

MESSAGE FROM THE HOUSE—  
ENROLLED BILLS SIGNED

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

S. 26. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes;

S. 1169. An act to authorize a per capita distribution of \$350 from funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation; and

S. 2961. An act to provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Montana.

NATIONAL WILDERNESS PRESERVA-  
TION SYSTEM—CONFERENCE RE-  
PORT

Mr. ANDERSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today).

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ANDERSON. Mr. President, this Congress has responded in clear terms to a broad band of social and economic problems. What we have done we have done not only to meet the urgency of the moment, but for the future. In no area has this Congress more decisively served the future well-being of the Nation than in passing legislation to conserve natural resources and to provide the means by which our people could enjoy them.

One of the brightest stars in the constellation of conservation measures is the wilderness bill. This bill, which we are about to send to the President of the United States, will create a system to protect over 9 million acres of the public lands and forests in their natural majesty. And this bill provides that additional wilderness areas can be preserved.

The path of wilderness legislation through Congress has sometimes been as rugged as the forests and mountains embraced by the wilderness system. Many Americans, both in and out of Congress, have pioneered and blazed the trail that led to the establishment of the wilderness system. Among those who have

been in the vanguard is the senior Senator from Minnesota. Senator HUMPHREY introduced the first wilderness bill in the Senate in 1956. And while that original proposal has undergone major revision, the concept proposed by that bill was carried through to reality in the conference report now before us. There were many others who labored diligently to shape into substance what had long been a dream.

While we stretch out the highways to carry ever-expanding traffic, while we build whole new communities to house a growing population, and while we consume more acreage for a burgeoning industry, we have set aside part of our land as it was when human eye first saw it—unscarred by man, primeval, a memorial to the Creator who molded it.

I was asked by one of the Members of the Senate about the destruction of wilderness areas during the 19 years that mining laws are to be applicable, and about the language in the House amendment in that respect. I assure that Senator that I shared his concern. I feared that the language of the amendment might be misinterpreted to mean that mechanized equipment could be used in prospecting—that bulldozers might be used to prospect or even cut long roads to the prospect areas.

We were assured by the House conferees that the House language has no such meaning.

We were told that the Forest Service has managed to avoid serious damage to the primitive, wild, and wilderness areas for 25 years or more; that Forest Service regulations governing mining activities in the areas can be continued and, indeed, that the regulations can be strengthened. The bill provides that activities in the areas shall be in harmony with the wilderness concept under reasonable regulations.

This was a crucial question in regard to the bill.

I have a great personal interest in the Gila wilderness in New Mexico. I do not want to see the beauty and the primitive grandeur of that area disturbed. I would be much happier if I knew that all new mining activity in the area was being stopped.

If there were to be a relaxation of mining regulations which would permit serious depreciation of wilderness values, I would have sought to still be in conference. It is true that the Forest Service has managed to protect most of the primitive and wilderness areas from depredations in the past. With the assurance that the regulations governing mining can be strengthened, I feel we have a meritorious bill.

The Senator from Colorado [Mr. ALLOTT] asked me a question a while ago. I hope he will ask it again. We are anxious to clear up any questions.

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

Mr. ANDERSON. I yield.

Mr. ALLOTT. I would like to make some legislative history on an item which appears in the statement of managers on the part of the House on page 9 of the

conference report, which deals with the 7,000 acres in the Gore Range-Eagles Nest Primitive Area, which may be deleted from that area and made available for Interstate Highway 70. I should have said, "not to exceed 7,000 acres." With respect to this area of 7,000 acres which may be utilized for a highway tunnel for Interstate Highway 70, as well as a water tunnel to supply the Denver area with water, I want to be sure that in authorizing the deletion of this amount of land it was the clear intention of the conferees that it could be used for those purposes, and that the conferees considered the uses to which it might otherwise be put.

Mr. ANDERSON. Yes. I want to assure the Senator that the matter was carefully considered. All the conferees agreed that the use of the 7,000 acres for this purpose would be in the public interest.

The language in section 3(c) is:

Notwithstanding any of the provisions of this act, the Secretary of Agriculture may complete his review and delete such area as may be necessary.

And so forth.

Therefore, we had to get in that language. It actually says the Secretary shall complete his review and shall delete. We had to give it the language of the act, but we all intended that it shall come out for that purpose.

Mr. ALLOTT. The report uses the words "in the public interest." The conferees were all of one mind that it was in the public interest to take out that land from the southern tip of the primitive area. Is that correct?

Mr. ANDERSON. The Senator is correct. All the conferees agreed that it was in the public interest to take out the area of 7,000 acres.

Mr. ALLOTT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD paragraph 3 of the statement contained in the report.

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

3. The conferees understand that Forest Service officials tentatively have decided that an undetermined amount of land, but not exceeding 7,000 acres, in the Gore Range-Eagles Nest Primitive Area, Colo., should be deleted and made available for Interstate Highway 70; in addition, the Denver Water Board has a plan for a tunnel in the general area. Under existing regulations the Chief of the Forest Service has been delegated authority to modify primitive areas and eliminate portions. Inasmuch as S. 4 as passed by the House would withdraw this authority from the Department of Agriculture, the conferees have provided that the Secretary of Agriculture may complete his review of the suitability or nonsuitability of the Gore Range-Eagles Nest Primitive Area for preservation as wilderness and delete up to 7,000 acres from its southern tip if he determines that such action is in the public interest. In this connection the conference committee noted that, if the President recommends that the Gore Range-Eagles Nest Primitive Area be designated as a wilderness area for inclusion in the wilderness system, he may recommend the addition of other lands, not now within the primitive area, to replace the 7,000 acres that may be deleted.

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

Mr. ANDERSON. Yes; I am happy to yield. I said he was the author of the original bill in 1956. I am happy to repeat that and to pay him tribute for the leadership he gave in this important cause.

Mr. HUMPHREY. I am grateful for those kind words. I rise to commend the Senator from New Mexico for the leadership he gave to this measure, and indeed, he made it possible for this bill to be here. I also want to salute the minority whip, the Senator from California [Mr. KUCHEL], for his cooperation, and indeed the Senator from Idaho [Mr. CHURCH] for his determined and skillful job in managing this bill in the Committee on Interior and Insular Affairs and on the Senate floor.

The bill as finally worked out may not meet all the criteria some persons had in mind for a wilderness preservation program, but in the main I would say it is a great forward step. It will do much not only for today, but for the future. Of all the pieces of legislation that have been passed, in terms of looking to the future, in terms of providing for the recreational needs of our people, in terms of preservation of the great resources of America and the need of a growing population to know something of the great out of doors, untouched and unscathed, nothing is more significant than this piece of legislation. I commend all the members of the committee who have worked so hard. It is a job well done. I am really pleased to be present when this important piece of legislation is being passed.

Mr. ANDERSON. I only want to say I am glad the Senator did include all the members of the committee. I have been on the Interior and Insular Affairs Committee longer than any other member. I never saw members on both sides of the aisle work better than they did on this bill. A great many questions were asked, but a careful bill has been worked out. We owe a debt of gratitude to all who contributed to this effort.

Mr. HUMPHREY. May I add that some of the conservation groups did yeoman labor on this bill. One of their members departed. I refer to Howard Zahniser, of the Citizens' Committee on Natural Resources; and the Secretary of the Interior, the Honorable Stewart Udall, surely should receive a note of commendation. I cannot help think of that public-spirited citizen who for many many years would be in the galleries when we were considering the wilderness bill. Howard Zahniser gave his life for it. I hope sometime in the future there will be some memorial to him because of his dedication to this important cause.

Mr. President, after 8 years of lengthy debate and partial action by one House of Congress or the other, the wilderness bill is about to become law. This occasion should not pass without a few words of tribute to the countless Americans who did their part to make this effort a successful one.

We have learned in those 8 years that it is one thing to speak out for the pres-

ervation of this Nation's precious wilderness areas, and it is quite another thing to enact a sound, fair, and meaningful national policy which makes that preservation possible.

In an age of automation, mechanization, and exploitation of our vast natural resources, the amount of public lands shielded from the onslaught of man's ambition and genius becomes even smaller. Our task in this age has been to stand off and ponder the consequences of that onslaught. I believe that this bill contains our verdict, and I believe that we can all be grateful that the verdict came while we still had wilderness to preserve.

During the 85th and 86th Congresses it was my privilege to be the principal sponsor of wilderness legislation. Since that first major wilderness bill was introduced in March 1957, both the Senate and the House have taken thousands of pages of testimony. During the 85th and 86th Congresses we held hearings not only here in Washington but in Oregon, California, Utah, New Mexico, the State of Washington, and Arizona. This pattern continued under the masterful leadership of the Senator from New Mexico [Mr. ANDERSON].

In 1961 Senator ANDERSON guided his wilderness bill to an overwhelming victory of 78 to 8. This margin demonstrated both the skill of the Senator from New Mexico and the soundness of the bill. Unfortunately, of course, the bill did not pass in the other body.

Last year, again under the adroit leadership of Senator ANDERSON and of the distinguished minority whip, Senator KUCHEL, the wilderness bill received a resounding vote of 73 to 12. I salute, too, the distinguished Senator from Idaho [Mr. CHURCH] for his determined and skillful job in managing this legislation in the Interior Committee and on the Senate floor.

Similar legislation finally saw the light of day just recently in the House of Representatives when that body approved H.R. 9070 on July 30. Once the bill had reached the floor, the voice of the majority was loud and clear as the bill passed 373 to 1.

Now, finally, a wilderness bill has passed both Houses, it has been thrashed out in conference, and it awaits the final nod from Capitol Hill before going to the President's desk. This is not only another mark of distinction for the 88th Congress, but a milestone in the lifelong efforts of many Americans to guard our primitive areas from abuse and ruination.

Those 8 years of legislative struggle have brought many modifications in the specific procedures for identifying and protecting certain wilderness areas. The proposal to establish a permanent national wilderness preservation council has been eliminated. The original definition of a wilderness area has been modified considerably. The regulations for the protection of wilderness areas have been revised and liberalized.

The changes have been many, but they have all been made in the interest of balance between the need for effective wilderness preservation and the need

for realistic land-use programs or legitimate economic and commercial use. The bill is not an ideal one for all interests concerned—very few bills are—but neither is it an empty one with acceptability as its only virtue. It will help us to insure that these federally owned wilderness lands—some million acres—will be administered in such a way as to leave them unimpaired. And that is the crucial point, because once an act of destruction occurs in our wilderness areas, it cannot be undone. Prevention, in the form of a clear national policy, is far better than regret.

And so I salute those who made the passage of this bill possible by calling the Nation's attention to the problems it will help us to solve and by working year in and year out to bring about decisive action. There are many names I could cite—too many to mention now—but let me say again that this bill is, in a very real sense, a monument to the untiring work of the late Howard Zahniser, who was executive director of the Wilderness Society. He carried this fight for many years and he never wavered in his firm belief that eventually the wilderness bill would become law. Spencer Smith, Citizens Committee for Natural Resources, has been a stalwart leader in this effort which has required so many years and so much patience and determination. And, as I mentioned earlier, let us not forget the dedicated work of our Secretary of the Interior, the Honorable Stewart Udall.

To these men, to my colleagues in the Senate and in the House, and to the many others whose work was so vital, I say "A job well done." As far as our wilderness policy is concerned, Mr. President, we are finally out of the woods.

Mr. ANDERSON. I thank the Senator.

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

Mr. ANDERSON. I yield to the Senator from Mississippi.

Mr. STENNIS. I commend the Senator from New Mexico and the other members of the committee for the form in which they worked this bill out. I did not favor S. 4 in the form in which it was passed by the Senate on April 9, 1963, although I was in great sympathy with the overall objectives of the bill. My basic objection to the passage of S. 4 at that time was based on the provision thereof which provided for the immediate inclusion in the wilderness system of some 52 million acres of land now classified as primitive. Although the inclusion of this land would be subject to subsequent congressional veto, I believe the Congress should retain authority to include such land by specific action.

The conference committee agreed to accept the House provision which provided for this affirmative congressional control, which I believe represents the proper approach. I am pleased that the conferees reached this agreement because I have always been a strong advocate of conservation legislation, and I believe that we should maintain for future generations these wilderness areas. With this provision requiring

specific congressional authority for inclusion of new areas in the wilderness system, I can now vote for and support passage of this act.

Mr. ANDERSON. Mr. President, I move the adoption of the conference report.

Mr. ALLOTT. Mr. President, I should like to make a few remarks concerning the bill. This action will terminate what has probably been one of the most controversial bills before the Congress. The effort to achieve this legislation has gone on for almost 8 years now.

I voted against the Senate version of the bill twice. I voted against it because I was opposed to giving the Secretary or the President, as the case may be, the right to administratively include certain lands and areas within provisions of the bill, thereby leaving Congress with only what in effect was a negative veto.

I am happy to say that the bill as it is now written contains the principle that Congress must act affirmatively, by statute, to incorporate new areas into the wilderness area.

I believe these remarks are necessary, because certain extreme people from time to time have misinterpreted my position. I have never at any time been opposed to the establishment of a wilderness system. My approach was originally based upon the acceptance of a wilderness system consisting of a little more than 8 million acres. With the designation later of the wilderness area in Idaho, that acreage was increased to a little more than 9 million acres. The fact that the Senate bill also included the possibility that the Secretaries of the Interior and Agriculture could have designated as much as 63 million acres, leaving only a veto power to Congress, which would be subject to a great many objections, caused me grave concern.

To the basic wilderness area as it was designated then and as it exists now I have never objected. We shall achieve a better and more rational wilderness system this way than we would have under the original provisions of S. 4.

I am also happy that the present bill incorporates features of multiple use that the other bill did not contemplate. I believe this will give a reasonable opportunity in the future to do two things. First of all, it will make it possible to accurately appraise the land that is now suitable for inclusion in the wilderness area, and allow Congress the opportunity to put it in the system and give Congress time to study it. Secondly, it will give impetus to the opportunity for natural resources development, particularly in the West, where nearly all of the proposed wilderness areas are located, to which the Western States are justly entitled.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

#### SAVERY-POT HOOK BOSTWICK PARK AND FRUITLAND MESA PROJECTS, COLORADO

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 3672, Calendar 1416, was passed earlier today.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, that it stand in adjournment until 10 o'clock tomorrow morning.

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

#### AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Oklahoma and I were engaged in a discussion of the Oklahoma situation and the effect of the Supreme Court decision on apportionment, which was made on June 19, 1964, affirming the district court decision on Oklahoma elections.

In the course of our discussion, the Senator from Oklahoma indicated that there was no guidance and no real direction available to the Oklahoma Legislature as to what the district court was talking about in 1962 when it told the legislature to reapportion.

I quote from the language of the court on August 3, 1962, in the case of Moss against Burkhart:

The matter of forming legislative districts, either house or senate, among counties is left to the discretion of the legislature, under the pertinent provisions of the Constitution with respect to substantial numerical equality, compactness, and contiguity. In this connection, the memorandum and suggested order and decree, filed in this court on July 30, 1962, by the Honorable Fred Hansen, first assistant and acting attorney general, is recommended as a most helpful treatise, and contains a suggested order and decree which indicates a legislative apportionment for both houses, which has been studied by the court, and which is believed to meet the desired standards.

Mr. MONRONEY. The Senator is now quoting from the lower court decision, the three-judge Federal court, not the U.S. Supreme Court. Is that correct?

Mr. PROXMIRE. That is correct.

The legislature was told precisely and exactly what the court had in mind. There was no vagueness about it.

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

Mr. PROXMIRE. I yield.

Mr. MONRONEY. By the lower Federal court, that is.

Mr. PROXMIRE. Yes. It was told by the local Federal court, which is the

only agency that could act under those circumstances, barring an appeal, and which could make this kind of direction.

The distinguished Senator from Oklahoma has argued with great force that Oklahoma really had no knowledge until the Supreme Court acted on June 22, 1964.

It is my contention that the State of Oklahoma had full knowledge. It was told clearly and in detail in 1962. It was told in most emphatic language in 1963. The promise was obtained in 1962. It was reviewed at the end of 1963. In February 1963 the Oklahoma Legislature acted. But how did it act? It apportioned the legislature in a way which was not in compliance with the Federal court order.

If no Federal district court but only the U.S. Supreme Court can give effective notice of any apportionment action, one can imagine how long it would take to obtain reapportionment in the various 50 States. The Oklahoma Legislature is not satisfied with the Supreme Court. This is not for the Oklahoma Legislature. They want to go to Congress. They want a super-Supreme Court.

They want Congress to set aside a decision by the Supreme Court. All of us may disagree with what the Supreme Court says, but once it acts, it seems to me, as good citizens, we have no recourse except to accept what the Court has said. Once we throw the umpire out of the ballgame, there can be no just decision, and we all know it.

Mr. MONRONEY. That would be true if there were no Supreme Court and if a sovereign State did not have the right to appeal to the Supreme Court in a situation governing a most fundamental States right that has been in existence since our entrance into the Union in 1907. Our county unit system of electing our legislature was approved by Congress when we were admitted as a State.

There had been no action to disallow this, until Oklahoma appealed to the Supreme Court of the United States, and the decision came down on June 22, 1964. It is true that we received notice 1 week earlier of what the Court's intent was in its decision of June 15; but I do not believe the Senator would want his State of Wisconsin, which he has the great honor to represent so well on the floor of the Senate, to suffer a major change in its entire apportionment philosophy on the basis of a lower court decision. That decision had no force or effect of law, because it had been appealed and had been stayed by the Supreme Court of the United States in February 1964, so that our elections could proceed. This was one of the purposes of the stay.

A short time before that, the State supreme court had issued a standby formula for use in our elections in case the Supreme Court stayed the inferior court's order.

The Senator is arguing about the decision of one U.S. district court supporting the one-person, one-vote principle. But other district courts of the United States held differently in the reapportionment matter. So the question was unsettled and uncertain in the minds of many local authorities and