

It seems to me that the holding of a grand jury investigation and the use of criminal subpoena power for the development of a civil case is a harsh method for the procurement of civil evidence, resulting in delay and inconvenience for the Government and probable embarrassment to businessmen against whom there does not appear to be any just cause for criminal proceedings. Under the alternative of filing a civil complaint and then proceeding under the Rules of Civil Procedure to obtain necessary information and evidence, the Department of Justice must proceed at a considerable risk of having to dismiss a complaint because their belief of a civil violation is not supported when all of the evidence has been obtained. Since the Department in such a case is proceeding without full information, it may become necessary to further delay the prosecution of the civil case by substantial amendments to the complaint in order to make it conform to the evidence which the Department should have had prior to the filing of the complaint.

This bill which I am introducing, and which was recommended by the Judiciary Committee in the 86th Congress, in my opinion, would remedy this weakness in the enforcement of the antitrust laws by the Department of Justice and make its civil enforcement of those laws much more effective.

It has been my observation in my work in the antitrust field in the Senate, and persons of long experience in antitrust enforcement also have told me, that obtaining evidence for the enforcement of the antitrust laws has become much more difficult than in the early years of the antitrust enforcement program. One of the reasons for this situation is the inadequacy of the power of the Attorney General to obtain access to documentary evidence expeditiously and at the most appropriate time—that is, before a decision must be made on whether a complaint should be filed and before the filing of the complaint.

I believe that this bill should be passed and would be in the public interest. Mr. President, I request that the bill lie on the table for 5 days in order that any other Senators who wish to cosponsor it may have the opportunity of doing so.

The PRESIDING OFFICER. The bill will be received, appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Tennessee.

The bill (S. 167) to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on the Judiciary.

SHERMAN ACT AND FEDERAL TRADE COMMISSION ACT APPLICABLE TO BASEBALL

Mr. KEFAUVER. Mr. President, I am introducing a bill to make the Sherman Act and the Federal Trade Commis-

sion Act applicable to the organized team sport of baseball and to limit the applicability of such laws so as to exempt certain aspects of the organized professional team sports of baseball, football, basketball, and hockey, and for other purposes. This bill is the same as S. 3483 which I introduced in the 86th Congress. It has two principal purposes; namely, the correction of the discriminations and inequities which were created by the conflicting decisions of the Supreme Court in applying the antitrust laws to the different sports and the granting to each of the four professional team sports exemptions from the antitrust laws and the Federal Trade Commission Act which are believed necessary to allow those sports to exist without undue legal harassment.

The bill is divided into two titles. Title I grants exemptions from the Sherman Act and the Federal Trade Commission Act to the professional sports of football, basketball, and hockey. Title II places professional baseball under the Sherman Act and the Federal Trade Commission Act since the Supreme Court held that professional baseball was not a business within the application of those acts, and in later decisions indicated its belief that the reversal of the Supreme Court's old decision by placing baseball under the antitrust laws should be left to the Congress since the Congress was in better position to do so. Title II then exempts from the Sherman Act and the Federal Trade Commission Act certain agreements and actions by professional baseball which are needed for the continued success and growth of the professional sport.

The exemptions as to all of the sports include actions and agreements necessary to permit the organized sports to provide for, first, the equalization of competitive playing strengths; second, the employment, selection, or eligibility of players, or the reservation, selection, or assignment of player contracts; third, the right to operate within specific geographic areas with certain limitations on that right; and, fourth, the preservation of public confidence in the honesty in sports contests.

The exemption for the sport of baseball with respect to the reservation, selection or assignment of player contracts has certain limitations which are not applied to the other sports due to circumstances with respect to players which are peculiar to organized baseball and do not exist in the other sports.

The bill also provides with respect to all of the sports named in it an exemption from the antitrust laws to which I have referred with respect to telecasting of professional games. This exemption is so qualified as to prevent the destruction of college football by telecasting professional games into the home territory of a college game when the college game is being played without the consent of the colleges holding the game. Since the sports other than baseball do not have minor league clubs, the destruction of college games is the only problem involved in telecasting by the professional clubs in those sports. However, in baseball there is a minor league

system which appears to be necessary to the success and growth of the major leagues. It, therefore, is necessary to give protection to the minor leagues in the telecasting of major league games. This protection is afforded in title II of the bill. A major league club may not telecast in the home territory of a minor league game during the time when that game is being played without written consent of the minor league club. In order that a minor league club which may desire to permit telecasting provided they are compensated for the losses incurred through such telecasting by the major league, the bill provides that organized baseball can work out agreements with respect to the distribution of all or any part of the revenues received from telecasting any or all contests in the sport of baseball.

The similar bill introduced in the 86th Congress received the support of the National College Athletic Association, and the sports affected by the bill other than organized baseball. In the hearings on the bill in the 86th Congress the Subcommittee on Antitrust and Monopoly has repeatedly suggested to organized baseball that it should adopt rules which would remedy the situation with respect to player control. It has been my hope that baseball would take such action but thus far no adequate action in this respect has been taken, in my opinion. You, I am sure, have read in the press the difficulties which confronted the proposed Continental League and which have recently confronted the new teams which have been added to the existing American and National Leagues. It does not appear too promising at this time for the success of the four new teams during the coming season, which, in my opinion, results very largely from the monopoly situation with respect to players now existing in organized professional baseball.

Mr. President, I hope that this bill will pass, and I request that it lie on the table for 5 days in order to afford any other Senators who desire to cosponsor it that opportunity.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Tennessee.

The bill (S. 168) to make the Sherman Act and the Federal Trade Commission Act applicable to the organized team sport of baseball and to limit the applicability of such laws so as to exempt certain aspects of the organized professional team sports of baseball, football, basketball, and hockey, and for other purposes, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on the Judiciary.

NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to authorize the establishment of a national wilderness preservation system, and for other purposes. I ask unanimous consent that the text of the bill together

with the attached statement regarding wildernesses be printed in full in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 174) to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes, introduced by Mr. ANDERSON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 174

A bill to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Wilderness Act."

WILDERNESS SYSTEM ESTABLISHED

Statement of policy

SEC. 2. (a) The Congress recognizes that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas within the United States and its possessions except those that are designated for preservation and protection in their natural condition. It is accordingly declared to be the policy of the Congress of the United States to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a national wilderness preservation system to be composed of federally owned areas in the United States and its possessions to be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.

Definition of wilderness

(b) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive, and unconfined type of recreation; (3) is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM

Extent of system

SEC. 3. (a) The national wilderness preservation system (hereafter referred to in this Act as the "wilderness system") shall

comprise (subject to existing private rights) such federally owned areas as are established as part of such system under the provisions of this Act.

National forest areas

(b) (1) The wilderness system shall include all areas within the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as wilderness, wild, primitive, or canoe: *Provided*, That the areas classified as primitive shall be subject to review as hereinafter provided. Following enactment of this Act, the Secretary of Agriculture shall, within fifteen years, review, in accordance with paragraph C, section 251.20, of the Code of Federal Regulations, title 36, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness and shall report his findings to the President. Before the convening of Congress each year, the President shall advise the United States Senate and the House of Representatives of his recommendation with respect to the continued inclusion within the wilderness system, of each area on which review has been completed in the preceding year, together with maps and definition of boundaries: *Provided*, That the President may, as part of such recommendations, alter the boundaries existing on the date of this Act for any primitive area included, to exclude portions not predominantly of wilderness value or to add any adjacent area of national forest lands that are predominantly of wilderness value. The recommendation of the President with respect to each area shall become effective subject to the provisions of subsection (f) of this section.

(2) The purposes of this Act are hereby declared to be within and supplemental to but not in interference with the purposes for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11) and the Multiple Use-Sustained Yield Act of June 12, 1960, Public Law 86-517 (74 Stat. 215).

National park system areas

(c) (1) There shall be incorporated into the wilderness system, subject to the provisions of and at the time provided in this section, each portion of each park, monument, or other unit in the national park system which on the effective date of this Act embraces a continuous area of five thousand acres or more without roads. Within ten years after the effective date of this Act, the Secretary of the Interior shall review the units of the national park system and shall report his recommendations for the incorporation of each such portion into the wilderness system to the President. Before the convening of Congress each year, the President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the incorporation into the wilderness system of each such portion for which review has been completed in the preceding year, together with maps and definitions of boundaries. The recommendation of the President with respect to each such portion shall become effective subject to the provisions of subsection (f) of this section.

(2) The Secretary of the Interior shall include, as part of his recommendations to the President under the provisions of this subsection, a description of the parts of each park monument or other unit submitted which should be reserved for roads, motor trails, buildings, accommodations for visitors, and administrative installations. Such parts shall be determined in accordance with the procedures for rulemaking under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), except that the public notice required under such section shall be at least ninety days prior to the determination proceedings. No designation of an area

for roads, motor trails, buildings, accommodations for visitors, or administrative installations shall modify or affect the application to that area of the provisions of the Act approved August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes" (39 Stat. 535, 16 U.S.C. 1 and following). The accommodations and installations in such designated areas shall be incident to the conservation and use and enjoyment of the scenery and the natural and historical objects and flora and fauna of the park or monument in its natural condition. Further, the inclusion of any area of any park, monument, or other unit of the national park system within the wilderness system pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such area in accordance with such Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 and following); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 and following).

National wildlife refuges and game ranges

(d) There shall be incorporated into the wilderness system, subject to the provisions of and at the time provided in this section, such portions of the wildlife refuges and game ranges under the jurisdiction of the Secretary of the Interior as he may recommend for such incorporation to the President within ten years following the effective date of this Act, and such portions of the wildlife refuges and game ranges added to his jurisdiction after such date but not later than fifteen years following such date as he may recommend for such incorporation to the President within two years following the date on which such refuge or range was added to his jurisdiction. Before the convening of Congress each year the President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the incorporation into the wilderness system of each area recommended for such incorporation by the Secretary of the Interior during the preceding year, together with maps and definitions of boundaries. The recommendation of the President with respect to each area shall become effective subject to the provisions of subsection (f) of this section.

Modification of boundaries

(e) Any proposed modification or adjustment of boundaries of any portion of the wilderness system established in accordance with this Act shall be made by the appropriate Secretary after public notice of such proposal by publication in a newspaper having general circulation in the vicinity of such boundaries and public hearing to be held in such vicinity not less than ninety days after such notice if there is sufficient demand during such ninety days for such hearing. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective subject to the provisions of subsection (f) of this section.

Effective date of President's recommendations

(f) Any recommendation of the President made in accordance with the provisions of this section shall take effect upon the day following the adjournment sine die of the first complete session of the Congress following the date or dates on which such recommendation was received by the United States Senate and the House of Representa-

tives; but only if prior to such adjournment the Congress did not approve a concurrent resolution declaring that the Congress is opposed to such recommendation. Any such concurrent resolution shall be subject to the procedures provided under the provisions of sections 203 through 206 of the Reorganization Act of 1949 (5 U.S.C. 133z-12—133z-15) for a resolution of either House of Congress.

Effect of public notice of proposed addition to wilderness system

(g) The public notice by either the Secretary of the Interior or the Secretary of Agriculture that any area is to be proposed under the provisions of this Act for incorporation as part of the wilderness system shall segregate such area from any or all appropriation under the public land laws to the extent deemed necessary by such Secretary. Such segregation shall terminate (1) upon rejection of such proposal by the President, (2) upon approval by the Congress of a concurrent resolution opposing the incorporation of such area in the wilderness system, or (3) five years after the date of such notice if the proposal to incorporate such area as part of the wilderness system has not been submitted to both Houses of Congress prior to the expiration of such five years.

Addition or elimination not provided for in this act

(h) The addition of any area to, or the elimination of any area from, the wilderness system which is not specifically provided for under the provisions of this Act shall be made only after specific authorization by law for such addition or elimination.

ACQUISITION OF CERTAIN PRIVATELY OWNED LANDS WITHIN THE WILDERNESS SYSTEM

SEC. 4. The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire as part of the wilderness system any privately owned land within any portion of such system under his jurisdiction.

GIFTS OR BEQUESTS OF LAND

SEC. 5. The Secretary of Agriculture and the Secretary of the Interior may each accept gifts or bequests of land for preservation as wilderness, and such land shall on acceptance become part of the wilderness system. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

USE OF THE WILDERNESS

Other provisions of law

SEC. 6. (a) Nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of, or pertaining to, any park, monument, or other unit of the national park system, or any national forest, wildlife refuge, game range, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes as also to preserve its wilderness character. The wilderness system shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use. Subject to the provisions of this Act, all such use shall be in harmony, both in kind and degree, with the wilderness environment and with its preservation.

Prohibition of certain uses

(b) Except as specifically provided for in this Act and subject to any existing private rights, there shall be no commercial enterprise within the wilderness system, no permanent road, nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft nor any other mechanical transport or delivery of

persons or supplies, nor any temporary road, nor any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act, including such measures as may be required in emergencies involving the health and safety of persons within such areas.

Special provisions

(c) The following special provisions are hereby made:

(1) Within national forest areas included in the wilderness system the use of aircraft or motorboats where these practices have already become well established may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary of Agriculture deems desirable.

(2) Within national forest and public domain areas included in the wilderness system, (A) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting (including exploration for oil and gas), mining (including the production of oil and gas), and the establishment and maintenance of reservoirs, water-conservation works, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (B) the grazing of livestock, where well established prior to the effective date of this Act with respect to areas established as part of the wilderness system by this Act, or prior to the date of public notice thereof with respect to any area to be recommended for incorporation in the wilderness system, may be permitted to continue subject to such restrictions as are deemed necessary by the Secretary having jurisdiction over such area.

(3) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou roadless areas in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats. Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, July 10, 1930 (46 Stat. 1020), the Thy-Blatnik Act, Public Law 733, Eightieth Congress, June 22, 1948 (62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act, Public Law 607, Eighty-fourth Congress, June 22, 1956 (70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture. Modifications of the Boundary Waters Canoe Area within the Superior National Forest shall be accomplished in the manner provided in section 3(e).

(4) Commercial services may be performed within the wilderness system to the extent necessary for activities which are proper for realizing the recreational or other purposes of the system as established in this Act.

(5) Any existing use or form of appropriation authorized or provided for in the Executive order or legislation establishing any national wildlife refuge or game range existing on the effective date of this Act may be continued under such authorization or provision.

(6) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

RECORDS AND REPORTS

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture shall each maintain available to the public records of portions of the wilderness system under his jurisdiction, including maps and descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. At the opening of each session of Congress, the Secretaries shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and description of areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

CONTRIBUTIONS AND GIFTS

SEC. 8. The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept private contributions and gifts to be used to further the purposes of this Act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954, subject to all applicable limitations and restrictions contained therein.

The statement presented by Mr. ANDERSON is as follows:

STATEMENT BY SENATOR ANDERSON ON THE WILDERNESS BILL

Some three dozen years ago a young forest supervisor in New Mexico enlisted me in the cause for wilderness preservation. That was Aldo Leopold, who became one of the eminent conservationists of our generation. As I have said before, I shall never forget how he poured out his heart on the subject of primitive tracts which seemed likely to be destroyed with the development of the auto, the truck, and speedier methods of transportation.

I talked with Aldo Leopold many times about wilderness, where it would be possible to preserve scenic beauty and the natural accompaniments of areas unspoiled by man-made changes, the fish and wildlife which had once owned these areas themselves, the forests and mesas, the canyons and open parks, the whole environment in which we ourselves can often feel most deeply refreshed, inspired in the scenes of our own distant beginnings.

THE NEW BILL

Today I have the privilege of seeking to advance in a very significant way this cause of wilderness preservation, as I introduce for appropriate reference a bill to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes. This is the wilderness bill.

It is 5 years now since the distinguished and far-seeing Senator from Minnesota [Mr. HUMPHREY] first introduced such a measure to this body. Through two Congresses, our Committee on Interior and Insular Affairs has considered this proposed legislation. Extensive hearings have been held both in Washington, D.C., and in the field. Four volumes of printed testimony have been assembled. The constructive criticism of the executive agencies concerned with the lands involved has been received and studied. Objections of various groups have been met with

revisions, eliminations of undesirable features, and the inclusion of various special provisions, to meet particular needs and to avoid the disruption of established practices or interference with private rights or with necessary developments in the public interest.

After 4 years of such constructive revision, and in response to an increasing public support and a deep sense of urgency in our realization that we must act promptly or run the risk of losing much of our opportunity, it seems to me that we should now proceed to act.

Accordingly, I have with great care prepared the new bill that I now introduce, a streamlined revision based on our committee's experience during the past two Congresses and on a comprehensive study of the requirements of such legislation and the best ways for meeting them with due regard for all the interests involved.

It is my purpose to do all that I can to advance this legislation, and I urge it upon the Senate at the beginning of this Congress as an outstanding opportunity to accomplish an enduring benefit in establishing a sound national policy and program for preserving a precious and significant resource of wilderness.

REASONS FOR WILDERNESS

There are profound and various reasons that give great importance to our concern with preserving areas of wilderness. These reasons are not solely concerned with our recreation, vital as this can be to the health of individuals or a nation. There also are educational and historical values, and it may be that the scientific values related to our human understanding of natural processes in relation to our own enterprise may prove to be the greatest of all.

BENCHMARKS

In the wilderness are the benchmarks of reference for the civilization that we still are perfecting. Dr. Luna B. Leopold, Chief of the Water Resources Division of the U.S. Geological Survey, distinguished and worthy son of the pioneer conservationist Aldo Leopold, has recently emphasized these "benchmark" values of wilderness in connection with the question of falling water tables. Dr. Leopold points out that "the lack of a datum increases greatly the difficulty of appraising the volumes of water available, and the rates of recharge, and of understanding the implication of changes of water tables; further, it makes very difficult the prognosis of future status of an individual aquifer."

Thus one engineer and scientist stresses the reference values of areas of wilderness. "We take it for granted," says Luna Leopold, "that there is some social gain in the erection and maintenance of a museum of fine arts, a museum of natural history, or even a historical museum. Sooner or later we ought to be mature enough to extend this concept to another kind of museum, one of which you might call the museum of land types, consisting of samples as uninfluenced as possible by man."

FOR THE WHOLE PEOPLE

The comparison of wilderness areas to museums is a valid enlightening one in various ways. Not only does it illustrate Dr. Leopold's evaluation of wilderness for scientific reference purposes as well as for educational and recreational purposes, it also illustrates the fact that our areas of wilderness are for everyone, for the whole people, for anyone, not for a selected few. Like our museums and our art galleries, our wilderness areas may at any given time be visited by a relatively small percentage of our people, yet they are available to any who will use them, part of our cultural resource as well as our natural heritage. We should regard them as such and cherish them.

WILDERNESS RECREATION

Yet we must recognize and emphasize more than we have, the values of wilderness recreation in providing for the health and vigor of our citizens.

"Physical fitness is the basis of all the activities of our society," and I say this in the words of President-elect John F. Kennedy writing thus in last week's (Dec. 26, 1960) issue of *Sports Illustrated*. In an article entitled "The Soft American," this great and vigorous leader warns that this "age of leisure and abundance can destroy vigor and muscle tone as effortlessly as it can gain time."

"Many of the routine physical activities which earlier Americans took for granted," he points out, "are no longer part of our daily life. A single look at the packed parking lot of the average high school will tell us what has happened to the traditional bike to school that helped to build young bodies. The television set, the movies, and the myriad conveniences and distractions of modern life all lure our young people away from the strenuous physical activity that is the basis of fitness in youth and in later life."

"Thus," declares our soon-to-be President, John F. Kennedy, "the physical fitness of our citizens is a vital prerequisite to America's realization of its full potential as a nation, and to the opportunity of each individual citizen to make full and fruitful use of his capacities."

The Honorable JOHN P. SAYLOR, with whom I am pleased to be associated on the Outdoor Recreation Resources Review Commission, a recreation and wilderness champion in the House of Representatives, has made this same emphasis on physical fitness by quoting the Director of Selective Service, Maj. Gen. Lewis B. Hershey, as saying: "We are not inherently a nation of softies, but it is a harder fight for us to stay fit than for a lot of less privileged people."

"Our kids are all right," said General Hershey, "but autos, innerspring mattresses, and regulated heating make it tougher for us to stay fit." Mr. SAYLOR agreed with General Hershey's comment that "we've got to stay vigorous and still enjoy our luxury," and he added the suggestion that our wilderness areas give us a chance to develop physical fitness and adventurous habits of mind, as well as find relief for jaded minds, tense nerves, and soft muscles.

WITHOUT DAMAGING OTHER INTERESTS

It is not too late in our land-management history, Mr. President, to meet these needs for wilderness and realize its benefits without damaging other interests or requiring sacrifices. If we act promptly we can provide for a system of wilderness areas that will preserve this resource without taxing any other in any foreseeable future, and we can do this with the confidence that if our successors ever do foresee such need they will find that we have saved for them the wilderness and have not needlessly destroyed it ourselves.

Our peculiar opportunity lies principally in the fact that within our national forests, national parks, refuges, ranges, and other areas dedicated to some kind of preservation purpose there are areas of wilderness that can be preserved as such without interference with the other purposes which the areas now serve. It is this opportunity that we propose to realize in establishing the policy and program of this wilderness bill.

PRINCIPLES OF THE BILL

Recognizing "that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas * * * except those that are designated for preservation and protection in their natural condition," this bill declares a policy of securing "for the

American people of present and future generations the benefits of an enduring resource."

For this purpose the bill would establish "a national wilderness preservation system to be composed of federally owned areas * * * to be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness."

It is a key declaration of the measure, at the outset of its section on the use of wilderness, that "nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of, or pertaining to, any park, monument, or other unit of the national park system, or any national forest, national wildlife refuge, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area."

A RELATIVELY SMALL PART OF OUR LAND

The reasonableness of such a policy and program is further emphasized by an understanding of the relatively small part of our land area that is thus affected. All the lands that could possibly be now thus dedicated to wilderness use and protection—and they would be within already established national forests, refuges, parks or similar Federal areas—would make up only about one-fiftieth of our land.

Only about 5 percent of our Federal estate would be thus preserved, and for the most part it would be in the high country of the national forests, the back country of the national parks, in areas not now open to exploitation. Only by act of Congress would new areas beyond those provided for in this act be established. At such little cost we can attain such great ends.

THE SOURCES OF OUR SPIRITUAL WELFARE

It is my purpose now to conclude these remarks with the observation that while we must deal here in the Congress with these matters as subjects of carefully designed programs and policies determined in the light of economic and other governmental realities, we should likewise recognize that we are dealing with the sources of our spiritual welfare also, with the esthetics of our common life, not with bread alone, but with our inheritance of a great outdoors resource.

For some 3 years now our Outdoor Recreation Resources Review Commission has been studying these resources and our needs. We are approaching the time of our recommendations. The enactment of this wilderness legislation will help this Commission in its work. It will provide procedures by which the recommendations of the Commission with reference to wilderness can effectively be carried out, and the existence of these procedures can indeed facilitate the very formulation of such recommendations.

This legislation will establish a policy and program regarding wilderness which will give shape and orderliness to the Outdoor Recreation Commission's considerations relating to wilderness. To all our concerns with the preservation of all the great values of wilderness the measure here presented will contribute the advantage of a carefully considered, sound, and enduring orderly policy and program—a practical way of dealing with both idealism and reality, which here come close together.

WE HAVE AN OBLIGATION

Six years ago last September it was my privilege to dedicate a memorial erected by the Wilderness Society in cooperation with the Forest Service in honor of my early mentor, Aldo Leopold, at a beautiful windswept

New Mexico site "overlooking," in the words of the bronze tablet itself "overlooking the Gila Wilderness, which he helped establish—first national forest area so designated—dedicated as a tribute to him for the national wilderness preservation system he helped create." I said then:

"The work of Aldo Leopold has been done. We now become trustees of his inheritance. Those of us who may visit within the wilderness and who are able to rest and be restored in our peace of mind and body by the quiet that it will always possess have nonetheless an obligation to see that the work of one generation shall not be sacrificed by those that come after. We have an obligation to make sure that this area (and others like it) may remain untouched for generations and perhaps centuries to come. We cannot take our burdens as trustees lightly if we are to keep faith with those who struggled so mightily to achieve these precious spots within the confines of a busy continent. The erection of this memorial—reminds each of us that our lives as well can contribute to the things that mean beauty for the eye and rest for the spirit. We, too, can preserve the wilderness."

These words of 6 years ago at a memorial for one of our pioneers I am glad today to recall and iterate with regard for all of those who through the years have contributed to the opportunity we now face and cherish. We can preserve wilderness, and I commend to you this wilderness bill as a sound, reasonable, considerate, but effective charter for doing so.

Mr. ANDERSON subsequently said: Mr. President, earlier I introduced a so-called wilderness bill. I find that the junior Senator from Washington [Mr. JACKSON] desires to be a cosponsor of the bill; and there may be other cosponsors. I ask unanimous consent that the bill remain at the desk for 2 days, so that the names of additional sponsors may be added to the bill, if that is desired.

The PRESIDING OFFICER (Mr. Moss in the chair). Without objection, it is so ordered.

PROTECTION OF NATIONAL PARKS AND MONUMENTS UNDER COLORADO RIVER STORAGE PROJECT ACT

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend Public Law 485 of the 84th Congress, the Upper Colorado Storage Project Act, to remove the provisions requiring that the Secretary of the Interior construct so-called protective works to prevent impairment of the Rainbow Bridge National Monument in southern Utah from the waters of Glen Canyon Dam on the Colorado River.

I firmly believe that a serious mistake was made in writing these provisions into the act at the time it was passed, and that we must now move to correct that mistake. Otherwise we will spend at least \$25 million needlessly, we will scar the primitive beauty of the Rainbow Bridge National Monument, and we will fail to make this spectacular natural wonder as accessible as it should be to the public.

In the 86th Congress, I sponsored a bill identical to the one I am now introducing. However, work on the Glen Canyon Dam had progressed to the point where it would be possible to start filling the Lake Powell Reservoir in 1962.

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Therefore, the Secretary of the Interior, as required by the act, had requested funds to start construction of the protective works to prevent the waters from the dam from backing up under the monument, and, if I was to forestall that construction, I had to direct my energies to stopping the appropriation. Both the House and Senate Appropriations Committees agreed that so-called protective works were unnecessary, and the funds should not be appropriated in the fiscal 1961 bill.

To clarify the problem, let me give a little background. The Rainbow Bridge National Monument was created by Presidential proclamation in 1910. It comprises an area of 160 acres in San Juan County, Utah, 5 miles north of the Arizona border, and 30 miles from the Glen Canyon damsite. At the present time it can be reached only by mule pack over a 15-mile trail from the Utah-Arizona border, or by a 6-mile hike from the Colorado River.

It is the largest known natural bridge in the world, rising 309 feet above the canyon floor. The arch was formed by the waters of Bridge Creek cutting through a narrow neck of Navajo sandstone to shorten their course to neighboring Aztec Creek and on into the Colorado River. The entire area is brilliantly colored, and filled with breathtaking, upflung architecture.

Not long ago a National Park Service and U.S. Geological Survey field party determined that even at high water season when Lake Powell was full, not more than a sliver of water would back up in the creekbed, and that this water would be 21 feet below the left abutment of the bridge and 33 feet below the right abutment of the bridge.

There would, therefore, be no impairment of the arch, and it takes little imagination to see that the monument itself would be enhanced. The water would add to the scenic lure, and provide practical and easy access to the area by boat.

Although I was not in the Senate in 1956 when the upper Colorado River bill was enacted, I can well understand what happened. The inclusion of the Echo Park Dam in the bill had stalled the entire vast resource development project on dead center in the House Interior Committee. Certain conservationist and outdoor groups saw in Echo Park the destruction of the entire national park system. They further feared that allowing even a small manmade pool to form itself many feet below the abutments of the Rainbow Bridge in that national monument would put another crack in what they considered the crumbling foundations of the park and monument program.

The Echo Park Dam was removed and the bill was amended, in separate sections, to provide first, that the Secretary of the Interior take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument from the waters backed up by the Glen Canyon Reservoir; and second, that no dam or reservoir constructed under the authorization of the act shall be within any national park or monument.

In my opinion, both actions were indefensible. I will not take the time here to go into the Echo Park controversy, but I believe the case has now been fully made that it would be a defenseless waste of the taxpayers money to build expensive protective works to keep the water—or even the sediment which would drop from the water into the streambed—out of the Rainbow Bridge National Monument in southern Utah. This session, I hope, therefore, that we will not have to resort to the circuitous, back-door method of refusing to appropriate the funds for a barrier dam. We should admit that it was unnecessary to write the protective works requirement into the Upper Colorado River Storage Act when it was passed, and remove that requirement.

It is gratifying to be able to say that Interior Secretary-designate UDALL has made a report which agrees with me in general on Rainbow Bridge.

Last summer the Secretary-designate, as a Congressman and a member of the House Interior and Insular Affairs Committee, and Representative JOHN SAYLOR, also a member of the committee, made an inspection trip to study the problem.

In his official report to Chairman ASPINALL, Congressman UDALL outlined three alternatives from which he felt Congress might choose: First, a two-dam plan, which would consist of a downstream barrier dam outside the monument to hold back the lake waters, and an upstream dam outside the monument to catch the downstream seasonal flash flood runoff; second, an upstream dam only; and third, to allow the water to back up under the arch in the natural streambed.

Let me quote directly from Congressman UDALL's report:

After the most careful study and after extensive discussion with the conservationists who know this extraordinary national monument best, I have come to the firm conclusion that the last alternative would best serve the longrun interests of this park, and of the conservation movement itself.

Although the lake water offends a basic principle of park conservation, it is my conviction that the construction of any manmade works within 5 miles of the present monument boundaries would do far greater violence to the first commandment of conservation—that the great works of nature should remain in their virginal state wherever possible. The natural setting of Rainbow embraces a much larger area than the boxlike artificial "monument"; and it is a gross mistake to detach the arch itself from its environment.

As I conceive it, from my study of the history of conservation in America, the one overriding principle of the conservation movement is that no works of man (save the bare minimum of roads, trails, and necessary public facilities in access areas) should intrude into the wonder places of the national park system. A corollary of this principle is that even the waters of a manmade lake or reservoir constitute an unwarranted park invasion. Therefore, as I see it, building either of the two proposed dams near the artificial boundaries of the monument would sacrifice the cardinal principle in order to save its corollary.

Following a glowing appraisal of the grandeur of the monument and the country surrounding it—an appraisal