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Mr. CRANSTON. Mr. President, I do not know to what extent the concerns expressed by Messrs. Mankiewicz and Braden may be fully warranted by the facts. Unfortunately, these intimations that the new administration, and even the new Peace Corps Director, may not fully appreciate the distinctive character of the organization are not the first that have been heard.

I very much hope, however, that all these allegations of possible change in the nature of the Peace Corps will prove to be nothing but insubstantial rumor. I am sure that if the administration makes a careful examination of the contributions which the Peace Corps has been able to make largely because of its distinctive character, then they will leave its essential structure unaltered. The Peace Corps needs its independence from the foreign affairs establishment as much today as it did 8 years ago—for only in this way can it maintain its credibility both in the nations it serves and with the young people of America.

JUDICIAL IMPROVEMENT

Mr. TYDINGS. Mr. President, for some time the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, has been attempting to develop ways of helping the Federal courts deal effectively with their caseloads.

In the past, Congress has too often responded to the problems of the courts by establishing new judgeships. It is more and more apparent, however, that increased manpower, alone, is not the entire solution to the problems.

On April 15, 1969, the subcommittee began hearings on S. 952, the omnibus judgeship bill of 1969. During the hearings the subcommittee sought not only to review the new judgeship requests and to seek to determine the justification for them, but also to explore other means of improving the operation of our courts. We were interested in learning whether or not management experts can play a role with the judicial councils or the large districts; whether or not the judicial councils are fulfilling their obligations to review and remedy administrative deficiencies in the trial courts; whether or not there are sufficient supporting personnel, prosecutors, and probation officers to absorb the additional new judges proposed in the bill; whether or not there are sufficient court reporters and whether or not the rules regulating their service are sufficiently flexible to allow their optimum utilization. Testimony on these issues and on others was heard from a number of witnesses, including the chief judges of six of our circuits.

During the course of the hearings some of the questions of the subcommittee resulted in spirited interchange with the judges. Following one such exchange, an editorial entitled "Judicial Improvement Begins at Home," was printed in the Washington Post of May 8. While pointing out that the judges "have properly come to Congress for manpower, courtrooms and equipment," the Post editorial also recognized that responsibility for the problems in the courts does not fall wholly on Congress and that the judges should exert more effort on their own in improving the administration of justice.

I believe the Post editorial is a well-reasoned discussion of the need to find solutions other than additional judges for the problems of the courts. I ask unanimous consent that it be printed in the RECORD.

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

JUDICIAL IMPROVEMENT BEGINS AT HOME

Senator Tydings may have sounded querulous and impatient when he scolded the judges who appeared before his Subcommittee on Improvements in Judicial Machinery the other day. He was obviously irritated by the judges' excuses for frustrating delays and attempted to convey to the jurists the growing public criticism of the courts' general inefficiency. His criticism is not applicable, of course, to all judges in the Federal system, but it has enough substance to justify a concerted and energetic judicial response.

The judges have quite properly come to Congress for manpower, courtrooms and equipment. They should have whatever they need to enable the courts to get abreast of their mountainous caseloads. But the responsibility for the present state of affairs does not fall wholly on Congress. Many judges have been lagging in the hours spent on the bench, in their failure to press lawyers and litigants for prompt disposition of cases, in the unsystematic assignment of cases and in the neglect of court-management studies. Congress is naturally impatient when judges call for additional help without doing all they can to help themselves.

It is time for judges to realize that the public is deeply concerned about easy-going ways on the bench at a time of crisis in law-enforcement. The trouble is not merely that every month of delay blurs the memories of witnesses and complicates the judicial fact-finding process. Lagging machinery of justice, which attempts to punish offenders and reimburse victims of wrongs months or years after the events in question, creates the impression of a breakdown in the orderly means of redressing grievances. Criminals may be confirmed in their belief that a bumbling society cannot cope with their depredations.

Of course the courts must retain a judicial atmosphere. Neither criminal charges nor civil suits can be disposed of by production-line methods. But mountainous rosters of stale cases could be reduced by good management and hard work by *all* the judges in the system. The judges as a group could make enormous improvements in the administration of justice in this critical period if they would acknowledge that the place to begin is with themselves.

DIVERSION PAYMENTS TO FARMERS

Mr. TOWER. Mr. President, it has recently been proposed that diversion payments to farmers be stopped or limited and that these funds be applied to feeding the hard-core poor. Last session, however, Congress held a debate on limiting these payments. The decision not to do so indicates that this money is well spent. To imply that a farmer should receive a minimum payment is to suggest that a man be penalized for success in his chosen field of endeavor. Agriculture diversion payments are made on a per acre basis in an effort to keep our Nation's agricultural community strong and capable of producing the food and fiber presently needed and of meeting all future demands. To limit arbitrarily the amount paid to any one producer and rechannel these funds elsewhere would destroy the industry which we are so dependent upon.

The American farmer met the challenge imposed by the hungry world after World War II and went into debt buying land and equipment to increase his capacity to produce food which was so desperately needed. Machinery manufacturers, chemical companies, and all associated industry spent untold millions engineering and producing better farming equipment, fertilizer, pesticides, herbicides and other specialty items needed by the agricultural community to bring their production up to a level necessary to supply the food and fiber demanded to keep our nation strong and to feed the hungry. It is imperative to note that the farmer receives less for his products today than before the second World War.

The agricultural community met the challenge of producing the much-needed food and fiber and accepted the long term financial obligations necessary to the accomplishment of this goal.

The farmer managed to raise his production to a level that exceeded demand. To prevent the failure of the farmer, who was indebted as far as possible, the Federal Government placed restrictions on him that required him to leave a certain percentage of his productive land idle. Since his mortgage and equipment payments had to be met, a payment was made to the farmer to offset his loss if he agreed not to till this land.

By reducing production, the price of agricultural products was maintained while the diversion payments helped keep the farmer solvent. The payments are in no way profitable, but, on the contrary, merely meet a small percentage of the farmer's obligations which would normally have been met by the cultivation of the diverted acreage.

The percentage of diversion is the same in all cases and the size of the farm determines the amount of acreage that is placed in the program.

It must be remembered that farming is done on an economical unit basis. One piece of equipment can only cover so many acres whether it be cultivating or harvesting. To limit payments would be to penalize a man for being successful.

SCHOOL DESEGREGATION GUIDELINES SUPPORTED BY SECRETARY FINCH

Mr. MONDALE. Mr. President, I have been following with interest, and commenting upon, certain statements and actions of the Nixon administration in the last several months with respect to the title VI school desegregation program. Several weeks ago I included in a statement I made on the floor of the Senate an excerpt from a press conference held by Secretary Finch of the Department of Health, Education, and Welfare. I stated at that time that the excerpt I was placing in the RECORD in-

cluded a clear and unequivocal response by the Secretary that current school desegregation guidelines are going to be enforced.

I went on to say at that point that as long as Secretary Finch maintained the firm position indicated in that press conference statement, he could depend upon my consistent support.

Just last week I received a letter from Secretary Finch in which he reinforced his firm and unequivocal statement that school desegregation guidelines are going to be enforced. The Secretary wrote:

The law is clear and so is my responsibility to enforce it. We are continuing to require school systems that have failed under freedom of choice plans to abolish discrimination to adopt a more meaningful and effective method that will accomplish the task by the fall of 1969. We shall allow delays beyond that date only where there are substantial impediments, such as the need for new construction. This is in accord with the policy followed by the previous Administration. I believe it is important that the Title VI program maintain the momentum that has been established, and your support of this objective is very much appreciated.

Secretary Finch's letter was in response to a joint letter sent by myself and Senators HARRISON A. WILLIAMS, JR., THOMAS F. EAGLETON, ALAN CRANSTON, and HAROLD E. HUGHES in which we questioned his statements in an interview published in U.S. News & World Report and in a memorandum he received from Mr. Mardian. I ask unanimous consent that the letter we sent to Secretary Finch on March 25 and his reply which we received recently be printed at the conclusion of my remarks.

I again congratulate the Secretary for his strong statement in support of existing school desegregation guidelines and pledge him my consistent support so long as he maintains the firm position indicated in the press conference remarks I referred to and in the letter to which I have referred.

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

MARCH 25, 1969.

Hon. ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As supporters of the basic principle underlying Title VI of the Civil Rights Act of 1964—that Federal tax revenues collected from all Americans should not be used to support programs or activities which discriminate against some Americans—we are concerned about the way in which the Title VI school desegregation program will be implemented in the future. We believe you share our commitment to equality of opportunity, but we are concerned about the statements attributed to you in the March 10th issue of a national magazine, and the interpretations being applied to those statements.

Our concerns have been heightened by articles appearing in last Sunday's newspapers with titles such as "Finch Aide Urges Eased Guidelines." We are disturbed to learn that you are being advised to relax the school desegregation guidelines, and advised to relax them in a furtive and quiet manner. In our judgment, these guidelines accurately reflect the law of the land, and should be implemented openly and honestly.

Because of the confusion which now seems to exist in many parts of the country—particularly the South—about how this Administration plans to proceed in the school desegregation program, we urge that you issue a statement clarifying your intent. We urge you to make clear the commitment of the Administration to implement this program firmly and fairly in accordance with the existing school desegregation policies and consistent with the decisions of the Federal courts We believe it would be unfair and unfortunate to change the existing requirements under which hundreds of schools are now desegregating.

Finally, Mr. Secretary, we hope that you will receive this letter in the same constructive spirit in which it is intended. We want to support you in the firm and fair enforcement of the Title VI compliance program. We believe, however, that a statement from you affirming your support for the program would help immensely to clear the air.

Sincerely,

WALTER F. MONDALE.
HARRISON A. WILLIAMS, JR.
THOMAS F. EAGLETON.
ALAN CRANSTON.
HAROLD E. HUGHES.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 8, 1969.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for the joint letter you and Senators Harrison A. Williams, Jr., Thomas F. Eagleton, Alan Cranston, and Harold E. Hughes sent me on March 25 concerning school desegregation policy.

The memorandum described in the *Washington Post* article to which your letter refers was a personal memorandum from Mr. Mardian to me. Internal memoranda are not intended to, and do not, speak for this Department.

Having read the news account, I can appreciate your concern, but it would only complete the impropriety of the publication of extracts from the memorandum for me to discuss now its contents and attempt to place the extracted quotations in the proper balance. However, I can assure you that we intend to implement fully the court decisions and to achieve the goals this Department has set which you have worked so hard to obtain.

The law is clear, and so is our responsibility to enforce it. We are continuing to require school systems which have failed under freedom of choice plans to abolish discrimination to adopt a more meaningful and effective method which will accomplish the task by the fall of 1969. We shall allow delays beyond that date only where there are substantial impediments, such as the need for new construction. This is in accordance with the policy followed by the previous Administration. I believe it is important that the Title VI program maintain the momentum that has been established, and your support of this obective is very much appreciated.

The guidelines are continually under review to determine whether they can be clarified in accordance with the latest court decisions and whether they can better state the Department's commitment to quality education, as well as to equality of educational opportunity. As you may know, the guidelines have been revised twice in the past and it seems reasonable that the Department should maintain a degree of flexibility to allow room for improvement where possible. Any changes in the guidelines will be consistent with the constitutional protections as interpreted by current court decisions. The Office for Civil Rights will clearly demonstrate by its actions our determination to enforce Title VI in the North and South.

Thank you for your support. Please let me know whenever I can be of assistance.

Sincerely,

ROBERT FINCH,
Secretary.

THE ABM SYSTEM

Mr. GORE. Mr. President, this morning the Subcommittee on International Organization and Disarmament Affairs, of which I have the honor to be chairman, continued hearings on the subject "Strategic and Foreign Policy Implications of ABM Systems." Our witnesses were Dr. Jerome Wiesner, of MIT, former science adviser to President Kennedy, and Dr. Edward Teller, of the Lawrence Radiation Laboratory, University of California.

I ask unanimous consent that the prepared statements presented by Dr. Weisner and Dr. Teller to the subcommittee be printed in the RECORD.

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

TESTIMONY BEFORE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATION AND DISARMAMENT AFFAIRS, MAY 14, 1969

(By Edward Teller)

In order to arrive at a balanced recommendation on the Safeguard ABM deployment, I shall consider the problem from three different points of view. First, I shall compare the inherent advantages of offensive and defensive missiles, assuming that we have a choice to emphasize one or the other form of preparedness.

Secondly, I shall discuss our state of knowledge concerning the expense of defensive deployment as compared to deployment of an offensive force.

And lastly, I intend to discuss the difficulties which have arisen in the ABM debate due to the shifts in the information on vital defense matters which are available to Congress and to the public.

Since these points have influenced my own thinking about missile defense, I will use the same arguments for the purpose of recommending the kind of deployment which I believe is both justified and urgently needed at the present time.

COMPARISON OF OFFENSE AND DEFENSE

When the existence of atomic explosives was disclosed to the world on the day of Hiroshima it seemed that henceforth defense had no chance to withstand the modern power of nuclear attack. This impression was reinforced when thermonuclear explosives multiplied the atomic blast one thousand fold. A last step in this development was achieved when the shift from delivery by airplane to delivery by rocket cut the time needed to cover the distance from home base to target in a dramatic way. The time used to be measured in hours, now it is measured in minutes.

All of this tended to prove what indeed has become a generally accepted slogan: There is no defense against nuclear attack.

In spite of this evidence, the Russian leaders have consistently claimed that it is their duty to defend the population of Russia and that in fact, such defense is possible. Historically, Russian air defense played an important role in the Second World War. At no time since the end of that conflict did the Russians relax their effort to protect their country against any possible attack.

Actually, during the last ten years there have been no essentially new major discoveries further to enhance the might of offensive power. In the same period the admittedly difficult task of defense has made considerable progress. In Russia missile defense was deployed. We have obviously arrived ourselves at a point where a concrete decision of comparing defense with offense has to be made.

There can be little doubt that if defense and offense were equally feasible it would be more humane to emphasize defense. The claim that defense is provocative hardly