tember 21 and 22 on S. 921, a bill to make major revisions in public land laws.

The hearings will start at 10 a.m. each day in room 3110 of the new Senate Office Building.

The bill is entitled "Public Domain Lands Organic Act of 1971" and was introduced by me in February. Title I of the bill would apply to the lands administered by the Bureau of Land Management of the Department of the Interior.

Title II of the bill would repeal the Mining Law of 1872 and substitute a mineral leasing system in place of the present patenting system. Other acts the bill would repeal are the Homestead, Desert Land Entry, townsites, and parts of the Taylor Grazing Act.

ANNOUNCEMENT OF HEARINGS BY THE DISARMAMENT SUBCOMMITTEE

Mr. MUSKIE. Mr. President, on July 6 and July 8 the Foreign Relations Subcommittee on Arms Control will resume its hearings on the arms control implications of the defense budget.

We have already inquired into the rationale for our nuclear triad of three invulnerable strategic weapons systems—land-based missiles, submarine-based missiles, and bombers. On June 16 and 17 we heard administration and outside witnesses discuss these strategic systems and begin to analyze the central question before the subcommittee: the sort of strategic posture that will guarantee our security and not at the same time fuel the arms race or waste billions of taxpayer dollars.

On July 6 and July 8 we will focus on the ABM and MIRV components of the defense budget. We will be particularly concerned with whether the deployment of MIRV and ABM could have the effect of stimulating the arms race and rendering more difficult an arms control agreement with the Soviet Union.

We will want to explore the "bargaining chip" theory according to which the administration argues that continued deployment of these weapons will improve the American bargaining position vis-a-vis the Soviets and facilitate the chances of an agreement at SALT. We will also want to know more about the need for these weapons in meeting what the administration refers to as the "sufficiency" criterion of our strategic posture. In particular, we will want to explore the argument that ABM and MIRV will increase the stability of crisis situations when the nuclear powers come into direct confrontation.

We will also want to know more concerning the latest estimates of Soviet MIRV capabilities and the accuracy of their giant SS–9 missile. The justification for our own ABM system depends upon reliable estimates of these Soviet capabilities, for it is the S–9 missile with its MIRV potential that threatens our Minuteman force that the Safeguard ABM is designed to protect.

Moreover, we will want to know more concerning the rationale for our own MIRV deployments—the Minuteman III, and Poseidon missiles. One possible argument for these deployments is that the Soviets might have the capability of converting a portion of their numerous surface-to-air missile defense systems—designed to protect against bombers—into ABM systems—the so-called SAM-upgrade problem. Our MIRV's, it is argued, are necessary to counteract such a threat.

Another rationale sometimes used for these MIRV deployments is that the President must have the option, after a Soviet first strike, of retaliating against remaining Soviet forces rather than destroying Soviet cities. This is the theory of a limited nuclear war, which holds that a nuclear war might actually be fought and terminated without destruction of civilian centers. MIRV's, it is argued, are necessary to give the United States a number of deliverable warheads to make such a limited counterforce war possible. We will want to know whether the administration holds to this particular nuclear theory.

We have invited administration and outside witnesses to appear at these hearings, and I will report to the Senate when a final list of witnesses is confirmed.

ANNOUNCEMENT OF HEARINGS ON SPEEDY TRIAL

Mr. ERVIN. Mr. President, in the weeks ahead the Constitutional Rights Subcommittee will hold hearings on S. 895, a bill designed to give new vitality and meaning to the sixth amendment guarantee of speedy trial. We have initially scheduled 4 days of hearings on July 13, 14, 20, and 21.

These will be the first Senate hearings on any specific legislative proposal to bring about speedy trials for all Federal criminal suspects. The bill, which I originally introduced a year ago in the 91st Congress as S. 3936, was widely circulated by the subcommittee in the last 6 months of 1970 to solicit views and suggestions from bar groups, judges, law professors, and others knowledgeable in the field of criminal law. It has received enthusiastic support from the bar, the bench, the press, and the general public.

Support for our position has continued to grow steadily. I ask unanimous consent to have printed at the conclusion of my remarks several recent editorials which manifest that growing support.

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

(See exhibit 1.)

Mr. ERVIN. Mr. President, although legislative deliberations on the bill are just beginning, it has already sparked interest and progress in making the constitutional right to speedy trial a practical reality. The President and the Chief Justice in recent speeches have laid great stress on the need to equip our criminal justice system so that justice will be swift. The Second Circuit Court of Appeals has announced speedy trial rules which, among other provisions, carry dismissal as the consequence of inordinate delay by the prosecution. The New York State courts have also announced new speedy trial rules, and just the other day the Judicial Conference of the United States circulated proposed rule changes in the speedy trial provisions of the Federal Rules of Criminal Procedure.

I welcome these first steps on the part of the Nation's judiciary. Ultimately it is to the courts that we must look for enforcement of the constitutional guarantee, as well as strict application of the rules which may be laid down by Congress and State legislatures by statute.

Despite the admirable progress made by the courts in recent months, it is clear that Congress must also act, for there is a limit to what the judiciary is able to do on its own. Clearly the legislature must provide the leadership. This leadership is now being demonstrated by Congress, both in the Senate and the House.

On February 22 of this year 24 of my colleagues joined with me in introducing S. 895, which is substantially the same as S. 3936. By May 12, 1971, 17 additional Senators had decided to cosponsor the bill. Today I am pleased to announce that four more Members of the Senate—Senators HATFIELD, MAGNUSON, MILLER, and PERCY have chosen to lend their names and support to this bill. That brings the total number of cosponsors to 46.

Mr. President, I ask unanimous consent that at the next printing of S. 895, the following Senators be shown as cosponsors: BIRCH BAYH, WALLACE F. BENNETT, LLOYD M. BENTSEN, JR., ALAN BIBLE, QUENTIN N. BURDICK, HOWARD W. CANNON, CLIFFORD P. CASE, LAWTON CHILES, ALAN CRANSTON, CARL T. CURTIS, ROBERT DOLE, THOMAS F. EAGLETON, HIRAM L. FONG, DAVID H. GAMBRELL, EDWARD GURNEY, PHILIP A. HART, VANCE HARTKE, MARK O. HATFIELD, ERNEST F. HOLLINGS, ROMAN L. HRUSKA, HAROLD E. HUGHES, HUBERT H. HUMPHREY, DANIEL K. INOUYE, HENRY M. JACKSON, JACOB K. JAVITS, EDWARD M. KENNEDY, WARREN G. MAGNUSON, CHARLES McC. MATHIAS, JR., JOHN L. McCLELLAN, GALE W. McGEE, GEORGE McGOVERN, THOMAS J. McINTYRE, JACK MILLER, WALTER F. MONDALE, FRANK E. MOSS, EDMUND S. MUSKIE, ROBERT W. PACKWOOD, CLAIBORNE PELL, CHARLES H. PERCY, JENNINGS RANDOLPH, TED STEVENS, HERMAN E. TALMADGE, STROM THURMOND, JOHN G. TOWER, and HARRISON A. WILLIAMS.

Progress in the Senate is being matched in the House as well. In the past 3 months, five bills have been introduced: H.R. 6045 by Mr. MATSUNAGA; H.R. 7107 by Mr. MIKVA with 16 other cosponsors. H.R. 7108, also by Mr. MIKVA with 20 other cosponsors; H.R. 7524 by Mr. CHARLES WILSON; and H.R. 7789 by Mr. MIKVA with four other cosponsors.

Mr. President, the primary objective of S. 895 is elimination of the long and unnecessary delay between arrests and trials which has been exacting and unduly high price both from individuals accused of crime and from a society deprived of a swift, sure and fair system of criminal justice.

Title I of S. 895 would require each Federal District Court to establish a plan for holding trials within 60 days of an indictment or information. Departures from the 60-day requirement would be allowed but only on limited grounds such as a defendant's unavailability or a judi-

and finding that the ends of justice cannot otherwise be met.

Title II of the bill contains provisions to enhance operation of the Bail Reform Act of 1966 by establishing demonstration "Pretrial Services Agencies" in five districts, including the District of Columbia. The new agency would insure that the defendant received the necessary social, employment, and other services which would minimize the temptations to crime and future delinquency in the pretrial period. With its recently increased responsibilities and added personnel and resources, the District of Columbia Bail Agency might well be expanded into one such model pretrial services agency. I believe the provisions of this title, together with the speedy trial provisions of title I, will substantially eliminate the problem of crime on bail.

S. 895 offers us a concrete and workable proposal to bring about speedy trials instead of just another tired, empty slogan about that long-neglected constitutional right. Moreover, it provides a viable and clearly constitutional alternative to the Justice Department's unwise and unconstitutional scheme of preventive detention. It is noteworthy that S. 895 numbers among its supporters those who support preventive detention as well as those who, like myself, oppose it. While I cannot speak for all cosponsors on this issue, I believe there are few who would not dispense with preventive detention if an alternative could be found. It is my hope that S. 895 is just such an alternative.

Those of us who have cosponsored S. 895 fully realize that it is not totally free of problems, but we are convinced that those problems can be successfully overcome. Indeed, they must be overcome if we are to have a speedy, fair and effective system of criminal justice in this country. We all share the firm conviction that S. 895 or similar legislation can make our criminal justice system more responsive to the needs of society in general and criminal suspects in particular.

In the forthcoming hearings, the subcommittee will closely examine all constructive suggestions for changes in the bill. We intend to air all the issues and problems thoroughly and look forward to hearing from the expert witnesses who have agreed to assist us in this important task. As views mature we will hold additional hearings in the future. Despite the overwhelming support developing for this bill, I intend to give a thorough and deliberate examination to the entire problem. As I have said on other occasions in the past, in the critical area of criminal justice and constitutional law the temptation to gain quick political triumphs must be subordinated to the requirement of responsible legislative procedure.

Mr. President, the people whom we represent all across the country are looking to us for deeds instead of mere words. I hope the hearings we plan will be the first of several major and prompt steps toward enactment of speedy trial legislation.

Further information about the hearings can be obtained by contacting the Constitutional Rights Subcommittee office, 102-B, Senate Office Building.

EXHIBIT 1

[From the Albany (N.Y.) Times Union, May 30, 1971]

CRIME AND PUNISHMENT

Issue: Will the pioneering New York law calling for release of criminal defendants after six months if no action has been taken against them provide a lever for court reform moves?

All law enforcement officials agree on a virtually self-evident truth—that there would be very little crime if punishment were sure and swift. In this crime-ridden country, unfortunately, and especially in its big cities, the ideal of certain and speedy justice has been all but lost in the understaffed, outmoded, over-careful, molasses movement of its courts. The inexorable result is more and more crime.

This possibly trite but deplorably valid comment was stimulated by a notable recent article written by Sen. Sam J. Ervin Jr. The North Carolina Democrat, who is one of the Senate's most qualified and respected legal experts, pointed up the problem as follows in the March 1971 issue of the "Harvard Civil Rights—Civil Liberties Law Review."

"The imminence of judgment for wrongdoing is probably society's greatest deterrent to potential crime activity. . . . But the criminal class is well aware that in America justice is neither swift nor certain, and that there are many opportunities between arrest and jail to slip through the net and avoid justice.

"If arrest led inevitably and quickly to trial, and trial to conviction and punishment of the guilty, the potential criminal would no longer be confident he could beat the rap. Speedy trial must be the first goal of any serious effort to deal with crime."

No ordinary laymen can presume to tell the courts what must be done to make them more efficient, and thus more effective. Even the professionals are divided on how to break up the present court jams, how to streamline procedures, how to cut down on unnecessary of often deliberately-provoked defense delays. But it must be done.

[From the St. Louis (Mo.) Post-Dispatch]

SLOW REPLY ON SPEEDY JUSTICE

Although President Nixon and Attorney General John Mitchell are members of the same Administration, they apparently do not talk to each other about some matters of common concern. Both the President and Warren E. Burger, the man he appointed Chief Justice have spoken strongly in support of speedier criminal trials. Yet Senator Sam J. Ervin has said that the Justice Department, under Mr. Mitchell, has still not responded to a request he made more than five months ago for its views on a bill that would expedite criminal justice. The Ervin measure would, in general, require federal criminal defendants to be brought to trial within 60 days.

Federal courts in the southern district of New York have already provided by rule of court that if, through no fault of a defendant, the prosecution fails to bring him to trial within six months of his arrest, it must free him. A similar rule has been adopted by New York's State Court of Appeals, which has also decreed that even after three months the state must release a jailed defendant on parole or reasonable bail, except in cases of homocide. These rules, and Senator Ervin's bill, are designed to correct the injustice done to accused persons, who are still presumed innocent under the law and who are constitutionally guaranteed a speedy trial, especially in federal cases, and yet are imprisoned for long terms while awaiting trial.

It is true that additional expenditures will be required for the extra judges, prosecutors and publicly-paid defense counsel needed to handle the cases of imprisoned poor defendants. But the higher cost would be offset in part at least by the saving of incarceration costs, to say nothing of the intangible savings achieved by enhancing respect for a system of justice which does not force the accused to rot behind bars while it procrastinates over their fate. Sen. Ervin is right when he says the Justice Department should put aside its "vain and false panacea of prevntive detention" and support legislation to speed trials.

[From the San Francisco (Calif.) Chronicle, May 23, 1971]

PRETRIAL JAILING

Once again, the Administration is asking Congress to give federal judges the right to hold certain accused criminals in jail for 60 days without bail before they have been tried. The new proposal is modified only slightly in form from one that was introduced two years ago and died a proper death in the Senate Constitutional Rights subcommittee.

Senator Hruska (Rep-Neb.), acting for the Justice Department in sponsoring the attempted revival, admits pretrial detention has a constitutional cloud over it. A form of pretrial detention was authorized for the District of Columbia in February to meet that community's problem of bail skippers, but very few persons have been held under it and its constitutionality is yet to be determined.

A defendant charged with "a dangerous or organized crime act" could be held without bail if a judge determined that he constituted "a threat to the safety of the community." In short, he could be held for what he might do rather than for what he had done.

Leading congressional opposition is Senator Ervin (Dem-N.C.), a man of generally conservative views. He calls pretrial detention a vain and false panacea. He suggests that the Administration might better deal with recidivists by providing machinery for speedier trials on charges already filed than by holding them in jail for fear they will commit a new offense.

A free society runs certain risks to remain free. These risks include the possibility that an accused person may skip bail or commit another crime. Senator Ervin adds:

"In my judgment it is better for our country to take these risks and remain a free society than it is for it to adopt a tyrannical practice of imprisoning men for crimes which they have not committed and may never commit, merely because some court may peer into the future and surmise that they may commit crimes if allowed freedom prior to trial."

With this, we concur.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATOR STENNIS

Mr. TOWER. Mr. President, rarely in my 10 years as a Senator have I witnessed such a masterful job of statesmanship and floor management to compare with the performance of the Senator from Mississippi (Mr. STENNIS).

Senator STENNIS commanded the attention of this entire body throughout the entire 7-week debate on the Draft Extension Act. He did not seek to railroad this bill through the Senate, but, rather gave every Senator the opportunity to call up his amendment and have it fully debated. It was only after 6 weeks of extended debate that Senator STENNIS