to $300 million a year in these operations.

And we know that we are deeply immersed in a war involving some 70,000 Laotians, about 15,000 to 20,000 Pathet Lao Communist guerrillas, and about 60,000 North Vietnamese.

I readily acknowledge that this situation was inherited by the current administration. I also acknowledge that the North Vietnamese are clear aggressors in this nation. But the administration's recent message, in dwelling almost entirely on these two points, completely misses the central issue.

That issue is this: Does the executive branch have the right to involve U.S. forces—whether Army, CIA, or in any other guise—in a war with neither the knowledge nor the consent of either Congress or the American people? I say very clearly that the administration has no such right.

I am not speaking of "aid," or "advisers," or of the bombing of the Ho Chi Minh Trail in Laos. I am referring to Americans directly involved in combat—whether air or ground—in the Laotian war.

The Geneva Accords forbid this involvement.

We have no defense treaties with Laos, such as the SEATO pact we have with South Vietnam, and Laos is not within any established defense perimeter.

There has been no executive directive or resolution, such as the controversial Tonkin Gulf Resolution, and nothing about the current situation in Laos could be construed as the type of international emergency which could justify unilateral executive action.

Congress made its views on ground action in Laos absolutely clear last session by passing a law prohibiting the use of any funds for the support of combat troops there or in Thailand. Now it appears that this law is being violated simply by a change of uniforms—from Green Beret to CIA.

But most important, the right to declare war belongs, by the Constitution of the United States, to Congress, and Congress alone. I had hoped that the National Commitments Resolution passed last spring reinforced that fact. But clearly, we are once again getting drawn into a war in spite of our best intentions, in spite of our disastrous experience in Vietnam, and in spite of the Constitution of this country.

I do not think that our national interest can possibly justify the introduction of ground troops in Laos. But if there are national interests which are somehow at stake, I have every confidence in the ability of Congress and the American people to decide upon the proper course of action.

And I have no confidence in the CIA, the Pentagon, or any other branch of Government which is not directly answerable to the American people to make that decision.

The Congress must regain control over this situation. We need to know what the CIA is doing in support of Gen. Van Peo's secret army and how this involvement can be justified in the light of clear prohibitions against ground involvement in Laos.

We need to know about the bombing sorties being flown in support of the Laotian Army.

We need to know what the administration plans to do if the North Vietnamese and the Pathet Lao move southward. Will "honor" and "commitments" again escalate our involvement from a handfull of advisers to a half million men?

And we need to know, above all, how long we must wait until we can recall our secret army and restore to Congress its constitutional responsibility for making such vital decisions.

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## DEPLORABLE CONDITIONS OF THE AMERICAN INDIAN

Mr. MONDALE. Mr. President, in recent months the Senate has clearly documented the deplorable conditions of the American Indian. First, the Special Subcommittee on Indian Education issued its report entitled, "Indian Education: A National Tragedy—A National Challenge." That monumental study of the manner in which we educate—noneducate may be a better word—Indian children made it very clear that Indians do not receive equal educational opportunities.

That report was followed in January by the release of the Joint Economic Committee's compendium, "Toward Economic Development for Native American Communities," which revealed some of the reasons why Indians are always first—in sickness, unemployment, suicides, and a host of other statistical categories.

Today, I offer for your attention another study. This was not performed by the Federal Government, but by the Minneapolis Star & Tribune Co.'s metropoll. In a 600-person sampling in the Minneapolis-St. Paul metropolitan area, the poll, published in the Minneapolis Star of January 27, 1970, showed almost half of those interviewed believe the Indian is treated unfairly today. They pointed out that inferior jobs, job discrimination, and unequal education are some of the ways in which Indians are treated unfairly.

An overwhelming percentage—82 percent—said that special efforts should be made to train Indians and find jobs for them. This percentage would seem to indicate a willingness of a number of people to assist Indians in seeking employment and to support Federal endeavors to train and employ Indians. I hope that the information from polls such as this, as well as the documented materials in the two committee reports mentioned earlier, will assist us in planning and implementing programs for Indians.

Mr. President, I ask unanimous consent that the results of this poll be printed in the RECORD.

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

### BIG MAJORITY IN AREA SUPPORTS GIVING INDIANS JOB ADVANTAGES

Twin Cities-area Indians should be given preferential treatment in job training and placement, according to 8 of 10 area residents questioned by the Minneapolis Star's Metro-Poll.

In support of this view, just as many of those in the survey say the American Indian was treated poorly by the white man in the past, and almost half feel Minnesota Indians today still are treated unfairly.

The 600 adults polled, a representative sample of the five-county population, were asked to take an historical and then a present-day view of the Indian:

"As you understand it, in the days when the United States was being settled, was the American Indian generally treated fairly or unfairly by the white man?"

"In general, do you think Indians in Minnesota today are treated fairly or unfairly by white people? (If unfairly) How?"

Eighty-three percent agree that the Indian was abused in the past, compared with 12 percent who disagree and 5 percent with no opinion. Men are more inclined than women are to think the Indian was treated unfairly, and younger respondents more frequently think so than older ones. Those in the highest income group, over $15,000 a year, almost unanimously call historical treatment inequitable (96 percent).

By way of contrast, only 47 percent, but still a plurality, think the Indian in Minnesota today is treated unfairly. However, a strong minority (40 percent) disputes this. The remaining 13 percent have no opinion. Again, men more often than women call treatment unfair. The frequency of the "unfair" indictment increases directly with the amount of education the respondent has.

When the 47 perecnt were asked how Minnesota Indians are mistreated, more than a third (34 percent) cited job discrimination. "They are given inferior jobs and not as much help as other minority groups," said a 28-year-old Robbinsdale man.

Three of 10 persons (30 percent) pointed to unequal education. "They can't really take advantage of educational opportunities due to their poverty," commented a 49-year-old St. Paul woman.

Nearly as many (28 percent) criticized the reservations or official policy toward Indians. Said a 75-year-old Minneapolis man, "We've deprived them of the land that had any value and put them back in the rocks and swamps and haven't given them a chance." A 26-year-old Minneapolis resident added, "The whole U.S. Indian Affairs Bureau has been backward—reservations segregate."

About one in four (24 percent) noted prejudice, stereotypes or lack of opportunity in general. Twenty-one percent pointed to substandard housing or discrimination in renting, and 11 percent said Indians lag behind other minority groups because of lack of leadership and organization.

Of the remainder, 15 percent gave other answers, and 3 percent did not elaborate on their view that Minnesota Indians are treated unfairly.

Despite the 47–40 split in views on whether Indians are unfairly or fairly treated today, the people in the survey overwhelmingly approve of preferential treatment for Twin Cities-area Indians in job training and placement. They were told:

"One of the major problems of Indians living in the Twin Cities area is unemployment. Do you think special efforts should or should not be made to train Indians and find jobs for them?"

Of all people polled, 82 percent feel special efforts should be made. Fifteen percent say they should not, 2 percent are uncertain and 1 percent give other answers. Even of those who hold the view that Minnesota Indians are treated fairly these days, a large majority (71 percent) feel those in the Twin Cities area should be given extra help in getting jobs.

There are an estimated 8,000 to 12,000 Indians in the area, mostly in Minnesota.

But it hardly needs to be said that there are deep resentments on the other side as well. The intensity of black feelings at even an intimation of retreat from civil rights progress has been shown in the angry reaction to the memorandum by Daniel Patrick Moynihan, the President's counselor. Mr. Nixon knows how easily bitterness in the black community could destroy the racial peace he desires.

SYMBOL OF INDIFFERENCE

The nomination of G. Harrold Carswell to the Supreme Court has to be considered in this light among others. For it is becoming a symbol of indifference to racial justice.

When Judge Carswell was nominated two months ago, he appeared to be undistinguished but harmless, a Federal judge from Florida who would meet quietly the President's wish for a Southern appointment. But Senate hearings and newspaper explorations since then have changed that picture. Judge Carswell has a record in the racial field that cannot be overlooked.

In 1948, Harrold Carswell said in a political speech that he would yield to no one in his "belief in the principles of white supremacy." This year he termed that view "obnoxious" and said he no longer holds it.

ON THE RECORD

In 1953 he drafted a charter for a Florida State University boosters club that opened membership to "any white person interested in the purposes . . . "

In 1956, while he was a United States Attorney, he joined in a scheme to lease Tallahassee's municipal golf course, built with $35,000 in Federal funds, to a private segregated club for $1 a year. Although the local papers prominently displayed the racist purpose of the scheme, and the document he signed stated it, Judge Carswell said this year that he had been unaware of it.

In 1966, Judge Carswell sold land with a covenant attached that restricted its occupancy to "members of the Caucasian race."

Between 1962 and 1968 he was, according to Prof. Leroy D. Clark of the New York University Law School, "the most hostile Federal district judge I have ever appeared before with respect to civil rights matters." Professor Clark said Judge Carswell was "insulting" and "would shout at a black lawyer who appeared before him while extending every courtesy to white lawyers."

A young lawyer now working for the Justice Department, Norman C. Knopf, said that while acting as a civil rights attorney he had heard Judge Carswell express his disapproval of Negro voter registration projects. Another lawyer testified that he had heard Judge Carswell advise a city prosecutor how to "circumvent" a civil rights decision of the United States Court of Appeals for the Fifth Circuit. Judge Carswell denied any discourtesy or prejudice toward civil rights lawyers.

EVIDENCE OF INSENSITIVITY

In December, 1969, Judge Carswell reportedly told the following joke to a meeting of the Georgia Bar Association:

"I was out in the Far East a little while ago, and I ran into a dark-skinned fella. I asked him if he was from Indochina, and he said, "Naw, suh, I'se from Outdo' Gawja.' "

In a written statement last month, Judge Carswell denied that there were any racial overtones in that joke.

That record displays at the very least extraordinary insensitivity. It must raise questions about Judge Carswell's fitness for a lifetime position on a court that must decide some of the most sensitive and most important racial questions before the country. For the black community, the idea of Judge Carswell on the Supreme Court bench must now be a provocation.

ALTERNATIVE PROPOSED

Judge Carswell's record on race was obviously not known to President Nixon when he made the appointment. It is never easy for a political leader to admit a mistake, but in this instance the President could do so with grace and for the most urgent of reasons: the country's interest and his own.

Withdrawal of the nomination now would not even, necessarily, do permanent damage to Mr. Nixon's relations with the South. It would be demeaning—and untrue—for any Southerner to suggest that there are no Southern lawyers better qualified to sit on the Supreme Court than G. Harrold Carswell.

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[From the New York Times, Mar. 9, 1970]

DOES ANYONE CARE ABOUT THE SUPREME COURT?

(By Anthony Lewis)

LONDON.—The Supreme Court of the United States has long been regarded as the unique American contribution to the art of democratic government. It has held a diverse continental country together by nourishing the gradual change in institutions needed for survival. No other court anywhere has had its power or its responsibility. Winston Churchill was stating the obvious when he called it "the most esteemed judicial tribunal in the world."

It is not just romantic, therefore, to feel a special reverence for that Court—and to expect greatness of its members. They are, after all, deciding the fundamental law of a nation.

DISREGARD FOR THE COURT

Considered in those terms, the nomination of Judge G. Harrold Carswell is an unusually depressing business. For even to think of having on the Supreme Court a man so utterly undistinguished as lawyer or thinker is to show disregard for the institution.

Judge Carswell has made literally no impression as a legal craftsman, much less philosopher. Reports from Washington and from his home state of Florida mention no opinions that his supporters can cite with pride. His record as a lower Federal judge has been marked by an unusual number of reversals on appeal. He has displayed no visible breadth of vision or scholarship.

INTELLECTUAL QUALIFICATIONS

Intellectual qualifications are not mere embroidery for the Supreme Court. A justice is faced, day after day, with questions of the most immense difficulty. There is no simple place to find the right answer, because the case would not be there unless there were conflicting rights, each with strong claims.

And more than any other Government official, a Supreme Court justice is on his own, without a cushioning bureaucracy. He has to draw on his own resources, moral and analytical, to find the answers. Not so long ago one member of the Court gave up the job after only a few years because he found the burden of decision so great.

The classic view, stated by Judge Learned Hand, is that a man who passes on questions of constitutional law should be as acquainted with history and philosophy and poetry as with the law.

"For in such matters," Judge Hand wrote, "everything turns upon the spirit in which he approaches the question before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs off thistles, nor supple institutions from judges whose outlook is limited by parish or class."

The worst of a bad Supreme Court appointment is that it is like a piece of bad architecture: we may be stuck with it for a long time. Presidents have very few decisions as important as their choice of men for the Court.

How, then, have we arrived at a point where a man with as minimal qualifications as Judge Carswell can be appointed? He was chosen, evidently, as an earnest of President Nixon's declared intention to roll back Supreme Court decisions that he thinks have gone too far in a libertarian direction.

Criticism of the Court is not misplaced. Men with no political interest think its performance in recent years has too often been doctrinaire, infatuated with the joy of doing good, insufficiently conscious of the modesty due from appointed judges and to casual in the analysis whose persuasiveness alone can justify judicial power.

WHAT THE COURT NEEDS

But the tragedy is that the appointment of narrow men, men of limited capacity, will make things worse, not better. What that Court needs is not more war of doctrine, in which moderation is crushed.

The Supreme Court today needs more reason, more understanding, more wisdom. If it has strayed too far from the true vision of American life, as the President believes, those are the qualities that will bring it back. There is nothing wrong with the Supreme Court that G. Harrold Carswell can cure.

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## THE SITUATION IN LAOS

Mr. MONDALE. Mr. President, from the recent pages of the CONGRESSIONAL RECORD, from literally hundreds of articles, and from a flood of mail in probably every Senate office, I hear a strong and virtually unanimous declaration.

The American people are frightened by recent revelations of our increasing involvement in Laos. They are determined to know the full truth behind this involvement. And they will not tolerate another horrible Asian war "in spite of ourselves."

What has been happening in Laos has been happening for a long time. But thankfully, recent events seem to have stirred the American people to a point where a decision may still be made in time to halt another Vietnam.

The President has made a small step toward affirmation of his November 3 pledge that:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about this policy.

He has told us that we are "involved" and that we have some 650 men engaged in military activities of some sort.

He has admitted that we are flying combat air operations at the request of the Laotian Government.

And he has admitted that such assistance has recently "risen in response to the growth of North Vietnamese combat activities."

These official admissions, however, tell us nothing new. We already know that and much more:

We know that these "noncombat troops" in Laos are largely CIA, who are, in turn, comprised to some degree of ex-Green Berets from Vietnam.

We know that we are flying F–4 Phantoms, F–105 Thunderchiefs, and B–52's in actual combat support deep in the interior of Laos. The level of air support has been estimated at from 200 to 400 sorties a day.

We know there is one of the least secret "secret bases" at Long Chien, generally run and equipped by Americans, from which Gen. Van Pao's irregular forces operate.

We know we are spending at least $250

WHITE TREATMENT OF THE INDIAN VIEWED

[In percent]

| | Fair | Unfair | No opinion |
|---|---|---|---|
| In the past: | | | |
| All respondents | 12 | 83 | 5 |
| Men | 9 | 86 | 5 |
| Women | 15 | 81 | 4 |
| 21 to 29 years | 10 | 86 | 4 |
| 60 and over | 17 | 72 | 11 |
| Today: | | | |
| All respondents | 40 | 47 | 13 |
| Men | 36 | 52 | 12 |
| Women | 45 | 42 | 13 |
| Grade school education | 54 | 32 | 14 |
| High school | 47 | 40 | 13 |
| College | 26 | 63 | 11 |

SHOULD SPECIAL EFFORTS BE MADE TO TRAIN AND FIND JOBS FOR LOCAL INDIANS?

[In percent]

| | Yes | No | No opinion, other |
|---|---|---|---|
| All respondents | 82 | 15 | 3 |
| Grade school | 73 | 22 | 5 |
| High school | 80 | 17 | 3 |
| College | 88 | 11 | 1 |

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the bill.

Mr. HOLLINGS. Mr. President, presently the Senate is considering alternative proposals on the subject of voting rights which, in my judgment, are designed to eliminate an impartial application of the electoral process. Although these measures are designed to enforce the guarantees of the 15th amendment to the Constitution, the debate in this Chamber centers on the approach to be considered—not the objective to be achieved.

The Scott-Hart substitute would retain the section of the 1965 Voting Rights Act that requires those regions of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting to secure the approval of the Attorney General prior to instituting any revision in its voting qualifications or procedures. The obvious effect of this language is to restrict applications of these sections to six States and portions of three others. The further effect is that even though the statute may be written to apply to all people in the Nation, the practical application of the statute is that the Attorney General will be called upon to enforce the statute only in those six or seven States. The civil rights statute, like any Federal statute, is enforced only against those who are committing the wrong which the statute is intended to prohibit.

When Congress writes a statute, it should apply to all people within the Nation and, obviously, it should be enforced only against those people in those States which are believed to be in violation of it. The scheme of including the section of a bill to give the appearance of a nationwide application insults the logic of this body.

For the past decade we have been witnessing a great national debate on the subject of discrimination. Under the provisions of statutes enacted by the Congress, there are a multitude of prohibitions for anyone to discriminate between individuals if there is a question of sex, national origin, religion, or race. The very thought that a State or local government might today legislatively adopt a provision which is deliberately, and by its own provisions discriminatory in nature, is obviously unthinkable. The courts and the Congress have lead us to believe that this type of action is impossible. On the other hand, however, we are told to "ignore" exceptions to this rule which all three branches of the Federal Government exert from time to time upon the system. For example, there are the special guidelines from HEW, the court rulings which have been motivated more by sociological concepts than by a firm desire to uphold the Constitution, and only recently has one branch of the Federal Government taken the first courageous step in breaking this pattern. I refer to the vote on February 18, 1970, when the U.S. Senate adopted an amendment which I was proud to cosponsor with the distinguished Senator from Mississippi, Senator STENNIS, which required nationwide application of the various statutes which outlawed discrimination in the public school system.

I submit, Mr. President, that the issue before this body is whether the majority will again display the wisdom, courage, and dedication to equal protection by moving away from the concept of equal discrimination legislation. It is imperative that when we look at the question of voting rights we should not allow it to become an instrument of discrimination.

This body cannot afford to permit such a precedent to be established where laws become instruments of the Government for use against the people rather than instruments of all the people for protection against arbitrary actions of the Government. Unless we protect the principles and precepts to block the abuse of power in what appears to the majority to be a "good cause," we shall establish a government which operates by means of exceptions, by means of rule of law rather than by the rule of law itself.

I hold a basic belief that no American citizen should be prevented from exercising his right to vote by any method. I do not believe that the right to vote should be limited to those of a certain color, race, creed, economic circumstances, or educational level. In short, I oppose discrimination against an individual with regard to voting rights.

Additionally, I oppose discrimination, not only against individuals of a particular creed or color, but against certain States or certain regions, or certain counties within those States and regions.

As I read the Scott-Hart substitute, it would discriminate against certain States in the South, my own included. However, that is not the reason for my opposition. I would oppose an amendment which discriminated against the State of Michigan or the State of Pennsylvania. If we are to accept the premise that the right to vote is basic in our democracy—and I believe it is—then we must also accept the premise that this right applies nationwide.

As I read the Scott-Hart amendment, should discrimination occur in Michigan or in Pennsylvania, the Attorney General would be precluded from moving to prevent that discrimination. Such a law would be discriminatory in itself. Therefore, I shall oppose the Scott-Hart substitute.

Just as basic constitutional rights apply nationwide, so should the laws passed by this Congress under the Constitution. I cannot, and I shall not support discriminatory legislation, regardless of what area of the country or group of people at which it may be aimed.

The very foundations of the law are rendered impotent when one part of our Nation is able to escape the burdens of these obligations. In my judgment, the precedence set by the 1965 Voting Rights Act on the issue of its application established a most dangerous precedent. We now have the opportunity to correct that wrong, at least in part, by replacing that unwise act and establish national application and enforcement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. 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 pending business before the Senate is the Scott amendment to the pending bill.

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

The PRESIDING OFFICER. Does the Senator propose to call up his amendment?

AMENDMENT NO. 533

Mr. ERVIN. Mr. President, I call up my amendment No. 533 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes amendment No. 533 to the pending Scott substitute amendment No. 544, as follows:

AMENDMENT NO. 533

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(a) of the Voting Rights Act of 1965 is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States district court in which the capital of such State is located, or the United States district court in which such political subdivision is located'.

"(b) Section 5 of such Act is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States district court in which the capital of such State is located, or the United States district court in which such political subdivision is located'."

The PRESIDING OFFICER. The Senator has 1 hour.

Mr. ERVIN. Mr. President, the pending amendment is to amendment No. 544, formerly amendment 519.

Mr. President, as a North Carolinian I am glad that the constitution of my State does not permit the legislation of my State to take such a nefarious action as the Congress of the United States took when it enacted the Voting Rights Act of 1965. The Voting Rights Act of 1965 condemned six States, and 39 counties in my State, without a judicial trial, and punished them by depriving them of the power to exercise rights conferred upon them under four separate provisions of the Constitution. Then it closed every courthouse in which the States might have access except the District Court for the District of Columbia.

I rejoice in the fact that my State would not permit this to be done. Section 35 or article I of the constitution of North Carolina declares that:

All courts shall be open and every person for an injury done him in his lands, goods, person, and reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

The Voting Rights Act of 1965, which is sought to be extended by an additional 5 years, or until 1975, by the Scott-Hart amendment, offends each one of these provisions as stated in the constitution of North Carolina.

In the first place the bill would provide that only one court shall be open and all other courts shall be closed. For another thing it says that none of these States and none of these counties shall have access to a temple of justice under circumstances where due process of law can be had. It denies right and justice. It delays right and justice for 5 years.

I will not say that it provides that justice shall be sold. I will leave all comment on that subject to what the Supreme Court said in the case of Cummings against Missouri. That case involved a bill of attainder. Before I do so, however, I would like to join Aldous Huxley, the philosopher, in a little philosophizing. He said the end cannot justify the means for the simple and obvious reason that the means deployed determine the nature of the ends produced. I ask the Senate to meditate on that thought just a moment. What that says in effect is that when you adopt evil means to reach a good end, you do not reach that good end by evil means because these evil means produce the end that is reached.

I do not know a statute enacted by Congress in this century that illustrates better what Huxley had in mind than this statute.

Those who advocate this kind of legislation claim they are trying to secure the right to vote for somebody, but they adopt evil means to accomplish what they think is a good result. So let us see what kind of result they attain. One of the results they attain is that they close the doors of all courthouses in the universe to those whom they condemn by legislative fiat without a judicial trial.

Certainly, a country which has always bragged—"justice, every season, summer, and every place a temple"—departs from its heritage when it resorts to the evil means of closing courthouse doors against pleas for justice.

It also would reach an evil result. I shall apply the meaning of the bill to my State of North Carolina. North Carolina, which had 39 counties condemned under this bill in 1965, has been unworthy of receiving the consideration and the rights that would be accorded as a matter of course to the worst criminal. It is denied the right to use the literacy test in 39 of its counties. Yet, in the presidential election of 1968 in many North Carolina counties a higher percentage voted than the national average, including these 43 States which go unscatched by this act. So, Mr. President, you have my State standing condemned under this act although many parts of it exceeded the national average in the percentage of its citizens of voting age who voted in the presidential election. But those things apparently mean nothing to the proponents of the bill.

As I pointed out Friday, in order to bring certain of my counties under the bill they had to count felons serving sentences in penitentiaries, students residing outside the boundaries of North Carolina, and military personnel. I know of no more glaring example of rank discrimination than enacted upon Cumberland County where military personnel from other States, constituting somewhere in the neighborhood of one-third of our people there of voting age, were counted in order to condemn that county.

I wish to go back to the case of Cummings against Missouri.

When I used to read this case, I would wonder how any legislative body and how any State and how any people of any State could become so inflamed that they would adopt a constitutional provision denying a minister of the gospel the right to preach the gospel of the Lord Jesus Christ to sinners because of past action on his part; namely, because he had sympathized with the Confederacy. In other words, the people of Missouri became so inflamed that they apparently reached the conclusion that it was better for sinners in Missouri to go to hell than to have their souls saved by the preaching of the gospel by a man who had sympathized with the Southern Confederacy.

But that is the kind of bill that was passed in 1965 and which is sought to be renewed for 5 more years by the Scott-Hart amendment. They nail shut the courthouse doors. They adopt an artificial formula to convict people. They pass an ex post facto law. They pass a bill of attainder. That is how inflamed we have become 100 years after the Cummings decision.

One of the greatest justices who ever sat upon the Supreme Court of the United States was Justice Field. He said something about the kind of climate in which bills of attainder and ex post facto laws are passed. I read from his opinion in Cummings against the State of Missouri, reported in 4 Wallace at page 277. On page 323 of this decision, Justice Field quoted a statement made by Mr. Justice Story with reference to bills like the one that prohibited one who had been a Confederate sympathizer in the past from preaching the gospel and one like the Voting Rights Act of 1965.

Bills of this sort—

Said Mr. Justice Story—

have been most usually passed in America in times of rebellion or greatest subserviency to the Crown or of violent political excitement, periods in which nations are most liable, as well the free as enslaved, to forget their duties and to trample upon the rights and liberties of others.

To bring Mr. Justice Story's statement down to date, I would paraphrase it to say bills of this sort are usually passed in times of greatest subserviency to pressure groups whose votes Senators and Congressmen seek.

Article I, section 9, clause 3 of the Constitution reads as follows:

No bill of attainder or ex post facto law shall be passed.

Now, what is a bill of attainder is defined in ex parte Garland, which is reported in 4 Wallace 333. It is defined in Cummings against State of Missouri, from which I have just quoted. It is also defined in simple language in the case of the *United States* v. *Lovett*, 328 U.S. 303. I quote the headnote 2(a) in the Lovett case:

Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict a punishment on them without a judicial trial are bills of attainder prohibited by the Constitution.

This is clear: It is clear that the Voting Rights Act of 1965 constitutes both a bill of attainder and an ex post facto law, because an ex post facto law is a law which punishes someone for an act which was not a crime at the time the crime was committed. The Voting Rights Act punishes States, the people of the States, and the people of 39 counties of my State, by depriving them of the power to exercise a constitutional right which is secured to them by four separate and distinct provisions of the Constitution.

These cases say that you do not have to punish people criminally; you punish people within the prohibition of a bill of attainder whenever you deny them the power to exercise a right, whatever that right may be.

Let us see whether it applies to States. I would like to contrast the decision of the Supreme Court in *South Carolina* v. *Katzenbach*, 383 U.S. 301, with the decision of the Supreme Court when it

the immediate question of whether the American public, eager to have its boys come home, would stand still for the slowdown or halt in troop withdrawals that would almost certainly have to be a part of a decision to negotiate an over-all settlement.

The summoning of a Geneva conference, then, must be considered not just in terms of its anticipated outcome in the neutralization of Indochina, South Vietnam included. It must be weighed for its suitability as a diplomatic and political vehicle for carrying the United States, with international company, out of an involvement that it may be unable to extricate itself from alone.

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## ADDRESS BY SENATOR MONDALE AT STATEWIDE INDIAN YOUTH COUNCIL ANNUAL MEETING

Mr. HARRIS. Mr. President, last Saturday the distinguished Senator from Minnesota (Mr. MONDALE) spoke to the Oklahomans for Indian Opportunity statewide Indian youth council annual meeting in Norman, Okla.

His message was highly knowledge, challenging, and inspirational.

I think that the deep understanding and forceful advocacy of Senator MONDALE—as on this occasion—has given many American Indian youth the kind of hope and encouragement they need to continue their remarkable efforts on behalf of American Indians, young and old.

I ask unanimous consent that Senator MONDALE's speech be printed in the RECORD at this point.

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

SPEECH DELIVERED BY SENATOR WALTER F. MONDALE

It is a pleasure to see so many Indian youth here—and to know that, despite what some white people want to believe, Indians are alive.

The white man has done his darndest to make you think that you are dead, that Indians do not exist. The Indians of Oklahoma especially have been targets of this kind of thinking. Here you are the state with the second largest Indian population in the country and, because you have no reservations, people tend to forget that Indians with Indian problems and Indian frustrations are very much alive here.

Over the years the white man has done his best to bring about the end of Indian Americans. But somehow the Indians kept coming back.

The Great White Father in Washington started with a policy of extermination. He practiced it with episodes that would make the My Lai incident look like a coffee party. But it didn't work. Indians kept coming.

The government then tried a policy of isolation. It took the productive Indian lands for white settlement and left for the Indians that which was poor, unfertile and unsuitable for living, let alone farming. The government then forced the Indians—many of them descendants of yours from the Five Civilized Tribes—out of Georgia, Mississippi, and Alabama and herded them across the Mississippi River like animals. Those that survived settled here in land which they were told they could have (as so many treaties stated it) "as long as the moon rises, the grass is green, the rivers flow, and the sun shines."

But then the white man changed his mind and decided to divide up Indian lands and give each Indian his own little unproductive plot to die on. But it didn't work. Indians kept coming.

The white man was confused. He had reduced the number of Indians, he had deprived them of their lands, he had broken their spirit, he had isolated them on wasteland reservations—yet they still continued to survive. So he launched his final plan—he would beat the Indian-ness out of the Indians. If they refused to die, he would tell them they weren't Indians, that there was nothing in their heritage or culture that should be saved, that they should, in effect, becomes Apples—Red on the outside, but White in the inside. The white man called it assimilation.

So orders went out from Washington that all male Indians must cut their hair short, even through many believed that long hair had spiritual significance. Children were forbidden to speak their native tongue in school, even if that was the only language they knew. In school they studied history and learned that the goldminers who seized Indian lands and killed whole bands of families were "heroes," and the Indians defending their family and property were "savages," and that everytime the cavalry won it was an heroic feat and everytime the Indians won it was a massacre.

Many Indians were hauled off to boarding schools where anything "Indian"—dress, language, religious practices, even outlook on life—was uncompromisingly prohibited. But it didn't work—and it still isn't. Indians keep coming—and they are Red all the way through.

You can guess how dumbfounded the white man was at this point. All his plans to rid the world of those terrible Indians had gone awry. Why had they failed? Why did the Indian insist and persist in remaining an Indian?

The white man thought he knew the answer. It was because Indians were dumb, stupid and lazy. They weren't smart enough to learn the white man's ways. So to prove his point he sent out researchers to do studies and surveys and reports.

And the researchers came back and said:

Yes, the average educational level for all Indians under Federal supervision is five school years;

Yes, dropout rates for Indians average 50 percent, twice the national average;

Yes, Indians fall progressively further behind the longer they stay in school;

Yes, the average Indian income is $1,500, 75 percent below the national average;

Yes, the unemployment rate among Indians is nearly 40 percent—more than 10 times the national average;

Yes, 50,000 Indian families live in unsanitary, dilapidated dwellings, many in huts, shanties and even abandoned automobiles;

Yes, 40,000 Navajo Indians are functional illiterates in English;

Yes, a white child has a better chance of living to age 45 than any Indian baby has of living to its 1st birthday.

But the researchers also said No, the Indian is not dumb; No, there is no difference in native intelligence between the Indian population and any other race; No, there is nothing in the Indians' internal makeup which makes him lazier, more stupid, or less intelligent than anyone else.

The white man was shocked! Something must have gone haywire. So he sent out the researchers again and again and again, and they made study after study after study. But they all reached the same conclusion: the Indian race had the same percentage of gifted, bright, average, dull and retarded children as any other people.

Some researchers haven't given up their studies. As of January of this year, for example, there were 64 research projects going on concurrently at the Pine Ridge, South Dakota, reservation. The combined cost in academic salaries alone would feed all the hungry children on the reservation.

But some people, including white men (believe it or not), started thinking. Could it be, they asked themselves, that the Indian doesn't want to change? Could it be that something else in society should be changed instead? Could it be the Indian is an Indian, and will always remain so?

Some Indians, like Bill Penseno of the National Indian Youth Council, began talking:

"The problem is not with the Indians, he told the Senate Indian Education Subcommittee. "The problem is with the institutions that service Indians . . . The institutions that serve Indians were created by man. The Indians were created by God. Surely the institutions are more amenable to change than the people."

And some nonIndians, like the late Senator Robert F. Kennedy, listened—and began talking themselves:

"We must stop blaming the Navajo and other Indian children for their failure in education," he said. "We must realize it is the educational system we have created that is at fault. The Indian child needs pride in his forbears, his heritage, tradition, culture, history and background. There can be little respect for one's own culture if another culture is forced on you."

So a number of people began looking at the main tool of assimilation, the educational system, and they realized that a public school not only taught skills, but the value system of the dominant society. It exemplified the so-called melting pot theory. Put in children of diverse backgrounds, give them "mainstream America" teachers and textbooks, stir diligently and they will come out with the same skills and values as everyone else. It worked for the children of immigrants, it should work for the Indians.

But as anthropologist Anne M. Smith points out, it didn't work and couldn't work, for a very good reason: the immigrants looked at the values and success-oriented goals of mainstream America and said, "It is good." The Indians looked at that same mainstream in light of their own value systems and said, "It is polluted."

I remember so well the words of Miss Margaret Nick, a beautiful and articulate Alaskan native, as she spoke to our Indian Education Subcommittee in Fairbanks.

"One thing I know," she said: "is that if my children are proud, if my children have identity, if my children know who they are and if they're proud to be who they are, I think this is what education means. Some people say that a man without education might as well be dead. I say, a man without identity, if a man doesn't know who he is, he might as well be dead. That is why it's a must that we include our history and our culture in our schools before we lose it all. We've lost way too much already. We have to move now."

The solution, as forward-thinking people like Senator and Mrs. Harris have been advocating for some time, is cultural pluralism—permitting the Indian to learn the skills of society while at the same time not only permitting, but encouraging him to retain his Indianness.

There are some instances of this happening now—the Rough Rock Demonstration School on the Navajo Reservation being the prime example—but there are too few instances. At Rough Rock, an all-Navajo school board encourages the "Navajoness" of the students. Culturally sensitive curriculum materials prepared by the Navajos themselves are in use. Bilingual teaching techniques are used. Indian teachers and aides dominate the school. While the students learn Navajo, they also learn English—and at a faster pace than when they were reprimanded for speaking their native tongue.

There is no other school in the country which has so encouraged cultural pluralism. Most schools that are doing anything have a halfway approach—an Indian History unit, a part-time class in Indian culture and tradi-

those aspects of that legislation which relate to matters normally within the jurisdiction of the Committee on Public Works, particularly with reference to rivers and harbors improvements and water quality aspects.

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

Mr. RANDOLPH. Mr. President, I am gratified that the Committee on Commerce and the Committee on Public Works continue to work with harmony and cooperation on these environmental quality matters in which we share jurisdictional interests.

Mr. BOGGS. Mr. President, I concur in the request of the distinguished Senator from West Virginia (Mr. RANDOLPH) that S. 3183 be rereferred to the Committee on Commerce. This bill to establish a national policy and comprehensive national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's estuarines and coastal zone was introduced on November 25 by the distinguished ranking minority member of the Committee on Public Works (Mr. COOPER) Senator RANDOLPH, and myself. This is an administration bill. In order to give the Commerce Committee, which is holding extensive hearings into the coastal zone management, the benefits of the administration thinking in this matter, we have concluded that it would be wise for them to consider this very important bill.

It is our understanding that any bill dealing with the subject that is reported by the Committee on Commerce will be referred to the Committee on Public Works for additional consideration.

May I at this time ask unanimous consent that the names of the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Tennessee (Mr. BAKER), the Senator from California (Mr. MURPHY), and the Senator from New York (Mr. JAVITS) be added as cosponsors of S. 3183.

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

## ADDITIONAL COSPONSORS—SENATE RESOLUTION 383

Mr. HARRIS. Mr. President, last Thursday I introduced for myself and the distinguished senior Senator from Kansas (Mr. PEARSON) Senate Resolution 383, which if adopted would express the sense of the Senate that affirmative steps by the United States are needed to defuse the dangerous situation in Indochina, and further that a comprehensive multinational conference of all interested parties which could consider ways to neutralize the whole area would be the most promising form of action that could be taken.

I am pleased to ask unanimous consent that the names of the distinguished senior Senator from Ohio (Mr. YOUNG), the distinguished senior Senator from Michigan (Mr. HART), the distinguished junior Senator from Wisconsin (Mr. NELSON), the distinguished junior Senator from Iowa (Mr. HUGHES), and the distinguished senior Senator from Hawaii (Mr. INOUYE) be added as cosponsors of this resolution at its next printing.

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

Mr. HARRIS. Mr. President, all Americans are eager to see peace restored in this area immediately. I think it is important that the Senate exert its influence toward this goal by adopting such a resolution.

If, as a New York Times editorial has recently suggested, "it is futile to talk of sanitizing the two crucial border states while the war continues in South Vietnam," then such a conference considering Indochina as a whole would provide the only means of achieving a real solution.

I again urge a positive and immediate U.S. response to the recent French proposal for a Geneva conference. A State Department spokesman has said that the administration is exploring this possibility in private. Both the Times in its editorial of April 5 and the Washington Post on April 4 suggest that the administration may still fear that a multinational conference concerned with the whole area would lead to neutral governments in South Vietnam as well as Laos and Cambodia. We must be realistic in our foreign policy, working toward what is possible and ignoring the supposed advantages of alternatives which cannot be achieved.

The two editorials which I have mentioned present clearly many of the issues and key factors in the current Indochina crisis, and I commend them to the attention of the Senate. I ask unanimous consent that they be printed in the RECORD.

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

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

### ESCALATING FOR PEACE

France's proposal for a new international conference to deal with the "indivisible" problems of Vietnam, Laos and Cambodia offers the Nixon Administration another chance—perhaps a last chance—to move from confrontation to negotiation in Indochina before a wider war engulfs the entire area of the former French colonial empire.

Administration officials have reacted with caution to the French suggestion so far. Secretary of State Rogers told the Senate Foreign Relations Committee the other day that the United States wants to encourage neutralism and avoid a wider war in Cambodia. The Administration has indicated similar objectives in Laos, while clinging to an apparent goal of preserving a friendly anti-Communist Government in Saigon.

But, as the French have noted, it is futile to talk of sanitizing the two crucial border states while the war continues in South Vietnam. In both Cambodia and Laos the initiative rests with the Communists whose superior military forces menace weak and unstable local governments.

If Hanoi chooses to press its advantage in either place, Washington will be confronted with a desperate choice—either to intervene against the wishes of large numbers of Americans and contrary to the sound tenets of the Nixon Doctrine or to accept passively a new threat to the flanks of American troops in Vietnam.

Any move to intercede with proxy forces—whether Thai troops in Laos or South Vietnamese in Cambodia—would only complicate a bad situation. Such interventions, already attempted on a limited scale, are unlikely to prove decisive. They could, however, inflame traditional local rivalries and more deeply involve the United States in local feuds that are none of this country's proper concern.

The Communists, as Senator Fulbright has observed, "cannot drive us out of Indochina. But they can force upon us the choice of either plunging in altogether or getting out altogether." The best hope for avoiding a wider war lies in recognizing the limitations of Vietnamization and responding positively to France's call for a wider "peace escalation."

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[From the Washington Post, Apr. 4, 1970]

### ISSUES OF A GENEVA CONFERENCE

The idea of a general Geneva-type conference on Indochina has now picked up an international sponsor, France, and the support of a mixed group of United States Senators, including Messrs. Fulbright and Harris and (for not quite the same reasons) Pearson and Murphy. This is in addition to the private sympathy, so far not reflected in policy, of assorted officials inside the Executive Branch. Elements in Vietnam, Laos and Cambodia who prefer the risks of "neutralization" to those of continued war also favor the idea. Has its time come?

According to the Nixon administration, the answer seems to be no. One must say "seems to be" because the administration, despite the fact that the Geneva-conference approach has been lying around for years and has been actively discussed for weeks, is still seeking refuge from public comment on grounds that there has not been time to "analyze" the (French) proposal. It could be that the administration has tactical reasons for cultivating a negative pose: it may hope thereby to get a better price for an eventual decision to attend. We do not pretend, however, to have evidence that this is so.

The real crunch seems to be that a Geneva conference could only produce a neutralized South Vietnam acceptable to Communists and non-Communists alike, while the administration's goal is to sustain an independent non-Communist regime. "Vietnamization" is its effort to endow that regime with the resources and will to support itself, in good part. The administration's solicitude for Saigon—its concern to protect Mr. Thieu and Mr. Ky not only from their military adversaries but from their political rivals—was amply demonstrated in the case of Tran Ngoc Chau; a South Vietnamese Deputy with Communist contacts, he was sentenced to 10 years in prison last month for pro-Communist activity, while the American Embassy calmly watched. It goes without saying that Hanoi and Moscow and Peking would not attend a conference to prop up that kind of regime. (Hanoi might easily decide, it must be admitted, that no conference could assume as good a result as simply waiting for Mr. Nixon to draw down American troops past the point of no return.)

In order to avoid a bruising and fruitless collision on the conference issue between a cautious administration and its impatient critics, it probably will be necessary to broaden considerably the discussion of it. Two points need special attention.

First, what is the value to the United States of a Thieu-Ky Communist government in Saigon, or something like it and what price in battle losses and domestic division is worth paying for it? Second, what is the damage to American credibility, with all that means to world stability, and what is the damage to American self-confidence, with all that means to domestic stability, if it comes to appear on a wide scale that the United States has turned tail? There is also

tions, an after-school Indian club, etc. When these are honest efforts to eliminate prejudices and instill pride and dignity, they are good. But when they are token, half-hearted efforted efforts because it is the "in thing" to do, they are bad. I believe it has to be the responsibility of Indian students like yourselves to keep the schools honest. Oklahomans for Indian Opportunity must forever be on-guard to protect Indian interest in the schools, to see that myths are replaced by facts.

This isn't an easy job, as I am sure you are well aware. For example, I think we have a promising Indian Education program in Minnesota, headed by Mr. Will Antell, an able and dedicated Chippewa. But, despite the gains we have made, we have to be ever-alert to schools unconscious adding anti-Indian materials to their curriculum. A couple years ago our Indian Education office began a sweeping inventory of history textbooks being used in elementary schools. The survey resulted in the elimination of a number of anti-Indian books. But just when we were beginning to feel satisfied over that job, the states Library Services Institute for Minnesota Indians learned last month that metropolitan school systems were using books which ridiculed sacred ceremonials and cultural traditions.

I know from my work on the Senate Indian Education Subcommittee that you Oklahoma students do not face any easy task. The Subcommittee's hearing at Twin Oaks in February 1968 documented a number of problems of Indians in the public schools. The Carnegie Corporation's report, "Who Should Control Indian Education," contained a less-than-optimistic picture of progress in its case study of the problems of getting an Indian elected to the all-white board of the all-Indian White Eagle School near Ponca City.

People are beginning to recognize that *cultural difference does not mean cultural inferiority*, that one can build on the strengths of Indian culture rather than try to destroy it, that Indians deserve control over the education of their own children.

Almost 200 years ago the leaders of Virginia, after signing a treaty with six Indian nations, offered to educate six of the chief's sons.

The chiefs were thankful for the offer, but they rejected it, noting that they had tried white man's education before.

Well, what was wrong with it? The white leaders ask.

According to the chiefs, their children had come back from white man's schools "bad runners, ignorant of every means of living in the woods; unable to bear the cold or hunger; they knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors or counselors; they were totally good for nothing."

Perhaps, the Indians said, the governors would like to send a dozen white children to be educated with the Indians.

"We will take great care of their education," promised the chiefs. "Instruct them in all we know, and make men of them."

The white governors didn't take the Indians up on their offer, apparently thinking the Indians had little to offer. For 200 years non-Indians have felt that way. But now, the times they are a-changing. Whites are beginning to see the many good things in the Indian's way of life. They are beginning to learn they can learn something from the Indian. It's about time!

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORTS ON REAPPORTIONMENTS OF APPROPRIATIONS

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Labor for "Trade adjustment activities," for the fiscal year 1970, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Labor for "Grants to States for unemployment compensation and employment service administration" for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT OF INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final conclusion of judicial proceedings regarding certain American Indian tribal claims (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION TO AUTHORIZE THE LONG-TERM CHARTERING OF SHIPS BY THE SECRETARY OF THE NAVY

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to authorize the long-term chartering of ships by the Secretary of the Navy, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the management of Government industrial plant equipment kept for possible future use, Department of Defense, dated April 7, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

A letter from the President and National Executive Director, Girl Scouts of the United States of America, transmitting, pursuant to law, the twentieth annual report of the Girl Scouts for the fiscal year ended September 30, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF THE POSTMASTER GENERAL

A letter from the Postmaster General, transmitting, pursuant to law, a revenue and cost analysis report of the Department for fiscal year 1969 with an accompanying report); to the Committee on Post Service and Civil Service.

PROSPECTUSES PROPOSING CONSTRUCTION OR ALTERATION OF PUBLIC BUILDINGS FOR POST OFFICE DEPARTMENT USE

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses proposing construction or alteration of certain public buildings for use by the Post Office Department (with accompanying papers); to the Committee on Public Works.

## BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. FULBRIGHT (by request):

S. 3691. A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers; to the Committee on Foreign Relations.

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

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 3692. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture and Forestry.

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

By Mr. SPARKMAN (for himself and Mr. BENNETT) (by request):

S. 3693. A bill to amend section 3(d) of the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3694. A bill providing that certain privately owned irrigable lands in the Milk River project in Montana shall be deemed to be excess lands; to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 3695. A bill for the relief of Irena Jardzioch; to the Committee on the Judiciary.

By Mr. MOSS:

S. 3696. A bill to amend title 5, United States Code, to provide for the temporary or intermittent employment of experts, consultants, or stenographic reporters, and for other purposes; to the Committee on Post Office and Civil Service.

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

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 3697. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

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

By Mr. SCOTT (for himself, Mr. SCHWEIKER, Mr. TOWER, Mr. MANSFIELD, Mr. RANDOLPH, Mr. DOLE, Mr. FANNIN, and Mr. GOLDWATER):

S.J. Res. 192. A joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings; to the Committee on the Judiciary.

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

## S. 3691—INTRODUCTION OF A BILL TO AMEND THE FOREIGN SERVICE ACT OF 1946, AS AMENDED

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers.

The bill has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the

public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary dated March 23, 1970, to the Vice President and the explanation of the proposed bill.

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

The bill (S. 3691) to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3691

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 631 and 632 and the headings thereto of the Foreign Service Act of 1946 (22 U.S.C. 1001 and 1002) are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"SEC. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

"SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service."

SEC. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or become a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

RETIREMENT SCHEDULE

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

The letter and explanation, presented by Senator FULBRIGHT, are as follows:

THE SECRETARY OF STATE,
*Washington, March 23, 1970.*

HON. SPIRO T. AGNEW,
*President of the Senate.*

DEAR MR. VICE PRESIDENT: Enclosed is a draft bill "To amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers."

The bill would lower the mandatory retirement age for career ministers from age 65 to 60. However, such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. The bill would continue the Secretary's authority to extend the service of any officer for up to five years beyond mandatory retirement. This would insure that the lowered retirement age would not work to the detriment of the public interest. The bill also provides for a gradual implementation of the change in order that affected officers may have time to make necessary adjustments.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. After it has been determined that a career minister past age 60 will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers in class 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed. A detailed explanation of the bill is enclosed.

The Department has been informed by the Bureau of the Budget that there would be no objection from the standpoint of the President's program to the enactment of this legislation. We would appreciate early consideration of this proposal.

Sincerely yours,

WILLIAM P. ROGERS.

EXPLANATION

The proposed legislation would lower the mandatory retirement age for career ministers from age 65 to age 60. Such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. Also, the Secretary would retain the authority to extend the service of any officer for up to five years beyond mandatory retirement.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. When it has been determined that an officer past age 60 who has been promoted to the rank of career minister will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers of classes 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed.

There should be some delay in putting such a change into effect in order to provide the affected officers time to make necessary adjustments. The period of delay should take into account both the legitimate career expectations of officers now serving as career ministers and the Service's need for an early effective date of the new regulation. The attached draft legislation specifies that for officers age 60 or over at the time of enactment, the effective date would be set midway between the date of enactment and the date the officer concerned reaches 65.

For example, the retirement date under the proposed legislation for an officer 64 years old at the time of enactment whose 65th birthday is ten months hence would be five months after the date of enactment. A 62 year old officer whose 65th birthday was to be 30 months hence would be subject to retirement 15 months after the date of enactment. An officer whose 60th birthday coincided with the date of enactment would be subject 30 months hence. This 30-month date would be the outerlimit, and the end of that month would be the effective date of the legislation for all career ministers reaching 60 after the date of enactment. Thus after two and a half years following the date of enactment, all career ministers would be mandatorily retired on reaching the age of 60, unless they were serving at that time in positions to which they were appointed by the President with Senate confirmation, or unless they were extended by the Secretary.

The proposed legislation also includes two technical changes. The first would permit all participants in the Foreign Service retirement system to work and earn retirement credit until the end of the month in which they reach mandatory retirement age. Present wording in the law prevents them from earning retirement credit past the birthday on which they reach such age. Since Foreign Service annuities do not begin before the first of the month following retirement, the change would be both equitable to participants and simplify administration for the Department.

The second technical change would make explicit what has long been done in practice, namely, to require the retirement of officers serving after mandatory retirement age either as a result of a Presidential appointment or of an extension by the Secretary. Such retirement would take place at the end of the month in which such service was completed.

$100 per day for each day of continuing violation of ICC orders or directives.

I am persuaded that passage of this bill will provide the Commission with the legislative authority necessary to bring about a very substantial alleviation of the railroad freight car shortage problem.

In my view, S. 3223 is necessary, reasonable and equitable. I consider its passage important to the public interest and I, therefore, urge your favorable consideration.

## DISSATISFACTION WITH BUREAU OF INDIAN AFFAIRS

Mr. MONDALE. Mr. President, within the last 2 weeks there have been a number of demonstrations by Indians throughout the country in local offices of the Bureau of Indian Affairs. The specific grievances have varied from city to city, but they all echo a similar refrain: dissatisfaction with the Bureau of Indian Affairs, particularly in regard to its paucity of services for urban Indians.

In this age of demonstrations and counter-demonstrations it is easy to brush aside the protests of a small group. But I think it is important we pay special attention to the Indians' complaints because they are primarily asking for nothing more than the fulfillment of promises previously made by our Government.

Mrs. O. J. Janski, president of the League of Women Voters of Minnesota, looked at the demands made by a group of Minneapolis Indians and then wrote a letter to the Minneapolis Tribune, explaining why the demands deserve support. The League of Women Voters of Minnesota has been an advocate of the Indian's cause for a number of years, and I believe their interpretation of this situation is worthy of widespread attention.

In a March 29, 1970, editorial the Minneapolis Tribune addressed itself to these same protests. The Tribune's analysis of the dilemma of the urban Indian is also deserving of our attention. I ask unanimous consent that these two items be printed in the RECORD.

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

INDIAN DEMANDS SUPPORTED

To the EDITOR:

The League of Women Voters of Minnesota supports the demands made on the Bureau of Indian Affairs by a group of Indians in Minneapolis last week.

It seems to us the Indian demands fall into four categories: equal treatment, self-determination, reparations for past claims, and the right to appeal. We believe the public is not sufficiently aware of the basis of these demands.

Indian citizens comprise the most deprived segment of society. They also have more difficulty than any other group in securing public services which, presumably, all citizens deserve. Agencies serving Indians, principally the Bureau of Indian Affairs, are traditionally land-based and services are offered only to Indians on or near reservations, "when services are not available from other sources." Originally, help was to be offered by the federal government only when states and localities abdicated this responsibility.

The League of Women Voters believes that land requirements for services are unrealistic and should be abandoned. We are in favor of a new criterion. Under such a plan, needful Indians on reservations and off would be served equally.

Another league position is that Indians must be permitted to determine their own affairs. The demand that Indian-serving agencies be staffed by Indians is reasonable.

Another category of requests relating to hunting, fishing and water rights, settlement of claims and payment of taxes makes sense when one understands that Indians have paid the invaders of their country with their land itself and their way of life. They are asking for historic rights or payment of debts.

Finally, it seems to us understandable that under the frustrations they experience in dealing with government agencies, they would wish to seek redress from the United Nations as a higher court to which they could appeal.

Our Indian citizens have made their statement eloquently. It is the hope of the league that they will be heard by the city of Minneapolis, the state of Minnesota and the U.S. government.—Mrs. O. J. Janski, president League of Women Voters of Minnesota, St. Paul.

[From the Minneapolis Tribune, Mar. 29, 1970]

THE BIA AND AID TO URBAN INDIANS

Indian protests against the Bureau of Indian Affairs last week are not new and not without merit. Indians picketed BIA offices in Minneapolis five years ago seeking BIA aid for Indian people in the cities as well as those on the reservations.

Nothing much happened as a result of that earlier protest. The BIA did provide funds briefly for an Indian employment center in Minneapolis. But the aid was terminated and the BIA now refers Indian job applicants to the state employment service.

So now the Indians are protesting again, in Minneapolis and in other cities with large Indian populations. And their continued demand that the BIA "serve equally both reservation and urban Indians" is even more pertinent today.

The reason it is more pertinent is that the migration of Indians to the urban centers in search of jobs, housing and a better life leads to estimates that up to 65 percent of the American Indians now reside in the cities. The migration has been dramatic in Minneapolis. One study, projecting school enrollment figures, concludes that the Indian population in this city has grown from 2,000 to nearly 10,000 in the past 10 years.

BIA money, however, has not followed the Indian. The $500 million in federal appropriations, including some funds in non-BIA programs, goes primarily to the reservations. The BIA does assist those Indians who come to the cities under a BIA employment-assistance program, but many Indians come to the cities on their own and are not eligible for direct services.

BIA officials say that agency and congressional policy restricts their spending to the reservations. This may be true—although the funding of the employment center indicates the policy is not ironclad. Further, there has been no demand on the part of the BIA that Congress change this policy. Owen D. Morken, regional BIA director here, says that he will take the Indian demands to BIA headquarters in Washington. The Indians have made a good case, in our opinion, that the BIA should seek a change in policy, and the necessary funds, to finance programs by and for urban Indians. The federal government is largely responsible for the plight of the American Indian today, and should not duck that responsibility merely because of migration trends.

## OCEANIC AND ATMOSPHERIC PROGRAMS

Mr. HOLLINGS. Mr. President, in his environmental message last February the President stated that he had requested his Advisory Council on Executive Organization to make its report on Federal organization for environment, natural resources, and oceanography by April 15. For the reasons I stated in my speech on the floor of the Senate in March, I feel that the decision to be made by the President regarding our Nation's oceanic and atmospheric programs is of the utmost importance.

I have introduced a bill, S. 2841, to create a National Oceanic and Atmospheric Agency, and the Committee on Commerce has nearly completed its hearings and action on that bill. I cannot claim authorship of the idea for NOAA. In one way it has evolved from over 10 years of leadership by Congress, particularly by the distinguished chairman, the Senator from Washington (Mr. MAGNUSON). The idea is directly attributable to the Commission on Marine Science, Engineering and Resources, which arrived at that organizational recommendation after 2 full years of intensive study.

Since the publication of the Marine Science Commission's report entitled, "Our Nation and the Sea" last year, support for an independent oceanic and atmospheric agency has grown, coming from widespread interest groups such as the National Oceanography Association, the National Security Industrial Association's Ocean Science and Technology Advisory Committee, the American Oceanic Organization, as well as from conservation groups. I am pleased to announce that at its February 26 meeting of the board of directors of the Chamber of Commerce of the United States adopted a policy position urging the creation of a National Oceanic and Atmospheric Agency as proposed by S. 2841. I welcome the support of the chamber of commerce, and ask unanimous consent that letters sent to me and to Mr. Roy L. Ash, chairman of the President's Advisory Council on Executive Organization, be printed in the RECORD.

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

CHAMBER OF COMMERCE
OF THE UNITED STATES,
*Washington, D.C., April 10, 1970.*

Hon. ERNEST F. HOLLINGS,
*Chairman, Subcommittee on Oceanography, Committee on Commerce, U.S. Senate, Washington, D.C.*

DEAR SENATOR HOLLINGS: I am pleased to tell you that the National Chamber supports the establishment of a National Ocean and Atmospheric Agency, as is proposed by your bill, S. 2841.

We support the establishment of a strong, independent NOAA and a National Advisory Committee on the Oceans, such as proposed by the Commission on Marine Sciences, Engineering and Resources, as being a necessary first step toward improving our national marine capability.

We recognize—and your bill contemplates—that the specific functions and responsibilities of the agency, or any additional allocations of federal funds beyond what is presently budgeted for its components, should be the subject of further study.

I would appreciate your including this

GOVERNMENT FACTOR

Rubel hastens to point out that government loans to SBICs are income-producing for the government. In 1967 the industry paid $13,000,000 in taxes and in 1968 the amount zoomed to $20,000,000.

During the same years the program cost $7,000,000 a year to run, Rubel claims. (The SBA doesn't disagree with his calculations, it just reserves judgment saying it doesn't have Rubel's figures).

But there is one thing both agree on. Outlook.

It is good, according to Rubel, in spite of the decline in the new issue market in recent weeks. The new issue market remained reasonably strong in 1969, an important factor in SBIC profits. Total underwritings last yeear went to $1.369 billion from $754,300,000 in 1968.

"The new issue phenomenon has meant venture capital companies have been able to see their interests to go public much earlier with bigger issues" maintains Rubel.

And the SBA is right behind him. One program director said "The interest in venture capital (SBICs are often referred to in that way) is tremendous and is growing rapidly." He added that young people are moving into it, new groups are forming, and nationwide seminars on the subject are stirring up interest.

## F. D. R.'S DREAM

Mr. YOUNG of Ohio. Mr. President, during World War II, President Franklin D. Roosevelt foresaw and hoped for independence for Vietnam, Cambodia, and Laos, then called Indochina. At that time; this was a brutally oppressed French colony occupied by the Japanese. In his memoirs Secretary of State Hull wrote:

The President . . . himself entertained strong views on independence for French Indo-China.

In 1943 F. D. R. said:

The native Indo-Chinese have been so flagrantly downtrodden . . . Anything must be better than to live under French colonial rule.

How ironic it is that in the minds of most Vietnamese and heads of state of Asiatic nations the United States has now replaced France as the imperial aggressor in their land. If F. D. R. had lived to implement his proposal and hope, 500,000 young Americans would not now be fighting, dying, and destroying land and villages with napalm bombs and chemicals in Vietnam, a small faraway country of no strategic or economic importance to the defense of the United States.

## FREIGHT CAR SHORTAGE PROBLEM CRUCIAL IN IDAHO

Mr. JORDAN of Idaho. Mr. President, because of the deep concern which has been expressed by both Idaho shippers and railroad carriers for the need to alleviate the crucial railroad freight car shortage problem, I ask unanimous consent that the statement which I submitted on March 26, 1970, to the Special Subcommittee on Freight Car Shortages of the Committee on Commerce be printed in the RECORD.

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

STATEMENT OF SENATOR LEN B. JORDAN OF IDAHO BEFORE THE SPECIAL SUBCOMMITTEE ON FREIGHT CAR SHORTAGES OF THE SENATE COMMERCE COMMITTEE

Mr. Chairman and Members of the Special Subcommittee on Freight Car Shortages, I am glad to be a co-sponsor of S. 3223 and am pleased to have had the opportunity to work with Senator Magnuson in preparing what we believe to be an effective legislative measure which should go a long way toward alleviating the railroad freight car shortage problem.

The problem, as you have no doubt already concluded from the testimony so far adduced in this hearing, has seasonally plagued the shippers of the West and Mid-west for at least the past 50 years. Some writers say it goes back for more than 80 years and actually was the source of the first complaint filed with the ICC. My personal experience with it has been extensive and frustrating, first as a cattle and grain shipper in private business, then as Governor of the State of Idaho and now as a United States Senator.

Few subjects, as reflected by the correspondence files in my office, have caused more concern to my constituents. The necessity is paramount to have railroad freight cars available when needed to ship the products of the farms, forests and mines which provide the basic economic foundation of my State.

One transportation officer of a large forest products firm has expressed his frustration in a recent letter this way:

"I am at a complete loss to explain to our management why we cannot have an adequate supply of box cars when the lines that serve our mills have spent millions of dollars on equipment and have an ample supply of equipment in their ownership to serve their customers but cannot get this equipment to their customers because other railroads do not follow the service rules established by the A.A.R."

The Administrator of the Idaho Wheat Commission on January 5, 1970, made the following report:

"We have been doing some checking with country elevator operators and wheat growers in northern Idaho during this Holiday Season and find that there is still an extreme boxcar shortage in the northern Idaho area. We have been informed that areas around Worley, Moscow, Genesee, Lewiston and Camas Prairie are as much as 30 to 45 days behind on car orders. A great deal of wheat has been sold to meet certain time limitations for delivery at Portland with prospects of not being able to meet the deadlines due to boxcar shortages."

The Secretary of the Wallace, Idaho, Chamber of Commerce which is located in one of the largest lead, silver and zinc producing areas of the United States, wrote to me on February 13, 1970, as follows:

"The Wallace Chamber of Commerce has been informed that Senate Bill 3223 was introduced on December 9, for the purpose of amending the Interstate Commerce Act to (1) establish car hire and car rental charges at a level necessary to maintain an adequate national car fleet and meet emergency car supply problems, and (2) to prescribe such changes solely upon the time the car is held or used. After a thorough discussion of this matter our Chamber is convinced that Senate Bill 3223 is a very desirable piece of legislation from the standpoint of equity to western shippers and carriers. We therefore commend you for your support of Senate Bill 3223."

Additional examples of such correspondence would be only accumulative but the foregoing are typical of the expressions of urgency and need for passage of S. 3223. I have not received a single letter from anyone expressing the view that S. 3223 is not needed or would not be in the public interest. Neither have I seen any communication or evidence from my part of the country that the proposed time-mileage formula would be better for the national transportation system than the per diem only proposal contained in this bill.

It is understandable that the eastern railroads, having much shorter distances to haul than western railroads, would oppose any legislation which would deprive them of the economic advantages of being able to use freight cars of the western railroads for storage and for hauls between eastern shipping points at rental rates far less expensive than the cost of providing their own rolling stock. This situation is intolerable. It is apparent that Congress must move to correct the serious inequities to the western railroads.

In 1966 the Congress amended Section 1(14)(a) of the Interstate Commerce Act with the hope that the crippling car shortages which were plaguing the nation would be alleviated through action of the Interstate Commerce Commission. This amendment provided for *interim* incentive rates and exemptions.

Following burdensome studies imposed upon the railroad industry and extensive hearings, the Commission in the incentive per diem case found that *interim* incentive rates would neither induce the purchase of freight care nor improve operating practices. When the Commission heard argument in this case, Commissioner Bush observed that the law might have to be amended or repealed.

In the basic per diem case, the Commission presumed to abandon a system of car-hire rates based only upon the time freight cars are used or held, which system has been in use throughout the industry since 1902. Prior to that time experiments with rates based upon time and mileage or mileage alone proved these systems to be impractical. Nevertheless, the Commission prescribed a system of car-hire charges for freight cars in free interchange which can only aggravate the problem. Under this time-mileage system it would be cheaper to let a freight car sit idle and a railroad would be penalized for moving the car where it might be needed. Accounting and auditing for these rates would require railroads to deal with 80 brackets of mileage charges and 560 brackets of time charges in order to embrace cars of all values which are in the national fleet. This would entail very considerable accounting burdens and problems.

Twenty-one states joined railroads owning a large majority of cars in the national per diem car fleet in opposing the Commission's action in court without success. The public interest has thus been ignored and it is only fitting that the practical aspects of railroad operation be revised by the Congress so that it may declare the basic car-hire policies to be followed by the Commission.

I leave the technical explanation of the intricacies and background of the bill to other witnesses. But, basically S. 3223 simply directs the ICC to prescribe a system of compensation to freight car owners predicated solely upon the time a car is held or used. It amends the first section of the Interstate Commerce Act to require the Commission, in fixing compensation, to determine the value base of freight cars and shop facilities, the depreciation thereon and a rate of return on investment, and to convert these costs to daily car-hire rates which shall be recomputed annually.

A key provision authorizes the ICC to impose such charges on carriers, when a shortage or threatened shortage of freight cars exists, in addition to the daily car-hire rates, as in the opinion of the Commission are reasonably calculated to relieve such shortage or threatened shortage during the emergency or threatened emergency. The bill also contains much needed enforcement teeth by doubling the penalties to not less than $200 nor more than $1000 for each offense and

I share the opinion of the Court in *Ex Parte Shaw*, 209 F. 954, 955 (1913), that—

> The right to bail . . . is subject, like all other personal rights, to being influenced by considerations of public policy and public safety.

I believe that Congress enjoys the full constitutional authority to determine, within reasonable limits, when those considerations shall come into play.

NO-KNOCK PROVISION

A second provision in the House bill which is worthy of Senate support is the provision codifying the common law authority for police officers to enter a premises without knocking to announce their identity and purpose.

When Congress is legislating for the District of Columbia, no effort should be spared in providing a complete and modern code of criminal procedure, a code which sets out with precision the powers of the Government and the rights of the public.

Most of the provisions are simply codifications of existing law which bring our statute books up to date and remove outmoded provisions. All of the enlargements of authority have foundation in case law. They are reasonable. There is a pressing law enforcement need for them.

No one in this Chamber would deny that, as a general rule, police should knock and announce before entering a premises. The general rule, which is a statutory command, is not materially affected by the House bill.

What the bill does is to set out in detail the exceptions to the general rule, the situations in which exigent circumstances justify a no-knock search, so that the police and the public are fully apprised.

There are special circumstances, involving dangerous defendants, in which an announcement by the officer would be "the equivalent of an invitation to be shot." As the court observed in *People* v. *Robinson*, 75 Cal. Rptr. 395, 397 (1969), "Reasonable conduct on the part of a police officer does not require that he extend such an invitation."

Another recognized exception arises in a situation in which critical evidence is likely to be destroyed. In *Ker* v. *California*, 374 U.S. 23 (1963), the Supreme Court upheld an unannounced entry to prevent the destruction of narcotic evidence. In *People* v. *Delago*, 16 N.Y. 2d 289, 113 N.E. 2d 659 (1965), the New York Court of Appeals approved a no-knock entry to seize gambling paraphernalia which was authorized under the State's no-knock statute.

In *People* v. *Clay*, 78 Cal. Rptr. 56, 58 (1969), the court described another relevant situation:

> When Lusardi and two of the other agents approached to within five feet of the house Lusardi heard loud voices and running inside the house; someone yelling 'It's the police! It's the police!; and the sound of a shot being fired. Lusardi and the agents entered the house without knocking, announcing they were police or stating their purpose.

Surely, when the occupants of a house are running about inside shouting "It's the police. It's the police," a requirement that the police must knock and announce would be a useless gesture. It would also increase the peril of the officers, and permit the destruction of evidence.

A majority of our States, in statute or in court decision, recognize situations which justify no-knock entries. My own State of Nebraska, for example, has enacted a statute that provides, in part, that a judge may issue a warrant authorizing an officer's entry without giving notice of his authority and purpose, when, upon proof under oath, he is satisfied "that the property sought may be easily or quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, if such notice be given." Nebraska Revised Statutes, section 29–411.

U.S. Attorney Thomas Flannery has stated that—

> [T]he passage of [a no knock provision] is necessary for effective enforcement of local and federal narcotics laws. Experience has shown that the time consumed by the executing officers in announcing their authority and purpose and waiting to be refused admittance is used by the dope peddler in disposing of his narcotics down the toilet. All too often law enforcement officers, after finally entering the premises to be searched, find the drug trafficker in his bathroom gleefully watching his drugs vanish from sight. The provision . . . would also be of exceptional value in our efforts against organized gambling.

These considerations have prompted the District government and the District of Columbia Bar Association to endorse specific no-knock authority for the District of Columbia.

ELECTRONIC SURVEILLANCE

In 1968, when Congress approved the Omnibus Crime Control and Safe Streets Act, we enacted a comprehensive provision on electronic surveillance. We also authorized States and other political subdivisions to engage in wiretapping and electronic surveillance if—and only if—the States passed specific statutes which conformed to the standards established by Congress.

The Federal law specified the offenses for which a State could authorize electronic surveillance. They were murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marijuana, or other dangerous drugs, or other crimes dangerous to life, limb, or property, and punishable by imprisonment for more than 1 year.

In providing for electronic surveillance in the District of Columbia, both the Senate bill and the House bill follow the Federal standards with faithful precision, preserving the limitations and protections set out in our legislation. There are no new departures in terms of procedure. And the only significant difference between the Senate bill and the House bill is that the House bill includes several offenses which the Senate bill does not.

These offenses include arson, blackmail, burglary, destruction of property, receiving stolen property, and robbery.

I am persuaded that in certain situations these offenses may bear a critical nexus to the activities of organized crime. In these situations, society should have the means to employ electronic surveillance. Unless these offenses are included, however, that means will not be available.

As the House Committee report stated:

> Not all burglaries, robberies, larcenies or receiving of stolen property (fencing) . . . arise out of organized crime. But your committee is . . . aware that a number of these crimes clearly are the result of planning and organization by groups of individuals.

I believe the Senate should accept these additional offenses, so that law enforcement officials in the District of Columbia will have this weapon in the unusual cases when it may be needed.

CONCLUSION

These are but three of the proposals to be considered by the conference. Each, in turn, is important to insure that the police have necessary tools.

This bill provides those tools in a way designed to pass constitutional muster.

We should follow the efforts of the conference closely as it is imperative that the President's crime program be considered promptly and favorably.

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## THE PLIGHT OF THE AMERICAN INDIAN

Mr. HARRIS. Mr. President, we have heard much in recent months about the plight of the American Indian, and many promises of help and assistance in correcting some of the inequities of the past have been forthcoming.

Yet it has been difficult to translate this support into concrete action. In the case of the Blue Lake area in New Mexico which was unjustly taken from the Taos Indians, for example, the Federal Government has acknowledged the claim of Taos Pueblo since 1912. In 1965, the Indian Claims Commission reaffirmed this position.

Since that time, legislation has been introduced to return the Blue Lake area to its rightful owners, but no final action has been taken. Two current bills, S. 750 and H.R. 471 address themselves to this problem. Along with a number of other Members of the Senate, I feel that H.R. 471 provides a much more equitable resolution of this situation. We have explained our reasons in a letter to the Indian Affairs Subcommittee of the Committee on Interior and Insular Affairs, which is presently considering Blue Lake legislation.

Because the time is long overdue to correct this situation and to indicate our good faith in dealing with these Indian people, I believe the Blue Lake matter deserves the attention of all Members of the Senate. Therefore, I ask unanimous consent that our letter to the subcommittee be printed in the RECORD so that it is available to all.

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

U.S. SENATE,
*Washington, D.C., April 15, 1970.*

HON. GEORGE MCGOVERN,
*Chairman, Indian Affairs Subcommittee, New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We are writing you to request that the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee take prompt and favorable action on H.R. 471, which would rightfully return

committed by persons released before trial.

Judge Tim Murphy of the District's Court of General Sessions has told the Senate:

[A]s a practical matter, many cases come before the court in which from the outset there is not a shadow of a doubt about the defendant's guilt. Many of these cases involve dangerous persons whom the judges know to a moral certainty will repeat their criminal activity if released. Yet under the Bail Reform Act he must release these people to prey on the community. My immediate examples are the holdup man who is in on one, two, three, or four gunpoint holdup charges, and, of course, your narcotic addicts, who because of their illness must commit a crime to support a habit.

Ronald Goldfarb has testified that—

Recidivists . . . may 'commit multiple crimes while out on bail, unable or unwilling to resist it. Some defendants cannot resist the impulse because of pathological weaknesses, some because they are professional criminals who do not want to resist recidivism. Some defendants have been known to commit 10 and 15 crimes while out on bail . . . This frequently happens in burglary and narcotics cases.

SECOND REASON

Second, even if the volume of crime on bail were not significant, individual instances undoubtedly arise in which noncapital defendants are an obvious menace to the public safety and should not be granted pretrial release.

At present, the Bail Reform Act mandates the pretrial release of virtually all noncapital defendants. These defendants include men charged with such serious crimes as forcible rape, arson, kidnaping, armed robbery, burglary, bank robbery, mayhem, assault with intent to kill, manslaughter, and second-degree murder. Every Member of this body knows that some of these defendants cannot be released before trial without endangering community safety.

As interpreted by the Court of Appeals, however, the Bail Reform Act does not permit the consideration of dangerousness by a trial court in any of these noncapital cases, no matter how extreme or unusual the facts may be. The court has said explicitly that "pretrial detention cannot be premised upon an assessment of danger to the public should the accused be released."

Thus, a man could be apprehended in the middle of an armed robbery—he could exchange shots with police—he could be addicted to heroin—and he could have a long record of violent crime—and he still would be entitled to pretrial release.

The distinguished Senator from Pennsylvania (Mr. SCOTT) recently observed that John Dillinger robbed at least 13 banks, three supermarkets, a mill, a drugstore, and a tavern before he was first arrested in 1933. Under the Bail Reform Act, John Dillinger would have been entitled to pretrial release following his arrest unless there were clear evidence that he would try to escape.

In 1969, Federal District Judge George L. Hart told the Senate Subcommittee on Constitutional Rights:

If Dillinger came before you, anybody with three grains of sense knows he is dangerous.

Is there any Member of this Chamber who is unable to agree with that assessment?

Is there any Member of this Chamber who insists that the likes of John Dillinger must be given their pretrial freedom, simply because they have not yet committed a capital crime?

The compulsive rapist and sex pervert who may strike without warning at any time—the incorrigible recidivist who has been engaged in a life of crime since his early childhood—the narcotics addict who is desperately in need of money for his next fix—the hard-core tough who is inclined toward viciousness and physical violence—these are people who should be detained because no system of accelerated trials and no alternative to pretrial detention will protect the public from such men. When these defendants have been charged with a serious crime, society should have the means to effect their detention.

THIRD REASON

Third, pretrial detention is a desirable reform because it will restore integrity to the legal system. For hundred of years, defendants thought to be dangerous have been detained before trial through the simple device of setting high bond.

Even under the Bail Reform Act, which was designed to minimize the use of money bond, not every defendant has been released before trial. For example, the U.S. Attorney's Office in the District conducted a study of 557 persons indicted for robbery in 1968. As I mentioned earlier, 345 of these defendants were released—70 percent of whom were later charged with new crimes. However, 212 of the 557 defendants were not released.

There is really no doubt that some of these defendants were not released because they could not meet the money bond required by judges who considered them dangerous.

This process is unusually deceptive. The Congress learned in 1964, for example, that 28 percent of the defendants in New York City could not raise bail of $500, and 45 percent could not raise bail set at $2,000. Trial judges are shrewd enough to know that there is no point in setting bail at $50,000 for a dangerous defendant if he cannot even meet a $500 bond. The small sum of $500 can hardly be labelled "excessive bail."

But this process of detention remains dishonest and hypocritical. It is not straightforward; it is subterranean. The law should be above such subterfuge.

It was hypocrisy of this nature that prompted Ramsey Clark to say that open pretrial detention would promote candor and eliminate indirection.

In this day and age, there is no justification for public officials to engage in subterranean practices which cannot be defended in public discourse. Sham and hypocrisy weaken our institutions; they undermine public support our government.

Open pretrial detention would not only restore integrity to the legal system, it would also afford greater protection to individual defendants, whose alleged dangerousness and deliberate detention would be subject to appellate review.

FOURTH REASON

Fourth, the Bail Reform Act should be amended because, as drafted, it grants no specific authority to revoke bail for those who have been apprehended in a new crime during pretrial release; nor does it authorize detention of those who would threaten or injure jurors or witnesses or otherwise disrupt the administration of justice. These grounds for pretrial detention are almost universally accepted as necessary and reasonable, but they are not recognized by the language of the 1965 Act.

Thus, we have the unfortunate spectacle of a court in the District of Columbia proclaiming its inherent power to detain defendants who are likely to interfere with the administration of justice, though the controlling statutory language is to the contrary. I do not question the soundness of the court's decision; but neither do I condone the necessity of simply ignoring a statutory command of the Congress.

These four reasons, plus others which might be adduced, provide ample justification for changing the law. I am convinced that the Bail Reform Act should be amended to authorize the limited pretrial custody of dangerous defendants. I think we are deluding ourselves if we seriously insist that this is not necessary.

PREVENTIVE DETENTION IS CONSTITUTIONAL

I commend pretrial detention to the Senate with the firm belief that it does no offense to the Bill of Rights. Some opponents of this proposition have claimed that it violates the Constitution. I profoundly disagree.

I approve the analysis by the Supreme Court in Carlson against Landon that—

The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus in criminal cases bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment fails to say all arrests must be bailable.

I agree with the holding by Federal District Judge Edward Weinfeld in a New York case that—

Congress could, without running afoul the Eighth Amendment, provide . . . that persons accused of kidnapping, bank robbery with force and violence, or other serious noncapital crimes are not entitled to bail as a matter of right.

Opponents of pretrial detention have not discredited the merits of these statements. They have not explained how a Federal law on pretrial detention would be held unconstitutional under the eighth amendment, without thereby invalidating the laws or constitutions in such States as New York, Maine, Rhode Island, and Florida. They have not told the public what will happen under their theory if we ever wholly abolish capital punishment.

the Blue Lake Area to the Taos Pueblo Indians.

The return of the Blue Lake Area to the [illegible]s Pueblos has been consistently recommended by the Interior Department since 1912. H.R. 471 has twice passed the House by almost unanimous votes. The Indian Claims Commission in 1965 affirmed that the Blue Lake Area was unjustly taken from its Indian owners by Executive Order in 1906. S. 750 is inconsistent with these facts.

We agree with the Taos Indians that S. 750 is objectionable because it fails to recognize that they need and have a rightful claim to the entire 48,000 acre tract and because it fails to preserve the entire tract as a wilderness area. The Taos Pueblo Council said of S. 750:

"First, it reduces the area to be preserved as wilderness to a mere 4,600 acres. Second, within this limited wilderness the religious activities of our people would be squeezed into a tiny unprotected island of 1,600 acres to be set aside for ceremonials. Third, while the bill purports to protect by permit our rights to an additional 34,500 acres, its actual effect would be to segregate the area, strip away its sanctity, reduce our present exclusive-use rights and give the Forest Service new powers for such activities as harvesting timber. Thus the Blue Lake Area would be dismembered and over 90 percent opened to desecration. The opportunity to save an unspoiled wilderness of 48,000 acres, as provided by H.R. 471, would be forever lost."

We believe that the Taos Pueblos should not have to wait any longer for the righting of a wrong that occurred in 1906 and has been recognized by the Federal Government as a wrong since 1912.

We would appreciate it if the Subcommittee would take prompt action on this measure and bring it to the floor.

Sincerely yours,

FRED R. HARRIS,
ALAN CRANSTON,
WALTER F. MONDALE,
EDWARD KENNEDY,
PHILIP HART,
HAROLD E. HUGHES.

## INDOCHINA

Mr. HARRIS. Mr. President, on April 2, I introduced for myself and the distinguished senior Senator from Kansas (Mr. PEARSON) Senate Resolution 383, which in taking note of the danger of an expansion of hostilities in Indochina called for affirmative action by the United States to prevent such an expansion of conflict, and further stated that a comprehensive multilateral conference of all interested parties which could consider ways to obtain a true neutralization of Vietnam, Laos, and Cambodia would be the most promising approach for dealing with this grave situation.

On April 8, the names of five additional Senators were added to the list of cosponsors of this resolution. Today, I am pleased to ask unanimous consent that the names of the distinguished junior Senator from Indiana (Mr. BAYH), the distinguished junior Senator from Alaska (Mr. GRAVEL) and the distinguished senior Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of this resolution at its next printing.

The PRESIDING OFFICER. Without [illegible]ction, it is so ordered.

Mr. HARRIS. I appreciate this additional support for Senate Resolution 383 very much, for nothing has happened since the resolution was initially introduced which would indicate either that the danger of a spread of hostilities has lessened or that the administration intends to make a diplomatic initiative which could lead to a multinational conference to deal with the situation.

Yesterday, for example, the Washington Post carried news reports of an apparently intensified campaign by Cambodians against their Vietnamese minority, about building North Vietnamese pressure in Laos which is leading to a little noticed deterioration in the Royal Laotian Government's position and about enemy shellings in Saigon. The slow and almost invisible steps by which American involvement in Laos and Cambodia may increase may have already begun, as the Post suggested in an editorial aptly titled "Bordering on Trouble" which appeared on Sunday, April 12. Today, there are reports of Cambodian Premier Lon Nol's appeal for weapons from any country which will provide them. The United States has not been directly asked as yet for this help, but some sources are reported to expect both such a request and a favorable administration response.

As Joseph Kraft has noted in a perceptive column which appeared yesterday in the Washington Post, in the face of some pressures on the one hand for slowing the rate of troop withdrawal from Vietnam and mounting support for a negotiated Indochina-wide settlement such as proposed in Senate Resolution 383 on the other, the administration holds to its dubious policy of Vietnamization.

Mr. President, I ask unanimous consent that the editorial and the column by Mr. Kraft to which I have referred be printed in the RECORD.

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

### BORDERING ON TROUBLE

Of the two explanations the American Embassy in Saigon offers for the presence of American military advisers with their South Vietnamese military units in Cambodia, we are unsure which is the more troubling. First, the embassy stated that advisers could cross into Cambodia, a country whose neutrality the United States has repeatedly pledged to uphold, in order to "exchange pleasantries (sic) and protocol greetings and not to carry on any substantive discussions or to make any plans or commitments." Well, an exchange of pleasantries, however laudable as an exercise in intercultural understanding, does not strike us as adequate justification for possibly pulling the United States into a wider Indochinese war. For that, of course, is the risk invited by any further erosion of the admittedly arbitrary and imperfect barrier which has so far kept most American fighting men out of Cambodia.

In a second explanation, the embassy in Saigon reported that one adviser in question, wishing to make a "friendly visit," had entered Cambodia "on his own accord." We take this to be more a formula of diplomatic art than an account of reality. Nonetheless, it is unthinkable that, on such an issue as crossing into another country and conceivably getting into the war there, American military men should lack either the instructions or the self-discipline to stay on the Vietnamese side of the border. Americans are well known as a friendly folk, and no doubt the impulse to drop into Cambodia and press flesh with the nice people there at times wells up strong. A little friendliness, though, can be a troublesome thing.

The reasons for super-caution should be plain to anyone who scans the military communiques coming out of Phnom Penh. In brief, the new Cambodian government, having decided to press hard publicly on the Vietcong instead of continuing Prince Sihanouk's policy of diplomatically razzle-dazzling them, finds it has bitten off more than it can chew. That government's authority is said to be evaporating in key regions near South Vietnam, and its army is fulfilling much of its earlier promise of ineffectiveness. It is unsettling enough that General Lon Nol, the new No. 1, may be about to embarrass the United States with a direct appeal to bail him out. It is worse, for being unnecessary, that the United States might get more deeply involved because of an incident arising out of a military adviser who had crossed over to Cambodia to "exchange pleasantries."

Is it really necessary in 1970 to have to point all this out?

### VIETNAM PEACE MAY REQUIRE NEW PRESSURE FROM PUBLIC

Storm signals are flying on Vietnam again. But the top figures in the administration are convinced they are on the right track.

So they are foregoing chances to develop the alternate track of negotiating out. And peace will probably require yet another agony of public collision in this country.

This time even the numbers foreshadow some of the dangers. According to the Gallup Poll, public approval for the President's Vietnam policies has been steadily dropping since January. Those in favor are now below 50 per cent. While no one can pretend to read the exact meaning of this dwindling approval, it signifies at the very least that there is a limit to American patience with the continuing war.

But other sets of numbers show no reason to believe that the war will soon be slackening. The enemy has finally adjusted to the spoiling tactics of the American commander, Gen. Creighton Abrams. As a result, the Communists are increasing the pace of their activities. Last week, for example, they killed 754 South Vietnamese soldiers—the highest loss by the Saigon regime since the spring of 1963.

But at the same time, the Communists have learned to cut their own losses. The enemy killed-in-action figure was estimated at 14.000 monthly for 1968, and 12,000 monthly for last year. In the first quarter of this year, the figure was running at an annual rate of 9,000 monthly and still coming down.

No one can be exactly sure of the meaning of these numbers. But it looks as though the other side has settled to a strategy that features keeping up the pressure at a minimum loss for a long, long time. And that impression is reinforced by enemy actions in Laos and against the anti-Communist regime that recently ousted Prince Norodom Sihanouk in Cambodia. These enemy actions have brought a sounding of alarms in many quarters. President Nguyen Van Thieu of South Vietnam has called for a slowdown in the withdrawal of American troops, and a more vigorous assault against the Communist forces in Vietnam. His views are plainly shared by some of the American military in Washington, and not a few of the soldiers and civilians in Saigon.

An almost opposite course has been advocated by certain civilian officials in the State Department and Pentagon. They have pushed for new moves to get the Paris peace talks off dead center. Using the outburst of fighting in Laos and Cambodia as a peg, they have called for revival of the Geneva Conference covering all of Indochina.

But these pressures have made almost no dent on the administration. Rather they have surfaced for a day or two as news stories, and then disappeared. For at the highest levels the administration is more and more tending to a fixed view.

In this view the right policy is the steady passing of military burdens from American to South Vietnamese troops—Vietnamization. The theory is that the American public will sit still for this policy as long as there is a continued movement of Americans out of Vietnam. The other side, it is argued, will see the withdrawal as serious, and eventually negotiate with Washington on favorable terms—rather than waiting to have to make a deal with Saigon.

The fighting in Laos and Cambodia, by over-extending Hanoi, will only put more pressure on the Communists to come to terms.

In short, the Nixon administration is on the verge of being hooked by its own prescription. In the process it is losing the chance to move toward negotiations. And those who feel clearly that the American interest lies in an across-the-board diplomatic settlement are more and more obliged to move in the one way that makes a dent—through public pressure.

Mr. KENNEDY. 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 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.

## ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. tomorrow.

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

## ORDER FOR RECOGNITION OF SENATOR BAKER TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that immediately following the disposition of the reading of the Journal tomorrow the Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 15 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from Tennessee (Mr. BAKER) tomorrow, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

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

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from Ohio (Mr. YOUNG) tomorrow there be a period for the transaction of routine morning business with speeches therein limited to 3 minutes.

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

## ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS—ORDER FOR PENDING BUSINESS TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the period for the transaction of routine morning business Calendar 770, S. 3544, the Arms Control and Disarmament Act Amendments, be made the pending business.

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

## THE GREAT LAKES DISPOSAL BILL

Mr. GRIFFIN. Mr. President, today the President sent up a very important message on waste disposal, proposing legislation to be known as the Great Lakes disposal bill.

I ask unanimous consent to have printed in the RECORD at this point a fact sheet concerning the President's message.

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

FACT SHEET—PRESIDENT'S MESSAGE ON WASTE DISPOSAL

I. PROPOSED LEGISLATION

The Great Lakes Disposal Bill would:

1. Discontinue open water disposal of polluted dredge spoil from authorized Federal navigation projects and all other sources in the Great Lakes and their connecting channels as soon as disposal sites are available. The Secretary of the Interior, in consultation with the Governors, will determine the areas where dredge spoil is polluted.

2. Authorize the Secretary of the Army to construct, operate, and maintain contained disposal facilities for a period not to exceed ten years. Before establishing such facilities, the Secretary of the Army must consider the views of the Secretary of the Interior on the effect of the proposed facility on water quality and other environmental values.

3. Require States or other non-Federal interests to provide needed lands, easements and rights-of-way and one-half the cost of constructing containment areas.

4. Require the Secretary of the Army to suspend or terminate dredging or prohibit dredging by Federal licensees and permittees if he determines, one year after enactment of this Act, that the non-Federal interests have not taken reasonable steps toward providing funds and land, or land rights.

5. Permit Federal licensees or permittees to use the containment areas for disposing dredged spoil by paying a fee equal to the cost of providing the facility. One-half of this fee would be returned to the local interests.

6. Authorize the Corps of Engineers to extend to all navigable and allied waters a program of research, study, and experimentation related to dredge spoil.

II. THE PROPOSED PROGRAM

1. The proposed program is based on a comprehensive study by the Department of the Army on the effects on the Great Lakes of depositing dredge spoil. This study was conducted in cooperation with the Department of the Interior, including the Federal Water Pollution Control Administration, other Federal agencies, several universities, and technical consulting companies. An eminent group of consultants interpeted the results of this study by concluding that deposit of polluted dredged spoil in the Great Lakes is "presumptively undesirable," and that in the long run the ecology of the Great Lakes would be affected adversely.

2. The study included an investigation of many alternative methods of spoil disposal including treatment in sewage plants, aeration, burning, and deposition on upland and in contained areas along shore. Of these, the best alternative for an interim period of about 10 years is the deposition of the polluted material in contained areas along the shore.

3. First priority under the program will be given to the 35 most polluted harbors.

4. The construction of facilities in these 35 harbors will cost $70 million: $35 million Federal and $35 million State and local costs. Cost of operation and maintenance will be increased $5 million annually due to the added handling cost of the dredged spoil.

III. THE OCEAN DUMPING PROBLEM

1. A study performed by the Department of Health, Education and Welfare indicates ocean disposal of solid wastes during 1968 as follows:

(a) Atlantic Coast—24 million tons.
(b) Gulf Coast—16 million tons.
(c) Pacific Coast—8 million tons.

2. Attention has recently been directed to the dumping of sewage sludge, cellar dirt, dredged mud and chemicals in the New York Bay area. The results of a intensive study of determine the effects on the ecology of this area will not be completed until early next year. An interim study indicates this dumping has had an adverse effect on bottom marine life in this area, although its impact has not been fully evaluated.

3. Current disposal methods and technology are not adequate to deal with wastes this volume immediately. There are an ever decreasing number of appropriate sites for land-fill disposal. Current incineration practices are costly and create air pollution problems. There have been jurisdictional problems in transporting wastes to inland sites. Other technologies and alternatives, such as composting, creation of artificial islands, transporting material to fill in strip mines or to create artificial reefs, baling of wastes, and incineration at sea have not been sufficiently developed and tested.

4. A study will be conducted under the direction of the Chairman of the Council on Environmental Quality to recommend:

Further research needs;
Legislative changes, if necessary;
A comprehensive approach to the problem of ocean dumping, including an evaluation of all the proposed and other alternatives.

Mr. GRIFFIN. Mr. President, the largest concentration of fresh water in the world are the five lakes known as the Great Lakes. They are a vitally-important resource to the economy and well-being of mid-America, as well as providing a fourth seacoast for the Nation. Even the great State of Michigan draws its name from the Indian words Michigamma, meaning "large lake."

Unfortunately, however, for too many years there has been little thought given to preserving these natural reservoirs of sparkling blue water. Man's pollution has vitually destroyed Lake Erie, has caused considerable change in the quality of the water and ecology in lower Lake Michigan and is threatening to do serious harm to the other lakes: Huron, Ontario, and Superior.

As a Senator from a State which has more than 38,000 square miles of Great Lakes' water in its domain, I am par-

members of the Kazakov family had gone to the offices of the party Central Committee yesterday to deliver the appeal but had been told by an official that it would be filed unread.

Yasha Kasakov, 23-year-old Israeli, continued his fast at the Isaiah Wall opposite the United Nations yesterday to dramatize his efforts to get his parents out of the Soviet Union. Mr. Kazakov, who emigrated from Moscow to Israel last year, said he would continue to fast, until the Soviet Government responded to his plea.

ISRAEL CALLS ON SOVIET EMIGREE TO END HUNGER STRIKE AT U.N.

JERUSALEM, March 29.—The Israeli Government today called on a recent Soviet immigrant, Yakov Kazakov, to end his hunger strike in front of the United Nations headquarters building in New York.

Mr. Kazakov, who had been the subject of Israeli Government criticism for other public actions, has been fasting for five days.

He has said that he is seeking to publicize his parents' inability to obtain exit visas. A letter from his father, Iosif, published here and in New York yesterday, asked for help to go to Israel, "our homeland."

The Israeli Government, while attempting to publicize what it calls the plight of Soviet Jewry, is strongly opposed to having recent émigrés such as Mr. Kazakov participate in the campaign.

The reasoning seems to be that the Soviet authorities will close the door completely if they feel that those leaving are being enlisted to slander Soviet Government policy.

The Israeli Government statement on Mr. Kazakov's hunger strike was issued after the weekly Cabinet meeting in Jerusalem. A spokesman said that it had ben drafted with unanimous agreement.

It spoke of the "Jewish and human drama to which no man or Jew can be indifferent" taking place outside United Nations headquarters.

ISRAEL BACKS AIMS

"Yasha" Kazakov, it said, using the diminutive, began his fast to support his demand "that his family and all Jews who so desire be permitted to emigrate from the Soviet Union and to immigrate to Israel."

In an apparent attempt to disassociate itself from the émigré's demonstration while supporting his aims, the Cabinet said:

"Yasha Kazakov embarked upon his hunger strike on his own initiative, but the heart of every Jew, every man from Israel and, we believe, every man with a conscience throughout the world, beats together with him in his just struggle."

It added, however, that "the Israeli Government calls upon Yasha Kazakov to cease the hunger strike which he has begun."

Foreign Minister Abba Eban has said that recent immigrants were not the best people to carry the message of Soviet Jewry forward "because we don't want them to be the last" immigrants.

Mr. Kazakov, 22 years old, whose own departure from the Soviet Union last year followed publication in the West of a complaining letter, argues that timidity only encourages repression and that Israeli leaders are out of touch with the situation.

MASSIVE RALLY CANCELED

About 50 persons huddled under umbrellas across the street from the United Nations building on First Avenue yesterday in what had been planned as a massive double rally in support of Mr. Kazakov.

Plans for two rallies—one at 43d Street and the other at Hammarskjold Plaza, at 47th Street—were scrapped and the few supporters who turned up despite the wind and snow gathered at 43d Street.

"If the weather had been better we would have expected maybe 2,000 or 3,000," one of the organizers said. He said the rally might be rescheduled for next Sunday.

Mr. Kazakov appeared to be holding up well. He strolled around chatting with his supporters and said he was feeling fine.

## THE BUREAU OF INDIAN AFFAIRS

Mr. MONDALE. Mr. President, the Bureau of Indian Affairs, like the weather, is something people always talk about but about which very little is done. And like the weather, it is vulnerable to attack but rarely understood.

I believe the Minneapolis Tribune has done its readers a tremendous service by its recent publishing of a five-part series by Mr. Frank Wright, entitled "BIA: The Red Man's Burden."

This insightful series takes a look at the BIA and its relationship with Indians today. It explains how this relationship developed and why to this day a classic love-hate relationship exists between Indians and the BIA.

This is a timely series of articles, especially in light of the recent upsurge in interest in Indian affairs and the renewed determination of many Indians to regain control of their destinies. The more widespread the dissemination of articles like these, the better understanding people will have of the problems the Indian faces today and the reasons why Indians feel as they do about the Bureau of Indian Affairs.

I ask unanimous consent that this series of articles, as well as an editorial which accompanied the series, be printed in the RECORD.

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

BIA: THE RED MAN'S BURDEN—U.S. INDIANS' BROTHER—THE BIA

(By Frank Wright)

(EDITOR'S NOTE.—Suddenly, the American Indian is no longer docile. In his search for a better deal he is increasingly militant—protesting, demonstrating, adopting tactics of confrontation used by other minorities and dissident groups. His most frequent target is the Bureau of Indian Affairs. In this series of articles The Minneapolis Tribune examines the bureau, the Indian feeling toward it and the prospects for reform.)

WASHINGTON, D.C.—Some people call it our original army of occupation.

Others call it America's colonial service.

Still others call it the great white father—the embodiment of all that is evil in bureaucratic paternalism, the business of doing things for people and to them.

Whatever it is labeled, the Bureau of Indian Affairs—now nearly 150 years old—has been and continues to be the dominant factor in the life of every red American.

Self-determination is on the rise and other agencies are getting into the act, but the bureau retains immense power over the approximately 470,000 Indians who, according to the latest estimates, live on or immediately adjacent to the more than 420 reservations and other sanctuaries set aside for them by the federal government.

The bureau has about 14,500 employees, down a bit from its usual complement but still enough to field one for every 32 Indians it claims to have under its jurisdiction.

BUREAU SUPERVISES ALL SERVICES

For many of those Indians, the local bureau office remains the center of reservation authority.

One observer who visited the Pine Ridge Reservation in South Dakota described it this way:

"The Bureau of Indian Affairs is the economic and political force . . . bureau personnel attend most public meetings and usually call them to get the Sioux to agree to some program or other, and direct them as well. The school teachers are federal employees in the bureau. The local Indian who drives the school bus is a bureau employee. The social worker who calls at Indian homes is part of the same federal bureaucracy. Tribal projects are supervised by bureau officials.

"After living on the Pine Ridge Reservation for a few months, one cannot help falling into the habit of looking back over one's shoulder now and then."

In similar vein, the Harvard Law Review has commented:

"Although the normal expectation in American society is that a private individual or group may do anything unless it is specifically prohibited by the government, it might be said that the normal expectation on the reservation is that the Indians may not do anything unless it is specifically permitted by the government."

Despite the supposed protections of full United States citizenship granted to them rather belatedly in 1924, Indians still are treated in many respects as a subjugated people.

FEDERAL CONTROL DATES FROM 1775

More than 2,000 regulations, 370 treaties, 5,000 statutes, 2,000 federal court decisions and 500 opinions of the attorney general apply specifically to them, according to one count that is not disputed by bureau spokesmen.

Federal control goes back to 1775, when the Continential Congress declared its jurisdiction. Later, in 1789, the Constitution gave the government power to regulate commerce with Indians, a power broadened by statute and judicial decision until it took in general management of almost all their affairs.

Much of the bureau's leverage stems from its authority over Indian land.

The Indians and their tribes own it—50 million acres, an area slightly larger than South Dakota and slightly smaller than Minnesota. Such as it is—and it frequently is remote and scrubby—it is their biggest financial asset.

But the federal government holds it in trust and determines its use. The owner may not sell it or lease it unless the bureau approves.

The bureau, though, sometimes may sell timber from the land or permit other encroachments without the owner's approval—after determining that the owner's long-term interests, as it perceives them, will be served.

If an Indian wishes to eliminate the trusteeship and hold title to his land as do other property owners, he may. But first he must convince the bureau that he is capable of managing his own affairs.

The list goes on and on.

BUREAU MUST APPROVE TRIBAL LAWYER

Much of tribal government is subject to bureau review.

If a tribe hires a lawyer—and there are few Indian lawyers at all and a few white ones who will practice on reservations—bureau approval must be obtained.

The bureau more than likely has had a hand in providing the reservation Indian's home, if he has a halfway decent one; in providing his job, if he has one at all; in providing his education, such as it may be; even in approving the distribution of his personal property in his will, if he has any personal property to distribute.

Reservation Indians are not the only In-

[New York Times, Jan. 6, 1970]

U.N. GIVEN NEW PLEA OF TWO SOVIET JEWS

UNITED NATIONS, N.Y., January 5.—Israel has given the United Nations a letter from a Jewish couple complaining that they have been prevented from emigrating from the Soviet Union to join their son in Israel.

The letter is the second circulated here by Israel in recent months charging that Soviet Jews were allegedly being refused permission to leave and settle in Israel.

The letter appealing for aid was addressed to Premier Golda Meir and was signed by Sofia Yakovlevna Kazakov and Yosif Yakovlevich Kazakov, both in their forties, and gave a Moscow address.

Israeli spokesmen declined to say how the communication had been received in Israel but they recalled that an earlier letter from 18 Jewish families last November came through "friendly diplomatic channels."

The Kazakovs' 22-year-old son visited the United States last month and appealed to a number of groups for assistance to the 2.5 million Soviet Jews and said they were victims of harassment.

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[From the New York Times, Mar. 8, 1970]

SIX SOVIET JEWS SAY THOUSANDS WANT TO LEAVE

Six Moscow Jews, avowedly Zionists, have declared in an open letter that "thousands upon thousands" of Soviet Jews wish to leave the country to be reunited with relatives in Israel.

The letter—a copy of which has been brought to the United States by travelers—is in reply to articles in Pravda and Izvestia, the main Soviet newspapers, contending that by and large there was no desire among Soviet Jews to emigrate.

The writers of the "open letter" advised the authors of the official newspaper articles to "look into the visa section of the Interior Ministry and ask how many tens of thousands of Jews are haunting its doorstep in vain in the hope of obtaining permission to leave the U.S.S.R." to rejoin their families in Israel.

In recent weeks the Soviet authorities have staged an intensive press campaign seeking to brand Israel as an "aggressor" and to refute Western contentions that Jews were being repressed by the Kremlin. Forty prominent Jews appeared at a news conference in Moscow last week in support of the Government's policies.

The six Moscow Jews who took an opposite view in the open letter identified themselves as Vitaly Svechinsky, Dora Kolyaditskaya, Mark Elbaum, Tina Brodetskaya, Lev Freidin, and Blyuma Diskina.

Replying to the contention in the Izvestia article that emigration was tantamount to "treason," the six said that a "desire for unity, for life in the land of one's ancestors is natural and indisputable."

They contended that "the right to leave one's country of residence is the legitimate right of any human being and nowhere in the world is it viewed as 'treason.'" There is generally no free emigration for Soviet citizens, although permission may be granted upon application.

The Moscow Zionists charged the Jewish backers of Soviet policy as being the "sorrowful product of assimilation" and said that they had no right to speak in the name of the Soviet Union's three million Jews, many of whom wanted to keep their cultural traditions alive.

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[From the New York Times, Mar. 11, 1970]

THIRTY-NINE SOVIET JEWS, IN "OPEN DECLARATION," PROTEST MOSCOW'S ANTI-ISRAELI DRIVE

(By Bernard Gwertzman)

Moscow, March 10.—Thirty-nine Soviet Jews, who said they were ready to emigrate to Israel on foot if necessary, have protested to the Foreign Ministry against the current anti-Israeli and anti-Zionist campaign.

A letter and an enclosed "open declaration," signed by the members of the group, were sent two days ago to Leonid M. Zamyatin, head of the ministry's Press Department, and made available by members of the group to Western newsmen today.

It could not be immediately ascertained whether Mr. Zamyatin had actually received the protest and whether the Foreign Ministry would have any comment. Similar documents have generally been publicly ignored.

It was the first known protest since the start of the current press campaign, which began after an Israeli bombing on Feb. 12 of a metalworks near Cairo in which 80 civilians were killed.

NEWS CONFERENCE ASSAILED

The latest documents specifically criticized a Government-sponsored news conference last week at which 40 prominent Jews appeared and Mr. Zamyatin was chairman.

A statement signed by 52 leading Jews that was read at that meeting condemned Israel, compared Zionists with Nazis, and said Soviet Jews considered the Soviet Union, not Israel, their "motherland." Speakers denied that Jews were being repressed in the Soviet Union and said any assertions that Soviet Jews wanted to emigrate to Israel were propaganda.

The signers of the protest, all from Moscow and not prominent, said the news conference had been one-sided and had not represented the views of all Soviet Jews, "only a certain, if numerous, part of Soviet Jewry."

They asked Mr. Zamyatin for permission "to appear at a news conference before Soviet and foreign journalists and make a declaration." The 39 signers stated their names, ages, occupations, and addresses. They ranged in age from the twenties to the fifties, and were mostly professionals, physicians and engineers, although there were some workers and housewives on the list as well.

80,000 FAMILIES ASK VISAS

The signers of the latest protest said that 80,000 families had applied for emigration to Israel since 1968, when the Soviet authorities began accepting applications after the Arab-Israeli war of June, 1967. On the basis of an average of three persons per family, the applications would involve more than 200,000 people. The Soviet Union has about three million Jews.

There is generally no free emigration for any Soviet citizen, although permission may be granted upon application. Soviet officials say that Jews with relatives in Israel or any other country may receive permission to emigrate, but they acknowledge that few such exit visas have been granted since the Arab-Israeli war of 1967.

The 39 stated that they felt emotional affinity to Israel and wished to further their national identity by emigrating. They said they were "ready at any minute, leaving behind everything, whatever it may be, to make our way to the state of Israel, even on foot."

They said: "We think that our opinion is shared by many of our fellow Jews, although we admit that indecision is preventing some of them from openly expressing their views.

"The military events in the Middle East have once more been used to make anti-Israeli propaganda. This is a shameful propagandistic thrust, for the war is a great disaster and if Arabs, too, are perishing in this war, it does not make Jews any happier."

NATIONAL TRAITS ASSERTED

The 39 noted that "the emotional heat of anti-Israeli propaganda is now very great," and they said it was a "myth" to describe Israel as "reactionary and imperialist," as has been done in Soviet declarations since the campaign began.

The campaign seemed to begin as a show of Soviet support for the Arab cause, but the emphasis later shifted to a rebuttal of Western assertions that Jews had a hard life in the Soviet Union.

The signers of the protest said the participants at the news conference last week had achieved eminent position in society despite their Jewish origin, but this was all that they could show, for their Jewish origin does not mean that they have preserved their spiritual links with the Jewish national culture."

"Every Jew has of course the right to any degree of assimilation. We, however, do not want to forfeit our national identity and our spiritual link with our people," the declaration said.

"We worship those sons of the Jewish people who accepted torture and death to preserve their national identity for, thanks to them, the Jewish nation was preserved.

"We are proud of our people who have carried their religion, language, culture and national traits through thousands of years of suffering and are proud that this people has now found in itself the will to revive the state of Israel and to defend it.

"And it is the very preservation of the national identity of Jews that is the problem in the Soviet Union. No references to completely equal and joyful labor with Russians and no examples of a brilliant military or social career can divert our attention from the problem, for in this, Russians remain Russians and Jews cease to be Jews."

NO YIDDISH INSTRUCTION

The group specifically mentioned that there were no Yiddish-language schools in the Soviet Union, and that young Jews had no opportunity to learn Yiddish. Most other ethnic groups in the Soviet Union have educational facilities in their native language.

The declaration went on:

"We are in our right to remain Jews and to educate our children in the spirit of Jewish culture, and we believe that those who prefer or will be compelled to remain in this country can defend their right to be Jews not only by origin.

"One of the basic aspects of the Jewish question in the U.S.S.R. is a guarantee of the right of repatriation. The Soviet Union does not recognize that right, and many thousands of Soviet Jews who want to leave for Israel are being refused."

The declaration said:

"The Jewish people has undergone many persecutions and sufferings, many malicious or well-intentioned assimilation campaigns, and has succeeded in maintaining its identity.

"We believe that, now, again, Jews will answer the anti-Israeli campaign not by renunciation but, on the contrary by fortifying their pride in their people, by exclaiming, Next year in Jerusalem."

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[From the New York Times, Mar. 28, 1970]

JEWS MAKE APPEALS TO SOVIET LEADERS

Moscow, March 27.—Josef Kazakov, a Jewish engineer, and three members of his family today sent a letter to the Soviet Union's three leading officials asking permission to emigrate to Israel.

The letter said that their son, Yasha, was in the third day of a hunger strike outside the United Nations headquarters in New York, protesting the refusal of Soviet authorities to allow the other members of the family to leave this country.

The letter, copies of which were made available to Western correspondents here, said the hunger strike was "a desparate measure" but was not meant "to harm the Soviet state."

"It is motivated wholly by the futility of all the efforts we have made to get permission to leave," the letter said.

It was addressed to Premier Aleksei N. Kosygin, President Nikolai V. Podgorny and Leonid I. Brezhnev, head of the Soviet Communist party. Reliable sources said that

dians who experience the power of the bureau.

Because Indians recently have become the nation's fastest growing minority and because the marginal economy of the lands that the white man gave to them will not support them all, a new breed of red man has developed.

He is the urban Indian, and there are, according to most estimates, about 200,000 of them living in the larger cities of the nation.

The bureau dominates their lives by encouraging them to leave the reservation—and then turning its back on them. Instead of intruding into every facet of their being, as it does on the reservation, it ignores them—except for a special job training program that has had mixed results—once they reach the city.

BUREAU OFFICIALS CLAIM LEGAL BAN

Bureau officials say that the law prevents them from following the Indian to town.

The truth is that there is no law that says in so many words that they can't.

The bureau attitude was expressed clearly in a confrontation last month between a delegation of urban Indians and federal officials at bureau headquarters in Washington. Clyde Bellecourt of Minneapolis, executive director of the American Indian Movement, asked Harrison Loesch, assistant secretary of the interior for public land management, to "show us that statute."

"You have your own lawyers. You find it," Loesch replied.

The sequel came two weeks later when Walter Mondale, D-Minn., a member of the Senate's subcommittee on Indian education, spoke to an education conference at Collegeville, Minn.

"Mr. Bellecourt looked and couldn't find it," Mondale said. "I looked, and I couldn't find it. The Library of Congress looked, and they couldn't find it."

When pressed, bureau officials say that what they mean is that Congress historically has restricted them by appropriating money only for reservation aid.

In addition, they contend that Congress' approach is the correct one.

URBAN INDIANS "NOT ENTITLED" TO BUREAU AID

It is Loesch's view, for example, that urban Indians aren't entitled to bureau help because they have access to the entire range of government services available to other city residents who need housing, employment, welfare, health care or other assistance.

That sounds good in theory.

But in practice it frequently doesn't work that way.

According to a study done in Minneapolis by the Training Center for Community Programs at the University of Minnesota:

Many Indian people are neither culturally nor experientially equipped to extract the services needed from these agencies. Ignorance about what services are available or appropriate; lack of knowledge about how to proceed to get help; transportation and child care problems which prevent visiting agencies; frustration and anxiety over residency requirements; delays and the completion of many forms; reluctance to visit agencies where few, if any, Indian faces are likely to be found; embarrassment over the personal appearance caused by inadequate or inappropriate clothing; lack of understanding of just what is expected of the Indian client by agency personnel; unwillingness to ask questions for fear of being embarrassed—these are some of the barriers which prevent Minneapolis Indians, particularly those new to the city, from getting the services and help which is available."

What it all adds up to, for both the reservation Indians and those in the cities, is that life with the bureau seldom has been a happy medium.

BIA: THE RED MAN'S BURDEN—REDTAPE, LOW RANK HURT INDIAN BUREAU

(By Frank Wright)

WASHINGTON, D.C.—The Bureau of Indian Affairs may be more bound up in red tape than any other agency in the free world.

But that is not its only encumbrance.

In addition, it is a second-class citizen in the Interior Department, where it has been billeted since 1849. And, when it goes to Capitol Hill, it must deal with congressional committees what usually are more interested in land and its valuable resources than in people and their problems.

Together, these factors make it a wonder that the Indian has made any progress at all.

Just for starters, the bureau's manual of regualtions and procedures contains 33 volumes.

They are not regarded lightly.

Over the years the bureau has earned a reputation as one of the slowest and most hidebound agencies in the federal government.

In 1961 a task force was set up by then Interior Secretary Stewart Udall, an incoming Democrat, to study Indian policy. The task force criticized "the slow rate at which the bureau performs through a network of reviews and appeals all the way to the secretary's office, with numerous side trips to specialists and solicitors."

The situation apparently didn't change.

When the Republican proprietors took over in 1969, a new study was ordered. Prepared by Alvin Josephy Jr., an expert on Indian life and history, it said the bureau is a compilation of checks, balances, caution, resistance and delays, with little decisiveness and action. "The layering and compartmentalizing . . . result inevitably in slowness, frustrations and negativism, as well as a continuing Niagra of studies, assessments, opinions and reports. The bureau . . . is literally drowned in paperwork, while on the reservation level the Indians wait."

The bureau has been criticized repeatedly, both for its structure and for the caliber of many of the people who work for it.

Josephy's description of the bureaucratic roadmap:

"At the present time, a decision between the Indians and a branch officer on the reservation faces a long, torturous route from the branch officer to the agency superintendent to the area branch officer to the area assistant director to the area director to the division in Washington to the assistant commissioner to the commissioner and perhaps higher still. Eventually it starts down again, following the same zigzag route. Even this is a simplified route . . ."

STUDY AFTER STUDY COMPLAINS OF PERSONNEL

Study after study, expert after expert, task force after task force have complained about the personnel:

"Simply timeservers of mediocre or poor competence who remained indefinitely because they were willing to serve in unattractive posts at low rates of pay for long periods of time . . ."

"In the 19th Century the Indian service was a patronage dumping ground for unscrupulous politicians. In the 20th it has become the refuge of incompetent civil servants. The blatant corruption and victimization of the last century has given way to ossified medicocrity."

"There are a lot of good people over there, but it's amazing how many have lost their pizzazz because of the frustrations."

"The Bureau of Indian Affairs is anemic. There's a river of tired blood."

BUREAU PRESSURED BY OUTSIDE INTERESTS

Aside from its own structural and personnel inadequacies, the bureau constantly faces trouble from pressures originating elsewhere in the Interior Department.

The interests of oil and other minerals, electric power, water, mintes, parks, fish, other wildlife and outdoor recreation all are represented by offices in the department and all come complete with powerful outside lobbies. Often they cast a hungry eye toward land owned by the Indians and held in trust for them by the bureau.

The situation was summed up this way in a memorandum written last August to the Senate subcommittee on Indian Education by Gary Orfield, an assistant professor of politics and public affairs at Princeton University:

"Interior is an old-line unimaginative agency very heavily preoccupied by the political struggles over federal lands in the West and by a variety of resource management tasks. Coping with human problems and community development are not basic parts of the department's mission, and its record has been very poor."

Much the same situation pertains in Congress, where the bureau is the business of the House and Senate Interior Committees.

As Orfield put it:

"These are low status committees offering few political rewards for most members, and thus they are composed largely of either newcomers, lacking seniority or (senior) men from western public land states who can make political mileage representing business and community projects which are dependent on Interior Department cooperation. The constituencies represented on these committees tend to be far more conserative and far less sympathetic to social problems . . ."

INTERIOR COMMITTEE'S CONCERN SINKS LOW

Interior Committee interest in solving Indian difficulties has sunk so low that nonmembers in Congress have started guerrilla actions. Rep. Donald Fraser, Minneapolis Democrat, has helped organize an informal bipartisan group in the House which is trying to prod the bureau. Walter Mondale, D-Minn.; Edward Kennedy, D-Mass., and others in the Senate are trying to persuade that body to create a new select committee on Indian needs that would take the play away from the Interior Committee.

Neither effort has had much success so far.

So the Indian-ensnared in red tape within the bureau, pushed to the bottom of the totem pole within the Interior Department and given an often cool reception in Congress—finds it tough to get action.

"About the only time we win around this town," says Browning Pipestem, an Indian lawyer in Washington, "is where there are no interests competing with us. And how often does that happen?"

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BIA: THE RED MAN'S BURDEN—INDIAN LOT IMPROVING, BUREAU CLAIMS

(By Frank Wright)

WASHINGTON, D.C.—Life for the red man, to hear the Bureau of Indian Affairs (BIA) tell it, is getting better all the time.

His health is better, his living conditions are better, his education is better, his economy is stronger.

The bureau has the statistics to prove it, naturally, most of them based on improvements in the past 10 or 20 years:

Largely because the Public Health Service has entered the field, life expectancy of Indians born today is 64 years, up from 44. Deaths from tuberculosis, intestinal diseases and pneumonia have dropped sharply. Many more babies are being born in hospitals and are surviving. The birth rate of the once-vanishing American is now about double that of the United States as a whole.

More than 90 tribes have established housing authorities to work with the federal government. As of June 30, 1968, about 2,700 new dwelling units had been completed; 1,500 more were under construction in a

cooperative venture with the Department of Housing and Urban Development (HUD).

The school dropout rate among Indian students for whom the bureau is responsible has been cut. The average Indian now has 8.4 years of schooling, up from 5.5 in 1950. The number wanting to go to college—and capable of it academically—is increasing. The bureau now officially encourages pupils to attend public schools rather than its own—and 58 percent or more do. For those still in bureau schools, official policy now calls for bilingual education and an approach intended to make the Indian aware of his heritage and proud of it rather than uninformed and ashamed.

Whereas Indian income previously was so small as to be virtually unmeasurable, it is up to about $1,500 yearly for a family of four. Industry is being attracted to reservations, often with the help of the Small Business Administration. Indian land holdings are now increasing rather than dwindling.

BUREAU THINKS POSITIVELY ABOUT RECORD

As would almost any agency, the bureau is thinking positively about its record.

Even the bureau, however, admits that Indians continue to be the most disadvantaged minority in the country.

The Indians' health level is still the lowest in the nation. Life expectancy still falls short of the 70.5 years on which Americans as a whole can count. Infectious and communicable diseases still occur with greater frequency among Indians than non-Indians, largely because of malnutrition, unsanitary water and lack of knowledge of basic health practices. The government's efforts to build more hospitals, provide more doctors, take health services out into the field where Indians can get access to them fall far short of the need.

Housing is still pitiful, as anybody who has ventured off the main highways of a reservation knows. In 1969 a bureau survey showed that almost seven of every eight units were either substandard or overcrowded. As any Indian housing authority that has tried knows, getting approval for a new project from the government is easier said than done.

As for education, the Indian dropout rate still is almost 50 percent—compared with 27 percent for all American pupils. The 8.4 years of schooling still is less than the 10.6 average for everybody else.

Like other minorities, the longer the Indian stays in school, the father he falls behind his white contemporaries.

And there is plenty of evidence to indicate that the bureau's educational practices fall short of its proclamations.

NO DISOBEDIENCE—THINGS DON'T HAPPEN

For example:

In 1966 Dr. Carl Marburger, superintendent of schools in Detroit, Mich., where he built a record for working with minorities, became the bureau's first assistant commissioner of education. He left only 15 months later, totally frustrated. "There was not a flagrant disobedience of orders or anything of the sort, but just a failure for things to happen," he said.

Small Eskimo children still are uprooted from their families and sent thousands of miles to attend bureau schools because the bureau happens to have an empty classroom in one of the "lower 48 states" and none in Alaska.

The report of the Indian Education subcommittee of the Senate, issued last November after an exhaustive series of hearings and field trips, alleged that many bureau schools were still trying to expunge all traces of Indian heritage from their young charges and were still trying to pressure them into accepting only the white man's ways and attitudes.

NEW BOARDS ARE MOSTLY ADVISORY

In 1968, President Johnson ordered the bureau to establish local Indian school boards on the reservations. Practically all that have been created are advisory only and are in most cases ineffectual, the Senate subcommittee found.

In addition, it found that Indians had little say in forming educational policies in states—such as Minnesota—where no bureau schools exist and the federal government gives special aid funds to local public school districts for accepting reservation pupils. Minnesota is among the states making some measurable but small progress.

In the words of Sen. Walter Mondale, D-Minn., a member of the subcommittee: ". . . the basic issues in Indian education are still totally unresolved."

As for the Indians' economic status, the red man obviously has a ways to go to fill his dinner pail. The $1,500 average income is only half the $3,000 that a family can earn and still be classified as officially poor.

Industrialization is considered the best prospect for uplifting reservation economy, but progress is slow at best.

ONLY HALF OF JOBS GO TO INDIANS

According to critics, about 10,000 new jobs have been created on or near reservations since 1962, but less than half have gone to Indians. Indian unemployment still runs about 50 percent, more than 10 times the national average.

Many of the new industries, usually run by whites, are small and financially marginal and employ primarily women who receive low wages. The failure rate is high, leaving the victims not only depressed economically but also emotionally drained.

The bureau likes to point out that Indian land holdings increased more than 100,000 acres between 1966 and 1968 and that its policy—after watching the holdings decline from almost 150 million acres to 50 million—is to encourage expansion rather than dispersal.

That is little solace, however, to those who have seen their land succumb to the white man's view of progress—such as the Fort Berthold Indians of North Dakota.

Garrison Dam, stretched across the Missouri River by the government in the 1950s, flooded 25 percent of the reservation—150,000 acres of fertile bottom land that was the basis for the Indians' rather healthy agricultural economy.

ANOTHER BROKEN PROMISE IN NORTH DAKOTA

The bureau refused to support an Indian plan for an alternate site that would have taken land less valuable. The government did promise to provide 150,000 acres of downstream land as a substitute, but then it failed to deliver after the dam was built.

Unemployment and relief costs skyrocketed.

Ultimately, the government paid the Indians about $80 per acre but declined to let them keep mineral rights. Later, oil was discovered, but the Indians received no royalties.

The Army relocated those forced by the rising water to leave, moving them out in alphabetical order without regard for community or family relationships. Native villages were dispersed.

A picture of George Gillette, then the tribal business council chairman, weeping as the land is signed over is a tragic classic. It would be easy to get the same kind of picture there today.

As one recent account puts it, "Today, many years after the opening of Garrison Dam, Fort Berthold is still in emotional and economic shock."

Bureau officials continually urge Indians to keep looking to the future.

Given the past and the present, many Indians find that admonition hard to swall

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BIA: THE RED MAN'S BURDEN—INDIANS HAVE CURIOUS LINK WITH BUREAU

(By Frank Wright)

WASHINGTON, D.C.—At first glance, the Indian attitude toward the Bureau of Indian Affairs is most curious.

Many Indians have despised the bureau for many years—and yet they are among the first to come to the agency's defense whenever its existence is threatened.

It is a classic love-hate relationship that has survived for almost 150 years and seems destined to continue for many more.

One has no difficulty in understanding half the equation—why thousands of Indians nurture a deep animosity toward the bureau.

Often it has been the instrument of federal policies that have, to say the least, done the Indian little good.

First in the earliest days of Indian affairs efforts, came the policy of extinction under which the government tried to kill off the red man. To make the practice attractive according to historians, the government paid bounties for Indian hairpieces—and so the white man became a scalper.

The removal policy was adopted next, in the early and middle 19th century. The government forced the Indians to give up their land in the East—much of it lush and valuable—in return for frequently barren Western acreage that often required a change in the Indians' way of making a living and then was still unable to support them.

Among those promulgating this systematic uprooting was Thomas Jefferson, usually thought of as the great champion of liberty and freedom. As president, he expressed the hope that removal of Indians from the more heavily settled East would contribute to their advancement.

The policy, which came to rely more on military force than on diplomacy, was almost totally effective. The only federally connected Indian lands of any size that remain east of the Mississippi River are those in Florida and Wisconsin.

About the only thing the Indians got out of this involuntary migration was the promise that they could hold their new lands—such as they were—forever.

Toward the end of the century efforts to "civilize" the Indians and make them "self-supporting" began.

The technique this time, in true capitalist fashion, was to make every Indian an owner. Reservations, traditionally held in tribal or community ownership, were broken up, and each Indian was given 40 to 160 acres as his very own.

Also, efforts were begun to erode Indian culture. Chiefs were undermined. Native religions were discouraged, in some cases outlawed; Christian missionaries were encouraged.

The idea was that the Indian would be assimilated into the white man's melting-pot world. The actual result was that many Indians, preferring the old ways, turned their back on the effort. Others tried the melting-pot but couldn't succeed.

Thousands of acreage allotments were sold by Indian owners to non-Indians who had the desire, the financing and the business acumen to accumulate them and develop them profitably. All told, it was one of the biggest land grabs in history. Over 50 years, Indian holdings declined from almost 150 million acres to 50 million.

Indian economic dependency on the government increased.

INDIANS REJECT CULTURE SYSTEM OF WHITES

And assimilation into the white culture was in many respects rejected. As anthropologist Anne M. Smith has explained it, white immigrants looked at the values and success-oriented goals of mainstream America and said, "It is good." So they jumped in. The Indians looked at the same mainstream in light of their own value systems—based partly on a reverence for the environment as God and on the idea of assistance rather than competition—and said, "It is polluted."

So, except for a brief period of reform initiated under the New Deal in the 1930s—when land allotment was halted, constitutional tribal government was promoted and a measure of economic aid initiated—the Indians have not had a particularly pleasant experience as a conquered people.

Why, then—coming to the second half of the love-hate equation—don't they want to break away from the bureau?

They have had that experience, too, and they found it worse.

Life apart from the bureau was called "termination," and it was practiced by the Eisenhower administration in the 1950s.

Its guiding lights were Arthur Watkins, R-Utah, and Clinton Anderson, D-N. Mex., members of the Senate Interior Committee.

In 1953, in the name of first class citizenship, all of the federal government's authority over half a dozen of the more well-to-do tribes and its responsibilties to them were ended.

The government proclaimed it as emancipation, the end of bureau paternalism.

INDIANS HAVE NO TERM FOR TREATMENT

Most Indians came to see it as just another form of annihilation. Earl Old Person, a Blackfoot who is president of the National Council of American Indians, has said of the policy, "In our Indian language the only translation for termination is 'to wipe out' or 'to kill off.' We have no Indian words for termination."

The experience of the Wisconsin Menominees was typical.

Without being given a choice, the tribe's trust land relationship with the government—which keeps tribes under a government thumb but also gives them a special claim to government services that no other minority has—was ended in 1961.

The Menominees overnight became a county, just like any other in Wisconsin.

It has been downhill all the way.

Where once there was a tribe relatively self-sufficient, with decent schools, reasonable community services and a communally owned sawmill, there now is the most impoverished county in the state.

The sawmill became outmoded, and forest management controversies with imported white professionals seriously undercut the economy. Little help was forthcoming from any source. Relief costs soared. Median income fell below $1,000 per family. Indians had to sell their land at auction because they couldn't pay the property taxes to which they became subject after termination. The county tax base is too small to support adequate schools and health facilities.

A University of Chicago study later concluded: "Freedom was the fundamental objective . . . The failure to extend the real freedom of the tribe has been almost total . . . The Menominee tribe is dead, but for no good reason."

There is no record indicating that any tribue became more viable after termination. Most collapsed.

TAMPERING WITH BUREAU STARTS SUSPICION

The policy was abandoned officially after only a few years, but Indians still remain suspicious of any effort—usually started by white liberal reformers—to tamper with the bureau and their relationship to it.

In recent years the reformers' most frequent sugestion has been to shift the bureau out of the Interior Department to the Department of Health, Education and Welfare.

However, numerous Indians are fearful of losing out to the bigger black minority in such a shift, and they have resisted. They tend to see the transfer as termination by another name, a view that not only may have merit but which also reportedly is encouraged by some of the people in the bureau who do not wish to see their own empires disturbed.

What the Indians have learned in all of this is that life with the bureau is a hardship, but it is better than any substitute offered through the years.

And they opt for what they regard as the lesser of two evils.

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BIA: THE RED MAN'S BURDEN—CAMBODIA HALTS INDIAN MESSAGE

(By Frank Wright)

WASHINGTON, D.C.—Our war in Indochina has claimed a new victim on the home front—the American Indian.

The list of domestic problems from which our energies as a nation have been divided by the war has grown mightily since we escalated the fighting in 1965.

Indian affairs was added to that list last weekend.

President Nixon, according to informants in the administration, was planning to issue on or about last Sunday a special message to Congress asking for new reform legislation on Indians.

But on the way to the tribal council ring Mr. Nixon launched his military adventure into Cambodia and quickly became preoccupied with it.

The Indian affairs message was postponed.

Some of the staff people who had been working on it suddenly found themselves taken off the job and reassigned to figure out why students were striking and closing their campuses in protest against the President's Cambodia decision.

There now seems to be no firm idea within the administration about when the Indian affairs message will surface.

Some informants say it will be within two or three weeks.

Others say it is delayed indefinitely.

Regardless, this is not the first time that Indians have found themselves shunted to the sidelines. Repeatedly in the last few decades, usually whenever a new administration takes over at the White House or a new commissioner is appointed at the Bureau of Indian Affairs, there has been grand talk about a new day coming for Indians.

Most of the talk in recent years has been about the principle of self-determination—giving the Indians more say in determining federal policy toward Indians in Washington and in running their own affairs on the reservations.

Precious little in the way of dramatic reform has occurred, however.

In the past decade the amount of federal money spent on Indian programs has doubled—to slightly more than $500 million annually.

About 40 percent is appropriated to agencies other than the Bureau of Indian Affairs.

But most of the money must be funneled through the bureau's bureaucratic maze or spent in co-operation with it, resulting in inordinate delays. And much of it—the exact amount is in dispute—is siphoned off for administrative costs that do little for the supposed beneficiaries.

By law, Indians must be given preference when the bureau hires employees. Even so, Indians comprise only 53 percent of the bureau's total work force of about 14,500. Few Indians are in the high-level jobs. Only 15 percent of bureau personnel earning more than $14,000 yearly are Indians. Only a third of the agency superintendents are bureau field representatives, key men, are Indians. Only 16 percent of the school teachers are Indians.

The bureau says it has trouble finding qualified Indians for professional positions. Indians say that is a sad excuse and a bitter commentary on the quality of the bureau's education system and on its practice of encouraging students to take vocational training rather than aim for a college degree.

Only two bureau commissioners have been Indians—Robert Bennett, a Wisconsin Oneida appointed by President Johnson, and the incumbent, Nixon administration appointee Louis Bruce, a New Yorker whose father was a Mohawk and whose mother was an Oglala Sioux from South Dakota.

Both have had their critics—Bennett for allegedly being too close to the bureau bureaucracy from which he ascended and Bruce, a dairy farm owner and former fraternity executive, for allegedly being an "apple." Apple is the Indian militant's term for a brother who is red on the outside but white on the inside.

The highest level at which the Indians have a voice in the government is the National Council on Indian Opportunity, created in a 1968 executive order issued by President Johnson.

Six of its members are Indians, appointed by the president. The first Indian appointees included Roger Jourdain, chairman of the Red Lake Chippewas of Minnesota; Cato, Valandra, a Rosebud Sioux from South Dakota, and Mrs. Ladonna Harris, a Commanche and wife of Sen. Fred Harris of Oklahoma, former chairman of the Democratic Party.

INDIAN IS STILL OUTVOTED ON COUNCIL

But, once again, the Indian is outvoted by the white man. In addition to the vice-president, who serves as chairman, the other council members are heads of the seven departments and agencies that spend money on Indians—interior; agriculture; commerce; labor; health, education and welfare; housing and urban development, and the Office of Economic Opportunity.

Because the bureau confines itself to assisting reservation Indians, the council has concentrated in great degree on working for urban Indians.

But, overall, the influence of the council depends on the willingness of the white department heads to act on the Indians' behalf. The council as a whole is essentially a co-ordinating agency with no real power to order anybody to do anything.

The Nixon administration has been trying to move in the direction of self-determination but has found the going difficult.

The top priority project of Secretary of the Interior Walter Hickel; Harrison Loesch, assistant secretary of the interior for public land management, and Bruce has been to realign the top echelons of the bureau and bring in some new blood—supposedly younger, more flexible and more responsive to Indian needs than the old top management.

Seventeen persons have been ousted, and it is promised that three-fourths of the newcomers will be Indians.

The task of finding them, however, has dragged on far longer than Loesch and Bruce hoped. Some Indians—most of them working outside the government—already were earning too much money to shift jobs. Others, already working for the government, encountered complex Civil Service problems. Still others concluded that working for the bureau would be a sellout. So far, eight of the 17 spots have been filled. Bruce said earlier this week that he hopes to announce the rest of the roster Monday.

One of those who reportedly signed up is Lee Cook, a Red Lake Chippewa who has

been serving in the Federal Economic Development Administration. One of those who reportedly declined is Will Antell, a White Earth Chippewa who is the top Indian education specialist for the state of Minnesota.

Loesch and Bruce also are not for the idea of allowing Indians if they wish, to run entirely by themselves the community services that traditionally have been provided by the bureau. This would be done by contract. Financing would come from the tribe's share of federal appropriations now being spent by the bureau in managing the tribe's affairs. The bureau would agree to resume the management of any tribe that tried running any part of its own affairs and failed.

TECHNICAL ASSISTANCE AGENCY IS GOAL

Eventually, Loesch and Bruce would like to see the bureau turned into a technical assistance agency, standing by to help Indian tribes do what they want when they want to do it.

The two administrators have a handful of success stories to which they can point. The Ramah Navajos in New Mexico and the Rough Rock Navajos in Arizona have contracted to run their own schools. The Zunis in New Mexico will soon take over all community services—education, law enforcement, road-building, housing and economic development.

Similar proposals from about 10 other tribes—none in the Upper Midwest—are under review, according to Bruce.

How fast the idea will spread, he and Loesch can't say.

They figure that some tribes will want to stay entirely under the bureau's protective and admittedly dependency-instilling umbrella. Some will want to experiment with running one or two services and others will want to take on everything. Contracting will not be forced on anybody, they say.

"The point is to make the opportunity available," says Loesch, a blunt-spoken former Colorado land lawyer. "There have been too many people around here who were unwilling to let the Indian make his own mistakes. That's a lot of crap. Everybody makes mistakes."

It was expected that Mr. Nixon's now-delayed message to Congress would include legislative proposals intended to make contracting easier.

Contracting will affect mainly the reservation Indian.

About the best the bureau will promise for the urban Indian is to urge other departments and agencies with Indian funds to use them. The council is promising to do the same, for whatever it may be worth.

MOVEMENT IN RIGHT DIRECTION AT HAND

In sum, there seems to be some movement in what many Indians would call the right direction, a direction that will allow them to take more control over their own destiny and allow their culture to develop again alongside the white man's.

The question is whether the movement is fast enough to do any real good.

Some Indians are encouraged, at least in small degree.

Others, more militant, are not.

To those who take the longer view, the rather moderate concluding words of a declaration of Indian purpose, written in 1961, still apply:

". . . The Indians ask for assistance, technical and financial, for the time needed, however long that may be, to regain in the America of the space age some measure of the adjustment they enjoyed as the original possesors of their native land."

Equally appropriate, to those who take a shorter view, are the words of activist Clyde Bellecourt of Minneapolis, executive director of the American Indian movement.

In a recent confrontation Loesch asked him why he didn't take his appeals through regular channels instead of into the streets.

"We've been trying to go through regular channels for more than 100 years," Bellecourt replied, "and look where it's got us."

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[From the Minneapolis Tribune, May 24, 1970]

BIA: THE RED MAN'S BURDEN

Indian Americans are caught in a dilemma. They suffer in many ways from the heavy hand of the Bureau of Indian Affairs. But they know that, as a small minority, they might suffer even more if the bureau were eliminated.

The dimensions of this dilemma have been reviewed in a series of articles by Frank Wright, a Tribune staff correspondent in Washington, D.C. As Wright pointed out, the bureau paternalistically dominates the everyday lives of reservation Indians, is slow in responding to the Indian drive for self-determination, and even fails many times to fulfill its obligations to protect Indian rights. (In the latest example of this, a Bureau of Reclamation irrigation project is robbing the Paiute Indians of a priceless lake in Nevada.)

Still, the bureau has helped to achieve gains for Indians in health, housing, employment, education and income, even though those gains still leave Indians far behind even the poorest of the poor among other groups in American society. Further, Indians saw the devastating effects of a short-lived policy in the 1950s to terminate BIA jurisdiction over Indian reservations.

The dilemma leaves little choice but to intensify the pressure for change within the present system, rather than to seek a new system. That means pressure to gain a stronger voice for Indians in managing their own affairs, pressure for more policymaking positions for Indians within the bureau, and pressure to relate BIA programs to urban Indians as well as reservation Indians.

The new BIA administration has taken some good steps to increase its responsiveness to Indian needs and to encourage greater Indian self-determination. The bureau continues, however, to resist pressures for a greater urban orientation, despite the fact that half or more of the Indian people probably live in the cities. The bureau cites congressional policy to support its stand, but it seems that the biggest obstacle to change is the BIA itself. Those 33 volumes of BIA regulations and procedures are a burden on the backs of Indian Americans.

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SAXBE). Is there further morning business? If not, morning business is concluded.

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## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GURNEY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment, under the order previously entered, until 10 a.m tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 12, 1970, a 10 a.m.

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