about our countervailing duties statute. Almost every major trading nation has something of a similar nature. Many international trade treaties have contained its equivalent. GATT, the most comprehensive and universal trade agreement in world history, recognizes and treats with such laws.

The United States has not made extensive use of its countervailing duties statute. In the past there has not been much occasion to do so. Since the passage of the 1930 Tariff Act only 34 categories of products and 12 different nations have been the objects of Treasury Department countervailing duty orders. The high point of activity under the statute arose in response to the trade gyrations of the Nazis. In the early 1930's, Germany instituted a system of currency manipulation to subsidize exports. These subsidies had such an impact on the United States that between 1934 and the start of World War II, Treasury countervailed against nine categories of products from Germany or German-controlled areas.

Recently there has been a new flurry of activity, focused in the main on subsidized imports from Common Market countries. Of the 11 countervailing duty orders now in effect, nine were issued during the last 3 years and of those nine, eight were directed against members of the Common Market.

It is somewhat puzzling to me that in spite of the ever-increasing flood of subsidized imports from the Far East during recent years, no countervailing duty order has ever been issued against a nation in that part of the world. This in face of the fact that Japan, for example, has probably the most elaborate and effective system in the world today for subsidizing exports. I have seen a State Department report on Japan's export promotion techniques which indicates the existence of export subsidies in at least five of the nine general categories in the checklist I gave a few moments ago.

It is high time, I believe, that the United States began to take full advantage of its countervailing duties law to meet the crisis of unfair foreign competition—a crisis that threatens our domestic industries and the jobs of countless Americans.

In his message to Congress on November 18, 1969, on foreign trade policy, President Nixon had these realistic and significant words to say on the subject of unfair competition:

> (We) must recognize that a number of foreign countries now compete fully with the United States in world markets. We have always welcomed such competition. It promotes the economic development of the entire world to the mutual benefit of all, including our own consumers. It provides an additional stimulus to our own industry, agriculture and labor. *At the same time, however, it requires us to insist on fair competition among all countries.*

That—"fair competition among all countries"—is what we must insist on today, and tomorrow, and everyday until the goal is achieved. Why not start by using effectively an instrument that we have already on hand, one designed for the sole purpose of insuring fair competition? Why not use our countervailing duties statute?

This would have, I believe, a twofold effect. Not only would it help directly to insure fair competition in our domestic markets, but I think it also could well result indirectly in removing many unfair foreign barriers to our exports—thus striking at the two basic roots of our imbalance of trade situation.

In a recent address delivered before the Electronics Industries Association, Mr. Kenneth Davis, Assistant Secretary of Commerce for Domestic and International Business, commented on the seeming failure of Europe and Japan to realize that sentiments such as those I am expressing today "are becoming widespread here," that we are becoming "more and more insistent on being fairly treated." What better way to make all trading nations of the world understand this insistence than by initiating countervailing duty proceedings whenever and from wherever subsidized exports are encountered on our shores—exactly what our law, as all nations are fully aware, requires that we do?

I venture to say that such a program would soon convince our foreign trading partners that we mean business, that fair competition is the name of the game, and that as a result many unfair barriers to our exports would be voluntarily removed.

Some, because they either do not understand, or do not want to understand, the concept of countervailing duties, have characterized this law as "protectionist." This is clearly erroneous. A countervailing duty is not a barrier to free trade. On the contrary, it is a means to promoting free trade. While a protective tariff is dedesigned to offset the real competitive advantage of a foreign producer—in other words, to restrict competition—a countervailing duty is designed to insure that products compete according to their relative merits. It is only protectionist, in any sense of the word, in that it protects competition.

The days of protectionism in the sense of restricting competition are gone, and rightly so. But the days of free and fair trade are unfortunately not yet here. We must move as rapidly and effectively as we can to arrive at those days—to arrive there before it is too late.

I suggest, Mr. President, that the immediate and effective execution of our countervailing duties law would be a significant step in that direction.

Mr. President, I would like to call the Senate's attention to an excellent article in the April 6 edition of U.S. News & World Report.

This article points out in startling detail the determination of the Japanese to not only equal the United States in its drive to become the richest nation in the world, but to leave us choking in the dust.

I read from the article on page 26:

> Japanese ambitions are unconcealed. The energetic islanders are clearly determined to be *ichiban*—number one. Many Japanese leaders believe that the goal can be reached in this century.

Mr. President, this article goes on to point out that this nation of about 103 million people—roughly half the size of the population of the United States—has now achieved an economic output about one-fifth of the U.S. level. The startling fact is that Japan's growth rate over the last 10 years has averaged about three times that of the United States. If they are able to maintain this rate, their output is expected to double in the next 5 years and quadruple in 12 years.

I am alarmed by these projections, Mr. President. I am alarmed because of what this will mean to American jobs and to American industry.

American industry has never been outstripped in its productive capacity and ability to compete, Mr. President, in those cases where it was able to meet the challenge unfettered. But we have so crippled our industry in many areas with unfair tariff agreements that I am seriously concerned about our future ability to maintain our economic manufacturing base.

My colleague from South Carolina (Mr. THURMOND) has outlined over and over the threat the textile industry is facing from competition that comes primarily from Japan. In support of what he has said, I would like to quote from Newsweek magazine page 80, March 30, 1970:

> In dealing with Japan, the U.S. effort to obtain voluntary restrictions on textiles is part of a larger pattern of frustration. The Japanese run a handsome $1.5 billion surplus in trade with America, while they have set up barriers to the import of 109 classes of manufactured products—*virtually anything that might compete with domestic* production. (emphasis added)

In fairness to the Japanese, Mr. President, it should be noted that the story goes on further to say that most European countries now bar many categories of Japanese goods. The result is, Mr. President, that when Japan finds herself frozen out of the economic market in Europe, she resorts to dumping those goods on the relatively accessible market of the United States.

Here are just a few indicators of the great strides made by the Japanese in their effort to surpass the United States.

For 14 years the Japanese have lead the world in shipbuilding. Nearly half the tonnage in 1969 was launched from Japanese shipyards.

In the last 10 years, Japan has moved from seventh place in automobile production to third, and in the process has become the No. 1 exporter of autos.

Steel industry officials are quoted as projecting Japan's steel output in 1975 at some 160 million tons. If that happens, she will have surpassed both the United States and Russia in steel production.

The Japanese now use more computers than any other country except the United States and West Germany.

Noting the increasing economic ties of Japan with Australia as a supplier of raw material, the article, in its concluding part, quotes an Australian businessman:

> The Japanese are running rings around the Americans in steel, aluminum and electronics. They will soon be doing the same thing in control systems, major industrial equipment, even computers.

Mr. President, this article indicates to me that we can still compete in the worldwide economic race—but no one ever won a race without ever realizing he was in one.

America must wake up. American business, government, and labor must realize they are in a fight for their economic lives.

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

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

The bill clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the transaction of routine morning business, with a 3-minute limitation on statements.

The Senator from Montana is recognized.

Mr. METCALF. Mr. President, I ask unanimous consent that I may be recognized for 2 additional minutes.

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

THE SEAWARD LIMITS OF OUR LEGAL CONTINENTAL SHELF

Mr. METCALF. Mr. President, the yet unresolved issue of our national policy on the seaward limits of our legal Continental Shelf is at long last receiving the high level attention of the administration it so rightfully deserves.

My Special Subcommittee on the Outer Continental Shelf has been holding hearings on this and related issues since late last fall. As our record will indicate by both its volume and breadth of coverage, we have heard witnesses representing as many different points of view as available.

We were about to hear testimony from the interested agencies of the executive department and we had asked the Departments of Interior and Defense to lead off on this past Wednesday, April 8. They were to be followed on April 22 by spokesmen for the Departments of Transportation and Commerce and the scientific community and on the 29th by Treasury and State.

On Tuesday, April 7, I was personally called upon by a member of the President's staff. I was asked to postpone our hearings until April 22 to give the administration time to develop a unified position. Upon being assured that there would be an administration position by that date, I agreed to the postponement.

Mr. President, I want to make it clear to the administration that the Special Subcommittee on the Outer Continental Shelf does not lightly consider the matter of the limits of the legal rights of the United States to explore and exploit the natural resources of our Continental Shelf. We expect the administration position to reflect the same careful and extended attention given this matter by members of the Special Subcommittee on the Outer Continental Shelf.

We of the subcommittee have yet to reach final agreement on all aspects of this complex issue. There are several major premises upon which I feel the U.S. position should be based. Among these are:

First. The United States should not forfeit any of the legal rights, present or potential, to the natural resources of the continental margin it enjoys by virtue of the 1958 Geneva Convention on the Continental Shelf.

Second. The United States should attempt to maximize the quantity of Continental Shelf natural resources to which it is exclusively entitled in light of the need to insure undisputed access to the mineral and petroleum resources necessary to sustain our national economic security.

Third. The United States, in exercising its sovereign rights to explore and exploit the natural resources of its Continental Shelf, should limit the character of its claims to the shelf in such a way as to avoid the valid accusation that we are asserting unilaterally any claim which would fly in the face of the customary freedom of the seas doctrine.

Fourth. The U.S. decision on the seaward limits of its legal Continental Shelf should not be couched in terms prejudicial to development by U.S. nationals of the mineral resources of the deep seabed beyond the continental margin.

Fifth. The decision of the United States regarding its legal Continental Shelf boundary should not be influenced by excessive and unrealistic demands being voiced in some segments of the international community.

Mr. President, in summary, I feel that the Special Subcommittee on the Outer Continental Shelf has complied with the request from the White House that we postpone for 2 weeks our hearing of administration witnesses, with the understanding that by April 22 there will be a unified administration position. The special subcommittee will give that position every consideration under the criteria which represent what we believe to be in the national interest.

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

Mr. METCALF. I am delighted to yield.

Mr. KENNEDY. I just want to say how much I think all of us appreciate the attention that the distinguished Senator from Montana is giving to the question of utilization of the outer shelf and helping to establish some guidelines for all of us. Obviously, we will have to take into consideration our relations with other countries, and relate the kind of action taken by the United States with the corresponding action taken by our friends around the world.

In the area of mineral resources, I would hope the Senator would also consider those resources which are either attached to the Continental Shelf or closely related to the Continental Shelf. I think of the mineral resources of, say, ground lobsters, which form an important part of the industry of the maritime States in the Northeast. I would also hope at least some attention is given to the whole question of fish as related to the Continental Shelf.

The PRESIDING OFFICER. The 5 minutes allotted to the Senator have expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have 3 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 additional minutes.

Mr. KENNEDY. Traditionally, fish has always been considered to be not a natural resource in the terms normally included in that definition, and understandably so. Nonetheless, we have seen foreign nationals come in and sweep the whole feeding grounds and breeding grounds virtually dry, making a very significant change in the whole pattern of the fishing industry, which has been altered more, perhaps, in the last 10 years, than it was altered in the previous 200 years. It becomes a matter of great concern and interest to the maritime States. So this problem is related to what is happening on the Continental Shelf, because the feeding grounds are on the Continental Shelf.

I have noticed, as I am sure the Senator from Montana has, that some countries, particularly in South America, and I refer particularly to Peru, where the Continental Shelf drops so dramatically, consider the products of the sea to be a natural resources. So they have extended their definition of how far out the Continental Shelf goes—arbitrarily so.

Mr. METCALF. It is 200 miles.

Mr. KENNEDY. They think fishing is as significant a resource for the people of Peru as perhaps oil is for the Gulf States.

So it is an enormously complicated problem. The study and work of the Senator's committee will be of tremendous interest, I think, to many of the maritime States, and may very well establish precedents which are going to affect the development of the shelf for many years to come.

I am merely raising some points involved. I think the Senator has considered them. There is a dispute in these matters, but I think all of us will be interested in the position taken by the administration. I just want to state to my friend from Montana that I think his undertaking is of significant priority. I

am delighted that he is undertaking this responsibility.

Mr. METCALF. I thank my friend from Massachusetts. This is a strange sort of jurisdictional provision. Lobsters, oysters, and so forth, lie on the seabed. That area may be under the jurisdiction of the committee that I represent, the Committee on Interior and Insular Affairs. Certainly, the Committee on Interior and Insular Affairs was the committee that passed on the subject which led to the law on the Continental Shelf. That committee has jurisdiction relating to minerals on the sea bed and oil leasing with reference to the Continental Shelf. But the water column above may be under the jurisdiction of the Committee on Commerce, which also is holding hearings on this very important question. Of course, the territorial limits and the law of the sea and the defense provisions and the problems of flying over the area, above the water column, and so forth, are all problems that relate to national defense, the State Department, or other jurisdictions.

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

Mr. METCALF. Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized for 2 additional minutes.

Mr. METCALF. I feel the hearings which the committee has held, which have been substantial, and in which we have called experts from all walks of life, the academic community, the fisheries field, the State Department, and so forth, have been a catalyst to try to force the administration to take a position. If the administration takes a position, then it will be one we can either agree with and operate in accord with or move away from. I feel that my committee can work with the administration. But we cannot gratuitously give away some of our natural resources, nor can we gratuitously give away lobster beds or oyster beds or resources of that kind. At the same time, we cannot say that no one will be allowed within 12 miles, or 15 miles, or 200 miles of the shore for military defense purposes.

So it is a very complex question. Our committee has not made up its mind. I have not made up my mind. What I do want is to have some definitive resolution from the administration as we close these hearings.

Mr. KENNEDY. Again I want to commend the Senator from Montana and repeat that this is a matter of great importance to many of the States in the Northeast, and I am sure to all the maritime States. There is great interest and dispute in the matter. I do not envy the Senator for trying to wind his way through the varying viewpoints which have been expressed on this issue. He is charting a new course into one of the really important areas. I think all of us look forward to the report of his committee.

Mr. METCALF. I thank the Senator.

Mr. BELLMON. Mr. President, I would like to join the distinguished Senator from Montana (Mr. METCALF) in his recommendations to the administration that careful consideration be given to the matter limiting the legal rights of the United States to explore and develop the natural resources of the Continental Shelf. As a member of the Special Subcommittee on the Outer Continental Shelf, I share the hope expressed by the Senator from Montana that the decision reached by the administration will be based on criteria which will help preserve the opportunity of our country to meet its energy and mineral needs in the future.

The population of the United States has doubled in the last 50 years and by the year 2000 the population should approach 350 million people. With this rapid increase in our population our Nation has also increased its consumption of energy and minerals. It is apparent that in order to maintain the standards which our country has attained and to assure further development of our Nation, there must be adequate dependable supplies of these resources available at reasonable prices.

Mr. President, I am confident that the position of the administration regarding development of the Outer Continental Shelf will reflect its desire to forward the best interest of the citizens of this country and help insure the future program of our country will not be jeopardized.

OFFSHORE PETROLEUM

Mr. HANSEN. Mr. President, I feel compelled to call to the attention of the Senate a recent article which appeared in the March 27 edition of the Wall Street Journal. The article declares that "influential counselors" to the President are urging him to renounce our rights to billions of dollars of offshore petroleum contained on our Continental Shelf. Further, the article asserts, the Defense Department advisers are favoring such action. Worst of all, the article indicates that the President's advisers are urging him to turn over much of our continental shelf to the United Nations.

Mr. President, although I do not always have faith in all of the President's advisers, I do have faith that the President is certainly prudent enough not to rely on such bad advice.

The apparent motivation behind the Defense Department's suggesting a giveaway scheme is to "buy off" international agreement for a narrow territorial sea plus the right of innocent passage through foreign territorial seas by our naval ships. Mr. President, this entire scheme sounds rather cockeyed. The 1958 Geneva Convention on the Territorial Sea already guarantees the right of innocent passage. I cannot understand why the Department of Defense would want the United States to buy a right it already enjoys.

But returning to the central problem, that of giving away our Continental Shelf, it would seem rather foolish to give up our sovereign rights to our Continental Shelf for any reason.

By virtue of the Geneva Convention, the United States is guaranteed the right to explore and exploit its Continental Shelf to a depth of 200 meters and "beyond that limit to where the depth of the superjacent water admits of the exploitation of the natural resources" of the seabed.

The International Court of Justice, in the North Sea decision, referred to this inherent sovereign right as extending to limits of the submerged natural prolongation of the continental land mass.

Mr. President, we have an exclusive right to explore and exploit the natural resources of our Continental Shelf right out to the point where the submerged land continent touches the deep ocean floor. We should not give away this right for the sake of carrying out some ill-conceived and illusory scheme which, by virtue of the Wall Street Journal article, is already exposed to the world.

According to the report of the National Marine Science Commission, 16 percent of total world oil production comes from offshore sources and in 10 years, about one-third of all the world's oil will come from offshore reserves. So far as the United States is concerned, about one-half of our estimated national reserves of petroleum and natural gas are located on our Continental Shelf.

Some have suggested that our Continental Shelf really is not that valuable because we can import oil from abroad just as easily as drilling it off our own shores. My answer to that argument is that so far as the U.S. economy is concerned, when our petroleum industry drills for oil on our shelf it pays royalties for those rights—to our Treasury, not a foreign treasury. Incidentally, royalties and related fees to date paid into the U.S. Treasury from Federal leases on our Continental Shelf are rapidly approaching the $5 billion mark. We should not give away our oil or our royalties.

Furthermore, if we become dependent upon foreign oil, we are at the mercy of foreign governments who can cut off our supply of oil at any time. Clearly, national security demands that we retain all of the mineral rights we have in our Continental Shelf.

There is one other reason why I think that giving away our Continental Shelf to the United Nations would be disastrous. A growing number of underdeveloped nations in the U.N. are urging that a U.N. agency take over the entire seabed and run it as it sees fit. These proposals urge that a U.N. agency have jurisdiction and control over the entire seabed; that it have the right to exclude any nation from exploiting the seabed; that it have the right to control seabed production and thereby influence world market prices of various minerals; and, finally, that it have the right to determine what military uses, if any, of the entire seabed will be permitted. Those may sound like the ideas of raving mad men—and possibly they are—but such proposals are being voiced in increasing numbers at the United Nations.

Mr. President, we cannot afford to allow such a possibility to happen. The American public would not stand for it, and I am confident that the President will not allow it to happen.

THE GENOCIDE CONVENTION MOVES TO THE FORE

Mr. PROXMIRE. Mr. President, 20 years ago the Foreign Relations Committee held hearings to consider the United Nations Human Rights Convention on the Prevention and Punishment of the Crime of Genocide. The committee failed to report out this tragedy and it has languished there for all these years.

I have been vitally interested in securing Senate ratification of the genocide and other human rights conventions and have daily urged the Senate to take up these matters. I was pleased when President Nixon, following the recommendation of Secretary of State Rogers, and Attorney General Mitchell indicated to the Senate that he favored prompt Senate ratification of the Genocide Convention. The failure of the American Bar Association to endorse ratification was unfortunate, but the closeness of the ABA vote coupled with the fact that the Attorney General found no constitutional objections to U.S. accession to the treaty more than offset the ABA's lack of positive action.

It was good news when the chairman of the Foreign Relations Committee (Mr. FULBRIGHT) announced that new hearings were soon to be held on the Genocide Convention, and when the Senator from Idaho (Mr. CHURCH), the chairman of the subcommittee, promptly scheduled hearings on genocide before his special subcommittee.

It is my understanding that Secretary Rogers will testify and I am hopeful his support together with the continuing efforts of those of us who have battled for ratification will provide the impetus necessary to persuade the Senate at long last after more than 20 years to ratify the Genocide Convention.

THE CARSWELL AFFAIR

Mr. HOLLAND. Mr. President, since the decision of the Senate on the nomination of Judge Carswell to be an Associate Justice of the U.S. Supreme Court, many editorials on the subject have appeared in the newspapers of Florida. The great majority of them have indicated disappointment and frustration, and have been in some respects quite bitter.

I note, however, that some of the editorials have been more objective, and though I sympathize with those which have been bitter and frustrated, I am going to ask unanimous consent to have printed in the RECORD certain editorials which I think have a more constructive meaning for the Senate.

I first ask unanimous consent to have printed in the RECORD an editorial entitled "The Bias Shouldn't Block the Balance," published in the Tampa Tribune of Saturday, April 11, 1970.

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

THE BIAS SHOULDN'T BLOCK THE BALANCE

President Nixon's conclusion that no conservative Southern judge would be confirmed for the Supreme Court by the present Senate may be an overstatement—but not much of one.

The truth is that any conservative Southerner nominated for the Supreme Court goes before the Senate with two strikes against him. He is automatically suspected of being (1) anti-Negro, and (2) anti-labor.

If, as a judge, he has ruled against civil rights crusaders and labor unions even in litigations where the law or merits were clearly against them, he can expect the opposition of their lobbies in Washington. That means that Senators who depend for election on the support of these elements will search for reasons to vote against him.

A judge from outside the South who is conservative does not confront this built-in bias. The liberals in the Senate may not want him on the Court because of his philosophy, but they find it difficult to build a case against him.

To come right out and say of a nominee "We oppose him because he is a stickler for Constitutional principles" would be self-defeating; but if they can say he made a white supremacy speech 22 years ago or owned a house with a restrictive deed, they can inspire enough horror in the Northern press to press the ablest judge off the Supreme Court.

No nominees for the Court in many years have undergone the flyspecking examinations to which Judges Clement Haynsworth and Harrold Carswell were subjected. Few, we'd guess, could have emerged unsmudged from such a scrutiny.

The bias against the South is clearly shown by the inconsistent position most Northern Senators and newspapers take on the matter of segregated schools. An all-black school in the South is an offense against the Constitution and must be broken up by distributing its pupils around the countryside; an all-black school in the North is the natural result of housing patterns and, while it may be a cause for regret, is not a proper issue for the courts.

Of all Northern Senators, only Connecticut's Abe Ribicoff had the honesty to admit that this position is one of pure hypocrisy.

In charging the Senate majority with bias, President Nixon is accused of playing to Southern pride with an eye on November elections. Three Southern Democrats who voted against Judge Carswell, Albert Gore of Tennessee, Ralph Yarborough of Texas, and Joseph Tydings of Maryland, face strong Republican opposition.

There may be a dash of politics in Mr. Nixon's angry statement but there is also a tumbler full of truth.

In the circumstances, we would agree that the President now could best seek a Justice outside the South. There is need—urgent need, in view of some pending issues—for the vacant seat to be filled as soon as possible.

Southerners, naturally, would take pride seeing one from their own region on the Court. But most of all they want to see a Justice appointed, no matter what his origin, who will in Mr. Nixon's words "help restore to the Court the balance it genuinely needs."

Mr. HOLLAND. I quote the last two paragraphs of that very fine editorial, as follows:

In the circumstances, we would agree that the President now could best seek a Justice outside the South. There is need—urgent need, in view of some pending issues—for the vacant seat to be filled as soon as possible.

Southerners, naturally, would take pride in seeing one from their own region on the Court. But most of all they want to see a Justice appointed, no matter what his origin, who will in Mr. Nixon's words "help restore to the Court the balance it genuinely needs."

The second editorial that I ask unanimous consent to have printed in the RECORD appeared in the April 10, 1970, issue of the newspaper Today, published at Cocoa, Fla., in the Space Center area. Of that editorial I shall read only its title: "Senate's Out of Touch."

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

SENATE'S OUT OF TOUCH

A final word needs saying about Judge G. Harrold Carswell.

He was caught in a changing of the tide, a peculiar, disorganized state of flux that finds liberalism on the way out and conservatism sweeping in.

Carswell got caught in a cross current brought about, we think, by a misreading of the public's mood by otherwise astute senators.

We think they'll discover—some at the polls in November, some two and four years later—that the public has had it up to here with the ultra-liberal, activist Supreme Court.

President Nixon has been twice thwarted in an effort to restore ideological balance to the court, and the voters are not likely to forget it.

The senators, on the other hand, are still too closely attuned to the belief that when the legislative branch doesn't move fast enough to suit you, it is excusable for an impatient court to assume the legislative function.

Non-practicing law professors of the liberal political persuasion filled the senators ears with torrents of criticism about Carswell's "mediocrity," yet one of their own number, Professor Alexander M. Bickel, chancellor Kent Professor of law and legal history at the Yale Law School, recently offered this analysis of the court to which Carswell had been nominated:

"The Warren Court has come under professional criticism for erratic subjectivity of judgment, for analytical laxness, for what amounts to intellectual incoherence in many opinions and for imagining too much history . . . the charges against the Warren court can be made out, irrefutably and amply."

As for the charge of "mediocrity" against Carswell, that is a subjective judgment, depending a great deal in this case on whether you are one who believes in strictly construing the Constitution or whether your interpretation comes from "imagining too much history."

Judge Carswell's crime was that he had 12 years judicial experience—more than any other appointee (with the exception of Chief Justice Burger) since Justice Cardozo was appointed in 1932.

President Roosevelt appointed eight new justices to the Supreme Court. All eight together had less than 12 years experience on the bench.

President Truman appointed four members, who had a combined total of 12 years on the bench.

President Eisenhower appointed five whose judicial service totaled 15 years.

And the four justices appointed during the Kennedy-Johnson years had only four years total experience, one-third the experience of Carswell alone.

Such a record indicates that if one is to avoid the charge of "mediocrity" he had best come to the court from the field of insurance or real estate, and especially not from the South. An honest-to-God judge is anathema to a majority of the U.S. Senate, and he's no judge at all if he's from the South.

Mr. HOLLAND. The third editorial, entitled "A Bitter, Realistic Judgment," was published in the Florida Times-Union of Jacksonville, Fla., on Friday, April 10, 1970. I ask unanimous consent that

that editorial be printed in the RECORD at this point.

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

A BITTER, REALISTIC JUDGMENT

President Richard Nixon, faced with the unpleasant likelihood of having his third U.S. Supreme Court nominee in a row rejected if he stayed with his prior announced intention to nominate a Southerner, has thrown in the towel on that issue. Senate liberals have carried the day.

The President said he had "reluctantly concluded" that the U.S. Senate "as presently constituted" would not confirm a judicial conservative if he happens to come from the South.

On the other hand, Nixon added, he is confident that a judge who shares his views as a strict constructionist of the Constitution would be confirmed if he came from another section of the nation.

He pointed out that the South does not have proportionate geographic representation on the Court at present. It has 25 percent of the population and one of the present eight justices is from the South. The East has four, the West two and the Midwest one.

But he also concluded that philosophical balance on the Court is more important than geographic balance. In other words it is more important to get a judicial conservative on the Court than it is to attempt to achieve regional balance with another Southerner.

Further, he says he will name a candidate in the near future since a vacancy should not be left on the Court when it can be filled.

All of what Nixon says is true. His assessment of the Senate liberal's bias against the South: his statement that philosophical balance is more important than geographic balance and his intention to fill the vacant seat as soon as possible.

The truth of his statement makes it no less galling. On the contrary, it makes the fact that much more bitter.

Senator Joseph Tydings of Maryland and some of his fellow hatchetmen in the lynching of the reputations of Clement Haynsworth and G. Harrold Carswell jumped up after the Carswell defeat with the magnanimous offer to vote for a Southerner if the President would only find one they could support.

Give us a southern Oliver Wendell Holmes, a Brandeis or Cardozo and we'll support him to continue that great tradition, they say. The fact of the matter is that there aren't any southern Brandeises, Holmeses or Cardozos. There aren't any northern ones either.

There's Justice William O. Douglas sitting on the Court, but the liberals don't say much about him and that's understandable.

A conservative Southerner won't sit on the Supreme Court unless he has a permanent halo and undetachable wings as long as the liberals control the Senate and President Nixon made a realistic judgment.

It is a bitter fact. But it is a fact.

Mr. HOLLAND. Mr. President, I think it well to quote specifically the last two paragraphs of that editorial, which read as follows:

A conservative Southerner won't sit on the Supreme Court unless he has a permanent halo and undetachable wings as long as the liberals control the Senate and President Nixon made a realistic judgment.

It is a bitter fact. But it is a fact.

FRANKLIN D. ROOSEVELT WILL EVER BE REMEMBERED FOR THIS

Mr. YOUNG of Ohio. Mr. President, on April 3 the little brown envelopes containing social security benefit payments for the preceding month were received in the homes of 1,259,000 men, women, and fatherless children in Ohio. The total amount of these checks payable to Ohio children, men, and women exceeded $128,294,000. The significance of this is that nearly one of every eight men, women, and children residing in Ohio receive this huge total sum of money every month.

Where would our economy be without social security? Furthermore, social security is an actuarially sound insurance system. This beneficent program was proposed by President Franklin D. Roosevelt and enacted into law in the 74th Congress whose Members were elected in 1934. I was sworn in as Congressman-at-large on the opening day of that historic session March 9, 1933. Without a doubt the social security system is the greatest landmark achievement in behalf of the American people by any President of the United States.

Then, in 1949 as a member of the Ways and Means Committee of the House of Representatives, I helped draft our present expanded and liberalized social security law.

Not only is social security an actuarially sound insurance system, but the present surplus in the social security fund and in the social security disability fund exceeds $31 billion. It is a fact that the present Congress could safely increase all social security payments by 5 percent effective at this time and the system would continue to be actuarially sound. We should do that and make this increase retroactive to April 1, 1970.

Twenty-six million six hundred thousand men, women, and children whose father are dead received early this month, and will receive regularly each month hereafter as long as men and women who have attained the age of 65 live and throughout the entire period that a fatherless boy or girl remains a minor or until he or she is 22 if attending college, social security benefit checks on the 3d day of each month. The total amount received in the entire Nation approximates $2.5 billion every month at this time.

Mr. President, when the Social Security Act was signed by President Franklin D. Roosevelt, there were fewer than 7 million Americans 65 years or older eligible for social security payments. Also, at that time the total number of fatherless children who began to receive social security payments each month numbered about 48,000. This figure now approaches 2 million in the United States who receive approximately $142 million each month. The majority of men and women beyond 65 years of age have inadequate incomes. To them social security is a Godsend as it is to fatherless children.

In the United States throughout the years from those dark depression days of 1931 when President Hoover said, "Relief is a local problem," we have gone a long way toward providing security against the economic hazards of old age, widowhood, and orphanhood.

The hope we all cherish is an old age free from care and want. To that end people toil patiently and live closely, seeking to save something for the day when they can earn no more. As age creeps on, there is a constantly declining capacity to earn, until at 65 many find themselves unemployable.

There was no more pitiful tragedy than the lot of the worker who had struggled all his life to gain a competence and who, at 65, was poverty-stricken and dependent upon charity. The black slave knew no such tragedy as this. It was a tragedy reserved for the free workers of our Nation throughout an era which now seems remote, I am happy to say.

Mr. President, only those of us who lived through the terrible depression of 1930 and 1931 know that there were bread lines and soup kitchens in the cities of America. I remember the bread lines and soup kitchens in my home city of Cleveland and in Lorain and Akron, Ohio. Banks in 48 States were closed; many had failed and the savings of some millions of our citizens had been wiped away. In the final months of the administration of President Herbert Hoover, the entire financial structure of the United States had collapsed. Never at any time since the Federal troops streamed back into Washington in panic in July 1861, after the Battle of Bull Run, or Manassas, in the War Between the States, was our Nation and Government so imperiled.

Our farmers were not making enough money to pay their taxes and interest on their mortgages. Groups of farmers gathered on courthouse steps threatening to hang judges, demonstrating against foreclosures of farms, and interfering with the orderly processes of the law. I recall that distinctly, because my father was a county judge in Ohio. I recall that at Bowling Green, Ohio, farmers gathered on the courthouse steps, threatening to hang the judge and trying to stop the sheriff's sales of farms.

Of course, as we know, Mr. President, the farmers of our land were never radicals. If and when the red flag of revolt and rebellion should be carried in our Nation—we hope that it never will be—it will not be carried down country lanes. It will be carried through city streets; because in the end the farmer may read the dread portent of the hour, but at that time he still will be working on his farm, and the farmer's wife will be feeding the hands. Yet, in 1931 and early 1932, they were threatening the foreclosure proceedings.

Furthermore, businessmen did not know whether checks in their pockets were good.

Mr. President, we have in this country on a few occasions since the early 1930's experienced recessions. We may be in a recession at this time or approaching one. We do know that no depression such as occurred in the Hoover administration is possible. Private charities, breadlines, and soup kitchens will never again be the answer of the American intelligence and sense of justice to the problem of employment and indigent old age.

Something deep inside a person is offended if, after a lifetime of productive effort, all he or she gets is a handout. That has all been changed. With our liberalized and expanded social security law and with medicare and medicaid

legislation, all Americans have reason to believe and hope that their savings will no longer be wiped away by prolonged illness or injuries, and when illness afflicts elderly relatives, the family will not be compelled to incur colossal debt for their care, and we may be thankful also that fatherless children are not forgotten.

Franklin D. Roosevelt, a great President of the United States, was the pioneer, when he asked Congress and urged Congress to enact the social security law and when he signed that landmark act of Congress into law.

SALARIES PAID IN RESEARCH PROJECTS

Mr. WILLIAMS of Delaware. Mr President, much has been said in recent weeks about the salary scales of postal workers and certain types of Government employees, but today I call attention to a type of privileged employees who are drawing a salary far in excess of what Congress intended or to which they are entitled.

It seems that the Defense Department has been awarding outside contracts or grants to private corporations for a variety of research projects. I was surprised to find that there appears to have been no control over the salaries that are being paid under these grants. For example:

Under one Air Force contract, an individual was drawing a salary of $97,500 per year. This salary is far in excess of that being paid the Vice President of the United States. Under the same contract, another individual was being paid $70,000; one, $65,000; six were drawing salaries between $50,000 and $60,000; and five were being paid salaries ranging between $30,000 and $50,000.

A second Air Force contract was headed by a man drawing $70,000, and he had as his assistants three men, one drawing $58,000 and two drawing $50,000.

A third Department of Defense contract was paying two individuals $60,000 each.

In a series of 10 other contracts we find salary scales ranging between $30,000 and $60,000.

This method of Government agencies' awarding outside contracts for the performance of works is clearly a method of bypassing the civil service laws which establish ceilings on the salaries that can be paid for the respective jobs.

When this was called to my attention earlier this year I directed a letter to the Secretary of Defense, Mr. Melvin R. Laird, and asked for a list of all such projects wherein salaries in excess of $30,000 were being paid along with the names and addresses of the officials drawing these higher salaries.

It appears that there were 13 such contracts awarded by the Department of Defense in fiscal years 1968 and 1969 wherein 59 employees were paid salaries between $30,000 and $97,500 with 16 of this number being paid $50,000 or over.

I ask unanimous consent that my letter of February 24, 1970, and the reply of the Department of Defense dated March 11, listing the various contracts along with the names of the employees drawing these high salaries, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., February 24, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

MY DEAR MR. SECRETARY: In a recent article by Mr. Ralph de Tolendano as appearing in the Fort Lauderdale News there appeared the statement that the Defense Department in 1968 had sponsored sixteen "nonprofit" research programs wherein the president of one research group was drawing $97,000 a year and other executive officers were drawing lesser but still large salaries.

In this connection will you please furnish me:

1. A list of all such research programs in 1968 and 1969 which were sponsored or subsidized by the Defense Department along with the amount awarded in each instance.

a. The names and addresses of all officers or employees of these projects whose salaries or allowances were in excess of $30,000 per year.

Yours sincerely,

JOHN J. WILLIAMS.

DIRECTOR OF DEFENSE,
RESEARCH AND ENGINEERING,
Washington, D.C., March 11, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Secretary Laird has asked me to furnish you the information on Federal Contract Research Centers which you requested in your letter of February 24, 1970.

The enclosure for each of the FCRC's indicates the DoD organization responsible for the FCRC and the dollar value of the contract with the FCRC for FY 1968 and FY 1969. Also included are the names of the officers of the FCRC whose salaries were in excess of $30,000 per year.

I am sure that you recall the Senate amendment that was attached to the DoD 1970 Authorization Bill which restricts these salaries to $45,000 per year except as specifically approved by the Secretary of Defense under guidance from the President. This amendment has been implemented by the Department of Defense and I am enclosing, for your information, a copy of the instructions which have been sent out to the DoD activities concerned. We anticipate that under these rules only a very few salaries above $45,000 will be approved.

If I can be of further assistance in this matter, please do not hesitate to call.

Sincerely,

Vice Admiral DEPOIX.
JOHN S. FOSTER, Jr.

Aerospace—Air Force contract

Actual, fiscal 1968	$71,987,000
Actual, fiscal year 1969	74,100,000
Name:	*Salary*
I. A. Getting	$97,500
A. F. Donovan	70,000
E. H. Krause	65,000
B. P. Leonard	58,000
W. B. Brewer, Jr	55,000
A. Mager	50,000
W. C. Williams	50,000
D. A. Dooley	50,000
W. F. Leverton	50,500
W. W. Drake	45,500
G. W. King	45,500
J. H. Irving	44,000
R. T. Jensen	33,000
H. B. Garoutte	31,800

Rand—Air Force contract

Actual, fiscal year 1968	$20,440,000
Actual, fiscal year 1969	19,273,000
Name:	*Salary*
H. S. Rowen	$70,000
J. R. Goldstein	58,000
L. J. Henderson	50,000
B. W. Augenstein	50,000
G. H. Shubert	36,000
J. S. King	32,500
S. P. Jeffries	32,500

Institute for Defense Analyses—Department of Defense contract

Actual, fiscal year 1968	$10,546,000
Actual, fiscal year 1969	9,773,000
Name:	*Salary*
Maxwell D. Taylor	$60,000
Alexander H. Flax	60,000
Norman L. Christeller	34,980

Research Analysis Corporation—Army contract

Actual, fiscal year 1968	$9,619,000
Actual, fiscal year 1969	9,837,000
Name:	*Salary*
Frank A. Parker	$46,000
Dr. Hugh M. Cole	37,000
Fred Wolcott	36,000

Analytical Services, Inc. (Anser)—Air Force contract

Actual, fiscal year 1968	$1,500,000
Actual, fiscal year 1969	1,180,000
Name:	*Salary*
Stanley J. Lawwill	$42,500
Thomas W. Chappelle	30,000

Center for Naval analysis—Navy contract

Actual, fiscal year 1968	$8,838,000
Actual, fiscal year 1969	9,213,000
Name:	*Salary*
Dr. Charles DiBona	$42,000
Dr. Erwin Baumgarten	33,500
Dr. David Kassing	33,000
Mr. Carl Amthor	32,000
Dr. Arnold Moore	32,000

Applied physics laboratory—Johns Hopkins University—Navy contract

Actual, fiscal year 1968	$32,793,000
Total, fiscal year 1969	36,845,000
Name:	*Salary*
R. E. Gibson	$40,000
A. Kossiakoff	38,000
F. T. McClure	36,000
R. B. Kershner	34,500
W. H. Avery	33,000
H. H. Porter	33,000
A. R. Eaton	32,250
R. C. Morton	32,000
T. W. Sheppard	31,500

Mitre Corp.—Air Force contract

Actual, fiscal year 1968	$32,578,000
Actual, fiscal year 1969	31,628,000
Name:	*Salary*
R. R. Everett	$60,000
W. E. Carroll	32,500
J. F. Jacobs	42,000
C. A. Zraket	41,000
T. F. Rogers	42,500

Lincoln Laboratory (MIT)—Air Force contract

Actual, fiscal year 1968	$39,120,000
Actual, fiscal year 1969	41,185,000
Name:	*Salary*
M. V. Clauser	$48,000
G. P. Dinesen	40,000
H. Freedman	39,200
W. E. Morrow, Jr	38,200
O. E. Dustin	35,200
H. W. Fitzpatrick	35,000

Applied Physics Laboratory—University of Washington—Navy contract

Actual, fiscal year 1968 .... $3,192,000
Actual, fiscal year 1969 3,505,000

Name:	Salary
Dr. J. E. Henderson	$32,004
Dr. W. M. Sandstrom	30,984

Ordnance Research Laboratory—Pennsylvania State University—Navy contract

Actual, fiscal year 1968 .... $7,159,000
Actual, fiscal year 1969 8,282,000

	Salary
Name: Dr. J. C. Johnson	$33,000

Human Resources Research Organization—Washington, D.C.—Army contract

Actual, fiscal year 1968 .... $3,427,000
Actual, fiscal year 1969 3,945,000

	Salary
Name: Dr. Meredith P. Chawford	$30,000

Mathematics Research Center—University of Wisconsin—Army contract

Actual, fiscal year 1968 .... $1,300,000
Actual, fiscal year 1969 1,350,000

	Salary
Name: Dr. J. Barkley Rosser	$37,482

Mr. BYRD of Virginia. Mr. President, may I say to the distinguished Senator from Delaware that I am glad he has brought these facts out on the floor of the Senate.

This matter has been given a great deal of consideration. A few months ago, the Committee on Armed Services, at my request, adopted an amendment to the military authorization bill directed toward the salaries and programs to which the Senator from Delaware has referred.

The committee approved, and then the Senate approved, a tightening up of this process and put it in the hands of the President, who has delegated it to the Secretary of Defense. The Secretary of Defense has been working on these salary requirements for the Federal research centers, and I have been informed unofficially—but nevertheless informed—that steps are being taken to get these salaries more in line. It is difficult to justify salaries higher than those paid Cabinet officers.

I do not think that the matter to which the Senator from Delaware has alluded will be handled to the entire satisfaction of the Senator from Delaware or the Senator from Virginia. But I do think that progress has been made in focusing the attention of the top executives of the Government on this problem and that in the future these tremendous salaries at the research centers will be gone into much more carefully than in the past.

I think it is very desirable that the Senator from Delaware focus attention on this problem, as he is doing today, and I am happy to have been in the Chamber to have heard his remarks.

Mr. WILLIAMS of Delaware. I thank the Senator. I am glad to note that the Armed Services Committee has been giving this their attention. Knowing the Senator from Virginia as I do, I feel that we will reach the proper solution because I know that as a member of that committee he will certainly be pursuing it. I congratulate him on the steps he has taken thus far and I assure him of my continued support in that direction.

Mr. BYRD of Virginia. I thank the Senator from Delaware.

ACCESS TO INCOME TAX RETURNS BY PRESIDENTIAL STAFF MEMBERS

Mr. BYRD of Virginia. Mr. President, undenied published reports state that special Presidential counsel, Clark Mollenhoff, has worked out an informal arrangement with the Internal Revenue Service which gives him access to the income tax returns of every American citizen.

I know Mr. Mollenhoff well. I know him as an able newspaperman, a thorough investigator, and an incorruptible public official.

But I believe the income tax returns of all Americans should be considered confidential, and access to them should be given only by specific direction of the President on an individual case-by-case basis.

I do not feel it proper for a White House staff official to assume blanket authority in this regard.

Two former Internal Revenue Commissioners have asserted that such an arrangement between Mr. Mollenhoff and the Internal Revenue Service is contrary to the law. That, too, is my understanding.

I hope President Nixon will act immediately to take away from any of his staff any such blanket authority.

There will be occasions, in regard to Presidential appointments, for example, when it might be appropriate and necessary for the President to have detailed knowledge of an individual's income tax.

But these, I believe, should be handled on a case-by-case basis and only with a specific authorization by the President in each individual case. This is the clear interest of the law.

ORDER OF BUSINESS

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 8654. An act to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone; and

H.R. 15349. An act to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF THE DEFENSE PRODUCTION ACT OF 1950

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend and extend the Defense Production Act of 1950, as amended (with accompanying papers); to the Committee on Banking and Currency.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improved practices for obtaining equitable contributions toward the cost of constructing sanitation facilities for Indians, Health Services and Mental Health Administration, Department of Health, Education, and Welfare, dated April 10, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON THE CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY

A letter from the Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for calendar year 1969; to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Natural Gas Pipeline Safety Act of 1968 (with an accompanying paper); to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution adopted by the Canaveral Council of Technical Societies, Canaveral, Fla., advocating the Cape as the most logical area to be the launch and prime recovery site for the space shuttle program; to the Committee on Aeronautical and Space Sciences.

Resolutions adopted by the Daughters of the American Revolution, Washington, D.C., relating to obscenity, and so forth; ordered to lie on the table.

BILLS INTRODUCED

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

By Mr. SCOTT:

S. 3709. A bill to prevent a decrease in the dependency and indemnity compensation of

any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in social security benefits provided for by the Social Security Amendments of 1969; to the Committee on Finance.

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

By Mr. TYDINGS:

S. 3710. A bill for the relief of Miss Delores Johnson XXXXXXXXX; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 3579

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that, at the next printing, the name of the Senator from Connecticut (Mr. DODD) be added as a cosponsor of S. 3579, to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States.

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

S. 3585

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of my bill, S. 3585, to provide a Federal employee with certain procedural rights if he is removed or reduced in grade as the result of a reduction in force, and to authorize saved pay to be paid to a Federal employee reduced in grade because of a reduction in force due to lack of funds.

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

S. 3643

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

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

S. 3678

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. YOUNG), be added as a cosponsor of S. 3678, to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes.

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

PRINTING OF REPORT ON THE EAST RIVER, N.Y. (S. DOC. No. 91-60)

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague, the senior Senator from West Virginia (Mr. RANDOLPH), I present a letter from the Acting Secretary of the Army, transmitting a report from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on East River, N.Y.—spur channel to Astoria waterfront—requested by a resolution of the Committee on Public Works, U.S. Senate, adopted August 31, 1962. I ask unanimous consent that the report be printed as a Senate document and referred to the Committee on Public Works.

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

NOTICE OF HEARINGS ON AMENDMENT TO S. 2348, A BILL TO ESTABLISH A FEDERAL BROKER-DEALER INSURANCE CORPORATION

Mr. MUSKIE. Mr. President, nearly 1 year ago, I introduced S. 2348, a bill to establish the Federal Broker-Dealer Insurance Corporation. This Corporation would protect 26 million direct investors from losing their savings through the financial failure of brokers. In so doing it would close a serious gap in our securities laws.

Under existing securities law there is no protection for the investor whose broker goes bankrupt. The Securities Act of 1933 requires that investors have adequate information to exercise sound judgment concerning the securities he purchases. The Securities Exchange Act of 1934 insures that he will not be victimized by fraudulent, manipulative, or deceptive selling schemes, and that the market in which his broker transacts his order will be maintained in a fair and orderly fashion. But neither statute insures that this same investor who exercises sound judgment in his choice of stock, and places his order with a reputable broker, cannot lose his entire investment if that broker subsequently fails because of operational or financial difficulties.

The United States insures bank deposits under the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, which are the models for the Federal Broker-Dealer Insurance Corporation. The FBDIC would give the investor, who leaves his savings with a broker, the same protection now afforded the depositor, who places his money in a bank.

The broker does not act as a simple pass-through agent, whose liability to his customer ends at the close of each transaction. Customer accounts with brokerage firms are maintained on a continuing basis. Credit balances of cash and securities provide the investor with instant liquidity for future transactions. As is the case with banks, these balances are used by the broker to finance the operations of his business. Margin regulations governing the purchase of securities on credit currently require 80 percent collateral in transactions involving public customers. This means that credit balances and positions must always run well in excess of debits in customer accounts. Brokers' liabilities to their customers, measured as the net between credit and debit balances in customer margin accounts, is currently more than $14 billion according to a recent estimate that appeared in the Wall Street Journal. This $14 billion of the public's money is only one part of investor assets that the FBDIC would insure. A still greater amount is held in customer cash accounts. In all, assets in brokers' custody exceed $50 billion.

The FBDIC, like the Federal corporations that insure savings deposits, would serve a dual purpose. It would protect investors and the national economy from serious hardship which can follow the failure of financial institutions, and it would increase the soundness of these institutions and public confidence in them.

Our securities markets are a national asset. They permit individuals to invest their savings in private industry and thereby contribute to the growth of capital investment. Without strong capital markets it would be difficult for our national economy to sustain continued growth.

Brokers support the proper functioning of these markets, by providing a constant flow of orders. The continued financial well-being of brokers and the economy depends, in part, on public willingness to entrust assets to brokers.

Partly because of Government insurance, failures of banks are very rare. A run on banks is virtually impossible. The same principle dictates that we pass legislation to insure, at a premium fairly related to the risk, accounts of 26 million direct investors and approximately 100 million people with interest in securities through mutual funds, banks, pen- pointed for at least 24 firms. This fig- other institutions.

When S. 2348 was introduced, many brokers had serious operational or "back office" difficulties. Recently, the financial difficulties of several brokerage firms have compounded these problems. Some of these financial problems were originally triggered by operational problems.

Stockbrokers owe money to one another. The failure of one aggravates the problem and reduces the financial soundness of all other firms to which it is indebted. Since many firms invest their capital in securities, market declines may further aggravate brokers' financial problems and cause stockbrokers failures to pyramid. This can also force the sale of brokers' securities, intensifying a general decline in securities values. A combination of these events can erode investor confidence and cause securities values to plummet. One of the features of the insurance program proposed under S. 2348 is to guard against such a situation by protecting brokers from each others' failures.

Since June 9, 1969, the date I intro-

duced this bill, liquidators or receivers have been appointed for at least seven firms. While total losses are not known, the New York Stock Exchange trust fund has committed more than $15 million to protect the customers of three of those firms.

While delay in payment and total losses to public customers and other creditors are unknown, since mid-1968 liquidators or receivers have been appointed for at least 24 firms. These figures do not include those that have merged, closed quietly or narrowly escaped collapse. The actual delays in payment and total losses to the public are known only to liquidators or trustees in bankruptcy.

Ultimate loss to the customer is only part of the problem. The brokerage business is built on the concept of liquidity—the fact that an investor can get his money immediately and not have to wait the outcome of a prolonged bankruptcy court proceeding. A compulsory trust fund or insurance system promotes such liquidity.

Hamer Budge, Chairman of the Securities and Exchange Commission, has warned of the dangerously high level of "fails" in the securities industry. In a speech reported in the Wall Street Journal on December 10, 1969, he said that recent market activity indicates that repeated continuous high volume could force "fails" and other operation problems to return to crisis levels. "Fails" are the nondelivery within the 5-day settlement period of securities owed by one broker to another. High levels of "fails" and operational problems make it difficult for a brokerage firm to know what its financial position is and what risks it may reasonably take.

In addition to these problems, there have been huge thefts on Wall Street. Newsweek magazine, on December 15, 1969, reported former U.S. Attorney Robert M. Morgenthau's estimate that organized crime is stealing $45 million of securities annually. The total losses are unknown and may be even larger. This obviously compounds brokers' financial problems.

In the 10 months since I introduced this bill, the securities industry has lost over $15 million through brokerage failures. Our latest information is that in October 1969, 62 firms were required by the New York Stock Exchange to file monthly reports because they needed "closer scrutiny." Since then, two substantial member firms, Gregory & Sons and McDonnell & Co., have gone into liquidation, and the problems of the industry seem to have intensified.

One week ago Thursday, the Securities and Exchange Commission was forced to approve a temporary surcharge on brokerage commissions because of the industry's deteriorating financial condition. SEC Chairman Budge stated in an official letter to the New York Stock Exchange that the commission was concerned with "the financial problems of the industry and the losses sustained in the past year and during the first quarter of 1970." The Chairman also stated that the commission acted on its understanding that the industry required "immediate financial relief".

After the 1963 bankruptcy of Ira Haupt and Co., a large member firm, the New York Stock Exchange required its members to repay the firm's public customers. Subsequently, the New York Stock Exchange also established a guarantee fund, with initial assets of $10 million and a line of credit of $15 million. According to the press, the New York Stock Exchange's guarantee fund now has less than $3 million remaining in uncommitted funds. Furthermore, its line of credit has been adjusted down to $10 million.

The guarantee fund of the New York Stock Exchange is in the interest of the public and of its member firms. However, it also has obvious weaknesses. The fund is small in comparison to the total dollar volume of trading; to the $2 billion to $4 billion of "fails", that have been outstanding at various times; to the annual losses of $45 million due to theft; or to the over $50 billion value of customer assets held by brokerage firms. The fund protects only members of the New York Stock Exchange. It is voluntary as to its application. By its terms, it need not be applied to protect investors unless the board of the New York Stock Exchange decides to act. The fund would be unable to reimburse customers if one or more large member firms suffered substantial losses and needed to liquidate.

S. 2348 would extend protection to customers of brokerage firms that are not members of stock exchanges with guarantee funds. In addition, the credit of the U.S. Government would strengthen the protection now available from guarantee funds. The mere availability of this Federal guarantee should benefit the brokerage community. It would encourage customers to leave securities in "street name" and would therefore reduce the difficulty of transferring securities. It would also encourage the development of new concepts of securities transfers. All these factors could possibly increase the profitability of the brokerage industry. It would also reduce the chance of a run on brokers, thus making it possible to set an insurance rate for brokers lower than any private plan being discussed.

The insurance plan would be entirely paid for by brokers. It would be cost free to taxpayers.

A study by the North American Rockwell Information Systems Co. for the American Stock Exchange recommends a similar insurance program. The study concluded that operations systems development would be advanced if customers trusted brokers sufficiently to leave securities with them. The report suggests a system such as a Federal Deposit Insurance Corporation which would provide investors with the necessary confidence. A study made by Lybrand, Ross Brothers and Montgomery, also recommends this system.

It is understandable that brokerage firms might be apprehensive that this measure could lead to intensified Federal regulation. However, this bill provides insurance and permits a minimum of regulation. It recognizes a legitimate role for privately financed guarantee funds. I urge the investment community to join in a cooperative effort to establish a Federal broker insurance program in which all legitimate interests of brokers would be recognized. We can do that and at the same time provide the necessary protection for investors and for all Americans who depend on the well-being of the financial community.

Last Thursday, I introduced an amendment to my bill which does not alter its original purpose or reduce the protection provided for investors. In part, the amendment incorporates suggestions we have received from Government agencies, the industry, and concerned citizens. It also reflects my efforts to increase the fairness of the assessment provisions and to improve protection for all segments of the industry.

The principal change in amended S. 2348 is that premiums are based on the insured risk—a way for setting rates which conforms to widely accepted business and economic principles. This program should be less costly for brokers than the plan presently being considered by the industry.

The amended bill expands the insurance coverage for the industry. Brokers are now insured against failures resulting from transactions among themselves. Institutional investors and investment clubs are given increased protection.

If this bill is enacted, no American would lose his savings through a brokerage firm bankruptcy. Without the enactment of the bill, it is possible that we could experience a run on brokers that could cause a decline in securities values which would destroy confidence and fracture the economy.

Unfortunately, it took the panic of 1929 to pass the Federal securities laws, and a run on the banks to create the FDIC. Let us not wait for an emergency. Instead let us use our foresight to act now to reestablish public trust in our securities markets. There is still time to avert a crisis. We must not delay until we can no longer act but are forced to react.

Mr. President, the Securities Subcommittee of the Committee on Banking and Currency will hold hearings on this legislation on Thursday and Friday, April 16 and 17. The creation of the Federal Broker-Dealer Insurance Corporation is so essential that I urge my fellow Senators and Representatives to join with me in assuring the prompt enactment of the bill.

I ask unanimous consent that four articles which deal with the need for this legislation be printed in the RECORD.

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

[From Newsweek, Apr. 6, 1970]

WHEN BROKERS GO BROKE

(By Clem Morgello)

The prime rate finally went down last week and, just as everyone expected, stock prices went up. The brisk rally put Wall Street in a decidely better mood—at least as far as the price trend is concerned.

Brokers sorely needed the lift, for the fi-

nancial health of Wall Street itself is still a matter of mounting concern. A great number of brokerage firms are losing money, and no day passes without reports that one firm or another is about to fold. It is impossible to say which, if any of the rumors is based on fact. But they reflect genuine worry.

That concern was shown last week when a New York Stock Exchange study recommended that the exchange lend as much as 30 million to its Special Trust Fund if the money is needed to compensate the customers of failing member firms. The trust fund, set up in 1964 and limited in size to $25 million, has been reduced to about $3 million in uncommitted cash and government securities plus $10 million in stand-by bank credit because of allocations to take care of four member-firm failures. The board plans to permanently enlarge the fund, and some Wall Street men believe that it should be as large as $100 million.

CALLING FOR STOCK

Because they are concerned about the health of Wall Street, some investors are asking their brokers to send them the stock certificates that they have until now left in the custody of their brokers. They are worried about recovering their stock if the firm folds. While these are still isolated cases, they raise questions about the safety of investments left in the custody of brokers.

To Wall Street's credit, no customers have lost money due to the failure of a member firm since World War II. The Big Board's trust fund covers not only its own listed securities, but also issues traded on the American Stock Exchange and over-the-counter if they are being held in custody by a member firm. Amex, in addition has its own $10 million trust fund, but none is maintained by over-the-counter dealers.

But what if an investor wants to sell a stock that is being held for him by a firm that goes under? Unfortunately, he is locked in for varying periods of time, and that is disconcerting in a falling market.

The investor can sell his stock as soon as his account is transferred out of his old firm to any new broker he designates. Under ideal conditions, the account can be transferred in two or three weeks. But because the records of the failing firm are usually in poor shape, it typically takes longer. It took three months, for example, to transfer out the accounts when Gregory & Sons folded last year.

PROTECTIVE BOND

The Big Board and Amex trust funds guarantee only the accounts of customers in failing firms. They do not cover theft, fraud or the loss of a client's securities. But both exchanges require members to take out what is known as a "broker's blanket bond" as protection. These actually insure the brokers themselves against loss or theft, but they protect the customer indirectly because an uninsured loss could place a firm in serious financial jeopardy.

But the big concern at the moment is customer losses due to failure. And some legislators believe that the trust fund is not adequate to protect investors. Identical bills submitted in the House and Senate calls for a Broker-Dealer Insurance Corp. similar to the Federal-Deposit Insurance Corp. that insures bank depositers. Each account would be insured up to a maximum of $50,000. The money for this insurance fund would come from an annual fee levied against brokers and amounting to one-half of 1 per cent of their net capital.

Most Wall Streeters oppose the legislation. They say that it would be costly—amounting to about $25 million a year in fees for Big Board members. A more fundamental objection is that it would set up another regulatory body with broad powers (to liquidate or merge firms, for example)—striking another blow at self-regulation.

Late last week, the Big Board took a step that may ease its problems. It formally adopted specific rules allowing its members to go public—including provisions that has mutual funds, pension funds and other institutions from taking over member firms. Capital raised in public offerings will strengthen brokerage houses and lessen the danger that they may fail.

[From Time magazine, Mar. 30, 1970]

LOOKING FOR MORE MONEY

For more than a year, savvy Wall Street insiders have feared that the back-office paper-work tangle in brokerage houses might lead to a major scandal. Now those fears have been heightened. Several firms have failed, some others are in obvious financial trouble and the top officers of the New York Stock Exchange are desperately asking Washington for emergency help. Nobody expects a repeat of the classic 19th century panics, when brokerage houses went under in domino fashion, trading was suspended on the Exchange and Wall Street was crowded with frantic depositors trying to get their money from failing banks. But if the siutation gets much worse, it could hurt some investors, scare others and provoke selling that would drive stock prices still lower.

Taking a Beating. Two weeks ago, McDonnell & Co. announced that it would close because of insufficient capital. Three smaller houses have liquidated in the past two years, but McDonnell is the best-known one to have shut down since 1963. One problem was that McDonnell has invested some of its capital in the sagging stock market. Investing capital reserves in stocks is a common though risky practice on Wall Street. Many of the larger firms, including Merrill Lynch, refuses to change it. But McDonnell did, and so does Francis I. du Pont, among others.

Last week's news was also disconcerting, Bache & Co., the second largest brokerage house, announced an $8.7 million pretax loss for last year. Goodbody & Co. reportedly had a $1.5 million operating loss in the first two months of this year. Hayden, Stone took a $17.5 million loan from a group of investors in Oklahoma. And Kleiner, Bell & Co. announced that it was getting out of the brokerage business, but will continue as an investment banker.

No Profit in Trades. The trouble with Wall Street is that the securities business, which fattens on the managerial prowess and high technical competence of others, is itself poorly managed and technically backward. Though the Stock Exchange has started a centralized certificate clearing service, millions of dollars worth of stock certificates are still moved back and forth each day by aged messengers. Office automation came to the brokerage business relatively recently, and only because the Street was strangling in its own paper work. In 1968, brokers stepped up hiring expensive new talent and adding office equipment. All of this added greatly to the brokers' costs. At the same time, their income was reduced because of a cut in commission rates on large trades and the shortening of trading hours, a change imposed to give back offices time to catch up. On top of that, the market started its long decline in December of 1968, and volume tumbled. Costs could not be cut enough to prevent last year from being a disaster.

According to the Exchange, half of its member firms that serve the public lost money on their stock-trading business last year and continue to do so. Even Merrill Lynch, the largest and most efficient brokerage house, made most of its 1969 profit from underwriting and from its commodity and bond-trading activities. Institutional houses—which deal with mutual funds, insurance companies and pension plans—do well by comparison. Such institutions account for more than 40% of the current 11-million-share daily volume. That leaves the retail firms to scramble for the remaining 6,000,000 shares per day, the level of trading that prevailed in the mid-1960s before the recent spurt of expensive expansion took place. One good index of the malaise in the market: the price of a seat on the Exchange dropped from $515,000 last May to $300,000 this month.

Emergency Fund. In a semicrisis atmosphere last month, Robert Haack, Bernard Lasker and Ralph DeNunzio, the three top officers of the New York Stock Exchange, went to Washington to ask the Securities and Exchange Commission for an increase of 17% in brokerage commissions, the first raise since 1958. At the time, the plan was criticized because the heaviest burden would fall on small investors, and the public would be asked to support some sloppily managed firms. Last week, with a real crisis on their hands, the Exchange's trio went back to Washington to ask permission to impose an interim surcharge on all trades up to 1,000 shares. The surcharge would be $15 or 50% of the regular commission, whichever is lower. That would help keep some brokers solvent while the SEC studies the February proposal.

The Exchange maintains a trust fund to cover customers against losses if their broker fails. It has committed $6,000,000 to the orderly liquidation of McDonnell. The money will enable McDonnell to repay bank loans and reclaim customers' stock that had been pledged as collateral to secure the loans. Investors who buy stock on margin must agree to let the brokerage firm use the stock as collateral. McDonnell's clients stand to get their cash or stock, though margin customers may have to wait some time for the paper work to be unscrambled. One result of the McDonnell failure could be a decline in margin speculation because there is always the chance that the stock could be tied up indefinitely if more brokerages fail.

The Exchange has also committed $6,000,000 from its trust fund to the liquidation of two firms that failed last year. It has only $3.3 million left to handle other emergencies, though it does have a $15 million line of credit from banks. If several big houses should go under, the Exchange would assess the membership, and some institutional firms might well decide to leave the Big Board rather than pay up.

The latest tremors show that share-holders need more protection than the Exchange's trust fund provides. Maine's Senator Edmund Muskie has introduced a bill that would set up a Broker-Dealer Insurance Corp. similar to the Federal Deposit Insurance Corp., which protects bank depositors. Congress might be wise not to wait for the kind of disaster that brought FDIC to fruition before acting on the proposal.

[From the New York Times, Mar. 23, 1970]

MORE FAILURES PORTENDED AS WALL STREET WOES RISE

(By Terry Robards)

Shrinking volume in the stock market, the continually rising cost of doing business and the unlikelihood of immediate commission-rate increases are once again creating a crisis atmosphere on Wall Street. The securities industry, in fact, is rife with rumors that another major brokerage house will follow the lead of McDonnell & Co., which announced 10 days ago that it would go out of business because it had been unable to stem a rising tide of heavy losses.

Informed sources report that at least two major securities firms with known financial difficulties are foundering.

At least three other firms are mentioned frequently as having major operating difficulties. Still others are said to be losing money at rates that cannot be sustained for long.

The New York Stock Exchange reported to the Securities and Exchange Commission last week that preliminary data for all its member houses doing a public business indicated that more than half had lost money on their securities commission business in 1969.

"SEVERE" LOSSES LISTED

Recent data covering almost 20 per cent of the business done suggested that "important firms" sustained severe losses in both the third and fourth quarters of 1969, both on their brokerage business and on an overall basis, the exchange continued.

It added that there were indications the losses had continued into early 1970. Industry experts say it is probably that losses not only have continued, but have mounted, namely because most of the same adverse conditions prevailing last year have continued into the present year.

Stock market volume, a direct indicator of the level of commission income available to meet costs, has not only remained relatively low but actually has declined.

Turnover on the New York exchange averaged 11.4 million shares daily last year.

Fourth-quarter volume averaged 12.4 million shares a day and it is known that several of the industry's largest firms operated at loss during that period.

Activity has continued to diminish this year, reflecting the slowing of the economy, the discouraging duration of the bear market and little in the way of optimistic news.

DAILY AVERAGE FALLS

The Big Board's daily trading average in January fell to 11.6 million shares and moved sharply lower in February, to 9.4 million. In the first three weeks of March it was running at less than a 10 million rate again.

Meanwhile, fixed costs have remained high, reflecting the costly new operating capacity which many brokerage houses were forced to install last year and the year before in crash programs to cope with the paperwork problems brought on by heavy volume.

"I don't think I'd like to bet that McDonnell will be the last," a well known securities industry figure said last week. "You know the ones in trouble as well as I do," he added. "We all hear the same stories."

Confirmation of brokerage-house difficulties is difficult to obtain. The senior officers of troubled firms are understandably wary of making their losses public, lest the disclosure itself cause customers to panic and losses to be aggravated.

The urgency of the situation last Tuesday, when representatives of the New York exchange proposed to the Securities and Exchange Commission that a "minimum service charge" be imposed on all transactions to provide interim commission rate relief.

The $15 charge would be only a temporary measure, designed to raise revenues while the commission conducts its study of the more comprehensive rate package proposed Feb. 13. This study is expected to take months.

In a letter to the exchange membership Thursday, Robert W. Haack, president, said, "Allowing for the normal three-week waiting period of S. E. C. comments, if the commission interposes no objection, the new charge could be given final approval by our board on April 12 and take effect shortly thereafter."

SPEEDY ACTION ASKED

Mr. Haack noted that the S. E. C. had been asked to expedite its review of the service-charge proposal, but some industry leaders wondered if quick action by the S. E. C. would be forthcoming under any circumstances and whether certain firms could continue in business much longer.

Of special concern is the crisis of public confidence that could ensue if one or more of the securities industry's giant houses were to become insolvent. Such a crisis could cause a run on other houses, according to one theory, and the result could be a major catastrophe.

WALL STREET TREMORS

The bear market in Wall Street and the climb in operating costs are producing serious financial problems for stock brokers. McDonnell & Co. is to be gradually liquidated and its accounts transferred to other houses. Kleiner, Bell & Co., a California firm, has decided to end its public brokerage business. Bache & Co., the second largest broker in the country, has announced that it lost $8.7-million last year, although its chairman states that the deficit did not seriously impair the firm's financial position.

These events appear on the surface to lend support to the New York Stock Exchange's proposal for a boost in the level and change in the structure of commission charges. Rates to small investors would be drastically increased and rates to big institutional investors steeply cut. The new rates are designed to increase the earnings of the securities industry by more than 10 per cent; the aim is to assure what the "big board" describes as a normal after-tax return of 15 per cent on invested capital from securities commissions and the interest on margin accounts.

In effect the New York Stock Exchange wants to be treated as a kind of public utility, with the privilege of determining its own rate structure. The Justice Department objects to this arrangement on antitrust grounds and says that rates should not be collusive.

There are better ways of dealing with the problems of setting proper commission charges than through monopoly pricing by the New York Stock Exchange. There is no reason why big institutional investors cannot be permitted to work out commissions with the brokers who handle their accounts. It is only fear of potential conflicts between the managers of two types of institutions, mutual funds and banks, that inhibits the S.E.C. from endorsing free-market pricing at the upper end of the scale.

At the lower end of the trading scale, the market might also do a better job of setting commissions than a rate-making authority. A study done for the Stock Exchange has tried to calculate the costs of securities trades objectively, but its results are open to criticism on several grounds: that they have focused on the individual transaction rather than the customer, that the study is based on an unrepresentative period, and that the report does not record all stockbrokers' income.

Instead of moving at once to a full free market solution, the S.E.C. could require the Stock Exchange to deregulate commissions at the upper end of the scale. Initially, rates on transactions of $100,000 or higher could be left to the parties involved. If a free market system for commissions on big trades were found to work well, it might gradually be extended to apply to trading at the lower levels. But changes should be made carefully, especially given the present degree of illiquidity of some brokers.

The job of protecting the public from losses that might result from the failure of stock brokers should be separated from the problem of setting commission rates. The way to protect customers should be through a Broker-Dealer Insurance Corporation, similar to the Federal Deposit Insurance Corporation which protects bank depositors. Representative John E. Moss of California and Senator Edmund Muskie of Maine have introduced just such a bill. The signals of danger on Wall Street call for urgent Congressional attention and action on legislation to protect the investing public.

ADDITIONAL STATEMENTS OF SENATORS

PSYCHOLOGICAL TESTS FOR 6-YEAR-OLDS

Mr. HATFIELD. Mr. President, on the front page of the Washington Post of April 5 is an article which I hope every Senator will read with care. It was headlined as "Crime Tests at Age 6 Urged" and referred to President Nixon's request that the Department of Health, Education, and Welfare study proposals set forth by Dr. Arnold Hutschnecker, a New York psychiatrist, that "psychological tests be administered to all 6-year-olds in the United States to determine their future potential for criminal behavior."

Mr. President, all of us favor alleviating antisocial behavior and reducing the number of delinquent and criminal offenses, and Dr. Hutschnecker's concern with this goal is most commendable. However, the basic assumptions and implications that Dr. Hutschnecker's proposal holds for our society and the inherent difficulties and problems contained in his memorandum to the President are quite frankly outrageous, and I must express complete surprise at learning that a feasibility study is actually taking place within a government agency with an eye to implementing Dr. Hutschnecker's massive program of psychological testing.

Psychology is yet an imperfect science. It is a field of enormous conflict of ideas and opinions, no one of which has ever gained acceptance or superiority over the others. The very fact that Dr. Hutschnecker believes he can detect the potential for criminal behavior in a mass test of 6-year-olds is in itself a very experimental and shaky assumption. There are many psychologists and psychiatrists who believe that emotional characteristics are not a stable factor in children. Others believe that aggressive and hostile behavior is inherent in all of us and the entire socialization process determines how this behavior will be expressed.

There are many studies which show that children from lower economic classes are usually socialized to outwardly express aggression in physical means and that in many instances male children at this economic level find that in their environment aggression makes them more socially acceptable. Another problem of Dr. Hutschnecker's proposal is the fact that he proposes to study the child at such a young age.

Assessing the behavior of children at this age level is a highly sensitive and difficult process. Rapport must first be established with each individual child allowing for no standardized tests for this age group which could account for all the variables involved in detecting truly aggressive tendencies. Another factor unaccounted for by Dr. Hutschnecker is the astounding room for error that is inherent in his proposal.

Given the imperfect state of the field of psychology, given the number of subjects involved, given the use to which

the "knowledge" gained by the testing will be out, and given our past experience with massive governmental programs of a much less sensitive nature, the amount of abuse which would be a byproduct of his proposal is beyond comprehension.

The fact that Dr. Hutschnecker's proposal is being taken seriously is frightening. The logical consequences of his proposal are a direct violation of our cherished concepts of public privacy and freedom. In essence the proposal provides for massive governmental control over behavior, over the futures of every one of the 6-year-olds tested. Governmental camps, mass psychological treatment for so-called deviants all for the expressed purpose of "weeding out psychopathic personalities before they reached positions of power." Hutschnecker has even gone so far as to call for a mental health certificate that would be required for all young people as a prerequisite for any job of political responsibility. This type of language is disturbingly reminiscent of "Brave New World." In the last analysis our entire judicial system becomes one where the individual is guilty until proven innocent and is awarded with a "clean bill of mental health" by his paternal government. And at the end of all of this there are many in the field of psychology who state that such a method of testing will not even weed out the psychopaths, that many psychopathic individuals that have committed outrageous crimes against their fellow man have been described as "wonderful people" and who according to some theorists would appear as "normal," well-adjusted individuals on these tests.

Let us take this proposal to a very possible extreme. A small ghetto child already the product of a hostile environment has a fight with his parents, has had a bad week at school, and has just lost his best friend due to a move. He goes to school and is administered psychological tests. He turns up on the test interpretation as showing definite antisocial behavior and a tendency for aggression. He is marked for the Government's mass psychological and psychiatric treatment for "children found criminally inclined." He is confused and frightened by such treatment and he begins to develop a very real hostility toward school which is the source of his problem. Due to his behavior and uncooperative attitude the Government directs him into a friendly camp to help him adjust to life. His continued confusion and bewilderment adds to his fright and hostility. Finally he commits a "hostile act" trying to fight back against his oppressors. He is marked by the government. The result is a self-fulfilling prophecy: a psychopathic personality was made and weeded out—all at the Government's whim.

Of course, the above story only demonstrates the extreme of Dr. Hutschnecker's proposal, but it does point out the rampant discrimination process which could result from the implementation of this program. Children will receive treatment who do not require treatment; people will be labeled for life out of normal human error; perhaps very real psychological problems will be overlooked or not interpreted correctly; and finally the very people who will end up in these centers and camps will more than likely be the poor, the minority groups, the ghetto children who have legitimate reasons for being aggressive and hostile to their environment.

What is being proposed here is beyond understanding. Are we to buy the assumption that the Government has the right to give psychological examinations to our children which, in themselves, are debatable and have no proven validity? Are we to buy the assumption that on the basis of these imperfect tests the Government has the right to judge the future character potential of our children, put them in camps, oblige them to undergo therapy of an experimental and dubious state and, in essence, map out the limits of their lives at age 6? I am astounded and alarmed that HEW is actually studying the "advisability of setting up pilot projects embodying some of the approaches." It is an insult to human dignity; it is an insult to democratic freedom, and it is an insult to our privacy and constitutional rights.

There is little question that the Government could undertake many sweeping programs and plans of action which would immeasurably lessen some of the ills of our society. Indeed, many of these activities could have the guarantee of being foolproof, unlike Dr Hutschnecker's proposal. We could remove the freedom of movement within the United States in order to develop a proper population dispersal. We could raise all children in massive governmental centers in order to have a balance of personality types and give them a conformity of environment. To stop the flow of gold from our Nation, we could prevent all travel of citizens out of the country. To prevent an intensification of the urban problem, we could require governmental permission for rural-urban moves. But if we allow our Government to take such steps, we no longer are a free society. We no longer have the freedom of choice, expression, movement. We become but pawns of the state and the shells of human beings.

Mr. President, I am not in the least trying to denigrate the beneficial aspects of psychology or psychiatry. I certainly feel that delinquency, and especially juvenile delinquency, deserves all the psychiatric and psychological attention that the resources of the community can afford. But we must not allow yet imperfect theories to become governmental law. If we do, then this can extend to our entire lifestyle and we will lose the very essence of democratic life.

I reiterate that psychology is yet an imperfect science. Such a widespread use of imperfect methods can lead not only to massive abuse but also to rampant discrimination.

I urge the President to reconsider his request to Secretary Finch.

I ask unanimous consent that Robert C. Maynard's article be printed in the RECORD. I also invite attention to the Washington Post's April 10 lead editorial which discusses Dr. Hutschnecker's proposal and the letters to the editor which appeared the same day. I call particular attention to the letters by Dr. Cummings and Dr. Kaufman who state from a more professional point of view the same reactions that I have to this incredible proposal. I ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Post, April 5, 1970]

HEW STUDYING CALL FOR CAMPS—CRIME TESTS AT AGE 6 URGED

(By Robert C. Maynard)

President Nixon has asked the Department of Health, Education and Welfare to study the proposals of a New York psychiatrist that psychological tests be administered to all the six-year-olds in the United States to determine their future potential for criminal behavior.

Dr. Arnold Hutschnecker further proposed massive psychological and psychiatric treatment for those children found to be criminally inclined. He said such a program is a better short-term solution to the crime problem than urban reconstruction.

Teen-age boys later found to be persisting in incorrigible behavior would be remanded to camps, under the proposals submitted to the President last December.

The determination of criminal tendencies of children 6 to 8 years old would be made by psychologists using such tests as the Rorschach, which depends for its predictive insights on the reactions of the person being tested to a series of ink blot images.

Dr. Hutschnecker, a consultant to the former National Commission on the Causes and Prevention of violence, advised the President of his proposals in a 1,600-word critique of the Commission's report after it disbanded at the end of last year.

Assistant to the President John D. Ehrlichman, in a memorandum to HEW Secretary Robert Finch on Dec. 30, said, "the President asks your opinion as to the advisability of setting up pilot projects embodying some of these approaches."

NO ANSWER YET

A spokesman for Finch said yesterday that no answer has been sent to the White House because the study of Dr. Hutschnecker's suggestions "requires considerable staff work," which is not complete.

Dr. Hutschnecker, formerly an internist, treated Mr. Nixon in that capacity when the President was Vice President in the 1950s.

The Violence Commission concluded that the solution to urban violence is urban reconstruction, creating an environment that would reverse the trend toward crime.

"No doubt," Dr. Hutschnecker told the President, "there is a desperate need for urban reconstruction but I would suggest another, direct, immediate and I believe effective way of attacking the problem at its very origin, by focusing on the criminal mind of the child.

"The aim is to prevent a child with a deliquent character structure from being allowed to grow into a full-fledged teen-age delinquent or adult criminal," Dr. Hutschnecker said.

"The sooner this destructive trend is recognized and reversed, the better the chances for the prevention of crime and the cure of the individual," he wrote.

ADVOCATED EARLIER

The early testing of children to detect deviant behavior has been advocated by the doctor before.

He wrote last year in Look magazine that

high school and college students "should be obliged to undergo psychological testing." He argued then that aside from detecting mental illness in time to facilitate early treatment, such tests would serve the purpose of "weeding out psychopathic personalities before they reached positions of power."

In the magazine article, Dr. Hutschnecker urged "a kind of mental health certificate (that) would be required of all young people as a prerequisite for any job of political responsibility."

Dr. Hutschnecker bases his advocacy of psychological testing on what he believes to be the successful predictive achievements of such tests as those devised in the 1950's by Sheldon and Eleanor Glueck of Harvard University.

GLUECK TEST

Using a combination of social and psychological data, the Gluecks reported that they were able to predict over time that certain children would become youthful offenders as adolescents. Their test is one of those specifically recommended for universal administration in Dr. Hutschnecker's memo to Mr. Nixon.

"The government," Dr. Hutschnecker told the President, "should have mass testing on all 6 to 8 year old children." He said the Glueck's test and the Rorschach ought especially to be considered, adding that he felt the need for more research "to determine the most effective and least costly method.

"These tests," the President was advised by his former physician, "could help detect the children who have violent and homicidal tendencies. Corrective treatment could begin at that time."

He advocates in his memo to Mr. Nixon corrective treatment by teams of young graduate students in psychiatry and psychology for children. He urges the President to establish day-care centers for pre-schoolers, after-school centers for older children and guidance counseling for those who show delinquent tendencies.

SOVIET SUCCESS

"The more disturbed, the more angry, rebellious, undisciplined and disruptive boys especially those who show criminal tendencies, should be given aptitude tests to determine areas of interest which should be carefully encouraged. There are Pavlovian methods which I have seen effectively used in the Soviet Union," Dr. Hutschnecker said.

Continuing with his message to the President, the New York physician says:

"For the severely disturbed, the young hard-core criminal, there may be a need to establish camps with group activities under the guidance of counselors, under the supervision of psychologists, who have empathy (most important) but also firmness and who can earn the respect of difficult adolescents.

"By governing themselves," he continues, these boys "would learn the meaning of responsibility and of adjusting to life in a group."

Dr. Hutschnecker said he believes his proposal should be treated as "a crash program" for which the government should "extend loans to a large number of students to enable them to become psychologists or psychiatrists."

Dr. Hutschnecker's memorandum is one of several addressed to the President that have landed in public print. Negro leaders and civil rights supporters expressed outrage recently at a memorandum—by presidential counselor Daniel P. Moynihan which described economic conditions of Negroes as being better than many Negroes feel they are.

[From the Washington Post, Apr. 10, 1970]

DR. HUTSCHNECKER'S MODEST PROPOSAL

Unlike Jonathan Swift, who formulated "A Modest Proposal for preventing the Children of Poor People in Ireland from being a Burden to their Parents or Country," Dr. Arnold Hutschnecker does not suggest that the rich should devour the children of the poor by way of solving the nation's social problems. Rather, he merely suggests that the state begin a massive psychological testing program on all 6-to-8-year-olds (to unearth "delinquent character structure") and provide a series of correctional measures for those who flunk, including ultimately "camps" for such young people as resist the state's benevolent ministrations and turn out to be—despite them—"hard-core." That and the fact that, unlike Dean Swift, Dr. Hutschnecker does not seem to be kidding, are the principal differences between these two works of art, one of which is to be found between the covers of any reputable collection of British satire and the other of which turned up in this newspaper last Sunday in an article by Robert Maynard.

Since a covering note to Secretary Finch makes plain that both Mr. Nixon and his assistant John Ehrlichman take the proposal seriously ("The President asks your opinion as to the advisability of setting up pilot projects embodying some of these approaches"), we will refresh your memory as to what it's all about. Dr. Hutschnecker picks up where the Eisenhower Commission on Violence left off—prematurely and incompletely, in his opinion, since the commission observed that, "only progress toward urban reconstruction can reduce the strength of the crime-causing forces in the inner city and thus reverse the direction of present crime trends." Dr. Hutschnecker disagrees: "I would like to suggest another, direct, immediate and . . . effective way of attacking the problem at its very origin, by focusing on the criminal mind of the child."

He thereupon cites some projective psychological tests which are the subject of considerable controversy and reservation among psychologists so far as both their potential use and abuse are concerned, and from this scanty material fashions his modest proposal.

Because "delinquent tendencies" can be predicted from tests "even at the age of six," Dr. Hutschnecker contends that what is wanted is a comprehensive testing program. Those children in whom government detected "violent and homicidal tendencies" would get treatment and guidance and finally, if they failed to respond, a place in Camp Hutschnecker-by-the-Sea. There they would be supervised in "group activities" by psychologists, psychiatrists, and "psychomedics" who had been trained with the help of government loans. Dr. Hutschnecker, ever looking on the bright side of things, maintains that in or out of camps even the most intractable adolescents can be redeemed: "There are Pavlovian methods which I have seen used effectively in the Soviet Union."

It should be stated at about this point that Dr. Hutschnecker himself is a physician and that his credentials as a diagnostician of the nation's psychic ills are rather slim. He has not let this fact get in the way of his publicly administered group therapy, however: only last summer Dr. Hutschnecker was promoting in Look magazine his universal pass-fail system for grading the mental health of prospective public servants and issuing them a kind of sanity card as proof against—well—who knows what? At that time he also came up with some highly imaginative, if politically suspect, psychologicalesque descriptions of public figures (not Mr. Nixon) whom he of course has never treated.

So Dr. Hutschnecker lacks the two credentials that might have justified in some degree the interest the White House has shown in this document: he is not a satirist and he is not a specialist in the subject on which he made his sweeping recommendations.

Among his other shortcomings we would include what Arthur Godfrey once perceived in Julius La Rosa as a certain want of humility, and we would also cite his gross indifference to the delicate relationship that exists and must be preserved in these matters between the government and the citizen, and between "predictive" concepts of crime of any kind and the actual committing of crime, which is what we punish people for or treat them separately and specially for. Finally, in a somewhat less-thunderous vein, we would commend to Dr. Hutschnecker's attention the inferences of Drs. Gesell and Ilg in the section called "Six Years Old" of the classic work, "The Child From Five to Ten." Some of our best friends are 6-year-olds, and we have no intention of *smearing* them as a group. But the implication is strong that what with one thing and another, generally speaking, and in terms of decorum, *all* 6-year-olds are criminals. We don't want to be too flibberty-gibbet: the few truly sick and hurt can be helped by special care, and for those who are trapped in the horror of our urban slums, we think the Eisenhower Commission was doing just fine in its diagnosis without Dr. Hutschnecker's addendum. For the rest of the world's wanton 6-year-olds there is nature's special cure: turning 7.

ON "CRIME TESTS" FOR 6-YEAR-OLDS

In the past several days, press and radio across the country have carried a set of proposals by Dr. Arnold Hutschnecker, bearing on "crime tests" for all 6-year-old children and subsequent mass remedial programs for those who score badly on those tests. As presented in the Page One article in The Washington Post of Sunday, April 5, these proposals are little short of fantastic.

At the most basic level, the reported views show little awareness of the strengths and weaknesses of psychological tests as predictors of the later actions of 6-year-olds. And, even were the plan otherwise feasible, it would be simply impossible to test every member of a particular age group, especially when a test like the Rorschach ink blots (typically administered to one person at a time) is included in the test battery. Further, the assumptions which Dr. Hutschnecker, makes about the causes of criminal and delinquent behavior seem to overlook the importance of social and environmental factors.

Perhaps most important, Dr. Hutschnecker's remarks imply that psychology would be interested in a mass testing program whose goals are (1) sorting children into categories by criminal tendencies, and (2) deciding that this or that youngster will be remanded to a treatment setting. But such ideas do not sit well with the great majority of psychologists. Not only do they run counter to cherished principles of individual freedom, but also it is difficult to reconcile them with those ethical principles which steer the testing and therapeutic activities of psychologists.

Our community faces many dismaying problems, including crime and delinquency. The District of Columbia Psychological Association wants very much to contribute to the solutions of these problems in any way it can. But the proposals presented in the accounts of Dr. Hutschnecker's views are not the guidelines which this association will use to steer its attempts to help.

JONATHAN W. CUMMINGS.

President, District of Columbia Psychological Association.

WASHINGTON.

On April 5, The Washington Post gave page one coverage to an astounding and alarming proposal by Dr. Arnold Hutschnecker, President Nixon's former physician. Assuming your report to be relatively accurate, I understand that Dr. Hutschnecker advocates compulsory testing by the government of "all 6- or 8-year-old children" to "detect the chil-

dren who have violent and homicidal tendencies." Involuntary "corrective treatment could then begin." Similarly, he suggests "focusing on the criminal mind of the child," "weeding out psychopathic personalities before they reached positions of power" and "the more disturbed, more angry, undisciplined and disruptive boys."

Dr. Hutschnecker's presumably well-intentioned program would be merely entertaining as an outrageous parody of misinformation, professional arrogance and the misuse of behavioral science—were it not so potentially threatening to the constitutional guarantees of liberty and due process of law. Regrettably, it seems to be getting the administration's serious attention, according to your report.

His proposals are based on misguided and naive assumptions about the corrective and predictive capabilities of psychological and psychiatric methods. For example, he assumes incorrectly that psychological tests can accurately reveal those children who have what he calls "violent and homicidal tendencies." The Gluecks' studies, which he cites approvingly, have been widely discredited. They at best tell us what we knew all along: that children living in deplorable conditions tend toward "delinquency," not homicide. While paying lip service to changing these conditions, Dr. Hutschnecker's program emphasizes changing what he callously calls "the criminal mind of the child"—a term of his own invention with as little empirical meaning as his "violent and homicidal tendencies."

Psychiatric predictions of future dangerousness are even more unsatisfactory as a basis for any program, because they enormously overpredict dangerousness. Thus, for every child correctly identified as "dangerous" (however defined) by present methods of psychiatric prediction, 20 or more others would be *incorrectly* so labeled. They, too, would be involuntarily concentrated in Dr. Hutschnecker's "camps with group activities." They, too, would be coercively deprived of liberty without benefit of trial, without having committed a crime, and unjustifiably stigmatized for life.

The techniques of psychological and psychiatric evaluation are easily manipulated and can be extremely dangerous if used to promote political ends. One wonders why Dr. Hutschnecker does not propose programs for testing "symptomatic" presidential candidates, for "weeding out sadistic racist politicians," "sociopathic disturbed and unscrupulous corporate executives" or "obsessive-compulsive authoritarian personalities of military and political power." These "disturbed" persons surely pose a greater threat to the nation than his "disturbed, angry, rebellious boys."

The critical point is that *neither* group is objectively "disturbed." When used to promote political policies, mental illness labels are essentially character assassinations. They can be made to discredit any idea or person whose behavior one dislikes. Accordingly when as Dr. Hutschnecker proposes, psychiatric, and psychological judgments are made the basis upon which human liberty is deprived, the rule of men will be substituted for the rule of law. Involuntary preventive detention for any political purpose will then be possible.

HAROLD KAUFMAN, M.D., LL.B.,
Adjunct Professor of Psychiatry and Law, Georgetown University Law Center.
WASHINGTON.

We read with interest your April 4 report about President Nixon asking the Department of Health, Education and Welfare to study a proposal by Dr. Arnold Hutschnecker that psychological tests be given to all 6-year-olds to determine their future potential for criminal behavior. The idea is fascinating and may indeed be a goose step forward in the crusade for "law and order."

However, it may require our spendthrift President to part them with some money for a good system of identifying the undesirables. Perhaps the money that was saved by cutting the funds for programs for slum housing and education might have to be used—but such is the price of progress.

Rather than the yellow star popular before and during World War II in another nation interested in combating fundamental causes of "criminal behavior," we might require the tattooing of a red X on the foreheads of those 6-year-olds who "flunk" their Rorschach.

The model the President might use for the camps to which to send the incorrigibles could very well be the prior regimes who also wanted to protect their silent majorities from undesirable elements.

FRED and HOLLY JELLISON.
WASHINGTON.

It had to come sooner or later, but I did not expect it this soon. According to The Washington Post (April 5), the President has asked HEW to study a proposal for preventive detention of sorts via the psychological testing of 6-year-old children in order to weed out potential criminals! It is fantastic that Mr. Nixon could entertain the notion that such a plan would be constitutional, let alone wise. Given the present state of knowledge and skill in the art of predicting human behavior, such a plan could result in little more than the brainwashing and Pavlovian conditioning of what would surely turn out to be predominantly black, poverty-stricken children from the ghetto to the questionable life style and value system of the President himself, and, God forbid, the Attorney General.

As a preliminary test of the administration's gut faith in this sort of predictive device, let the President first decree that all Republican candidates and high level appointees be screened and the results made public prior to eligibility for office.

RICHARD E. JONES.
ANNANDALE, VA.

Dr. Hutschnecker's proposal that six-year-olds be tested for their potential criminal behavior is too modest. Mothers know very well the larcenous, uncivilized behavior of two-year-olds. Many show little respect for the voice of authority, especially those children with potential to be effete intellectual snobs due to insufficient mediocrity. Put the independent stubborn ones in government creches. For due process of law, a judge and a psychologist could be present to tattoo their criminal heads, assuring that only the righteous would ever hold jobs. Of course the offending parents should be sterilized to remove their criminal genes from circulation. Then we should be well on the way to a final solution to the crime problem by 1984.

ELLEN D. YORKE.
JAMES A. YORKE.
BELTSVILLE.

LOWERING THE VOTING AGE TO 18 BY STATUTE—SUPPORT BY PAUL FREUND AND ARCHIBALD COX

Mr. KENNEDY. Mr. President, last week, in a letter to the editor of the New York Times, six professors of the Yale Law School questioned the constitutionality of the Senate's action in lowering the voting age to 18 by statute.

In yesterday's New York Times, two distinguished professors of Harvard Law School answered the Yale arguments in detail, and strongly supported the constitutionality of lowering the voting age by statute. Yesterday's letter was written by Prof. Paul Freund, the most renowned constitutional authority in America, and Prof. Archibald Cox, who served as Solicitor General of the United States under President Kennedy and President Johnson. Because of the importance of the constitutional question, I ask unanimous consent that the letter by the Yale professors and the reply by Professor Freund and Professor Cox be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, as the Yale professors state, they support the Justice Department's constitutional objections to the statute. However, both the Department and the professors ignore a fact that was repeatedly emphasized in the Senate debate—the same bill now pending in Congress to lower the voting age also imposes a nationwide ban on State literacy tests, and makes a substantial reduction in State residence requirements for voting.

In the Senate and House hearings on the voting rights bill, the Justice Department strongly supported the constitutionality of the literacy and residence provisions, and cited Katzenbach against Morgan as authority for this view. Surely, if Congress has the power to act by statute to change voting qualifications in the areas of literacy and residence, then it also has the power to act by statute to change the voting age.

The Yale professors propose to restrict the Supreme Court's holding in the Morgan case to circumstances involving discrimination against ethnic minorities. However, neither the equal protection clause of the 14th amendment nor section 5 of the amendment contains any such limitation. As the Court clearly stated in the Morgan case, Congress has broad power under section 5 to weigh the facts and make its own determination of discrimination under the equal protection clause, whether the discrimination is based on race or any other ground. So long as the Supreme Court can find a reasonable basis for Congress' determination, the Court will sustain it.

The Yale professors also suggest that, in any event, there is no discrimination in State voting age restrictions, because they apply equally to all young Americans in 46 States. Obviously, if a minority group were denied the right to vote, no one would argue that the denial was nondiscriminatory merely because it applied equally to all members of the group. Similarly, merely because all 18-year-olds are denied the right to vote does not mean that there is no discrimination against them.

Three weeks ago, by a vote of 64 to 17, the Senate made a clear finding that such discrimination does exist. The Senate held that laws setting the voting age at 21 unfairly discriminate against millions of 18-, 19-, and 20-year-old Americans who fight and die in Vietnam, who work, marry, and pay taxes, and who are treated as adults by the criminal law, but

who are denied the most basic right of all in our democratic society—the right to vote.

The Yale professors also assert that the long-ignored section 2 of the 14th amendment is conclusive on the constitutional question. But, section 2 says only that, if a State denies the vote to male citizens over 21, the State's representation in Congress must be reduced. Section 2 says nothing of the broad power of Congress under section 5 of the amendment, or the broad power of the States under other provisions of the Constitution. To read a provision that all males of 21 shall be entitled to vote as meaning that only those attaining that age shall be so entitled is to commit the most elementary logical fallacy. All the section shows is that in 1868, when the 14th amendment was adopted, Congress and the States did not think 21 was an unreasonable age requirement for voting. Nothing in section 2 prevents Congress or the States from determining today that times and people have changed, that young Americans are more mature and better educated, and that the 21-year age requirement for voting is no longer reasonable.

In fact, the professors' argument on section 2 proves too much. If, as they insist, Congress has no power to reduce the voting age mentioned in section 2, then it also follows that the States have no such power as well. Yet, no one doubts the constitutionality of the actions by Georgia, Kentucky, Alaska, and Hawaii in recent years to reduce the voting age below 21.

The power of Congress under the Morgan case to enforce the equal protection clause and to lower the voting age by statute is unequivocally supported by Professor Freund, by Professor Cox, and by many other constitutional experts. I believe that Congress has not only the capacity to exercise this power wisely, but also the responsibility to do so. By accepting this responsibility in the voting rights bill and other measures, Congress is making a basic contribution to representative government in our democracy, and is helping to balance the trend of judicial activism in our recent history.

Indeed, there is obvious irony in the Yale professors' position. For a generation, Yale Law School has been the leading bastion of judicial activism in the Nation. Now it emerges as the advocate of congressional restraint.

It is also noteworthy that Louis Pollak, dean of the Yale Law School, testified to Congress shortly before the Senate vote that, in spite of his constitutional doubts, Congress should proceed by statute if there was no substantial chance that the constitutional amendment route would work. In light of three decades of outspoken opposition to the principle of 18-year-old voting by Members of Congress in control of the committees that must pass on the issue, I and many others in the Senate believe that Dean Pollak's test is met. The present voting rights bill is our last real hope of enfranchising American youth, and thereby bringing them into the mainstream of our political process. Millions of young Americans deserve the right to vote, and Congress should respond.

EXHIBIT 1

[From the New York Times, Apr. 5, 1970]

AMENDMENT FAVORED FOR LOWERING VOTING AGE

TO THE EDITOR:

As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengeable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

Alexander M. Bickel, Charles L. Black, Jr., Robert H. Bork, John Hart Ely, Louis H. Pollack, Eugene V. Rostow, New Haven, April 1, 1970.

The writers are members of the faculty at Yale Law School.

[From the New York Times, Apr. 12, 1970]

POWER OF CONGRESS TO LOWER VOTING AGE UPHELD

TO THE EDITOR:

Congress has ample constitutional authority to enact pending legislation reducing the voting age to eighteen without a constitutional amendment. The contrary view expressed in these columns [letter April 5] and held by the Department of Justice appears to rest upon several misconceptions.

(1)—Although the Constitution leaves the states a measure of authority to set voting qualifications, equal protection clauses circumscribe the state's discretion. The importance of this limitation is attested by decisions that a state may not deny the vote because of nonpayment of a poll tax, membership in the armed forces during the period of residency, or lack of property qualifications.

(2)—Katzenbach v. Morgan recognizes that under Section 5 of the Fourteenth Amendment, Congress has the power—and we think the responsibility—to make its own investigation and findings on the constitutionality of state voting classifications, which is conclusive if the Court can "perceive a basis upon which the Congress might resolve the conflict as it did."

To limit Katzenbach v. Morgan to "policing state restrictions on ethnic minorities" is to ignore the fact that the equal protection clause, which Section 5 gives Congress power to enforce, condemns, in the words of the Supreme Court, "any unjustified discrimination in determining who may participate in political affairs or the selection of public officials." Indeed, Section 5 is the primary, if not only source of authority for eliminating all literacy tests and reducing residency requirements as proposed by the Department of Justice.

(3)—Section 2 of the Fourteenth Amendment (invoked by your correspondents as "conclusive") provides for a reduction of Congressional representation whenever a state denies the franchise to any male citizen "being 21 years of age." The sanction was directed at restriction of the franchise; it has nothing to do with enlargement, as is apparent from state laws reducing the voting age below 21. The most that can be inferred is that in 1866-68, Congress and the state legislatures were willing to accept 21 years as a reasonable measure of the maturity and responsibility necessary to vote *at that time*. It is nowise inconsistent to conclude that *in our time* a 21-year requirement unreasonably discriminates against eighteen, nineteen, and twenty-year-olds because of changed conditions—the spread and improvement of education, the age at which young people take jobs, pay taxes, marry and have children, and their interest in public affairs. Since Section 2 did not set an age limit and conditions do change—as all must agree—it did not bind all future Congresses in discharging their responsibilities under Section 5.

There is urgent need to restore the confidence of millions of young Americans in the processes of self-government from which too many have been alienated. Congress, as the representative branch of government, should exercise its responsibility for the fairness of electoral processes under contemporary constitutional decisions.

PAUL A. FREUND.
ARCHIBALD COX.

Cambridge, Mass., April 6, 1970

The writers are members of the faculty, Harvard Law School. Professor Cox served as U.S. Solicitor General, 1961-65.

ENVIRONMENTAL LECTURES

Mr. BOGGS. Mr. President, the Environmental Clearinghouse, a nonprofit

group seeking to improve communications between Congress and the academic community, has organized a series of lectures on the subject of ecology and the environment. As I have had the honor to be a sponsor of the lecture series, I would like to tell Senators briefly about the series.

The initial lecture, "Ecology and National Policy," was presented last Wednesday by Dr. John E. Cantlon, provost of Michigan State University. The second of 10 weekly lectures will be presented tomorrow at 6 p.m. in the auditorium of the New Senate Office Building. The speaker will be Robert Alex Baron, executive vice president of the Citizens for a Quieter City, Inc.

The subject of Mr. Baron's talk, "Noise and Its Environmental Effects," is a most timely one. Legislation currently before the Subcommittee on Air and Water Pollution would create an Office of Noise Abatement and Control within the Department of Health, Education, and Welfare.

It is my hope that many Members of the Senate, as well as their staffs, will have the opportunity to attend the lecture tomorrow evening and each succeeding lecture in the series.

ALL HAIL THE PORTSMOUTH, N.H., MARCHING BAND—"THE CLIPPERS"

Mr. McINTYRE. Mr. President, it is my happy purpose to announce that in the Cherry Blossom Band contest just held in Washington "The Clippers," the famed Portsmouth, N.H., High School Band won first place in both the concert and marching competition.

I am told this is the first time in Cherry Blossom history that such a feat has been accomplished. I salute "The Clippers."

"The Clippers" have been here before. They have done well winning various prizes. But never have they done as well as this time.

The Portsmouth band, under the distinguished leadership of Band Director William Ewell, is one of the prides of the seacoast area of New Hampshire. The band is 160 members strong. They are seen at many civic functions, parades, athletic events, and other public functions in New Hampshire and New England.

The community of Portsmouth is fully behind the band. It was through the support of the people of Portsmouth that the funds were raised to make it possible for the band to come to Washington. Hugh R. Clarke served as chairman of the drive to arrange the funds. The Portsmouth Chamber of Commerce, under the able leadership of its president, Richard Grant, contributed to the finance campaign.

I am told that the involvement of Mr. Clarke was wholehearted. In one instance he served as a target for a cherry pie-in-the-face in exchange for a $25 contribution.

Mayor Eileen Foley, of Portsmouth, promised the official support of the city if the fundraising drive fell short of its goal.

I might add that the victories in the competition are important, but the comradeship, the spirit of competition, the education received in traveling throughout the country, and the musical experience share in this importance. This is a great experience for young Americans.

All hail "The Clippers" and all those who helped in making their trip to Washington and their victory possible.

TIMES CHANGE

Mr. HANSEN. Mr. President, last Monday the Committee on Interior and Insular Affairs, of which I am a member, considered the nomination of Mr. Fred J. Russell as Under Secretary of the Department of the Interior.

Mr. Russell's background is brilliant. He is truly a self-made man, having made his mark in several varied business fields. His administrative ability is outstanding. He will perform the functions of Under Secretary of the Interior with distinction and credit.

It occurs to me that Mr. Russell's background could not be determined as one which could be described as conservation oriented. Too many people, I feel, believe that a realtor only thinks in terms of land development rather than conserving it without development. Fortunately, Mr. Russell made it clear that he subscribes totally to the philosophy expressed by Secretary Hickel, that is, "the wise use of our natural resources without abuse."

In January 1969, the Senate considered the nomination of Secretary Walter Hickel. Senators will recall that Secretary Hickel was pretty well labeled as a foe of conservation; a builder and developer who would give but small moment to the conservation and wise use of the lands and water under his jurisdiction. I doubt, quite candidly, that the nomination of a man of the background of Fred Russell would have been confirmed as Under Secretary last year at this time.

The point I wish to make is that it is a wonderful thing in this country to know that a man like Wally Hickel has, in little over a year, proven himself to be one of the most able, courageous, and effective Secretaries of the Interior in history. Today, Walter Hickel is classified and thought of as a conservationist in the highest sense of the word. He has proven that he is not for conservation for conservation's sake; rather, he is for conservation for the sake and the good of the American people.

I know that Secretary Hickel and his new Under Secretary, Fred Russell, will continue to carry out the wise policies of President Nixon as they affect our lands and waters in a manner which will bring distinction to them, both personally and professionally.

Mr. President, I ask unanimous consent that the press release issued by Secretary Hickel when Under Secretary Russell was sworn in be printed in the RECORD.

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

FRED J. RUSSELL SWORN IN AS UNDER SECRETARY

Fred J. Russell was sworn in today as Under Secretary of the Interior by Secretary Walter J. Hickel.

"The Department is fortunate to have a man with Mr. Russell's managerial ability and record of accomplishment," the Secretary said. "He brings into the fight to protect our environment outstanding qualifications to administer and implement the policies of the Department with integrity and objectivity. I am glad to have him as my right hand."

Russell, who succeeds Russell E. Train, Chairman of the Council on Environmental Quality, was engaged in diverse business fields for more than 30 years prior to entering government service in February 1969, as Deputy Director of the Office of Emergency Preparedness.

After early employment with the Southern Pacific Railroad, Douglas Aircraft Company, and Timm Aircraft Corporation in California, he joined the Weiser Lock Company in 1946 and became its president and sole owner until 1967. During this same period, he purchased and operated the Gabriel Steel Company in Michigan and the S & S Manufacturing Company in Ohio, and also was in commercial and industrial building operations, farming, property management, public utility operations and residential buildings.

Russell was born in Edmonton, Canada. He attended public schools in Monrovia, California, and the University of California in Los Angeles, and served in the Fleet Marine Corps Reserve.

SENATOR JACKSON RECEIVES CONSERVATION AWARD

Mr. CHURCH. Mr. President, I invite attention to an honor bestowed upon one of our most distinguished Members—Hon. HENRY M. JACKSON, of Washington.

On March 21, during the 34th annual meeting of the National Wildlife Federation at the Hotel Ambassador in Chicago, Senator JACKSON was presented the federation's "Distinguished Service to Conservation Award."

The 2.5 million member federation cited the Senator for initiating the precedent-setting Environmental Quality Act of 1969—legislation which established national environmental policy.

In a press release, the federation also said as follows:

In naming Senator Jackson for the organization's highest honor in the field of conservation legislation, the Wildlife Federation referred to him as an aggressive conservation ally. He has authored and sponsored a bill to establish a Youth Conservation Corps. And through his position as Chairman of the Senate Committee on Interior and Insular Affairs, Senator Jackson has paved passage for legislation including the Land and Water Conservation Fund Act, the Wilderness Act, and the Wild and Scenic Rivers Act.

As a member of the Committee on Interior and Insular Affairs, I commend the National Wildlife Federation's selection of Senator JACKSON for this important award, and to congratulate him on this well-earned recognition of his efforts to protect and save the natural environment.

NATIONAL LIBRARY WEEK

Mr. MURPHY. Mr. President, I am pleased to join in saluting and inviting to the attention of the Senate the current celebration of National Library Week, which extends from April 12 to April 18.

Established to encourage lifetime reading habits and increase the use of libraries by all of our citizens, National Library Week has the backing of every librarian, every educator, and every American concerned with the education of our people and with the continued improvement of our quality of life.

National Library Week is the result of a program developed in California in 1957. The program was expanded in 1958 to encompass all of the United States. The sponsors of this event are the National Book Committee, Inc., an independent, nonprofit citizens group, and the National Library Association. Of course, the California Library Association is cooperating in this effort.

The purpose of National Library Week is to impress upon the public mind the vital importance of reading in American life and the equal importance of every kind of library—from general public and public school, to university, industrial, and private home collections. Leaders in the magazine, newspaper, book, radio, television, business and educational fields will join in the general celebration all over the land and in providing special attention to reading and libraries in national journals and national broadcasting.

In practice, National Library Week sponsorship is as wide and diverse as America itself. The principal motive force will come in individual cities, towns, and villages. Here, tens of thousands of citizens of all occupations will unite in local committees to spread the concern, and through locally inspired and guided projects, to do what is necessary community by community to make that concern effective.

The object of National Library Week is to remind the American people that reading can help them to explore and to satisfy their need for a greater sense of purpose and meaning in their lives. American society is founded on the choices determined by the many, rather than the few, and its greatest concern has always been the development of every individual to his highest capacity. Its vitality, its very existence, depend upon the extent to which the people are able to inform themselves of their surroundings, and act intelligently on the basis of that information. Limited horizons are dangerous to a free people, and a better-read, better-informed America has become a necessity.

Only a lifetime of continuing self-education through reading can keep Americans in watchful readiness to exercise responsible citizenship. Only a wide variety of reading can keep us abreast of what has been and what is, and train the imagination to forge ahead into the world to come.

National Library Week also is a focus for the continuing activities of the countless organizations and individuals that share its objectives. It can be a catalyst, working with all these other forces for the support of libraries and the spread of reading. Libraries work with and through all aspects of American life; strengthening them in home, school, college, and community and will help America to prepare for whatever the future may bring.

As a member of the Education Subcommittee of the Senate, I have supported the various programs to strengthen and improve our libraries. It is certainly a privilege for me to share in this program, and it is my hope that the celebration of National Library Week will generate new and increased interest in reading and in books. I am hopeful, however, that this renewed interest will continue all the weeks of the year and throughout the lifetime of our citizens.

A LIGHT OF HOPE FOR THE MIDDLE EAST

Mr. HATFIELD. Mr. President, for more than two decades the Middle East turmoil has vacillated in intensity, the trend being too infrequently toward increasing hostility and polarization rather than reconciliation and stability. There had been few signs of flexibility by any of the parties involved until the past month, when it was reported that Nahum Goldmann, president of the World Jewish Congress and former president of the World Zionist Organization, was invited to speak privately with President Nasser of the United Arab Republic.

Mr. Goldmann has written a provocative article, published in the April 1970, edition of Foreign Affairs, in which he questions some of the basic assumptions of Zionism and reaches conclusions that hopefully spell the beginning of a new attitude not only by the Israelis but also by the other parties in the Middle East Conflict.

I ask unanimous consent that the article written by Nahum Goldmann be printed in the RECORD.

On April 10, 1970, the New York Times printed an editorial in reaction to the Israeli Government's public refusal to send Mr. Goldmann to Egypt. I ask unanimous consent that it be printed in the RECORD.

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

THE FUTURE OF ISRAEL

(By Nathan Goldman)

After more than 50 years of Zionist activities—among them many decades over the international diplomatic front—and on looking back on the experiences gained in the 20 years of the existence of the state of Israel, I am beginning to have doubts as to whether the establishment of the state of Israel as it is today, a state like all other states in structure and form, was the fullest accomplishment of the Zionist idea and its twofold aim: to save Jews suffering from discrimination and persecution by giving them the opportunity for a decent and meaningful life in their own homeland; second, to ensure the survival of the Jewish people against the threat of disintegration and disappearance in those parts of the world where they enjoy full equality of rights. In expressing and explaining these thoughts, I want to make it clear that I have no doubt as to the historical justification and moral validity of Zionism. The concentration of a large part of the Jewish people in their own national home, where they are masters of their destiny, seems to me to be the only way to solve what has been called for centuries "the Jewish problem."

The character both of the Jewish people and of Jewish history can alone explain and justify the Zionist idea, criticized today by many anti-Israel countries and groups as a form of aggressive colonialism which has robbed the Arab people of a part of their patrimony. Any definition of the Jews as a race, a people, a religion, is incomplete; it is the combination of all these elements which accounts for the singular character and the unique destiny of Judaism. There is no other example of a people which has lost its own state and country of origin, which is dispersed in countries all over the world, which has gone through hundreds of years of persecution—from simple discrimination and denial of equal rights to the barbaric annihilation of millions by the Nazis—and which not only survived these tragic periods, but has consistently made notable contributions to civilization. In our own generation, the three greatest figures, who may have influenced our present life and thinking more than any others—Marx, Freud and Einstein—have been Jews. With such a history, the Jewish people certainly deserves to be given the means for its survival; and humanity, having been responsible for hundreds of years of suffering and having failed to do anything radical to save the Jewish people in the Nazi period, owes this people a moral debt which can be discharged only by helping it to secure its survival.

Experience has shown that only a country of its own, however small, can serve this purpose. And only Palestine can be this country, in view of the religious, emotional and even mystical attachment of the Jews to "Eretz Israel," the Land of Israel, in which they made their greatest contribution to human civilization; which in no period of their history they were ready to forget; and for the return to which they prayed and longed for during thousands of years. Only because of this particular attachment of the dispersed people to its country of origin can the Jewish claim to Palestine be justified against the Arab argument that it belongs to them because they lived there as a majority for several centuries. Under normal rules of international life, there is no question that the Arab claim has meaning and substance, and it would be foolish and unfair to deny its justification. Dr. Chaim Weizmann repeatedly declared that the Arab-Jewish conflict with regard to Palestine is a clash between two rights, not between right and wrong, and that is what makes it so complex and difficult. Only if one understands the singularity of the Jewish people (which has nothing to do with any notion of superiority) and its tragic history can one presume that the Jewish claim is morally and historically superior. The Arab peoples possess immense territories in which they are masters of their destiny, and their survival and future are in no way endangered by their renunciation of their claim to a very small part of their overall territorial expanse; whereas tiny Palestine is for the Jewish people the only means of survival and the sole guarantee of a creative future. The fact that in a relatively short period of time most of the peoples of the world have recognized this claim and that, under the impact of the Nazi tragedy, more than two-thirds of the United Nations approved the idea of a Jewish state in a part of Palestine—the Soviet as well as the Western bloc voting in favor—proves realistically the validity of the Jewish right as against the Arab one.

It is the very uniqueness of the Jewish problem and of the Zionist idea as its solution which, in the last analysis, makes me doubt whether the creation and existence of

a Jewish state no different in structure and character from any other state can be the real implementation of Zionism. Even in those bygone years when I, with many other Zionist leaders, fought on the diplomatic front for the acceptance of the Jewish claim for a state in Palestine, I pondered whether we should not ask for a state of a specific character, more in conformity with the special nature of the Jewish people and Jewish history. Together with Dr. Weizmann, Ben Gurion and Moshe Sharett I was among the protagonists of the idea of a partition of Palestine as the inevitable condition for creating a Jewish state after the war. Even in those days I considered the possibility of asking for a specific form of state; but I felt then that, with all the difficulties inherent in getting the consent of the majority of nations for a Jewish state at all, it would be too much to ask at the same time for a unique character for this state.

More than 20 years have now gone by since the creation of the state of Israel. The experiences gained in these two decades have led me to the conviction that to guarantee its survival and to makes sure that it fulfills its raison d'être as the main instrument of Jewish future, one must begin to think of a specific character and form for this state.

My growing skepticism as to the present form of Israel's existence is based on the two decisive conditions for its future and survival. These two conditions are, on the one hand, the relation between Israel and the Arab world in whose midst it exists, and on the other hand its relation with the Jewish people, in its large majority dispersed over the world. These two problems will decide the destiny of Israel. From a short-term point of view, it may seem that the United States and the Soviet Union are more important factors in Israel's international position, but seen from a long-term point of view, in the context of Jewish and general history, the Arab and the Jewish aspect of Israel's position is much more fundamental and decisive.

As far as the relations with the Arab world are concerned, it was one of the shortcomings of the Zionist movement that, in its early years, it did not fully realize the gravity and importance of this problem. Theodor Herzl, the author of the *Judenstaat* (the Jewish State) and founder of the Zionist movement, once said that the Zionist idea is a very simple one—that all it has to do it to "transport a people without a country to a country without a people." This formula, like all oversimplifications, was wrong in both its premises: a large part of the Jewish people after the Emancipation was already a people with a country, and Palestine, inhabited for centuries by the Arabs, was certainly not a country without a people. It is true at the same time that neither in ideology nod in practical political action Zionism ever thought of having to resort to an armed conflict with the Arab world in order to create the Jewish state. It was the—maybe naive—hope and belief of the Zionist movement that it would be possible to get Arab consent to the creation of a Jewish homeland of a Jewish state by bringing the blessings of Western civilization into Palestine, which was then sparsley populated, by providing room for new immigrants through economic and social development of the country and through the fact of being part of the same Semitic race. Many Zionist leaders tried hard to bring about such a consent: from the negotiations of Dr. Weizmann after the First World War with Emir Faisal and his success in obtaining his agreement to a Jewish state, through all the years of endeavors by Ben Gurion, Sharett, myself (when I represented the Jewish Agency in Geneva at the League of Nations) and other Zionist leaders. All these attempts were unfortunately unsuccessful. And when the Arab states rejected the decision of the United Nations to partition Palestine and establish a Jewish state in part of it, and reacted to the creation of the state by the invasion of the country by their armies, it was inevitable that the state from its first days had to be defended by military action.

The inevitability of this development does not diminish its tragic character. The first War of Liberation was followed by two other major wars, and from all three Israel emerged victorious—most decisively from the 1967 Six Day War. But these victories have not, for the time being, brought nearer any solution of the Arab-Israeli conflict. Victories in themselves, however important they are psychologically both for the victor and the defeated, are meaningful only if they lead to stability and peace. The fact that nearly three years after the overwhelming victory of the Six Day War none of the Arab states is ready to negotiate directly with Israel and certainly not to sign a formula peace treaty indicates the depth of Arab resentment and the categorical Arab rejection of the Jewish state. The Arab world regards Israel as a foreign element in its midst and refuses to accept its existence. This feeling is growing with every new Israeli victory, so as to compensate for the Arab sentiment of humiliation and inferiority. The hope to impose peace on the Arab world, either by pressure of the big powers or by another Israeli victory, is more than slim. History proves that an imposed peace does not last long, even if a defeated people is forced for a certain time to accept a truce extracted by arms. In the case of Israel and the Arabs, this probability is much smaller in view of the tremendous numerical superiority of the Arab peoples which no Jewish immigration, however large, can hope to match and which must, particularly considering the much higher Arab birth rate, lead to an ever-growing numerical disproportion. At the moment, and probably for some time to come, the qualitative superiority of Israel is outstanding; it is unrealistic, however, to rely on it forever: the Arab peoples have created a brilliant civilization in the past and will no doubt one day acquire the technical know-how of the West, both in peaceful endeavors and in warfare.

III

For both parties to the conflict, the present state of affairs has disastrous consequences, by imposing on Israelis and Arabs alike the necessity to mobilize and strengthen their arms potential, by diverting their efforts to a large degree from social and economic progress to military efforts. For Israel these consequences are even more significant—in a negative way—than for the Arabs, because at least qualitatively it must maintain equality and even superiority against the many surrounding states and in view of the impact of the situation on its international position. The hope of some Israeli leaders that time is on their side and that the Arabs, recognizing Israel's military capability, will be more ready to accept the fait accompli of Israeli's existence, seems to me based ón very tenuous assumptions. The attitude of the Arab leaders, both the conservative and the revolutionary type, and the state of mind of the new Arab generation, as reported by experts, show that rather than diminishing, their rejection of Israel and their determination not to accept it are growing.

The Arab peoples are characterized by an unusual capability of ignoring or discarding realities. When defeated they attach their hopes to a new war with a possible victory, and have been doing this, with regard to Israel, after three defeats. They draw an analogy with the Crusaders' state which after long domination, was destroyed by Saladin. This fundamental psychological trait of the Arabs, which explains their seemingly unrealistic approach, is shared also by the Jews. If, in centuries of persecution, discrimination and misery, the Jewish people had accepted the realities of its fate, there would not be a Jewish people today; but against the tragedy of their situation, the Jews reacted with increasing faith and passionate hopes for the coming of the Messiah.

In addition to the growing hostility of the Arab world, from an international point of view, the political position of Israel is also becoming more difficult and isolated. It has lost much of the sympathy aroused by the brutal Arab threats of 1967 to annihilate the Jews in Israel physically in case of their victory, and by the admiration caused by Israel's brilliant victory. Today the whole communist world—with some exceptions—is fundamentally anti-Israel. France has changed its position from a friendly to an unfriendly one. Nobody can say whether England inclines more to the Arabs or to Israel. Over twenty Arab and Moslem states, and countries with large Moslem populations, like India, are hostile to Israel. The only real and decisive political support of Israel at the moment is supplied by the United States and a few smaller West European countries. But the experience of the last twenty years has shown that American backing cannot be taken for granted, as was demonstrated so dramatically in the wake of the Suez-Sinai campaign. The recent statements by Secretary of State Rogers, and the rejection of his proposals by the Israeli Government, indicate again the possibility of a deterioration of the fundamentally friendly policy of the United States toward Israel, and have caused serious worries and disquiet in Israel. One must realize that for a normal diplomat, whose policies are determined by day-to-day interests rather than by great visions or moral concepts, 80 to 90 million Arabs and many more million Moslems, in possession of the Middle Eastern lands with the richest oil resources in the world, weigh more heavily than the small state of Israel, even taking into account its Jewish periphery. In decades of political work I have nearly always found all foreign ministries to be anti-Zionist and anti-Israel. Only exceptional statesmen with a great historical outlook, like Lloyd George, Balfour, General Smuts, President Wilson, could overcome their prosaic, realistic concerns in favor of the moral concept underlying the Jewish claim for a country of their own.

Another negative consequence of this permanent state of war is the change of image of the young state of Israel, which is more admired in the world today for its military brilliance than for its spiritual achievements. Although the world justly admires the strength and the courage, the resourcefulness and the unexpected talents of Israel's army, this is certainly nothing either unique or specific to the Jewish people, nor have other peoples and civilizations been admired and remembered in history primarily for their military accomplishments. It is furthermore not to be underestimated that in many parts of the world it is the reactionary, nationalistic groups which have become the sponsors and admirers of Israel, whereas large parts of the progressive world have become disappointed and antagonistic to Israel. In its classical days, Zionism was a movement favored and supported by liberal, progressive and radical groups all over the world. This has changed considerably and may change even more if the present situation prevails.

From a Jewish point of view, too, the situation presents negative consequences of far-reaching importance. The large majority of the Jewish people lives outside the state of Israel and it must be taken for a fact that, despite all appeals, there is no reasonable expectation for very large immigration in the coming years. Israel had grown from its initial 650,000 to two and a half million in-

habitants by absorbing the natural reservoir of Jews who had to come to the Jewish state as their only country of salvation—half a million Nazi victims from the camps after the war, hundreds of thousands of Jews in Moslem countries who were the first victims of Arab antagonism to Israel, and large numbers of Jews from Eastern Europe. The one remaining large community which could, in previous decades, have been an obvious source for large-scale immigration into Israel, Soviet Jewry, is unable to come as long as the U.S.S.R. is hostile. Even if one day this impediment should be overcome, I doubt whether a major part of Soviet Jewry would go to Israel; to count on a few hundred thousands may not be unrealistic, but there will certainly not be millions (and I refrain from speaking of the tremendous problem of their absorption). Unless something tragic and unexpected happens, like large-scale persecution of Jews in Western countries, it is unlikely that within the foreseeable future the large majority of Jews living outside the Jewish state will settle in Israel.

This too is characteristic of the specific situation and structure of the Jewish people, and it explains why the existence and development of Israel are so decisive for the survival of the Jewish people as a whole. The two great challenges—to use Toynbee's terminology—which account for the miracle of Jewish survival in the dispersion were, on the one hand, the permanent persecution, the impossibility for Jews to forget their Jewishness and the feeling of solidarity this generated and, on the other hand, the tremendous power of the Jewish religion, the set of laws which regulated the life of the Jewish individual and collectivity in the days of the ghetto and constituted, in Heinrich Heine's famous formula, the "portable fatherland" which every Jew carried along with him in all his migrations. (To give an example only of our days: the persecution and annihilation of millions of Jews by the Nazis made the survivors more conscious of their Jewishness, gave them a feeling of guilt for not having been able to save the victims and inspired them with the determination not to allow a similar tragedy to recur.)

Both these motivations have to a great degree lost their impact nowadays. Anti-Semitism is no more what it used to be in past centuries; Jews everywhere enjoy equality of rights and have become more and more integrated into the political, social, economic and cultural life of the countries in which they live. Simultaneously, the Jewish religion has ceased to be, as least for the larger part of the Jewish people, the great authoritative force which guides their daily life and guarantees their identity and distinctive character. It must be recalled that the Nazi holocaust destroyed precisely those great Jewish communities in Central and Eastern Europe which maintained fully the Jewish tradition and created all the ideas on which the Jewish people today bases its spiritual existence, and that they cannot be replaced by the Jewish communities in the free world of today, which do not lead their own separate cultural life. The existence of Israel as the new center where Jewish civilization can be continued and where new ideas will be created, as a source of challenge and inspiration for Diaspora Jewry, is therefor much more essential for Jewish survival today than was even envisaged by Zionist ideologists before the Nazi period.

IV

For the survival of the Jewish people as a whole, but also from the point of view of Israel's future, it is no exaggeration to say that the problem of Israel-Jewish relations, the ties which attach Jewish communities and individuals in the Diaspora to the state of Israel, is the number-one problem on which the success or failure of the Zionist solution of the Jewish question will finally depend. There are other peoples who have diasporas, sometimes counting millions, but these diasporas are unimportant in comparison with the vast majority of the peoples living in their own country and state. For example, if—as is probable—the German diaspora in the United States or in South America will assimilate and disappear as a distinct minority in the future, or if the same thing happens to the Italian minority on the American continent, this will in no way endanger the existence of the German or the Italian people and state. But, if, for argument's sake, the Jewish Diaspora were to assimilate itself to such a degree that it would lose all interest in the state of Israel, the survival of the state would be nearly impossible. Without the solidarity and cooperation of world Jewry, the state of Israel would never have come into existence, because it is ludicrous to assume that 650,000 Jews without the millions of others backing them could have established a Jewish state in the midst of the Arab world. Without the economic, financial and political help of Jewish communities in the Diaspora, the state would have been unable to secure its existence, develop its economy, build up its brilliant army and provide possibilities for the immigration of more than a million and a half needy Jews. To strengthen this solidarity is therefore the *condition sine qua non* for the future of Isreal.

The present character and structure of the state, however, endanger this basic precondition of Israel's survival. Its participation in international politics and its conflict with the Arab countries must inevitably bring Israeli policies into situations which clash with the political attitudes of many other states. This, in turn, in the present atmosphere of state nationalism, must lead to problems as far as the attachment and solidarity of Jews in the Diaspora with the state of Israel are concerned. A few examples of events in recent years illustrate this fact: hundreds of thousands of Jews had to leave the Moslem countries because of the Arab-Israeli wars; the Jewish communities of South Africa and above all Russia have to face serious problems partly because of the policies of Israel, which may be fully justified from the point of view of the state as it is today, but create difficulties for the Jews living in countries to which Israel is in opposition (what happened in France is a clear and additional manifestation of this problem). All this means that a Jewish state which requires the solidarity and the cooperation of the great majority of the Jewish people for its survival must have a character which can claim the sympathy of Jewish communities wherever they live.

Finally, the present situation has another and by far not the least negative consequence for the moral, spiritual and cultural character of Israel. This aspect is important if Israel is to fulfill its historical task of securing Jewish survival all over the world; it requires that Israel become a center of attraction, the greatest challenge for the best, most idealistic elements of the young generation, which is in great danger of largely being lost to the Jewish people within a few decades. An Israel at war, in permanent mobilization, cannot become this center. There are limits to the possibilities and capabilities of even the most gifted and purposeful people. The tremendous effort which Israel had to make in order to maintain its military strength and superiority, and which it will have to continue to make to an ever-increasing degree, naturally deflects a large part of its creative resources from cultural and spiritual endeavors. An Israel at war can attract thousands of volunteers, but it will not attract tens of thousands of young Jews who are dissatisfied with their present form of life—particularly in such rich countries as the United States—who look for more idealistic ways of existence and who would be natural candidates for immigration into Israel. One can but imagine what even in the very short lapse of 20 years could have been created by the dynamic genius of Israel—culturally, scientifically, spiritually—if its young, gifted and creative generation, with its tremendous energy and élan, not to speak of the billions of dollars, had been concentrated on science, literature, social experiments and similar tasks, instead of having had to build and maintain, as its greatest and most successful achievement, the brilliant army of the young state.

V

What is the answer to these questions? I belong, as my record proves, among the very first proponents of the idea of partition of Palestine. I was always a political Zionist, in the sense that I believed that Jews must have a state of their own to secure their identity and civilization. More and more, however, I am coming to the conclusion that Israel cannot be one of the more than a hundred so-called sovereign national states as they exist today and that, instead of relying primarily and exclusively on its military and political strength, it should be not merely accepted but guaranteed, de jure and de facto, by all the peoples of the world, including the Arabs, and put under the permanent protection of the whole of mankind. This neutralization would certainly be an exception to the normal forms of modern state but, as I indicated before, the Jewish people and the Jewish history are unique. Their singular character and ceaseless suffering—particularly during the Nazi catastrophe—allow the Jewish state to demand from the world the right to establish its own national center in its old homeland and to guarantee its existence. How this guarantee should be practically formulated and implemented will have to be thought out and elaborated. There may be a slight precedent for it in the neutrality of Switzerland, which was guaranteed by the major powers more than 150 years ago, with lasting results. If Switzerland, because of its history and tradition, was and is entitled to claim and obtain the respect for its specific neutral character, the Jewish people and Israel certainly have an even greater moral claim to it.

This neutralization of Israel would naturally have important consequences for the character and the activities of the state. It would have to keep itself outside the sphere of power politics. Switzerland, for example, is not a member of the United Nations, because it is more than difficult to be in the United Nations and remain really neutral, abstaining from decisions which indicate a political position in favor of one or another of the groups and blocs in the world. Neutralization may even mean that a permanent symbolic international force may have to be stationed in the state of Israel, so that any attack on it would imply an attack on all the states guaranteeing Israel's existence and neutrality and participation in this international force. (To avoid misunderstandings, I would add that this does not signify the demilitarization of Israel and the abolition of its army, as long as there are no proof and experience to show the effectiveness of the international guarantee.) But by the nature of things, especially if this guarantee were tied up with a control of arms deliveries to the countries of the Middle East—a plan much discussed these days—the importance of the army and armaments would be reduced the more the guarantee and the neutralization become a reality, and this would allow Israel, as I said, to concentrate fully on its economic, cultural and spiritual efforts.

I can well imagine that such a neutralization could be the basis for an Arab-Israeli

settlement and peace. Psychological and emotional motives are primarily at the root of the enduring Arab-Israeli conflict, as of most conflicts. All the factual problems—refugees, borders, etc.—could be solved without too great difficulties if there were goodwill and eagerness to reach an understanding. Seen from this aspect, the greatest hindrance in Arab-Israeli relations is the humiliation which the Arab world has suffered time and again by its military defeats. Whoever knows the Arabs, their history and character, agrees that pride is one of their most excessive virtues. But an appeal to the generosity of the Arabs, to be guarantors with the rest of the world for a Jewish state in a tiny part of the tremendous territories at their disposal—however unrealistic it may sound at the moment—may be more effective in the long run for an Arab-Israeli coexistence than one Israeli victory after another.

Neutralization would also do away with one of the major and understandable fears of the Arab world, namely the worry about possible Israeli territorial expansion on the one hand and, on the other, the obstacle which Israel, by its geopolitical position, represents to the ideal of a united policy for the Arab world. A guaranteed neutrality of Israel, including the guarantee of its boundaries after the settlement of the present conflict, would do away with the Arab fear of Israeli aggression and expansion. A neutralized Israel, outside the sphere of power politics, would not be a handicap for the policies of a united Arab world, which sooner or later will have to emerge in this period tending toward the creation of larger units comprising many sovereign states. I mention, in this regard, a conversation between Nasser and Dag Hammarskjöld, who tried several times in talks with him to find a basis for an Arab-Israeli agreement, and on which Hammarskjöld reported to me. Nasser, Hammarskjöld told me, had indicated that maybe the Arabs would acquiesce in the partition of Palestine and the establishment of a Jewish state in part of it, but they could never accept that Israel, by its location, partitions the whole Arab world—between Morocco and Iraq—and makes a united Arab policy very difficult. A neutralized Jewish state would do away with this fear.

The solution, I suggest would depend on two preconditions. The first and obvious one is that the present crisis and war between Israel and the Arabs find an end by some kind of agreement between the parties, the exact nature of which this essay would not attempt to outline. Although nothing can be done concretely toward the implementation of my concept until this is achieved, if the concept should be accepted, it would naturally influence the character of the settlement of the present conflict.

The second precondition would be a basic settlement of the greatest human and emotional obstacle to Arab-Israeli understanding, namely the Arab refugee problem. Its main solution would have to consist in financing the settlement of the major part of the refugees in Cis- and Transjordan, which experts believe to be technically feasible; in Israel's acceptance, even as a matter of principle, of a limited number of Arab refugees; and possibly in yielding the Gaza Strip to Israel, on condition that it integrate the 200,000 Arabs living there as equal citizens.

There was a time when I advocated, privately and publicly, as a solution of the Arab-Israeli conflict, the establishment of a confederation of states of the Middle East in which Israel should be a member. In such a confederation the Arabs would naturally be the majority and Israel would have to adapt its world policies to their desires. When I negotiated the idea of partition in 1945 with Dean Acheson, the then Undersecretary of State, and got his agreement, followed later by the consent of President Truman to this idea, I submitted to him a memorandum on behalf of the Zionist Executive, formulating our proposal as twofold: a Jewish state in part of Palestine and this state as part of a confederation of Middle Eastern states. In view of the experience of the last 20 years, I am no longer convinced of the practicability of this solution. First of all, because of Arab individualism and the tremendous cleavage between the feudalistic Arab forces of yesterday and the revolutionary forces of today, it will take a very long time for the Arab world to unite and form such a confederation. Secondly, and even more decisively, if this day should come, Israel as the only Jewist state in such a confederation would be overwhelmed by the enormous numerical superiority of the Arabs, even if a few non-Arab states were to participate.

In the last two years, another solution suggested by certain Arabs as well as by some Israelis has been gaining the sympathy of Left-leaning pro-Arab groups in the free world. It proposes the recognition of the Palestinian people in Cis-jordan which (in the suggestion of El Fatah) would form one democratic Palestinian state together with Israel or (the solution favored by the Israeli proponents) would be recognized as a state of its own, linked in a federation with Israel. I do not regard this as practical, either from a Jewish or an Arab point of view.

From the Jewish aspect, such a unitarian Palestinian state would do away with the Jewish character of Israel. Had the purpose of Zionism been merely to save homeless and persecuted Jews, this concept might have been of value. But the Zionist ideal was to create a state which, beyond offering refuge to a number of suffering Jews, would be determined by its Jewish majority and would enable the Jewish people to maintain its traditions, develop its genius and contribute to world civilization. This aim could not be achieved by a binational Arab-Jewish Palestinian state, particularly in view of the higher birthrate of the Arab population, which would in a short while become the majority and do away with the Jewish character of this state—even if, as is the case in Lebanon, the equal position of both parts of the population, irrespective of their number, were to be guaranteed constitutionally. In addition, the Arab citizens of such a unitarian Palestinian state would, quite naturally, tend to side with the neighboring Arab states and would, consciously or unconsciously, constitute a "fifth column" within the state.

From an Arab point of view, genuine patriots will not agree to a Palestinian state which would imply their separation from the main body of the Arab world and would make them dependent on the superior strength and know-how of the Jewish citizens, with their greater technical and scientific knowledge and larger financial and economic means.

As for a federation between an Arab and a Jewish state, from an Arab point of view, the Israeli part would be economically and technologically so much superior that the Arab component would be practically a satellite of the Jewish one, which the Arab world would of course never accept.

For all these reasons, the idea seems to me—despite a certain attractiveness—unrealistic and unfeasible. I suggest, instead, the neutralization of the Jewish state of Israel.

VI

Let me now deal with the chances for this proposal which at first glance may seem utopian and not to be implemented. The emergence of the state of Israel shows that one must not be too hasty in characterizing radical, visionary proposals as quixotic and unrealistic. We are living in a great revolutionary period, probably the most revolutionary of human history, with tremendous events taking place again and again that even experts would have regarded as impossible a short while before. There are a number of arguments and facts which favor my solution and make it appear as practicable.

The Arab-Israeli conflict is a permanent grave worry to the world at large. It is one of the possible major causes of a world conflagration, in view of the geopolitical importance of the area, rich in oil resources, significant by its location among three continents and a center of interest for all major powers and the three major religions. It has already had great international consequences. It has facilitated Soviet penetration into the Middle East and into the Mediterranean. It has made the Middle East a place of unremitting tension and turbulence, and as the years go by without a settlement, the explosive character of the situation is increasing. This danger gives the Arab-Israeli conflict a much wider international significance than it would normally have, and makes any program for its solution important to the whole world. I believe that neither the United States nor the U.S.S.R., the decisive international powers for the Middle East problems, desire a war and both wish to avoid a confrontation because of the Arab-Israeli conflict; their attitude in the Six Day War proved it. Both are interested therefore in reaching a solution as soon as possible, especially if there is a chance for some general and global agreement between them, which would be impossible without a Middle East settlement. I am not sure that the United States is delighted with its primary responsibility for Israel's survival, nor that Russia is happy with its burden of protecting and rearming the Arabs without any certainty as to the usefulness and effectiveness of their rearmament. The U.S.S.R. has gained, because of the Arab-Israeli conflict, what Russia had tried to obtain for centuries without success, namely a firm position in the Middle East; and nothing in my view justifies the belief that it is interested in a permanent state of war in this area in order to maintain its position. I have been told by communist statesmen close to the Soviet Union that the Soviet position in the Middle East is so strong and deeply rooted—economically, financially and militarily—that it is genuinely interested now in stability and peace, especially in view of the much more important and difficult problems which it has to face in some of the nearer communist countries. I have reason to hope that the Soviet Union would be ready, in case of a satisfactory agreement, to guarantee the stability and territorial integrity of the countries of the Middle East, together with the United States or with the Big Powers or within the framework of the United Nations.

As for the Arabs, once they know the Big Powers guarantee the stability of the Middle East and may agree to a limitation of arms deliveries to the area, the hope of the extremists among them of destroying Israel with the help of the U.S.S.R. would fade away. Furthermore, as I said, an appeal to them to be generous and magnanimous and accept the fait accompli of the existence of the tiny Jewish state and even be among its guarantors, could have a tremendous psychological impact on the Arabs who are a very emotional people, given to extremes, able to be cruel and brutal on the one hand, noble and large on the other. It is worthwhile to note here that in Jewish history, with its many encounters with countless peoples, states and civilizations, the Arab-Jewish rencontre was much more human and fair than the instances of Jewish-Christian relations. The great Arab-Jewish civilization in Spain, and the freedom of life and creativeness of Jewish communities in many Moslem countries in the past, may en-

courage the hope of a positive Arab reaction to this solution of the problem.

Israel would, I am sure, as a neutralized country quickly become a major international cultural center, especially in view of the special character of Jerusalem, to which all religions and peoples of the world would naturally have free access. I could see many international organizations, religious, cultural and social, being established in the city of Jerusalem which, as the capital of a neutralized state, could be a holy place and center for Christian and Moslem religious institutions. Israel would above all become the natural center of the creativeness of the Jewish people as a whole. It would attract many of the most gifted and idealistic elements of the Jewish community in the world. It would become the great new source of Jewish inspiration and challenges, and in the deepest sense of the world the spiritual center of the Jewish people.

One last obeservation. Zionism is a singular movement—the return of a people to its ancient homeland after two thousand years—the result of the unique history of a unique people. Seen from a large historical point of view, which alone justifies, explains and validates the Zionist idea, I am convinced that the Jewish state, in order to survive, must represent the singularity of this people and its destiny. I cannot imagine that the thousands of years of Jewish suffering, persecution, resistance and heroism should end with a small state like dozens of others today, living continuously in peril of its annihilation, bound to remain mobilized and armed to the teeth, and concentrating its major efforts on physical survival. Nor am I sure that the enthusiasm and loyalty of the Jewish people in the world will forever be secure for such a state. What I suggest here is something exceptional, and therefore the fitting outcome of the exceptional Jewish history.

It may appear to hard-boiled politicians today as a quixotic vision. It is certainly no more quixotic by far than Herzl's *Judenstaat* seemed to the peoples of the world and to most of the Jews when it was published some 75 years ago. The history of the Zionist movement, as of many others, proves that the greatest real factors in history in the long run are neither armies nor physical economic or political strength, but visions, ideas and dreams. These are the only things which give dignity and meaning to the history of mankind, so full of brutality, senselessness and crime. Jewish history certainly proves it: we survived not because of our strength—physical, economic or political—but because of our spirit. And therefore, seen from a historical point of view, this different concept of the character of a Jewish state as the solution of the Jewish problem may become not less realistic than the original Zionist idea proved to be and could, I am inclined to think, be implemented in a much shorter period than it took for the *Judenstaat* to be carried into effect in the state of Israel.

SORRY, WRONG NUMBER

Prime Minister Golda Meir acted rashly and, in our view, most unwisely in torpedoing—by making public—a private invitation to a distinguished Israeli citizen to meet with President Nasser in Cario. Her move, together with the Israeli Cabinet's flat rejection of the proposal, makes more difficult than ever any behind-the-scenes maneuvers that could lead toward Arab-Israeli peace.

Dr. Nahum Goldmann, who says he received the invitation through an unnamed third party, is president of the World Jewish Congress and has a lifelong record of service to Zionism. He was one of those instrumental in persuading both the Big Powers and his fellow Zionists to accept the partition plan which led to the creation of a Jewish state in Palestine.

In an article in the current (April) issue of Foreign Affairs, Dr. Goldmann has questioned the view that time is on Israel's side and that military pressure eventually will force the Arabs to sue for peace. He has suggested that a neutral nation—protected by an international force—would be more suitable as an expression of the spirit of Israel than the present garrison state, and, furthermore, would be much more likely to be acceptable to the Arabs.

Cairo's apparent interest in exploring these views tends to confirm the hope expressed by Dr. Goldmann that a more forthcoming Israeli policy might elicit a positive Arab response. In the light of the embarrassing publicity generated by Mrs. Meir's actions, it was predictable that the Egyptians would deny that the invitation was ever extended, as they have have now done.

Dr. Goldmann could of course not have spoken with authority for an Israeli Government with which he has often been in disagreement. But he at least might have helped to open a crack in the door to peace had he been allowed to proceed. The furor created by this incident inside Israel suggests that many Israelis share his concern for a new approach to peace. Discussions between this veteran Zionist leader and the Egyptian President would certainly have represented a significant breakthrough toward the direct contacts on which the Israeli Government has always insisted.

Israeli officials have often said they are just "waiting for the phone to ring" in order to begin negotiations. It is said that, when Dr. Goldmann's phone rang, the Israeli Government declined to let him answer.

NEW APPROACH TO MEDICAL CARE

Mr. SAXBE. Mr. President, I have frequently been critical of the notion that we can solve our medical ills by dumping money into medicare and medicaid. The Nation's medical system is creaking, straining, and breaking down, and there is a growing concern, shared by me, that our approach to medical care just has not worked. It is beginning to soak in that money alone is not the solution.

In discussing this problem in recent speeches, I have called on the medical profession to take steps to help make the system work by extending its services and conserving its time. For example, I have called for more specialists and general practitioners to set up their own clinics for group work. I have urged more use of paramedical personnel. I have suggested the use of closed-circuit TV, as used now in medical outposts, so that a doctor, monitoring a set somewhere, could diagnose certain ailments without the need of a personal examination.

Mr. President, these problems and related ones were discussed Sunday in the Washington Post. It was written by Sidney R. Garfield, a director of the Kaiser Foundation Health Plan and Hospitals, and is entitled "A Health Plan to 'Cure' the Well." I ask unanimous consent that it be printed in the RECORD. It first appeared in Scientific American.

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

A HEALTH PLAN TO "CURE" THE WELL

(By Sidney R. Garfield)

The U.S. system of high-quality but expensive and poorly distributed medical care is in trouble. Dramatic advances in medical knowledge and new techniques, combined with soaring demands created by growing public awareness, by hospital and medical insurance and by Medicare and Medicaid are swamping the system by which medical care is delivered.

As the disparity between the capabilities of medical care and its availability increases, and as costs rise beyond the ability of most Americans to pay them, pressures build up for action. High on the list of suggested remedies are national health insurance and a new medical care delivery system.

National health insurance, an attractive idea to many Americans, can only make things worse. Medicare and Medicaid—equivalents of national health insurance for segments of our population—have largely failed because the surge of demand they created only dramatized and exacerbated the inadequacies of the existing delivery system and its painful shortages of manpower and facilities.

The question then becomes: What are the necessary elements of a rational medical care delivery system? Many have proposed that prepaid group practice patterned after the Kaiser-Permanente program, a private system centered on the West Coast, may be a solution. We at Kaiser-Permanente, who have had more than 30 years experience working with health care problems, believe that prepaid group practice is a step in the right direction but that it is far from being the entire answer. Lessons we have learned lead us to believe there is a broader solution that is applicable both to the Kaiser-Permanente system and to the system of private practice that prevails today.

135 DOCTORS PER 100,000

The heart of the traditional medical care delivery system is the physician, and any realistic solution to the medical care program must therefore begin by facing up to the facts about the supply of physicians. Of the active doctors in the United States, a great many are engaged in research, teaching and administration. Those actually giving patient care, in practice and on hospital staffs, number about 275,000 (approximately 135 per 100,000 of population), and they are far from evenly distributed throughout the population.

Increasing specialization accentuates the shortage of doctors. If we were to augment the output of our medical schools from the present level (fewer than 9,000 doctors a year) to twice that number (which is scarcely possible), we would barely affect this supply in 20 years, considering the natural attrition in our existing physician complement. This limited supply of physicians forces us to focus on the need for a medical care delivery system that utilizes medical manpower properly.

The traditional medical care delivery system has evolved with little deliberate planning. At the end of the 19th century, medical care was still relatively primitive: there was the doctor and his black bag and there were hospitals—places to die. In this century, expanding medical knowledge soon became too much for any one man to master, and laboratories, X-ray facilities and hospitals became important adjuncts to the individual physician in his care of sick people.

Throughout these years of medical achievement, the delivery system has remained relatively unchanged. Physicians have clung to individualism and old traditions; individual hospitals have striven to be all things to their doctors and patients, largely ignoring the tremendous need to merge their highly specialized services and facilities.

It is only in comparatively recent years that group practice by doctors has been considered respectable (and as yet only 12 percent of all physicians practice in groups) and that regional facility plan-

ning boards have appeared to force some semblance of cooperation on hospital construction.

A MASS IN NEED

The Kaiser-Permanente plan had its origin in Southern California in the Depression. I was then in private practice, and I became involved in providing medical and hospital services and facilities for several thousand construction workers. Unable to make ends meet by depending for remuneration on the usual fee for service, I finally tried prepayment and thus happened on our basic concepts of health care.

Prepayment to a group of physicians in integrated clinic and hospital facilities proved to be a remarkably effective system for providing comprehensive care to workers on a completely self-sustaining basis. With the warm interest and counsel of Henry J. Kaiser and his son Edgar, these basic concepts were further tested and broadened into a complete family plan for the entire temporary community built around the Grand Coulee Dam Construction job in 1938–42.

World War II expanded our health plan into care for 90,000 workers of the Kaiser wartime shipyards in the San Francisco Bay area and a similar number of workers in the Portland and Vancouver area. At the end of the war, these workers returned to their homes and we decided to make our services available to the community at large.

Since 1945, the plan has grown to include more than two million subscribers served by outpatient centers, 51 clinics and 22 hospitals in California, Oregon, Washington and Hawaii and in Cleveland and Denver. The plan provides comprehensive care at an annual cost of $100 per capita, which is approximately two-thirds the cost of comparable care in most parts of the country.

The plan is completely self-sustaining. Physical facilities and equipment worth $267 million have been financed by health plan income and bank loans (except for gifts and loans to the extent of about 2 per cent). The plan income provides funds for teaching, training and research and pays competitive incomes to 2,000 physicians and 13,000 non-physician employees.

The health plan and the hospitals are organized as nonprofit operations and the medical groups in each area are autonomous partnerships. This gives our physicians essentially the same incentives as physicians in private practice have.

All of this is not to say that U.S. medicine should now change over to the Kaiser-Permanente pattern. On the contrary, freedom of choice is important. Any change to prepaid group practice should be evolutionary, not revolutionary. Physicians in general have too much time and effort invested in their practice to discard them overnight. It will probably be the younger men, starting out in practice, who will innovate.

THE DOCTOR A CONSTANT

In the traditional medical care system, the patient decides when he needs care. This more or less educated decision by the patient creates a variable entry mix into medical care consisting of (1) the well, (2) the "worried well," (3) the "early sick" and (4) the sick.

This entry mix has markedly increased in quantity and changed in character over the years as medical care resources have grown in complexity and specialization. One constant throughout this evolution has been the point of entry into the system, which is the appointment with the doctor. Moreover, in traditional practice, the patient enters with a fee.

The Kaiser-Permanente program alters the traditional medical-care delivery system in only two ways. It eliminates the fee for service, substituting prepayment, and it organizes the many units of medical care resources into a coordinated group practice in integrated clinic and hospital facilities.

We have come to realize that, ironically, the elimination of the fee has created a new set of problems. The obvious purpose of the fee is remuneration of the physician. It has a less obvious side effect as a potent regulator of flow into the delivery system.

Since nobody wants to pay for unneeded medical care, one tends to put off seeing the doctor until one is really sick. This limits the number of people seeking entry, particularly the number of well and early-sick people.

Elimination of the fee has always been a must in our thinking, since it is a barrier to early entry into sick care. Early entry is essential for preventing serious illness and complications. Only after years of costly experience did we discover that the elimination of the fee is practically as much of a barrier to early sick care as the fee itself.

The reason is that when we removed the fee, we removed the regulator of flow into the system. The result is an uncontrolled flood of well, worried-well, early-sick and sick people into our point of entry—the doctor's appointment—on a first-come, first-served basis. This overloads the system and the usurping of doctors' time by healthy people actually interferes with the care of the sick.

The same thing has happened at the broad national level. The traditional medical care delivery system is being overwhelmed because of the elimination of personally paid fees through the speed of health insurance, Medicare and Medicaid.

A COMPUTER HISTORY

The obvious solution is to find a new regulator to replace the eliminated fee at the point of entry, one that can help to separate the well from the sick and establish entry priorities for the sick. We believe we have developed just such a regulator, which is variously called multiphasic screening, health evaluation of simply health testing.

Originally designed to meet our ever-increasing demand for periodic health checkups, health testing combines a detailed computerized medical history with a comprehensive panel of physiological tests administered by paramedical personnel.

Tests record the functions of the heart, thyroid, neuromuscular system, respiratory system, vision and hearing. Other tests record height and weight, blood pressure, a urine analysis and 20 blood-chemistry measurements plus hematology. The chest and (in women) the breasts are X-rayed.

By the time the entire process is completed, the computerized results generate "advice" rules that recommend further tests when needed or, depending on the urgency of any significant abnormalities, an immediate or routine appointment with a physician. The record is stored by the computer as a health profile.

Besides separating the well from the sick and establishing entry priorities, this detects symptomless and early illness, provides a preliminary survey for the doctors, aids in the diagnostic process, saves the doctor (and patient) time and visits, saves hospital days for diagnostic work and makes possible the maximum utilization of paramedical personnel.

A NEW SERVICE

With health testing as the heart system, the entry mix is sorted into its components: a health care service, a preventive maintenance service and a sick care service.

Health care service is a new division of medicine that does not exist anywhere else. Medical planners have long dreamed of the day when resources could be channeled into keeping people healthy, in contrast to our present preoccupation with curing sickness. Not even governments with socialized medicine have created any significant services for the healthy other than sanitation and immunization.

A health care service, made possible by health testing, should be housed in a new type of health facility where, in pleasant surroundings, lectures, health exhibits, audio-visual tapes and films, counseling, and other services would be available. Whether or not one believes in the possibility of actually keeping people well is beside the point; this new service is absolutely essential in order to keep people from overloading sick care resources.

Preventive maintenance service is essentially a service for high-incidence chronic illness that requires routine treatment, monitoring and follow-up; its object is to improve the patient's condition or prevent progression of the illness, if possible, and to guard against complications. This type of care, performed by paramedical personnel reporting to the patient's doctor, can save a great deal of the doctor's time.

THE DOCTOR'S PROVINCE

The use of paramedical personnel with limited knowledge and limited but precise skills to relieve the physician of minor routine and repetitious tasks requires that such tasks be clearly defined and well supervised. Three of the four divisions of the proposed system are primarily areas for paramedical personnel.

This leaves sick care, with its judgments on diagnosis and treatment, clearly in the physician's realm. Even here, however, he will be aided by the three other services.

Although the complete system remains to be tested and evaluated at each step, our hypothesis is that we can save at least 50 per cent of our general practitioners', internists' and pediatricians' time. This should greatly enhance our service for the sick.

The sponsorship of health testing and health care services for private practice logically falls to the local medical societies. A few local medical societies in Northern California have for several years been operating a mobile unit evaluating the health of cannery workers.

The proposed delivery system may offer a solution to the problem of poverty medical care in many areas. To this end, neighborhood clinics are established, but staffing these clinics with physicians has proved virtually impossible. Physicians in general like to associate with well-trained colleagues in good medical centers and tend to avoid isolated clinics.

In the system being proposed, a central medical center, well-staffed and equipped, would provide sick care. It could have four or five "outreach" neighborhood clinics, providing the three primarily paramedical services. Staffing these clinics with paramedical personnel should be much less difficult than staffing them with doctors; many of the workers could be recruited from the neighborhood itself.

The concept of medical care as a right is an excellent principle that both the public and the medical world have now accepted. Yet the words mean very little, since we have no system capable of delivering quality medical care as a right.

This is hardly surprising. Picture what would happen to, say, transportation service if fares were suddenly eliminated and travel became a right.

National health insurance, if it were legislated today, would have the same effect. It would create turmoil. Even if sick care were superbly organized today, with group practice in well-integrated facilities, the change from "fee" to "free" would stagger the system.

To make national health insurance possible, we must first make available health testing and health care services throughout the country. It is our conviction that these services should be provided or arranged for by the physicians themselves in order to be responsive to their needs.

The entry of healthy people into the medical care system should not be considered undesirable. If these well people are guided away from sick care into a meaningful health care service, there is hope that we can develop an effective preventive care program for the future. The concomitant release of misused doctors' time can significantly slow the trend toward the inflation of costs and the maldistribution of service.

HAWAII-ARIZONA STUDENT EXCHANGE PROGRAM

Mr. FONG. Mr. President, a novel program involving the first student exchange between the States of Hawaii and Arizona is underway. On March 18, 20 fifth-grade students from Waianae, Maili, and Nanakuli left Hawaii to spend 2 weeks as exchange students in Steamboat Rock, Ariz., which is located within a Navajo reservation. On April 23, 20 Navajo and Hopi Indian fifth-grade students will arrive in Hawaii to spend 2 weeks as exchange students in Waianae.

Named "Operation Opportunity," the exchange program between children from Hawaii and children of American Indian ancestry from Arizona is being financed through private efforts. More than $8,000 was raised from the community in Hawaii to make the exchange possible.

One of the most active supporters of the program is Mrs. Eureka Forbes, a member of the Senate of the Hawaii State Legislature.

Mrs. Forbes offered a resolution adopted by the Hawaii State Senate commending the program and congratulating the Leeward Cultural Exchange and station KHVH-TV for their roles in establishing the program in Waianae.

Mrs. Forbes states:

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

I ask unanimous consent that the resolution of the Hawaii Senate and two articles from Honolulu newspapers be printed in the RECORD.

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

SENATE RESOLUTION CONGRATULATING THE LEEWARD CULTURAL EXCHANGE AND KHVH-TV FOR THEIR ROLES IN ESTABLISHING A STUDENT EXCHANGE PROGRAM FOR WAIANAE

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

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

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

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

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

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

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

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

NAVAJO LAND BECKONS LEEWARD YOUNGSTERS

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

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

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

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

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

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

So the Leeward Cultural Exchange was formed and an appeal for funds locally brought an immediate community response that resulted in the donation of the $8,401 necessary for the Leeward youngsters to make the trip.

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

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

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

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

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

A SWAP WITH THE INDIANS

(By Bob Krauss)

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

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

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

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

Last night the temperature in Navajoland was below freezing.

That's not the only problem facing Waianae mothers.

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

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

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

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

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

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

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

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

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

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

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

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

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

Movie actor Richard Boone collected over $300 by passing a calabash in Waikiki night clubs.

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

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

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

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

KRISTY VIVION: YOUNG AMERICAN

Mr. HANSEN. Mr. President, I invite the attention of the Senate to a young American from Rawlins, Wyo.

Her name is Kristy Vivion, and I believe that her outstanding attitudes about the United States and the responsibility of America's youth to the Nation are shared by the vast majority of our young people.

Miss Vivion is this year's Wyoming winner of the "Voice of Democracy" competition sponsored annually by the Veterans of Foreign Wars. She has done an outstanding job, and all of us are very proud of her.

Miss Vivion's entry in this competition, entitled "Freedom's Challenge," in my opinion is inspiring to young Americans and older Americans, as well.

I ask unanimous consent that Kristy's excellent paper be printed in the RECORD.

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

FREEDOM'S CHALLENGE

"The rocket's red glare, bombs bursting in air, gave proof through the night that our flag was still there" . . . This was freedom's challenge nearly two hundred years ago, and since that night, countless Americans have fought, labored, sacrificed and died so this flag may wave on. Even today they die, for the American adventure is not over, and the challenge of America is not dead.

Freedom's challenge rings out today when my contemporaries defile our flag—now grown to 50 stars—at the very minute our soldiers defend it in Viet Nam. Freedom's challenge screams from the ghettos here at home. It beckons from the Peace Corps and Vista. But the challenge is never more heart-rending than when a black hand reaches out to say "Accept me" . . . Freedom isn't free. It wasn't that night 200 years ago and it isn't today. Freedom is purchased with dedication and sacrifice. And it means responsibility and taking a stand. Perhaps this is what this challenge is really all about.

So if today we would answer freedom's challenge in the same spirit our forefathers did, we cannot stay uninvolved and comfortable while the vocal minority tears our country apart. We must have the courage to follow where our hearts would lead us and be unashamed of some old-fashioned patriotism. It's time we stood up and defended the Constitution and the Bill of Rights as the greatest documents ever conceived by man. And it's time to remind people again of the American success story—that this is the only country on earth where every man can reach for a star!

Freedom's challenge has never been more demanding than to my generation because we stand in danger of losing our heritage. The concepts that built this nation are attacked on every side every day. Confusion abounds. Communal living, the new morality, an anti-establishment attitude, are all around. To be unpatriotic is popular; to say God is dead finds favor. To deny all standards seems to be the "in" thing.

Yet, somehow, the faction preaching these doctrines doesn't frighten me. I have faith in my fellowman and in America. For the great silent majority of us are not ashamed if "America The Beautiful" brings a tear to our eye. We fill with pride at our flag on parade, or a friend just home from Viet Nam. And there are countless numbers of us standing in the wings, working and preparing ourselves for tomorrow's citizenship privileges. We want to serve this great country; and want to build, not tear down. We want to help make our weak stronger, our poor more comfortable. And, yes, we want to help give opportunity to the oppressed and education to the uneducated.

This is the American dream; this is freedom's challenge. I saw an eternal flame at Arlington that reminded me. And I hear immortal words echoing from half-way around the world and down through the years to inspire me and my generation: "To you from failing hands we throw the torch. Be yours to hold it high" . . .

SENATOR MURPHY URGES EXPANSION AND EXTENSION OF SEA GRANT PROGRAM

Mr. MURPHY. Mr. President, I have been interested for some time in accelerating the Nation's efforts in ocean exploration and development.

In 1966, I coauthored the Sea Grant measure, which is now Public Law 89-688.

In a statement on April 3 before the Education Subcommittee, of which I am a member, I strongly supported the extension and expansion of the Sea Grant College measure.

Mr. President, I ask unanimous consent that the text of my statement be printed in the RECORD.

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

STATEMENT OF SENATOR GEORGE MURPHY

Mr. Chairman. As one who co-authored S. 2439, the original Sea Grant bill, which is now Public Law 89-688, I am pleased to cosponsor S. 2293, the measure before us today. This bill would extend the Sea Grant College program, which is scheduled to expire this June, for three years with an authorization of $20 million, $25 million, and $30 million for fiscal years 1971 through 1973.

For some time I have been critical of the nation's total ocean effort. When the Sea Grant measure cleared the Senate in 1966, I said that "this nation's efforts in the exploration of the oceans have been inadequate and moving at a snail's pace." This is still true.

On May 20, 1969, I introduced S. 2204, a bill to establish a National Oceanic Agency to give focus, coordination and acceleration to our nation's ocean effort. Since the introduction of S. 2204, I have had various briefings with Administration officials conveying to them my strong feelings about ocean exploration and development, and I am confident that this year the Administration is going to take important steps in this vital field, steps designed to make the nation the world's leader in oceanology.

I believe that as we speed up our ocean efforts, we will be appreciative of the role that the Sea Grant program has played and is continuing to play in laying the foundation for the coming oceanology push in the seventies.

Patterned after the Land Grant College program, which has been greatly responsible for making American agriculture the most productive and efficient in the world, the Sea Grant Act attempts to do the same for the development of our marine resources.

The Sea Grant program has been part of our law for a little over two years, and it has already generated a great deal of interest in California and across the country. I was very interested in Chairman Pell's introductory remarks on the Senate Floor that the University of Wisconsin had "discovered deposits of magnesium nodules in the shallow waters of Green Bay which are estimated to have a value of more than $15 million." This, of course, exceeds the total amount, $11 million, appropriated to date for this program.

I am pleased that California was one of the first states to receive a Sea Grant when the program was initiated. A two-year grant was made to Wheeler J. North of California Institute of Technology to develop techniques for establishing commercially valuable kelp beds in barren areas. This work has proved to be so valuable that it is being considered for renewal for another two years. The kelp beds of California provide the essential raw material for the algin industry as well as an excellent habitat for sports fish and other marine organisms. Dr. North's project is improving the kelp forests and extending them to provide a greater source of this important raw material.

California also was one of the first states to receive support for marine technician training. Santa Barbara City College initiated a program for diving and general marine technicians and will graduate its first class under Sea Grant auspices this year. Preliminary reports indicate that, of 29 students in the graduating class, 24 already have jobs, 4 are going on for additional education, and one has established a business of his own but is uncertain about his future direction. Continuation and expansion of this program, which is directed by an Industry Advisory Committee made up of marine technician employers, is under review.

A second marine technician training program was instituted at Marin Junior College in Kentfield, California. This program was initiated only last August, and it is too early to have definite results.

Two of the excellent California State Colleges already are represented in the program. San Diego State College is conducting research leading to improving the valuable commercial and sports fishery for the California spiny lobster. This project already has developed substantial information on the spiny lobster, and while it is not expected to result in an immediate increase in the fishery, it should provide a basis for such an expansion and for improved management. An integral part of the program is the training of additional scientists for marine resources.

Humboldt State College at Arcata, California, was awarded one of the limited number of Sea Grant Coherent Projects. A Coherent Project is one composed of several sub-projects related to a common theme. In the case of Humboldt, the theme is development and proper management of fishery resources of northern California. Among the projects are the feasibility of enriching salmon and trout rearing ponds with sewage effluent; the seasonal changes, relative size and biochemical composition of the dungeness crab; the feasibility of utilizing processing-plant fish waste in the rearing of crab and fish; and the ecology and standing crop estimates of the Gaper clam in South Humboldt Bay. Most of these projects were developed in concert with the local fishing industry and the California Department of Fish and Game.

The Sea Grant staff has been conducting discussions for some time with the consortium of state colleges represented in the Moss Marine Landing Laboratory. A formal proposal for development of a Sea Grant program of planning, public service, and pilot research activities to serve the Monterey Bay region and the central California coast is now under review.

The way that the Sea Grant program has been able to respond to national needs can be seen by the Santa Barbara disaster. Following this tragedy, I learned that the University of California at Santa Barbara had a

Sea Grant application pending, part of which would enable them to assess what was being done about the spills and their effect on the environment. I wired the National Science Foundation urging immediate approval of this application, and as a result, I was able to announce five days later, when the Senate Public Works Subcommittee was holding hearings in Santa Barbara, that the National Science Foundation, in response to my wire, had moved immediately to approve a $90,000 grant for the study of the emergency effects of oil leakage. Later in the year, I was able to announce a supplemental and larger grant to the University.

The program now includes research on several aspects of the main offshore industry of the area—oil—and on other important resources of the Santa Barbara channel, the kelp beds, and their associated sports fish. The program includes both research and the education of applied marine scientists. A renewal proposal for Santa Barbara, which I hope will be approved, is in process of review.

Another campus of the University of California in the Sea Grant program is the famous Scripps Institution of Oceanology/San Diego Campus. Initially they came into the program with a coherent project for graduate instruction and research in applied ocean sciences. The University began an instructional program in the applied aspects of marine sciences and an advisory service program was initiated. During the first two years of Scripps/San Diego Campus participation, discussions between the Sea Grant staff, various state offices and the Governor's commission continued, resulting recently in a letter to the Sea Grant program, from Chancellor Hitch of the University of California stating that he wished the entire higher education system in California to participate in the institutional program with the San Diego Campus and Scripps as the lead institution. The Sea Grant program has received a proposal for institutional support from the Scripps Institution/University of California, San Diego complex. This proposal is now under review.

Sea Grant interest in the resources of California's many excellent institutions is perhaps indicated by a rather small grant which NSF is now considering. It is a request for funds to print a report on "Marine Sciences in California's Institutions of Higher Education," prepared by the Coordinating Council for Higher Education. The necessity for the large printing is the interest of many of California's educational institutions in participating in various marine science activities. The report contains an assessment of existing and planned programs and a series of recommendations for future marine science efforts including some specifically related to participation by California schools in the Sea Grant program. The initial printing did not begin to meet the demand, and funds were requested of Sea Grant to print an additional one thousand copies of the report, of which 750 already are committed.

The amount of marine activity directly applicable to the Sea Grant mission in the state of California is so large that the entire Sea Grant appropriations to date could have been spent productively in that one state. It is apparent, and particularly with the interest of the higher education system in California, and of the interest in the thirty other states in Sea Grant participation that the Sea Grant program must be extended and enlarged. Bordering the Pacific Ocean, Californians have always appreciated the importance of the ocean, and have been cognizant of the benefits that might be derived for all mankind by an increased effort. Because of the great interest in oceanology and in the Sea Grant program in my state, I am pleased to join in this effort to extend and expand the Sea Grant program.

SECRETARIES WEEK: APRIL 19–25

Mr. HART. Mr. President, "Better Secretaries Mean Better Business" is the theme of the 19th consecutive annual Secretaries Week, April 19–25, 1970. Wednesday, April 22, is designated Secretaries Day.

Governors and mayors throughout the United States will officially proclaim Secretaries Week, and their counterparts in Canada will do the same. For the seventh consecutive year, the Outdoor Advertising Association has undertaken Secretaries Week as a public service project, and billboards will be made available throughout the country. Many chambers of commerce also observe Secretaries Week, and service clubs such as Rotary, Lions, and Kiwanis frequently invite secretaries to participate in special programs.

The purpose of Secretaries Week is to bring recognition to secretaries for the vital role they play in business, industry, education, government, and the professions. Secretaries Week was originated in 1952 by the National Secretaries Association (International) in cooperation with the U.S. Department of Commerce to draw attention to the secretary's contribution to the educational, professional, and civic growth of the community. It also serves to remind secretaries of their responsibilities to their employers and to their profession. Many secretaries also will participate in secretarial seminars.

Mr. President, I have been supporting the efforts of the senior Senator from Maryland (Mr. TYDINGS) to secure Judiciary Committee action on Senate Joint Resolution 101, which would have authorized the President to issue a proclamation designating the last full calendar week of April as National Secretaries Week.

The secretaries of this country deserve this recognition, and I hope that next year we will be able to pass such a joint resolution in time to make our contribution to the event.

IMPROVED AMERICAN ENVIRONMENT

Mr. ALLOTT. Mr. President, I am pleased to learn that Secretary of the Interior Walter J. Hickel today has recommended that Congress raise from $200 million to $300 million the Federal money available for the Land and Water Conservation Fund, which is used to acquire and develop park land and other recreation areas.

This proposal for a 50-percent increase in the Federal effort accords with a bill I am cosponsoring for the same purpose. This proposal embodies an important and timely advance in the fight for an improved American environment.

Mr. President, a powerful commitment to such conservation measures is as American as apple pie, and as Republican as a healthy bull elephant.

The active American concern with conservation and other environment issues dates from the administration of President Theodore Roosevelt. It was at about this time—in the early years of the century—that Americans began to understand the basic changes taking place in the country. They began to understand that the rural yeoman's Republic was becoming an urban industrial giant. And they began to understand that their desires were limitless, but their resources were not.

It was at this time that President Roosevelt began his campaign to shape a comprehensive American commitment to preserving the national treasure of resources and beauty.

I am proud to be able to remind Senators that Theodore Roosevelt's environmental concern grew out of his lifelong love affair with the American West, about which he wrote so movingly, and in accordance with which we acted so decisively.

An important part of his environmental campaign was a program of developing and preserving recreation areas in areas particularly blessed by natural beauty.

Teddy Roosevelt understood that these places of natural beauty would become increasingly valuable to an urbanized nation. He understood the necessity for such places of beauty, to which an urban population could periodically adjourn for relaxation, and for the spiritual renewal that can only come from the relative quiet and solitude of areas of natural beauty.

Mr. President, the American people today use their national parks and other recreation areas for just this purpose. And they are using them more each year.

Indeed, some persons are unhappy about the crowds which recently have been attracted to our great national parks. There are those who deplore the fact that visits to national parks have risen by 400 percent in less than three decades.

Mr. President, I do not find anything deplorable about this increasing use of our national parks.

That increase is not simply a reflection of a rising population. After all, during the period in which the visits to national parks were rising 400 percent, the population was growing by only 30 percent.

The fact is that our national parks are being visited more frequently because more and more Americans have the incomes and leisure time necessary to travel great distances and enjoy such recreations as camping.

This represents an ever-wider sharing of the blessings of affluence. This is not deplorable.

Further, this increasing use of national parks means that the national parks are being used for one of the purposes for which they were originally intended to be used—they are being used for the enjoyment of a mobile, urban population.

The answer to the heavy use and, in some cases, overcrowding of our national parks and other recreation facilities is not to bewail the fact that so many Americans are able and inclined to travel in search of natural beauty.

Rather, the progressive, positive response to this is a program to increase the amount and caliber of national parks and other recreation areas. This is just what Secretary Hickel is advocating by

his support of a 50-percent increase in the Land and Water Conservation Fund, the principal source of revenue for the acquisition of parks, forests, and wilderness areas by the National Park Service, Bureau of Sport Fisheries and Wildlife, and the Forest Service.

The President addressed himself to this matter in his message to Congress on the environment. He said:

Increasing population, increasing mobility, increasing incomes, and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources.

Now Secretary Hickel is backing a proposal which demonstrates that there is more to this administration's environmental concern than mere rhetoric and empty pledges.

The Secretary is especially anxious to ease some of the burdens on our larger national parks, while also easing some of the travel burdens on urban Americans. He says:

It is urgent that we move now to bring recreation opportunities to the people. This is especially true in the urban areas where the needs are the most out of balance, suitable open spaces are getting scarce, and land costs are spiraling.

Three quarters of the population live in and around our major cities and that concentration is increasing. We must bring more "parks to the people" to relieve the social pressures in these crowded areas.

I applaud the Secretary's remarks and commend his proposal to the attention of the Senate.

POPULATION CRISIS—V

Mr. TYDINGS. Mr. President, inherent in the creation of a national population policy is the problem of determining an optimum population size for the United States; that is, calculating what aggregate population level is most consistent with our resources and aspirations. An excellent article dealing with this issue, entitled "Tailoring Our Elbow Room," and written by Paul and Anne Ehrlich, was published in the Washington Post of April 5.

This is a piece which ought to be read by all Americans interested in intelligently searching out a solution to our pressing population problem.

Mr. President, I ask unanimous consent that the Ehrlichs' article be printed in the RECORD.

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

TAILORING OUR ELBOW ROOM

(By Paul R. Ehrlich and Anne H. Ehrlich)

(Paul Ehrlich is professor of biology at Stanford University and his wife is a biological illustrator and research assistant in biology there. The following is excerpted by permission from their book "Population Resources Environment: Issues in Human Ecology," to be published next month by W. H. Freeman and Co.)

It is to be hoped that all people would agree that the only humane way to control the size of the human population is by limiting the number of births; that an increase in the number of deaths (or reduction in the life expectancy) should be avoided at all costs. But the idea of controlling the size of a population implies the existence of some standard of optimum size. Ways of determining when a population is "to large" and when it is "too small" must be established.

At one extreme, human population sizes are limited by the physical capacity of the earth itself, and at the other, by the smallest group that can reproduce itself. But other factors should enter into considerations of optimum population size, including an individual's relationships with his fellow men and his psychological relationship to his environment—factors that we recognize in such concepts as "the quality of life" and "the pursuit of happiness."

The idea of controlling the size of the human population is really a new one. Until very recently, population limitation has been considered neither possible nor proper or limits have been set so high that the problem of limitation would, in effect, be postponed into the indefinite future. The tendency to avoid this issue still exists, even in the face of abundant evidence that very large numbers could never be supported.

Discussions about fertility control are still far more likely to center on changing rates of growth; absolute size is often considered irrelevant to anything. Nevertheless, the absolute size of the human race is now so large that it is perhaps the single most important factor we have to consider in discussing man's future, and its present unprecedented rate of growth adds to the urgency of the problem.

Rapid growth rates hinder economic development in underdeveloped countries. Therefore the population problem is perceived by economists and politicians as a problem of growth rates. That the human population is now putting stress upon the carrying capacity of the earth itself must be recognized by all responsible people, not just by ecologists. In the next few decades, our efforts to support a growing population are bound to result in much more stress, even if we immediately bend most of our efforts toward alleviating the deleterious effects of overpopulation.

THE RESOURCES FACTOR

In order to be meaningful, statements about overpopulation and underpopulation must be based on consideration of many environmental factors in addition to numbers of people per unit of land area. One commonly hears that South America is underpopulated because it has relatively few people per square mile in comparison with, say, Asia. It sounds logical at first to use population density as the basis for discussions of optimum population. It becomes evident on further reflection, however, that in most circumstances density alone is one of the least important considerations.

Much more critical than density alone will be density in relation to available resources. The Sahara Desert, for instance, might be "overpopulated" at a much lower density than the tropical island of Tahiti. More people are able to live well on the resources of the island than they could on the resources of an isolated piece of desert of the same size.

Of course, the discovery of valuable resources like oil or water under the desert might alter the situation. The oil could be exchanged for food and other necessities and, in time, the desert might develop into a local population center of very high density. This is essentially what happens in cities, which exchange manufactured goods, technological know-how and various services for food, commodities and other needed materials.

If, instead of oil, water were discovered and could be made available locally, the surrounding desert might be made to bloom, and intensive agriculture might also permit the establishment of a higher population density than prevails in Tahiti. This, in fact, happens around oases.

However, we cannot be optimistic about the prospects for intensive agriculture in the tropics, where the soils will not, with present technology, support intensive agriculture and high densities of people. Possibly some of these areas, through the development of a "true culture" with shade-loving vegetables beneath the trees, could successfully support more people than they do now. But the suggestion that all land areas can be made to support population densities as great as those of such European countries as the Netherlands is misleading, for two reasons.

First, Europe is blessed with very favorable soils and climate which are not equaled in the tropics, where most of the poor countries are located. Second, Europe is by no means self-sufficient in food. Even Denmark, an exporter of dairy products, eggs and meat, must import huge quantities of oilseed cakes and grain to support the livestock.

Measured against food needs and production, Europe is already overpopulated. The continent is also a consumer of nonrenewable resources that are largely imported from other areas, and it also has serious population-related pollution problems.

CARRYING CAPACITY

Relative to resources, then, optimism population is not a simple figure to establish. The size and location of the land area and its possibilities for exchange with other areas must be considered. In addition, the question of how long the population is to be maintained is important.

An area must be considered overpopulated if it is being supported by the rapid consumption of nonrenewable resources. It must also be considered overpopulated if the activities of the population are leading to a steady deterioration of the environment.

In other words, when we are dealing with the concept of optimum population, we must consider the relationship of human numbers to the carrying capacity of the environment. Taking into account present population densities and the other factors involved in carrying capacity, we arrived at the inescapable conclusion that, in the context of man's present patterns of behavior and level of technology, the planet Earth as a whole, is over populated.

Biochemist H. R. Hulett of the Stanford University Medical Center, in considering the possible size of an optimum population, has made some interesting calculations that bear on the question of the degree of overpopulation. He assumed that the average U.S. citizen would not consider the resources available to him to be excessive. He then divided estimates of the world production of those resources by the American per capita consumption.

On this basis, Hulett concludes ". . . it appears that (about) a billion people is the maximum population supportable by the present agricultural and industrial system of the world at U.S. levels of affluence." Hulett's estimate means that, even ignoring depletion of nonrenewable resources and environmental deterioration, the population of the earth is already almost three billion people above a reasonable optimum.

This does not mean that, in certain ways, some areas of the earth may not still be underpopulated. For instance, if more people lived in Australia now, that country might be able to afford a better surface transport system and extend paved roads across the continent. Australians would also be in a better position to develop and utilize their mineral and energy resources.

But, unhappily, even though a larger population could well live there, the "frontier philosophy" is even more rampant in Australia than in the United States in terms of environmental deterioration and agricultural over-exploitation. Thus Australia

may be considered overpopulated already in relation to its long-term ability to feed its people, even though the continent is too thinly populated in terms of highway construction and economic development.

Regardless of such examples of "underpopulation," it is clear that, in dealing with population problems, we must focus on the earth as a whole, because it has become a single, closed-loop feedback system as far as human activities are concerned. Air pollution is a global problem; resource depletion is a global problem; food shortage is a global problem; chlorinated hydrocarbons are a global problem, and thus an excessive population in one area of the world creates problems for all other areas.

BATTLE FOR SURVIVAL

The urge toward maximizing the number of children successfully reared has been fixed in us by billions of years of evolution during which our ancestors were fighting a continual battle to keep the birth rate ahead of the death rate. Even among our ape-like ancestors a few million years ago, most of the children died before they reached reproductive age.

Then another factor, cultural evolution, was added to biological evolution, resulting in a trend toward larger brains. Human brain size was eventually limited by the ability of women to carry and deliver large-headed infants without themselves being immobilized. Consequently, more and more brain growth was concentrated in the period after birth.

Although this resulted in a longer period of postnatal helplessness for the infants, presumably this was less of an adaptive disadvantage than further pelvic expansion of the mothers would have been. The long period of helplessness of the human infant had many effects, most of which center on the mother's problem of caring for and protecting it. Presumably a selective premium was placed on keeping the father with the family group, and an essential step in that direction was the elimination of the short, well-defined breeding season characteristic of most mammals.

Year-round sexuality and the development of strong mother-offspring and father-mother bonds (pair-bonds), which led to the evolution of family groups, may be traced at least in part to increased brain size. These are, of course, the essential ingredients of what mankind has developed into the vast, varied, complex and pervasive social phenomenon that is sometimes referred to in our society simply as "sex."

Sex in this sense is not simply an act leading to the production of offspring, but rather it is a cultural phenomenon penetrating into all aspects of our lives, including our self-esteem and our choice of friends, cars and leaders. It is tightly interwoven with our mythologies and history, and it influences our views of nearly everything.

Understanding these points makes it easier to evaluate many arguments raised against birth control on the basis of emotional ideas about the "natural" function of sex. Furthermore, a grasp of the cultural importance of sex brings home the difficulty of changing the reproductive habits of a society, since attempts to do so may be perceived by the society as an assault on the very basis of its culture.

DIFFICULT QUESTIONS

In addition to the evolutionary origins of man's attitudes toward reproduction, we must consider what kind of environment man is best adapted to. What size groups does he feel most comfortable in? How important is solitude for the well-being of the human psyche? Is the color green an important component of the environment of *Homo sapiens?*

To give an analogy, one may, by selection, experimentally create a strain of fruitflies that is resistant to DDT in six to eight generations, presumably as a result of some minor changes in enzyme systems or behavior. It seems unlikely, however, that any number of generations of selection would produce a fruitfly able to fly with one wing; in fact, an attempt to produce such a change by artificial selection would probably lead to extinction of the experimental population.

Some biologists feel that mankind's evolutionary history has been such that the present environments to which he is subjecting himself are essentially asking him to "fly with one wing." This general viewpoint has been expressed by three biologists at the University of Wisconsin, H. H. Iltis, P. Andrews and O. L. Loucks. They feel that mankind's genetic endowment has been shaped by evolution to require "natural" surroundings for optimum mental health. They write:

"Physically and genetically, we appear best adapted to a tropical savanna, but as a cultural animal, we utilize learned adaptations to cities and towns. For thousands of years we have tried in our houses to imitate not only the climate, but the setting of our evolutionary past: warm, humid air, green plants and even animal companions. Today, if we can afford it, we may even build a greenhouse or swimming pool next to our living room, buy a place in the country or at least take our children vacationing on the seashore.

"The specific physiological reactions to natural beauty and diversity, to the shapes and colors of nature (especially to green), to the motions and sounds of other animals, such as birds, we as yet do not comprehend. But it is evident that nature in our daily life should be thought of as a part of the biological need. It cannot be neglected in the discussions of resource policy for man."

There is virtually no experimental evidence on how varying such factors as the density of the population, or levels of noise or the amount of green in the environment may alter human behavior. We do know from the systematic observation of anthropologist Edward T. Hall that peoples of different cultures have different perceptions of "personal space." It is not clear, however how much such differences are attributable to the perception of crowding as opposed to the actual tolerance of crowding.

For instance, do the residents of Tokyo feel uncrowded at densities that might make residents of Los Angeles feel intolerably crowded, or are the Japanese merely better able to tolerate the crowding even though their perceptions of it may be essentially the same?

We have almost no information on the levels of crowding at which people feel most happy and comfortable and can perform various tasks with the greatest efficiency. We do not know whether high density during one part of the daily routine (at work, for example) coupled with low density at another (at home) would have the same effects as medium density throughout the day. We do not know exactly what role high density plays in the incidence of stress diseases and mental health. We do not know whether density alone can be a contributing cause to riots.

In dealing with a high population density, the Japanese seem to have developed a variety of cultural devices to alleviate the stress. It has been suggested that their very formal and elaborate etiquette may be one mechanism for self-protection against the inevitable frictions of constant human encounter.

In contrast to the Japanese and the Europeans, who also have had high population densities for several generations, people from currently or recently low-density countries (such as the United States or Australia) are likely to have the reputation of being informal and easy-going, or even bumptious and rude. The Japanese are famous for their interest in esthetic values and respect for nature, which they demonstrate in their lovely gardens. They also successfully create an illusion of space when there is very little in their homes and buildings, a talent that possibly contributes much to domestic serenity.

People in general remain unaware of the influence that population size and density have upon their ways of life and their perceptions of the world. After all, these factors usually do not change drastically in times on the order of a generation or less. When they do change rapidly, as they are doing in some Latin American countries, the result seems more likely to produce disruption than gradual social change.

Around 1910, the United States had about half the number of people that it has today. Society then differed from today's in ways that cannot be entirely explained by the processes of industrialization and urbanization, or by such historical events as two world wars and a depression. Such qualities as friendliness and neighborliness, once common in this country and generally esteemed, now seem to exist primarily in rural areas, small towns and occasional enclaves in big cities.

In myriad ways, our lives have become more regulated, regimented and formalistic, a trend that is at least partly due to population growth. If we add another 100 million people in the next 30-odd years, this trend will certainly continue and will probably even accelerate.

Certain values conflict with numbers, even though numbers may also be considered a value by many people, such as economists, politicians (who see more votes) and parents of large families. Those who promote numbers of people as a value in itself may fail to consider the cheapness such abundance often brings. One might well ask whether traditional ideals of cherishing human life have not been eroded by our growing population in the last generation or two.

There is some sign of this, especially in the way the nation today barely reacts to such tragedies as devastating floods, hurricanes and airline crashes—a striking contrast to the prolonged sympathy and relief operations evoked by disasters of lesser magnitude before World War II. The growing impersonality of life in our large cities, in which citizens' cries for help are often ignored by bystanders, further supports this view.

The conflict between values and numbers may arise in a choice between having many deprived children or having only a few who can be raised with the best care, education and opportunity for successful adulthood. It is surely no accident that so many of the most successful individuals are first or only children; nor that children of large families (particularly with more than four children), whatever their economic status, generally do relatively poorly in school and show lower IQ test scores than their peers from small families.

Perhaps more opportunities for contact between generations would go a long way toward compensating for large families, when and if a small family norm can be established. The simplest way to provide intergenerational contact is to encourage the development of neighborhoods composed of families of all ages—from newlyweds to senior citizens—and provide communal areas where they can associate. Very structured child-adult relationships have been developed in such social organizations as hippie communes and Israeli kibbutzim, where all adults in the community come into regular contact with children.

FINDING THE OPTIMUM

The approach to establishing optimum population sizes relative to resources is straightforward in principle. We must first determine what material standard of living

for people is desired and then determine how many people can be maintained at that standard.

The minimum size will be determined by the societal complexity necessary for divisions of labor, construction of public works and so forth. The maximum size will be set by the need to avoid the various unhappy consequences of overpopulation already discussed.

But material standards, as we have seen, are only part of the story. Approaches to optimizing the quality of life should recognize the need for diversity. Population size must be set so that a continuum of density is possible, from crowded cities to utter solitude. People should be able to establish themselves at whatever density makes them feel most comfortable, and strict regulations might prevent great density changes within specified areas.

Such a utopian system would require an overall global density considerably below the maximum "base subsistence density." Not only could the rewards for the human psyche be enormous, but some scope would be left for human social and cultural development, including genuine opportunities to create "free societies," without the need to pour all our efforts into solving the elemental problems of survival.

The ideal of an optimum population size must be a dynamic one in which population size changes in response to human needs. The number of children that couples may have will not simply be the number of children they desire, but will take into account the children's future well-being as well as social and physical environmental factors.

Arriving at ideals of optimum population sizes, however, will involve more than simply avoiding unwanted births. By virtually every standard, the world is already overpopulated, and there is considerable evidence that, even if every unwanted birth were avoided, the global population would still grow. In order to achieve population control, extraordinary changes in human attitudes—attitudes produced by eons of biological and cultural evolution—will have to occur.

These changes will inevitably trouble men's minds; death control goes with the grain, but birth control goes against it. Changing people's views of birth control and family size to coincide with the goal of a better future for all mankind is one of the greatest challenges humanity has ever faced.

SOUTHEAST ASIA REMAINS A TINDERBOX

Mr. SAXBE. Mr. President, we are all aware that the military picture in Southeast Asia remains a tinderbox. I think many of us also agree that we want to avoid a wider Asian war, an escalation of hostilities. An indepth look at the changing conditions in Southeast Asia was recently completed by Mr. James McCartney, a national correspondent for the Knight Newspapers. McCartney's views and impressions were summed up recently in a three-part series given wide distribution. Because of the timeliness of these articles, I ask unanimous consent that they be printed in the RECORD.

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

[From the Philadelphia Inquirer, Apr. 5, 1970]

DO WE FACE THE GRIM PROSPECT OF WIDER ASIAN WAR?

(By James McCartney)

(EDITOR'S NOTE.—Knight Newspapers Washington correspondent James McCartney has just returned from a two-month trip to Vietnam and Laos. His assignment: To examine how the Nixon Administration is doing in its effort to get out of the Vietnam War. This is the first of several articles making up his final report.)

WASHINGTON, April 4.—The Nixon Administration today is facing an authentic crisis in Southeast Asia.

In the weeks to come it must make tough, subtle, long-range decisions under pressure.

The question: Does the Administration really intend to get out of Vietnam and out of direct combat involvement in Southeast Asia—or does it want to hold on, country by country, in the continuing hope of denying Southeast Asia to the Communists?

Communist attacks in Laos, a new government in Cambodia and a sharp upsurge in the level of combat in South Vietnam have brought the problem into sharp focus.

"It's a whole new ballgame," says one top-level State Department official. Other Asian specialists agree.

Says Douglas Pike, perhaps the government's top expert on North Vietnam:

"We face the grim possibility of a real, Indo-China war, with new fighting in four countries—South Vietnam, Cambodia, Laos and Thailand."

The problem, essentially, is that the Communists have not surrendered in Southeast Asia—and are still strong, in spite of the fact that the U.S. has invested nearly 50,000 American lives and $100 billion in an Asian land war.

For months the Nixon Administration believed the best approach in Southeast Asia was a strategic withdrawal of U.S. power.

It invented the word "Vietnamization" to cover an American withdrawal—and concentrated most of its efforts on trying to upgrade a shaky, militaristic regime in South Vietnam.

It has dumped hundreds of thousands of guns on the South Vietnamese.

U.S. officials—from Defense Secretary Melvin R. Laird on down—have been talking "optimism" about Vietnam, praising "progress" in the Vietnamization program and promising new troop withdrawals.

But it is suddenly clear that Vietnamization is only part of the problem. Even if Vietnamization works, as one official put it: "That's not the issue now.

"The issue really is: Will catastrophe come? Will all that we have put into Vietnam go down the drain?"

Military statistics for the Indo-China peninsula as a whole are sobering.

It is a harsh fact that today—five years after the U.S. began to escalate its role in the Vietnam War—Communist military strength in Indo-China, outside of North Vietnam, is more than 350,000.

At least 240,000 of those troops are focused on South Vietnam—about the same number as two years ago.

More than 100,000 Communist troops are in Laos and Cambodia.

A vital factor is that Cambodia and Laotian Communist forces are substantially out of reach of U.S. military power.

No informed official at either the State Department or the Pentagon questions that the Communists have the power—now—to take over both Cambodia and Laos if they wish.

That would isolate South Vietnam militarily at a time when the U.S. is desperately seeking to get out of the war.

There is no overt evidence that the Nixon Administration has decided what it wants to do in Southeast Asia on a long-term basis.

It is still trying to keep its cool and to gauge what the Communists are up to.

Mr. Nixon is trying hard to avoid an atmosphere or crisis in Washington. He is taking his vacations at Key Biscayne and the official attitude at the State Department is one of deliberate caution.

But behind the scenes at the State Department and the Pentagon all is not so cool.

The fear is that the Communists may continue to build up pressure, forcing the U.S. hand.

New attacks in South Vietnam this week—in which 80 Americans were killed and more than 400 wounded in two days—seem to fit that formula. They were the most ambitious attacks in Vietnam in eight months.

Bluntly: The Communists are far from beaten.

Even more bluntly:

—The U.S. has failed so far in its effort to force a negotiated settlement to the Vietnam War.

—The U.S., from all appearances, is going to be deeply involved in Indo-China for years to come.

The pressures within the administration—both in Vietnam and in Washington—are immense.

Many powerful elements in the U.S. military want desperately to go into Cambodia and tear the Communists apart.

The pressure has been there for years. The military has been frustrated by Cambodia's "neutrality" and the presence of huge Communist military bases in Cambodia that the U.S. could not touch.

These "sanctuaries" in Cambodia, and others in Laos, have been used as staging areas to mount attacks on Vietnam.

It has been reported that the military is now considering proposals to use South Vietnamese, Korean or even Australian troops against the Communists in Cambodia.

Discussions have also been held about the possibility of extending military aid to the new Cambodian regime.

But many State Department officials believe U.S. military action in Cambodia, or U.S. support of military action, would lead to disaster.

Secretary of State Rogers told the Senate Foreign Relations Committee in a closed session that the administration is striving to maintain the neutrality of Cambodia and to avoid becoming involved in an all-Indo-China war.

The administration has made no public commitment one way or another, on what it might do if the pressure rises.

What, then, is administration policy?

Is Mr. Nixon determined to get out of Vietnam and out of direct combat involvement in Southeast Asia?

Do Administration officials expect a country-by-country scrap for Southeast Asia, with struggles to come in Cambodia, Laos, and eventually, Thailand?

The best way to describe administration policy today is to say that Mr. Nixon is postponing decisions as long as he can.

Administration officials believe Vietnam is still the central problem.

They are hoping, passionately, for stability in Laos and Cambodia so that "Vietnamization" gets a chance to work.

Mr. Nixon has been flooded with optimistic reports on Vietnam from officials in the field—both military and diplomatic.

Those reports say that the Communists are on the ropes, that they can't mount a sustained offensive.

The military is telling Mr. Nixon that it has won the war in Vietnam—but hasn't gotten credit for it on the home front.

The diplomats don't put it quite that way. They say that the Communists have been seriously hurt, but haven't given up.

One high official in the U.S. Embassy in Saigon was asked:

"Is it U.S. policy in Southeast Asia to resist Communist expansion wherever it appears?"

"By withdrawing troops from Vietnam, has the U.S. changed policy, or simply changed tactics?"

The answer was explicit.

The official replied: "We have changed

tactics. Our policy is the same as it has been in recent years.

"You can anticipate that the U.S. will oppose Communist expansion in this part of the world in every way we can.

"But the lesson of Vietnam has been that you can't follow a policy that doesn't have public support.

"And no one that I know believes the public will support more U.S. ground troops in Asia."

Other officials agree that this is the general direction of administration thinking.

What that means is deep U.S. involvement in Indo-China for years to come.

It means a continuing search, country by country, for allies to resist Communist expansion.

In Laos, the U.S. may align itself with a coalition regime, in which Communists are represented.

In South Vietnam, it opposes a coalition—seeking an entirely anti-Communist regime.

In Cambodia, it would be delighted to have a neutralist regime.

Mr. Nixon has said: "We remain involved in Asia. We are a pacific power."

And he has enunciated the so-called "Nixon Doctrine," stating that nations in Asia which are directly threatened will have to assume "the primary responsibility of providing the manpower" for their own defense.

Thus, Mr. Nixon has split objectives.

He wants out—but on his own terms.

And if the Communists decide to make it tough, as they well may, no one can say what the outcome will be.

Plan To Vietnamize War Appears Doomed To Fail

(By James McCartney)

Washington, April 5.—President Nixon's program to "Vietnamize" the war in South Vietnam is working in the short run—and working reasonably well.

But the program probably is doomed to failure in the long run. It is just too late.

The U.S. has made too many mistakes for too long. And the South Vietnamese government that is supposed to take over the war is too shallow, lacks popular support and is shot through with corruption.

The war has not been won, and there is not the slightest shred of evidence that it can be won by military means.

STILL MILITARY

Yet the primary emphasis of the "Vietnamization" program continues to be almost exclusively military.

American programs in other areas—political and economic programs—have been poorly managed and under-financed.

A sound South Vietnamese government of which the U.S. can be proud, and a stable economic system to improve the lot of the people of South Vietnam, simply do not exist.

"We've had a very poor record politically," said one top U.S. official in Saigon.

He meant that the South Vietnamese government of President Nguyen Van Thieu hasn't measured up to U.S. hopes and expectations.

The same could be said for U.S. economic programs. Little progress has been made in developing a solid economy.

Nor does anyone claim that substantial progress has been made in improving the lot of the ordinary South Vietnamese citizen.

Many South Vietnamese are disillusioned with Thieu and with the continuing war.

But what about all the "progress" that is reported so often—and so endless endlessly—in Vietnam?

Officials claim progress in two areas:

—In "Vietnamization"—in the growing strength of South Vietnamese armed forces.

—In "pacification"—in bringing new areas in the countryside under control of the South Vietnamese government. This is a key part of the "Vietnamization" effort.

Yes, there has been "progress" in both of these areas.

The South Vietnamese armed forces have been rapidly expanded, given better guns, better training. In fact, the military buildup may be the most concentrated effort in history to give fire power to a relatively unsophisticated people.

WILL TO FIGHT?

But there is an underlying question: do the South Vietnamese have the will, the motivation, to fight?

As yet, it hasn't been established that they do.

They are taking casualties—deaths and injuries every day. But they haven't really had to face the highly motivated Communists yet in major engagements without firm U.S. support.

More than that, the Communists have changed tactics, and haven't made any kind of sustained push in recent months. Thus the record has to read that the South Vietnamese are substantially untested.

If they aren't getting much out of the struggle except death and grief; if prices continue to rise to threaten their already meager standards of living; if they have little faith in their own government, or none at all—why should they fight?

American officials have no ready answers.

There is measureable "progress" in the countryside.

You can travel on many roads that were not safe for an American a year ago. You can go into hamlets that the Vietcong controlled for years.

You find that the Communists in late 1968 and in 1969 stopped contesting areas that they had contested.

Time after time, those on the scene explain, South Vietnamese government forces entered hamlets and villages that had been contested for years—and were not challenged.

So statistics show that something like 88 percent of the South Vietnamese population is now living in relatively "pacified" areas.

WHAT "BEAT" THEM?

The U.S. military likes to say that the Communists were simply beaten by U.S. power.

"Where?" you ask. "When? Can you show me the place on the map?"

The reply, inevitably, is, "It didn't happen in any one place. It was attrition, over a period of time."

Certainly the Communists have been hurt. Probably they changed their tactics, in part at least, because they have been hurt. But even the military's own estimates of Communist strength do not show a defeated enemy.

They show, in fact, an enemy of substantially the same number in the Communist political "infrastructure" are actually considerably higher than they were 10 years ago.

NO DIFFERENCE

No American official is claiming that the internal structure of the Communist movement in South Vietnam has been seriously damaged.

All of this raises the serious question of whether U.S. officials are capable of fooling themselves. Sad to say, the answer has to be an emphatic "yes."

The U.S., under President Lyndon Johnson, insisted on fighting the war itself, shunting the South Vietnamese aside. South Vietnamese troops were given second-rate equipment and kept in the background.

Some 40,000 American lives later, the U.S. changed its mind.

Now South Vietnam is being asked to develop immensely complex social and political institutions overnight, and under pressure.

MATTER OF DOUBT

The flimsy structure of the South Vietnamese government, with little obvious support among the people, may not be able to handle it.

The test has not yet come. If it comes early, the U.S. may be tempted to hold on, to continue major U.S. involvement in the war, giving South Vietnam more time.

If it comes later, the prospects for a non-Communist South Vietnam are probably dim.

Nixon Faces Grave Risk in Viet Pullout

(By James McCartney)

Washington, April 6.—Can President Nixon get the United States out of the Vietnam War?

The answer to that question is Yes, he can, if he is determined enough to do it.

In fact the evidence now is that the Communists—in their own ambiguous convoluted, calculatedly-confusing way—are seeking to give him a hand.

But Mr. Nixon has made his own goals broader.

He wants to disengage from the war, but he wants to do it on his own terms. He wants, at the same time, to preserve a non-communist Southeast Asia if he can.

The time may come when he'll have to set one goal or the other as his first priority. He may not be able to have it both ways.

Right now, however, more U.S. troop withdrawals from Vietnam are a virtual certainty, probably at about the current rate of 12,500 men a month.

Even if the war in Vietnam temporarily escalates, or if the level of violence increases somewhat in Cambodia or Laos, U.S. troop withdrawals may be expected to continue, at least in the immediate months ahead.

There are reasons for this.

One is that a great many U.S. troops in Vietnam simply aren't needed to accomplish the current, largely defensive mission.

The United States has too many troops in Vietnam.

Sometime in 1966 or 1967 President Lyndon B. Johnson and the U.S. military drifted away from their original objective in Vietnam.

The original objective had been to deny South Vietnam to the Communists. But Mr. Johnson and the military decided to try to make a major effort to "win" the war.

They poured a half-million U.S. troops into the country to try to do so.

Now that Mr. Nixon has abandoned that objective the United States doesn't need so many troops.

One high-level State Department official says flatly that the U.S. troop level could be cut to 300,000 without changing the essential military balance in Vietnam a whit.

In other words, 125,000 additional troops could be withdrawn with no harm done—125,000 beyond the 110,000 already scheduled to be withdrawn. The present troop level is approaching the April 15 administration goal of 434,000.

Another factor—rarely discussed—is that there is a great deal of fat in the U.S. military establishment in Vietnam.

This fat is almost shocking to see.

Saigon is loaded with headquarters personnel who often sit idly in their air-conditioned offices with little to do.

Many GIs are being used as errand boys for officers and in other non-essential jobs.

Thousands of GIs in Vietnam are involved in the logistics of providing the niceties of life for others—movies, entertainment, comfortable lodgings and all the rest.

One high-level U.S. adviser said he wanted to cut the military part of his mission, but the Army wouldn't let him. Four out of 10 soldiers in the mission, he said, were involved in providing entertainment and recreation for the others.

REDS HELP CAUSE

Another reason why troop withdrawals probably can continue is that the Communists have helped to de-escalate the war. But they have done it in such a way that it poses a particularly subtle and difficult problem for the United States.

The United States sought a de-escalation of the war with its troop withdrawal program and by cutting back slightly on the volume of bombing.

Top U.S. commanders now aren't sure whether the Communists are seeking to gear down the war—or whether they have been so badly mauled on the battlefield that they were forced to change military tactics.

TACTICS CHANGED

There is agreement all the way to the top of the U.S. command—including Ambassador Ellsworth Bunker—that the Communists have changed tactics.

They have opted, officials say, for a "long war" or "economy of force" approach, and this has meant a de-escalation on the battlefield.

The Communists, at the same time, are continuing to apply pressure, not only in Vietnam, but in Laos and apparently in Cambodia.

More than that, they have been involved in a massive supply buildup since December, the largest of the entire war. They have been flooding war material down the Ho Chi Minh Trail in Laos at a record rate—convoy after convoy.

MAXIMUM OPTIONS

The able U.S. commander in Vietnam, Gen. Creighton Abrams, believes they are simply keeping a maximum number of options open.

That means that new attacks may come—possibly after the U.S. force has dropped to a lower level. Gen. Abrams doesn't pretend to know when.

The key question at the moment is whether the Communists will continue to keep the overall level of the war down—to permit the United States to continue its withdrawal.

No one outside of Hanoi knows the answer.

If they do, Mr. Nixon apparently is prepared to let South Vietnam take its chances. If the South Vietnamese can't make it, the United States will have made a sincere try.

VISIBLE SINCERITY

No visitor to South Vietnam can question the sincerity of the U.S. effort in trying to turn the war over to South Vietnam. It is visible at every level.

U.S. troops—all the way down to the company, platoon and squad levels—are working hard at trying to train and equip the South Vietnamese.

Skepticism on this point is really not warranted. But there is valid skepticism on whether it will work. That is warranted.

Mr. Nixon's most serious and critical problems in seeking to disengage in Vietnam lie ahead. They lie, in all probability, at the point when the U.S. troop level begins to drift below 300,000.

LEVEL OF RISKS

If the Communists continue to play it relatively cool, Mr. Nixon may be able to go on with the withdrawal. But he also may encounter a confrontation with the U.S. military, who will be telling him that his risks of losing Southeast Asia will multiply as the troop level goes down.

Then it will be up to the President.

What risks is he prepared to accept? Can he accept the possible loss of Southeast Asia? Will the U.S. public accept the possibility of the loss of Vietnam after nearly 50,000 American lives have been sacrificed?

TIME OF DECISION

"Vietnamization" will not have to work perfectly for him to continue the U.S. withdrawal. It will have to work well enough so that the United States is not humiliated. Mr. Nixon has made that clear.

But Mr. Nixon will have to come to a time of decision—a choosing of his priorities.

If he is determined to get out, he will have to accept terrible risks.

It will not be an easy decision.

HIGHWAY SAFETY

Mr. BAYH. Mr. President, death on the Nation's highways hit an alltime high in 1969 when an estimated 56,400 people were killed by motor vehicle accidents. It must be remembered, however, that there are increasingly more persons driving more cars a greater number of vehicle-miles each year. Therefore, even though a single highway death is deplorable, any realistic measure of progress must be stated in terms of fatality rates which take into consideration the added exposure to accidents resulting from increased travel.

It is not possible to determine with any degree of accuracy what the highway death toll would have been if it were not for the accelerated highway safety efforts by local, State, and Federal governments as well as increased safety consciousness by many industry groups and the public at large. Without any doubt, however, enactment in 1966 of the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act has contributed substantially toward improving this record.

An analysis of highway fatality trends before and after enactment of the 1966 legislation offers some clues as to what might have happened if these safety programs had not been undertaken.

ACTUAL HIGHWAY FATALITY STATISTICS, 1962 TO 1969

Year	Number of fatalities	Percent increase	Deaths per 100,000,000 vehicle-miles
1962	40,804	7.1	5.32
1963	43,564	6.8	5.41
1964	47,700	9.5	5.63
1965	49,163	3.1	5.54
1966	53,041	7.9	5.70
1967	53,100	.1	5.47
1968	55,200	3.5	5.47
1969	56,400	2.2	5.30

If the trend in the increase of deaths per 100 million vehicle miles between 1962 and 1966 had continued proportionately through 1969, it would have resulted in the following numbers of fatalities during the latter 3 years:

ESTIMATED HIGHWAY DEATHS, 1967 THROUGH 1969, IF PRE-1966 FATALITY RATE TRENDS HAD CONTINUED

Year	Death rate per 100,000,000 vehicle-miles	Probable number of fatalities	Potential number of lives saved
1967	5.78	56,500	3,400
1968	5.85	59,000	3,800
1969	5.93	63,000	6,600
Total potential number of lives saved over the 3-year period			13,800

An even more impressive reduction in highway fatalities is indicated if the actual number of highway deaths since 1966 is compared with what it could have been if the average annual percentage increase in the absolute number of deaths between 1962 and 1966 had continued through 1969.

ESTIMATED HIGHWAY DEATHS, 1967 THROUGH 1969, IF PRE-1966 ABSOLUTE FATALITY TREND HAD CONTINUED

Year	Number of fatalities	Potential number of lives saved
1967	56,700	3,600
1968	60,600	5,400
1969	64,800	8,400
Total potential number of lives saved over the 3-year period		17,400

This analysis indicates that something must have occurred subsequent to 1966 to slow down the rate of increase in highway deaths and actually reverse the trend in deaths per 100 million vehicle-miles of travel. It would be, of course, purely speculative to attempt an analysis of the factors responsible for this apparent reversal in trends or to allocate portions of the reduction to any particular program or activity. Nevertheless, it seems logical to conclude that a substantial portion of the credit is attributable to the improved safety design of our modern highways. Statistics indicate, for instance, that the Interstate System is about four times safer than conventional highways in terms of deaths per 100 million vehicle-miles. It is also reasonable to assume that part of the credit belongs to the counter measures resulting from the safety legislation of 1966. For example, insurance companies have reported a slight downward trend in the number of bodily injury claims for each 1,000 claims for property damage resulting from motor vehicle crashes. Improved vehicle safety standards and more widespread use of seat belts apparently has had meritorious results.

Despite these signs of some favorable progress, we cannot rest comfortably when over 56,000 people are killed on the highways in a single year and the carnage continues to grow in absolute numbers. It seems apparent that the highway safety problem is far from being solved. Highway deaths in the next 4 years could exceed a quarter of a million unless further steps are taken. This destructive problem ranks in severity, size, and complexity with other social ills such as crime, disease, and poverty. Already injuries inflicted by highway accidents exceed by 10 times all violent criminal acts combined, including homicides, armed robbery, rape, riot, and assault. It has been estimated that highway accidents rob society of nearly as many productive working years as heart disease and more than are lost because of cancer and strokes. It is interesting to note, also, that only 1 of 5 expected man-years of life lost to heart disease is in the age interval between 20 and 65 in contrast to 7 out of 10 for motor vehicle deaths for persons in the same productive ages.

The dimensions of the problem extend beyond the death and injury totals. According to the Insurance Institute

each American family suffered an average financial loss estimated at $291 as a result of highway crashes in 1968—a total loss of almost $15 billion.

This human carnage on our Nation's highways is deplorable. While it is fair to say that progress has been made in highway safety during the past 3 years, this is no time to relax our vigilance. To the contrary, the facts of the situation dictate that efforts must be increased and new approaches and techniques devised.

Recently an excellent article on highway safety, which was written by David J. Allen, a former administrative assistant to two Governors in Indiana, appeared in Contemporary Education. He is especially well qualified to write on this topic in view of his role as the Governor's representative and the first administrator for the State of Indiana's agency designated to develop the necessary programs under provisions of the Highway Safety Act of 1966. Because it provides an excellent history of Federal involvement in traffic safety and demonstrates the effectiveness of a Federal-State-local partnership in attacking the root causes of traffic accidents, I ask unanimous consent that Mr. Allen's article be printed in the RECORD.

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

[From Contemporary Education, February 1970]

FROM WHENCE CAME AND WHITHER BOUND: THE STATE OF INDIANA AND THE HIGHWAY SAFETY ACT OF 1966

(By David J. Allen)

More than three years ago, Congress enacted the most comprehensive traffic safety legislation to date. The Highway Safety Act of 1966 was the culmination of many years of effort and the combination, under one banner, of several existing Federal statutes. In this ambitious undertaking, the various elements required for an effective traffic safety program were enumerated. Congress recognized the need for a comprehensive planning approach if any concerted attack on the startling rise in deaths, injuries, and property losses directly attributable to traffic related crashes was to occur.

The efforts of many persons and organizations, both public and private, were responsible for the success of the legislation. The climate for such action was available and the sponsors of the program moved rapidly and effectively to attain the goals so long unsuccessfully sought. Fortunately, no other event on either the foreign or domestic scene required national attention and the focus remained on the critical traffic safety situation.

It may be too early to ascertain what, if any, positive reaction has occurred as a result of the increased efforts in traffic safety. Any immediate assessment of traffic safety progress must be placed in proper perspective or it will not be meaningful. In order to provide a means for such assessment, this article is structured to show (1) the historical background which preceded the Act's adoption; (2) the state and federal administrative structure and operation.

THE FEDERAL GOVERNMENT'S INVOLVEMENT IN TRAFFIC SAFETY

A review of Congressional involvement in traffic safety programming reveals a marked interest by many members as the interstate highway network began to appear. The first significant legislation was adopted by Congress in 1956 as a part of the Federal Aid Highway Act. The Secretary of Commerce was directed to undertake a comprehensive investigation of the subject of traffic safety. The complete document, "The Federal Role in Highway Safety," was published in 1959.[1] Even though it is now ten years old, it remains a basic document for federal traffic safety activity.

The Congress, in 1965, evidenced even greater interest in the development of comprehensive traffic safety programs. The House Subcommittee on Roads of the Public Works Committee, in its report, gave a clear indication of things to come. The report commented that:

"The important consideration is the fact that coordinated State action programs have generally been missing, and should be established now, on the basis of utilizing the best information available today, without awaiting the completion of long term research project. . . .[2]

"This does not mean that all the State programs must be the same, and it does not mean that there will be any Federal dictation as to the particular State Agencies to have jurisdiction over any particular aspect of such State programs. The amendment does contemplate that highway safety programs within each state and among the several states will be coordinated and comprehensive. . . .[3]"

The amendment referred to above was known as the "Baldwin Amendment" and, as a reading of the language clearly shows, was the predecessor of the Highway Safety Act of 1966.

In 1966, the year for traffic safety legislation arrived. Three major traffic safety bills became law: Highway Safety Act of 1966; National Traffic and Motor Vehicle Act of 1966;[4] and, Department of Transportation Act.[5] In the final committee report on the Highway Safety Act, the comments are indicative of the feeling at that time. ". . . The Committee believes that there is no more urgent domestic need than to reduce drastically the carnage and destruction on our Nation's highways."[6]

President Johnson, in his March 2, 1966, special message on transportation, challenged the Congress when he stated:

"The weaknesses of our present highway safety program must be corrected.

"Our knowledge of causes is grossly inadequate. Expert opinion is frequently contradictory and confusing.

"Existing safety programs are widely dispersed. Government and private efforts proceed separately, without effective coordination.

"There is no clear assignment of responsibility at the Federal level.

"The allocation of our highway safety resources is inadequate.[7]

"I urge its (the Highway Safety Act) prompt enactment by the Congress.[8]"

PRELIMINARY ADMINISTRATION OF THE ACT

Three problems developed immediately in the preliminary administration of the Act. Initially, the deadlines in the Act were severe and put the new Agency under much pressure. The hiring of staff and setting of general administrative policy was difficult enough without the deadlines that had to be faced. Secondly, the states, many of which had been preparing traffic safety programs to meet the requirements of the Baldwin Amendment, were anxious to get moving and earmark the Federal funds available for parts of their safety program. This could not be done until the highway safety program standards were developed, reviewed, and approved.

Once the necessary preliminary internal work was completed, the National Highway Safety Agency began its operation. On November 1, 1966, Dr. William Haddon, Jr., was appointed by the President to the post as Administrator of the National Traffic Safety Agency—a companion unit. The Secretary of Commerce in a letter dated October 6, 1966, requested each Governor to appoint an administrator to coordinate state and local traffic safety programing.

On December 5, 1966, these designated representatives convened in Washington, D.C. prior to that meeting, Dr. Haddon had requested each state to submit to his Agency as detailed an analysis as possible of the traffic safety efforts currently operational in the State and local governments and some estimate of the expenditures by the state for such programs.[9] The preliminary policy proposals and the initial nine proposed highway safety requirements were announced during the meeting.

These would be the basis for the original thirteen performance standards. The Governors' liaison representatives were called to a meeting in Washington, D.C., on February 16, 1967, where the detailed standard proposals were distributed; final comments on these standards were to be returned to the Regional offices by the middle of March.[10]

On March 16, 1967, the President appointed the members of the National Highway Safety Advisory Committee. This body would guide the NHSB in its work and have final review authority over the standards.[11]

The promulgation of the initial thirteen standards was a necessary step before any Federal funds could be made available to the states and their political subdivisions for highway safety program projects. The initial thirteen standards and the supplemental three now in effect include: Motor Vehicle Inspection, Motor Vehicle Registration, Motorcycle Safety, Driver Education, Driver Licensing, Codes and Laws, Traffic Courts, Alcohol in Relation to Highway Safety, Identification and Surveillance of Accident Locations, Traffic Records, Emergency Medical Services, Highway Design-Construction-Maintenance, Traffic Control Devices, Pedestrian Safety, Police Traffic Services, and Accident Cleanup.

The apportionment of the Congressionally authorized funds of $167 million through FY1968 had been announced on December 20, 1966. However, the appropriation was but one quarter of the authorization. The practical application of the reduction, notwithstanding all the conversation about the "full obligational authority available," was obvious. This, in itself, was not a great setback since most states and their political subdivisions were not geared to meet the required fund match nor were they staffed to properly handle the new program. The availability of funds for the planning and administration of the traffc safety organization proved helpful and minimized disruptions of the program development.[12]

A more severe setback occurred when a personnel freeze at the Federal level was ordered. The National Highway Safety Bureau, understaffed from the beginning, was now compelled to remain that way. This critical decision, at the very time when the states were looking forward to and fully expecting complete staff support, greatly crippled the progress of the program and contributed to the increasingly strainded relations between Federal and State Governments.

The intergovernmental friction came to a head at the June 1968 meeting of governor's representatives and National Highway Safety Bureau officials when the requirements for the comprehensive traffic safety plan were discussed.[13] Before the two day session concluded, much of the air had been cleared and relationships have been on the positive side ever since. Just recently the regional offices have been granted more authority and this will improve further the handling of project applications and grants.[14]

Footnotes at end of article.

STATE ADMINISTRATIVE STRUCTURE AND PROGRAM DEVELOPMENT

The Governor of the State of Indiana, in response to Congressional passage of Public Law 89-564, proposed and the 1967 Indiana General Assembly enacted the necessary enabling legislation [15] to grant to the State specific authorization for participation in the programs enumerated by and the funding provided for comprehensive traffic safety programing. This Act also places administrative responsibility for and control of the program with the Governor.

Pursuant to the provisions of this Act, Governor Roger D. Branigin issued Executive Order 2-67 on April 25, 1967,[16] creating a Traffic Safety Coordinating Committee and authorizing its guidance in the preparation of the necessary state and local programs envisioned by the Highway Safety Act of 1966. Membership on this Committee included all the major state agencies with traffic safety responsibilities.

The Coordinating Committee and subcommittee selected from its membership meet regularly to review proposed projects designed to assist Indiana in its traffic safety planning and to develop the projects designed to meet the performance standards issued by the United States Department of Transportation. In 1968, the Coordinating Committee met seven times in official sessions to transact business and recommend programs to the Governor. Numerous other subcommittee meetings and special project review sessions were also held.

The Governor's Traffic Safety Program staff is by statute charged with the responsibility for providing background information necessary for the Coordinating Committee's action as well as the follow-up activities required for full implementation of the traffic safety program. In order to insure continuity of approach and uniformity of purpose, all proposed state and local projects, submitted under the provisions of Public Law 89-564, are reviewed by the staff, submitted to the Coordinating Committee for its consideration and action, analyzed for fiscal integrity and accountability by the State Budget Agency, and a composite report and recommendation is prepared by the Governor's Representative for action by the Governor. All of these steps are taken prior to any submission to the Region 4 Office of the Federal Highway Administration. State agency involvement in every phase of the planning for traffic safety programming is an accomplished fact.

The Traffic Safety Program staff meets regularly in order to coordinate policy and develop priorities. The program staff developed an administrative manual and other helpful publications and documentation to assist the state agencies and the local units of government to a better understanding of the various aspects of the highway safety program.

With the cooperation of state agencies a booklet was prepared entitled "Guidelines for Traffic Safety Programming" [17] containing a responsibility chart for each standard. The narrative is accompanied in each standard explanation with a detailed chart graphically illustrating the responsibilities involved.

Other state agencies developed brochures providing additional information on motorcycle safety, driver licensing, emergency medical services, policy traffic services, and pedestrian safety.

Involvement of Indiana's ninety-two counties and eighty-one cities with over 5,000 population—as well as other towns and school districts—in comprehensive traffic safety planning is one of the major aims of both the federal and state legislation.

In addition to the encouragement of local participation by the City-County Traffic Safety Programs Advisory Board, the various state agencies and the Traffic Safety Program staff have solicited the active involvement of local units. An "in-house" memorandum was circulated by the administrator to members of the State Coordinating Committee enlisting their support and advice. As a result of this memorandum, individuals in each traffic safety oriented agency were designated to cooperate with local units of government in program development. In addition to these activities individual contacts with various local officials and public interest groups have been numerous. The field staff from the Indiana Office of Traffic Safety has been instructed in the preparation of the project application form and is able to lend its support to local units of government on project development.

Initiative at the local government level has continually been encouraged. A concerted effort has been made by the staff to engender local interest in traffic safety activities. A self appraisal of the local need was encouraged so that programs were not presented merely because it appeared the thing to do. Local programs designed to meet deficiencies were stressed. In April, 1968, a comprehensive letter detailing prospective local programs was sent to each mayor, each county commissioner, and the president of each county council in Indiana. As an outgrowth of this original letter, a special Governor's Conference was called for August, 1968.

In 1968, the special Governor's Conference on City-County Traffic Safety Programming under the Highway Safety Act of 1966 was attended by 170 key representatives of local units of government. An informational booklet [18] for the express use of local units of government was prepared for and distributed to those in attendance. Additional copies of the publication were sent to all mayors, chiefs of police, county commissioners, sheriffs and public support traffic groups as an aid to local planning.

The Governor requested each chief administrative official of the cities and counties to designate one person to coordinate traffic safety programming with the Traffic Safety Program staff in order that a good working relationship between state and local officials could be cultivated.

Contact between state and local traffic safety officials has emphasized the importance of developing local programs designed to maximize local needs and also to fit into the state's overall planning. Local units of government are circularized as to the proposed and approved state oriented safety projects. A number of the approved Indiana projects are in reality both state and local projects, e.g., the accident location system, driver education system, driver education and safety demonstration center, the emergency medical services survey.

Local units of government are encouraged to plan safety activities with as broad a base as possible. Planning on a county-wide basis wherever financially and administratively feasible is encouraged. The fiscal realities which face local units of government require that officials accurately assess their needs and develop those programs from which the most benefit to local citizens will develop.

The City-County Board adopted a definition which encompasses this philosophy. The basic criteria for local participation and cooperation is evident in the definition:

A political subdivision for the purpose of administration of the Highway Safety Act of 1966, shall be any county, city, town or school district or any combination of these units when the areas of jurisdiction are co-extensive or continguous and the governing officials involved have agreed on a single representative administrator.

The philosophy adopted by this locally oriented group is consistent with the state's programing in that the structure of all traffic safety planning in Indiana evolves around the concept that we should plan in such a manner that those priorities established are in reality those areas which need the greatest attention. Rigid adherence to any mathematical formula providing money was not felt to be the most appropriate means for sound planning.

The initial impact of the Highway Safety Act of 1966 required more extensive action and project determination at the state level than at the local. Now that the state has geared up its priorities and established its needs, more detailed attention should be directed toward local units of government. Projects for the next fiscal year should provide evidence of additional emphasis on the local government safety program effort.

The 1967 General Assembly enacted at least eleven major pieces of legislation related to traffic safety. These include such items as:

1. The regulation of slow moving vehicles.

2. The adoption of certain Uniform Vehicle Code sections concerning speed limits (this was done after a two-year study of Indiana's traffic laws).

3. The establishment of a periodic vehicle inspection program.

4. The designation of a medical commission on driver licensing.

5. The enactment of a mandatory police training bill.

6. The provisions for a study of alcohol, carbon monoxide and drugs as they pertain to fatal accidents.

7. The authorization to participate in the Highway Safety Act of 1966.

8. The creation of a City-County Traffic Safety Programs Advisory Board to encourage public support of traffic safety activities.

9. A revision of the Office of Traffic Safety Act to provide for more expeditious handling of traffic safety matters and to reduce duplication.

10. The authorization to participate in the Interstate Driver License Compact.

11. The statutory approval for tire studs or ice grips during certain months of the year.

The impact of the performance standards is evidenced by the scope of these laws. The State attempted to take a huge stride forward while the legislators' attitude was favorable. The success of the effort is self-explanatory.

The 1969 General Assembly enacted legislation covering the "implied consent" situation.[19] The Assembly, in the text of the 1969–71 Operating Budget [20] combined the heretofore independent office of Traffic Safety, Governor's Traffic Safety Program Staff, and Vehicle Inspection Department into one body for administrative purposes. The ultimate success of this fiscal combination will depend on a number of adjustments that must be made.

The development of projects under the provisions of the Act reflects the desire of the State to "plug" the gaps in its program and to take advantage of innovation in employing traffic safety efforts. The initial projects included: (1) a state program on alcohol and its relation to highway safety; (2) a preliminary proposal for a state emergency medical plan; (3) a driver education and traffic safety institutional demonstration center; (4) a VASCAR speed enforcement program; (5) the implementation of a "grid" system for traffic crash locations; (6) a vehicle inspection project to handle the administrative structure for the program; and (7) the planning and administration grant for coordination of the entire program.

The product of the efforts of all those involved in state and local traffic safety planning is contained in the "1968 Highway Safety Program Submission" forwarded by Governor Roger D. Branigin to Secretary of Transportation Boyd.

After several months for review and evaluation, the Department of Transportation informed Governor Edgar D. Whitcomb of

Footnotes at end of article.

its analysis of the presentation. The officials of the National Highway Safety Bureau commented that ". . . the submission from Indiana reflects a high degree of professionalism and dedication to the program. It is an excellent planning document, and is to be commended." [21]

As progress continues to be made and a greater degree of program sophistication develops, the participation of trained professionals in traffic safety planning is a vital ingredient. The availability of Federal matching funds as well as the competition for state and local tax dollars requires careful planning of fund use. The balancing role of each unit of government is important to the ultimate success of the highway safety effort. The dedication of people to the thankless task of traffic safety work is a key. The tools, as shown above, are available. The initiative must come from those who are vitally concerned with the problem. Rhetoric has never solved the traffic safety problem. Hard work and the desire to succeed is the way to an improved record.

In 1968, 53,000 Americans died on our highways, streets, and roads; 4,400,000 were injured as a result of traffic crashes. These figures—a 5 per cent increase nationally for fatalities—do not show we are winning—we are losing.

The concerted efforts by the State of Indiana, since the passage of the Highway Safety Act of 1966 indicate that within the state during that period some progress was made. The 1968 traffic fatality toll was only four higher than 1967. Perhaps this is an indication of progress.

These past three years, in spite of the growing pains of a new Federal Department whose financial resources and personnel needs were severely restricted, have been marked by an increased awareness of the need for a comprehensive and coordinated effort to solve the traffic safety problems. Let us hope this tenuous beginning can soon become a firm base from which the benefits in lives saved, injuries avoided, and property not damaged will emerge.

FOOTNOTES

[1] H.R. Doc. No. 93, 86th Cong., 1st Sess. (1959).

[2] U.S. Code Cong. & Ad. News 1965, vol. 2, p. 2857.

[3] Id., 2857.

[4] 15 U.S.C. § 1391–1409, 23 U.S.C. § 313 note, 80 Stat. 718 (1966).

[5] P.L. 89–670, 80 Stat. 931 (1966).

[6] U.S. Code Cong. & Ad. News 1966, vol. 2, p. 2758.

[7] To Heal and to Build: The Programs of President Lyndon B. Johnson (Burns, ed. 1968), 337.

[8] Id., 338.

[9] A copy of this report is on file with the Governor's Traffic Safety Program Agency, Room 316, State Office Building, Indianapolis, Indiana.

[10] Letter from Dr. William Haddon to all Governors' liaison representatives dated February 2, 1967.

[11] See 23 U.S.C. 404, 80 Stat. 733 (1966), amended P.L. 90–150, 81 Stat. 507 (1967).

[12] Memorandum from Lowell K. Bridwell to all Governors' representatives dated April, 1967.

[13] The final review of the general highway safety requirements created much discussion and disagreement among the representatives of the states and the National Highway Safety Bureau officials. The outgrowth of the meeting was a compromise between the states on several points in the Program submission format. For more detailed information see *Federal Highway Administration, Highway Safety Program Submission*, NHSB notice 42–50, May 16, 1968, and the July 22, 1968 revision of same.

[14] Fed. Highway Adm., NHSB Order 2,0300–1 Feb 26, 1969.

[15] Ind. Stat. Ann § 47–3021–3031, ch. 134, Acts 1967.

[16] The text of the Executive Order can be found in the National Highway Program Submission of October 15, 1968, and in the State Administrative Manual available through the Governor's Traffic Safety Program, Room 316, State Office Building, Indianapolis, Indiana.

[17] Allen, Guidelines For Traffic Safety Programming: State of Indiana, 1967, revised 1968.

[18] Ind. Office of Traffic Safety—City-County Traffic Safety Programming (1968).

[19] Ch. 64, Acts 1969.

[20] Ch. 397, Acts 1969.

[21] Evaluation Summary of the State Highway Safety Program: State of Indiana, p. 1, accompanying letter from Acting NHSB Director Robert Brenner to Indiana Governor Edgar D. Whitcomb, received on February 22, 1969.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia, Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970

The PRESIDING OFFICER (Mr. McINTYRE). Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, reported from the Committee on Labor and Public Welfare with amendments.

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. 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.

Mr. KENNEDY. I ask unanimous consent that members of the staff of the Committee on Labor and Public Welfare be permitted to be present in the Chamber during the debate on the pending measure.

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

Mr. KENNEDY. Mr. President, we are all well aware that the treatment of the mentally retarded has been one of the most shameful chapters in the history of American health. For more than two centuries, we cast out the mentally retarded from our society. We buried them alive for decades in the vast State and county institutions. We confined thousands of patients in hundreds of wards, hundreds of miles from their families, their pastors, their doctors, and their friends, with insanity or death the only sure escape.

The Federal mental retardation program of the early 1960's brought revolutionary change in this inhuman care. With its sharp focus on prevention, treatment, and rehabilitation, it launched a new era of compassion and care for the retarded that has brought credit to our society and hope to millions of our citizens afflicted with such illness.

In the Mental Retardation Facilities Construction Act of 1963, President Kennedy and Congress launched a far-reaching program for the development of comprehensive services and facilities for the retarded, and for research into the problems of mental retardation. It is now almost 7 full years since Congress enacted this first major Federal legislation for specific assistance to the mentally retarded. Today in the Senate, we have the opportunity to build on the work we have begun, and to provide a strong, new incentive for the programs that are being developed in every State.

It is a special honor for me to have the privilege of bringing this bill before the Senate. As Members of the Senate are aware, I have had a long and continuing interest in the problems of mental retardation, and I have a special interest in the success of the broad variety of Federal assistance programs in this area.

We know there still are many problems that have not been solved. One of the most serious problems concerns the lack of satisfactory residential care facilities for the retarded. At least 50 percent of the Nation's institutionalized retarded live in functionally inadequate buildings whose average age is almost 50 years. The staffs are overworked, underpaid, and ineffectively used. Many of the personnel are poorly trained. Waiting lists for the admission of the retarded—both children and adults—are far too long.

We know that deplorable conditions for the retarded still exist in many of these institutions. Recently, in Springfield, Mass., the Springfield Union published a series of six major front-page articles on the Belchertown State School for the Retarded. The articles called the institution a human warehouse, and described in detail the cruel and dehumanizing conditions that exist—the stench of inadequate sanitary facilities, the lack of privacy, the grotesque physical restraints, the solitary confinement.

At last, however, we are beginning to attack the sources of our ancient neglect. Through programs like the Federal legislation in 1963, we are beginning to provide new services and facilities for the retarded. We know that we can develop improved methods for early diagnosis and treatment of retardation. Special schools and classes, sheltered workshops, and vocational training centers can teach thousands of retarded children and adults to become productive members of society. Day centers can provide extensive care, supervision, and treatment for the retarded, and thereby

enable them to live in their own community.

The bill recommended by the committee is designed to foster these and other new approaches to the problems of the retarded. It offers a broad program for the development of a comprehensive State-Federal partnership to bring new hope not only to the mentally retarded, but also to citizens suffering from other serious and continuing handicaps originating in childhood.

In essence, the bill creates a new point of departure under the original 1963 legislation. The program established by Congress in 1963 contained three principal aspects:

First, it authorized a program of Federal grants for the construction of centers for research into the causes of mental retardation and related aspects of human development. In these centers, the combined skills of a variety of professional research workers and technical experts could be brought to bear on the problems of the retarded, such as the cause and diagnosis of the chromosome abnormality in mongolism, or the effect of malnutrition on the prenatal development of infants. A total of 12 research centers were constructed with Federal aid under the act before the authorization for this program was allowed to lapse in 1967. A number of these centers have already made significant contributions to our scientific knowledge. Two of the most important centers have been established in Massachusetts—one at the Walter E. Fernald State School in Waltham, and the other at the Children's Hospital Medical Center in Boston.

Second, the 1963 act authorized a program of project grants for the construction of so-called university-affiliated facilities for the retarded. The purpose of this program was to develop clinical facilities associated with universities, in order to promote programs for training professional personnel in the field of mental retardation. At the present time, some 18 projects have been funded under this aspect of the 1963 legislation. In spite of the progress that has been made, we still have far to go before we achieve the goal of the program, which is the establishment of at least one university-affiliated facility in every State.

Third, the 1963 act authorized a basic program of formula grants to the States for the construction of facilities for the mentally retarded. In 1967, the act was amended to authorize an additional program of project grants to pay a portion of the cost of compensating professional and technical personnel in such facilities. As a result of this assistance, more than 300 community facilities for the retarded have already been or are being constructed with Federal funds. They are to be found in every State.

The impetus for the 1963 legislation was the path-breaking report of the President's Panel on Mental Retardation, which was appointed by President Kennedy in 1962. The Panel's report revealed an appalling shortage of residential and day care facilities for the mentally retarded, both children and adults. It emphasized the need for basic new approaches to the training of personnel to work with the handicapped, to diagnose their conditions, to treat their disorders, to train their crippled minds, and to counsel their distressed families.

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

Mr. KENNEDY. I am glad to yield. First, Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. GORE. I asked the Senator to yield in the course of his able speech in support of a bill which he and others have introduced and brought to the committee, in order to express to him and, through him, and through the RECORD, to members of his distinguished family the appreciation of the people of Tennessee, of middle Tennessee, and of Nashville, for the facility for the benefit of the mentally ill or retarded which has been sponsored in Nashville, Tenn., in connection with the colleges and hospitals there, by the Kennedy Foundation and by individual members of the family of the distinguished Senator.

This is very worthwhile. It is something that will provide much benefit and something for which, on behalf of the people of Tennessee, I now publicly express appreciation.

Mr. KENNEDY. I thank the distinguished Senator from Tennessee.

That facility is really one of the great facilities in our country. It has one of the ablest teams of medical personnel that has been assembled. It is performing an extremely important service and is adding greatly to the knowledge and understanding of the whole problem of mental retardation and its treatment and care. Their leadership in this field is universally recognized throughout the country, and I think it is a great credit to the State of Tennessee and to the people throughout the State that they have given such strong support to this facility.

Mr. GORE. The Senator's distinguished mother as well as the Senator's sister and brother-in-law were present at the dedication of the facility. I was present, also, and I am watching with the greatest of interest and enthusiasm the development of this very worthwhile undertaking.

Mr. KENNEDY. I thank the Senator.

Mr. President, although the 1963 legislation fell short of its goal, it provided a sound beginning. Its principal achievement was the demonstration of a solid Federal commitment to help the handicapped. The hearings held by the Senate Health Subcommittee last fall, which I had the privilege to chair, revealed a number of the constraints under which the act has operated in recent years, and helped to chart the direction we must pursue if we are to maintain our strong commitment.

The legislation recommended by the committee offers major improvements over existing law in a number of areas:

First, and perhaps most important, it emphasizes our basic faith in the ability of the States to recognize and solve the problems of the retarded, in partnership with the Federal Government. In spite of the proposal by the administration that this legislation should be converted into a program of project grants dispensed from Washington, the committee's decision was to continue and expand the formula grant program launched in 1963. We thereby do recognize the significant progress already made by the States in this area.

The committee expanded the construction program to include planning, administration, and services, as well as construction, with authorization totaling $405 million over a 3-year period. I recognize that at this time of increasing restrictive Federal budgets, it is difficult to obtain adequate funding for urgently needed Federal programs. In light of the hard budget reality, the authorizations in the committee bill have been stripped to the minimum level consistent with maintaining a satisfactory ongoing program. We know from the administration's own testimony last November that the $100 million authorized for the coming fiscal year is enough to satisfy only the State projects and programs that have already been proposed or are nearing completion on the drawing boards. It is clear that at least the level of funding recommended by the committee will be essential if we are to prevent the growing disillusionment in the States with the strength of our Federal commitment.

Second, the bill before the Senate extends and expands the program for the construction and development of university-affiliated facilities. The authorizations total $93 million in Federal funds over the next 3 years. In the hearings on this legislation, eloquent testimony was presented to the committee to demonstrate the extraordinary success of these university programs and the basic human values at stake in this legislation.

Dr. Robert E. Cooke and Dr. Arnold Capute, from the John F. Kennedy Institute for Handicapped Children at Johns Hopkins University in Baltimore, brought three young retarded children before the committee. We were able to see the dramatic progress these children have made. We compared their prior condition, as recorded on film, with their present and vastly improved condition. The father of one of the children—a child suffering from infantile autism and profound mental retardation, who was barely able to function and unable to communicate at all—spoke eloquently to the committee in the following words:

> In May of 1968 our son was admitted to the Kennedy Institute and was discharged in August of 1969. In that short period of time he has developed to the point where now he is qualified to enter a special private school and is a more functional member of the family. I think that this little child represents the light that President Kennedy spoke of, lighting the darkness with one candle, because we see here this child who is living evidence of that light, coming from a non-functioning human being to what he is today, and continuing to develop.

Mr. President, that was some of the most compelling testimony I have ever heard on any piece of legislation. As I mentioned, it was uniquely presented. At the outset, we saw film recordings of the condition of the children when they were

first admitted to the program. The children themselves came before the committee and we were able to see the dramatic progress they have made. They responded to questions. They were alert and paid attention to the course of the hearing. Some of the most dramatic comments were made by the parents, who, for the first time, really had hope for the future and for the well-being and happiness of their children.

Third, the committee bill broadens the definition of persons eligible for services under the 1963 act to include not only the mentally retarded, but also other persons affected with closely related developmental disabilities, such as cerebral palsy and epilepsy. Too often in the past, children who might have benefited from the Federal program were turned away because of the rigid categories in the original legislation. Many witnesses at the hearing emphasized that services already developed for the mentally retarded could easily be made available to persons with other developmental disabilities, at no cost whatever to our ongoing effort against mental retardation. This is the sort of functional approach we need if our Federal assistance programs are to be efficient and effective in directing limited Federal resources to the areas of greatest need.

In my own State of Massachusetts, for example, we have recognized the need for greater coordination in the provision of services to all the handicapped. In the executive office of the Governor, we have created a separate bureau that coordinates the efforts of 12 State agencies carrying out various programs for the disabled and the multiply handicapped. I understand that this bureau is the first of its kind in the Nation. It signifies Massachusetts' strong commitment to the delivery of adequate care and services to the retarded.

Fourth, the committee bill gives special emphasis to the need for facilities and services for the retarded in areas of urban and rural poverty. One of the most distressing results of the 1963 legislation was the fact that the major portion of Federal funds has flowed to communities with the greatest resources in terms of matching funds, local initiative, and community interest. Too often, urgently needed facilities were not developed in poverty areas where they were needed most. Too often, the stress of conflicting demands on State and local governments has meant that the development of facilities for the retarded was heavily dependent upon private initiative and private resources. As a result, facilities for the retarded have tended to be concentrated in the most privileged geographic areas, to the neglect of poverty areas.

To offset this tendency, the bill contains a number of important features. It requires States to give special consideration to the needs of poverty areas, and it provides more favorable matching ratios—up to 90 percent—for the distribution of Federal assistance. I believe that these improvements in the existing legislation will go far toward redressing the unfair balance that has existed for so long against our poorest citizens in our struggle against retardation.

In sum, I believe that the bill reported by the committee offers a realistic and imaginative approach to the problems of mental retardation and other developmental disabilities. Seven years of experience have taught us that a strong Federal commitment is the key to expanding State and local effort, and I urge the Senate to accept the committee's proposals.

In closing, I would like to express my appreciation to the distinguished senior Senator from Texas, RALPH YARBOROUGH, who is the chairman of the Health Subcommittee and the chairman of the full Committee on Labor and Public Welfare. In large part, the bill that is coming to the Senate floor is the product of his leadership and contributions and interest in the problems of the retarded, and I am grateful for his assistance and cooperation.

Mr. DOMINICK. Mr. President——

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

Mr. DOMINICK. Mr. President, I have listened with great interest to the distinguished Senator from Massachusetts and the presentation of the bill and find that the presentation is not only accurate but its compassion is heartwarming.

From the beginning, long before I ever entered Federal service, I was involved in these problems at the community level. There is an urgent need to take action at the community, the State, and the Federal level. This need is self-evident to anyone who becomes involved in this field. It is personally evident to those who have had close and intimate contact with people who have found themselves in the position of having someone who is temporarily or almost disabled by mental retardation or other multiple diseases of that kind.

There is no one who is more sympathetic to the goal of the pending bill than I.

However, I think it is only fair to point out that the largest appropriation ever given for this particular program occurred in 1967 with a total for all parts of the program of $31 million; that the next largest was in fiscal 1969, $29.5 million; and for fiscal 1970, $21.2 million is forecast. This, I think, must be compared with the level of authorization contained in the committee bill.

For part C alone, the program proposed will cost $100 million for the first year; $135 million for the second year; and $170 million for fiscal year 1973.

It seems obvious to me that when we take into account the problems which we have with the budget, and the problems which we have in determining overall priorities within the government system, which we are trying to hold at least somewhat in balance so far as outgo and income are concerned, we are not going to get, in terms of appropriations, anywhere near the amount of money the authorization calls for.

It concerns me that we should put through a bill with this size authorization, which I think can lead many people—very sincere and honest people around the country—to be led to the conclusion that this amount of money will be available for expenditures, when a perfectly realistic and practical viewpoint shows that we will be lucky if we get even slightly more than the $21.2 million now forecast—far below the level of the $100 million, and far below the $135 million.

This does not mean that we should not have an authorization higher than what we expect to get by way of appropriations, because under no circumstances should the legislative committee feel themselves bound by what they feel they will get by way of appropriations. It seems to me that we should take account of the practical problems with which we are faced and not put forth a bill which raises grand expectations on the part of those who are not closely affiliated with Federal fiscal problems. Making programs and plans in anticipation of this legislation would not be prudent because the money may well not be available.

Because of these fiscal limitations, it would seem to me that perhaps we should take a look at this. I do not have any particular amendment at the present time, but at this point, in order to find a little time to discuss this matter, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. YARBOROUGH. As chairman of the Health Subcommittee and as a member of the Health Subcommittee for the past 12 years, it has been my privilege to have worked and assisted in bringing about the first great Mentally Retarded Facilities Act of 1963 which was the breakthrough legislation in this field as passed by Congress, following a message from the then President John F. Kennedy, urging it. I had the honor and privilege of being down at the White House when that Mentally Retarded Facilities Act of 1963 was signed into law, which provided for facilities.

Mr. President, it is a distinct pleasure to join my colleague from Massachusetts (Mr. KENNEDY) as a cosponsor of S. 2846, the Developmental Disabilities Services and Facilities Construction Act of 1970. This legislation extends and expands the Mental Retardation Facilities Act of 1963, as amended by Congress, and represents the culmination of months of effort and creative action by the Committee on Labor and Public Welfare.

The relevant provisions of Public Law 88-164, the Mental Retardation Facilities Act of 1963, will expire on June 30 of this year, and the committee feels strongly that this bill is vital to the assurance of continuation of programs for the 6 million retarded people in this country and the hundreds of thousands of others who are afflicted with related developmental disabilities.

S. 2846 was introduced by Senator KENNEDY and myself and cosponsored by a bipartisan group of members of the Labor and Public Welfare Committee. In November of 1969, hearings were held by the Subcommittee on Health, and this bill is the result of the synthesis of those hearings. It is significant to note, I believe

that the witnesses appearing on behalf of the private agencies concerned with the problems of mental retardation were unanimous in their support of the legislation as originally introduced and that they have concurred in the need for the amendments made by the Committee and presented to you today.

Witnesses were: The National Association for Retarded Children; United Cerebral Palsy Association, Inc.; National Association of State Mental Health Program Directors; Association of State Mental Retardation Program Directors; American Association on Mental Deficiency; National Association of Directors and Administrators of University Affiliated Facilities for the Mentally Retarded; and several individual witnesses representing specific programs. It was heartening to see such unanimity among the private sector and to have their support in such a wholehearted fashion.

Mr. President, I should like to take a few minutes to outline the dimension of the need for this legislation.

Mental retardation can happen to any family—in any walk of life—regardless of race or creed or other differences—at any time. It is a tragic and appalling fact that one retarded child is born every 5 minutes. Mental retardation, more than perhaps any other ailment, affects an individual and his family in every way—the way they work, they live, they learn. The mentally retarded can develop physical ailments, such as cancer or kidney problems or any other. Many retarded individuals are multiply handicapped—cerebral palsied, blind, deaf, crippled by prenatal contact with rubella. The one common factor is their retardation, their inability to live a completely normal life.

As staggering as the fact of the tragedy, however, is the realization that perhaps as many as 85 percent of the retarded can be helped, can be assisted to take place in society, often a productive place. But in this day and age of national affluence, it is frightening to realize how much remains to be done for the retarded and now pitifully inadequate are the programs which can assist the retarded.

My colleague will note in the printed hearings and in the committee report some statistics which deal with the lack of Federal funding for programs for the retarded and the otherwise developmentally disabled. To cite but one example, the report of the President's Panel on Mental Retardation, published in 1962, indicated that this country should spend at least $50 million for construction of community facilities a year for a minimum of 10 years for the retarded. In the current fiscal year, the sixth year of operation of the programs authorized by the Congress in 1963, a mere $8 million was requested for construction for these vitally needed facilities. Although the Congress increased this appropriation to $12 million, the version of the budget which was accepted after the veto of the Labor-HEW appropriation, left the expenditure at a $10 million level.

The combination of a lack of Federal funding and the sheer enormity of the need for services and facilities for the retarded has brought us—7 years after the passage of the first facilities act—somewhat nearer but still pitifully short of reaching the goal of full services for the retarded.

I realize full well that this is a year of budget stringencies and that national priorities must be rechanneled and refocused appropriately. But I do not believe that any reasonable person would challenge that the mentally retarded and otherwise developmentally disabled individuals of this country had a right to opportunity, a right to dignity, a right to the assurances of an adequate life. We cannot tolerate a continued lack of care for these people. Every inadequate facility—every retarded child who must sit at home because there is not a program in which he can participate—every institutionalized individual whose days are filled with boredom and lack of hope because of some official who had decided that we cannot afford to spend any money on the retarded children and adults—every instance of this, and tragically, there are many thousands of examples—every instance of this is a crime against humanity. The fact remains that mere words cannot replace the action that we have the opportunity to foster here today.

The 7 years of life of Public Law 88-164 have been rewarding, if slim ones. Public and private institutions have begun to develop programs to attempt to deal with the myriad problems of the retarded.

With the prospect of the expiration of Public Law 88-164, essentially two choices were open to us. We could pass a simple extension of the legislation under which these successful programs—although limited by inadequate funding—had been initiated by the States, or we could build on this experience and produce legislation which reflects the "state of the art" and acknowledges the increased sophistication and ability to provide services now being evidenced by the States and the private agencies. It was this latter concept that we adopted and which was so widely supported by public and private agencies in the field and which is embodied in S. 2846.

Again I stress the importance of this bill. I wish I could say we would be curing mental retardation with this legislation. Unfortunately, we will not be. Research, yes. New techniques, yes. But this bill will deal with the day-to-day problems of the retarded and the otherwise developmentally disabled. It will give them facilities, give them services, but most of all it will make it possible for them to live with dignity and hope.

What a humbling, yet proud opportunity to do what is so badly needed for those who are in such need, who cannot help themselves and yet for whom help is in such short supply.

I urge passage of this legislation.

In closing, it may be added that it has just been brought to my attention that the national office of the National Association for Retarded Children will soon be moving to Dallas, Tex. I am sure all of my fellow Texans join me in welcoming NARC to Texas. It will be our privilege and honor to help you in your vital work.

Part B of the 1963 act, which now authorizes project grants for the construction of university-affiliated facilities for the mentally retarded, would be extended for 3 years, and a provision would be added authorizing the expenditure of funds for operational support for programs in facilities of this type. The authorization for construction would be continued at its present level—$20 million—for each of the fiscal years 1971, 1972, and 1973. The levels of authorization for operational support would be $7 million for fiscal year 1971, $11 million for fiscal year 1972, and $15 million for fiscal year 1973.

Part C of the 1963 act, which now authorizes formula grants to States for the construction of community facilities for the mentally retarded, would also be extended for 3 years. The present part C would be replaced by a combined formula grant and project grant program covering both construction and services. In addition, the scope of part C would be broadened to include not only the mentally retarded, but also persons suffering from certain other closely related developmental disabilities, such as cerebal palsy, epilepsy, and related neurological handicaps. Of the funds appropriated for part C, not more than 20 percent would be reserved for project grants to be administered by the Secretary of Health, Education, and Welfare, and the remainder would be allotted by formula among the States for planning, administration, services, and construction, in accordance with an approved State plan. The levels of authorization for the new part C would be $100 million for fiscal year 1971, $135 million for fiscal year 1972, and $170 million for fiscal year 1973.

The bill has been so well explained by the distinguished senior Senator from Massachusetts that it is not necessary to have a detailed description of each part. However, as one who has been on the Health Subcommittee for 12 years and chairman since January of last year, I commend the distinguished Senator from Massachusetts for his able handling of the bill, of which I have the honor to be a cosponsor, as I was of the former mental retardation bill.

The Senator from Massachusetts has been diligent in pressing for hearings on the bill. The evidence was thoroughly developed. The need was great. It has been documented by authorities who are familiar with the subject and have studied in this field for life.

The necessity for the legislation is shown in the report.

I again commend and compliment the distinguished senior Senator from Massachusetts for the great work he has done on this bill.

I hope that the pending bill will be passed unanimously. I think it is a matter that we might all take pride in as an accomplishment of the Senate. There are many fields concerning health and education in which the Senate has been in the forefront of progress in this country.

So, I think the Senate of the United

States and the chief author of the pending legislation are entitled to great credit for having successfully steered the legislation through the Senate.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I rise to express my strong support of S. 2846, Senator KENNEDY's Developmental Disabilities Services and Facilities Construction Act of 1970. This is a bill that I cosponsored and have strongly supported throughout its consideration by the Health Subcommittee and the full Labor and Public Welfare Committee.

I congratulate the senior Senator from Massachusetts (Mr. KENNEDY) for his initiative in introducing and developing this significant legislation, along with the chairman of the Health Subcommittee, Senator YARBOROUGH. The ranking minority members of the subcommittee, Mr. JAVITS and Mr. DOMINICK have also done outstanding work on behalf of this important program.

The subcommittee's consideration of S. 2846 was an example of the bipartisan operation of our committee system at its very best.

As Members are aware, the administration at first strongly opposed the Kennedy bill at hearings chaired by Senator KENNEDY last November.

Although four representatives of the Department of Health, Education, and Welfare opposed enactment, all of the other witnesses, including representatives of a large number of State and local organizations, testified strongly in favor of this new approach to helping the mentally retarded.

Three issues quickly developed. Each was resolved in committee executive sessions to the lasting benefit of hundreds of thousands of our citizens.

The principal issue was the formula grant approach as originally introduced, under which Federal funds would be distributed to the States according to population, per capita income, and the need for facilities. The administration proposed to abandon formula grants in favor of project grants, under which all Federal funds would be dispensed under strict control from Washington.

Ironically, one of the major appeals of the present administration has been for a "new federalism," giving recognition to the States' proper role in our Federal system.

Yet here the administration was asking that control over a program, which had already proved itself in the States, be centralized in Washington.

The committee retained the formula grant approach as the heart of the bill, but added a compromise provision allowing HEW to use 20 percent of the funds for programs of special national significance.

Two other issues involved the definition of persons eligible for services, and the level of funding.

Each of these issues also was very well resolved by the committee.

Recognizing the need for a functional approach to the problems of the seriously disabled—whatever the diagnostic label on their condition—the committee broadened the scope of the existing program. Besides the mentally retarded, the bill now includes persons suffering from cerebral palsy, epilepsy, and other closely related developmental disabilities originating in childhood.

On funding, the committee bill retains the authorization proposed by Senator KENNEDY of $100 million for fiscal 1971. The committee responded to impressive testimony during the hearings that this is the minimum level needed today if the program is to be successful. However, recognizing our fiscal crisis, the committee reduced the amount by which authorizations were increased for subsequent fiscal years.

In closing, Mr. President, let me say that I was extremely pleased to have the opportunity to play a part in the development of this major legislation. I cannot overemphasize or overstate my admiration for Senator KENNEDY and Senator YARBOROUGH for their great and successful efforts to bring direct help to our retarded citizens, and thus also to bring indirect but no less meaningful help to their loved ones and, indeed, to our entire society.

Mr. YARBOROUGH. Mr. President, I express my appreciation to the chairman of the Subcommittee on Veterans' Affairs for his very generous remarks.

The Senator from California is doing outstanding work in this field. He is chairman of the Veterans' Affairs Subcommittee. He has pointed out the terrible inefficiencies in the Veterans' Administration, particularly with respect to the lack of care for veterans of the Vietnam war. He has shown his interest in this field of mental retardation as well as in other fields.

Mr. President, his length of service in the Senate has been short. However, it has been typified by his contribution to the pending legislation as well as to many other legislative matters.

I express my appreciation to the Senator for his work on the pending legislation and for his work on the Veterans' Affairs Subcommittee. I compliment him for his contributions to a multitude of measures by which the Labor and Public Welfare Committee tries to enhance the qualities of American life.

The distinguished Senator from California made a notable contribution to the pending bill which was so ably steered by the Senator from Massachusetts.

Mr. CRANSTON. Mr. President, I thank the Senator from Texas for his very gracious comments and in addition for the work that he has done on the pending bill, a problem that no one knows better than the Senator from Texas because of his great and extensive attention and effort devoted in the field of veterans' medical problems.

There is an overwhelmingly serious problem concerning medical and psychiatric help for veterans which is needed but which is not rendered due to budgetary and other problems. The Senator from Texas has provided great leadership in this area.

I am confident that through his leadership in this field we will deal with the mental problems of veterans as well as with the problems of people who have difficulty in this area generally.

Mr. YARBOROUGH. Mr. President, I thank the Senator from California.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a statement made by the distinguished senior Senator from New York (Mr. JAVITS) in support of the Developmental Disabilities Services and Facilities Construction Act of 1970.

The PRESIDING OFFICER (Mr. objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, the Senator from New York (Mr. JAVITS) is the ranking minority member on the Committee on Labor and Public Welfare. I hope that all Senators will have time to read his statement on this matter. It is brief and concise. It is only three pages. It has a tremendous amount of information concerning the need in this country for aid in this field.

The Senator from New York has a notable record of rendering aid to the disadvantaged and those who need a greater opportunity in life.

One great reason for the volume of beneficial and progressive legislation brought out of this committee is the brilliant leadership, the hard work, and the contributions made by the ranking minority member. It is with great pleasure that I offer his statement for the RECORD. The Senator from New York is unavoidably absent from the Senate today.

The Senator from New York is due a great deal of credit for the various health bills we have been able to pass this year and the education bill. As the chairman knows, the Senator from New York has been a hard worker in the field of building legislation to help the disadvantaged, the afflicted, and the undereducated. It is with great pleasure I place this statement in the RECORD.

EXHIBIT 1

STATEMENT OF SENATOR JAVITS

I rise in support of S. 2846, the Development Disabilities Services and Facilities Construction Act of 1969, a mark of our nation's progress in meeting the great need to combat mental retardation, and other developmental disabilities originating in childhood, by establishing a creative Federal-State partnership in developing and providing comprehensive services to those so afflicted.

The bill also incorporates an amendment I authored on behalf of the Administration to provde in addition to the State formula grant authority, project grant authority in the Secretary of HEW. The Secretary is authorized to utilize up to 20 percent of the appropriations to make grants to public or nonprofit private agencies to pay up to 90% of the cost of projects for carrying out the purposes of the act which are of special national significance because they will assist in meeting the needs of the disadvantaged with developmental disabilities, or will demonstrate new or improved techniques for provision of services for such persons, or are otherwise specially significant for carrying out the purposes of this title.

I believe this legislation represents an im-

portant advance in the thinking and knowledge of the needs of seriously disabled individuals and progress in the realization that agencies with categorical focus can work cooperatively to provide the comprehensive range of programs that are required. It is widely recognized today that mental retardation is often associated with other kinds of developmental disabilities—such as cerebral palsy, epilepsy, congenital malformations, and the like. Moreover, even normally intelligent children and adults with such developmental disorders may have problems requiring special care, training, treatment, and living arrangements similar to those needed by the mentally retarded. Yet, unlike the retarded, they frequently have urgent needs which are not covered by any of our existing Federal grant programs. This bill would enable programs to be expanded to cover these persons as well.

The disproportionately high incidence of mental retardation in poverty areas in conjunction with research on the effects of cultural deprivation, suggests that contributing to mental retardation may be mother and child malnutrition, chronic disease-producing surroundings, restricted opportunities for learning, and the generally harsh living conditions associated with life in disadvantaged environments. In such circumstances, children are often deprived of the stimuli of touch, talk, shared activity and encouragement that are essential to growth and learning. To meet the critical need—in addition to my special project grant authority amendment—the bill would require the States to give special consideration to the needs of urban and rural poverty areas, as well as require technical and financial assistance to such areas.

The levels of authorization for the new part C of the act—which combines the formula and project program for construction and services and broadens its scope to include with the mentally retarded persons suffering from related developmental disabilities, such as cerebral palsy, epilepsy, and related neurological handicaps—are an indication of our concern for the great unmet needs in providing services to the mentally retarded and persons with developmental disabilities. There are, the New York State Association for Retarded Children advises me, an estimated 3% of the population of the United States, or more than 6,000,000 individuals, who are believed to be mentally retarded and it is probable that between 100,000 and 200,000 babies born each year will be added to this number unless far-reaching preventive measures are discovered and employed.

However, I regretfully caution the people who labor in the field—concerned parents, educators, and other professional personnel—that the enormity of the problem is not met although we now have authorized more than $100 million to combat mental retardation and other developmental disabilities. We must continue to marshal our energies, spirit, and determination, to assure that what has been started—to move the mentally retarded and other developmentally disabled where they can be seen for what they are—human beings who need just as much as the rest of us—a chance to grow and achieve to their fullest ability and potential—will be carried forward and well beyond these immediate years. I pledge myself to continue to seek a great, moving, cooperative effort to combat mental retardation and other developmental disabilities with all the resources available to this great nation of ours.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMINICK. Mr. President, during the quorum call I had an opportunity to discuss the problem of authorizations. I am concerned about them, not because I do not think there is a need for the amount of money provided in the bill, but simply, as I said before, I am afraid if we make authorizations in these amounts we will arouse hopes which will result in disappointments and the failure of the programs when they find the money is not forthcoming.

It is difficult to correlate the sum of $135 million for the part C program, when on the overall program only about $20 million has been requested. The authorization history of this program shows an approximate $20 million annual appropriation level.

I have discussed the matter with the Senator from Massachusetts. He has been one of the leaders in this matter and is interested in it, as are the rest of us. He has gone over applications for funds that have been received from around the country, and he has gone over the applications point by point.

I think it might be advisable to keep the $100 million for this year and suggest we cut back to $125 million from the $135 million for the second year, and back to $150 million instead of $170 million for the third year. This would give us room to hold this position and have the House Members bring their level of authorization up so we can show the real need for it in the Committee on Appropriations.

I intend to submit an amendment but first I would like to have a brief colloquy with the Senator from Massachusetts on this matter.

Mr. KENNEDY. Mr. President, as the Senator from Colorado stated, we are not fulfilling our responsibilities if our legislation builds up expectations that cannot be realized. But I have always felt that our responsibility in the authorizing committee is to try to define an authorization that is realistic in terms of need.

It was my hope and expectation that we could have a 5-year program for the retarded that would adequately reflect the need that exists for this program. In the initial bill that I introduced, we had a 5-year authorization with funds as follows: For the first year, $100 million; for the second year, $150 million; for the third year, $200 million; and for the fourth and fifth years, $250 million each.

The President's panel on mental retardation in 1963 made it clear that if we were going to meet the existing need, we should spend at least $50 million a year. Unfortunately, with the appropriations that have been available under the 1963 act, we have provided only about $70 million for all 7 years of the program. Obviously, we have not met our commitment since 1963. In addition, we know that our problems have been magnified by our growing population.

During the hearings, Dr. Jaslow, of HEW, testified about the existing need. His testimony appears at page 119 of the printed hearings. When asked about the number of applications that had actually been submitted to HEW, he indicated that about 318 construction projects were on the drawing boards now and were being considered, and that the Federal share of these projects would be around $100 million. This does not include funds for staffing these programs.

So even at the present time, in terms of pending applications, the need is well in excess of even the authorization that is proposed for the first year under the bill.

The argument which the Senator from Colorado has made today was also made before the committee. The committee saw fit to reduce the amounts authorized for the second year from $150 million to $135 million, and for the third year from $200 million to $170 million.

As a part of this adjustment, the committee also eliminated the authorizations for the fourth and fifth years of the program.

I feel that the amounts in the committee bill represent a reasonable balance between the problem of creating unfulfilled expectations, and our responsibility assess the need that exists.

The Senator from Colorado has now suggested some additional cuts. He would leave the first year authorization at its present level of $100 million, but he would reduce the authorizations for the second year to $125 million, and for the third year to $150 million.

I am sure these cuts are proposed with the greatest reluctance by the Senator from Colorado. It seems to me unfortunate that such cuts should have to be made. We are at a very early stage in the actual appropriation procedure and we will have to go through a period in which we meet with conferees of the House of Representatives. Later there will be meetings on appropriations by the House and Senate committees. So we are still a long way from realizing the kind of funding that has been proposed in the legislation before us this afternoon.

I look at these additional cuts in the authorization with reluctance. However, it is my understanding that the ranking minority member of the Health Subcommittee feels that if we accept these cuts, the funding will be at a level which he can support with enthusiasm in any conference, and that he can assist in the battle which will be fought to hold the authorizations to these figures as closely as possible.

Mr. DOMINICK. Mr. President, the Senator from Massachusetts is correct when he says I would be willing to support the will of the Senate and of the committee, which I would do in any event, but I think it could be done much more easily if we could get the figures within some reason. Without divulging any secret, I think the Senator will agree that the House is going to propose a smaller amount than we have. Therefore, the delineations the Senator has made of the needs we will have in 1971 and 1972 will be most helpful in trying to maintain these levels. I appreciate the colloquy we have had and the record he

has made in behalf of this proposal. It is my hope that, as a result, we will be able to hold this proposed level of authorization, if my amendment is adopted, and will be able to keep it in conference.

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

Mr. DOMINICK. I yield.

Mr. MURPHY. Mr. President, I am entirely in agreement with the necessity for this bill and the funding for its operation. I think the Senator from Massachusetts and his subcommittee should be commended. The need increases every year.

I rise at this moment to point out that in California, commensurate with the population growth out there, we have great need for such programs. In instituting new programs, unfortunately, at the outset the Governor was criticized because people felt adequate provisions were not being made in the changeover in the program. I am pleased to report that not only have adequate provisions been made, but the programs are dealing with a far greater number of people and doing a much better job.

I am inclined to think that the suggested amendment of the Senator from Colorado is a very practical one. I would like to urge that as the expenditures of the money and the expansion of the services take place, possibly a look could be taken at what happened in California as a means of guidance. I think we all know that one of the problems of government at this time is to create greater services for a smaller amount of taxpayer's dollars, as the taxpayer is already overburdened. It is very easy to say, "Let us provide more service." Where will we get the money? "We will get it from the taxpayer." At times we forget that there is no Federal money.

So I would be inclined to agree with the Senator from Colorado that this would be a more practical beginning approach. Then as the program expands, I am sure the Senator from Massachusetts will request what is necessary, and, with better use of the money, the funds can be raised as necessary.

I thank the Senator for the way he has handled this matter and for attention to the great need involved.

Mr. KENNEDY. I thank the Senator from California. As the Senator probably knows, 14 or 15 States at the present time are spending more on their own individual programs for the retarded than the Federal Government is spending in its total program throughout the Nation. I believe that California is one of the States in the lead in this area. That is why we want to provide adequate authorization figures. We must put the Federal Government in a position to assist the States to move much more rapidly in their programs. In the past this has been a field where Federal grants to the States have enabled the States to mobilize great interest in retardation programs.

Of course, the activities of many of the mental retardation associations in the States have been extraordinary. The National Association for Retarded Children has been especially effective in this area. As a result, the States have assumed great responsibility and have taken great initiative.

Mr. President, I am willing to accept the amendment which I understand the Senator from Colorado has.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CRANSTON). The Chair advises the Senator that the committee amendments must be agreed to before amendments can be offered from the floor.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the committee amendments were agreed to en bloc, as follows:

On page 1, line 6, after the word "of", strike out "1969." and insert "1970."; on page 2, line 2, after the word "Construction", insert "And Operation"; after line 4, insert a new section, as follows:

"SEC. 101. (a) Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, is amended by striking out the caption and substituting the following:

"'TITLE I—SERVICES AND FACILITIES FOR THE MENTALLY RETARDED AND PERSONS WITH OTHER DEVELOPMENTAL DISABILITIES'"

At the beginning of line 13, strike out "Sec. 101.", and insert "(b)"; at the beginning of line 15, insert "the caption and"; in line 18, after the word "Construction", insert "And Operation"; in line 22, after the word "is", insert "to authorize—"; in line 23, after "(a)", strike out "to make"; on page 3, line 1, after the word "persons", strike out "affected by" and insert "with"; in line 2, after the word "disabilities;", strike out "and"; in line 3, after "(b)", strike out "to make"; in the same line, after the word "public", strike out "and", and insert "or"; in line 4, after the word "profit", insert "private"; in line 5, after the word "persons", strike out "affected by" and insert "with"; in line 6, after the word "developmental", strike out "disabilities." and insert "disabilities, including facilities for any of the purposes stated in this section;

"(c) grants for provision of services to persons with developmental disabilities, including costs of operation, staffing, and maintenance of facilities for persons with developmental disabilities;

"(d) grants for State or local planning, administration, or technical assistance relating to services and facilities for persons with developmental disabilities;

"(e) grants for training of specialized personnel needed for the provision of services for persons with developmental disabilities, or research related thereto; and

"(f) grants for developing or demonstrating new or improved techniques for the provision of services for persons with developmental disabilities."; at the beginning of line 23, strike out "provisions" and insert "purposes"; in line 25, after "1971,", strike out "$150,000,000" and insert "$135,000,000"; on page 4, line 1, after "1972," insert "and"; after the amendment just above stated, strike out "$200,000,000", and insert "$170,000,000"; in line 2, after "June 30,", strike out "1973, $250,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975." and insert "1973."; at the beginning of line 8, insert "other than amounts reserved by the Secretary for projects under subsection (e)"; in line 13, after the word "financial", strike out "need" and insert "need,"; in line 17, after the word "than", strike out "$100,000." and insert "$100,000 plus, if such fiscal year is later than the fiscal year ending June 30, 1971, and if the sums so appropriated for such fiscal year exceed the amount authorized to be appropriated to carry out such purposes for the fiscal year ending June 30, 1971, an amount which bears the same ratio to $100,000 as the difference between the amount so appropriated and the amount authorized to be appropriated for the fiscal year ending June 30, 1971, bears to the amount authorized to be appropriated for the fiscal year ending June 30, 1971"; on page 5, line 5, after "134(b)", strike out "(4)" and insert "(5)"; in line 14, after the word "the", strike out "States"; in the same line, after the word "maximum", strike out "permissible allotment" and insert "amount which may be specified pursuant to section 134(b)(15)"; in line 18 after the word "State", insert "shall"; in line 20, after the word "subsequent", strike out "allotments for the specified purpose.", and insert "amounts specified for meeting the Federal share of the cost of construction of such facility."; in line 23, after the word "plan", strike out "developed" and insert "approved"; on page 6, after line 9, insert:

"(c) Whenever the State plan approved in accordance with section 134 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies involved."

At the beginning of line 16, strike out "(c)" and insert "(d)"; on page 7, after line 6, insert:

"(e) Of the sums appropriated pursuant to section 131, such amount as the Secretary may determine, but not more than 20 per centum thereof, shall be available for grants by the Secretary to public or nonprofit private agencies to pay up to 90 per centum of the cost of projects for carrying out the purposes of section 130 which in his judgment are of special national significance because they will assist in meeting the needs of the disadvantaged with developmental disabilities, or will demonstrate new or improved techniques for provision of services for such persons, or are otherwise specially significant for carrying out the purposes of this title."

In line 23, after the word "of", strike out "twelve" and insert "twenty"; on page 8, line 8, after the word "other", insert "persons with"; after the amendment just above stated, strike out "developmentally disabled persons," and insert "developmental disabilities, including leaders"; in line 10, after the word "government," insert "in institutions of higher education," in line 12, after the word "least", strike out "four" and insert "six"; in line 13, after the word "local", insert "public or nonprofit private"; in line 14, after the word "to", strike out "the developmentally disabled," and insert "persons with developmental disabilities,"; in line 15, after the word "least", strike out "four" and insert "six"; in line 21, after the word "the", where it appears the second time, strike out "twelve" and insert "twenty"; in line 22, after the word "appointed," strike out "three", and insert "five"; in line 23, after the word "years," strike out "three" and insert "five"; in line 24, after the word "and", strike out "three" and insert "five"; on page 9, line 20, after the word "exceeding", strike out "$100" and insert "the"; in line 21, after the word "per", strike out "day", and insert "diem equivalent for GS-18 of the General Schedule for each day of such service,"; on page 10, line 16, after the word "which", strike out "may" and insert "will"; after line 20, insert:

"(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;"

On page 11, at the beginning of line 10, strike out "(2)" and insert "(3)"; at the beginning of line 16, strike out "(3)" and insert "(4)"; in line 17, after the word "that", strike out "(i)" and insert "(A)"; in line 22, after the word "services;" strike out "(ii)" and insert "(B)"; in line 25, after the word "organizations;", strike out "(iii)" and insert "(C)"; on page 12, line 4, after the word "and", strike out "(iv)" and insert "(D)"; in line 6, after the word "of", strike out "administering and implementing", and insert "carrying out"; at the beginning of line 8, strike out "(4)" and insert "(5)(A)"; in the same line, after the word "furnishing", strike out "of a range"; in line 11, after the word "specify", strike out "the" and insert "which if any,"; in line 12, after the word "disabilities", insert "(as approved by the Secretary)"; after the amendment just above stated, strike out "which"; in line 15, after the word "to"; insert "eligible"; after the amendment just above stated, strike out "persons with mental retardation and other developmental disabilities;" and insert "persons;"; at the beginning of line 17, strike out "(5)" and insert "(6)"; at the beginning of line 23, strike out "(6)" and insert "(7)"; in the same line, after the word "of", strike out "administration (including" and insert "administration, including"; on page 13, line 1, after the word "merit", strike out "basis, except" and insert "basis (except"; in line 4, after the word "such", strike out "methods") and insert "methods),"; at the beginning of line 7, strike out "(7)" and insert "(8)"; in line 8, after the word "staffed," insert "and"; at the beginning of line 16, strike out "(8)" and insert "(9)"; at the beginning of line 21, strike out "(9)" and insert "(10)"; on page 14, at the beginnig of line 4, strike out "(10)" and insert "(11)"; in line 6, after the word "for", insert "person with"; at the beginning of line 7, strike out "developmentally disabled" and insert "developmental disabilities who are"; at the beginning of line 9, strike out "(11)" and insert "(12)"; in line 11, after the word "of" insert "persons with"; after the amendment just above stated, strike out "developmentally disabled persons" and insert "developmental disabilities"; at the beginning of line 13, strike out "(12)" and insert "(13)"; in line 17, after "(B)", strike out "which"; at the beginning of line 20, strike out "(13)" and insert "(14)"; in line 23, after the word "paragraph", strike out "(12)", and insert "(13),"; on page 15, at the beginning of line 4, strike out "(14)" and insert "(15)"; in line 7, after the word "than", strike out "50 per centum or such lesser per centum of the allotment"; and insert "such per centum as"; at the beginning of line 10, strike out "(15)" and insert "(16)"; at the beginning of line 13, strike out "(16)" and insert "(17):" at the beginning of line 17, strike out "(17)" and insert "(18)"; on page 16, line 6, after the word "or", where it appears the third time, strike out "other"; in line 7, after the word "nonprofit", insert "private"; in line 16, after the word "or", where it appears the second time, strike out "other"; in the same line, after the word "nonprofit", insert "private"; on page 17, line 7, after "(15 F.R." strike out "3176)" and insert "3176; 5 U.S.C. 133z–15)"; on page 18, line 11, after the word "to", insert "the State planning and advisory council designated in section 134(b)(1)(A) and"; on page 19, line 3, after the word "notify", strike out "the State" and insert "such State council and"; on page 20, line 1, after the word "For", strike out "Planning" and insert "Planning, Administration,"; on page 21, line 1, after the word "For", strike out "Planning" and insert "Planning, Administration,"; in line 2, after the word "And", strike out "Service" and insert "Services"; in line 5, after the word "council", insert "and the State agencies designated pursuant to section 134(b)(1)"; at the beginning of line 7, strike out "(1)" and insert "(a)"; at the beginning of line 10, strike out "(2)" and insert "(b)"; in line 13, after the word "council", insert "and agencies"; in line 23, after the word "than", strike out "March" and insert "July"; on page 22, at the beginning of line 5, strike out "(1)" and insert "(a)"; in line 8, after the word "under", insert "a State plan approved under"; at the beginning of line 11, strike out "(2)" and insert "(b)"; in line 12, after the word "services", strike out "which must be"; at the beginning of line 15, strike out "(3)" and insert "(c)"; at the beginning of line 22, strike out "(4)" and insert "(d)" on page 23, line 11, after the word "for", strike out "planning" and insert "planning, administration,"; on page 23, after line 21, strike out:

"(1) inserting 'the Trust Territory of the Pacific Islands' after 'American Samoa' in subsection (a);".

And, in lieu thereof, insert:

"(1) striking out '; for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands' in subsection (a) and inserting 'the Trust Territory of the Pacific Islands,' after 'Virgin Islands,';".

On page 24, at the beginning of line 7, strike out "(2)" and insert "(b)"; in the same line, after the word "for", strike out "the developmentally disabled'" and insert "persons with developmental disabilities'"; in line 11, after the word "persons", strike out "affected by" and insert "with"; in line 13, after the word "words", strike out "'mentally" and insert "'the mentally"; in line 15, after the word "words", strike out "'developmentally disabled'" and insert "'persons with developmental disabilities'"; after line 16, strike out:

"(4) striking out 'August 31, in subsection (j)(1) and inserting in lieu thereof 'September 30'; and"; at the beginning of line 19, strike out "(5)" and insert "(4)"; in line 23, after the word "epilepsy," strike out "a" and insert "or other"; in the same line, after the word "neurological", strike out "impairment, sensory defect, or any other chronic physical or mental impairment" and insert "handicapping condition"; on page 25, line 13, after the word "individual", strike out "affected by" and insert "with"; in line 14, after the word "socio-legal", strike out "services and information and referral services." and insert "services, information and referral services, follow-on services, and transportation services necessary to assure delivery of services to persons with developmental disabilities."; in line 22, after the word "Sections", strike out "403, and 405" and insert "403, 405, and 406"; in line 23, after the word "or", strike out "the developmentally disabled'" and insert "persons with other developmental disabilities'"; on page 26, after line 2, insert:

"(c) Section 404 of such Act is amended by deleting '134(b)' and inserting '134(c)' in lieu thereof."

In line 7, after the word "to", insert "appropriations for"; in line 8, after "June 30," strike out "Provided, however, That funds appropriated prior to that date under part C of the Mental Retardation Facilities Construction Act shall remain available for obligation during the fiscal year ending June 30, 1971." and insert "1970."; in line 13, after "Title II", strike out "Amendments To Part B Of The Mental Retardation Facilities Construction Act" and insert "Construction, Demonstration, and Training Grants For University-Affiliated Facilities For The Mentally Retarded"; on page 27, line 2, after the word "University-Affiliated", strike out "Mental Retardation Facilities"." and insert "Facilities For The Mentally Retarded'"; at the beginning of line 21, strike out "seven" and insert "five"; on page 28, after line 13, insert:

"'Demonstration And Training Grants"; in line 21, after the word "demonstration", strike out "facilities" and insert "facilities,"; in line 22, after the word "for", strike out "personnel" and insert "personnel,"; on page 29, line 4, after "1972", insert "and"; in line 5, after "June 30," strike out "1973; and $20,000,000 for each of the next two fiscal years." and insert "1973."; in line 8, after the word "after", strike out "'Sec. 122,'" and insert "'Sec. 123.'"; in line 10, after the word "facility," insert "by deleting '133(3)' and inserting '139(d)' in lieu thereof"; in line 16, after the word "public", insert "or"; in line 17, after the word "non-profit", insert "private"; in line 23, after the word "progress,'" insert "in subsection (b) thereof."; on page 30, at the beginning of line 7, change the section number from "126" to "127"; and at the beginning of line 12, insert the word "facilities".

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Colorado.

The assistant legislative clerk read as follows:

On page 3, line 25, delete "$135,000,000" and insert "$125,000,000"; on page 4, line 1, delete "$170,000,000" and insert "$150,000,000".

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, if there are no further amendments, I ask for the third reading.

Mr. DOMINICK. 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. 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.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DOLE. Mr. President, last April 14 in my first major speech on the Senate floor, I addressed myself to the problem of 42 million citizens of our Nation who are physically, mentally, or emotionally handicapped. As I pointed out at that time, "these handicapped Americans are

one of our Nation's greatest unmet responsibilities and untapped resources."

With this in mind, I proposed that President Nixon appoint a task force for the handicapped to study the problems and needs of the mentally and physically handicapped.

Last October, the President announced the formation of such a Task Force on the Physically Handicapped. In December, he appointed a Task Force on the Mentally Handicapped. This was a step in the right direction.

Today we are taking another step to demonstrate our commitment to the Nation's handicapped.

MENTAL RETARDATION FACILITIES CONSTRUCTION ACT

Prior to 1963, no Federal legislation existed to support the construction of facilities designed specifically for the mentally retarded. That year, with bipartisan support, Congress passed the Mental Retardation Facilities Act in recognition of the urgent need for the development of manpower, research, and a network of facilities for the delivery of health care to the mentally retarded.

COMMUNITY MENTAL FACILITIES PROGRAM

The Community Mental Facilities program, part C, has provided the basis for 297 projects which will serve 30,000 people not served before, and improved services for an additional 45,000 persons. My State of Kansas has benefitted from this program. On March 21, 1970, I was present at the dedication of Lakemary Center in Paola, Kans. I am particularly proud of that community which in 5 years has built and put into operation an expanded medical, educational and service complex. It is a story of the responsibility which the State of Kansas and its citizens have assumed in meeting the problems of mentally retarded children. I ask unanimous consent that my remarks at the dedication of Lakemary Center be placed in the RECORD following my remarks.

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

(See exhibit 1.)

UNIVERSITY-AFFILIATED FACILITIES PROGRAM

Mr. DOLE. Mr. President, another major effort financed under the 1963 act is the university-affiliated facilities program, part B, which provides grants to assist in the construction of facilities affiliated with universities or colleges which offer interdisciplinary training based on exemplary models of comprehensive services to the mentally retarded. Through 1969, 18 projects have been approved and funded; six have been completed; and eight are scheduled for completion within the next 12 to 18 months.

Kansas has always been a leader in the development of facilities to treat mental illness. As a part of that tradition, the University of Kansas at Lawrence, Kansas University Medical Center at Kansas City, and the Parsons State Hospital are constructing facilities to make possible the utilization of the varied research and clinical training resources at these institutions.

INADEQUATE APPROPRIATIONS

While much has been done, we have really just scratched the surface. Unfortunately, in fiscal year 1969, authorizations were $60 million, while appropriations were $29.5 million. For fiscal year 1970, $84 million was authorized and $21.2 million was appropriated.

Mr. President, because of budgetary pressures, the Congress has been unable to appropriate funds necessary to fulfill the objectives of the Mental Facilities Construction Act. While S. 2846 provides for greatly increased authorizations, that goal appears to be unrealistic at this time.

I am hopeful that an agreeable compromise can be reached with the other body that will consider all of our pressing health needs.

Mr. President, the President's Task Force on the Mentally Handicapped was created to define our priorities for the mentally handicapped in the next decade. In conjunction with the President's Committee on Mental Retardation, of which an outstanding woman from my State, Mrs. Maryanna Beach, is a member, I am confident we can meet the needs of our mentally retarded children.

I urge Senators to support the bill.

EXHIBIT 1

DEDICATION OF LAKEMARY CENTER, PAOLA, KANS., MARCH 21, 1970

This is an historic day—not only for Paola and Miami County—but for all Kansans. It is a special pleasure for me to participate in the dedication of this new residential-day school for mentally handicapped children—the first of its kind in Kansas.

The story of Lakemary and this community is an exciting story of imaginative and enlightened leadership. Thanks to the efforts of its people, Paola is now known as the "Can Do Town."

But this is primarily a story of the responsibility which the State of Kansas and its citizens have assumed in meeting the problems of mentally handicapped children. Here we witness what can happen through community self-help, enlightened Government participation, and the imaginative financial planning of private enterprise.

A PERSONAL CONCERN

As you know, I have a personal concern for what is taking place here today—as one of America's 42 million handicapped.

In my first major speech on the Senate floor, last April 14, I proposed President Nixon appoint a task force for the handicapped to study the problems and needs of the Nation's mentally and physically handicapped.

Last October, the President announced the formation of such a task force on the physically handicapped. This was a step in the right direction in meeting one of America's greatest unmet responsibilities and untapped resources. I am happy to announce that in December my wife, Phyllis and Mrs. Harvey Fried of Prairie Village, were appointed by President Nixon to a task force on the mentally handicapped. They will be submitting their recommendations soon in regard to the entire scope of mental retardation.

PAOLA, KANSAS—NATIONAL LEADERSHIP

As witness to what you have accomplished here, I am proud of the leadership you have taken in meeting the problems of handicapped children and their families.

When considering what this means to the community and the area—Lakemary Center and the other two facilities comprising the medical center complex have made it possible for Paola to attract a wide range of medical and related specialists, many of whom would not otherwise have come into this community and State.

Within the past five years, you have built and put into operation an expanded medical-educational-service complex, covering sixty acres; providing enlarged hospital facilities, an extended care nursing home, and this school for mentally retarded children. In short, your action has extended a critical need far beyond your community and State.

Thanks to what the people of Paola have devoted themselves to in the creation of this center, a generally recognized national commitment to improving the educational opportunities for handicapped children has been greatly enhanced. What you have accomplished here is proof that both the public and private sectors of this nation have awakened to the tremendous long-run importance of starting early in an effort to insure meaningful lives for the youngest members of this untapped national resource.

THREE CONCEPTS

My remarks this morning have been based upon three concepts which have inspired my past actions and are at the heart of the story behind Lakemary and the people of this community:

First, That every child should have the opportunity to grow, develop, and contribute to his or her fullest capability;

Second, that we who represent America's professional governmental and religious institutions share one basic goal: to provide the best possible services for the handicapped child and his family at the time and place needed; and

Third, that helping handicapped children is not solely a government responsibility; neither is it a purely private or voluntary venture. It should and must be a cooperative, coordinated partnership—among the handicapped, their families, private enterprise, and government at all levels.

Finally, I wish to congratulate Sister Patrice and the Ursuline Sisters, and Mike Schwartz for this magnificent accomplishment. To initiate this project, the Ursuline Academy provided $50,000 in cash and 34 acres of land valued at $50,000 as the initial assets for Lakemary. It was Mike Schwartz's idea to utilize municipal industrial bonds to finance a nonprofit facility. Under Mike's leadership, these 25-year bonds were successfully marketed. The Citizens State Bank and the five other Miami County banks purchased these bonds, and today Citizens State Bank serves as trustee. With an HEW grant of $545,000 assured, construction was launched in 1967 to give us what we see before us today.

I believe Mike spoke for all of us when he said: "Our philosophy is that if we help our people and community to be successful financially, some of it will rub off on us. What we have accomplished is the result of the interest and labor of hundreds of people over a long period of time. Paolo may not be big in size, but its heart is big and its people are willing to do what is needed for progress. We think that is the real strength of the county."

The PRESIDING OFFICER (Mr. CRANSTON). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi, (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT, the Senator from Alaska, (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator

from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Louisiana (Mr. LONG), the Senator from Washington Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL) and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

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

The Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Kansas (Mr. PEARSON) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 69, nays 0, as follows:

[No. 129 Leg.]

YEAS—69

Aiken	Cook	Fong
Allen	Cooper	Goldwater
Allott	Cotton	Goodell
Bayh	Cranston	Gore
Bellmon	Curtis	Griffin
Boggs	Dole	Hansen
Burdick	Dominick	Hart
Byrd, Va.	Eagleton	Hartke
Byrd, W. Va.	Ellender	Hatfield
Case	Ervin	Holland
Church	Fannin	Hollings
Inouye	Nelson	Smith, Ill.
Jackson	Packwood	Sparkman
Jordan, Idaho	Pastore	Spong
Kennedy	Percy	Stennis
Mathias	Prouty	Symington
McCarthy	Proxmire	Talmadge
McClellan	Randolph	Tower
McGovern	Ribicoff	Tydings
McIntyre	Saxbe	Williams, Del.
Metcalf	Schweiker	Yarborough
Mondale	Scott	Young, N. Dak.
Murphy	Smith, Maine	Young, Ohio

NAYS—0

NOT VOTING—31

Anderson	Harris	Moss
Baker	Hruska	Mundt
Bennett	Hughes	Muskie
Bible	Javits	Pearson
Brooke	Jordan, N.C.	Pell
Cannon	Long	Russell
Dodd	Magnuson	Stevens
Eastland	Mansfield	Thurmond
Fulbright	McGee	Williams, N.J.
Gravel	Miller	
Gurney	Montoya	

So the bill (S. 2846) was passed, as follows:

S. 2846

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Services and Facilities Construction Act of 1970."

TITLE I—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 101. (a) Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, is amended by striking out the caption and substituting the following:

"TITLE I—SERVICES AND FACILITIES FOR THE MENTALLY RETARDED AND PERSONS WITH OTHER DEVELOPMENTAL DISABILITIES"

(b) Part C of the Mental Retardation Facilities Construction Act, as amended, is amended by striking out the caption and sections 131 through 137 and substituting the following:

"PART C—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"DECLARATION OF PURPOSE

"SEC. 130. The purpose of this part is to authorize—

"(a) grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services to persons with developmental disabilities;

"(b) grants to assist public or non-profit private agencies in the construction of facilities for the provision of services to persons with developmental disabilities, including facilities for any of the purposes stated in this section;

"(c) grants for provision of services to persons with developmental disabilities, including costs of operation, staffing, and maintenance of facilities for persons with developmental disabilities;

"(d) grants for State or local planning, administration, or technical assistance relating to services and facilities for persons with developmental disabilities;

"(e) grants for training of specialized personnel needed for the provision of services for persons with developmental disabilities, or research related thereto; and

"(f) grants for developing or demonstrating new or improved techniques for the provision of services for persons with developmental disabilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. In order to make the grants to carry out the purposes of section 130, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1971, $125,000,000 for the fiscal year ending June 30, 1972, and $150,000,000 for the fiscal year ending June 30, 1973.

"STATE ALLOTMENTS

"SEC. 132. (a) (1) From the sums appropriated to carry out the purposes of section 130 for each fiscal year, other than amounts reserved by the Secretary for projects under subsection (e), the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for services and facilities for persons with developmental disabilities, and (C) the financial need, of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any such fiscal year shall not be less than $100,000 plus, if such fiscal year is later than the fiscal year ending June 30, 1971, and if the sums so appropriated for such fiscal year exceed the amount authorized to be appropriated to carry out such purposes for the fiscal year ending June 30, 1971, an amount which bears the same ratio to $100,000 as the difference between the amount so appropriated and the amount authorized to be appropriated for the fiscal year ending June 30, 1971, bears to the amount authorized to be appropriated for the fiscal year ending June 30, 1971.

"(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b) (5), in the State plan of such State approved under this part.

"(3) Sums allotted to a State for a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year: *Provided,* That whenever the State plan calls for the construction of a specific facility the Federal share of which will exceed the maximum amount which may be specified pursuant to section 134(b) (15) for construction for the fiscal year, the Secretary may, on the request of the State, provide that funds allotted to the State shall remain available, to the extent necessary but not to exceed two additional years, to be combined with subsequent amounts specified for meeting the Federal share of the cost of construction of such facility.

"(b) Whenever the State plan approved in accordance with section 134 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of this part. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

"(c) Whenever the State plan approved in accordance with section 134 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies involved.

"(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

"(e) Of the sums appropriated pursuant to section 131, such amount as the Secretary may determine, but not more than 20 per centum thereof, shall be available for grants by the Secretary to public or nonprofit private agencies to pay up to 90 per centum of the cost of projects for carrying out the purposes of section 130 which in his judgment are of special national significance because they will assist in meeting the needs of the disadvantaged with developmental disabilities, or will demonstrate new or improved techniques for provision of services for such persons, or are otherwise specially significant for carrying out the purposes of this title.

"NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

"SEC. 133. (a)(1) There is hereby established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereinafter referred to as the 'Council'), which shall consist of twenty members, not otherwise in the regular full-time employ of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

"(2) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(3) The members of the Council shall be selected from leaders in the fields of service to the mentally retarded and other persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations representing consumers of such services. At least six members shall be representative of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and at least six shall be representative of the interests of consumers of such services.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twenty members first appointed, five shall hold office for a term of three years, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Secretary at the time of appointment.

"(c) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title, and (2) study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

"(d) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as it may require to carry out such functions.

"(e) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the per diem equivalent for GS-18 of the General Schedule for each day of such service, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"STATE PLANS

"SEC. 134. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with developmental disabilities must—

"(1) designate (A) a State planning and advisory council, to be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary; (B) the State agency or agencies which will administer or supervise the administration of all or designated portions of the State plan; and (C) a single State agency as the sole agency for administering or supervising the administration of grants for construction under the State plan;

"(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

"(3) set forth policies and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

"(4) contain or be supported by assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds will be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such non-Federal funds; and (D) there will be reasonable State financial participation in the cost of carrying out the State plan;

"(5)(A) provide for the furnishing of services and facilities for persons with developmental disabilities associated with mental retardation, (B) specify which, if any, other categories of developmental disabilities (as approved by the Secretary) will be included in the State plan, and (C) describe the quality, extent, and scope of such services as will be provided to eligible persons;

"(6) provide that services and facilities furnished under the plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services and the maintenance and operation of such facilities;

"(7) provide such methods of administration, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(8) provide that the State planning and advisory council shall be adequately staffed, and shall include representatives of each of the principal State agencies and representatives of local agencies and nongovernmental organizations and groups concerned with services for persons with developmental disabilities: *Provided*, That at least one-third of the membership of such council shall consist of representatives of consumers of such services;

"(9) provide that the State planning and advisory council will from time to time, but not less often than annually, review and evaluate its State plan approved under this section and submit appropriate modifications to the Secretary;

"(10) provide that the State agencies designated in paragraph (1) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(11) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in securing services and facilities for persons with developmental disabilities who are residents of such areas;

"(12) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of persons with developmental disabilities in the State;

"(13) provide for the development of a program of construction of facilities for the provision of services for persons with developmental disabilities which (A) is based on a statewide inventory of existing facilities and survey of need; and (B) meets the requirements prescribed by the Secretary for furnishing needed services to persons unable to pay therefor;

"(14) set forth the relative need, determined in accordance with regulations prescribed by the Secretary, for the several projects included in the construction program referred to in paragraph (13), and assign priority to the construction of projects, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(15) specify the per centum of the State's allotment (under section 132) for

any year which is to be devoted to construction of facilities, which per centum shall be not more than such per centum as the Secretary may from time to time prescribe;

"(16) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part; and

"(18) contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"APPROVAL OF PROJECTS FOR CONSTRUCTION

"SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary, through the State agency designated in section 134(b)(1)(C), an application by the State or a political subdivision thereof or by a public or nonprofit *private* agency. If two or more agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the facility;

"(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) (3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

"(b) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (1) that the application contains such reasonable assurances as to title, financial support, and payment of prevailing rates of wages and overtime pay, (2) that the plans and specifications are in accord with regulations prescribed by the Secretary, (3) that the application is in conformity with the State plan approved under this part, and (4) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

"(c) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

"WITHHOLDING OF PAYMENTS FOR CONSTRUCTION

"SEC. 136. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council designated in section 134(b)(1)(A) and the State agency designated in section 134 (b)(1)(C) finds—

"(a) that the State agency is not complying substantially with the provisions required by section 134(b) to be included in the State plan, or with regulations of the Secretary;

"(b) that any assurance required to be given in an application filed under section 135 is not being or cannot be carried out;

"(c) that there is a substantial failure to carry out plans and specifications related to construction approved by the Secretary under section 134; or

"(d) that adequate funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify such State council and agency that—

"(e) no further payments will be made to the State for construction from allotments under this part; or

"(f) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (a), (b), (c), or (d) of this section;

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project which the application has already been approved and which is not directly affected, further payments for construction projects may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES

"SEC. 137. (a)(1) From each State's allotments for a fiscal year under section 132, the State shall be paid the Federal share of the expenditures, other than expenditures for construction, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

"(2) For the purpose of determining the Federal share of any State, expenditures by a political subdivision thereof or by nonprofit private agencies, organizations, and groups shall, subject to such limitations and conditions as may be prescribed by regulations, be regarded as expenditures by such State.

"(b) The 'Federal share' for any State for purposes of this section for any fiscal year shall be 80 per centum of the expenditures, other than expenditures for construction, incurred by the State during such year under its State plan approved under this part.

"WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES

"SEC. 138. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council and the State agencies designated pursuant to section 134(b)(1) finds that—

"(a) there is a failure to comply substantially with any of the provisions required by section 134 to be included in the State plan; or

"(b) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State council and agencies that further payments will not be made to the State under this part (or, in his discretion, that further payments will not be made to the State under this part for activities in which there is such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payment to the State under this part, or shall limit further payment under this part to such State to activities in which there is no such failure.

"REGULATIONS

"SEC. 139. Not later than July 1, 1970, the Secretary, after consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled (established by section 133), by general regulations applicable uniformly to all the States, shall prescribe—

(a) the kinds of services which are needed to provide adequate programs for persons with developmental disabilities, the kinds of services which may be provided under a State plan approved under this part, and the categories of persons for whom such services may be provided;

(b) standards as to the scope and quality of services provided for persons with developmental disabilities under a State plan approved under this part;

(c) the general manner in which a State, in carrying out its State plan approved under this part, shall determine priorities for services and facilities based on type of service, categories of persons to be served, and type of disability, with special consideration being given to the needs for such services and facilities in areas of urban and rural poverty; and

(d) general standards of construction and equipment for facilities of different classes and in different types of location.

"NONDUPLICATION

"SEC. 140. (a) In determining the amount of any payment for the construction of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"(b) In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved under this part, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

SEC. 102. (a) Section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2691), is amended by—

(1) striking out "; for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands" in subsection (a) and inserting "the Trust Territory of the Pacific Islands," after "Virgin Islands,";

(2) striking out subsection (b) and inserting in lieu thereof the following:

"(b) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more

services to persons with one or more developmental disabilities.";

(3) striking out the words "the mentally retarded" wherever they occur in subsection (d) and inserting the words "persons with developmental disabilities" in lieu thereof;

(4) by adding at the end of the section the following subsections:

"(l) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological handicapping condition of an individual which originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(m) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day-care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and sociolegal services, information and referral services, follow-on services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"(n) The term 'regulations' means (unless the text otherwise indicates) regulations promulgated by the Secretary."

(b) Sections 403, 405, and 406 of such Act are amended by inserting the words "or persons with other developmental disabilities" after the words "mentally retarded" wherever they occur.

(c) Section 404 of such Act is amended by deleting "134(b)" and inserting "134(c)" in lieu thereof.

EFFECTIVE DATE

SEC. 103. The amendments made by this title shall apply with respect to appropriations for fiscal years beginning after June 30, 1970.

TITLE II—CONSTRUCTION, DEMONSTRATION, AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES FOR THE MENTALLY RETARDED

CAPTION

SEC. 201. (a) (1) The caption to part B of the Mental Retardation Facilities Construction Act is amended to read as follows:

"CONSTRUCTION, DEMONSTRATION AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES FOR THE MENTALLY RETARDED

CONSTRUCTION GRANTS

SEC. 202. (a) The first sentence of section 121(a) of the Mental Retardation Facilities Construction Act is amended—

(1) by striking out "clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded (which for purposes of this part, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part) and";

(2) by striking out "clinical training" and inserting in lieu thereof: "interdisciplinary training"; and

(3) by striking out "each for the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970" and inserting in lieu thereof: "for each of the next five fiscal years".

(b) Section 121 of such Act is amended by adding at the end thereof the following subsection:

"(c) For purposes of this part, the term 'mentally retarded' shall include mental retardation and other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part."

DEMONSTRATION AND TRAINING GRANTS

SEC. 203. Part B of the Mental Retardation Facilities Construction Act is amended by redesignating sections 122, 123, 124, and 125 as sections 123, 124, 125, and 126, respectively, and by adding the following new section after section 121:

"DEMONSTRATION AND TRAINING GRANTS

"SEC. 122. (a) For the purpose of assisting institutions of higher education to contribute more effectively to the solution of complex health, education, and social problems of children and adults suffering from mental retardation, the Secretary may, in accordance with the provisions of this part, make grants to cover costs of administering and operating demonstration facilities, and interdisciplinary training programs for personnel, needed to render specialized services to the mentally retarded, including established disciplines as well as new kinds of training to meet critical shortages in the care of the mentally retarded.

"(b) For the purpose of making grants under this section, there is authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1971; $11,000,000 for the fiscal year ending June 30, 1972; and $15,000,000 for the fiscal year ending June 30, 1973.

SEC. 204. Section 123 of such Act, as redesignated by this Act, is amended by inserting "(a)" after "Sec. 213.", by inserting "the construction of" before "any facility," by deleting "133(3)" and inserting "139(d)" in lieu thereof, and by adding the following new subsection at the end thereof:

"(b) Applications for demonstration or training grants under this part may be approved by the Secretary only if the applicant is a college or university operating a facility of the type descrbed in section 121, or is a public or nonprofit private agency or organization operating such a facility."

SEC. 205. Section 124 of such Act, as redesignated by this Act, is amended by deleting the phrases "for the construction of a facility" and "of construction" in subsection (a) thereof, and by deleting the phrase "in such installments consistent with construction progress," in subsection (b) thereof.

SEC. 206. Section 125 of such Act, as redesignated by this Act, is amended by inserting "construction" before "funds" in the first line thereof.

MAINTENANCE OF EFFORT

SEC. 207. Such Act is amended by adding at the end thereof the following new section:

MAINTENANCE OF EFFORT

"SEC. 127. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for mental retardation facilities, services and training which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds."

Mr. KENNEDY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

PERSONAL STATEMENT BY MRS. SMITH OF MAINE

Mrs. SMITH of Maine. Mr. President, I rise on a point of personal privilege.

Presidential Counsellor Bryce N. Harlow has impugned the integrity and veracity of my office. He stated on the CBS-TV morning news program on Friday, April 10, 1970, with respect to his call to Senator MARLOW COOK stating that I had been won over to vote for Judge Carswell that the "information came from Mrs. SMITH's office."

He first claimed to me on Wednesday that such information came from my executive assistant, Bill Lewis. That false accusation was completely refuted later that very day and again the next day on Thursday by the receptionist in the Senate Office Building office of the Vice President where the false report originated.

Yet, early the next day, on Friday, he repeats the false accusation, but broadens it to my "office" instead of Mr. Lewis and does not specify any individual.

About an hour prior to the Carswell vote on Wednesday, April 8, 1970, Presidential Counsellor Bryce N. Harlow, and members of his White House lobbying team, called some Republican Senators stating that I had been won over and would vote for Judge Carswell and that they should do likewise.

When I learned of this I called Mr. Harlow, expressed my resentment to him, and asked on what basis he was making this representation. He stated that my executive assistant, Bill Lewis, had so stated as reported by Presidential Assistant for Senate Relations, Kenneth E. BeLieu.

I then went to Mr. BeLieu who stated that he had been informed by Walter L. Mote, Administrative Assistant to the Vice President, who had received the word from one of the girls in the Vice President's Capitol office, who had received the word from the receptionist in the Vice President's office in the New Senate Office Building, who had received it from a man passing in the hall in front of the Vice President's office.

After the vote that day, Bill Lewis went to the Vice President's receptionist and stated that she had been quoted as saying denied that she had made such a statethat he had told her that I would vote for Judge Carswell. She emphatically ment.

The next day on Thursday, April 9, 1970, Mr. BeLieu asked to talk with Mr. Lewis. He came to the office and expressed his regrets about the incident to Mr. Lewis and stated that he had questioned the Vice President's receptionist and she had unequivocally denied that Mr. Lewis had made the statement attributed to him. He related the sequence of the report—the Vice President's New Senate Office Building receptionist to the girls in the Vice President's Capitol office to the Vice President's Administrative Assistant to Mr. BeLieu to Mr. Harlow.

Mr. BeLieu and Mr. Lewis then came into my office and Mr. BeLieu repeated to me the statements he had made to Mr. Lewis.

On Friday, April 10, 1970, the day after Mr. BeLieu's visit to my office, a CBS representative called Bill Lewis and stated that Mr. Harlow on the CBS-TV news program that morning had stated that the "information came from Mrs. Smith's office."

It was incredible that he would make such a statement after Mr. BeLieu's statements to me and Mr. Lewis the afternoon before. To be sure about this, the transcript was checked and verified that Mr. Harlow had made the statement.

There are only two men on my staff—my executive assistant and my secretary—both have denied unequivocally that they had made such a statement of how I would vote to the Vice President's receptionist or to anyone else.

When verification of Mr. Harlow's statement on CBS-TV was made, Mr. Lewis called Mr. BeLieu and told him of the Harlow statement.

Mr. Lewis stated that he wanted to check again with Mr. BeLieu on accuracy of recollection of Mr. BeLieu's statements of the day before and Mr. BeLieu reaffirmed his statements.

I am shocked at the repeated irresponsibility of Mr. Harlow both before and after the vote.

He has a serious obligation to make positive identification and submit positive proof—or retract his statement and apologize.

EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE

Mr. PASTORE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 747, S. 3637.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3637, to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. PASTORE. Mr. President, I think that the pending bill is of intense interest to everyone in this Chamber and I would very much appreciate their indulgence and their attention so that they will understand what the pending measure really is and what it really does.

Mr. President, today, the Senate begins consideration of S. 3637, a bill to amend section 315 of the Communications Act of 1934, as amended. Among other things, that section requires a licensee of a broadcast station who permits any legally qualified candidate for a public office to use his facilities to afford equal opportunities to all other candidates for that office to use the facilities.

S. 3637 would repeal that requirement insofar as it applies to legally qualified candidates for the Office of President and Vice President.

Section 315 also requires that the charges made by a licensee for the use of his station by a legally qualified candidate for any of the purposes set forth in the section shall not exceed the charges made for the comparable use of such station for other purposes.

This legislation would also amend that requirement so that a licensee could not charge any such candidate who uses his station more than the station's lowest unit charge for any time period.

In all other respects section 315 remains applicable to the use of broadcast facilities by legally qualified candidates for public office. This means the prohibition against censorship as presently contained in section 315 remains intact with respect to all candidates, including those for the Offices of President and Vice President.

It also means that this legislation does not diminish or affect in anyway the FCC policy or existing law which holds that a licensee's statutory obligation to serve the public interest is to include the broad encompassing duty of providing a fair cross section of opinion in the station's coverage of public affairs and matters of public controversy. This standard of fairness applies to political broadcasts not coming within the coverage of section 315, such as speeches by spokesmen for candidates as distinguished from candidates themselves.

Mr. President, the amendments recommended in S. 3637 are the result of extensive hearings and deliberations by the Commerce Committee.

The committee unanimously agreed that they are the minimum steps necessary if the public is to receive the full benefit of the dynamic media of radio and television in the arena of political broadcasting. And, after all, this is the fundamental purpose of section 315—to insure that the electorate is fully informed on the issues and the candidates.

The airwaves, especially those used for television, now play a dominant role in political campaigning. During the 1968 presidential election campaign a candidate could with a single message lasting 1 minute, presented within one program, on one television network, reach as many as 23 million viewers of voting age—a number equal to almost a third of the votes cast in that election. Prior to television, with the most intensive campaign, a candidate could have reached only a small fraction of that audience.

In recognition of the value of the medium to inform the electorate, and encouraged by the results of the 1960 suspension which resulted in the Kennedy-Nixon debates, the committee believes that repeal of section 315(a) with respect to candidates for the offices of President and Vice President will provide the opportunity for the major party candidates in cooperation with the broadcasters to present their views without the inhibitions presently contained in section 315.

In doing so, however, I wish to emphasize that all other provisions of section 315 remain applicable to these candidates.

As a matter of fact, I may say here parenthetically that our committee, and especially the chairman of that subcommittee, who is addressing the Chair and the Senate at this time, is very eager to obtain a pledge from the networks that they would in no way dictate the format. And the hearings indicate very definitely that they will cooperate.

This is what the president of NBC said:

> To advance this purpose three years ago, I pledged that NBC television network would make available a designated number of prime time half hours for appearances by the Presidential and Vice Presidential candidates of the major parties of the 1968 campaign. We proposed to offer the time without charge for the candidates to use as they saw fit.

Mr. President, I want to emphasize that.

Mr. President, there has been a tremendous amount of discussion and debate in this country about the cost of national elections.

Last year the Republican candidate, I understand, spent more than $12 million. The Democratic candidate spent more than $6 million. Four years before the situation was just the reverse. It was the Democratic candidate who spent more money than the Republican candidate.

The question has arisen whether all of this is becoming rather scandalous—the amount of money that is being spent for television in a political campaign.

We realize that television is an intricate part of the campaign process. But there has to be a limit on how much money can be spent. Otherwise we will end up realizing that only the wealthy can seek the Office of President. That would be a tragedy for our democratic process.

Mr. President, I want to make it absolutely clear that the networks have promised that if we enact the provisions of this bill that have been reported by the committee, they will give one-half hour of prime time, several spots, to the prominent presidential candidates without charge, that time to be used by the candidates as they themselves see fit.

How anyone could refuse that offer is beyond me.

I also wish to point out that in urging the adoption of this legislation repealing section 315 as it applies to presidential and vice presidential candidates, the committee is not endorsing any particular format for the appearances of the candidates. Rather, complete freedom is being given to the broadcaster and candidates to develop specific program formats for the appearance of the candidates. The committee feels that the flexibility being given in this legislation will permit the broadcaster and candidates to innovate and experiment with various program formats, including joint appearances. Whatever is done, should be done as a result of discussion, negotiations, and cooperation between the candidates and the broadcasters.

Mr. President, we do not want any of this stage business of the empty chair or any other gimmick.

This has to be on a dignified basis. This is an offer made by the networks to meet the problem of the very excessive costs involved. This has nothing to do with the purchase of time. This has nothing to do with the amount of time that will be given by the networks if we relieve them of section 315. The time will be

given free to presidential and vice presidential candidates on a format to be chosen by the candidate.

It is expressly intended, therefore, that each candidate be free to choose his own format.

Moreover, the committee has been assured by the networks that in addition to the time made available to major party candidates, free time will also be made available on a fair basis to the candidate of any significant third party which might emerge, such as the States Rights Party in 1948 or the Progressive Parties in 1924 and 1948 or the American Independent Party in 1968.

One might ask what would be done in the case of Wallace. There is no question at all that he was a significant candidate at that time. He would be given an appropriate amount of time to use at his own discretion.

Mr. President, in addition to relieving broadcasters of some of the strictures of section 315, S. 3637 would also bring some semblance of uniformity to the rates charged candidates for public office and enable them to purchase time at the more favorable rates available to commercial advertisers.

Here again I wish to emphasize that the committee's ultimate purpose is to make information on the issues and candidates more widely available to the public.

As presently applied, section 315(b) requires the charges made for the use of any broadcasting station by a candidate shall not exceed the charges made for the comparable use of such station for other purposes. All discount privileges offered by a station to commercial advertisers by reason of bulk time sales or other commercial trade practices are only available to candidates under equal terms.

Mr. President, I think I should explain that in simple language. Today a commercial advertiser can go to a broadcasting station and get a package deal. He is advertising, let us say, a detergent, or soap, or some other article. Because he takes a certain number of time periods over a matter of months or throughout the entire season, he gets a special rate.

In other words, a minute might cost him, let us say, $200. Then a candidate for public office comes along, whether it be for the office of Senator, Governor, or President. He wants to buy a 1-minute spot for the 8 weeks before the election. He does not have a package, so that will cost him $400 a minute. That is a hypothetical case.

This amendment provides that in no case for any office, even a school committeeman, can a broadcaster charge for a particular time period at any time more than the lowest cost he charges any other advertiser for that period. That, I am told, could be between 30 to 50 percent. This is in the public interest because the public is entitled to know the issues and the candidates.

Since a political candidate's broadcast time requirements are limited in terms of weeks or a few months at best, he cannot avail himself of the favorable rates available to commercial advertisers who usually buy time for much more time and for longer periods.

Thus, despite the present provisions of section 315(b), he is at a distinct disadvantage insofar as benefiting from combinations of rates or other arrangements offered the usual commercial time buyer.

We are all aware that these commercial practices are intended as incentives to advertisers, and they are related to the demands of the marketplace.

Nevertheless, broadcasting is impressed with a public trust; and broadcasting licenses are conditioned upon service to the public.

Accordingly, S. 3637 provides that the charge made to a candidate for the use of broadcast facilities for any amount of time not to exceed the lowest unit charge made to any commercial advertiser for the same amount of time in the same time period.

This means that a candidate, regardless of how little time he wished to purchase, could purchase it at the same low rate it was sold by the station to the commercial advertiser who may have bought it under the most favorable arrangement.

In other words, if a candidate wishes to purchase a unit of time during prime time on a week night, he could only be charged the lowest rate that was charged a commercial advertiser for a similar unit in the same time segment, regardless of what sort of a bulk time or combination time sales agreement the commercial buyer entered into in order to receive the lowest rate.

In order to facilitate administration of this provision, and so that licensees may know their obligation under it, the FCC would adopt appropriate rules and regulations to assure that licensees comply with this provision in S. 3637 providing candidates with the opportunity to purchase time at the lowest unit rate.

Mr. President, S. 3637 does not contain the final answer to the spiraling cost of campaigning via the electronic media. As I noted earlier, the committee feels that the provisions of this legislation are minimum steps that must be taken if candidates are to be able to use this media in a manner that is most beneficial to the public.

In recommending this legislation in its present form the committee was mindful of the complex nature of the subject. Accordingly, it has sought to draft provisions that are easily understood and applied so that candidates will know their rights; licensees their obligations; and the FCC will be able to administer the provisions expeditiously.

That is what the bill contains. I am perfectly willing to answer any questions, but before I yield I want to bring out this matter. Last Thursday I introduced an amendment I intend to call up. I am going to modify it slightly. I introduced an amendment, which I explained in the RECORD for the benefit of the Senate. In essence, this is what my amendment would do. I repeat that television and radio have become a very integral and essential part of the campaign process. There is no question at all about it. Because it is such a dynamic media and because it reaches so many people the political campaigner, naturally, would like to indulge in it to some extent. But it is costly—very costly.

As I pointed out, the cost was about $18 million on the national level. There have been some States—and I have been flabbergasted by this information—where some candidates in seeking office that pays only $42,500 a year have paid a half million dollars for television alone. This money has to be raised and that is where the possibility of scandal comes in. If the candidate is not wealthy enough to get it from his own pocket he has to raise the money. And that is where these contrivances come in. So we end up with $100 dinners, $1,000 dinners, and in Washington a short while ago it was a $1½ million dinner that made the headlines.

Mr. President, all of that effort is to do what? It is to create a television image. I think it is essential to keep this matter under control. That is what my amendment would seek to do. My amendment is very simple. I can state it in one paragraph. My amendment would limit the expenditure of money by the candidate, or anyone in his behalf—Committees for Pastore, Committees for Percy, Committees for Stennis, or for anybody—so that, all told a candidate could not spend for the electronic media more than the sum of 5 cents multiplied by the number of votes in the previous election.

Mr. President, I will tell you what that means. This is the money spent just to buy, not production. In Mississippi you could spend $32,725.45. That is a lot of money. Your opponent could not spend any more. The way it operates now, it is, "I'll go you one better; and I'll go you one better." It is something we are all subject to. Drive along a highway during a campaign and you will see your opponent's billboard and you have to have one across the road from him. After the election you could kick yourself for the extravagance, but when election time comes, you do it all over again. It is getting out of bounds.

In the case of Illinois, you could spend $230,987.45 alone to purchase time and your opponent could not spend more. All of this has been figured out from the point of experience. In my State, it comes to about $20,000. I have recommended a minimum of $20,000 to meet the needs of a State with a small voting population. Therefore, we do have a floor of $20,000; not less than $20,000 in any State. But above that it is predicated upon 5 cents for the number of votes cast in the previous election. That is a reasonable figure and it would bind everyone running for that office. You would have to file a record with the Secretary of the Senate; the broadcasters have to keep a record. It would be the easiest thing in the world to check, and it will bring this whole matter into an area of commonsense and sanity.

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

Mr. PASTORE. I yield.

Mr. PERCY. Mr. President, I concur in what the Senator is trying to accomplish. I understand this would apply only to general elections and would not affect primary elections.

Mr. PASTORE. That is correct.

Mr. PERCY. What concerns me is that one candidate may have no primary opposition from one party and yet another candidate may have intensive competition. He may spend a tremendous amount of money in that competition on television to sell his name and his ideas and get his point of view across. The other candidate, with no contest has no reason to spend much money.

With the limitation in the general election, is it going to force the candidate to really spend when it is unlimited in order to get his message across?

Mr. PASTORE. My experience is that a primary has never helped anybody, and I have been at it for 35 years. You are more apt to be hurt in a primary than helped.

But the practical question is, How we would go about it? How can there be a limitation? If primaries were included we would run into a buzz saw. If the Senator wishes to include the primaries I would be willing to consider it now but it is at election time that we are essentially concerned and that is when the candidate has a real opponent.

The political complection of the country is changing. The two-party system is becoming stronger throughout the country. In due time the primary system will be an intraparty fight and no more.

We did consider that. It complicates the whole matter. I think this present measure is a fine practical beginning and that is where it should stay.

Mr. PERCY. My second question is this. I have not had a chance to consider this matter thoroughly. If we get into a limitation of one type of advertising and communicating, does it imply there will be control over other aspects? The use of television is a decision a candidate may or may not make based on whether that would be the best use for his money. But if there is a limitation on television, would the arbitrary limitation on television cause candidates to spend unlimited amounts of money on radio, billboards, direct mailing, and newspaper advertisements? I am not sure why we discriminate against advertising on television and think we are controlling the matter.

Mr. PASTORE. It would not be discriminating. Here is the story. This includes radio, as well. The controversy has been raging for years. As a result, there was appointed what is known as the Twentieth Century Fund Committee on Campaign Costs. This was headed by Newton Minow, with such people as Thomas Corcoran and Dean Burch as members. They came before our committee and here was one of their recommendations. I do not question their motives. They did it "for free." The Senator and I, being Members of the Senate, know how impractical it is. This is their recommendation: That the broadcasters charge the presidential candidates no more than half of what the cost is and that the other half would be underwritten by the Congress of the United States out of the U.S. Treasury. The Senator knows what a chance that has of passing. That is one idea.

Then we had another idea from the group known as a Committee for a More Effective Congress. The proposal was that we offer a specific number of 1-minute spots at special discounts. I do not want to tell a candidate what format he should use. I want him to decide how he is going to spend his money. We decide how much, and the candidate decides how he shall spend his money, we do not tell him what his format is going to be.

We studied all these proposals. I felt that we could control it best in this way we have spelled out. This is predicated on experience.

But the Senator raises the question why we do not undertake restrictions with respect to newspapers. The Congress ought to do it, under the Corrupt Practices Act. We have a limitation under the law. The only trouble is that we have shot it so full of holes. One cannot spend more than 3 cents per voter under the law, so they engage in subterfuge of having various committees spend money for the candidates. We ought to do our job better. I am on the Communications Subcommittee of the Committee on Commerce. I can deal only with the electronic media, which is the most dynamic part of the news media, and that is what we are dealing with at this time. This is the only phase in our specific jurisdiction. All the other elements the Senator is discussing are for the Congress to take care, but I point out that this particular matter is under the jurisdiction of my subcommittee. If we try to take care of all of these other matters, nothing will happen.

Mr. PERCY. Will the Senator yield for another question?

Mr. PASTORE. I yield.

Mr. PERCY. I keep thinking of the built-in advantages that an incumbent has, and I feel comfortable about it, being an incumbent; but I can also remember the problems I had as a challenger, looking from the outside in. I can remember the built-in advantages that a challenger is working against, the franking privilege and the post office privilege. A challenger is working against the advantages that an incumbent has in the way of television studios downstairs, with films being ground out at cost. A challenger is constantly working against the incumbent.

I can remember working against Paul Douglas, and I can remember seeing the public service telecasts coming on Sunday morning or Saturday night for 15 minutes, black and white at that time. Think about how much it would cost a challenging candidate to get 15 minutes of sometimes prime time, trying to get name identification, when I was not known from a barn door, and when Paul Douglas, the incumbent, had been known for 18 years. I remember the amount of money it took in my State. It took $1 million in my State to wage a losing campaign, just to try to pull name identification up from zero to somewhere into 50 or 60 percent, and still be battling a name recognition of 80 or 90 percent.

I wonder if it is not unfair to a challenger to put an arbitrary limitation on the most dramatic way he has of getting his name and story across, even though I realize it would be a tremendous advantage to me? The incumbent does not declare until he has to. The equal time provision does not apply until he becomes a candidate. So all the incumbent has to do is withhold his candidacy, trying to get as much of the free time as is available to him as so-called public service. Yet he thinks of it not so much as public service as utilizing it for running for his next candidacy. I wonder if the challenger should be so limited in view of the built-in advantages that an incumbent has.

Mr. PASTORE. I do not mean to be facetious about this, but, after all, the Senator won; did he not?

Mr. PERCY. The second time.

Mr. PASTORE. That is right, and that is the best proof of the success of his campaign. On the other hand, is the Senator telling me that $250,000 spent in his State on television is insufficient to bring his story before the people? If I were proposing a miniscule amount, the Senator would have an argument, but, after all, the figure is reasonable. The amount of time is limited by a quarter of a million dollars to be spent. My goodness, the salary for this job is only $42,500. What is a senatorial candidate going to do? Buy it?

Mr. PERCY. I know that is the implication.

Mr. PASTORE. Of course that is the implication, and the public is getting disconcerted and suspicious. They say, "What gives here? What can be in this job that pays only $42,500; yet a man will go out and spend $2 million to win it? What gives here?" If I were on the outside looking in, very frankly I would ask the same question. I think this is becoming scandalous in many areas. At some point we have to put the brakes on. If the Senator does not think 5 cents a voter is enough, I am willing to listen; but we must have a ceiling. Otherwise the sky is the limit. Someone will come along who has abundant money and who can take it out of his own pocket. He may be running against someone who does not have the money, and will have to get it from these assorted and sometimes questioned procedures of raising money over which the public is getting aroused. This question of campaign costs hits the front pages of the newspapers all over the country.

We had that problem before the committee. The committee is making certain recommendations. We have analyzed all the proposals, and we think this is the ultimate decision. I am not tied down to any pride of authorship. I think something needs to be done. Something has got to be done.

I have run for office. The first time I ran for Governor we spent $50,000.

That was in 1946—$50,000 was spent and I was elected Governor. I understand that in the last campaign they spent half a million dollars. They tell me that in New York State it costs $3 million. What has this become? This is terrible. It is nothing less than terrible. This has to be a bad reflection on our whole democratic election campaign process unless we begin to tie or nail it down.

I think the day must and will come when we do something about these other media of campaigning. I think there should be stricter laws. I think there should be greater accountability by the incumbent and by the opponent as to how much money is being spent and how the money is being raised.

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

Mr. PASTORE. I yield.

Mr. ALLEN. First, I want to commend the distinguished Senator from Rhode Island for the outstanding leadership he has furnished in this field in attempting to see to it that the great power of the television medium is used in the general public interest. I want to commend him, too, on the purposes behind and in support of the pending measure.

I would like to ask the distinguished Senator, however, if the bill as introduced is in accordance with the recommendations of the committee, and I read from the fifth full paragraph and the seventh paragraph on page 6 of the committee report:

> Accordingly, your committee urges that the charge made to a candidate for the use of broadcast facilities for any amount of time not to exceed the lowest unit charge made to any commercial advertiser for the same amount of time in the same time period.

Skipping a paragraph and going on:

> In other words, if a candidate wishes to purchase a unit of time during prime time on a weeknight, he could only be charged the lowest rate that was charged a commercial advertiser for a similar unit in the same time segment, regardless of what sort of a bulk time or combination time sales agreement the commercial buyer entered into in order to receive the lowest rate.

I am heartily in favor of the move for comparability for political advertising as compared with commercial advertising, even to the extent of allowing the less frequent user of political advertising the same rate as the quantity discount allowed to the commercial user.

I note that the bill itself says:

> The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for any time period.

That would mean that a political advertiser in the prime time of around 7:30 p.m., would have to pay only the lowest rate, which I assume would be the rate along about the time of the late late show.

I do not believe that is what the Senator has in mind.

Mr. PASTORE. No; it does not mean that at all, and perhaps a clarification there would be desirable. It is not intended to mean that. For the same time period.

Mr. ALLEN. Yes. I suggest the use of the committee language, as found in the committee report: "not to exceed the lowest unit charge made to any commercial advertiser for the same amount of time in the same time period."

Mr. PASTORE. I agree. Mr. President, could the bill be modified to that extent?

The PRESIDING OFFICER (Mr. DOLE). Will the Senator state his modification?

Mr. GRIFFIN. Mr. President, reserving the right to object, what was the request?

Mr. PASTORE. There is a question of misconstruction here. In the bill we used the words "any time," which was intended to mean during the same time period; and the Senator from Alabama brings up the thought, and properly so, that that could be misconstrued, that a cheaper time let us say during the morning hours, would have to be at the same rate as prime time. He is correcting that, and I think it is a good modification.

Mr. GRIFFIN. I might say I had noticed the same problem in the language.

Mr. ALLEN. It did seem to be unfair to the medium, in that the lowest charge is late at night or early in the morning, and for prime time advertising, under the bill as reported, the political advertiser could claim the lowest rate charged at any time during the day.

Mr. PASTORE. That was never intended, but I am glad that the point has been made.

Mr. GRIFFIN. What are the words suggested?

Mr. PASTORE. To use the word "same" instead of "any."

Mr. ALLEN. To use the words of the committee report: "not to exceed the lowest unit charge made to any commercial advertiser for the same amount of time in the same period."

Mr. PASTORE. That is right.

Mr. GRIFFIN. No objection. If the Senator will send that modification to the desk, I do not think we will have any trouble with it.

Mr. COTTON. Curiously enough, in the committee report, that expression is used, and then later the bill was written without it. But it was intended by the committee, I am sure.

Had the Senator from Rhode Island finished with the floor? I did not intend that he yield to me. Is the Senator's point determined?

Mr. PASTORE. That point is determined. I was going to bring up an amendment.

Mr. COTTON. If the Senator will yield very briefly before he brings up his amendment, and before we get into debate, if there is to be a debate on the merits of controlling or limiting expenditures in this fashion, I should like to state, on behalf of the minority members of the committee who were present at the executive session when this bill was finally discussed and reported, first, that we join in commending the distinguished Senator from Rhode Island. I think that through the years, he has acquired—I do not mean that he did not have it in the first place, but he has gained tremendous knowledge and grasp of the problems of communications, in his capacity as chairman of the Subcommittee on Communications.

The subject which is now before the Senate is not a new one. Before the campaign of 1960, the record will show there was a temporary suspension of section 315 which took place during that campaign. As a result, there occurred the debate between Mr. Kennedy and Mr. Nixon, who were the candidates.

In that case, neither of the candidates was President of the United States; they were both running for the Presidency.

Then later, in 1964, this rule was resumed. In other words, the suspension was discontinued, and I think this was perfectly natural. At that time, Lyndon Johnson was President of the United States, with a candidate who did not have the prestige of the Office running against him. I do not know that the President himself had any statements to make upon the subject, but many of his supporters did not want the President of the United States to be placed in a position of refusing to debate or refusing to meet his opponent.

The Senator from New Hampshire at that time spoke at some length on this floor on that question, and took the position that if the President of the United States felt that the dignity of his Office and commonsense dictated that he should not use the prestige of that Office to provide an audience for a new man running against him, all he had to do was refuse. We should not change the rule simply to relieve the President from the necessity of making that decision.

However, the rule was changed. Now we are up against a situation where the boot is on the other foot. I have not had any indication from anyone down at the White House that the President of the United States now has any objection, but nothing would surprise me. It would not surprise me at all if, the day after tomorrow, someone would come up from the White House and say, "We do not want this rule now, because the present President of the United States would be placed in the embarrassing situation of appearing not to want to confront his opponents."

I say right now that if that happens, I shall take the same position I took in 1964.

Mr. PASTORE. Will the Senator yield at that point?

Mr. COTTON. I yield.

Mr. PASTORE. I think the Senator is absolutely correct. I took the same position myself. I know that President Kennedy was quite eager for the debate format. That is understandable; I think he was one of the best debaters the Senate ever produced.

Mr. COTTON. That was before he was President, however.

Mr. PASTORE. Yes. But after he became President, he sent a recommenda-

tion up to continue the law; I think in fairness that should be stated.

I will say this: President Johnson felt very differently about it, as the Senator has pointed out. I do not think the President of the United States ought to be made to debate with anyone. I think, as President of the United States, he might be asked embarrassing questions. If he accepts, he might be led into revealing classified information. If he does not answer, it would look as if he were hiding something, and that would be unfair.

That is the reason I requested and received a pledge from the networks that the format would have to be at the choosing of the candidates. If the candidate says solo, it is solo. If they want to debate, that is their business. But if not, there would be no embarrassment, no empty chair business, and the time would be given free.

Mr. COTTON. That appears in the committee report.

Mr. PASTORE. Yes.

Mr. COTTON. Is the Senator satisfied that that is sufficient protection, the assurance the committee and the chairman received from the networks plus the report? Does he feel that is ample assurance, without those words being written into the bill?

Mr. PASTORE. Without any question at all. To go farther than that would actually, I am afraid, reflect upon the integrity of the networks, and I do not think that they would renege.

Mr. COTTON. I agree with the distinguished Senator, but it is important that we make this legislative history, I think.

Mr. President, may I simply say this: The committee, at least all those who were present when the bill was reported out, were in agreement on the first part of the suspension of rule 315. We were in agreement on the second step—namely, the step that broadcasters must not charge political advertisers—that is, bona fide legal candidates—more than the low unit rate which they give to their regular business advertisers who advertise all year round. We felt that that was a perfectly just enactment because, after all, political candidates are not running all the year round. So it is in a sense a discrimination against them and against the people who want to hear them if they are not given the same rate that the regular advertisers on the particular broadcasting station are given for the same time.

That was the purpose of the committee and I think of the distinguished Senator from Alabama.

Mr. PASTORE. That was sometimes used by certain broadcasters—in full fairness, I say not all and not most—as a way of not allowing sufficient time. They would boost these rates for political purposes, making the charges for time almost prohibitive.

Mr. COTTON. On those two points, the committee was in agreement.

As to the rest of the bill we were considering, there was disagreement. There was some disagreement—about the advisability of the limit that is in the amendment of the distinguished Senator from Rhode Island which he was about to offer.

There were other provisions in the bill which gave a lower rate, a discount, for bona fide candidates; and my recollection is that it was for candidates for the Senate and the House of Representatives. Then the question was raised, "How about people running for Governor, and how about people running for attorney general, and how about people running for the State senate?"

While there was some merit in the proposal, many of us felt that one of the worst things we could do, at a time when Congress is being criticized for increasing its own salaries and for various other reasons, would be to present a bill which gave a discount under the regular advertising rates on the air. The distinguished Senator from Rhode Island, the chairman of the subcommittee, was very understanding and very reasonable about it. To some of us who were in opposition, he said, "We agree. Let us report to the floor of the Senate the bill with just the two points in it, and then these other points—namely, the restriction on limiting of expenditures for advertising, possibly the matter of discounts and a lower rate of advertising for candidates—and any of the other points that were in the original bill can be offered in the form of amendments. If the Senate chooses to take them, the Senate will do so. But we will report that portion of the bill on which we are in agreement."

So this portion of the bill, as it now reads, represents the unanimous view of the committee—at least, the unanimous views of all those members of the committee who were present and with whom we had contact. I do not attempt to speak for every member. They were the unanimous views of most of the committee; I will put it that way.

So far as the minority were concerned, we were in accord with the majority—in fact, I think it was the suggestion of the Senator from New Hampshire that we confine ourselves to this.

Mr. PASTORE. The Senator will admit that the majority felt that there should be some limitation on the expenditure. Some thought the limitation should be as to time, as against others who thought it should be as to money. Rather than come out with a confused situation, we thought we would openly debate it on the floor of the Senate and make up our minds as to whether it should be one or the other or neither. But we were unanimous on the question of the two that are contained within the bill; that is true.

Mr. COTTON. The Senator from New Hampshire would not attempt to say that there was not a majority that favored some limitation of expenditures. It did not come to a vote, as I recall. It was a matter of discussion. A substantial number of the committee—quite possibly a majority of those present—felt that they wanted some limitation, but they were not entirely in accord as to what limitation.

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

Mr. COTTON. I yield.

Mr. GORE. I have listened with a great deal of interest to the debate. All the debate has been about the candidates. I wonder if the committee gave some consideration to the rights of the people.

It seems to me that there are two rights here—one is to be adequately informed of the issues and the questions to be decided. But is there not some other right here—the right to be protected against an overuse? Many people look at television for amusement; others view it for education and news.

During the course of campaigns, when there is a multiplicity of candidates, with everybody spending all sorts of money, I find that it just about usurps the time, and the people become terribly irritated with it. Is there not some obligation to protect the people?

Mr. PASTORE. There is a modification in the amendment I am proposing to the effect that adequate time shall be made available to political candidates in prime time, consistent with other needs of the community.

I know of a case in which a candidate for an office bought the time usually devoted to Bishop Sheen. I need not tell you what happened. He lost the election.

Of course, overexposure is bad. I think that anybody who takes up the time, let us say, of Bob Hope on a special is taking his political life in his own hands.

Mr. COTTON. I shall surrender the floor in a moment.

In answer to the question that was well raised by the distinguished Senator from Tennessee, the committee did discuss that—both the right of the people to have an opportunity to hear the views, particularly of the candidates for President and Vice President, as well as other major candidates within reason; and what the Senator has referred to—the right of the people to be protected from too much of this.

I think it probably does not need any act of Congress to protect the public from having their favorite programs pushed off the air by candidates; because, as the Senator from Rhode Island has just intimated, in those cases punishment will come swiftly and surely.

Mr. GORE. That is one angle, and I recognize that that happens sometimes. But there is also not the destruction but the minimization of this great medium of communication and of education. If by abusing the purchase of television time, television—not only for one candidate but for all candidates in aggregate as well—becomes so tiresome and so obnoxious to the people that the program is turned off, and the use of the medium is thus degraded, it seems to me that there ought to be some limit to the time that politics can usurp television time going into everyone's living room.

Mr. COTTON. Mr. President, while the distinguished Senator from Tennessee is meditating on that problem, I should like to invite his attention to the fact that there are things much more effective than anything we can do in the bill, to take care of the very good point the Senator from Tennessee raises.

I think that the problem of the national conventions of the two political parties goes back to the time they were fixed. Years ago they were fixed at a time so as to allow all participants 4 or 5 days to get home, and the campaign could not start for 2 or 3 weeks or a month almost after the candidates had been nominated by the conventions. This was before the time of lightning communication. Still, we continue to hold the Democratic and Republican National Conventions at approximately the same time before the elections that we did in those bygone years. The result has been—that the public has listened for a solid week while Democrats view with alarm and point with pride, and then listened for another solid week while the Republicans view with alarm and point with pride. And this verbage repeated right up to the night before election. The people hear all this dinned into their ears repeatedly until they are so sick of it, it has a dangerous result; namely, a loss of interest by the American people. It goes on and on so long and there is so much of it, that the last 2 or 3 weeks of a campaign sometimes serve to merely reduce the number of votes cast.

Mr. PASTORE. As to the limitation—and that is the point the Senator from Rhode Island makes—the limitation will cut down to a reasonable extent on that, so that there will be adequate exposure but not overexposure. That is its purpose. I think we use too much time on television for campaign purposes. There is overexposure which becomes so competitive that when your opponent is on, you have to get on, too, and this goes back and forth and it just escalates.

I believe the limitation puts it within reasonable bounds, not 4 cents or 6 cents. I have been guided by the firm experience which would indicate that 5 cents is reasonable enough. I do not think that is too much or too little. If we make it 10 cents, that is too much.

Mr. COTTON. Just one more brief statement and then I will yield the floor. May I suggest to the Senator that we should consider moving the conventions up to a later time so that we can start the campaign. I am shocked when I hear people talking about having a popular election and destroying the electoral college instead of revising it.

God only knows how we would manage if we had to have two presidential campaigns, but that is what we have to think of.

Mr. GORE. Mr. President, this bill raises an extremely important subject. The amendment offered by the Senator from Rhode Island also raises one now.

The Senator from Illinois raised the point that the incumbent has the advantage of name recognition. This name recognition helps, and it also hurts. This name recognition comes from voting on controversial issues. There have been some votes recently that gave me some name recognition that I could do without. [Laughter.] But the question of name recognition is not all a plus. There is a good deal of minus in it.

Mr. COTTON. Mr. President, let me recapitulate in three sentences.

First, the Senator is quite right that two items in the bill were agreed upon by those present when the committee reported, both majority and minority sides. Other matters were resolved to leave to be settled on the floor. I commend the Senator from Rhode Island for his broadmindedness in agreeing so readily to simplifying the work of the committee, asking for what we were practically all agreed upon, and then leaving those points in disagreement so that amendments will be debated on them.

Mr. SCOTT. Mr. President, will the Senator from Kansas yield to me before he makes his unanimous-consent request?

Mr. PEARSON. I am glad to yield for that purpose.

Mr. SCOTT. Mr. President, I understand that the Senator from Kansas is about to propose a unanimous-consent request as to a limitation on time, but before we get into that, I want to make a brief comment that the distinguished chairman of the subcommittee, the Senator from Rhode Island (Mr. PASTORE), is entirely consistent with the debate of August 18, 1964, when he pointed out:

> I have some qualms as to whether a President should have a confrontation with a candidate. There are two schools of thought on that particular subject. Be that as it may, I think the proposed legislation is in the public interest. The format is left up to the candidates themselves. They can arrange the format as they please and if they please.

That, Mr. President, pretty much represents my own position. I do not see much need to belabor the point.

The distinguished Senator from New Hampshire has made the point that the bill as it came to the floor has the unanimous support of the Committee on Commerce, and that there is some difference of opinion on the amendment of the distinguished Senator from Rhode Island with regard to the limitation of time. On that one, I have to confess that I have some concern and some doubts, because we obviously have no history of it. We have not had enough study as to how the limitation would work out and whether, even though it is on a so much provoked basis, that is, fairly as between the largest and the small, or as between the incumbent and the nonincumbent, that I reserve my opinion until we hear more debate.

At this time, I should like to yield to the distinguished Senator from Kansas, who wishes to propose, as I understand it——

Mr. PASTORE. Before the Senator does that, may I point out one section for his own attention without any comment, as to why I make this observation in his particular case. My formula would allow him and his opponent—each—to spend up to $237,396.40 just for purchase time.

I just thought the Senator should know that and think about it.

Mr. SCOTT. I am glad to know how much time we will have. I wish I could find some way to get away from this whole business of being obliged to do it under the present system, of dependence upon contributions. I happen to like the Long system where $1 is taken out of the income tax. Of course, many people are being taken off the income tax rolls, so that they might not have any interest in the election thereby, if they did not have to put their $1 and lay it on the line. But I would like to have it made available to put that $1 up for campaign expenditures, rather than depending on contributors. We all have some sense of obligation to people who have some ax to grind. It is a difficult and undesirable situation.

Now, Mr. President, I yield to the Senator from Kansas.

The PRESIDING OFFICER (Mr. DOLE). The Chair would inform the Senator from Pennsylvania that the Senator from Kansas (Mr. PEARSON) already has the floor.

Will the distinguished Senator yield for a moment so that we can report the pending amendment?

Mr. PEARSON. I yield.

The PRESIDING OFFICER. The clerk will state the amendment.

The BILL CLERK. On page 2, line 6, after the word "station", strike out "for any time period.' "; and insert "for the same amount of time in the same time period."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. PEARSON. Mr. President, I propose a unanimous-consent agreement, that there be a limitation of time on each amendment, 30 minutes on a side, and a similar limitation on any amendment to the amendments, and that there be a limitation of time on the bill of 1 hour.

Mr. COTTON. Mr. President, reserving the right to object——

Mr. SCOTT. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. SCOTT. Mr. President, would the Senator accept an amendment to his proposal to the effect that the debate at such time be after the morning business has been concluded?

Mr. PEARSON. That was what I had in mind.

Mr. GORE. Mr. President, reserving the right to object, I am apprehensive that my colleagues have not appreciated the importance of the pending bill and the amendment.

The able senior Senator from Rhode Island did not complete his speech. Part of his remarks was inserted in the RECORD. I would be prepared to consider a limitation on tomorrow after I have been able to read the RECORD and give it some thought. However, I hope the Senator will wait until tomorrow to present his request.

Mr. PASTORE. Mr. President, if the Senator will yield, I had a page and a half of my remarks printed in the RECORD. However, I covered the points extemporaneously anyway.

Mr. GORE. I am sure the Senator improved on that part of it.

Mr. PASTORE. The statement does not say anything more than I stated on the floor. I covered the written part in my extemporaneous remarks.

If that is what the Senator desires, it is satisfactory to me.

Mr. GORE. Mr. President, I have in mind that I may want to offer an amendment. This is an extremely important bit of legislation affecting the rights of the people as well as of the candidates themselves. I would not be prepared to agree to a limitation at this time. I might be on tomorrow.

Mr. PEARSON. Mr. President, I understand there has been objection.

The PRESIDING OFFICER. Objection has been heard.

Mr. SCOTT. Mr. President, since the request has been withdrawn, I would hope that we could at least have an agreement not to vote today. It is obvious that amendments will be offered. I hope that we could at least have an understanding among the Senators present that we do not intend to vote until tomorrow.

Senators might be able to make their plans accordingly. And some Senators are absent today and might be here on tomorrow.

I make that as a suggestion and not as a unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. PASTORE. Mr. President, I ask unanimous consent that after the conclusion of business today, the bill be made the pending business after the completion of the morning hour tomorrow.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I will not object—does the Senator mean after the transaction of routine morning business on tomorrow?

Mr. PASTORE. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I have no objection.

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

Mr. HOLLAND. Mr. President, I would like to address a question or two to the Senator from Rhode Island with the request that the Senator from New Hampshire also listen.

Am I correct in my understanding that, except for the provision with reference to the amount of charges to candidates other than candidates for the Office of President and Vice President, the bill would accomplish exactly what was accomplished by the 1960 amendments?

Mr. PASTORE. With one exception, that we have a pledge from the networks that they will give these half-hour time periods during prime time, several of them, to be used at the choosing of the candidates themselves.

Mr. HOLLAND. Mr. President, the Senator means they would do that now or did it then?

Mr. PASTORE. At that time, there was a serious question that resolved itself into debate. Had there been no debate, I do not think there would have been free time.

Mr. HOLLAND. Mr. President, do I understand that as to all candidates to the Senate and House, Governorships, and local offices, this amendment would make no change at all except in the amount of charges not being greater than the best rates made available to other users of the same type of time?

Mr. PASTORE. The Senator is correct.

Mr. HOLLAND. Then the amendment would change the law exactly as the 1960 amendments changed it with what difference? I do not understand completely what the Senator meant as to the difference between the 1960 situation and the present one. It seems to me, just looking at the changes, that it makes precisely the same changes, so far as the reading of the law is concerned, that it did in 1960.

Mr. PASTORE. With one exception. In 1960 we applied it alone to the 1960 election. In this matter, we would make it permanent. So it would effect the 1972 election.

Outside of that point, the Senator is correct. It does not make any change at all.

Mr. HOLLAND. Mr. President, I thank the Senator. I thought the change then was good, and I believe that the change now will be good.

I am glad that it has not been made applicable to other candidates, because as I stated during the other debate prior to the 1960 amendments, I think there has been some showing of favoritism to candidates in other races which would be very hurtful to some candidates.

Since this applies only to the President and Vice President and makes exactly the same change as was made in 1960, except that this becomes permanent legislation, it seems to me that this is nothing but an expression on the part of Congress—if it be enacted—that the 1960 experiment was a success and that we are willing to make it applicable to all presidential races beginning with the 1972 race.

I thank the Senator for yielding.

Mr. BYRD of Virginia. Mr. President, do I correctly understand that the amendment offered by the Senator from Rhode Island, with respect to the limitation of 5 cents per vote, would apply only to the time charges for television or radio and not to the production?

Mr. PASTORE. The Senator is correct. It would be only with respect to the time.

I should point out to the Senator from Virginia that with respect to Virginia the cost involved for the office of Governor would be $68,000. That is for the purchase of time and not production.

Mr. BYRD of Virginia. Mr. President, assuming that candidates for public office outside——

Mr. PASTORE. Mr. President, an independent candidate could spend $68,000.

Mr. BYRD of Virginia. Mr. President, I will phrase it another way. There is nothing in the legislation that would affect an independent candidate.

Mr. PASTORE. The Senator is correct. I had the Senator in mind. When he comes back as an Independent Senator, I still want him to sit on this side of the aisle.

Mr. PEARSON. Mr. President, last year the distinguished Senator from Michigan (Mr. HART) joined with me and 36 of our colleagues in sponsoring the Campaign Broadcast Reform Act, S. 2876, in an attempt to come to grips with the problem of soaring campaign costs that are dangerously distorting our traditional democratic political system. Today we are considering a greatly amended version of this original proposal sponsored by the distinguished Senator from Rhode Island (Mr. PASTORE) that has been reported out favorably by the Senate Commerce Committee, after extensive hearings on the use of television in today's political campaigns conducted by the Subcommittee on Communication. The bill reported by the committee—S. 3637—is a worthwhile proposal that merits serious consideration though I believe a few changes could and should be made. I know my distinguished colleague from Rhode Island shares this view and, in fact, has already offered one substantive amendment—amendment No. 580.

Mr. President, campaign costs have been soaring in recent years and have already reached dangerous heights in many instances. It is said that Abraham Lincoln spent only 75 cents on his 1846 Congressional campaign and for the next 100 years most of the growth in political spending corresponded to the increases in our population and our cost of living. The sudden and enormous spurt in campaign spending of 114 percent since 1952 can be directly attributable only to the revolutionary role of television in American politics.

To illustrate just how much the cost of television has escalated the cost of modern politics, reference is made to the amounts our presidential candidates have spent per vote over the past several decades. From 1912 through 1928 the cost per vote cast for the two major candidates never exceeded 19 to 20 cents. In fact, it even remained at this relatively low level during the elections of 1952 and 1956. But in the past 12 years this cost indicator has increased by over 300 percent—reaching 67 cents per vote in 1968 if spending on behalf of the third party candidate, Mr. George Wallace, is included.

Thus, Mr. President, we are faced with the recent phenomenon; namely, the extensive use of television by candidates for major office. Whether or not this trend is desirable, today's conditions have made heavy reliance upon television seem necessary.

For example, although the size of the electorate is steadily growing the number of Senators and Congressman is fixed at 535. Thus with few exceptions, each Member of Congress is representing more and more people every year.

In 1910, for example, the average congressional district contained 210,000 people. By 1930 this figure had risen to 280,000. By 1960 it had reached 410,000 and today the average is around 470,000. Thus communicating with constituents is becoming more difficult for officeholders

and candidates alike. Many believe that the only really effective way to reach the people in most areas is through television. And as a result television has become literally indispensable. In most instances failure to use the medium when a political opponent does so is to virtually guarantee defeat. Mr. President, for any candidate to compete even at a bare minimum level is to incur staggering expenses far beyond the reach of the average man.

Statistics, although subject to question because of the haziness in reporting, serve to demonstrate the point. The total cost of all campaigns last year was estimated at approximately $300 million, an increase of 50 percent since 1964 and 100 percent since 1956. It was estimated that roughly $58.9 million of this total was expended on political broadcasts with 64.5 percent being spent on television.

The full extent of the insatiable demands of this campaign revolution are best revealed when the specific requirements for House and Senate races are concerned. A memorandum prepared at my request brought forth the following estimates. Many House races cost at least $100,000—of which 40 to 50 percent is often spent on broadcast time. As for the Senate, several candidates last year were told by their advertising agencies that television would cost them 10 cents for every man, woman, and child in their State. If this figure is used as an average, senatorial candidates in six States would expect to pay at least $1 million for television if they conducted what would be considered a well-run campaign. In California and New York this sum would be near $2 million and these figures do not even include the production costs which are normally the equivalent of one-fourth of the expense of air time.

As a recent study by the New York City Bar Association showed, a majority of all Senators elected last year reported heavy purchases of television time, and the report further showed that all Senators save one whose service began after April 1957 have relied heavily upon television use.

Clearly, then, television is essential. Television is expensive. And no other medium of communication offers an acceptable alternative.

It should also be pointed out, Mr. President, that the high cost due to the heavy use of television demanded by today's political contests has been considerably fueled by an average rise of 30 to 40 percent in television rates between 1961 and 1967. The need to raise these enormous sums of money completely prices out the man of modest means unless he is able to secure the backing of wealthy special interest groups.

Mr. President, the implications of this situation for our cherished democratic system of Government should cause some alarm. It seems to me that we can act to reverse the current narrowing of the political arena to the wealthy or the obligated few before it is too late.

If we do not have the wisdom and courage to reform our political system from within in a rapidly changing America, then there are many who stand ready to cast aside our institutions by revolution rather than by evolution. Public confidence can only be maintained by reforming obvious inequities.

Mr. President, in addition to repealing the equal time provision of the Communication Act of 1934 as applied to Presidential and Vice Presidential candidates in order to permit the broadcasting industry to make free time available to major contenders, the bill reported by the Commerce Committee provides that no legally qualified candidate shall be charged more than the lowest unit charge for any time period which he may purchase. This last provision is a vital first step toward meeting the spiralling costs of campaigning at all levels. It means that contenders for major public office will be treated the same as corporate advertisers selling soap, stoves, automobiles, or whatever. Heretofore, every time a candidate seeking the heavy responsibilities of public office appeared to buy some broadcast time to air his views before his fellow citizens, he usually was charged at the highest rates. I submit that such action is contrary to the spirit of the existing law requiring broadcasters to operate in the public interest and thus I welcome the new requirement that will insure that political broadcasts which involve issues of weighty public importance are charged at the lowest unit rate. This provision will still permit broadcasters to make a profit and should go a long way toward reducing the horrendous costs of seeking major office that are driving many talented men of modest means from public life.

Mr. President, action is needed and needed now if we are to halt the trend toward even greater and greater campaign spending. It is needed because it is right, not because it will favor one political party over another or one candidate over another and I hope it will be supported on this basis. This bill deserves passage on its merits and I would urge all those who feel financially secure at the moment to remember how quickly the tides of fortune can change. The object of this proposal is to try and equalize candidates in terms of the money they will need to communicate their views accurately to the electorate whose support they are seeking. It is in everyone's interest to have candidates chosen because of their qualifications instead of the size of their campaign chests and I trust that a majority of the Congress shares this view and will thus speed this bill to the President's desk for signature.

ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10:30 a.m., tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS JAVITS AND DOLE TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that immediately after the disposition of the reading of the Journal on tomorrow, the senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 1 hour and that after the conclusion of the remarks of the Senator from New York, the Senator from Kansas (Mr. DOLE) be recognized for not to exceed 20 minutes.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that following the remarks of the Senator from Kansas (Mr. DOLE), there be a period for the transaction of routine morning business with the usual 3-minute limitation.

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

ORDER OF BUSINESS ON TUESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of the period for the transaction of routine morning business on tomorrow, the unfinished business be laid before the Senate.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the Pastore rule of germaneness not begin to run on tomorrow until all special orders heretofore entered into have been concluded.

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

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 tomorrow morning.

The motion was agreed to, and (at 4 o'clock and 21 minutes p.m.), the Senate adjourned until tomorrow, Tuesday, April 14, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 1970:

IN THE MARINE CORPS

The following-named staff noncommissioned officer for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Goff. Gary L.

The following-named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Glynn, Patrick J.