

superiors we have ever heard from a federal judge.

Judge West told all school boards that they should appeal the case to the U.S. Supreme Court. He said, "I believe a full review of this entire matter by the Congress and by the Supreme Court of the United States is long overdue."

The issue is clear and serious. The issue is simply whether or not the federal courts,

by judicial decree, shall be allowed to continue to substitute their version of what they think the law ought to be for what the legislative branch of the government has decreed it to be . . .

"I make these observations because I fear for the very future of the public school system in this country if the federal courts, who have clearly demonstrated their ineptness at running public school systems, persist in

their present policy of governing school boards by personal decree rather than simply requiring them to administer the schools in accordance with the clear language of the law enacted by the Congress."

About 100 years ago a very wise Yankee said, "The tyranny of the court is the most terrible tyranny of all. It strikes not only at the action of man, but at his thoughts as well."

## SENATE—Thursday, July 17, 1969

The Senate met at 12 o'clock noon and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, direct us in all our doings with Thy most gracious favor, and further us with Thy continual help; that, in all our works begun, continued and ended in Thee, we may glorify Thy holy name, and finally by Thy mercy obtain everlasting life. Amen.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 16, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

### ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

### ORDER FOR ADJOURNMENT FROM FRIDAY, JULY 18, UNTIL 11 A.M., TUESDAY, JULY 22, 1969

Mr. MANSFIELD. Mr. President, there will be no meeting of the Senate on Monday, in compliance with the President's expressed wish. Therefore, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Tuesday, July 22, 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATOR MUNDT AND SENATOR INOUE ON TUESDAY, JULY 22

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday, July 22, after the Journal, the distinguished Senator from South Dakota (Mr. MUNDT) be recognized for not to exceed an hour and a half.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. I also ask unanimous consent that following the remarks of the Senator from South Dakota (Mr. MUNDT), the distinguished Senator from

Hawaii (Mr. INOUE) be recognized for not to exceed 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, JULY 22, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Hawaii (Mr. INOUE), on Tuesday, July 22, there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

The VICE PRESIDENT. Without objection, it is so ordered.

### CLOSED SESSION

Mr. SYMINGTON. Mr. President, under rule XXXV, I move that the Senate doors be closed, and that the Presiding Officer direct that the galleries be cleared.

The VICE PRESIDENT. Is the motion seconded?

Mr. MANSFIELD. I second the motion.

The VICE PRESIDENT. The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all officials of the Senate not sworn to secrecy.

(At 12 o'clock and 3 minutes p.m., the doors of the Chamber were closed.)

Mr. MANSFIELD. Mr. President, would the Chair read the names of those officials who will be allowed, under rule XXXVI, to be in the Chamber?

The VICE PRESIDENT. Under section 2 of rule XXXVI, "When acting upon confidential or Executive business, unless the same shall be considered in open executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the principal legislative clerk, the executive clerk, the minute and journal clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy."

The Chair understands from the Parliamentarian that "Assistant Doorkeeper" has been expanded to include the minority and majority secretaries.

The Chair would also like to have the Parliamentarian and Assistant Parliamentarian present.

Mr. MANSFIELD. Yes, indeed. I

thought the two Parliamentarians were on the list.

In addition to that, the joint leadership has asked the Parliamentarian for a memorandum on the question of the Official Reporters. On the basis of previous sessions, I should like to make a unanimous-consent request that the Official Reporters be authorized to be present to take notes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I further ask unanimous consent that, at the conclusion of the closed session, the transcript of the remarks of each Senator who participated in the proceedings be delivered to him by the chief of official reporters; that the Senator shall have the right to revise his own remarks; that such Senator shall deliver his revised remarks to the Chief Reporter, who shall then deliver the transcript to the Senator from Mississippi (Mr. STENNIS), as chairman of the Committee on Armed Services; that the expurgated version of these proceedings be prepared under the direction of the Senator from Mississippi (Mr. STENNIS), and that there be deleted from the transcript anything which might be classified; that such record of proceedings be made public by being printed in the permanent CONGRESSIONAL RECORD of the date on which they occurred; and that the Chief Reporter turn the shorthand notes of the Official Reporters over to the Secretary of the Senate, to be kept in secret and not to be disclosed without leave of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, reserving the right to object, may I ask a question?

I am concerned only with the preparation that has been made to take care of these notes when they go through the process of the reporters handling them, where they necessarily have to be handled by other people. I assume that that has been checked into.

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. Because some of this material could be very sensitive.

Mr. MANSFIELD. That is right. The Chief Reporter is personally charged with the delivering of these transcripts to the individual Senators concerned and to the chairman of the committee.

Mr. STENNIS. I was not concerned about that—just the handling of the raw notes, for example.

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. It is so easy for something to be lost or misplaced.

Mr. TOWER. Mr. President, reserving the right to object—I do not intend to

object—the officers named by the Vice President do not include staffers, let us say, of either party's policy committee, any party instrumentality, any standing committee of the Senate, or the staffers of any individual Senator.

The VICE PRESIDENT. That is correct.

Mr. MANSFIELD. Mr. President, has the last request been granted?

The VICE PRESIDENT. Yes.

Mr. MANSFIELD. Mr. President, for the further information of the Senate, under rules XXXV and XXXVI of the Standing Rules of the Senate, all confidential communications and all remarks, votes, and proceedings thereon shall be kept secret until the Senate shall, by resolution "take off the injunction of secrecy. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and, if an officer, to dismissal from the service of the Senate, and to punishment for contempt."

Mr. President, I suggest the absence of a quorum. It will be a live quorum.

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

Mr. MANSFIELD. Briefly. I want to get going.

Mr. HOLLAND. Does the Senator intend to have a brief recess so that we can have lunch?

Mr. MANSFIELD. I had not thought of it. I would suggest Senators might want to have lunch during the live quorum. I think we should keep on going.

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

The VICE PRESIDENT. The clerk will call the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 57 Leg.]

Alken	Goodell	Moss
Allen	Gore	Mundt
Allott	Gravel	Murphy
Anderson	Griffin	Muskie
Baker	Gurney	Nelson
Bayh	Hansen	Packwood
Bellmon	Harris	Pastore
Bennett	Hart	Pearson
Bible	Hartke	Pell
Boggs	Hatfield	Percy
Brooke	Holland	Proulx
Burdick	Hollings	Proxmire
Byrd, Va.	Hruska	Randolph
Byrd, W. Va.	Hughes	Ribicoff
Case	Inouye	Russell
Cook	Jackson	Saxbe
Cooper	Javits	Schweiker
Cotton	Jordan, Idaho	Scott
Cranston	Kennedy	Smith
Curtis	Long	Spong
Dirksen	Magnuson	Stennis
Dodd	Mansfield	Stevens
Dole	Mathias	Symington
Dominick	McCarthy	Talmadge
Eagleton	McClellan	Thurmond
Eastland	McGee	Tower
Ellender	McGovern	Tydings
Ervin	McIntyre	Williams, N.J.
Fannin	Metcalf	Williams, Del.
Fong	Miller	Young, N. Dak.
Fulbright	Mondale	Young, Ohio
Goldwater	Montoya	

The VICE PRESIDENT. A quorum is present. What is the will of the Senate?

Mr. TOWER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

#### AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

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

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. S. 2546—to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces and for other purposes.

The VICE PRESIDENT. Without objection, the Senate will proceed to its consideration.

Mr. PASTORE. Mr. President, if we are to have a closed session, can we not have close attention? May we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. TOWER. Mr. President, in light of the discussion of the reliability based on testing of the Spartan missile, it is interesting to note that at 11:50 p.m. eastern daylight time, 16th of July—that was yesterday—there was a very successful launch from the Kwajalein test site and the flight was successful in all of the test objectives.

We have had to date 10 Spartan flight tests. Seven have been successful. Two have been partially successful. There was one failure.

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, inasmuch as the distinguished junior Senator from Massachusetts (Mr. BROOKE) is eager to make a short speech and then catch a plane, I ask unanimous consent to yield to him at this time for 10 minutes without losing my right to the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, the issues with which we are grappling at the

moment are the gravest and most complex this body will consider for many years. I believe it is imperative that the Senate probe as deeply as possible into the difficult dilemmas which the arms race presents.

As other Senators may know, I have opposed a commitment to deploy an ABM weapons system at this time. That remains my position, although I believe much can be learned from a large-scale test and evaluation of the electronics for such a system. I have been impressed by the argument of such scientists as Dr. Wolfgang Panofsky, Dr. Hans Bethe, and Dr. Gordon Macdonald that an effective hard-point defense of our deterrent is probably feasible and is, in principle, a sensible response to the possibility of MIRV deployment by the Soviet Union. As the distinguished Senator from California (Mr. CRANSTON) pointed out in this Chamber some days ago, if we cannot stop MIRV, a number of us may find ourselves more sympathetic to some kind of ABM deployment.

It is my considered judgment, however, that we still have time to seek agreed limitations on strategic weaponry and that we do not have to make the decision to deploy the Safeguard weapons system, or an alternative ABM capability, at this time. I believe it wiser to defer that commitment until we have assessed more completely Soviet intentions in the planned SALT talks. In the meantime it is prudent, I believe, to pursue an active research and development program and to do what is necessary to retain the option of expeditious deployment of ABM should it prove necessary.

In that context, I would like to address one of the most fundamental points which has arisen in the course of our national debate over ABM. A number of individuals, knowledgeable and well intentioned, have suggested that we could best meet a growing Soviet threat to the deterrent by increasing our offensive capabilities. Close analysis of that option reveals it to be both dubious and dangerous on several scores.

There is probably no better prescription for a vastly intensified arms race.

The classified chart I have asked to be distributed shows why this is so. This display has been developed by Alton Frye of my staff, and is largely derived from the seminal work of the famous mathematician Lewis Richardson and recent research on strategic stability by George Pitman of UCLA. However, Dr. Frye has employed specific and classified data regarding the reliabilities and performance characteristics of particular weapons systems; namely, the Minuteman III and the SS-9. Accordingly, this chart is a reasonably realistic portrayal of the likely interactions between United States and Soviet force levels if we enter another round of offensive weapons competition.

Because the data are sensitive, I hope that each Senator will return his copy before leaving the Chamber. I will be happy to see that any Senator who wishes to keep a copy has one delivered to his office for proper safekeeping.

The basic point of the graph is that, if we rely solely on offensive systems to



meet the possible MIRV threat, the Soviet and American requirements for mutual deterrence will be incompatible until we reach extremely high levels of armaments.

The chart assumes that each side will feel it must be assured of at least (deleted) surviving missiles in order to be confident that it can deter a first strike against its forces. In other words each side must be certain it will always have a second-strike capability of (deleted) missiles.

The upper line, or stair-step curve, shows that if the Soviet Union deploys 500 SS-9's with the assumed capability of delivering three 5-megaton warheads with a 1,500-foot CEP, the United States would have to increase its Minuteman force to (deleted) to be confident—that is, better than 99 percent sure—that at least (deleted) Minutemen would survive a Soviet counterforce attack. But if the United States deploys (deleted) Minutemen with the described capability of only one warhead of (deleted) megatons and an accuracy of (deleted) feet, the Soviets would have to deploy (deleted) missiles to maintain a second strike force of (deleted) missiles.

However, if the Soviets build as many as 1,000 SS-9's the United States would have to deploy (deleted) Minutemen to assure its deterrent capability in this manner. Should this occur, however, the Soviet Union would need (deleted) missiles to keep its deterrent intact.

And the cycle would continue upward. For 1,500 Soviet missiles, the United States would have to build (deleted), for 2,500 Soviet missiles, the United States would require (deleted); for 3,000 Soviet missiles, we would need (deleted). Only at the extremely high levels of approximately (deleted) American missiles and (deleted) Soviet missiles, would a stable point be reached. At that level the projected reliability factors involved in a first strike by either side would not suffice to reduce either side's deterrent force below the specified level of (deleted) missiles.

Obviously, this is not a prediction of what will happen. It is merely an outline of what could happen if the two powers seek to meet the impending deployment of MIRV by continued expansion of offensive force levels. In such a contest stability is extremely precarious, very difficult to define, and more costly to achieve than anything yet contemplated in our discussions.

The oversimplified presentation in this graph deals only with possible interactions between the Minuteman forces and the SS-9's. It does not take account of the several hundred SS-11's in the Soviet inventory or the sizable Polaris force of the United States. But if the Polaris and the Minuteman force are MIRV'ed—and remember this chart only shows the less provocative configuration of a single-warhead Minuteman III—they will exert the same pressures on the Soviet Union to multiply its missile force that I have shown a Soviet MIRV to exert on the United States.

Nor should we readily adopt the frequent suggestion that we can rely entirely on Polaris and abandon the land-

based deterrent. We may eventually have to abandon the fixed-base Minuteman force, but if international hostilities are not reduced and the arms race is not curbed, exclusive reliance on sea-based weapons would be hazardous. After all, we should recall that our decision to deploy hardened missiles on land was based on the expectation that missiles would never become accurate enough to threaten them. The declining survivability of Minuteman in the face of technological progress is a caution against any overconfidence that ballistic-missile submarines will be forever invulnerable. It is prudent to believe that, with only 50 or 100 or even 200 Polaris boats, a breakthrough could make them vulnerable.

The general point holds: The notion of increasing offensive forces to compensate for the imminent deployment of MIRV is extremely ill considered. It is a recipe for an arms race such as the world has never seen. We must not entertain the thought that we have an easy or comfortable fallback option of this kind.

I have made this presentation for one reason only: to indicate as forcefully as I can where the priorities ought to lie in our national security policy. We must have prompt and serious negotiations to see if it is possible to stabilize the strategic balance at roughly the present levels. I have made clear my conclusion that we should not commit the Nation to an ABM deployment at this time. Nevertheless, if the arms race continues, I think we should be able to agree that a hard-point deployment of ABM to protect the deterrent, if that proves necessary and feasible, may well be preferable to the oftproposed option of increasing our offensive forces. I understand that to be the view both of Safeguard opponents such as Dr. Bethe and Dr. Panofsky, and of Safeguard supporters such as Dr. MacDonald and Dr. Wohlstetter. On this point there is much wider agreement than the debate may so far have implied, and, given the intensity of this controversy, I believe this significant consensus should be highlighted.

What all this means, of course, is that none of the weapons options before us or the Soviet Union is attractive or economical. There is unprecedented urgency in achieving successful arms negotiations between the two great powers. I hope that every Member of this body will renew his appeal to the President to expedite his efforts in this direction.

Mr. SYMINGTON obtained the floor.

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

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. SYMINGTON. Provided I do not lose my right to the floor. But I would like to get on with this if I could. The Senator said he had to catch an airplane.

Mr. GOLDWATER. Mr. President, an inquiry. Are we to conduct this in the usual fashion and forgo questioning, or are we going to be allowed to proceed as we normally do?

The VICE PRESIDENT. A question is always in order, the Parliamentarian advises the Chair, provided the Senator having the floor yields for that purpose.

Mr. GOLDWATER. Will the Senator yield for one question?

Mr. SYMINGTON. Yes, I am glad to yield.

Mr. GOLDWATER. Mr. President, I find myself in great agreement with most of what the distinguished Senator from Massachusetts has talked about, but I should like to ask him one question.

Excluding the alternative of successful negotiations, is there any other alternative than the one of buying more ICBM's if we do not provide an ABM?

Mr. BROOKE. Excluding negotiations, I would say that there is no alternative other than ABM.

Mr. GOLDWATER. Of course, this is what has disturbed me to a great degree. We all want to have arms talks with the Russians. I do not think there is any argument about that. But I cannot see any alternative to having to supply this country—the figures he has used, coming up to (deleted), coincide pretty much with the general thinking in the field, if we do not provide an ABM. If anyone during the course of the debate can supply an alternative, I would like to hear it.

I thank the Senator from Massachusetts.

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

Mr. SYMINGTON. I yield.

Mr. DIRKSEN. I notice that these are labeled "Top Secret," and there are numbered copies.

Mr. BROOKE. Yes.

Mr. DIRKSEN. I think caution should be exercised to see that they get into the hands of Mr. Trice.

Mr. BROOKE. Mr. President, I ask that they be collected, and if any Senator wants a copy, he may secure it.

Mr. SYMINGTON. Mr. President, it is with some regret that we have requested this closed session today, and I do hope that it has not inconvenienced any of my colleagues.

Because of the nature of the current problems incident to our national defense, however, and also the logical position of the Defense Department that much of the information given various congressional committees by that Department could only be discussed in closed session, that is the basis of the request.

The premise of these remarks this morning is my conviction that there must be some limitation to the resources of the United States, and that is brought home by the fact that some witnesses have testified that even though the Vietnam war is ended, it would appear doubtful that there could be any appreciable reduction in the military budget.

Some 20 years ago, when the so-called cold war was warm indeed—Berlin airlift, Stalin alive, and so forth—our total defense budget was \$13.8 billion. Today that budget is close to \$80 billion.

As we face increasing political and economic problems, we know only too well that there are also other great and growing needs which require increasing participation of these limited resources.

As mentioned on the Senate floor yesterday, we have the problems of crime and inflation, and we also have problems incident to education, employment, pov-

erty, transportation, and clean air and water.

It is for these reasons that for some time I have believed we in Congress should exercise increasing discrimination with respect to approval of such new weapons systems as are now requested in this gigantic military budget.

Accordingly, after studying the matter to the best of my ability, last year I opposed the Sentinel ABM system proposed by the previous administration; and today, I oppose the Safeguard ABM system proposed by this administration.

This opposition is based primarily on the following:

First, the five major component parts, some of which have not yet been built, let alone tested, may work properly in the laboratory and in tests; nevertheless, and especially because these component parts were not designed for hard site defense under sudden attack, it is very possible they will not work satisfactorily when ultimately joined together.

Second, one of the two radars, designed for city defense, is admittedly unnecessarily expensive as against what the design would have been if it had been created originally for missile site defense; and it is freely admitted that this radar is even vulnerable to the smaller SS-11 Soviet missiles, of which the Soviets have hundreds.

Third, and to me most convincing, the testimony of the Department of Defense makes it clear that but a slight addition in the production of Soviet SS-9 missiles would not only nullify any protection resulting from the installation of phase I of the proposed Safeguard system—even if this system worked perfectly—but would also nullify any effective protection which would be provided by the installation of Safeguard phase II.

May I say in concluding this brief introduction that my conclusions have been reached after giving full consideration to the thoughts of all those who are proponents of the Safeguard ABM system; and therefore I would hope with respect that everyone would give consideration to the thinking of some of us who oppose this system, presented herewith.

Now may I proceed to the classified presentation?

#### THE VULNERABILITY OF THE RADARS OF THE SAFEGUARD ABM SYSTEM

During the hearings and floor debate regarding the deployment of the Safeguard ABM system, there has been considerable discussion about the various components of this system and whether they would work as designed when integrated into "a single functioning unit."

It is a "well-known fact" that the components of the Safeguard system—the Sprint, Spartan, missile site radar (MSR), and the perimeter acquisition radar (PAR)—were originally designed for the Sentinel ABM system, proposed by the previous administration; and also that the latter system was designed for defense of cities, with only incidental protection of Minuteman sites as part of an overall area defense.

The present administration, however, has apparently "ruled out" such a defense of cities as not feasible under current missile defense technology; and in

its place has proposed the Safeguard system, for hard-point defense of Minuteman against a possible all-out Soviet attack; and an area defense against a possible future Chinese ICBM threat.

But in spite of this change in configuration of the system—from city defense to "missile site" defense—the components remain the same.

This apparent "mismatch" of components to a revised mission has caused many experts in this field to challenge whether the Safeguard is really the right system to defend our deterrent.

In testimony before the Senate Armed Services Committee on April 22, 1969, Dr. Wolfgang Panofsky, director of the Stanford linear accelerator, testified:

An economical and effective hardpoint defense—that is a defense of sites which have already been hardened to withstand impact of megaton weapons at relatively close distances—requires an optimum design greatly different from a defense of soft targets such as cities. The Sentinel system was originally designed to defend soft targets, but now the same components have been taken over for a completely different purpose.

Dr. Panofsky continued:

The only acceptable excuse for deploying a system as unsuitable as the Safeguard system for a hardpoint defense would be extreme urgency to protect Minuteman against first-strike attack. As discussed earlier, I do not believe that such urgency exists. Moreover, the Soviets could offset the effect of the present system, with its relatively small number of antimissiles, by increasing their offensive forces correspondingly; accordingly, the effect of the proposed Safeguard system can be nullified by increased enemy firepower of only a few percent. (pps. 1130-1131—Armed Services)

As I shall present later, even on Safeguard 2 it would be a maximum of only (deleted) percent.

During this same series of hearings, Dr. Gordon J. F. MacDonald, former executive vice president of the Institute for Defense Analyses, and one of those witnesses whom Secretary Laird suggested the committee might hear, expressed concern that the Sentinel components adopted for the Safeguard system "had been developed for a purpose very different from that of protecting relatively low value targets such as missile sites."

Dr. MacDonald also voiced his reservations about the system when he stated:

The technology used in Safeguard is not optimal for the total job of defending the deterrent. The components are expensive. They were designed with high value targets, cities, in mind. These components may be what is required for defense of elements of the command system, but the Minuteman fields could be better defended with lower cost, short range radars and Sprints. Research and development need emphasis, so that new opportunities for more effective systems will develop.

Perhaps the most mismatched component of the Safeguard system is the missile site radar in that its transfer from a role of city defense to missile site defense makes it highly vulnerable to attack. In recent testimony before the Committee on Foreign Relations, Secretary Laird acknowledged that "the radars, both radars, are the most vulnerable parts of the system. This is the most vulnerable component, and that is

why we deploy the Sprints around the radars themselves in order to protect the radar in case the Spartan missiles, with their area defense capability, should have a failure."

The Secretary did not mention in this open session, however, the number of Sprints it is planned will be deployed around these radars, nor the fact that this number makes it relatively simple for an attacker to overcome the defense, and knock out the radar.

The vulnerability of the MSR radar is particularly crucial because this is the component which not only operates in concert with the perimeter acquisition radar—PAR—in tracking the incoming vehicles, but guides both the Spartan and Sprint missiles to the point of intercept.

If this MSR is blinded or knocked out, then the entire missile defense ceases to function. It does not operate like a rifle, a case where once the bullet is fired, the gun is no longer of use in reaching the target. The MSR must continue to guide the missile after launching until the incoming vehicle has been intercepted.

In other words, if the MSR radar is put out of commission between the time the Safeguard missile is launched and the time it would have been successfully guided to intercept, there would be little or no chance of the Spartan or Sprint reaching target.

Although the actual hardness or P.S.I. of the MSR radar is classified, public testimony has already revealed that it is less than one-tenth of the hardness of the Minuteman silos it is designed to defend—more on that later.

In this connection, it should be noted that whereas primary concern has centered around the threat of the Soviet SS-9 missile to our Minuteman force, the MSR radar, because of its relative softness, is also vulnerable to the smaller Soviet SS-11 missile of which they reportedly have (deleted).

In effort to explain the background of the currently proposed Safeguard ABM system, I would emphasize that whereas the Minuteman missile program is an Air Force program, the Safeguard ABM system is under the direction of the Army; and it was the latter service which, beginning in 1956 with the Nike-Zeus program, was assigned the task of developing an ABM system for the defense of cities and an area defense of the continental United States.

It was to that end that the major portion of anti-ballistic-missile research and development has been aimed; and which resulted in the recommendation to deploy the Sentinel ABM system as a defense of population centers; and also a light defense of the entire Nation.

But because the Air Force was naturally concerned about the future survivability of its Minuteman force, should a credible Soviet threat develop, that service requested a number of studies concerning hard point defense of the Minuteman silos.

One of these studies which was recently brought to my attention is a classified report by the Institute for Defense Analyses. According to the Institute's own definition this report "embodies the results of a major research project undertaken by IDA and is intended to be



an authoritative contribution on its subject."

Although a considerable portion of this report is technical, I believe all Senators would be interested in the comments and recommendations contained therein, particularly in view of the fact that the institute's recommendations to the Air Force for a hard-point defense of Minutemen are quite different from those set forth in the proposed Safeguard deployment under the direction of the Army.

In the opening summary of conclusions, the report states:

As is pointed out in several of the following sections, active hard-point defense requirements are much different than those for urban defense.

With respect to the radar component of an ABM system, the report makes the following observation:

A radar for hard-point defense is expected to meet different requirements than a radar designed for a large city defense. Its hardness should be comparable to the hardness of the silo it defends, while its cost should be low enough to make hard-point defense economically attractive.

Moreover, it is further suggested "that the number of radars used be approximately 50 percent of the number of silos to be protected. The use of a large number of radars is proposed, so that the radars do not become particularly attractive targets for the enemy."

Now it is extremely important for all of us to note that this proposed Safeguard ABM system does not meet any of these suggested requirements made to the Air Force for hard-point defense of Minutemen.

May I repeat that, Mr. President: Its hardness should be comparable to the hardness of the silo it defends.

The hardness of the Minuteman silo it (deleted) PSI and the hardness of the MSR radar is (deleted).

Mr. GORE. Mr. President, will the Senator from Missouri explain that PSI?

Mr. SYMINGTON. PSI is a term which I was going to explain later, but actually it is the resistance strength, based on the amount of concrete that is located to defend the target in question.

Mr. GORE. I thank the Senator.

Mr. SYMINGTON. Moreover, it is further stated: That the number of radars used be approximately 50 percent of the number of silos to be protected. The use of a large number of radars is proposed so that the radars then become particularly attractive targets for the enemy.

We have exactly one radar for every battery.

Now it is extremely important for all of us to know that this proposed Safeguard ABM system does not meet any of the suggested requirements made to the Air Force for hard-point defense of Minutemen—not one.

The hardness or PSI of the MSR radar is approximately (deleted) PSI or less than one-tenth of the (deleted) PSI of the Minuteman site; therefore "not comparable to the hardness of the silo it defends."

More later about cost.

In addition, it is planned that there

will be 12 MSR's and seven PAR's if phase II is fully deployed. This is only 19 radars for 1,000 Minutemen, far from the 500 radars recommended by the report in question; in fact, only four MSR's would be deployed in the Minuteman fields in direct defense of those missiles.

Let us note that the organization which made this report is not headed by any former Air Force or Navy officer, many of whom are in strong opposition to this proposed Army Safeguard system. It is headed by Gen. Maxwell Taylor.

In its conclusions the authors of this Institute of Defense Analyses Report make the point that any ABM which we might deploy should be deployed to meet a real threat—and not an imaginary threat posed by theoretical U.S. technology.

Mr. President, as this is a closed session, I should like to bring up something that I think is important and, in a way, distressing.

It is my understanding that this IDA report is only one of several which were submitted to the Defense Department; and that there is also one, entitled "Radar for Hard Point Defense." This latter is by the Aerospace Corp.; and for many weeks we have been requesting both these reports, as well as some others. I have been repeatedly requesting them and I have now finally received the one that I am reporting to the Senate on this afternoon.

The Defense Department tells us, however, that the only one they can find to date is the one referred to above, which we understand from the scientists, is, nevertheless, the least critical.

There are a number of experts in this field who have expressed grave concern that this Safeguard system is a "mismatch" of components to the purpose intended; also that the radars could be far more effective at much less cost; also that to date it is clear ABM research and development has been directed primarily toward city defense. I would earnestly hope that the Senate would support in every way further research and development as expressed in the Cooper-Hart amendment rather than agreeing to deployment at this time.

Mr. President, a friend of mine, Dr. Edward Teller, whom I have known since the beginning of missile development, perhaps longer than any other Member of the Senate—I have often seen quoted. He was in my office the other day, and I said, "Edward, you are on a sticky wicket on this. You told one of my colleagues that you could interlock these radars, and you know that cannot be done because there is only one radar. How can you interlock something into itself?"

He replied, "But you could redesign the radar."

I asked, "If you admit it has to be redesigned to work, why do you now want to deploy it?"

So as to present what an Achilles heel this radar as currently planned for Safeguard really is, let me read a summary of some statements from Dr. Panofsky. They are clear and concise:

Valid technical criticism relating to the

Safeguard System derives from the fact that the highest priority mission of the original Sentinel System (which in turn was derived from the earlier Nike-X was defense of cities; when defense of the deterrent became the primary mission of Safeguard the original components were changed in *siting*, but were not redesigned. As a result the weakest part of the Safeguard System lies in two areas: (1) the inadequate number of anti-missiles, and (2) the vulnerability and design of the MSR radars. As a result of these weaknesses the Safeguard System as now conceived will do very little in protecting Minuteman even if it works perfectly as designed; and the inadequacies of the radar can only be cured by an alternate radar system which would be conceptually quite different from the MSR's.

It simply does not make sense to protect an entire field of Minuteman missiles costing a few million dollars each with a single radar which costs \$150 million, and which in terms of "hardness" or vulnerability is more than ten times inferior to that of the missiles it protects. Clearly such a radar would become the primary target of attack and would itself have to be heavily defended to survive. Therefore, any adequate defense of Minuteman should incorporate a multiplicity of radars—

Which is what Dr. Teller was getting at—

so that loss of any one of them cannot blind the total system.

This, of course, is economically disastrous as long as each radar costs as much as the MSR. Fortunately the mission of defending Minuteman is vastly simpler than that of defending cities, and therefore it is indeed possible to design cheaper and smaller radars which could be economically deployed in considerably larger numbers, possibly one radar per 1-4 missiles.

He does not say 1 to 2, as the Institute for Defense Analysis does; he says 1 to 4. We have, as the Senate knows, one radar per battery, one to (deleted).

I continue to read:

I believe that should a decision be made now by the Department of Defense to undertake vigorously the RDT&E of simple radars specifically adopted to the simple mission of hardpoint defense, then actually better and cheaper protection could be bought for Minuteman at an earlier date than is possible with Safeguard.

This is particularly true since it appears promising that adaptation of simple radars already developed might well offer a rapid solution for defending Minuteman against the SS-9 threat.

Mr. President, I have here one short page of previous floor statements made, I am certain, in good faith, with respect to the position of component parts. Inasmuch as we sent a staff man to Kwajalein last week, and he was well briefed before he went, I would read this page of facts as against statements previously made in this debate. Those are as follows:

The statement: "All the components have been tested."

The facts: the PAR has not even been built, let alone tested; and the PAR computer is scheduled for completion in the first quarter of 1971.

The MSR at Kwajalein has had some preliminary tests, and is scheduled to track an ICBM for the first time in (deleted) 1969; but the MSR computer does not yet have its necessary software.

The statement: "Both the radars have been built in model form" at Bell Laboratories.

The facts: There are no PAR models at the Bell Laboratories or anywhere else.

The statement: The interceptor missiles of Safeguard have been used successfully against missiles sent from Vandenberg Air Force Base.

The facts: The Spartan and Sprint have not been tested against targets. The first Spartan intercept at Kwajalein is scheduled for 1970. The first Sprint firing at Kwajalein is scheduled for [deleted] 1970. The Sprint is being developed at the White Sands Proving Ground.

The statement: The Safeguard system has been tested as an integrated unit in the area of Kwajalein.

The facts: There is no intention to build the system as an integrated unit in Kwajalein. The only components which will be built at Kwajalein are the MSR, its computer, and Spartan and Sprint launch cells. Some of these have not yet been built, much less tested.

#### COMMENTS RE CLASSIFIED ABM CHART

Now I would like to refer to the chart.

It is a matter of common knowledge that for months I have been urging the Defense Department to make public a chart which they have presented in executive session to the Armed Services and Defense Appropriations Subcommittees not only to the Armed Services Committee, but to many scientists around the country; and four experts immediately got in touch with us and said, "The chart proves our case." I asked the Pentagon to declassify the chart. They said, "No." I took all numbers off the chart, all numbers except the numbers of missiles. I took off the 5-megaton estimate, and also the quarter of a mile CEP. Nevertheless they would not declassify, even with all those numbers off.

This chart shows the effectiveness—or lack of it—presented by Safeguard against the Soviet threat to Minuteman sites.

Unfortunately, although the Pentagon has seen fit to declassify statistics and other information with respect to said Soviet threat, this particular chart, along with vital statistics concerning Safeguard's ability to meet the purported threat, remain classified.

I now welcome the opportunity to present this chart and its significance to the Senate in this closed session; and only regret that the same information is unavailable to the American public, those who are being asked to pay for this multi-billion-dollar system.

I suggest to the Senator from Tennessee (Mr. GORE), who has been so helpful, that perhaps the Vice President could see the chart if we could turn it another way.

Mr. PASTORE. Mr. President, if the Senator will yield, it was in the best spot. We decided that long ago.

Mr. SYMINGTON. Will the Senator from Rhode Island help the Senator from Tennessee? I suddenly noticed the Vice President could not see it. I certainly did not mean to be rude.

This same chart was presented by the Defense Department to many scientific experts, including Dr. Wolfgang Panofsky, director of Stanford linear accelerator; and it is his opinion, as well as that of many other experts, that the

Safeguard package the American taxpayers are being asked to purchase is not worth this heavy investment.

For example, the first phase of Safeguard—that is, deployment at Malmstrom and Grand Forks—provides virtually no protection for Minuteman, a fact the Defense Department apparently now admits. During the recent Armed Services hearings on Military Procurement, the distinguished senior Senator from Maine asked:

In the event that Congress approves Phase I of the Safeguard program, is it not true that this phase alone would afford no real protection to our missile force?

Deputy Secretary of Defense Packard replied:

It is correct that the Phase I deployment provides very limited protection for the two Minuteman sites.

Only a short time before, however, Secretary Laird stated that phase I of Safeguard would protect about 30 percent, or 350 of the total Minuteman force with a "thick cover"; and it is this type and character of discrepancy in the position as to just what this costly system will accomplish that reinforces the need for every Senator to be aware of all the facts.

Here is something interesting. Despite the fact the membership of the Foreign Relations Committee is three less than the membership of the Armed Services Committee, after those two committees were thoroughly briefed on the ABM system, 17 members of the combined committees are against the ABM, and 14 for it. One member of each committee has not yet expressed his position. I am grateful for this attendance, because it is my conviction that if and when the facts become known we will want to continue with the R.D.T. & E., but not deploy something obviously wrong for the job to be done.

With that premise, I now present a blowup of this chart, reproduced from the original, except the original did not have color; the one before us does.

Let me first outline the assumptions on which the chart is based, as well as additional assumptions by the Defense Department with respect to the Soviet threat.

First. The Soviet intercontinental ballistic missiles referred to are SS-9's, each with three 5-megaton multiple independently targeted reentry vehicle, MIRV—not MRV—warheads, with a quarter of a mile CEP. Circular error probable is a measurement of the warhead's accuracy and means that 50 percent of the arriving warheads will fall within a specified radius and 50 percent will fall somewhere outside that radius.

At this point, we should note that the accuracy which the Pentagon has assigned to these SS-9's on the chart is far greater than any currently known accuracy of any Soviet missile.

It is also assumed that the Soviets will have MIRV, not MRV, warheads by the time frame in question, 1974-75.

Second. Another premise of the chart is that our Minuteman sites will remain hardened to the same extent they are now—(deleted) pounds per square inch.

No consideration is given to the possibility of more hardened silos, which is being researched at this time.

Third. The Defense Department allows for an 80-percent reliability factor in the number of arriving Soviet missiles. In other words, it is estimated that without any defense, if the Soviets fired a thousand warheads at the U.S. Minuteman force, approximately 800 would reach target, and moreover, the Defense Department assumes that the Soviets will have capability to instantaneously re-target additional missiles to make up for those 20 percent which fail at launch.

Mr. President, I have studied that particular aspect, and have grave reservations about it; but in any case, it must be accepted to obtain the 80-percent reliability.

Fourth. The Defense Department assumes that at least (deleted) Minutemen must survive an all-out Soviet nuclear attack if we are to have adequate second-strike capability; as we know, second-strike capability is the ability to respond with sufficient force so as to inflict unacceptable damage on the enemy.

Now let us turn to the chart itself. The figures on the vertical axis of the graph show the Minuteman surviving after arrival of the number of warheads that are represented on the horizontal axis of the graph. In effect, therefore, if the Soviets deliver successfully 1,000 warheads, they would knock out nearly all our 1,000 Minuteman. Only about 50 are estimated to survive such an attack.

As we look at this chart, please remember it was submitted to us by the Pentagon. The straight diagonal red line on the chart shows what a Soviet attack under the ground rules laid down by the Defense Department, would do to our Minuteman without any Safeguard protection.

The blue line shows what protection would be obtained by the phase I deployment of Safeguard, that is, with (deleted) Spartans and (deleted) Sprints; and the green line shows what protection would result from the deployment of the 12 sites of Safeguard, phase II, of our Minuteman defense, with (deleted) Spartans and (deleted) Sprints.

According to latest intelligence—which is really interesting—the Soviets have currently approximately 230 SS-9's. If they do, with three MIRV warheads on each, that would give a total of 690 warheads. With an 80-percent reliability factor, 552 of the 690 would reach effectively the same number of Minuteman silos—this with no Safeguard protection.

According to this chart, that attack would leave us some 500 Minutemen intact—far more than enough to provide what the Defense Department states is necessary to assure second strike capability.

By 1974, the year it is estimated phase I of Safeguard will be deployed, the Defense Department estimates that the Soviets could have 420 SS-9's, which would mean they would have a total of 1,260 warheads.

Once again, under the same ground rules, all favorable to the Soviet Union, 1,008 warheads would arrive successfully,



and all but some 50 of our Minuteman force would be destroyed—this without any Safeguard protection.

With phase I of Safeguard, however, the chart shows that, with 1,000 arriving, all but 135 to 150 of our Minutemen would be destroyed. This is far below the number of Minutemen the Defense Department asserts are needed for an adequate second strike capability.

Under phase II of Safeguard, that is, full deployment of the now \$10 to \$11 billion system, again according to their chart—from (deleted) to (deleted) Minutemen would be protected from such an attack. In other words, under ideal conditions, the full system as now envisaged might protect the minimum number of surviving Minutemen considered necessary for second strike capability.

Therefore, I am sure all Senators will note with interest that an increase of not more than a few tens of (deleted) SS-9's, which would be no problem whatever to the Soviets within the time frame considered, would reduce the number of surviving Minutemen well below (deleted). In other words, that relatively very small additional production efforts of approximately (deleted) percent—and all of us who have had any experience in production know the relative simplicity of just adding on to what is going out the end of the production line—would nullify any Minuteman protection that could come from the installation of this proposed Safeguard system; and this would be true even if the full 12 Safeguard sites were installed.

Referring again to this chart, these (deleted) additional SS-9's would give us a total of (deleted) warheads, with approximately (deleted) arriving successfully. Note that these (deleted) successfully arriving warheads would reduce the number of surviving Minutemen well below (deleted)—that is, well below the number the Department of Defense estimates as necessary to survive. Again, and to be sure every Senator understands, this would be true even after phase II of Safeguard was deployed. In public testimony, Dr. John Foster, the Director of Defense Research and Engineering, has predicted a possible SS-9 force in 1975 of 500, and in 1976 of 600. In this connection, it is important to note that if the Soviets did produce this number with MIRVed warheads, these very facts and figures from the Defense Department prove conclusively that all the billions it is planned to spend on Safeguard, as this chart so well demonstrates, will have been wasted.

In addition, these figures on this chart are presented with the premise that the Safeguard ABM system will work as designed. Any deviation in its performance due either to failure of radar or the computers, or in the missiles themselves, would, of course, further decrease any possible effectiveness.

Let me emphasize that in this presentation we are accepting the Defense Department's most favorable assumptions regarding the capabilities of the Soviet Union with regard to numbers, accuracy, and warhead capacity within a particular time frame.

It is significant to note also that the

Soviet Union and the United States could reach a meaningful agreement concerning arms limitation—and every thoughtful person could only have fervent hope to that end—then the threat to our Minuteman force by the present Soviet SS-9 force would not be nearly enough to threaten our second strike capability.

On the other hand, if the arms race continues to spiral, and the Soviets do deploy (deleted) MIRVed SS-9's, then our Minuteman force would indeed be vulnerable without some form of protection. But this chart reveals conclusively that this Safeguard ABM is not the right system to meet this threat, should it materialize; and that is the chief reason why some of us oppose its deployment without further research and development to make it right.

No opponent of Safeguard would be against protecting our deterrent capability if in fact that capability was becoming vulnerable. But it is clear to me, and I have done my best for many months to understand that Safeguard is not the right way to accomplish that end.

Those who argue in this case that some defense is better than no defense, in effect, are misleading the American people, because it could be extremely dangerous to our national security if the American people were led to believe they could rely on a defense which later turned out to be no defense at all.

It is also important to consider whether or not our current deterrent capability is really being threatened. In this connection, let us remember that the Defense Department chart I am presenting to the Senate today deals only with one aspect of our deterrent force; namely, our land-based ICBM's. No mention is made of the 41 Polaris submarines, shortly very possibly to be multiplied in effectiveness by the Poseidons, our some 650 nuclear armed bombers, our more than 7,000 tactical nuclear weapons located in Western Europe and on surface ships, as well as in other locations around the world.

In this arsenal, the United States has the capacity to destroy the Soviet Union many times over; and they, too, can destroy us. This is Mr. Churchill's "balance of terror." As has been pointed out earlier in this debate, the important point is to make sure, first, that we do have adequate deterrence; and, second, that this position is fully known to any possible aggressor.

Let us note also that the points I have set forth with respect to this Defense Department chart are in reference to an attack by a certain number of SS-9's on our Minuteman silos.

No mention whatever has been made, however, about the effects of an attack by Soviet SS-11's—that smaller missile of which the Soviets currently have (deleted)—if the Soviets made what would appear a logical decision to attack the extremely vulnerable missile site radars which are the key to the Safeguard system.

What has worried us as much as anything else in the debate is that, time and again, the proponents of the system get off discussion of the system itself and talk incessantly about the danger of the Soviets. I agree there is danger from the

Soviets, having run the Berlin airlift myself, and was at the meeting in the Pentagon in March 1948, when we got a telegram from General Clay.

The Soviets are dangerous, and the Chinese are dangerous. I am only sorry we are not closer to the Soviets, because they are killing Chinese, and the Chinese are killing Soviets.

The proponents always talk to us about the danger. They come up with a new danger today and almost every day. It is like going to one of those famous oil well dinners designed to promote an oil company's interest. With the first course they say, "A new well was discovered today." Then we have dinner. They then say that two new wells—two new dangers—have been discovered. By the end of the dinner, there are 10 new oil wells, and the issue is oversubscribed. I have been through this, and am sure others have also.

The proponents say we have a new Soviet danger, but there are a few dangers also around this country.

A great Missourian, Mark Twain, once said:

Courage is recognition of fear, mastery of fear; not absence of fear.

The opponents of this system talk about the fact they do not think the system will work; and that, even if it does work, it does not give any real protection.

I pledge the Senate that I have never tried to understand anything since I came to the Government a quarter of a century ago more than I have tried to understand this decision.

It is a matter of public record that the MSR has less than one-tenth of the hardness of a Minuteman silo—to be exact in this closed session, whereas the pounds per square inch of the Minuteman silo is (deleted), the MSR pounds per square inch is only (deleted)—and the destruction of this relatively soft radar would blind the entire system, because it is this MSR radar which guides both the Spartan and Sprint to its intercept.

Accordingly, if we charted the results of an all-out Soviet attack on the radar by the smaller SS-11's, the effectiveness of the system would be even less.

Whenever the problem of overriding or saturating Safeguard is raised, Defense Department witnesses, as well as other proponents of this particular ABM system—and this is a very important point, in my opinion—reply that if the Soviet threat develops further, we could add more Sprints, Spartans, and radars to the system.

It would seem to me, therefore, that proponents of Safeguard actually agree with the opponents, in the Safeguard is not really the system they desire; rather they favor a thicker system, and support the Safeguard ABM to that end.

If a thicker system is actually what the administration is planning, then it is important for the American taxpayer to be aware of that thinking; because the addition of more missiles and radars, especially as presently designed, would escalate the cost of the ABM system tens of billions of dollars beyond the present estimate of \$11 billion for phase I and phase II—we had that testimony in

committee from the proponents of the system—an estimate which all previous experience demonstrates will be far lower than actual ultimate cost.

Do not forget, as we go into this venture, that we had two studies, the details of which were brought out by the distinguished senior Senator from Wisconsin (Mr. PROXMIER).

One stated that 12 weapon systems, taken at random, had an average cost increase of 220 percent.

Another, later, by the famous Brookings Institution, states that systems studied showed the cost increases as high as 300 to 700 percent as against the original cost estimate.

We are considering a system that even its greatest advocates will admit could be improved in design, because it was never designed to do this particular job.

In summary, it is vitally important that every Senator knows all the facts about the type and character of ABM system the administration is proposing; and I would respectfully hope that the above presentation has been useful in pointing out the limitations of this system, as well as the need for further research and development before actual deployment is considered.

Mr. President, I seldom take the time of the Senate on the floor. Let me express my gratitude first for the attendance and second for the kind attention paid.

I will be glad to try to answer any questions.

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

Mr. SYMINGTON. Mr. President, I am glad to yield to the distinguished Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I thank the Senator for an extremely able presentation.

The Senator from Missouri is the one Senator who serves on both the Foreign Relations Committee and the Armed Services Committee. In this dual capacity, the Senator has an opportunity to give double study, so to speak, to the problem.

Two Senators serve on both the Foreign Relations Committee and the Joint Committee on Atomic Energy. One Senator serves on the Armed Services Committee and the Joint Committee. Of these four Senators who have heard secret testimony and have participated in their analyses on two committees, three oppose the deployment of the ABM. And this includes senior Senators, diligent Senators. The opposition includes, let me point out, the ranking minority member of both the Armed Services Committee and the Foreign Relations Committee. So, this is in no sense a partisan issue.

As chairman of the Subcommittee on Disarmament, I have presided over two extensive hearings on this issue when it was previously before Congress. We decided to hold them in executive session.

The Senator attended nearly all of them. The subcommittee concluded at that time—almost unanimously, as I think the vote was on the floor—that it was not wise to deploy the Sentinel model of the ABM.

But few of us, however, took an active part in the debate. I did not, and I will tell the Senator why I did not. I thought there was some protection in the Sentinel model of the ABM. That is, it proposed some possible protection of people in cities in case of atomic war.

I had doubt that it was needed, that it would work, enough doubt that I voted "No." But I had enough concern that it just might reduce the loss of life in case of an all-out attack that I did not take any active part except to make a very brief statement.

Now, when was it changed from the Sentinel model of ABM to the Safeguard model of ABM? It was changed overnight—not I believe upon recommendation of the Joint Chiefs of Staff. Why was it changed from the protection of people in the cities to the suggested protection of missile complexes in North Dakota and Montana? Because of some commotion around Boston and Chicago and Seattle. This was a quick decision. But the decision was not made, as the able senior Senator from Missouri has so effectively pointed out, to change the components to serve a different mission. Indeed, there is little difference now. I do not know of any difference. Does the Senator know of any difference in the components of ABM in protecting cities and that which is proposed now?

Mr. SYMINGTON. With the possible exception of the software that would go into the computer, I know of no difference.

Mr. GORE. Which has not yet been made.

Mr. SYMINGTON. That is correct. It has not yet been placed into the computer, and we have letters from some people working on the system who do not think that it can be placed in the way they say it should be.

Mr. GORE. With this very brief background, I hope the Senate will understand now why the Subcommittee on Disarmament, which has held extensive hearings on this—and I think has probed it to the depths of our capability—has come out so nearly unanimously, if not unanimously, in opposition to its deployment.

We conclude, No. 1, that it is not necessary to protect the integrity of our deterrents. If it is not necessary, then who would wish to embark upon this doubtful but surely expensive mission? If it is necessary to protect the integrity of our deterrents, then I respectfully suggest that far more than the Safeguard ABM model would be needed. Indeed, as the Senator has pointed out, instead of adding to our security, this would lessen our security in more ways than one, but certainly in one important respect—by giving to the American people a false sense of security.

So with this brief analysis of my own conclusion, I hope at a later time to deal with the technical phases.

I wish to thank the able Senator for dealing with the technical questions in a very expert way.

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

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

Mr. SYMINGTON. Mr. President, I thank the able Senator from Tennessee.

Those of us who have children and grandchildren do not look at this problem as one which should be considered in any political sense. Rather what is best for our country. Over the years I have been directly connected with national defense, I have become convinced that with the proliferation of nuclear weapons, the one great contribution which our President could make in the next 3½ years is some meaningful form of arms agreement with the other super power.

It is a privilege to say, on the floor of the Senate, that no one has worked to that end more consistently and in a more dedicated fashion than the distinguished Senator from Tennessee.

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

Mr. SYMINGTON. I am glad to yield to the chairman of the Committee on Foreign Relations.

Mr. FULBRIGHT. First, I wish to compliment the Senator. I think he has made a magnificent presentation of the case as he has seen it, as already has been remarked, from both the Committee on Foreign Relations and the Committee on Armed Services; and likewise the Senator from Tennessee, who is chairman of the subcommittee which held the hearings in the Committee on Foreign Relations.

The Senator has done a thorough job, in my opinion.

I have a great many secret documents taken in our committee, particularly from the CIA, which are available; and at a later time, if there seems to be interest in them, I should like to present them.

I should like to throw out this suggestion, because it is very unusual to have a meeting such as we now have. I do not recall seeing so many Senators on the floor of the Senate, listening attentively, and with such conditions in which they could hear, as I have seen here today. It is a great compliment to the Senate as well as to the Senator from Missouri that he has had this attention.

This is an important matter, and I do not wish to presume to dictate any procedure; but since the Senator from Missouri has made, in my view, such a complete statement, I would, with all deference, suggest that I should like very much, before I engage in debate, to hear from the chairman of the Committee on Armed Services, if he does not object to that. I simply wanted to put this matter in perspective, so that I and other Members of the Senate could then address our questions with the background of both of them, because we will not have other days like this, I assume. I do not remember having a day like this in my 25 years as a Member of the Senate.

If that meets with the Senators' approval—I do not wish to cut anybody off—I should like to hear the other side; in other words, to join issue.

Mr. SYMINGTON. In reply to my distinguished colleague, I have already talked with the able and distinguished Senator from Mississippi and told him that under no circumstances would I interfere with anything he would like to say.



Some of us have worked hard on this matter. It is known that at least the top of the Pentagon, top to bottom, is strong for the system, although some of the others are not so strong.

I should like to yield to two Senators who rose, and then I would be glad to yield to him all the time he would like.

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

Mr. SYMINGTON. I yield.

Mr. STENNIS. Mr. President, I think the Senator from Arkansas has made an excellent suggestion—to get this matter in issue on the scientific or technical points involved.

My remarks on the ABM never have been intended to include those features of it. We have on the Committee on Armed Services a gentleman who has been a member of the Joint Committee on Atomic Energy, also, for a number of years—the Senator from Washington (Mr. JACKSON). I have asked him, as well as other Senators who so desired, to prepare on this phase of it. He is prepared, as are other Senators.

The Senator, without losing his right to the floor, wishes to yield to Senators who can help him, and I think that is fine.

We had an understanding, and after the Senator from Missouri has yielded to those who have helped him, I think that would be the time to let the Senator from Washington give the other side of the matter. I hope that will be agreeable to the Senator.

Mr. SYMINGTON. Mr. President, as we all know, the leading advocate in the Senate for the Sentinel system was the Senator from Washington; and the leading advocate in the Senate, certainly, on this side of the aisle and in committee and in the scientific fraternity is the Senator from Washington. I am anxious to hear anything he has to say on this vital matter.

The Senator from Mississippi announced he would like to have a closed session. I said, "When would you like to have the closed session? After we have debated the issue in open session or immediately after your statement?"

He said he would like to have it immediately thereafter. I said, "Reserving the right to object, I would not object if we may have a second closed session."

Then the Senator from Mississippi decided he did not want a closed session. But I began to think about it. In spite of all the propaganda flowing through the biggest organization in the world, the biggest business in the world, and an organization which represents the biggest manufacturers in the world—fine and able people; I mean no criticism of any kind—but in spite of that of the two committees which have been given all the facts, one committee being the Committee on Foreign Relations which has three members less than the Armed Services Committee, 17 members of the combined committees are against deployment of this system and 14 members are for it. When that thought occurred, I thought, "A closed session might persuade a majority of the Senate, which has the ability to reduce the dreadful albatross of taxation we are saddling around the neck of the people of the United States."

Every Member of this body wants the right defense, whatever the cost, but nobody wants a defense that is not necessary, because if we do not have credit problems in this country and currency problems abroad, I do not know my own name.

Following that thinking, it is my privilege to yield to the Senator from Washington. In order that there may be no misunderstanding, I am glad to yield to floor.

Mr. STENNIS. I thank the Senator. I think that will serve the purpose.

Mr. SYMINGTON. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I think we have had a most valuable session this afternoon and I hope all Senators can stay to the conclusion of the comments of the Senator from Mississippi and the Senator from Washington because it is important that we all get both the pros and cons on this important issue.

There is only one point I would like to make that requires this executive or secret session. I have tried, as has the distinguished Senator from Missouri, to spend as much time as I possibly could on this particular issue of the ABM.

I have looked at this matter from the perspective of a naval officer, which I was 25 years ago here in Washington. I was in charge of production control for aviation fire control instruments for the Navy, and after the war a defense contractor for 20 years. It is that background that I hold in common with the Senator from Missouri.

I know that in all those years of production the greatest mistakes I ever made were when organizations, whether they be Navy or civilian, rushed me into production before the design or system involved was really ready for production.

In fact, almost without exception when I did so against my better judgment and because some proponents said we had to go into production—or in this case deployment—we have actually lost time because the very same people in design, development and research departments, once production is begun, are not installed from the problems production. The work of design, development, testing, and evaluation is impaired because you are over here now producing and you have been frozen into a design which, if it is not ready for production, can end up in a countless grief.

If we take the simplest problems in production and compare them with the highly complex system here involved, we can visualize the kind of grief we might have.

The information on which I base my judgment is I believe sound. It was arrived at quite independently from the testimony, some of which is brand new to me, that we have had this afternoon.

The information I have on the MSR, missile site radar, is that many people in the Department of Defense itself know that the MSR is too vulnerable and much too expensive—\$150 to \$165 million now estimated, for one single installation—and not designed essentially for the job of point defense. It is designed also for area defense and in fact it was designed primarily for that pur-

pose. It is unwise to rush into deployment of this system, which has now been moved back to Montana and South Dakota in its first phase. It has not been publicly revealed, and that is why I have never commented on it, but I can assure Senators in this session that from every source I have been able to check with, the Department of Defense has now established a panel of technicians and scientists, and they have been directed, on what might be called a crash basis, to do something about redesign of the MSR.

Mr. SYMINGTON. I am glad the able Senator brought this out.

Mr. PERCY. Highly qualified scientists tell me that the MSR should be redesigned for this new mission of Safeguard. What is needed is a multiplicity of more precise, more easily hardened, and invulnerable radars.

This is not to mean that we must start all over again, and this was what concerned me so much originally. If we had to start all over again, it would take years to do it. I think there is now an insight into the problem indicating that the existing air defense radars provide a point of independence for the development of such new type radars that might be required. Maybe we need 500 such guidance radars, not just 12.

I would like to ask—

Mr. SYMINGTON. Before the Senator asks his question, I would like to relate one story, very short about why, even if the units worked perfectly separately, they might not work when put together.

For many years I was in the electrical business. The company had a license from the Radio Corporation of America in the days of the ascendancy of David Sarnoff. It was a tough license. We paid them a heavy minimum and 7 percent of sales; and in addition RCA kept the best circuit of the time—the superheterodyne circuit. We were only allowed to build an inferior circuit, the neutrodyne. We had to sue for a license. He compromised the suit and we obtained the superheterodyne. As everybody knows, a radio consists of two circuits, a radio circuit and an audio circuit. In an effort to meet Christmas trade with the new circuit, we took the radio circuit just released and put it with the audio circuit. The trouble was that, when put together, the superheterodyne circuit destroyed the tone quality of the audio circuit. So we were in deep trouble. Both worked well apart. Neither worked when joined.

All this ABM business has to work instantaneously, in case of a sudden attack remotely comparable to December 7, 1941.

Mr. PERCY. The Senator from Missouri's experience is similar to mine. Could I ask the Senator this question: A great deal has been said about the SS-9 and its tremendous power and the number of SS-9's which the Soviets have. But, would it even be necessary for them to use the SS-9 to knock out in effect this whole ABM Safeguard system? Could they not use (deleted) percent of the existing store of SS-11's, or (deleted) SS-11's which have (deleted) each, to knock out all 12 MSR's without anywhere near the degree of sophistication and accuracy needed to knock out

the ICMB's bordering missile cities and not even touch their store of SS-9's?

Mr. SYMINGTON. I have not extrapolated, as he has on (deleted), but why would anyone want to use a weapon of the size, type, and character of the SS-9 to destroy the Safeguard system, when they could use a much smaller and much less powerful weapon, of which they have many more, to destroy Safeguard. According to testimony, they could do so without difficulty because of the lack of almost any PSI incident to the MSR?

Naturally they would attack and destroy the radar to blind the effectiveness of the Safeguard missiles.

Mr. PERCY. In effect, what we are being asked to do is go into production and deployment on the Safeguard system and to say thereby that the design is certified and is ready for production without feeling that it is.

My own independent analyses indicate that this system is not ready for production. I think that when I saw some of this information for the first time this afternoon, and heard about the expert testimony we now have from Kwajalein, that they are not even scheduling tests until 1970 or 1971 on certain parts of it, I am reaffirmed in my thinking, as I was when I saw the \$400 million requested in this authorization bill for research. Many of us opposed to deployment and going into production have been quite willing to say, "Do not cut 1 penny out of the authorization. We are not asking for it to be an expense-reduced item. If they can find other places to spend money for research and development, evaluation and testing and redesign, spend even more than is being asked to accelerate that end of it, but do not go into production until, (A) we see whether we can both go out of business, as the President and the Secretary of State have said, or, (B) we know that we have a sound design."

I would ask Senators to take into account the grief all of us have witnessed in our past experience in going into production on military designs when we were not ready for them.

Take the M-16 rifle. When they jammed at Vietnam, many young men were killed as a result. We suffered a great deal of difficulty trying to produce that rifle. Yet we have been making rifles for many, many years. We also remember the grief we suffered trying to correct the difficulties once we were in production on the M-16 rifle, because the production line was going, and only one source of supply was available at the time.

The Sheridan reconnaissance vehicle was sent out to Vietnam to go into combat, and the first one that went out was split up the belly by a 20-pound mine, killing its commander. The repeated failures of the vehicle and its fantastically expensive modifications were revealed to the House of Representatives in an investigation it carried on, on a design put into production before it was really fully tested, evaluated and ready for production.

Of course, I do not have to remind Senators about the F-111. All members of the Armed Services Committee now in

the Chamber know all about that. But that airplane was produced and deployed even though the avionics and the wing pivot section had not been perfected. If we had waited until that design was ready and not let someone rush us into it, men would not have been needlessly killed and we would have saved months and probably hundreds of millions of dollars.

The Cheyenne helicopter was put into production even though the rotary blades did not work properly. After crashes, production was ended, and the system is now back in research and development.

The Minuteman II ICBM was actually produced and deployed before the guidance system was perfected. For months, this country had less deterrent and second-strike capability because nonfunctioning Minuteman II missiles had replaced many effective Minuteman I missiles. After months and many modifications of the deployed missiles, the problems were finally overcome.

Then there was the Navy's subsonic plane, the A-7, which was put into production with guidance systems and avionics problems still unsolved. Extensive modifications caused the plane's price to skyrocket. Many people really would like to see it absolutely canceled.

Talking about a defense system, I happened to be at NORAD a few years ago when I was in business, at the very moment that NORAD sensed on its radar screen what it thought was a missile coming into this country. The coincidence of my visit and that occurrence would not have happened in many years. I was there with a group of industrialists—five of us in there, and we witnessed the confusion and chaos that reigned. I certainly witnessed the imperfections of our NORAD system at that time. We wondered later whether it would not be better to remove the NORAD defense establishment which was in Colorado, housed in frame buildings. The control building was in an above-ground building. Any saboteur could have thrown a bomb over the fence and hit it. Would it not have been better, we thought, to put the whole system somewhere else and make it impregnable and test it properly before depending upon it. We know it has now been buried in the mountains and that the system has been vastly improved. I think it would have been better to have improved it more in the first place.

That is all I would urge in this case. We know we need to have the technology. We do not want to shortchange one bit the development of this system. But we want the right system. I do not see how, today, we can say that we have the right system. Certainly I would hope that while we perfect it and use that time to perhaps gain time by getting the right system, perhaps we can find out whether the Soviet Union has a community of interest with us in trying to cut out this kind of weapon.

I take the President and the Secretary of State at their word, verified by the distinguished Senator from Washington, when he said on the floor of the Senate a few days ago—and wisely so—that he would like to see negotiations go ahead and get underway.

I cannot perceive that not going ahead

right now will in any way shackle the President's hand in negotiations.

I keep wondering why the Russians do not seem very much concerned about our ABM's. I do not think they really are. It is no secret to them. Most of the scientists in this country think it is not worth very much. The Russians know they can knock it out. They know they do not have to use SS-9's to knock it out when they see its vulnerability, and we see the vulnerability of what they have got around Moscow right now.

I went out in a Polaris submarine several months ago and talked with the crew to see what they would do to get through the Russian ABM system. Admiral Smith is the head of the missile section there, and he was with us, and they were not impressed by the Russians ABM system. They told me it was no problem, that they could penetrate it or saturate it, and they could use one more missile than they possessed.

I thank the distinguished Senator from Missouri. He has made a very valuable contribution here. I know that all of us who have made up our minds to date will continually try to keep our minds open as we listen to the evidence from men whose judgment is respected. We have in this Chamber 100 men who honestly have different points of view and are earnestly seeking the right answer.

Mr. SYMINGTON. I thank the able Senator from Illinois.

Mr. President, I now yield to the Senator from Wisconsin and then will yield to the Senator from Washington.

Mr. NELSON. I just have a brief question: Is this the chart that the Senator referred to in his nationwide television broadcast when he said to the American people that if they could see the chart, they would be overwhelmingly opposed to deployment?

Mr. SYMINGTON. That is the chart, yes.

Mr. NELSON. Do I understand my mathematics correctly that with all the assumptions the Department of Defense makes, when they deliver 1,000 warheads we will have only 50 to 100 surviving ICBM's? Is that correct?

Mr. SYMINGTON. Let us put it this way. The figure of futures which they used on Monday, which they say is the right figure, is 420. Multiplying that by 3 gives 1,260. Eighty percent of that for reliability gives 1,008. If we had 30 additional missiles we would have a net addition of 72 warheads on target, which would give us 1,080. If we go to 1,080 there is no question, based on the chart, that the Soviets would destroy more than the (deleted) Minutemen considered necessary to maintain deterrence. We would not have anything like (deleted).

Mr. NELSON. When I said "1,000," I meant targets for 1,000, whether they were of warheads of one kind or another.

Mr. SYMINGTON. The figures of 1,000 and 1,080 are presented.

Mr. NELSON. If the Soviets have deployed them and they bring 1,450—is that the number?

Mr. SYMINGTON. It would be 1,400 on the chart.

Mr. NELSON. If they bring them in, we reduce our deterrent to practically the same level.



Mr. SYMINGTON. If they go far enough. If they added 500, or 600 SS-9's, which Dr. Foster said they might do, there would be no protection whatever.

Mr. NELSON. So we would be back to what it would be without an ABM at all?

Mr. SYMINGTON. That is right.

Mr. NELSON. Upon this matter of manufacturing sufficient warheads?

Mr. SYMINGTON. That is right. Nobody has ever said up to now that this system could not be saturated. What I have tried this afternoon is to show how easily it could be saturated.

I yield to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, Members of the Senate, our purpose today is to secure information which has not been heretofore available, particularly classified information. I will not make an exclusive argument on the ABM system, but I want to present some classified information.

Mr. SYMINGTON. Mr. President, will the Senator speak a little louder?

Mr. COOPER. I said that I want to present classified information, before the proponents of the system speak. The Senator from Missouri has referred to the chart as posed by the Department of Defense. In the words of Secretary Laird, referring to page 27 of the report, with a force of 420 of SS-9 missiles, with an assumed failure rate of 20 percent, the Soviets could place on the Minuteman fields about 1,000 warheads. He estimates a failure of only 20 percent, although many scientists have testified that the failure rate would be much higher, and I believe the Senator from Missouri would agree.

The Secretary of Defense—and I say this with respect—has presented rather firm estimates of the capabilities of the Soviet Union and has been very precise about the number of warheads which could be delivered upon Minuteman fields. There is an element missing from his presentation. If it is assumed that one warhead from an SS-9 can destroy one Minuteman, a rate of 20-percent failure, then we have to assume that at least one interceptor, a Sprint or a Spartan, must be available to destroy an incoming SS-9 warhead, if the Safeguard is to be effective to protect the Minuteman.

I heard a scientist testify yesterday, and others have testified previously, that the first phase of this system is a research and development demonstration; they have testified that if Sprint and Spartan are to be successful as interceptors, it would require more than a 1-to-1 ratio. The command posts also must be protected; the radars, if they can be defended; and the city of Washington. One would have to assume that a large number of Sprints and Spartans is required.

If I am wrong in my next statement, I will expect the Senator from Mississippi (Mr. STENNIS) or the Senator from Washington (Mr. JACKSON) to contradict me. I have searched the record, I have read the report and the testimony in volume II of the hearings on Safeguard. I cannot find any information regarding the number of Sprints or Spartans which will be deployed to intercept incoming

warheads. Yet the number of Sprints and Spartans bears not only upon the effectiveness of the Safeguard system but its cost. I have said that, if an ABM should cost \$100 billion and would protect our country, I would vote for it; but we have the duty to examine its cost if it is not effective.

The administration provides the estimated cost on page 27 of the report. The first-phase \$26.5 million is allocated for Sprint; \$76.6 million for Spartan and about \$250 million for ground equipment, and \$300 million a year will be required for its operation. Additional funds are requested for research and development because it is admitted that the system is not ready for deployment.

Mr. SYMINGTON. Mr. President, will the Senator yield at that point?

Mr. COOPER. I yield.

Mr. SYMINGTON. The figures I have given have to do only with defense of the missile sites. We know that full deployment will include (deleted) interceptors, (deleted) Spartans and (deleted) Sprints. The Spartans would have to be discounted for hardened site defense, because they would be used for area defense. Of the (deleted) Sprints, only (deleted) will be deployed in defense of Minuteman missiles. The remaining number will be around the MSR's and at other locations around the United States, in defense of bomber fields, or the command and control center in Washington. This is to say, it is only for the defense of the Minuteman. Therefore, only those designated for that specific defense were included in the chart submitted to the Armed Services Committee and to the scientists.

If the Defense Department has changed its mind and intends to deploy a greater number of Sprints and Spartans and radars, then, as I said, it should inform the American people that the system will actually be more expensive than originally estimated. If they have added to a poor system, why not redesign it so as to have a system specifically designed to do the job intended? I mention that because the Senator has raised the point.

Mr. COOPER. Mr. President, that is the point. I will read classified material furnished me. If the system is to be effective, additional missiles will be required to intercept the incoming warheads, as the Senator from Missouri has demonstrated. As I could not find any evidence in the record about the number of Sprints and Spartans planned, I wrote the Secretary of Defense. I will place his answers in the RECORD. It is unclassified, except for one question.

I asked, "How many Spartans and Sprints are to be deployed?"

His letter gives the number for phase I, that would be deployed in 1974.

The letter is dated June 23, 1969. I ask the chairman of the Committee on Armed Services, if it is proper to read and place in the RECORD?

Mr. STENNIS. I expect it is; this is a closed session.

Mr. COOPER. I believe so.

The letter reads as follows:

DEAR SENATOR COOPER: Enclosed are answers to the 10 questions posed in your letter of 12 June with regard to the Safeguard ABM

system. These pertain just to the Phase I system which is all that the President has requested.

The letter did not provide information about the number of Sprints and Spartans that would be needed if the full system should be deployed.

To go on with the letter:

The attached material is unclassified but, to do this, I found it necessary to omit the following classified information from the answer to question one regarding the production schedule:

The classified material deals with the Intercept missiles.

*Spartan and Sprint missiles, quantity, January 1974 and July 1977*

Spartan missile:	
January 1974.....	(Deleted)
July 1974.....	(Deleted)
Sprint missile:	
January 1974.....	(Deleted)
July 1974.....	(Deleted)

The total of Intercept missiles by July 1974 is (deleted) and of Sprint missiles (deleted).

I hope this information will be helpful.

Sincerely,

JOHN S. FOSTER, Jr.

I ask unanimous consent to have the letter printed in the RECORD. I make the point that the number of Spartan and Sprint missiles to be deployed is an essential factor bearing upon the effectiveness and cost of the Safeguard system. Yet no public information has been provided on this subject.

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

(DELETED)

DIRECTOR OF DEFENSE RESEARCH

AND ENGINEERING,

Washington, D.C., (deleted).

HON. JOHN SHERMAN COOPER,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR COOPER: Enclosed are answers to the 10 questions posed in your letter of 12 June with regard to the Safeguard ABM system. These pertain just to the Phase I system which is all that the President has requested. The attached material is unclassified but, to do this, I found it necessary to omit the following classified information from the answer to question one regarding the production schedule:

Sprint Missile:	Quantity
January 1974.....	(Deleted.)
July 1974.....	(Deleted.)
Spartan Missile:	
January 1974.....	(Deleted.)
July 1974.....	(Deleted.)

I hope this information will be helpful.

Sincerely,

JOHN S. FOSTER, Jr.

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

Mr. SYMINGTON. With the approval of the Senator from Washington, I yield to the Senator from Tennessee.

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

Mr. SYMINGTON. I yield.

Mr. STENNIS. As I understand, the Senator from Washington will come next?

Mr. SYMINGTON. Yes. I asked the Senator from Tennessee to get permission from the Senator from Washington, or I could not yield to him.

Mr. GORE. I asked the Senator to yield only because this has a direct bearing upon the conclusion which he and many of his colleagues have reached, that even if deployed, the ABM's would be easily saturated.

I now wish to read to the Senator the testimony—I was conducting the examination at the time—of Mr. Richard Helms of the CIA, who says the Soviets reached the same conclusion about their ABM's around Moscow that the senior Senator from Missouri has reached about this proposed deployment.

A lot of people ask me, when I am home, "Well, why have the Russians built an ABM, if it is no good?" One might as well ask why the French built the maginot line.

But anyway, to make it brief, I should like to read. This is Mr. Helms:

(Deleted).

Senator GORE. (Deleted).

Mr. HELMS. Yes, sir.

Senator GORE. OK.

Mr. HELMS. (Deleted).

I read that to show that according to the CIA, the Soviets reached the same conclusion about the limitations of their ABM's that the Senator has reached about this proposal.

Mr. SYMINGTON. Mr. President, I thank the able Senator from Tennessee; and yield the floor to the Senator from Washington.

Mr. JACKSON. Mr. President, do I correctly understand I am recognized in my own right?

The VICE PRESIDENT. That is correct.

Mr. JACKSON. Mr. President, I think the sensible thing to do at this point is to follow through on the chart, the so-called Panofsky chart, that has been presented here by Senator SYMINGTON and discussed here this afternoon. I should like to present the chart with some supplementary follow-on overlays.

Mr. SYMINGTON. Mr. President, while we are waiting, if the Senator will yield, I do not know why the chart is called the Panofsky chart, because the chart was submitted to the committee by Dr. Foster, and it was also submitted to the Armed Services Committee by Secretary Packard.

Mr. JACKSON. Mr. President, I refer to it as the Panofsky chart for the reason that he himself has made an issue of that chart, and the able Senator from Missouri has discussed Dr. Panofsky in relation to it.

I think the controversy, basically, gets down to this chart and I should like to talk to the Members of the Senate here very informally about the real meaning of the chart.

Now, looking at this chart, gentlemen, it is quite clear that the real problem represented here is the possibility, in the mid-1970's—1974 or 1975—that the Soviets will be able to lay down what we commonly refer to as about 1,000 RV's—meaning reentry vehicles—whether they come from a single propulsion system, or whether they come from one missile with three reentry vehicles. So we are talking about warheads or reentry vehicles, for which the common parlance is RV's.

What this chart says is that if the Soviets continue to build up their SS-9 missile force and we do nothing, then we will get into trouble. That is not surprising, we have been saying that all along. If we do not do anything now and the threat continues to grow we will be in trouble.

If you stop with just this initial chart, it gives the impression that we could never maintain the minimum requirement of (deleted) surviving Minutemen. The point is that if the threat continues to grow we are going to have to meet it. We cannot allow the Russians to get us down below the (deleted) Minutemen.

Let me just turn now to a follow-on overlay. This puts in perspective, with this overlay bar across the chart, the minimum requirement on a survivable Minuteman force.

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

Mr. JACKSON. I yield.

Mr. SYMINGTON. The figure the Senator has is (deleted). We had (deleted). Am I in error?

Mr. JACKSON. Well, there is argument as to whether it is (deleted) or (deleted).

I think, however, the able Senator from Missouri would want also to put this into its full proper context, and that is, this is the minimum requirement of Minutemen only. This requirement takes into consideration that there will be some survival of both B-52's and Polaris.

Let us understand that point very clearly. Let us not get the idea that if there are (deleted) Minutemen, or (deleted), we can deter the Soviets with the force, and that force alone.

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

Mr. JACKSON. I yield.

Mr. SYMINGTON. Mr. President, we were told (deleted). Has that now been changed to (deleted)?

Mr. JACKSON. This is the figure I have been using. As I understand, it is (deleted). Some say it is (deleted) to (deleted). This is the figure that was given to me. And this is what this overlay to the chart is based on.

So that we know where we are with reference to the SS-9, I think it is well to point out that the Soviets have exceeded the NIE—that is the National Intelligence Estimate—of last year as to what we thought they would have at this time in the way of SS-9's deployed or under construction.

That estimate was 250 SS-9's by calendar year 1969. What we find is that right now the Soviets already have (deleted) SS-9's either deployed or under construction on site. So, they have a capability on the way right now—using the same general factors that the Senator from Missouri referred to, allowing for 80 percent reliability—it could be 75 or 80 percent reliability—(deleted) to have about 600 reentry vehicles. It would be 80 or 75 percent of (deleted) times 3.

There is a big argument as to whether it is a 75 percent or 80 percent reliability. But 80 percent is a pretty high figure. Let us say 75 percent. The total, therefore, is around 600 reentry vehicles.

The time period we are basically concerned about is 1974-75. The big argument has been whether the Russians will be willing to go to 420 SS-9's. The Secretary of Defense has referred to that number of SS-9's which could give the Soviets as many as 1,260 RVs.

Mr. SYMINGTON. Mr. President, I took the figure not only of 420, which would be 1,260, but also the figure of 500, which would be 1,500, and 600, which would be 1,800 RV's into consideration. So my extrapolation actually embraced a greater Soviet potential.

Mr. JACKSON. Mr. President, to make it simple, we must talk about the number of reentry vehicles. The figure for RV's used in the so-called Panofsky chart is 1,000. So this is the basis on which we are discussing the issues at this moment. Now, we can see that with phase I of Safeguard, if the threat grows as pictured, we have about 120 to 150 surviving Minutemen. Without Safeguard, that is, with no protection, we would have just 50 Minutemen surviving.

I take it that all Senators would agree that when the Soviets see we are going ahead to protect our deterrent, they may be discouraged from spending the money to go to 420 SS-9's. SS-9's cost in terms of dollars about \$30 million apiece. And 400 of them would cost \$12 billion. We are hoping—and I take it that we are all hoping—that the Soviets will be interested in connection with the SALT talks to reach an agreement to limit the number of SS-9's.

Let us get something very clear. We are trying to protect a second-strike force.

If the threat continues to mount we will have to meet it. If the Soviets elect to develop the capability to go after that second-strike force continuously, then we have to respond by providing that added protection.

The chart presented by the Senator from Missouri, without this overlay, leaves the impression that we cannot do more to protect our deterrent. The point is that if we go to phase II of Safeguard, we have a capability of providing protection, and we will be able to help save again (deleted) Minutemen.

Then, if the decision is made by the Soviets to keep on producing SS-9's, or some follow-on missile, we can increase our protective response. I assume that all Senators are determined to protect the credibility of our Minuteman retaliatory force and do not wish to let the Russians get us below (deleted) survivable Minutemen.

Bear in mind that the Soviets are already going beyond what we anticipated with the SS-9's. If they keep building up, what do we do about it?

I suggest that we have two alternatives at this time—perhaps three.

One is to go ahead and add protection of Minuteman by the ABM.

The other is to go ahead with more offensive Minutemen and Polaris. The figures will show, if we increase our offensive systems, that the cost will run almost 2 to 1, Minutemen versus ABM, to provide the survivable numbers.

Mr. SYMINGTON. Mr. President, does



that include the cost of the necessary new radar?

Mr. JACKSON. Yes; I have those figures. If we go ahead with Minuteman and build up to about 2,000 missiles and silos for survivability the cost would be about \$9.3 billion. If, on the other hand, we go ahead with Safeguard and include the additional MSR's, the cost would run about \$5.2 billion. Those are the figures that are available.

I mentioned the Minuteman.

Another approach is to go to a hard rock silo.

Mr. SYMINGTON. I want to be sure that we are talking about the same thing. Does that include new radars, a new design, or just one radar, as it is now?

Mr. JACKSON. I believe it is based on the same philosophy that we are applying now.

One alternative to ABM is to go to the hard rock silo. What we would do instead of relying on (deleted) PSI is that we would go to (deleted) PSI. However, with respect to the (deleted) PSI's, or hard rock silos, as accuracy of adversary missiles improves, violence is done to the hardening. Hardening can be overcome by improving accuracy.

It seems to me when we get down to the fundamental question, that it is better to provide for a defensive system that will still give us a credible deterrent, rather than substantially augment our offensive systems which move, I am sure, will be treated by the Russians as provocative and more destabilizing than our defensive ABM. If we are interested in successful SALT talks we should favor the defense alternative at this stage, rather than more nuclear offensive capability.

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

Mr. JACKSON. I yield to the distinguished Senator from Arkansas.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, yesterday in nonclassified testimony, Dr. Herbert York and Dr. Ruina, both of whom have had a long association with this policy, testified that they believed the improved accuracy of the vehicle—that is the reentry vehicle—would increase to the point where our silo or any fixed Minutemen was obsolescent; and they believed that none of the Senator's alternatives was proper, even if it were hardened. I believe they agree with what the Senator has said. The alternative that seemed to be in their minds was to make this mobile—either mobile in the sea, as with additional Polaris or similar to that, or mobile on land, on something like railroad cars. In other words, what they were saying is that what you are doing in putting in a Safeguard is to try to protect an obsolescent system, and they thought this was a very bad investment.

Mr. JACKSON. That is interesting, because when Dr. York was before the Committee on Armed Services—and I think Senators who were present will corroborate it—a month or two ago, his position was that if we have to do something about the SS-9 and if the Soviets go on to these projected figures, then it

would be better to have more Minuteman, more Polaris.

I think the effect of what he had to say is that what you need is an active defense.

Mr. FULBRIGHT. Dr. York?

Mr. JACKSON. That is the burden of his argument.

Mr. FULBRIGHT. I do not understand that.

Mr. JACKSON. It is very simple. It is that you cannot provide security solely and simply by hardening. If you rely solely on digging a hole big enough for protection, you would not get it. That is what I am saying.

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

Mr. JACKSON. I yield.

Mr. PASTORE. When the Senator talks about protection, this point about the hardening, are we assuming that the premise is that we have to take the first blow? Is that what we are talking about? Or are we talking about hardening of our silos, of our own offensive missiles?

Mr. JACKSON. We are talking about providing protection for our offensive missiles.

Mr. PASTORE. In other words, the opposition is anticipating that the best kind of defense is our offense and wait to be hit first?

Mr. JACKSON. No. I think that what we are saying, as the able Senator from Vermont (Mr. PROUTY) so ably stated on the day before yesterday, is that the President should have the additional option of being able to protect our deterrent by having an active defense.

For example, he should not be in the position, if a couple of missiles come over, that he must shoot the works at whoever is shooting the missiles at us. The missiles might be coming from some secondary nuclear power—not the Soviet Union.

We want to give the President that additional option, which he should have, and which, in fact, should be of some reassurance to the Soviet Union itself.

So we continue to address ourselves now to the basic question of what we do about this growing adversary nuclear missile threat in the time frame of the mid-1970's and beyond. I think it is quite clear that the sensible move here is an act of defense—to add protection of Minutemen. This is precisely what is proposed in Safeguard Phase I.

Mr. JAVITS. Mr. President, will the Senator yield for some questions?

Mr. JACKSON. If I may just finish this presentation, I shall try to be generous about yielding time.

Now, suppose the Soviets continue to increase the RV threat. If they build up beyond 1,100 and go up to almost 1,400 reentry vehicles, we could then add four more missile site radars, which would cost \$700 million—still maintaining the 200 minimum survivable Minutemen.

Now, here is an interesting point. If the Russians continued to pursue their three warhead configuration of 5 megatons each it would cost the Soviets \$3.6 billion to neutralize this step of defense which we could make at a cost of \$700 million.

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

Mr. JACKSON. I yield.

Mr. SYMINGTON. To be sure we understand, I went as high as 600 SS-9's in my extrapolation. The weakest testimony Dr. Foster gave was his effort to justify the SS-9 cost. We have no idea of what is the missile cost to the Russians. As the Senator from Wisconsin has pointed out, we do not know the details. There is great difference of opinion about it. Actually, they can sell \$10 billion worth of oil for 10 percent less, and can charge it off as a political expense. So I challenge anything about what they would do that has to do with the dollar value of a ruble under their system.

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

Mr. JACKSON. I yield.

Mr. BENNETT. Mr. President, we had the privilege of hearing the Senator from Missouri without interruption, and I think that under the circumstances we should have the same privilege with respect to the Senator from Washington.

Mr. SYMINGTON. I respect what the able Senator from Utah has stated. I asked if I could keep the floor, and then agreed not to keep the floor.

This is the first and only time I have been engaged in this debate. The Senator from Washington was not present all the time I spoke. If he does not object, I do not see why the Senator from Utah objects. But I will not interrupt again.

Mr. BENNETT. May I say, as a Member of the Senate who has not participated in these discussions in those two special committees, we become more confused by interruptions. It is much easier for us to hear the story out.

Mr. JACKSON. Let me just say that if the Soviets go on building up the threat, electing to take that course, we will have to add to the Safeguard system. But what I am pointing out is that in terms of dollars and in terms of relative resources, they are going to have to pay a very dear price. I do not care whether at any given stage it is measured as \$3 billion versus our \$700 million. The key point is that it costs much less to add protection to Minutemen by an ABM than it costs the Russians to try to offset the ABM. Moreover, the Soviet GNP is one-half of ours.

If I correctly understand the opponents of the ABM system, the big argument that was made before one committee, the committee of the Senator from Wisconsin (Mr. PROXMIER), is that the Soviets simply do not have the resources that we have and that there is a real need in the Soviet Union to cut back on some of these costs in the military area; that, therefore, there is a good chance to reach an agreement to reduce or limit nuclear weapons.

I would hope that is true. In any event, the Safeguard ABM is a signal to the Russians that the prospect is poor that they can ever remove our second-strike capability. For we can offset their big offense investments with relatively cheaper defense arrangements. That is the real meaning of the so-called Panofsky chart, which I hope the over-

lays I have provided have helped make clear.

The basic question that the Senate has to decide is what means we are going to recommend to protect the minimum number of survivable Minutemen we must have to assure deterrence and prevent a thermonuclear holocaust. That is the issue.

I submit that it is far better to provide for an active defense—at least at this point in history—than to go to more offensive weapons or to rely on hardening at this time. That is really the nub of the issue.

The big argument is made, "Let us research the ABM some more." Well, if we were not deploying the ABM at the present time, if the President had not recommended it, the argument almost certainly would be that "We have been researching this since 1956; when are we going to deploy it?" Would that not be the argument?

The suggestion is that we go out and do some more research—put Phase I of Safeguard at Kwajalein. It will cost—check this figure carefully, because this gets to the heart of the Senate's decision—\$2,165,000,000 to go to Kwajalein. We can go to the two sites in North Dakota and Montana—which is part of a continuing R. & D. effort—for \$2.1 billion. Bear in mind that after we have invested all that money at Kwajalein, if we decide to go ahead with Safeguard, we will then have to spend \$2.1 billion all over again here in the States.

In addition, by reverting to R. & D., we are going to incur a nonrecoverable loss of over \$300 million in termination of production of components that were authorized for fiscal year 1969.

I want to make clear what we are talking about.

The proposal to limit the Safeguard program to research and development and testing on Kwajalein is not a compromise. It is a defeat for the program. Obviously, after all of that is gotten into place out there in the Pacific it would hardly be defending strategic sites. It would be defending those atolls which have no strategic importance at this point of time.

On the other hand, by going ahead with Phase I as recommended by the President, we would be providing protection for two sites, one at Malstrom and the other at Grand Fork, with 150 Minuteman missiles in each wing, a total of 300 Minuteman missiles.

What sense does it make to pay such a high price simply for the symbolism of taking Safeguard out of the country? This step would also delay deployment of Safeguard for at least 2 years.

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

Mr. JACKSON. I yield.

Mr. TOWER. Mr. President, Admiral Rickover said that after all the R. & D. in the final analysis the only way to find out if something will work is to haul off and make one of them. We talk about R. & D. but the T. & E., testing and evaluation, have been left out. I do not see how anybody can argue logically that we can do it better than in place at the sites.

Mr. JACKSON. The Senator has made

a very good point. I wish to follow that up. This is not the first time we have had this argument. I have been involved in national security since I was in the House of Representatives, when I was on the Joint Atomic Energy Committee. In 1949 we had to make a decision on whether or not to go ahead with the hydrogen bomb. I was one of five men on the subcommittee appointed by the late Brien McMahon to make a recommendation. We were operating in an environment where every member of the prestigious General Advisory Committee to the Atomic Energy Commission—the only one absent was Dr. Glenn Seaborg—recommended that we not go ahead with the hydrogen bomb, and for the same kind of reason heard now in opposing going forward with the ABM.

I need not repeat the story. Our subcommittee recommended that we go ahead with the hydrogen bomb. The gentlemen who were opposed were a "Who's Who of American Scientists." As things turned out, the Soviet H-bomb test came about the same time as ours at Eniwetok and was also a successful one.

I do not get excited when scientists recommend this or that. One can find distinguished scientists on all sides of a question. I find them more reliable when their opinions are on matters of their own disciplines, rather than on morals or theology.

The argument is made we should research the ABM more. What we have done historically for certain key weapons systems is to move concurrently with research and development on the one hand, and to start production on the other.

That is what we did with the successful Polaris system. I was one of the movers on the Polaris system to get the program going. We were told it would not work. We heard that argument over and over again, the same argument now being made against the ABM. I must say it was a little embarrassing to find that shot after shot of the Polaris missile they were firing from that special ship that was rigged up, proved to be one dud after another.

I suppose it is pertinent on this day to remark that we were not exactly proud of Vanguard because of its blowing up on the launch pad—our first effort in space. But did that mean we would not launch a rocket? If we listened to the timid ones, we would have abandoned the effort. I remember that period after the Russians successfully orbited sputnik in October 1957. Then, in December, we had a total failure and could not get off the launch pad. We had the same thing with Polaris. Do we want to talk about Titan? It was one failure after another at the start.

With respect to Polaris and Titan we undertook research and development and testing at the same time as we manufactured and commenced to deploy these strategic systems. That is what is now called for with the ABM.

Do Senators want to do research and development and have a weapons system deployed in the Kwajalein Islands where it has no strategic value, or, do the research and build the PAR and put it in at those two sites in North Dakota

and Montana where we can help defend 300 Minuteman missiles?

I submit that the Kwajalein proposal does not make sense if you are interested in saving time and/or money. You are going to spend the \$2.1 billion in Kwajalein in research and development and have nothing to show for it.

I wish to touch on one or two other matters. All this talk about the MSR and how vulnerable it is, is completely understandable. It has an overpressure limit of (deleted) PSI as against (deleted) PSI. But what the critics are not saying to you is that we have those radars heavily guarded and that while we have an 85-percent reliability with Sprint, the system is going to be designed so that interceptors which fail will be replaced immediately by other interceptors. When one Sprint fails, another comes in afterward. This tactic is known as shoot-look-shoot. With 118 Sprints you should have a capability of intercepting 100 warheads.

One thing that is not usually mentioned by the opponents of ABM and explains why the numbers are so classified is that the enemy does not know which of our MSR's we are going to defend. He would have to shoot at all of our MSR's. He has to shoot at all of them because he does not know which ones are going to be defended. That gives us added capability of being able to knock down the adversary warheads coming in.

Obviously, as I have pointed out, the problem of defending our cities against any large attack is well-nigh impossible. All the opponent has to do is get one warhead through on a city and they have got it. We are talking about defending cities and hard-point sites. We are not talking about apples and apples; we are talking about apples and oranges.

What we are talking about in defending Minuteman sites is not knocking down all of the adversary's incoming missiles or warheads, but to have enough missiles and warheads intercepted so that we could expect a minimum survivable force of (deleted) Minuteman.

If one listens to all the scientists he will get as many answers as there are questions. But I have no doubt about the effectiveness of this ABM system to give us this minimum deterrent figure of (deleted) Minutemen during the time frame we are talking about.

Of course, it is very important that we recognize the crucial problem of lead-time in developing an ABM system. We are talking about 5 years. If we fool around and delay until 1976 or 1977 we are going to be in a serious situation.

Personally, I am confident that the President is going to be in a lot stronger position when he, through his representatives, sits down with the Soviet negotiators on arms control, if the Senate has voted to give him the authority to move ahead with Safeguard phase I.

Negotiations on arms control are going to be a long, drawn-out affair. Let us not kid ourselves.

Some people have said that there has been a heavy emphasis in the ABM discussion on the nature of the Russian leaders, and that it is old hat to talk about Soviet leadership.



Well, I have spent a lot of time studying Soviet leadership. I think that a good lawyer or a good businessman would want to know something about his adversary. He would want to know what he is up to. I submit to the Senate that if we read carefully into the reports from outstanding Western analysts of Soviet developments, we will find that the men in control of the Soviet Union are a hard-boiled, unpredictable bunch, knowing little of foreign reality. They are not sure of themselves. Anything can happen. If Senators have any doubts about it, ask Marshal Tito, or Luigi Longo, Secretary of the Communist Party in Italy. I think we are in a very dangerous period with that sort of leadership in the Soviet politburo.

That is why many experts missed the boat on the intervention by Russia into Czechoslovakia. We cannot find any basis for the Brezhnev doctrine in anything written by Marx or Lenin. In fact, Stalin's Foreign Minister, Litvinov, in 1937, denounced the idea of unilateral intervention on the part of the Soviet Union in these matters.

Now there is the situation along the Sino-Soviet frontier, where the Russians have deployed their ground forces more and more along that frontier.

We face a critical situation in central Europe, with the Soviet occupation of Czechoslovakia and the pressures on Yugoslavia and Rumania. We also face a potentially explosive situation in the Middle East. I think it is fair to assume that the Israelis, in the defense of their area, may be turning out nuclear weapons.

The point I am making is that there can be a blowup in any of those regions, and others I have not mentioned, spilling over into a wider area, and involving us more directly.

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

Mr. JACKSON. I yield.

Mr. PASTORE. Is the Senator going to comment on the observation made by the Senator from Missouri that many essential components have not been tested?

Mr. JACKSON. Yes; I shall do that, as soon as I finish this point.

I do not want my country or the President, should there be a blowup in any of the areas I have mentioned, to be faced with the situation where the options would be limited to doing nothing or to launching offensive weapons. I want to be sure that we take the precautionary steps to provide protection for a second-strike force, and to give our President what Senator PROUTY so well described as the third option.

Now to answer the question of the Senator from Rhode Island about full-scale tests, first of all, going back, we have had the intercepts with Nike-Zeus. We have not had intercepts with the follow-on Spartan but we have had, I think, six out of 10 firings of Spartan which were successful and—

Mr. TOWER. Seven out of 10 counted successfully through yesterday.

Mr. JACKSON. Yes; with the events of yesterday, seven have been successful. But these did not involve intercepts. Contrary to some statements made re-

cently, an MSR has been built and operated successfully at Kwajalein. We cannot have a full-scale, integrated test for the full system until probably about 1971 or 1972, I believe.

The question is, Do we wait until we complete the full integrated testing or move concurrently with testing and production as we did with Polaris and Titan, and as we move with every important weapon? The Sprint tests at White Sands, N. Mex., have been highly successful. Thus we have to take certain risks, just as our astronauts on Apollo 11 are taking risks on their way to the moon at this very moment.

If we wait until we have a full test, then we will be doing the very thing we seem to object to, we will be deploying a system that is not up to date. What we are aiming at is 1974 or 1975 when we see the possibility, based now, not on speculation but on undisputed Central Intelligence Agency estimates, that our adversary, the Soviet Union, will have (deleted) SS-9's with a capability of a little over 1,000 reentry vehicles.

That is not dreamed up out of thin air by the President or the Secretary of Defense. Those are Central Intelligence Agency estimates.

Mr. THURMOND. If the Senator would yield, is it not a fact that all components of the system have been tested except the perimeter acquisition radar?

Mr. JACKSON. That is correct. But that was not the question posed by the Senator from Rhode Island. The Senator from Rhode Island asked if it had been tested on an integrated basis. That has not been done yet, and cannot be completed until 1972.

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

Mr. JACKSON. I yield.

Mr. STENNIS. The Senator from Washington will recall that even before this, he knew it, but we had four prominent scientists before the committee, two for the ABM and two against. The Senator will remember that all four expressly asked and all four agreed that of all the possible ABM systems we could consider now, this was by far the one that was more developed and the best one. The Senator recalls that?

Mr. JACKSON. That is right.

Mr. STENNIS. Does the Senator agree, based on his experience from the standpoint of a legislator, with that?

Mr. JACKSON. Yes, I am like the Senator from Mississippi. I opposed going ahead with the old Nike-Zeus. I stated to the Senator that I was not satisfied that enough had been done, but I am convinced in light of the work that has been completed and the outstanding research effort made and the tests made, prudence tells me that we should go ahead with the Safeguard ABM system.

Mr. STENNIS. The Senator will recall—I mention this for the benefit of those who have arrived in the Chamber lately—that a few years ago there was a closed session, when the Senator from Georgia was chairman of the Armed Services Committee, and we had a very fine debate which was aided by knowledgeable Senators on both sides of the aisle, on each side of the question, of a

deployment earlier than now. The Senator recalls that he and I were both opposed, at the time, solely on the ground of the stage of development in which it was then—

Mr. JACKSON. The Senator is correct.

Mr. STENNIS. Following through on that, with the Senator's vast experience, does he consider the Safeguard ABM system we are now discussing to be as far along in the progressive field they all have to pass through—and bear in mind, too, the objective; namely, the date of need, which means the 1970's—is this as far along now, relatively, as was Polaris or any of the others that the Senator is familiar with? What is the comparison?

Mr. JACKSON. The best way I can respond to that question is that we have spent much more time and effort—

Mr. RUSSELL. And money.

Mr. JACKSON. And money on the ABM than we did on Polaris and on the ICBM programs in general.

I am convinced that in light of all the factors, and we have to consider everything, prudence tells me, as I look at this chart and the Central Intelligence Agency estimates, that we have to do something to assure an adequate deterrent in this 1974-75 time frame. As I look at it, at this point in time, we either build more offensive weapons or provide for an active defense. I must submit that active defense makes sense to me, and it is the moderate, less provocative path.

In this connection, let me emphasize that the Russians have had a lot of experience in this area of missile defense. They were able to get data that we were not able to get.

The Soviets broke a voluntary nuclear test ban moratorium in September of 1961 by setting off a 60-megaton bomb. We are not dealing with an adversary that plays under ordinary rules.

The information that the Soviets received from that test has been invaluable to them in designing an ABM system, because of the information they obtained on effects. Shortly after that, in the fall of 1961, they proceeded to use live warheads in connection with the testing of one of their first ABM's, and they undertook a follow-up test in 1962. Right after that, they started deploying their ABM system, which is called the Galosh system.

The inference is commonly made that the Russians have stopped working on their ABM system. The intelligence information, as of yesterday, is that they have a vigorous program. They have done what we are trying to do now. They did their R. & D. right on the sites. They got invaluable information through deployment at the Moscow sites.

What did they pause for? They are in the process of developing a follow-on system to the Galosh. We do not know the details of it, but, in all probability, it will provide not only area defense, which the Galosh does, but it will involve point defense, as the Sprint system does. So they have a very vigorous program in this field.

In short, the Russians had all this

valuable information from breaking the test moratorium, which we cannot obtain because of the nuclear test ban and the prohibition against the testing of nuclear warheads in the atmosphere. They have all that added information.

I wanted to emphasize the point because the Senate should not get the idea that they have abandoned their missile defense program. On the contrary, there is a pause while they are approaching their follow-on system. I was advised, as of yesterday, that the Soviets have a very vigorous ABM program under way.

Mr. STENNIS. Mr. President, one or two other questions. This is also my comment at this point. The Senator from Washington has measured this matter and considered it a long time, I know. The Senator says it is safe to do this as others have had a considerable start. What is in the bill for the ABM is really an intermediate step between what we ordinarily call research and development and actual, full deployment. Does not that characterize it?

Mr. JACKSON. The Senator is absolutely right. It is a phased approach.

Mr. STENNIS. A phased approach to actual deployment, before we reach the point where it is almost that intermediate step now or nothing, as far as getting results is concerned?

Mr. JACKSON. The Senator is correct.

I want to emphasize the fundamental point that more research and development is needed in order to fully integrate the components, and that we can do that in Montana and the Dakotas. Why should we waste that money in Kwajalein when we know that with Safeguard deployment there we are not in a position to defend any part of America's deterrent, the Minuteman?

Mr. STENNIS. This will be my last question on this point. If I may put it this way, based on my observation of this matter over the years, I believe we have reached the point, with reference to the deterrence of large missiles and the Soviet potential, with respect to which I am disappointed as compared with 3 years ago, where we had better get ready. We pray the time will not come, but we had better get ready for the worst in the mid-1970's. This is the best system we have. All of them are faulty. It is in the intermediate stage now. We must move forward or more or less just stop it in its tracks.

I thank the Senator for yielding.

Mr. JACKSON. The Senator is correct. I have not discussed the Soviet threats to other elements of our deterrent. I have not discussed the threat to our B-52 force and the threat to our Polaris force.

I mention this for the benefit of Members of the Senate. We now find, through estimates of the CIA, that the Soviets have operational or under construction, (deleted) class submarines, meaning Polaris-type submarines with 16 launchers. According to official estimates, we must assume that by the 1974-75 time period the Soviets will have more than the 41 Polaris-type submarines which we will have. The threat on the part of their Polaris to our SAC bomber sites is obvious.

I also want to remind you of the letter from Admiral Rickover, in which he warns about the threat to the Polaris in the mid-1970's.

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

Mr. JACKSON. I yield.

Mr. PASTORE. How many Polaris submarines do we have under construction?

Mr. JACKSON. None. We have no Polaris submarines under construction or planned. In 1968, we put out six submarines all of one nuclear-attack class. In the same year the Soviets put out about three times as many submarines including a new type ballistic-missile submarine as well as several new types of nuclear attack submarines. They are now experimenting with six new classes of submarines.

Admiral Rickover pointed out this problem and the seriousness of it.

So what do we see here as we look at the record? I wish I did not have to mention these things. I want to reach an agreement with the Soviet Union to limit arms. But we need to know the facts. The threat, as we look into the 1970's, is not just to the Minuteman, but the Soviets are moving ahead on capabilities which threaten the other elements of our deterrent, the Polaris and the B-52.

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

Mr. JACKSON. I yield.

Mr. AIKEN. Has the Senator any information as to why, on June 21, 1968, Dr. John Foster came before the Joint Committee on Atomic Energy and, in effect, recommended slowing up on the Polaris submarine program until 1974, at which time he said we would be able to build good ones, whereas at the same time classified evidence showed the Russians were building (deleted) a year as compared with our five or six? I wonder why the Defense Department took that attitude when the Polaris has been our major deterrent to any war. A deterrent is a far greater defense. I would rather prevent an enemy missile from starting it than try to stop it after it gets here.

Mr. JACKSON. I cannot speak for Dr. Foster, but I can point out that in June 1968 we did not have the estimates I obtained as of yesterday.

Mr. AIKEN. They are in print.

Mr. JACKSON. But we do not discover all these submarines at once. The Senator has followed these intelligence estimates, and he knows it is a very difficult thing. (Deleted.)

Let me further respond to the Senator by saying I do not know whether at this point in time it is advisable to go ahead with more Polaris submarines or whether it is advisable to provide more attack-type submarines. I am not advocating more offensive systems at this stage; I am suggesting that we protect our deterrent. As I understand strategy, one of the steps proposed is to provide more attack submarines to prevent the enemy from going after us.

It does not follow that we need, necessarily, more Polaris submarines at this time.

Mr. AIKEN. It seems to me that David Harum's philosophy was as practical as that of Dr. John Foster. David Harum said:

Do unto others as they would do unto you, and do it first.

Dr. Foster says:

Let them knock the daylight out of us, and then, if we have any retaliatory power left, we will do what we can with it.

That is stupid and unsound philosophy.

Mr. JACKSON. I must say, the accusation has been made that by going ahead with the ABM, you accelerate the arms race. On the contrary, even the Russians do not agree with that.

Mr. AIKEN. No—

Mr. JACKSON. I do not say the Senator said that, I am saying that certainly it is far less provocative to take defensive steps to protect key parts of your deterrent. I think this is the sensible course. It is the first course, in any event, to take, to give protection to your deterrent. This is less provocative than to keep adding on and on to your offensive systems.

Mr. AIKEN. I do not think that the ABM disturbs the Russians particularly, at this time.

Mr. JACKSON. That is not the view of a lot of the ABM opponents, as the Senator knows.

Mr. AIKEN. The Defense Department is also trying to stop the development of the noiseless atomic submarine.

Mr. JACKSON. The Senator knows we have recently taken care of that.

Mr. AIKEN. Well, they will not release the money. They will do as they have done before when we have instructed them to do something to improve the Polaris submarine—they have held up anywhere from 18 to 22 months before they let it get started.

Mr. JACKSON. We have had fights, and we have won those fights. We got the money released that Admiral Rickover needed. It will be interesting to see if someone tries to knock out the submarines we have in this bill.

Mr. AIKEN. They will.

Mr. JACKSON. At this point, I am worried about the U.S. Senate, not the Defense Department. I am concerned about what Congress will do.

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

Mr. JACKSON. I yield to the Senator from Texas.

Mr. TOWER. I think it should be made clear to the Senator from Vermont that it was not the professional Navy men who opposed this sub; it was the civilian leadership, and there has been a change in the civilian leadership. In any case, we have always been sympathetic, as the Senator knows.

I wanted to expand on what the Senator said on projecting what the Russian capabilities can be; and I think we must always think not in terms of what we think they might do, but what we know darn well they can do if they choose to do it.

Based on that, we are either going to have to have a defensive system by the midseventies, or have more offensive missiles.

If nothing else, the cost exchange should make Senators want to opt for the defensive system, and also because it is the system least provocative. Talking about escalation of the arms race, if, in



the course of the arms race, in order to stay secure we have to start ordering more offensive missiles, is every Senator going to object to that, too, on the grounds that it might escalate the arms race?

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

Mr. JACKSON. I yield.

Mr. COOPER. I desire to ask a question on the subject of submarines, because I think we all want to get the facts.

I heard the Senator say that (deleted) Y-class submarines—

Mr. JACKSON. (Deleted) Y-class, referring to Polaris-type submarines.

Mr. COOPER. Did the Senator say they had been launched?

Mr. JACKSON. I said—let me state it very clearly—the Soviet Union has operational or under construction—

Mr. COOPER. How many?

Mr. JACKSON. (Deleted) Y-class submarines.

Mr. COOPER. Has there been a change since May 22?

Mr. JACKSON. Yes. This is information I obtained yesterday.

Mr. COOPER. The testimony given by Secretary Laird on May 22, not quite 2 months ago, and I from page 9—

Mr. JACKSON. Well, I have given the new figures. That is what concerns some of us.

Mr. COOPER. Has intelligence discovered this in 2 months?

Secretary Laird talking about Y-class submarines, said:

We now know this submarine . . . is in full scale production, at a very large facility near Archangel—

Mr. JACKSON. Will the Senator speak a little louder?

Mr. COOPER. I will.

We now know this submarine designated the Y class is in full scale production at a very large facility near Archangel, and possibly at another smaller yard. These two facilities can accommodate a total of 12 complete hulls.

Two facilities.

The intelligence community estimates that the two facilities can produce somewhere around eight submarines a year.

The two.

I think that as production experience is gathered, the rate of output from these two facilities might very well increase significantly.

This is Secretary Laird's testimony of May 22:

Eight or nine Y-class submarines have already been launched, and several are believed to be operational.

That is all he said.

Mr. JACKSON. All right, I will give it to the Senator straight, right out of the book. Here it is: Y-class submarines, meaning Polaris, under construction, (deleted). Operational, (deleted). Total, (deleted).

Does the Senator want me to continue, and give all the other figures? This is from the CIA.

Mr. COOPER. Are you talking about Y-class submarines?

Mr. JACKSON. Yes.

Mr. COOPER. Why did not Secretary Laird say this on May 22?

Mr. JACKSON. I do not think he had the total figures. He did not say anything inconsistent with that, just that he did not give the total.

Mr. COOPER. He said "Our intelligence tells us," and this is all we got. He talked about the capacity of production as 12 a year.

Mr. JACKSON. Exactly.

Mr. COOPER. And that eight or nine have been launched. I do not understand; if their capacity is only 12 a year, and they had only launched eight or nine on May 22, where did the additional submarines come from?

Mr. JACKSON. The Senator must know we do not have an exact means of determining the output. We get into some very sensitive information here, and I do not want to go into further detail, other than to say that we have been able, through going back and extrapolating the information, to tell how many are under construction and about how many they can produce.

Now, the point is, we have known for a long time they were going for the Polaris, but here are the hard figures, and that is my responsibility, I guess, to try to respond to the Senator's question. The Soviets have under construction (deleted) Polaris-type submarines and (deleted) operational. I cannot speak for Dr. Foster.

Mr. COOPER. What date was this information given?

Mr. JACKSON. July 17. That is yesterday.

Mr. COOPER. It was not Dr. Foster; it was Secretary Laird testifying.

Mr. JACKSON. I asked them to supply me the information as of last night.

Mr. COOPER. Since that time, I remember, in briefings by intelligence, the same facts provided by Secretary Laird were given somewhat later. It is amazing that in a month the figures can change from eight to nine to (deleted).

Mr. JACKSON. In all deference, I do not think he gave the Senator the total of submarines operational or under construction. He gave him the production rate. Frankly, I try to ask the \$64 question in these matters.

Mr. COOPER. But it is amazing to me that at the time the Secretary was posing the threat against this country—and I must say he posed a very grim threat; and he made many extrapolations of weapons systems, but, curiously enough, with respect to submarines, he said, "This is our intelligence as of May 22." It seems to me he would have pointed out that the Soviets had several more under construction.

Mr. DOMINICK. Mr. President, will the Senator yield to me?

Mr. JACKSON. I yield.

Mr. DOMINICK. I wish to say that I was present with the Senator from Washington when we were briefed on this very situation, and we were told that our intelligence evaluators went back over the informational sources from which they had made their estimates, and they found out that there were more under construction than they had previously thought. I heard that myself, from the intelligence sources that were briefing us.

This conforms very closely to information which I was given prior to this time, and information which was given to the committee as a whole in some sessions when we had briefings by intelligence agencies to show what the progressive threat was going to be.

One thing we have been most concerned about has been the increase in the Soviet submarine force.

Mr. JACKSON. Mr. President, on that point, just to show how these things work, we should bear this in mind. Just a few months ago, what was the figure on Soviet starts of SS-9 missiles?

Mr. COOPER. As I recall, it was about 230.

Mr. JACKSON. It was 232. Now they have found new sites, and the Soviet starts of SS-9 missiles are up to (deleted). And that has only been since the date in May that the Senator mentioned.

This has been discovered in the last 30 days. They are up to (deleted) confirmed SS-9 launcher sites.

This is why I am concerned about the whole trend of strategic weapon deployment by the Soviets—not only the SS-9's, but also the Polaris.

Mr. COOPER. Mr. President, for clarification, testimony was given discussing several types of submarines that the Russians were producing, differentiating the Y-1, which was described as a Polaris.

Mr. JACKSON. It is just plain Y.

Mr. COOPER. Other types of submarines which bear missiles were described, but was testified that they posed no threat to the United States.

Is the Senator speaking only of the Polaris type which could carry Polaris type missiles, or the smaller type?

Mr. JACKSON. Let us be very clear. I am talking about the Polaris type submarine with 16 launchers for nuclear missiles.

In addition, the Soviets have some 60 air-breathing missile submarines and also some ballistic missiles on other nuclear powered submarines with three to six launchers. Air breathers with a range of about 250 nautical miles could be used against SAC sites, command, and control positions, or against cities.

Mr. COOPER. The Senator is speaking now of the Soviet threat and its development. Is it not a fact that in addition to the proposed anti-ballistic-missile system, there are funds in the pending bill to carry out a program of refitting 31 of our Polaris submarines to Poseidon? And is it not also a fact that money is contained in the bill to carry out the program of arming Minutemen with MIRV, and also a program to build attack submarines to protect our Polaris submarine?

The question has been asked whether opponents support offensive systems as an alternative.

But the Senator knows all of these programs I have just mentioned are in the bill—and they are offensive weapons.

Mr. JACKSON. I was going to say that we do have in the bill money for MIRVing both the Polaris missile, which we call the Poseidon, and the MIRVing of the Minuteman, which is Minuteman III.

This is not new. It is being done. Money

was authorized last year, as I recall. Money is in the measure for fiscal year 1969. There was money earlier for research and development.

Mr. DOMINICK. Mr. President, will the Senator yield for a clarification?

Mr. JACKSON. I yield.

Mr. DOMINICK. Mr. President, I had the same colloquy with the Senator from Kentucky just the other day. All of it is contained in the RECORD.

We are not making more in terms of missiles. We may be increasing the number of warheads on a missile, but if someone knocks out the missile to begin with, it does not make any difference what we have on top of it. It is dead. The same thing is true with the nuclear submarines, whether they armed with the Poseidon or the Polaris. It does not make any difference if the submarine is destroyed before the missiles are fired.

Mr. JACKSON. The Senator is correct.

Mr. COTTON. Will the Senator yield?

Mr. DOMINICK. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, regarding an inference I have derived from the Senator's answer: The able Senator from Missouri raised the point that the components of the proposed ABM missile system which were pointed to the defense of cities included radar and other components that were inapplicable for the new version and the new purpose of concentrating on the defense of our striking power.

I did not quite get the Senator's answer.

Mr. JACKSON. I do not agree with that. As I pointed out at the outset, the problem in trying to defend a city is entirely different than in trying to defend a strategic site of Minutemen missiles.

The point is that when Sentinel was considered, the suggestion was that there would be this threat in the mid-seventies of 50 to 70 Chinese missiles coming at our cities and that they could hold us hostage with that limited number of missiles and that we could save many millions of people by the utilization of the Sentinel system.

Since that time, two things have happened.

First, the Chinese nuclear weapons program is off schedule. They have not yet deployed their IRBM, although they have that capability. And they have not yet deployed an ICBM.

Second, we have learned that the Soviets are moving much faster than had been anticipated in numbers of SS-9's which pose a threat to the Minuteman.

When I defended the Sentinel system on the Senate floor last June—and it is good to recall this—I made the point—and the able Senator from Georgia made a similar point—that the Sentinel system being designed was not only for cities but also included the option to deal with the Minuteman problem.

The Senator from Georgia went into some detail, as I recall his position. It is much easier from the standpoint of designing an ABM system and providing a number of survivable Minutemen to have the ABM deployed in connection with the Minuteman sites. And the reason is very simple. If adversary missiles get through and knock out some of our Minutemen,

we can still save enough of our missiles to save the site. That is not true, however, with respect to a city. If we have one ICBM get through to a city, the city has had it.

The adversary's problem with missiles targeted on a Minuteman site is to get a very large number through.

Mr. COTTON. Mr. President, I am afraid I did not make my question quite clear. I understand the new purpose of the Safeguard is to defend our silos and our striking power. However, if I understood it correctly, the distinguished Senator from Missouri indicated or asserted or at least suggested that the research that we have gone through and the components we have developed, designed for an antiballistic missile for the protection of cities, would not apply to the needs of an antiballistic missile concentrated on protecting our missile sites and that it would require new research and development before we could start. Was that correct?

Mr. JACKSON. Mr. President, we are using money authorized and funded in fiscal year 1969 for the Spartans and Sprints, as I recall, which we are going to use in the Safeguard system.

Mr. SYMINGTON. Mr. President, will the Senator yield since my name came into the discussion?

Mr. JACKSON. I yield.

Mr. SYMINGTON. It is clear we may have to have another closed session, so as to develop some of the points now brought up.

The Senator is correct. I know of no one with expertise knowledge who would design the Spartans this way to defend hard missile sites. Second, and as mentioned in my statement, one of the technological reports created by our organization headed by that famous Army missile man, Gen. Maxwell Taylor, pointed out conclusively that this overall system was wrong for the defense of missile sites.

That report is available to us now. We had been trying to get it for weeks. There are others. We are going to analyze all the reports we can obtain, all of them paid for by the taxpayer, in detail. Regardless of how this vote goes, I would hope we could ultimately present that information to the Senate.

It seems the more we get into such discussions, we end up by asserting, "So-and-so said."

I am ready, at a certain point, to use my own judgment, and not be influenced by new information given very recently to only a few. "Yesterday we found this out; the day before yesterday we received this new information; that of last week is obsolete." If we go along this way, discovering a new danger to make every new point, we are going to bankrupt this country with this type of steadily rising Defense budget.

Mr. COTTON. I had hoped that is exactly the way the Senator would respond. I got the idea that it was asserted that much of the research has been wasted, with the object in mind to defend cities, and that we have to start over again. I wanted an answer to that.

Mr. JACKSON. There was a big pro-

test because production was continuing on Spartans and Sprints.

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

Mr. JACKSON. Please let me just finish this point.

It was said that this continuing production is not fair, because Congress had not approved. Yet Congress had authorized this production earlier, and the Sprints and the Spartans will knock down Russian missiles, whether these missiles are going into a Minuteman site or to a city.

If anyone can say on the floor of the Senate that you have to change a Spartan as an area defense because the adversary's missile is headed for a Minuteman site rather than a city, I would like to hear about it. It is silly.

Mr. SYMINGTON. Is the Senator asking me?

Mr. JACKSON. Yes.

Mr. SYMINGTON. The Spartan operates outside the atmosphere—

Mr. JACKSON. That is right.

Mr. SYMINGTON. And cannot discern between such things as balloons and chaff. The Spartan, long-range, was designed for area defense. It is far better for the defense of a hard missile site to have more Sprints than it is to have more Spartans.

Not one expert I know in this field, but who agrees that if we are going to defend the hard missile sites, we would need many less Spartans and many more Sprints.

Mr. JACKSON. What the Senator is saying now is entirely different. Tell me what changes must be made in a Spartan, in the production and research.

Mr. SYMINGTON. No change is the answer, rather more Sprints. I want to put the Pentagon chart up at the next closed session, because that is not the chart I presented; and I would like to talk from the chart I did present.

The Spartan is a missile designed for area defense. It is not a missile designed for a hard missile site defense.

I am truly astonished if the Senator from Washington does not agree with that.

Mr. JACKSON. This is not the point.

Mr. SYMINGTON. It was the question asked by the Senator from New Hampshire.

Mr. JACKSON. The Senator from New Hampshire wanted to know whether the Spartans and other elements that had been produced had been wasted. Am I correct?

Mr. COTTON. That is correct.

Mr. JACKSON. The Senator from Missouri had said that you would have to change the main elements and the overall system, that you could not use it. Obviously, you change your tactics when you are planning to defend a different kind of defense point. No one disputes that.

Mr. COTTON. But you do not have to start over.

Mr. JACKSON. Of course not. The production is under way, and you do not have to change those elements. You will change configurations as to numbers. That was not the impression given by the arguments of the Senator from Missouri.



Mr. SYMINGTON. All I say is that if you had originally designed this ABM system for defense of a hard missile site, you would not design it this way. You would have a lot more radars and a lot less expensive radars, and you would have a lot more Sprints and a lot less Spartans.

It is just not the right system if we had started off with the idea we wanted to defend a hard missile site. That is the firm opinion of every objective expert I know.

Mr. JACKSON. That is not what the discussion was about. The discussion was whether or not we are wasting what has been authorized. I submit that we are not.

I agree in many respects with the Senator from Missouri when he talks about configuration, with regard to the number of Spartans and Sprints in connection with defending hard sites and cities.

Speaking of waste, I submit, as I pointed out earlier, that if we shut down the production lines, as some opponents of ABM advocate, we will have incurred a nonrecoverable loss of over \$300 million.

I yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, on that point, I should like respectfully to disagree with the Senator from Missouri. The Spartan is designed and essential to the present concept of anti-ballistic-missile defense.

I ask the Senator from Washington if it is not a fact that especially in view of the development of MIRV—the multiple independent reentry—and even with MIRV, we have only two ways of trying to successfully defend against this multiple attack from one rocket; first, with a long-range effort such as Spartan, which will try to intercept and destroy the missile before it separates and before the warheads are directed to multiple target, and, second, with the larger charge of Spartan which will create a sufficiently large X-radiation bombardment envelope to deform all the outcoming missiles sufficient to destroy them on reentry.

It seems to me that the inclusion of Spartan, essentially in its present posture and essentially for the original purpose, is absolutely necessary if we are to cope successfully with the idea of multiple reentry vehicles. Does the Senator agree?

Mr. JACKSON. The Senator has outlined the matter beautifully. That is exactly the point. I was not able to get to that particular aspect in my discussion. But this is critical, because the Spartan operates outside of the atmosphere. It has a high yield—I think of about (deleted)—and outside of the atmosphere it emits X-rays. It creates a situation in which within many, many miles—it does not have to come close to the adversary missile—it can invalidate the effectiveness of the warheads in an incoming MIRV missile. By getting the missile, it gets all the warheads in it. It is an area defense. It is the same use you would make of it if you were defending a city or a hard point. This is a defense in depth, and the point defense comes in with the Sprint.

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

Mr. JACKSON. I yield.

Mr. JAVITS. Mr. President, I should like to ask a question which I think is a little more basic, with all respect.

We have been war-gaming here most of the time, which is legitimate; but is it not a fact that all that the opponents of the ABM and this bill contend for is delay—a year? That is all for which they contend. They are not necessarily in opposition to the war-gaming. It may be right or it may be wrong. The Senator, himself, has said that the whole stationary defense may be invalidated. Therefore, as the ABM is defending a defense which may be invalidated in a year the ABM may be similarly invalidated.

Mr. JACKSON. Let me correct one thing.

Mr. JAVITS. Let me get to my question.

With all respect, what the Senator, in my judgment, needs to address himself to is what will be the effect upon the impending negotiations for control of armaments by our decision "Yes" or "No" on the ABM now. If it has no effect, then the "Noes" win. Why spend \$8 billion if it is going to have no effect? If the Senator claims an effect for it, what is it?

I think that is the key question which in a secret session should be buttressed.

I think the Senator has given a brilliant performance; he really has. He knows his subject, and he is terrific on it. I ask him to tell us, therefore, what he thinks will be the effect upon the disarmament negotiations of the decision to deploy the ABM in two sites, based upon all the secret information he knows.

Mr. JACKSON. That is a very good question. I will try to give a simple and straightforward answer to it. I cannot conceive of the Soviet Union agreeing to dismantle its ABM's in light of the present situation that they face with Communist China. We now know that they have reoriented certain of their radar to cover missiles that might be sent in from Communist China. I think this is a very significant point. I submit it does not make sense to me that the Soviet Union would agree at an arms control conference to give up their ABM's when we do not have any.

What I am hoping for, if we help steady the hand of the President and through him the hand of the negotiators, that we will be able to get an agreement with the Russians to limit the number of ABM's on both sides. I believe very strongly in the need to end the arms buildups, but it does not make sense at all to me, none whatever, to expect the Soviets to sit down and really talk in serious terms about giving up their ABM when we do not have one and when we have taken a vote in the Senate to deny the President the right to go ahead.

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

Mr. JACKSON. I yield.

Mr. PASTORE. I asked this categorically of President Nixon and his answer to me categorically was "The ABM would strengthen my hand in negotiations and not weaken it."

Mr. JAVITS. I think that is what the Senate has to decide, whether it will or

will not make more likely a disarmament agreement.

I would like to ask the converse of that question. If the deployment of the ABM will cause the Russians to increase the number of their SS-9's is it not likely they would be less willing to agree to arms control if we gave them the impetus for increasing that number by deploying the ABM?

Mr. JACKSON. I do not agree with the Senator. One must look at the history of the Russians. The Russian people have had a strong predilection toward defensive measures. After World War II the first thing they did was to turn out thousands of Mig-15's, followed by Mig-17's, before they moved to offensive weapons. They were working hard on nuclear weapons and it made no sense to put the main delivery effort into manned bombers with missiles coming along. They went for fighters. The Soviets are both defense oriented and offense oriented.

When we first undertook hearings on the ABM in 1967, we asked three scholars to come before the committee: Dr. Philip E. Mosely, of Columbia University, who is tops in the field of Soviet studies; Alice Hsieh, an expert on China; and Dr. Thomas Wolf, an expert in weapons and the Soviet Union. There was general agreement that by moving forward with our ABM system, it would not have the kind of adverse impact the Senator is talking about. Multiplying our offensive missiles might be considered provocative, but an ABM, designed to help protect our second strike capability, cannot be interpreted by our adversaries as provocative.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, if the Senator will permit me to complete my remarks, that is not the burden of proof.

Can the Senator from Washington and those who espouse his point of view demonstrate not only that the Russians are not going to care if we deploy, but can they demonstrate materially and objectively that it will help us in negotiations? Otherwise, why place the new \$10 billion chip on the table?

Mr. JACKSON. In June 1968, we had a week's debate on the military construction bill which involved the question of the deployment of our ABM. Senators who oppose the ABM generally made the argument that if we went ahead with the ABM, the Russians would not talk with us. We had been trying for 18 months to get them to talk on the limitation and reduction of offensive and defensive nuclear weapons.

I took the position that the best way to get them to talk would be to go ahead with our ABM. We took the vote on a Monday and on Thursday Gromyko asked for talks. As I said at the time, I did not claim that Gromyko's statement was only the result of our ABM vote; but I did say that Gromyko's position refuted the arguments that had been made that if we voted for the ABM the Russians would refuse to talk.

Mr. JAVITS. The Senator has not answered my question.

Mr. JACKSON. Why have I not answered the Senator's question?

Mr. JAVITS. The Senator has not answered my question because I am not saying that in order to induce the Rus-

sians to talk you have to deploy the ABM. I say they have agreed to talk, that they are not going to be discouraged from talking because the ABM system is deployed; therefore, why deploy until you have an opportunity to see in the SALT negotiations if you do not have to do it at all?

Mr. JACKSON. Why change the ground rules? They must think we are made of mush over here. Gromyko asked that we go ahead. The Soviets asked for talks. They asked us to have those talks. I wonder what they must think of us. One year we authorize the ABM system and the next year—

Mr. JAVITS. They may think that we finally have gotten a lot of brains and do not have our feet fixed in concrete, that we are not playing positions but doing what is substantively correct.

The matter has been debated enough to bring out all the doubt on this matter. If it is not going to make or break the SALT discussions why move forward and deploy?

I have one other specific question. The Senator said something about leadtime items being the big disadvantage in delay of deployment. That is an important point. It goes to the time question. I notice in the committee report it is stated:

(3) Procurement of hardware in the amount of a total of \$600,000 for long lead time components of the Sprint and Spartan missiles.

Have we a right to assume that is about the order of magnitude in respect of long leadtime items.

Mr. JACKSON. The Senator is talking about hardware. We are talking about the entire family of components in the Safeguard ABM. It is a 5-year leadtime.

We don't have extra time on this one now. I wish to point out to the Senator that right now, with what the Soviets have under construction with the SS-9 (and other ICBM's) they have over 1,200 against our 1,054—1,000 Minuteman and 54 Titans. In addition, I point out that they have more megatonnage in their land-based missiles than we have.

Mr. JAVITS. Is the Senator contending the Russians have decisive superiority over us today in nuclear weaponry?

Mr. JACKSON. No, sir. I am talking about 1975. We have leadtime and we must take prudent steps.

Mr. JAVITS. Until 1975, we would be alive and able to move. The Senator speaks as if we would sit still, and we would not.

Mr. TOWER. What we are talking about is not what we can do versus what they can do now; but what that situation is likely to be in the mid-1970's.

Mr. JACKSON. The Senator is correct.

Mr. TOWER. If we should determine, for example, that the Soviets had not only a first strike policy, but had so deployed and aimed their ICBM's to carry out that first strike policy by going for our Minuteman missiles, I think we would be a little foolish to stand around here wondering if we should be developing the ABM. Because they had committed an additional provocation by aiming their missiles at our Minuteman

that would require a response on our part, and we would achieve some degree of safety in defending our retaliatory power.

Several Senators addressed the Chair.

Mr. JACKSON. I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, the Senator from New York raises a very basic question.

Are we arguing a maneuver in the negotiations with the Russians, or are we arguing the basic defense of the United States? I think we are arguing the basic defense of the United States.

Mr. JACKSON. The Senator is correct. I am a small-town boy, but I must admit that it does not make sense to me that the Russians will really talk seriously about dismantling or eliminating their ABM's when they have them, and we do not. I do not think we have to be sophisticated experts to know that. That is just plain horsensense. Every man in America endowed with commonsense would agree to that.

Mr. FULBRIGHT. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. First, I should like to inquire as to procedure. I have a number of classified documents which I thought Senators would be interested in, primarily from the written testimony taken by the committee with Mr. Helms. It has not been made public. Of course, Senators individually could see it, but have not the time, I am sure, to come down there.

I intended to be able to read part of it to Senators. I have some here particularly of Mr. Helm's specific observations about the Galosh system and I was wondering whether the Senator would allow me to do that now, or if he will yield, or yield the floor, and then I will do so on my own time.

Mr. JACKSON. I want to be as fair as possible. I should like to respond to questions and then I will yield the floor. I do not know that I would care to have the Senator get into a long detail about something right now. I should like to respond first to questions asked by Senators.

Mr. FULBRIGHT. If the Senator proposes to do that—

Mr. JACKSON. I am ready to yield the floor, except for questions.

Mr. FULBRIGHT. I would be willing to do this in the form of a question, if the Senator does not mind.

Mr. JACKSON. How long will the predicate be?

Mr. FULBRIGHT. It is rather long. I would rather do that on my own time. I should like to make available to Senators, not on either the Armed Services Committee or the Foreign Relations Committee, the specific statements made by the Director of the CIA. The Senator several times in this debate has stated "as of yesterday." He did not say, "as of yesterday" that "Mr. Helms told me XYZ." Am I correct in that impression?

Mr. JACKSON. The information I read, with reference to the Soviet Y class of submarine, and with reference to the number of SS-9's, came directly from his office—

Mr. FULBRIGHT. Just those two items?

Mr. JACKSON. From Carl Duckett.

Mr. FULBRIGHT. That is right.

Mr. JACKSON. Does the Senator know him?

Mr. FULBRIGHT. I do.

Mr. JACKSON. This is specific.

Mr. FULBRIGHT. Let me give the Senator one example, an example of what I had in mind about the Galosh system. It will take only a minute or two. I am sure this is what Senators are interested in at the moment concerning the Russian ABM. This is an interjectory that the committee—

Mr. JACKSON. How long will it run?

Mr. FULBRIGHT. This particular statement is about a minute.

Mr. JACKSON. OK.

Mr. FULBRIGHT. But of course I have a number of others which I think are equally pertinent. They were written in order to be specific. I also have the hearings here. They are classified. Mr. Helms appeared before the committee and was very cooperative and responsive. But this is a short one on the Galosh system:

#### SOVIET ABM PROGRAM

1. When was development of the Galosh system begun? When was deployment begun?

Research and development on the large radars now associated with the Galosh system began in the late 1950s. Construction of the large ABM radars began at field sites in late 1962. Construction of launchers for flight testing the Galosh missile began in 1961 at the Sary Shagan test range. Construction of Galosh launch sites around Moscow began in late 1962.

2. How many missile launchers did the Galosh system contemplate originally? How many missile launchers have been deployed?

The original deployment of the Galosh system was to consist of [deleted] launchers at [deleted] locations around Moscow. This deployment has now been cut back to [deleted] launchers at [deleted] locations. Some [deleted] launchers are now believed to be operational.

3. Why has there been a slowdown over the past year?

We believe that the Soviets cut back the deployment around Moscow mainly because they recognized that their present system cannot cope adequately with existing or proposed US strategic attack systems. The Soviets apparently are trying to improve the Moscow system, however, and the logical first step in any future ABM deployment would be to augment the defenses of Moscow.

Notice he says "defenses of Moscow." He never says "of my missile site."

4. What US weapons system does the Galosh system most closely resemble?

The Nike Zeus.

5. Do you still believe that the Tallinn system is designed against aircraft and air breathing cruise missiles only?

It is unlikely that the Tallinn system now has an ABM capability, and we doubt that the system will be modified for an ABM role.

6. What kind of sophisticated simulated ABM defense systems have the Soviets set up?

We are unaware of any sophisticated ABM system which the Soviets may be simulating for purposes of defining design goals for further research and development.

That is only one example of specific answers of the CIA. I have a number of others on other subjects.

Mr. JACKSON. Then what is the Senator's specific question?



Mr. FULBRIGHT. Well, I was asking, the Senator does not dispute that as being CIA's—

Mr. JACKSON. No, but suppose the Senator explains what else is going on. I pointed out to the Senator earlier that the information shows the (deleted) launchers, with some (deleted) operational, and that the Soviets are undertaking extensive research and development (deleted).

Mr. FULBRIGHT. This is all in here. There is no mystery about that. But they themselves are doing research and development which we are proposing we do. But they are not deploying, which the Senator is wanting us to do.

Mr. JACKSON. Indeed, the Soviets have been deploying and they are learning a lot and they are getting research and development advantages through operational undertakings in missile defense. We have had no such deployment, operational experience.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield right there?

Mr. FULBRIGHT. They are not using sites around Moscow for experimental research. They are doing their research at their center in Siberia which is similar to Kwajalein. That is where they are doing research. Certainly there is no evidence that they are using the sites around Moscow for research purposes.

Mr. JACKSON. I am not going to yield any further. I will point out—

Mr. FULBRIGHT. I wonder whether the Senator—

Mr. JACKSON. That their research and development draws on the knowledge they get from deployment of the radars and the operation of the computers and the launchers around Moscow. This is all part of research and development.

Mr. FULBRIGHT. I wonder whether the Senator would yield to me to ask a question on another subject.

Mr. JACKSON. I yield.

Mr. FULBRIGHT. He stated a moment ago in very dramatic terms about the dangerous times we are living in.

Mr. JACKSON. What?

Mr. FULBRIGHT. The Senator a moment ago stated in very dramatic terms about what dangerous times we are living in. He cited troops along the Sino-Soviet border, and the difficulties in the Middle East which have been accumulating for a long time. This is certainly nothing new in the Middle East. There is also the trouble in Honduras and El Salvador—in fact, troubles all over the world. Right at this moment Columbia University and the University of California are quiet, I hear, but does the Senator mean to leave an impression to frighten us. How does the Senator evaluate Gromyko's speech last week? Does not the Senator give credence to the idea that the Russians are interested and now want to negotiate. I thought the Senator's comments were not very conciliatory with respect to the directors of the Russian Government last week when he referred to some of them as "butchers" I believe—"bloody butchers" it was, or something to that effect.

Mr. JACKSON. I did not use the term "bloody butchers."

Mr. FULBRIGHT. What was the term?

Mr. JACKSON. My statements are in the CONGRESSIONAL RECORD.

Mr. FULBRIGHT. That is right.

Mr. JACKSON. I am amazed that the Senator would think that we should not discuss the nature of our adversary.

Let me respond to his question on Gromyko, and then I want to yield to the Senator from Michigan and then I shall conclude.

The Senator brought up Mr. Gromyko. I do not know what is on Mr. Gromyko's mind. I can point out what he did to the late President John F. Kennedy in his office. He walked into his office on that fateful day in October 1962 and told the President of the United States that the Soviets did not have any missiles in Cuba. But that very morning Mr. John McCone had brought in pictures to President Kennedy showing exactly where the Russian missiles were located in Cuba.

I do not know how to take Mr. Gromyko, except I am going to be pretty tough and pretty prudent, and not rely on just what he says. I just hope the Kremlin is serious about these arms control talks, but I also have in mind the perfidious nature of many of its policies.

Mr. FULBRIGHT. I think the Senator from Washington has demonstrated that he has not the slightest idea that there is any possibility of agreement with the Russians. There is nothing I have heard the Senator say which indicates that he believes it is possible to make any kind of agreement with the Russians. He has demonstrated that, and if that is to be the procedure—

Mr. ALLOTT. Mr. President, I call for the regular order.

Mr. JACKSON. I supported the limited nuclear test ban treaty, but I am not going to enter into a treaty with the Russians based only on words and pious assurances. I want to be sure that such a treaty is verifiable—that it can be monitored. If we have an agreement with the Russians under which we do not know where we are, it will destabilize rather than stabilize the world situation. If we can get a rascal-proof treaty on arms control that can be monitored and verified, I will support it. I have supported the series of treaties, including the nuclear nonproliferation treaty, but I am not going to be so naive as to believe that what the Soviets say verbally can be relied on to the degree that we can count on our allies in the Western World.

I yield to the Senator from Michigan.

Mr. HART. Mr. President, I know the Senator has been on his feet a long time. Mine is not a question that has to be asked in secret session, yet, because it has to be dressed up in 17 different kinds of laudatory comments on both sides—

Mr. JACKSON. Why do we not mutually agree that we love everybody?

Mr. HART. Fine, and with the understanding that it is in the family.

Let us turn our minds back to about a year ago. We sat here, and some of us said we were not ready to deploy the Sentinel system. The Senator from Washington (Mr. JACKSON) said we were ready to deploy it and that this system would save 20 million or 30 million lives.

It was not perfect, but he thought we should deploy it. We were defeated in our effort to stop it.

All of us now understand that the Sentinel system would not work in that fashion. The Senator from Washington today said it is well nigh impossible to defend those cities—

Mr. JACKSON. I made my comments in the context of a massive missile attack.

Mr. HART. The RECORD will speak.

In any event, we have abandoned the proposal of a year ago that we save those 20 or 30 million lives. Let us be sure the representations and assurances we get this year with respect to the readiness to deploy this Safeguard system this year is 100 percent better than it was last year, because last year they were wrong.

Mr. JACKSON. I can respond to that.

Mr. HART. I know that is a blunt way to put it.

Mr. JACKSON. Let me respond. I think that is the only question the Senator has. Last year we were talking about the threat of the Chinese Communists with missiles in the 1970's. I pointed out at that time—and it still pertains to what we can do—that with 50 to 70 missiles incoming, we could not stop all of them, but we would stop the bulk of them, and we would save  $x$  million lives—

Mr. HART. Twenty to 30 million.

Mr. JACKSON. Whatever the figures are. Those figures still stand, in that kind of environment. The truth is that as we deploy the Spartan, we provide some population protection, because it is an area defense system.

What has happened since that time? I want to emphasize that I did not buy the idea last year—and the RECORD will so disclose—that our ABM system was oriented chiefly to providing population defense. Rather, I pointed out its capability to deal with the threat to the Minuteman. But, at the same time, that ABM system design was based on intelligence estimates at that time that the Chinese would have intercontinental ballistic missiles in the numbers of 50 to 70 in the mid-1970's. We were dealing with that timetable. Also, the information was given us that the Soviets would be expected to level off with their SS-9's at the maximum of 250.

Since that time both situations have changed. The Chinese are behind in their ICBM development, probably due to their cultural revolution and possibly other problems. They have not deployed even an IRBM, let alone an ICBM. What has developed is a new Soviet threat to our deterrent force and our second-strike retaliatory system, that we are talking about here today. But it would be wrong to say the ABM does not provide some population protection. Because of the way it will be deployed, it will have that necessary result. I did want to emphasize that there is a logical reason for the reorientation.

Mr. STENNIS. Mr. President, will the Senator yield to me for just one question?

Mr. JACKSON. I yield.

Mr. STENNIS. The Senator has made a fine statement, showing a tremendous knowledge and full analysis of this matter. When we talk about the cities and

missile sites, is the Senator not fully convinced that the aiming, to use an ordinary term, of the SS-9's are on a bee-line with our missile bases, to the exclusion of the cities, one might say? Is the Senator convinced of that?

Mr. JACKSON. Yes; I am convinced of that, based on the information made available. We find the orientation of the Soviet SS-9's—the way they have been oriented—gives us every reason to believe that they are—shall we use the term—not just aiming, but zeroing in on our Minuteman sites.

Mr. STENNIS. So what was once an inference is almost now a certainty?

Mr. JACKSON. The Senator is correct, based on the information I have received.

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

Mr. JACKSON. I yield.

Mr. TOWER. Of course, this indicates—

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. JACKSON. Mr. President, I yielded to the Senator from Texas. I am ready to yield the floor. I have had the floor for some time now.

Mr. FULBRIGHT. Mr. President, I was going to take a very brief period. I understand we are going to have another session. I was going to take only 10 or 15 minutes.

Mr. JACKSON. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, if this is the plain inference and it appears that they are zeroed in on our missile sites, does it not mean that the Soviets have a first-strike policy that they intend to launch the first blow? Therefore, we have to have some defense to retaliate. Certainly, their ABM is going to be deployed to defend the cities. Again, this is a first-strike policy. One tries to knock out his opponent first. If he does not succeed, he has to have defenses against his cities, because the enemy is going to retaliate against his cities. This should be obvious.

Mr. JACKSON. I am convinced that the Soviets are building toward a first-strike capability. I do not know what their intentions will be with respect to the use of that capability. But if I am a prudent Senator, I have to ask what they can do with that sort of capability. I can only say they are building toward a capability, and whether they intend to use it, I do not know. But I know what prudence tells me to do. I want the United States to be in a position to deal with Soviet capability, and Soviet actions point toward the building of a first-strike capability. They do not have a first-strike force now.

Mr. TOWER. Therefore, the only way we can provide a credible deterrent to that first strike would be to convince them that there would always be enough missiles left over to retaliate.

Mr. JACKSON. This is the prudent thing to do.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. JACKSON. I yield for a question to the Senator from Arizona.

Several Senators addressed the Chair.

Mr. GOLDWATER. The Senator has yielded to me for a question.

Mr. SYMINGTON. I thought the Senator yielded to me.

Mr. JACKSON. I yield first to the Senator from Missouri; then I shall yield to the Senator from Arizona.

Mr. SYMINGTON. Mr. President, I have done my best, over a period of weeks, to obtain as much information as possible in the shortest possible time. Because the combined committees I am on—Armed Services and Foreign Relations—as mentioned before, upon being thoroughly briefed on this ABM, had a combined vote of 17 to 14 against going ahead with the deployment of this system, it occurred to me we should have a closed session to develop the facts to the entire Senate.

I have the greatest respect for those who have spoken for the system, but do not believe in the accuracy of some of the information presented here today.

Mr. President, I am somewhat over a barrel, because, although a member of the Armed Services Committee, the Military Appropriations Subcommittee of the Appropriations Committee, the CIA Subcommittee, and the Committee on Foreign Relations, and have tried to do my homework, much information has been given here this afternoon of which I am ignorant.

One reason no doubt is that apparently some information was received only yesterday. One Senator, according to the ticker, received new information only this morning. Again, I go back to my oil well promotion dinner analogy, a new well every course.

Therefore, I believe it best to take all this information, put our staffs to work, digest it, and then answer what I think are some very important inaccuracies presented today.

I thank the able Senator from Washington for yielding to me.

Then we can again discuss it. One favorable aspect of this debate is that, this time, many Senators will decide how much we appropriate for national security, with close to \$80 billion of the already overburdened taxpayers' money involved.

Mr. JACKSON. Mr. President, let me just observe there is nothing mysterious about the intelligence information that I got. All of us tried to work hard on this. I will say that I asked the Central Intelligence Agency, as of yesterday, "I want all the latest information, right up to date, on Soviet capabilities."

I got it. I do not think there is any secret about it. I do not know; is there a Senator on this floor who asked for information yesterday, who did not get this information, or was denied the information? I do this quite regularly.

I just wish to say that this is the first time we have disagreed on a weapons system. We may get a little heated here; we are in closed session. I have nothing but the greatest admiration and respect for him, and I am just sorry we disagree. But I have tried to do, as I think every other Senator has done, what I think is best for the country.

I just want to point out, lest any other Senator have any suspicious ideas, that there is not a bolt or a nut of the ABM system made in the State of Wash-

ington. I have been arguing against Minuteman, and I think Senators know who makes Minuteman.

I will say, for the Senator from Missouri, that he is in an even more difficult situation, because one of the major components for the ABM system is made by one of the largest defense contractors in his State. I say this to show him how objective he has been.

But I wish to conclude by saying I have not walked onto this floor to pretend to any special knowledge relating to intelligence information. The information I got was what I requested as of yesterday. I will say that the reason I asked for it was that I have had a hunch right along as to the direction of the Soviet effort, and I wanted to find out whether they were constructing 232 SS-9's, or whether they had gone beyond that. So I asked for that information.

I was also suspicious as to the direction they are moving with the Polaris-type submarines, because I have worked with Admiral Rickover for over 20 years. I must say that that man, as much as one might disagree with him on some issues, has been uncannily correct in his estimates of the Soviet Union. Perhaps he has a way of knowing; he was born in Russia.

So I simply wish to say to my friend, the information I received in this regard is available to every Senator. I did not try to pull any surprises, and did not get any information not available to any other Senator.

Mr. SYMINGTON. Mr. President, the Senator knows of my deep respect and affection for him. I may be wrong, but I do not believe I have a better friend in the Senate. It is always a privilege to listen to him; he is articulate, intelligent, and sympathetic to one's problems. He is a great Senator and a great American, and the Sentinel system of last year and the Safeguard now is our first disagreement in 17 years.

I do believe, and so told him yesterday while we were talking informally, that one aspect which is beginning to separate us some on the military budget is the financial problem. When he and I first came together on it, this country had some \$24.6 billion in gold, and owed \$7 billion abroad. Now we have \$10.8 billion in gold, and owe \$35 billion abroad in current liabilities redeemable in our gold. I am more apprehensive about current credit and currency problems, perhaps, than he. But together, we have worked for and voted for, since the end of World War II, \$953 billion for military defense. The question, as I see it, is fairly simple: Is there anyway or anywhere we can cut this strangling budget? If there is not, in my judgment, this Nation is going bankrupt one way or the other.

Second, if we can reduce, where is the best place to cut at minimum cost to our security?

I noticed on the ticker that one Senator—and I am not talking about the Senator from Washington—says he has just received new information about submarines and greatly increased Russian strength.

I say again, there is no one on this



floor more apprehensive about the plans and ambitions of the Soviet Union than I. I do not believe any nation has real and certain long-term friends. Who would have thought, a quarter of a century ago, shortly after I came into Government, that today probably the best friends the United States has in the world, aside from Britain, would be Germany and Japan? And who could have guessed that our two worst potential enemies would be Russia and China; and we have had grave difficulties with the French.

I think a country primarily has interests as against friends or enemies. And, based on the future of the United States and the future of the children we want to have the same opportunities we have had, I would hope that ultimately we could make some form of meaningful arms control deal with the Soviets; because the Soviets are people having many of the problems in their own bloc and their own parts of the world as are we; and I think it would be wise for the future of the United States to if possible make some meaningful arrangement with them.

One other point: We have jumped this defense budget, as I mentioned, from about \$10 billion shortly after World War II—and I think the dollar has decreased in value about half during that time—some eight times, to some \$80 billion. So now I am convinced that to avoid economic tragedy something has to give somewhere. It occurred to me suddenly, when they started coming around last March a year ago to tell us we had to spend new billions in worry about protecting our children against the Red Chinese, but not to worry too much about the Soviet Union, that I had had it.

I said then I would not go for any of that. In my opinion even though it was the previous administration that Chinese business was strictly a political decision and not a military decision.

Inasmuch as I felt that way, and inasmuch as the people without any entangling alliances I respect most in the scientific fraternity say this system is better in theory—the defending of hard missile sites—but the wrong design to defend such sites, I cannot be for its deployment now.

In any case, what we should do is to study the record. We have had a fine presentation on the part of the proponents of the system.

Let us study the record and let us have another session before we have a vote, so that those of us who do not agree with statements made on the floor this afternoon can analyze them and present our opinions in rebuttal to the entire Senate.

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

Mr. SYMINGTON. I yield.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is to be understood perfectly that this record is not to be gone into by any attachés or any administrative assistants.

The record is to be gone into only by Senators. If the laws are violated, a Senator is subject to expulsion.

If an attaché gets in there somewhere,

he is subject not only to expulsion, but punishment in the courts as well.

No attachés, but only Senators, can study the record.

Mr. JACKSON. Mr. President, I yield briefly to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I thank the Senator. I will be brief. I am not a member of the Armed Services Committee or the Foreign Relations Committee. I am like most of the other Senators who are members of other committees.

I have been in the Senate a good long time. I know that we are talking about an authorization bill and not an appropriation bill—nor the spending of the money after the appropriation is made, but an authorization merely.

And we are doing it just before what is probably the most important conference that our President will ever enter into is about to begin, and that conference is on the question of the control of armaments.

Insofar as I am concerned, I have a good, long memory. I remember what the Russians did to keep their promises about our having access to Berlin.

I remember what the Russians did about their promises about nuclear explosions in outer space.

I remember what Gromyko said to our late beloved President John F. Kennedy at the time of the Cuban missile crisis.

For us to take a position of refusing an authorization in an important matter which affects this most critical confrontation between our President and the Russians—a position which would leave him in the situation of not being able to say that his Congress stands back of him—and for me to cast a vote of that kind, I am not about to do it.

I am certainly going to vote for this particular authorization project, in its beginning stage just now procedurally, so that the President will not find the ground cut out from under him as he enters into this important confrontation with the Russians.

I thank the Senator for yielding.

Mr. JACKSON. Mr. President, I yield 1 minute to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. HANSEN. Mr. President, the senior Senator from Washington has made a very fine contribution here this afternoon. I am not a technician or a scientist. But what the Senator has said makes good sense to me.

It seems to me that he has clarified what the Russian intention is. I know that there is a great debate going on as to whether this is the perfect system.

My distinguished colleague, the Senator from Illinois, pointed out the difficulty with the M-16 rifles and NORAD.

I ask my distinguished colleague, the Senator from Illinois, who won World War II?

I join the distinguished Senator from Washington in the belief that we should take all the steps we can take now on the basis of our best judgment to protect the security of our country.

Mr. JACKSON. Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, just for the information of Senators, I propose to read a few excerpts from the classified hearings before my committee. Primarily about 90 percent of it is expressions of statements by the CIA Director, Mr. Helms.

The reason why I do it is that a number of Senators are not members of the committee. It would be more troublesome to go to the room and read it there. However, the record will be available to read there if Senators desire.

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

Mr. FULBRIGHT. I yield.

Mr. STEVENS. The Senator mentioned the bits of classified testimony before the two committees. Are they available to us at any time?

Mr. FULBRIGHT. They are available only to those Senators who go to the room and personally read them. They are not available to assistants. Senators cannot send for the records.

That is why I said it would be more convenient to have it read now. If a Senator personally goes to the director of our staff and asks for it, he will make them available to the Senator personally. However, the Senator cannot take them out of the room. He can read them there. That is a rule of the committee for preserving the classification of this kind of document.

That is the reason that I presume to take the time of the Senate to read some of them.

These are fairly recent, although they were not as of yesterday.

The one item the Senator mentioned on the SS-9's is something on which we had the same figure as that given by the Senator from Washington. We had it 2 weeks ago.

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

Mr. FULBRIGHT. I will yield in a moment.

The Senator called attention to the fact that this is the first time the Senate has ever discussed the weapons system. I think he is quite correct. For that reason, I congratulate the Senator from Tennessee and the Senator from Missouri for precipitating it.

I think one of the great problems that has arisen in recent years has been the proliferation of weapons systems in the Pentagon which have proved to be ineffectual. This has been written up at length. I think, as one Senator that the Senate has neglected to inquire into these matters in the past and that if we had engaged in a discussion in the past such as we have had recently, and done so more often, it might have saved the country \$10 billion or \$20 billion. Whatever the outcome, I think it is a very worthwhile operation.

I think it is one that the Senate ought to engage in every year. I refer to subjecting the Pentagon requests for money to scrutiny.

I have never seen it before. I have been here in Congress for 27 years. I have been in the Senate for 25 years.

Many times appropriation bills, re-

quests, and authorizations for amounts of from \$10 billion to \$50 billion have been submitted to the Senate, and a very perfunctory statement has been made about them. There has been literally no debate, but only a few congratulatory statements about what a fine job had been done. Usually the votes on some bills in the past have been unanimous. Perhaps two or three people voted against them. We used to have one maverick who used to vote against them as a matter of principle.

I do not believe that I ever voted against one in my life. I rarely read one. I rarely tried to cut one. It was utterly unthinkable that one would succeed.

Whatever else might have happened, under the leadership of the Senator from Tennessee and the Senator from Missouri, I think that the Senate has made great progress in undertaking to discuss a problem which is a very important one.

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

Mr. FULBRIGHT. I yield first to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I do not know whether we will have another closed session tomorrow. Because of the death of a relative, I cannot be present tomorrow.

Mr. FULBRIGHT. The Senator from Missouri said not. He said he would ask for one later. There will be an open session tomorrow.

Mr. GORE. I rise to point out that with reference to the so-called overnight information about the number of SS-9's, if one comes to the chairman's desk, he will see that Mr. Helms gave us this testimony on June 23. Let me make sure of the date. Yes, it was in June.

Mr. FULBRIGHT. June 23.

Mr. GORE. June 23.

I want to advert to one other thing. I was really astounded to hear the junior Senator from Washington and the Senator from Texas refer to the Russians' intention of going for a first-strike capability. It seemed to impress the able junior Senator from Wyoming, because he said that now the Senator from Washington has clarified the Soviet intentions.

Well, Mr. President, Secretary Laird based his whole case, in his first testimony, on an assertion, to quote him, that the Soviets are going for a first-strike capability; there is no question about that. Well, we found there was a great deal of question about it; and if Senators will come to the desk and read, they will find that the National Intelligence Board did not support that conclusion and the CIA does not support that conclusion. The committee heard no such estimate of the Russians' intentions from anyone else.

Therefore, it comes somewhat as a surprise that it is asserted on the floor of the Senate, after Secretary Laird backed away from that. We spent a whole day examining this question. He backed completely away from that justification of ABM.

Mr. FULBRIGHT. I would say that is

correct. The Senator from Tennessee developed it, and it is in the record.

What Secretary Laird finally came to, it seemed to me, was that the SS-9 itself was the kind of weapon that could be used to destroy other weapons and in that sense perform part of the function of a first strike weapon. But he did not mean they were going for a first strike capability. I think that is a fair interpretation of what he said.

I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding.

Mr. President, I should like to comment briefly upon the inferences about information that might be available to some and not to others. I get my information by digging hard and getting into those estimates and comparing and trying to find what I want, and getting the assistance of people who write it up. It is a long, hard chore.

Mr. FULBRIGHT. It is.

Mr. STENNIS. I do not have an advantage over any other Senator, even though I am chairman of the committee.

I say to the Senator from Arkansas that many appropriation and authorization bills for the military have come to the floor of the Senate which already had quite large reductions. I recall that one year over \$1 billion was taken out of an appropriation bill.

Mr. FULBRIGHT. On the floor?

Mr. STENNIS. No, by the committee.

Mr. FULBRIGHT. I was talking about on the floor.

Mr. STENNIS. A good deal has been said about just nodding one's head and giving the Pentagon what they wanted. But that is over a period of years.

The bill to which I referred was a big bill, handled by the Senator from Georgia. I handled the military construction.

I have just decided that I should bring this up about reductions. For approximately 10 years, and every year except one, we showed reductions of from 5 to 10, 15, 20, and 22 percent. I am satisfied that we did not hurt the bone and muscle. But my point is that we went over everything.

A few years ago, I handled the appropriation bill for the Department of Defense and complained on the floor of the Senate because not enough money was in it. I knew that not enough money was in it, because a war was going on. They had not asked for enough. I said so here, and I asked them to send in some real estimates so that we could be more realistic. They did not send them in, and in January we had a deficit of \$12.6 billion because of the war.

That is a kind of two-way street and a two-sided matter. My point is that the committees have tried to cope with these things.

Mr. FULBRIGHT. I think the Senator, in all fairness, misunderstood what I said. I certainly did not say the committee had never dealt with these. I was talking about on the floor of the Senate. It is the first time we have had a debate on a missile system.

I think the record will show that is what I said. I was not criticizing the Senator from Mississippi, and every word he has said is true. I do say that on the

floor of the Senate I cannot recall a serious debate about a military appropriation or authorization, and I do not recall any serious cuts ever having been proposed and put into effect on the floor of the Senate.

I am not on the committee, and obviously I was not talking about the Senator's committee.

Mr. STENNIS. I welcome debate.

Mr. FULBRIGHT. I certainly did not mean to criticize the Senator from Mississippi and his committee. I was talking about my own function as a Senator and not a member of the Senator's committee.

I have never really seriously debated nor considered nor had anything to do with a matter similar to the one we are debating today. I think the Senator will agree with that, and I do not think he can recall any comparable debate on any item in an authorization or appropriation bill for the Military Establishment.

Mr. President, I should like to read a few relatively short excerpts from some of these hearings. I have tried to pick out some of them that are pertinent to the debate.

I point out that the record I hold in my hand was taken on June 23, which was not very long ago, with Director Helms and Mr. Laird. It contains 235 pages, so obviously I cannot read it all.

On the matter of the SS-9, which has occupied so much time here today, I am not sure it is all that important, but I do this just for the record. I will make a few citations. On page 62, I read a quotation from the testimony of Mr. Helms, and I shall only read those areas which I think are especially pertinent:

(Deleted.)

This is what I meant—what the Senator from Tennessee mentioned a moment ago.

(Deleted.)

I submit that these are exactly the same figures the Senator from Washington gave, and they are not new in the sense that they discovered it yesterday, because this was said on June 23.

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

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. I think that what the Senator from Washington said—and I thought the inference was plain—was that when the Safeguard system was decided upon, it was done on the basis that the intelligence in 1967 and 1968 as to the number of Soviet ICM's estimate had shown less than the (deleted) in place or under construction as of the first of the year, when the new administration came in. They found out that instead of leveling off at 250, which had been expected, it had gone up to (deleted), which indicated that the Soviets were going to go forward with their production instead of leveling off as had been originally estimated last November.

Mr. FULBRIGHT. The only difference between June 23 and the previous meeting with Mr. Helms, which was—it was (deleted). That was in the previous meeting. In the interrogatory of May 7, he had, in 1969, one (deleted) known to have been started so far.

Since that time he added these (deleted) new groups, which I just read.



Mr. DOMINICK. (Deleted) new groups?

Mr. FULBRIGHT. Yes. I am just trying to straighten this out. This is not my opinion. I am only trying to put this in the record.

Mr. DOMINICK. I understand.

Mr. FULBRIGHT. On page 65 of this same record Mr. Helms, talking about MIRV or MRV, said:

The intelligence community—

This is the community because the CIA is the chairman of that community—

(Deleted.)

This is what surprised me:

(Deleted.)

In other words what he said is that if they put three in it, it will not be as reliable as with one. The implication is clear. There is nothing to fear from having three instead of one.

(Deleted.)

He is saying that the Pentagon says it is deliberate and the community does not. That is one of the differences that occurred. Much was said in the press about the differences without specifying what it was.

Then, on page 102, this has to do with the PAR radar. There has been some apparent difference also on some of these other reports. This is Mr. Laird and this is the meeting when Mr. Laird and Mr. Helms appeared before the committee. I am reading from page 102 of the same record:

Secretary LAIRD. MSR, is in place and has been constructed at Kwajalein. A PAR radar has never been constructed at any site, but the components have all been tested, and I am confident it will work.

Secretary Laird testified on page 103:

We have not built the computer. The computer is within the state of the art, however.

Then, on page 201 the following appears. I am not reading all of these because of the time. I might use them later if we get into another session when there is more time, but the hour is late. This is on page 202 and this was when we were discussing the question of the finding with regard to Soviet capability for a first strike. Secretary Laird said:

The answer is it has not been considered.

The CHAIRMAN. The answer is, no, they have made no such findings.

Senator GORE. All right.

Has the National Intelligence Board made a finding that the Soviets are going for a first strike capability with any other meaning of that term in mind?

Mr. HELMS. (Deleted.)

The only reason I cite that is on the specific question that the Defense Intelligence Agency and the intelligence community never made a finding that they are going for first strike capability.

Mr. DOMINICK. Is the Senator distinguishing between capability and intent?

Mr. FULBRIGHT. They made no finding of intent and they made no finding they are going for capability.

Mr. DOMINICK. There is a distinction?

Mr. FULBRIGHT. There are a great

many pages on that. The Senator from Tennessee (Mr. GORE) examined Mr. Laird for an hour or longer on this point. I am trying to give the Senator the final answer. If the Senator wishes to pursue it, he may. The point about what is meant by capability and intent is developed at length.

Secretary Laird, at page 203, said:

The Defense Intelligence Agency—

He is talking about the Defense Intelligence Agency. That is distinct from the Defense Intelligence Board, of which Mr. Helms is chairman. I continue to read:

Secretary LAIRD. The Defense Intelligence Agency, and I want to choose my words very carefully, their experts do believe that (deleted) is used on the SS-9 has the capability (deleted).

There is this difference of attitude. That happens in the question of the SS-9 and also on capability. There are some other matters at page 229 of the record. This deals with the SS-9.

Secretary LAIRD. Well, the present number of sites under construction and in being of SS-9's goes above the high estimate as far as 1971; isn't that about it?

Mr. HELMS. (Deleted.)

The CHAIRMAN. Is that the only significant difference?

Secretary LAIRD. That is the only significant difference.

The CHAIRMAN. It is upon that basis that your feeling is so strong?

Secretary LAIRD. It did not taper off. It has continued.

There is one other disagreement that may exist between DIA and the CIA, but this did not exist at the time the Intelligence estimate was drawn up, and that is an item that has to do with the guidance system used in the SS-9 and, Chairman Fulbright, I want to make it very clear that I have not been drawn into that disagreement because as far as the discussion for the ABM is concerned it does not make a substantial difference as far as that argument is concerned because of the pattern, the so-called footprint, of the 3 reentry vehicles that we have seen tested in the Pacific.

This is what I was looking for. It appears on page 232. I was not sure of the page. This goes back to first strike capability.

The CHAIRMAN. First strike capability means only a weapon which can get a hardened target?

Secretary LAIRD. It is a weapon that has the capability of going after hardened targets. Now, that does not mean to say that it does not have a second strike capability, too.

My own view is that that could be said of our own Minuteman. It has capability and it could be used either way if it were accurate enough.

On April 23, Mr. Helms appeared at a meeting. I will not read all of it. I think it would be interesting if I were to refer to pages 21 and 22.

This is, I believe, page 21—Senator SYMINGTON talking:

In fact, one hit on the MSR at (deleted) psi is worth a lot more than a hit on the Minuteman because if you hit the radar you knock out a lot of the Minuteman. Is there anything wrong with that extrapolation that you know of?

Mr. HELMS. (Deleted.)

Mr. President, I think that is really uncontested.

Now this is Mr. Duckett, the man re-

ferred to a moment ago from the CIA by the Senator from Washington. It is on page 64 of the executive hearings of April 23—Mr. Duckett is speaking now for the CIA:

We are convinced that they are what I like to describe as at least one generation of computers behind that of the United States.

That is to say, if you look at our computers, theirs are like ours were the last time around before our most modern machines.

Senator GORE. In number of years what would that be?

Mr. DUCKETT. That would be on the order of 3 to 5 years, Senator GORE, and so if one is going to make a comparative statement, I think that is the kind of difference we see.

Pertinent to this is the discussion of how far along the Russians are and whether they are in a position to move immediately. The conclusion is that they are 3 to 5 years behind us in computer development.

There were other places in the hearings where a number of people responded to questions about computers, especially Software for computers. We received letters from people in the business stating that they believed this was the most difficult of all the components of an ABM system.

On page 74, this is on the Soviet view of balance. This is Mr. Helms talking:

SOVIET VIEW OF THE BALANCE

(Deleted.)

Now I skip over to page 75:

Mr. HELMS. (Deleted.)

Senator GORE. Well now, doesn't that relate itself to whether or not they are seeking to achieve a so-called first strike capability? What is your view of that—not your view, but what is the intelligence estimate of that?

Mr. HELMS. (Deleted.)

On page 77:

Senator GORE. I gather from what you have said that you have some question in your mind as to whether or not the Soviets are aiming for a first strike capability.

Mr. HELMS. (Deleted.)

Senator GORE. Well, you used the pronoun "I". Is it the intelligence estimate that there is uncertainty as to whether they are aiming at a first strike capability?

Mr. HELMS. (Deleted.)

Senator GORE.

Mr. HELMS. (Deleted.)

Mr. President, for my own benefit I say this, that the testimony we heard from Mr. Helms convinced me he was a competent man who was not swayed by any outside influence, that he was giving us the nearest to an honest and accurate assessment of all the combined forces of the intelligence community. He has given the committees, either this committee or the special committee chaired by the Senator from Georgia (Mr. RUSSELL), the best available information. That is what inspired in us confidence and trust in the integrity, honesty, and good judgment of Mr. Helms.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. All I want to say is that I concur fully with what the Senator has had to say about Mr. Helms, who has brought respectability and integrity to the CIA and who has given it the kind

of standing which it lacked prior to the time he took over.

I must say, like all those who have come in contact with him, I have been tremendously impressed. I think he is by far the best Director the CIA has ever had. Because of Mr. Helms, that agency's integrity and standing have increased considerably, at least in the congressional community.

Mr. FULBRIGHT. I appreciate the Senator's comments.

Mr. President, let me read one other excerpt. This matter was pursued at great length. It shocked me a little bit to hear the Senator from Washington say that he believed the Soviets are going for a first-strike capability. There is a good deal in here about it. It is on page 79:

Senator GORE. Then, to bring you right to the point, you could not say that they are aiming for a first strike capability, no question about it?

Mr. HELMS. (Deleted.)

Senator GORE. Thank you. Go ahead.

Senator FULBRIGHT. Could I pursue this a bit, Mr. Chairman, to try to be as precise as I can. First, what does the national community, intelligence community, consist of, who is represented?

Mr. HELMS. (Deleted.)

That is the one for which he was speaking. For the record, those are the voting members.

I asked:

Has this board ever found that the Russians, that Russia has ever gone for a first strike?

Mr. Helms said:

(Deleted.)

Senator FULBRIGHT: You did not find that they are, so that the Community has not found either then—

That is, last fall—

or at any one of those weekly meetings, since, have they?

Mr. HELMS. (Deleted.)

A meeting is held every week. The board meets every week. They also make an annual estimate in the fall. It has been said on occasion that all the figures that some of us have been using go back to the annual meeting of last fall. That is not quite so, because the board meets every week. That is why I put it that way—not only then, referring to the annual estimate, but also at any one of the weekly meetings. That is what he said.

I invite Senators to read the whole discussion. I know I have not the time to read it all.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Is it not true that any Senator may, within the confines of the Committee on Foreign Relations room, read this record in full?

Mr. FULBRIGHT. I explained that procedure before. The Senator from Alaska (Mr. STEVENS) inquired about it. I said that under the restrictions, Senators may not take the record out or have their clerks or assistants read it. A Senator must read it himself. He can come to the committee room and read it himself. If he is interested, he can come to the committee room and read it.

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

Mr. FULBRIGHT. I yield.

Mr. MUNDT. I wish to associate myself with the expressions of the Senator from Arkansas and the Senator from Montana in showing my high regard for Mr. Helms. He is an excellent Director of the CIA. He is candid and forthright. I admire the fact that he always refuses to inject his personal speculation into any answer.

I think probably, in fairness to Mr. Helms, in view of the questions and answers discussed here it should be pointed out that at no place in his testimony did he say, either, that the CIA had found that the Russians were not aiming at a first-strike capability. I forget whether it was in that particular hearing or at other meetings, we had the very same kind of answer. When we ask, "Have you made any finding that they are going for a first-strike capability?" he says, (deleted). However, when we ask, "Have you made a finding that they are not going for a first-strike capability?" he says, (deleted) also.

Mr. FULBRIGHT. That is right.

Mr. MUNDT. He stresses throughout his testimony, both here and elsewhere—and that is good—that there is a difference between capability and intentions. He says the CIA is set up pretty well to determine capability. It can make pretty good estimates as to what capabilities are. But he also resorts to the answer—which we all know is correct—that nobody can read the minds of the Russians. Nobody can read our minds, either. Intentions are not something that can be gathered very accurately by intelligence.

Mr. FULBRIGHT. Let me point out that in the statements made that the Russians have an ABM system protecting their country the clear implication is that it is an effective one. Otherwise they would not put out full-page ads or speeches saying that the Russians have an ABM. If one reads the record, Mr. Helms did not draw any conclusions about that except that he just reported the fact. It is the kind of ABM that, it is clear to any reasonable person, does not serve any useful purpose. He says flatly in one place that his opinion is they stopped deploying it because they decided it could be so easily offset or overcome by us—in other words, it is ineffective.

That is a different thing from saying that the Russians have an ABM; therefore we must have one. If it means that we have to have one like theirs, it means nothing. As of this moment, the record shows clearly that the Russians do not have an ABM that is in any sense of the word satisfactory or that gives them any real protection.

Mr. MUNDT. I do not think the Senator should put Dick Helms in a position, which he has consistently refused to assume, of being an authority on American capability.

Mr. FULBRIGHT. On what?

Mr. MUNDT. On American capability.

Mr. FULBRIGHT. He does not comment on that. Did I leave that impression?

Mr. MUNDT. I thought that was implicit in the Senator's concept that he thought the ABM system is no good.

Mr. FULBRIGHT. No; I refer to the Galosh system in Russia.

Mr. MUNDT. He did not say either that their system is not any good.

Mr. FULBRIGHT. What he said amounts to that. That is a reasonable interpretation from what I have read here. I do not see how one could say, from what he says, that it amounts to anything; that the Russians themselves consider it satisfactory.

Mr. MUNDT. He gave that as one hypothesis, not as a mind reader but as a speculative hypothesis, as to why they had stopped the construction, and also pointed out in his testimony that they stopped it and they later resumed it.

Mr. FULBRIGHT. No. Resumed tests, not deployment.

Mr. MUNDT. Resumed the encirclement of Moscow.

Mr. FULBRIGHT. I do not think so; not deployed.

Mr. MUNDT. He said that in the committee meeting yesterday, or another one. He emphasizes that is guesswork on his part. He does not know.

Mr. FULBRIGHT. There was evidence that they were testing what he thought was part of an improved ABM, but, from what appears in this testimony, they have not reached a point where they themselves have solved the problems and are again resuming deployment. I read part of it. I will not read it again.

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

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. I do not know whether it was Mr. Helms, but certainly we were told by Mr. Helms, or Mr. Durekett of his Agency, yesterday, that they were in the process of completing construction of (deleted) more sites around Moscow. So they are continuing with the deployment of the ABM.

Mr. MUNDT. After a cessation, they are resuming, and nobody can guess why.

Mr. FULBRIGHT. On (deleted) they were continuing. They were continuing as of that time. They had not completed. They were still continuing and working on them. They had completed and were working on (deleted). That is in the record. I do not know if it is very significant, but he did in that case draw the conclusion that the reason why they stopped was that it was unsatisfactory.

Mr. MUNDT. While he did say that, he also said: (deleted).

Mr. FULBRIGHT. Yes. I would say his speculations are a little better formed than mine.

Mr. MUNDT. He left an anchor out to leeward by saying: (deleted).

Mr. DOMINICK. Mr. President, will the Senator yield on that same point?

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. There is nothing in Mr. Helms' testimony which would indicate, even if that inference were correct—namely, that the Russian ABM system is not effective—that ours will not be effective.

Mr. FULBRIGHT. He does not comment upon ours. He does not bring that in at all. The only inference is that it is much more difficult than the Russians thought it would be and that some of us think it is, because they have not tackled the software, the computer and the radar.



We have not built the radar. The testimony is quite clear that we have not built the PAR radar and have not tried to build a computer and do not have a computer that will work.

This list of questions is very important. May I ask the majority leader if I may put material of this kind into the RECORD without reading it?

Mr. MANSFIELD. Surely.

Mr. FULBRIGHT. Does it need unanimous consent?

Mr. MANSFIELD. Yes.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to insert the remainder of these questions into the RECORD. They are relatively short. I do not refer to the long hearings. They are relatively short questions and answers by the CIA, all of which bear upon this matter. I shall put them into the RECORD for the information of the Senate.

Mr. MUNDT. Mr. President, I reserve the right to object—and I shall not object—solely to interrogate the majority leader as to just what happens to a record of this kind. We do not have this kind of record often enough to be sure about this. During the course of the afternoon we have today stripped the confidential label off records and put them into the CONGRESSIONAL RECORD. Is that record to be ultimately published?

Mr. MANSFIELD. No. May I say I was surprised that information which was classified as top secret last night was made free for use today. I am really getting tired of declassification of information to suit a particular purpose which may be before us.

But at the beginning of the session today, I did make the following statement:

I further ask unanimous consent that, at the conclusion of the closed session, the transcript of the remarks of each Senator who participated in the proceedings be delivered to him by the Chief of official reporters; that the Senator shall have the right to revise his own remarks; that such Senator shall deliver his revised remarks to the Chief Reporter, who shall then deliver the transcript to the Senator from Mississippi (Mr. Stennis) as chairman of the Committee on Armed Services; that the expurgated version of these proceedings be prepared under the direction of the Senator from Mississippi (Mr. Stennis), and that there be deleted from the transcript anything which might be classified; that such record of proceedings be made public by being printed in the permanent Congressional Record of the date on which they occur; and that the Chief Reporter turn the shorthand notes of the official reporters over to the Secretary of the Senate, to be kept in secret and not to be disclosed without leave of the Senate.

Furthermore, before that, I made a statement under rules XXXV and XXXVI, which state as follows:

All confidential communications and all remarks, votes and proceedings thereon under these rules shall be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

Mr. MUNDT. That certainly would seem to give us the protective mantle I think we need.

I feel, myself, that this afternoon's session has been very informative and very worthwhile.

Mr. MANSFIELD. Very worthwhile.

Mr. MUNDT. I am not going to object to the Senator putting this in the RECORD. I just wanted to be sure we were not violating top secret documents.

Mr. FULBRIGHT. Mr. President, I raised this question. The Senator, I think, is familiar with the document. Does he object to it?

Mr. MUNDT. No, I do not object. The Senator's document is not as sensitive, I believe, as some of the other statements were.

Mr. FULBRIGHT. No. On the same basis the others were put in, I would assume they would take it out before they publish the RECORD. I certainly have no objection to it going in, but I have no overwhelming desire. I thought the Senator might not want it in.

Mr. MUNDT. No; I do not object. I was just reserving the right to object for the purpose of making an inquiry.

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

(Deleted.)

Mr. FULBRIGHT. Mr. President, as the distinguished Senator from West Virginia has a conference report to bring before the Senate, and I think I have put enough in, depending on how this develops, some of the other information may be more pertinent at a later date.

Therefore, I yield the floor.

Mr. MANSFIELD. Mr. President, I move that the Senate go out of closed session and into open session.

The motion was agreed to.

Mr. MANSFIELD. I would suggest to the staff that the desks be screened and cleared, and whatever else they do to make sure that there is no information lying around loose.

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

Thereupon, at 5 o'clock and 44 minutes p.m., the doors of the Chamber were opened, and the open session of the Senate was resumed.

#### LEGISLATIVE SESSION

##### TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with statements of Senators limited to a period of 3 minutes.

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

#### ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer and after the Journal tomorrow, the distinguished Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 30 minutes. I am not sure that is the length of time he wants, but whatever it is, the time can be adjusted accordingly.

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

#### ORDER FOR LIMITATION ON STATEMENTS DURING THE TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Wyoming (Mr. HANSEN) tomorrow, there be a period for the transaction of routine morning business, with a 3-minute limitation on statements.

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

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES—HOUSE CONCURRENT RESOLUTION 300

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, communicated to the Senate the concurrent resolution (H. Con. Res. 300) commemorating the 100th anniversary in 1969 of the birth of organized baseball.

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on House Concurrent Resolution 300.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 300, which was read by the legislative clerk, as follows:

*Resolved by the House of Representatives (the Senate concurring), That, to commemorate the one-hundredth anniversary in 1969 of the birth of organized baseball, the Congress of the United States officially recognizes the year 1969 as baseball's centennial year and extends its congratulations and best wishes to the Commissioner of Baseball, the President of the National League, the President of the American League, the twelve teams of the National League, and the twelve teams of the American League, and to the several minor leagues and all other organizations and individuals participating in or connected with organized baseball.*

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, House Concurrent Resolution 300 was considered and agreed to.

The preamble was agreed to, as follows:

Whereas, baseball is among the oldest outstanding national games of the United States, combining the zest of the amateur with the skills of the professional and providing excitement, drama, interest, and entertainment both for participants and for spectators; and

Whereas, although baseball was already being widely played, watched, and attended in various forms on a largely amateur or recreational basis, the development of the game to its present status as a national institution truly began with the organization of America's first professional baseball team in 1869; and

Whereas, the year 1969 marks the one-hundredth anniversary of organized professional baseball in the United States and is baseball's centennial year; and

Whereas, the playing of the Fortieth All-Star Baseball Game, on July 22, 1969, in Washington, District of Columbia, together with related activities and observances in Washington and throughout the country, is

the occasion for the special celebration of baseball's centennial year; and

Whereas, it is fitting that appropriate recognition be given to the many contributions which baseball has made to the American way of life both as a sport and as an expression of the American spirit: Now, therefore, be it

Mr. HART. Mr. President, I am delighted that we have saluted baseball on its 100th year.

If there is no unanimity on this proposal, there is serious doubt we could agree on the virtue of motherhood and the beauty of the flag.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended; that the House insisted upon its amendments to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES of Alabama, Mr. BLATNIK, Mr. WRIGHT, Mr. EDMONDSON, Mr. CRAMER, Mr. HARSHA, and Mr. CLEVELAND were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES of Alabama, Mr. JOHNSON of California, Mr. WRIGHT, Mr. EDMONDSON, Mr. CRAMER, Mr. DON CLAUSEN, and Mr. DENNEY were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 300) extending the congratulations of the Congress of the United States to organized baseball upon the occasion of its centennial year, in which it requested the concurrence of the Senate.

#### AUTHORIZATION OF FUNDS FOR APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1072.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of

1965, as amended, which was, to strike out all after the enacting clause and insert:

#### TITLE I—AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 101. This title may be cited as the "Regional Action Planning Commission Amendments of 1969".

SEC. 102. (a) The second sentence of subsection (a) of section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3185) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act."

(b) The second sentence of subsection (b) of section 505 of such Act is amended to read as follows: "Thereafter, such expenses shall be paid 50 per centum by the Federal Government and 50 per centum by the States in the region, except that the administrative expenses of the Federal cochairman, his alternate, and his staff shall be paid solely by the Federal Government. The share to be paid by each State shall be determined by the Commission. The Federal cochairman shall not participate or vote in such determination."

(c) Subsection (c) of section 505 of such Act is repealed.

SEC. 103. (a) The first sentence of subsection (a) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended (1) by inserting after "share," the following: "or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region," and (2) by striking out "for the sole" and inserting in lieu thereof the following: "for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the".

(b) The next to the last sentence of subsection (a) of section 509 of such Act is amended to read as follows: "In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets all of the requirements of such Federal grant-in-aid Act and would be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under titles of this Act other than this title, and under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region will not be diminished in order to substitute funds authorized by this subsection."

(c) Subsection (c) of section 509 of such Act is amended by striking out in the first sentence thereof "December 31, 1967" and inserting in lieu thereof "December 31, 1970".

(d) Subsection (d) of section 509 of such Act is amended to read as follows:

"(d) There is authorized to be appropriated to the Secretary to carry out this title, for the two-fiscal-year period ending June 30, 1971, to be available until expended, not to exceed \$225,000,000. Not less than 10 per centum nor more than 30 per centum of the amounts appropriated under this authorization for any fiscal year shall be made available for any one regional commission."

SEC. 104. Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C.

3181 et seq.) is amended by adding at the end thereof the following new section:

#### "COORDINATION

"SEC. 511. The Secretary shall coordinate his activities in making grants and loans under titles I and II of this Act with those of each of the Federal cochairmen in making grants under this title, and each Federal cochairman shall coordinate his activities in making grants under this title with those of the Secretary in making grants and loans under titles I and II of this Act."

#### TITLE II—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969

SEC. 201. This title may be cited as the "Appalachian Regional Development Act Amendments of 1969".

SEC. 202. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"(b) To carry out this section there is hereby authorized to be appropriated to the Commission to be available until expended, not to exceed \$1,900,000 for the two-fiscal-year period ending June 30, 1971. Not to exceed \$475,000 of such authorization shall be available for the expenses of the Federal cochairman, his alternate, and his staff."

SEC. 203. (a) The second sentence of section 201(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows: "The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads."

(b) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended by striking out "four-fiscal-year period ending June 30, 1971." and inserting in lieu thereof "five-fiscal-year period ending June 30, 1972, except that not to exceed \$195,000,000 of such amount may be obligated for any one such fiscal year."

SEC. 204. (a) The first sentence of clause (2) of subsection (a) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by striking out "in accordance with the" and inserting in lieu thereof "or to make grants to the States for carrying out such projects, in accordance with the applicable".

(b) Subsection (b) of such section 205 is amended by striking out "and 1969" and inserting in lieu thereof "1969, 1970, and 1971".

SEC. 205. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1967" in the first sentence thereof and inserting in lieu thereof "December 31, 1970".

SEC. 206. Section 302(a) (1) (B) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended by inserting before "a local" the following: "a State agency certified as".

SEC. 207. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed \$250,000,000 for the two-fiscal-year period ending June 30, 1971, to carry out this Act, of which amount not to exceed \$85,000,000 is authorized for section 202, \$15,000,000 for section 203, \$15,000,000 for section 205, \$2,000,000 for section 207,



\$50,000,000 for section 211, \$75,000,000 for section 214, and \$8,000,000 and section 302."

Sec. 208. Section 403 of the Appalachian Regional Development Act of 1965 (48 App. U.S.C. 403) is amended by adding at the end thereof the following:

"The President is authorized and directed to make a study of the extent to which portions of upper New York State, Massachusetts, Vermont, New Hampshire, and Maine which are geographically part of the Appalachian region and share the social and economic characteristics thereof should be included in the region in order to carry out the purposes of this Act. He shall submit the results of such study together with his recommendations to Congress no later than June 30, 1970."

Sec. 209. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by inserting immediately after "Act" the following: ", other than section 201."

And amend the title so as to read: "An act to provide for the renewal and extension of title V of the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965."

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONTOYA, Mr. RANDOLPH, Mr. MUSKIE, Mr. SPONG, Mr. BAKER, Mr. COOPER, and Mr. Mr. PACKWOOD conferees on the part of the Senate.

The PRESIDING OFFICER. Is there further morning business?

#### THE WAR MUST END

Mr. GORE. Mr. President, I have inquired of the Defense Department as to the U.S. casualties suffered in Vietnam during the week ending July 2, and they have reported to me that the total casualties for the week were 1,760. This brings the total number of casualties suffered in Vietnam since the inauguration of President Nixon to more than 50,000.

Mr. President, this war must be ended.

#### S. 2645—INTRODUCTION OF BILL RELATING TO TAX REFORM

Mr. GORE. Mr. President, today the Committee on Finance, by a vote of 9 to 8, refused to consider amendments to the surtax bill, and reported it to the Senate without consideration of any tax reform amendments or amendments of any other kind.

I have just now introduced a tax reform bill, which will be offered as a substitute for the surtax bill when it is made the pending business of the Senate. The bill I have introduced is not a comprehensive measure; it is not all inclusive; it does not cover all that needs to be done in the tax reform area. But this bill does contain a number of provisions covering subjects in which I have had a longtime and continuing interest. In some of these areas I have already been instrumental in helping to bring about changes, but these changes have been insufficient to bring true equity even in

these limited segments of the Tax Code. Some points with which I desire to deal are omitted because of time required to make technical drafts and the desire of the chairman of the Senate Finance Committee that proposed amendments be introduced by July 18, as had been indicated by the chairman of the Senate Finance Committee.

As has been pointed out in the Senate in recent days, it is not practicable to attempt to rewrite the entire Tax Code in the Finance Committee during the next few weeks. But it is possible to bring about changes in areas which have been studied—usually studied to death—for years, and in which Senators have already formed judgments in connection with, and as an integral part of, the surtax extension bill.

As I have said, the Senate Finance Committee acted today without consideration of amendments, even though the Finance Committee is scheduled to begin hearings next week on several specific reform proposals, including those contained in the bill I have introduced. Other Senators have indicated bills or amendments they wish to have considered. I think it may be possible to consider many items in a relatively short time in the committee.

I think that by the narrow vote of 9 to 8 the committee today voted to report the surtax bill without giving any consideration whatsoever to any amendment, even though announcement had publicly been made that hearings would be held and Senators had been publicly invited to offer amendments and had been assured that consideration would be given to any amendment introduced by July 18.

I would like to point out, Mr. President, that it was the distinguished chairman of the committee, the junior Senator from Louisiana (Mr. LONG), who announced this invitation on the part of the committee and who had scheduled public hearings on tax reform amendments to begin next week.

I would like also to call attention to the fact that the chairman of the committee was not one of the nine who voted to report the bill today, despite this pledge of the consideration of amendments.

Incidentally, the Senator from Louisiana made a strong statement in the committee in opposition to such action.

Sentiment for reform is in the air, and I do not believe it can be safely ignored. A beginning must be made now on tax reform. A revolt of taxpayers all over the country has been felt by every representative of the people. I do not believe it is sufficient to tell the long-suffering lower- and middle-income groups on whom the heaviest burden of taxation has fallen, and who have no way of escape from the grasp of the withholding system on wages and salaries, that we are preparing for uncertain activity which may lead to tax reform. We must enact some important reforms now as a good-faith beginning. We can then follow that up by a really comprehensive tax reform which will, of course, take some time.

Now, Mr. President, since Senators do not have time to study in detail all bills which are introduced, and since they have had no chance to study the bill which I just now introduced, I would like

to state very briefly what the bill I have introduced contains. And let me say, too, that I am not necessarily wedded to the exact wording of all parts of this bill. There have been some drafting difficulties in certain areas, and I am sure that further discussion in the Finance Committee will result in improvements.

Also, I would emphasize that my bill contains one revenue loser of significance. I refer to section 4, which would increase the personal exemption deduction to \$1,250. As Senators will note, I propose to make up the lost revenue, thus presenting a balanced package from a revenue standpoint, by adjusting corporate and upper individual income tax rates. Here again, let me point out that additional revenue producing loophole closers will be under discussion, and I would hope we can get together on a package which will be balanced as to revenue losers and gainers without having to resort to increased rates. There is certainly sufficient opportunity for this, after all, particularly in the individual income area, the tax base has been badly eroded. Probably not more than 40 percent of what is defined as personal income in the national income accounts enters into the computation of the personal income tax, and recent studies have turned up some \$50 billion of tax preferences under existing tax laws.

At any rate, here is a brief statement of the contents of this bill.

Section 1 contains the usual language, including the title.

Section 2 would extend the surtax at the full 10 percent rate for the entire fiscal year. I regret that the administration hesitated so long in making a recommendation to extend the surtax, and it did seem a mistake to me to have given the impression that the tax really might have been dispensed with altogether. Such an impression was fostered both by the delay and by the changing of the terms of the surtax as applied after January 1, 1970.

Section 3 would repeal the investment tax credit. My terms are somewhat tighter than the proposal as worked out in the Ways and Means Committee and in the bill reported today by the Finance Committee.

Section 4 would increase the personal exemption to \$1,250 for the taxpayer and each of his dependents. This is the surest way of removing most of the poor from the tax rolls, and, at the same time giving badly needed relief to the middle-income groups who are concerned, and properly so, with the cost of supporting and educating their children. This would give to the married couple with two children a tax-free base of \$5,000 upon which to construct a minimum household budget. This is a simple and gimmick-free way of accomplishing this purpose.

Mr. President, I emphasize that I know of no more unrealistic provision in the tax law than the \$600 exemption for a taxpayer and for a taxpayer's dependent. Where is there a parent who can decently feed, clothe, and provide shelter for a child for \$600, or for himself or for his wife?

It is utterly unrealistic. The cost of living has so increased that this simply must be changed.

In order to raise this exemption, the Government will suffer a big loss in revenue. Why? Because the middle-income taxpayer is bearing an undue proportion of the load. Therefore, when we provide some equitable relief for the middle- and low-income taxpayers, we lose revenue. But there are places at which to recoup the revenue while promoting equity in the tax law. This I have done in presenting a tax reform bill balanced as to loss and gain in revenue.

Section 5 would repeal the unlimited charitable contributions deduction provision now in the code.

This code makes a mockery of charity. What is called charity is self-serving tax avoidance in many instances.

Section 6 would terminate, as of this date, both the older style restricted and the newer, and almost as bad, qualified stock options. I have fought this battle off and on for years.

Section 7 provides for the tax treatment of so-called ABC and carved-out transactions as mortgage loans.

This is a well recognized tax loophole to those who understand the technicalities of the tax law, particularly its relationship in connection with percentage depletion.

This particular tax problem may not be familiar to all Senators, but there will be no need for long or drawn-out proceedings to arrive at a decision as to what to do about it.

Section 8 would eliminate the tax exempt status now enjoyed by private foundations, and it would place a limit of 25 years on the life of any foundation not operating a church, educational organization, or hospital. I have taken a somewhat different approach from that taken by the Ways and Means Committee, but my solution is simpler and will, I believe, remove abuses more surely. Let me say, parenthetically, that section 501 of the code needs a thorough overhaul about as badly as any section in the code. There are problems of definition which need resolution. We need to sort out diverse elements and provide different treatment for organizations serving different purposes.

Section 9 would repeal percentage depletion, thereby putting all oil, gas and minerals operations on a cost depletion basis. I have not treated with intangible drilling costs, partially for lack of time properly to draft an amendment, but this, too, should be examined in a more comprehensive review and dealt with effectively.

Section 10 provides for repeal of section 911 of the code. This is the section which exempts from U.S. income tax the first \$20,000, and in some instances the first \$25,000, of individual overseas earnings.

Mr. President, it may sound to some Senators as an act of generosity to the middle-income taxpayer to raise his personal exemption and that of his dependents to \$1,250. If that is overly generous, what of the provision that gives American citizens living and working abroad a \$20,000 exemption or, in some instances, as I have said, a \$25,000 exemption? Surely, here is a loophole that needs closing.

Section 11 would provide for the cur-

rent taxation of the earnings and profits of foreign subsidiaries of U.S. concerns. An exception is made for certain operations in less-developed countries.

I will have more to say later about this tax preference given to income earned abroad. Briefly, let me say that it operates as a subsidy to move American factories and American jobs out of the United States, and we suffer the consequences.

Section 12 extends the holding period for capital gains purposes to 1 year in order for a transaction to qualify for long-term capital gains treatment. The alternative method of computing the tax which gives the taxpayer a 25-percent maximum rate would also be abolished.

Section 13, as an effective means of curbing "hobby" farming tax losses, would raise the useful life of livestock for depreciation purposes from 7 to 10 years and double the holding period for capital gains purposes for livestock held for breeding from 1 year to 2 years.

Section 14 adjusts the tax rate schedules upward on higher bracket income in order to keep this bill in fiscal balance. Let me again stress that it would not be necessary to raise rates if loopholes of favoritism can be closed. But as between raising some rates and raising the personal exemption for all, I strongly suggest this bill as the fairer. Furthermore, the extension of the surtax at the full 10-percent figure will allow somewhat more leeway in making adjustments.

I am sure all Senators will want to participate actively in a major effort to make our tax laws more equitable and efficacious. In this spirit I invite consideration of this bill, which I offer as a substitute for the House-passed surtax extension bill, H.R. 12290.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2645) to continue the income tax surcharge for an additional year and to terminate the investment credit, increase the amount of the personal exemptions, and provide other reforms in the Federal income tax laws, introduced by Mr. GORE was received, read twice by its title, and referred to the Committee on Finance.

#### ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately following the remarks of the distinguished Senator from Wyoming on tomorrow, the distinguished Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 30 minutes.

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

Mr. MANSFIELD. Following his remarks, there will be a brief period for the transaction of routine morning business.

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar, under "New Reports," will be stated.

#### DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

##### REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for July 1968-March 1969 (with an accompanying report); to the Committee on Banking and Currency.

##### PROPOSED PAYMENT OF NON-FOREIGN DIFFERENTIALS TO CERTAIN U.S. CITIZEN WAGE BOARD EMPLOYEES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5941 of title 5, United States Code, to provide payment of nonforeign differentials to certain U.S. citizen wage board employees serving in nonforeign areas outside the continental United States and Hawaii (with an accompanying paper); to the Committee on Post Office and Civil Service.

#### PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint memorial of the Legislature, State of Oregon; to the Committee on Armed Services:

##### "SENATE JOINT MEMORIAL 6

"To the Honorable President of the United States and to the Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

"Whereas the present system for drafting young men into the military service of this country has aroused widespread dissatisfaction; and



"Whereas much of this dissatisfaction and the current unrest among young people stems from the uncertainty as to jobs, education and personal decisions; and

"Whereas an adequate and fairer system of selective service can be devised; now, therefore,

*"Be it Resolved by the Legislative Assembly of the State of Oregon:*

"(1) The Congress of the United States is memorialized to establish a selective service system based on a lottery whereby all eligible persons are subject to the draft for one year after they reach 18 years of age and are allowed to elect to defer the one year of being subject to the draft for a period of four years.

"(2) The Secretary of the Senate shall send a copy of this memorial to the President of the United States, the Presiding Officers of the Senate and House of Representatives of the United States Congress, to each member of the Oregon Congressional Delegation, and the Presiding Officers of each house of the Legislative Assemblies of all of the states.

"Adopted by Senate May 12, 1969.

"CECIL L. EDWARDS,

*"Secretary of the Senate.*

"E. D. PORTS,

*"President of the Senate.*

"Adopted by House May 19, 1969.

"ROBERT F. SMITH,

*"Speaker of the House."*

A joint memorial of the Legislature, State of Oregon; to the Committee on Commerce:

"SENATE JOINT MEMORIAL 3

*"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:*

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represents as follows:

"Whereas fish constitute one of the prime natural resources of this state, not only supporting an important commercial fishing industry that furnishes a livelihood to many citizens, but also providing a recreational activity available to all citizens; and

"Whereas research and study of the habits of fish and the effect of a changing environment on fish are more vital than ever if this important natural resource is to continue to serve the people of this state; and

"Whereas the Bureau of the Budget of the United States has indicated that reductions in the federal budget for the fiscal year 1970 are anticipated with respect to research programs involving the survival of juvenile salmon passing through turbines, the effects of transportation on the survival of juvenile salmon, racial migration rates and timing of juvenile salmon, and prediction of environmental effects on fisheries; now, therefore,

*"Be It Resolved by the Legislative Assembly of the State of Oregon:*

"(1) The Congress of the United States is memorialized to provide sufficient moneys for the research projects referred to in the preamble to this resolution to be carried out by the appropriate federal agencies without any reduction during the fiscal year 1970.

"(2) The Secretary of the Senate shall send a copy of this memorial to the presiding officer of each house of the Congress, and to each member of the Oregon Congressional Delegation.

"Adopted by Senate March 26, 1969.

"CECIL L. EDWARDS,

*"Secretary of Senate.*

"E. D. PORTS,

*"President of Senate.*

"Adopted by House May 7, 1969.

"ROBERT F. SMITH,

*"Speaker of House."*

#### REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. WILLIAMS of Delaware, from the Committee on Finance, without amendment:

H.R. 12290. An act to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low income allowance for individuals, and for other purposes (Rept. No. 91-321).

#### BILLS INTRODUCED

Bill were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ALLOTT (for himself, Mr. DOMINICK, Mr. HANSEN, Mr. MCGEE, and Mr. MOSS):

S. 2641. A bill to amend section 613 of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. MURPHY:

S. 2642. A bill to amend section 8(e) of the Agricultural Adjustment Act of 1933, as amended, as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, so as to provide for the extension of the restrictions on imported commodities imposed by such section to imported olives; to the Committee on Agriculture and Forestry.

S. 2643. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives packed in certain airtight containers; to the Committee on Finance.

By Mr. TYDINGS (for himself, Mr. BAYH, Mr. BIBLE, Mr. CRANSTON, Mr. COOK, Mr. FULBRIGHT, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. MANSFIELD, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. WILLIAMS of Delaware, and Mr. YARBOROUGH):

S. 2644. A bill to amend the Legislative Reorganization Act of 1946 to provide for reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

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

By Mr. GORE:

S. 2645. A bill to continue the income tax surcharge for an additional year and to terminate the investment credit, increase the amount of the personal exemptions, and provide other reforms in the Federal income tax laws; to the Committee on Finance.

(The remarks of Mr. GORE when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. RIBICOFF:

S. 2646. A bill to amend the Internal Revenue Code of 1954 to make structural changes with respect to the income tax in order to achieve a greater degree of equity in the Federal income tax system; to the Committee on Finance.

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

By Mr. HARTKE:

S. 2647. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; and

S. 2648. A bill to amend the Internal Revenue Code of 1954 to suspend the investment credit during the remaining period of applicability of the tax surcharge; to the Committee on Finance.

By Mr. EAGLETON:

S. 2649. A bill for the relief of Patrick J. Gilligan; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2650. A bill to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States; to the Committee on Interior and Insular Affairs.

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

By Mr. RANDOLPH (by request):

S. 2651. A bill to amend the Federal Airport Act, and to provide additional Federal assistance in connection with the construction, alteration, or improvement of airports, airport terminals, and related facilities; to provide relief of congestion at public airports; and for other purposes; to the Committee on Commerce.

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

#### S. 2644—INTRODUCTION OF A BILL AMENDING THE LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. TYDINGS. Mr. President, it has been said that, "Buying what you do not need is an easy road to needing what you cannot buy." I believe this accurately summarizes what we in Congress have found to be the case in our deliberations over this year's budget.

Hearings held by several Senate committees this session have uncovered billions of dollars in Federal waste; billions of dollars wasted on programs we do not need or wasted by overpaying for what could have been obtained at a lower cost through more efficient management and procurement procedures.

At the same time, we have discovered a great shortage of funds for the development and operation of programs in areas such as education, health, and conservation, areas in which the pressing need for Government action is well documented.

Thus, we have reached a point where substantially reducing Federal waste is more than simply a matter of good government; it is essential if we are to meet our urgent civilian and defense needs. No less than our national well-being and security are at stake.

However, merely stating that waste is an evil that must be expurgated hardly gets to the heart of the problem. No Member of Congress consciously supports the inefficient use of a single tax dollar. Yet, as the record uncontestedly reveals, waste in Federal spending persists at an unparalleled level.

Most of the waste occurs in the military sector. This is not surprising in view of the fact that 80 percent of all controllable costs in the Federal budget are military or military-related. The military authorization requested by the administration for fiscal year 1970 is more than \$81 billion.

However, even when the size of the military budget is taken fully into account, the amount of waste that occurs is staggering.

Senator SYMINGTON, the distinguished Senator from Missouri and a former Secretary of the Air Force, has documented the expenditure of \$23 billion in recent years on missiles now acknowledged to be unworkable or obsolete. More than \$4 billion of this total was invested

in missile systems that were abandoned before they were ever deployed.

In a recent study of the performance of complex weapon systems, Richard Stubbing, a defense analyst at the Bureau of the Budget, found that in 13 aircraft and missile programs undertaken since 1955 at a total cost of \$40 billion, fewer than 40 percent of the electronic components performed acceptably. Two of these programs were canceled at a cost to the Government of \$2 billion, and two programs costing \$10 billion were phased out after 3 years owing to low reliability.

The Pentagon lavished \$1.1 billion on the development of an atomic-powered bomber that was finally abandoned as unworkable. This story was repeated with a jet-powered seaplane that never materialized at a cost to the taxpayers of \$400 million. The list of fruitless military investments is a long one.

A survey of major military contracts also reveals numerous instances of sizable cost overruns and late deliveries.

For example, SRAM, a short range attack missile boasting predecessors which failed to the tune of \$962.6 million, has already undergone design changes accounting for cost overruns totaling \$326 million. And the Pentagon still does not know if the missile will work.

The MBT-70 is a battle tank program conceived in 1963. Its completion date has already been extended 5 years from 1969 to 1974, and its research and development costs currently exceed original estimates by 528 percent.

The much-publicized C-5A program has already generated overruns of approximately \$2 billion, and this figure is likely to grow before the program is either completed or terminated.

And so the record runs.

Why is Pentagon procurement plagued by so much waste and inefficiency? As the Subcommittee on Economy in Government of the Joint Economic Committee has brilliantly documented, the causes are many and varied.

However, the principal reason for the billions in waste is the breakdown of an effective marketplace in the defense industry. Open competition for Government contracts, which would severely penalize contractors who persistently produce cost overruns, late deliveries, and equipment that fails to meet performance standards, virtually has disappeared.

Competitive bidding for military contracts—which is supposed to be the rule for awarding these often multibillion dollar agreements—has become the exception. Last year, less than 10 percent of the Defense Department's procurement was handled through competitive bids. Thus, the Pentagon is deprived of any objective criteria for measuring the fairness of approximately 90 percent of its contract awards.

In the absence of real competition, many of the large defense contractors—the 100 largest industrial suppliers received 67.4 percent of defense contracts of \$10,000 or more last year—employ the technique of "buying in." This is a common practice which finds a contractor offering to do a job at a lower cost than

he knows will be incurred, or offering to meet performance specifications which he knows are unattainable, or offering to deliver a finished product before he knows it will be completed.

Unfortunately, the Pentagon has often been guilty of reinforcing this practice by adjusting contracts to cover potential losses incurred when contractors fail to meet their own deliberately dishonest terms. Instead of penalizing contractors when they fail to live up to contractual agreements, the Government foots the additional bills.

The obvious result is cost overruns, inferior equipment, late deliveries, and excessive profits in the defense industry—all of which add up to billions of wasted tax dollars.

As I mentioned earlier, merely decrying waste does little to eliminate it. Clearly, Congress must begin in earnest to devise ways to effectively exercise more complete control over spending by the Pentagon and the other departments and agencies of the Federal Government.

Certainly, a necessary prerequisite for fuller congressional control is adequate information. For as the investigations of the past year have revealed, we in Congress have little detailed knowledge of how money we appropriate is being spent in many parts of the executive branch.

Right now there is no agency of Government which critically scrutinizes major Federal projects and systematically reports its findings to the Congress. The Bureau of the Budget is responsible solely to the President.

Therefore, as a first important step toward the reassertion of Congress responsibility to oversee Federal expenditures, I am introducing a bill to require the Comptroller General of the United States to make quarterly reports to the Congress on all Government contracts in which substantial cost overruns or late deliveries have been recorded. Joining me as cosponsors of this measure are Mr. BAYH, Mr. BIBLE, Mr. CRANSTON, Mr. COOK, Mr. FULBRIGHT, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. MANSFIELD, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. WILLIAMS of Delaware, and Mr. YARBOROUGH.

Utilizing an existing agency to provide Congress with contract information represents the most economical way of seeking to cut waste. In addition, the General Accounting Office was created for the sole purpose of providing Congress with independent reports on the financial and managerial operations of the executive branch. So GAO was the logical choice.

Again, accurate and detailed information regarding Government contractual relations will not automatically eliminate Federal waste. But it will give Congress the necessary raw material to approach its oversight responsibilities with hope for success.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately re-

ferred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2644) to amend the Legislative Reorganization Act of 1946 to provide for reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates, introduced by Mr. TYDINGS (for himself and other Senators) was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2644

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 206 of part 1 of title II of the Legislative Reorganization Act of 1946 (31 U.S.C. 60) is amended by—*

*(1) inserting "(a)" immediately following "Sec. 206.", and*

*(2) adding at the end thereof the following new subsections:*

*"(b) Within thirty days following the close of each fiscal quarter the Comptroller General shall submit to Congress a report on each contract of the United States*

*"(1) in which the price was increased to an amount 10 per centum or \$100,000, whichever is lesser, in excess of the price estimated by the person contracting with the United States at the time the contract was signed, or*

*"(2) which was completed or remains uncompleted more than six months after the completion date estimated by the person contracting with the United States at the time the contract was signed.*

*"(c) For the purposes of subsection (b), the term 'contract of the United States' means any contract executed by the United States (including contracts subject to chapter 137 or 139 of Title 10 of the United States Code) for—*

*"(1) services, including research and development,*

*"(2) the construction, alteration, or repair of any public building or public work of the United States, or*

*"(3) the manufacture or furnishing of any materials, supplies, articles, or equipment, in which the price estimated by the person contracting with the United States at the time the contract was signed was \$100,000 or more, or in which the price has increased to \$100,000 or more."*

*(b) The heading for such section 206 is amended by adding at the end thereof "REPORTS ON GOVERNMENT CONTRACTS".*

#### S. 2646—INTRODUCTION OF A BILL ON TAX REFORM

Mr. RIBICOFF. Mr. President, I introduce a bill to reform the Federal Tax Code in an effort to insure that we treat all taxpayers equitably.

The Congress must reform our tax laws this year. The American citizen is fed up with unfairness and discrimination in the present laws.

Our tax system is based on the honesty and integrity of the individual taxpayer who must, each spring, assess his own taxes and pay them voluntarily. Our faith has been well justified as shown by the overwhelming majority of Americans who annually return accurately completed forms.

But this integrity is necessarily based on the broad trust that other Americans in similar economic circumstances bear similar tax burdens in relationship to



their ability to pay and that the tax laws themselves are equitable for all citizens.

This integrity is threatened not by the burden of taxation, which is great in itself, but the widespread knowledge today that there are many individuals who are not required to pay a fair share of taxes because the laws unjustifiably reduce the tax burden on many of our high-income citizens.

Taxes affect all of us. Each year some 75 million individual tax returns pay \$95 billion into Uncle Sam's Treasury. These dollars come from rich and poor, black and white, young and old.

Taxes are the financial cost of organized society. Our system was designed to share this burden in accordance with the ability of an individual citizen to pay. In other words, those who benefited most in a financial sense from the society were correspondingly called upon to contribute the most.

But it is clear today that this design has not been fulfilled and that the burdens of government are not shared according to the ability to pay. Frankly, our tax system is shot through with inequities, discrimination and special privilege. These loopholes provide excessive tax benefits to a few while increasing the burden on the majority.

The 10-percent surtax has magnified this unfairness. By imposing a tax on a tax we have illuminated the weaknesses of the system. The American taxpayer has responded with a growing and justified demand for greater fairness.

It is time we in Congress faced up to the important task of restoring a larger element of equity to our tax laws.

Mr. President, I offer a comprehensive bill to reform the tax code and provide a major step forward toward the goal of tax equity.

This bill by no means covers all the needed or desirable reforms. Others on this floor have presented different tax reforms which will have my wholehearted support and vote.

Nevertheless, this package includes the basic reforms which I believe must be the foundation for any meaningful and fair tax revision.

Today, the Federal Government is taking an extraordinarily large slice of the workingman's income. On top of this, State and local governments are increasing their demands on the citizen's pocketbook. In these uncomfortable circumstances it is incumbent upon us to have Federal tax laws which are fair, up to date, as simplified as possible, and which accurately reflect the needs and priorities of the Nation.

Unfortunately, our present tax system fails to meet these goals. I cannot defend a system which asks us to condone the fact that 155 citizens with incomes over \$200,000 do not pay any taxes at all; or a system which allows an individual with an income of \$23 million in 1 year to pay no tax; or a system which includes the fact that a greater percentage of those people with incomes over a million dollars pay taxes of less than 5 percent than at any other income level.

The present system is indefensible. I have introduced a package of tax revision which would be a major step in

restoring an element of equity in our laws. The package has two goals. First, it seeks to end the great "tax shelters" which permeate the code and permit taxpayers to protect otherwise taxable income by incurring artificial tax losses. Second, this package seeks to redistribute the heavy tax burden away from those with low and middle incomes, while at the same time emphasizing greater simplicity in the standard tax forms. This is done by increasing the standard deduction and permitting a tax credit for the expenses of higher education.

#### TAX SHELTERS

The concept of a tax shelter is best described as a tax provision allowing normally taxable income to escape taxation by the occurrence of deductible losses which, though real in the fiscal sense, are artificial in the sense that they are more than regained upon sale of a capital asset. Moreover, while the losses have been deducted against ordinary income, the gains have been taxed at the low capital gains rate, resulting in an overall tax saving.

#### TAX STATUS OF THE PETROLEUM AND MINERAL INDUSTRY

The first section of the bill would reduce all percentage depletion allowances available to industries extracting oil, gas, and other minerals. The second provision will end the option of treating as current expenses those development costs which are normally treated as capital costs in any other industry.

The present tax laws permit two practices resulting in substantial benefits to the mineral and petroleum industries and investors. These are first, percentage depletion which is an immediate deduction of a stated percentage of gross income limited only by 50 percent of the net income of the property and, second, the option to deduct currently the "intangible" costs of drilling oil and gas wells. "Intangibles" are all costs of drilling other than the cost of the actual machinery in use which is depreciable. It is well known that in most other industries it is common practice to capitalize the expenses of developing or constructing a capital asset and to recover those costs by the method of depreciating them over the life of the asset.

The favored tax status of the petroleum and gas industry has long been a monument to tax inequity and a thorn in the side of those who would seek meaningful reform. For years the industry and the majority of Congress have treated percentage depletion as sacrosanct. But the growing dissatisfaction of the great majority of American citizens demands a new appraisal of this status.

No one questions that the exploration for and development of new national reserves of minerals and petroleum can be a risky and sometimes expensive undertaking. Likewise, no one denies that the costs of these ventures should be offset against income. This is common, accepted and equitable tax practice.

Nevertheless, we must also recognize that only in the industries favored with percentage depletion allowances do we permit not only the cost of developing an asset but also a stated percentage of the gross revenues from the sale of that asset

to receive tax-free treatment, regardless of the cost of the asset. In the oil industry, for instance, 27½ percent of the gross revenues of a producing well are charged off each year as long as the well remains in production and often long after the actual cost of the well has been recovered. This is a practice completely unknown elsewhere in our tax laws and foreign to our concept of fairness. In fact, it has been shown that percentage depletion allows the cost of certain properties to be deducted 10 or 20 times.

Because so many companies have elected to deduct immediately the intangible drilling costs and then take percentage depletion over the life of the property it has become extraordinarily clear that these provisions are not cost recovery provisions, but are, in fact, a governmental subsidy to the industry.

Let us take an example of how depletion works to the enormous benefit of the oil industry. Assume that ABC Oil Co. drills five wells—four of which are dry holes and the fifth which has oil with a market value of \$600,000.

Assume also that each well costs \$20,000 to develop.

Assume once more that it costs \$50,000 to raise the oil from the fifth well and transport it to the market.

The following tables demonstrate how the tax code unfairly favors ABC Oil Co.

(1) Without percentage depletion and the option to expense development costs, ABC Co. would be taxed like this:

Gross income.....	\$600,000
Deduction of losses on dry holes....	80,000
Cost of lifting oil from ground to market .....	50,000
Depletion and depreciation.....	20,000
Subtotal .....	150,000
Taxable income.....	450,000

(2) Under existing law, ABC received this tax treatment:

Gross income.....	\$600,000
Deduction of losses on dry holes....	80,000
"Intangibles" plus depreciation....	20,000
Cost of raising samples.....	50,000
27½ percent depletion.....	165,000
Subtotal .....	315,000
Taxable income.....	285,000

The above example, while hypothetical, illustrates very clearly the highly favorable tax position of the petroleum industry which is the prime beneficiary of the percentage depletion allowance and the option to expense intangibles. The proof, of course, must lie in actual tax figures.

The distinguished Senator from Wisconsin (Mr. PROXMIRE) who has long been instrumental in the fight against percentage depletion has placed in the CONGRESSIONAL RECORD certain statistics demonstrating the ability of the oil industry to escape from Federal taxation. These most recent statistics show that the major refiners and producers paid an average of 7.7 percent of their net income in Federal taxes in 1968. When you consider that the lowest individual income tax bracket is 14 percent and the corporate tax is 48 percent, it becomes apparent that the rest of us are paying

extra to make up the amount which the petroleum industry avoids.

Over the years a great number of arguments have been presented to support retention of the percentage depletion allowance. These arguments boil down to the belief that the incentives of the market place are insufficient to encourage the necessary exploration and development costs to achieve a proper level of oil reserves in this country for purposes of meeting emergency situations.

Mr. President, we have all heard these arguments many times. I want to briefly describe the most recent data which rebuts these points.

First, the latest estimates show that complete elimination of percentage depletion and the option to expense intangibles would reduce the level of known reserves of oil and gas by only 7 percent. Furthermore, this estimate does not take into consideration the possible efficiencies and new exploratory and development techniques that might be initiated by a reduction in the depletion allowance.

Second, it has become clear in recent years that, if percentage depletion is in fact an incentive to explore and develop, it is most inefficient to base it on the gross revenues of a producing property. Exploration does not always turn up oil or gas fields. Therefore the incentive should be placed in close conjunction with efforts to explore and drill, not with gross revenue.

Third, it seems likely that the present depletion provisions may have hampered the development of new techniques of finding and extracting petroleum because the tax system favors present methods.

Mr. President, the percentage depletion allowances and the option to expense certain capital costs provide a loophole resulting in the loss of over \$1.6 billion in tax revenues annually. My amendment would permit the recovery of approximately \$1 billion of this revenue by discontinuing the option to expense intangible drilling costs and by providing a staged reduction of all percentage depletion allowances over 3 years to a level of 50 percent of present allowances.

It has often been said that no meaningful tax reform can occur without revision of the present discriminatory tax status of the oil and gas industries. The present law provides little more than a direct and unwarranted subsidy to the industry. Yet, this subsidy has long escaped full public recognition and scrutiny and has been allowed to exist on the basis of irrelevant and specious reasoning.

Congress must end its reluctance to consider fully the merits of this tax favoritism and to alter the long-existing provisions. Prompt action on the percentage depletion allowance will give credence to our professed desire to reform the tax system.

#### REAL ESTATE DEPRECIATION RULES

A second area of our tax laws which must be revised is the accelerated depreciation schedules now permitted to owners of real estate. Under these tax provisions, owners of real estate can deduct

up to 40 percent of the cost of a building in the first quarter of its expected life. The large current deductions allowed by such accelerated schedules create artificial losses which are used to protect otherwise taxable income of the owners from taxation. The losses are artificial in the sense that in most cases income from rentals is enough to offset expenses and mortgage interest. They are artificial also in the sense that the rising market value of the building often belies the rapid depreciation schedule which the tax law permits.

An example will illustrate the "sheltering" aspects of this provision. Mr. A. purchases a building with a useful life of 40 years for \$250,000. By using permissible depreciation schedules he is able to deduct \$100,000 over the course of the next 10 years at which time he sells the property to Mr. B for \$300,000. Assuming A is in the 70-percent bracket he has saved himself \$70,000 in the last 10 years because his real estate "losses" have been deducted from ordinary income. Yet, when he reports his gain from the sale of property he pays a tax of only \$37,500 (25 percent of the difference between the depreciated value of the building—\$150,000 and the sale price—\$300,000).

Recent studies by the Treasury Department have pointed up the magnitude of the inequities perpetrated by the real estate "shelter."

A sample of 1964 income tax returns of individuals heavily involved in real estate investment showed an average income from sources other than real estate of \$144,000. Despite the fact that, generally, the income from rentals exceeded management expenses and mortgage interest, the rapid depreciation was enough to create "losses" of \$77,500 per man and an average tax saving of \$45,000.

Another study showed that a taxpayer who had \$5.5 million in capital gains over the course of 7 years, mostly from sale of real estate, and other income of nearly \$2 million paid only an effective tax rate of 11 percent—about the same as a married wage earner with two children and a salary of \$10,000.

This amendment would prevent the use of accelerated depreciation on real estate property and require it to be depreciated by methods which more closely conform to reality. However, one important exception would be made to permit accelerated depreciation for residential housing designed for low- and moderate-income citizens. This exception is required to permit the continued expansion of private and governmentally sponsored housing programs. The incentive would have relatively little effect on the revenue gain expected from closing the loophole. The Treasury Department has estimated that ending accelerated real estate depreciation would increase revenues by \$750 million of which only \$50 million would be attributable to low income housing.

#### ALLOCATION OF LOSSES FROM FARMING OPERATIONS

The third great loophole which my bill would close involves the use of special tax accounting rules applicable to farmers by other citizens who wish to pro-

tect high incomes received from non-farm ventures.

The general purpose of these accounting rules remains valid today as a legitimate attempt to ease the burden of bookkeeping on the average farmer. But in the light of recent events and evidence it is incumbent upon Congress to add a provision to the law to correct the abuse of these rules by those who seek to escape taxation.

In brief, the abuse results from tax provisions which permit a farmer to use the cash basis accounting system rather than the accrual or inventory system. The former method permits a taxpayer to deduct expenses in the year they occur despite the fact that the sale of goods to which the expense is related does not happen until another year. This law provides greater simplicity for the farmer—it also provides a major loophole for the nonfarmer who knows how to use it.

A second important provision allows a taxpayer to expense and therefore immediately deduct the costs of developing a herd of livestock or commodity crop.

An example will make the effect of these provisions clearer. Mr. A., who is a \$200,000 a year executive, invests in a citrus grove. The costs of developing the grove are \$20,000 annually for 5 years before any fruit is ready for the market. A may deduct this expense from his salary income and thus reduce his taxes substantially. At the end of 5 years A sells the grove to B for a capital gain of \$100,000 which results in a tax of \$25,000, although A has saved considerably more in taxes through his deductions of losses in the previous 5 years.

The artificiality of these losses is readily apparent. In reality, they are expenses of developing a capital asset which is subsequently sold for a handsome profit and taxed at the low capital gains rate.

The effect of this "shelter" is illustrated by statistics from the Treasury Department which show that farm losses tend to increase proportionately with the amount of nonfarm income which is subject to taxation at ordinary tax levels. These statistics have shown that those with adjusted gross incomes between \$50,000 and \$100,000 report an equilibrium between farm gains and losses while those with incomes above \$100,000 and hence subject to greater personal taxes show farm losses three times greater than gains.

The amendment which I propose would limit the availability of farm losses as an offset against nonfarm income. This bill would not prohibit a farmer who has no outside income from deducting these losses. However it would stop a taxpayer from offsetting farm losses against more than \$15,000 of nonfarm income.

Closing this loophole will generate another \$145 million in tax revenue.

#### TAXATION OF COOPERATIVE CORPORATIONS

One of the basic tenets of our tax system is that people in similar economic circumstances be taxed in a similar and equal manner. It has become increasingly apparent that the present tax treatment of cooperative corporations violates this maxim in the extreme.

Cooperative corporations are corporate enterprises incorporated for the



most part under State laws. They compete in the open market for profits. They manufacture, wholesale, and retail goods just like any other business entity. Unlike other corporations, however, they pay very little Federal income tax.

The earnings of the ordinary business corporation are subject to two taxes. The earnings are taxed at the corporate level at rates ranging from 22 to 48 percent. When the net income of the corporation is passed on to stockholders—the owners—this income is included in personal income and taxed at the individual income tax rate.

Cooperative corporations, however, receive a highly favored tax treatment from the Federal Government. All the net income of a cooperative which is passed on to investors in the form of "patronage dividends" is excluded from the taxable income of the cooperative. Thus most cooperatives pay little or no Federal income tax despite the fact that much of the income which is theoretically passed on actually stays right in the cooperative coffers.

Cooperative corporations have generally escaped the close scrutiny of the public eye. Many cooperatives are no longer limited to small groups of farmers banding together to market their produce. They are no longer confined to the local level.

Cooperatives have moved into the fields of manufacturing and processing goods on a national scale. They own huge manufacturing facilities to produce fertilizer, refine oil, and to manufacture hundreds and thousands of other everyday products.

Cooperatives have become permanent institutions with centralized management and complex corporate structures. In fact, the average cooperative is now larger than the average ordinary corporation.

At the same time, the present law taxes the patrons who own the cooperative corporation when they receive paper IOU's from the cooperative having no market value. A shareholder of an ordinary corporation, on the other hand, is not taxed until he receives a dividend in money or other valuable property.

To correct these inequities, my bill includes a provision which imposes a corporate tax on these large and growing cooperative corporations. At the same time, this provision would tax the patron only if he receives money or property having a fair market value. As a special aid to the small farmer or other cooperative member, the bill also provides that each patron may exclude annually from his personal income \$300 in distributions from cooperatives.

It is estimated that these changes should increase Federal revenues by about \$200 million.

#### THE STANDARD DEDUCTION

Mr. President, any tax reform package must emphasize the need to distribute the tax burden equally on all citizens in accordance with the principle of the ability to pay. Additionally, reform should stress simplicity in an effort to induce the greatest amount of voluntary taxpayer compliance.

In the past few years it has become apparent that it is increasingly difficult for the taxpayer to insure that he pays no more than his fair share without the assistance of a tax attorney, accountant, or both. This tendency is anathema to our concept of self-taxation.

In 1944, Congress introduced the standard deduction concept which allowed taxpayers to deduct 10 percent of their adjusted gross income up to \$1,000 in lieu of itemizing deductions. At that time about 80 percent of the taxpayers availed themselves of this simplified method of computing income tax without financial loss.

Today, because the number and amount of deductions has increased markedly and incomes in general have risen, only a little over half the taxpayers use the standard deduction form. The result is that many people have been once again forced to endure the agony or tedium of collecting receipts and itemized bills in order to calculate each individual deduction. The present standard deduction is simply out of date for many citizens who cannot afford to use it for fear of paying the Government more than they legitimately owe.

Therefore, my tax package includes an increase in the standard deduction to the lesser of 14 percent of adjusted gross income or \$1,800. By increasing the deduction to this amount, it is estimated that over 80 percent of the American taxpayers would once again be able to use this simplified form without tax loss.

Furthermore, revision of the standard deduction will lower the present tax level for many of our low- and moderate-income citizens. The Treasury Department has estimated that my proposal would save the taxpayers about \$1.4 billion annually, and 70 percent of this would benefit those with income between \$10,000 and \$20,000. Fully one-third of all taxpayers would receive a tax reduction from this provision.

In connection with this proposal, I draw attention to the admirable efforts of the House Ways and Means Committee which has added a provision to increase the minimum deduction allowable to low-income taxpayers. This provision has my full support.

#### TAX CREDIT FOR TUITION EXPENSES

Mr. President, I also offer a fifth proposal to allow a tax credit for the expenses of providing tuition and required fees for higher education up to a level of \$1,500 per year.

Over 6 years ago I proposed legislation on this flood to offer substantial tax relief to ease the heavy burdens of the high cost of undergraduate and graduate education. Since that time the concept of relief has been advanced many times, and in 1967 the Senate approved the legislation only to see it dropped in conference.

Today, the need for this legislation is greater than ever before. Increasing tuition costs and a higher level of Federal, State, and local taxation have combined to squeeze the low- and middle-income citizen out of any possibility of sending a child to a private college without substantial financial assistance.

Today, there are an estimated 7 million students working toward degrees. This is more than three times as many students as were in institutes of higher education in 1955. Six years from now we can look forward to a student population level of 9 million.

These enrollment figures mean that tuition rates must increase as colleges and universities seek to expand their hard-pressed facilities. At the same time our advancing knowledge and the need to teach new concepts and technology continues to inflate the cost of education.

In 1967, the estimated required tuition fees for a full-time undergraduate student at a public university was \$274; at a private institution tuition and fees averaged \$1,292. Only 2 years earlier these figures had been \$200 and \$812, respectively. Since 1967, all indications have pointed to an ever more rapid increase in rates.

In fact, the average total cost of higher education was estimated in 1967 to be \$1,052 in a public institution, and \$2,187 in a private university. These costs include room and board as well as tuition and fees.

The results of this inflationary spiral spell financial disaster for the average American who seeks to provide his children with a decent education.

The costs have become an impossible burden, and the time has come to recognize that relief is necessary if we are to continue to promote better education in America.

The average American family needs prompt tax relief to meet the increasingly onerous expenses of higher education. We must decide, as a nation, whether we will continue to give tax relief for interest payments, flood damage, and health expenses while denying similar relief for the expenses of education.

The education of our children is an investment in our most important resource. We have made similar investments before through such laws as the GI bill. The results have surpassed our greatest expectations. We must learn from these lessons and apply this knowledge to the future.

This bill would provide a maximum tax credit of \$325 per student. The credit would be allowed to anyone who paid the required tuition and fees for himself or another student.

Mr. President, this amendment is designed to relieve the heavy costs of education which are borne by those citizens in the low and middle tax brackets. The bill will not benefit those with high incomes who can afford the costs of higher education.

The bill has been drafted to begin a phase out of the available credit at the \$15,000 income level. Thus, a taxpayer who has an income of \$15,000 would be permitted to deduct the full \$325 credit if it was available to him. However, the same individual if he had an income of \$25,000 would only be allowed a credit if he were supporting more than one student since one full \$325 credit is phased out at each \$10,000 level above \$15,000. Similarly, a person with an income of \$35,000 would have a credit only if he were supporting three children.

Thus, the effect of the credit is spread upward only in relation to the amount of educational expenses being borne by the taxpayer.

The \$325 credit would be computed on the basis of 100 percent of the first \$200 of eligible tuition and fees per student, 25 percent of the next \$300, and 10 percent of the subsequent \$1,000. No credit would be available for expenses above \$1,500.

This bill is nearly identical to previous legislation I have introduced on this subject. The major change would recognize that families with more than one college student have greater need for tax relief. Thus, the available credits would be phased out one at a time rather than simultaneously.

The great bulk of this tax relief would benefit those citizens in the lower and middle tax brackets, who are the one's facing the greatest financial pressures from both taxes and education expenses.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2646) to amend the Internal Revenue Code of 1954 to make structural changes with respect to the income tax in order to achieve a greater degree of equity in the Federal income tax system, introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on Finance.

#### S. 2650—INTRODUCTION OF A BILL PROVIDING FOR THE DISPOSITION OF CERTAIN FUNDS AWARDED TO THE TLINGIT AND HAIDA INDIANS OF ALASKA

Mr. GRAVEL. Mr. President, I introduce, for appropriate reference, a bill of major significance to the Tlingit-Haida Indians of Alaska.

In 1968 the U.S. Court of Claims awarded the Tlingit-Haida Indians a judgment against the United States in the gross amount of \$7,546,053.80. It is generally and justifiably held that this judgment is grossly inadequate as payment for virtually all of the southeastern panhandle of Alaska. However, the judgment was awarded at the same time that the Alaska Federation of Natives, representing all of Alaska's natives, was forcefully pressing a claim for native land rights throughout the State. Rather than go their own way and appeal the U.S. Court of Claims' decision to the Supreme Court, the Tlingit-Haida Indians elected to accept the judgment and render whatever assistance they could to the claims efforts of the rest of Alaska's native people. Having just suffered 35 long years of agony and frustration in their claims litigation, the Tlingit-Haida people recognized the advantages in time and equity which could accrue to a legislative claims settlement pursued before the U.S. Congress.

Mr. President, this bill provides for the use of the net judgment "in any manner authorized by the Central Council of the Tlingit and Haida Indians of Alaska." It is my certain feeling and observation that the Tlingit-Haida people have the same capability and desire as any group of American citizens to see that these

judgment funds are used wisely for the betterment, in all areas, of all their people.

It is my deep and abiding conviction that the Tlingit-Haida Indians do not need the demeaning provision of law which provides for the "approval of the Secretary of the Interior" in the use of funds which is theirs exclusively, awarded after long and frustrating litigation by the U.S. Court of Claims. We have here an opportunity to reassess our thinking toward the American Indian, to redress the grievances wrought by the second-class citizenships status accruing to the Indian people as a result of denying them the opportunity to achieve their own destiny, in their own way, at their own pace, at their own discretion. If we do allow this exclusive determination and use by the Tlingit-Haidas, we will find that the American Indian as personified by the Tlingit-Haida people are as conscientious, as responsible, as honest, as capable, as prudent as other Americans.

I ask unanimous consent that the full text of the bill be placed in the RECORD as well as the Tlingit-Haida Central Council's Statement of Plans for the Use of Tlingit-Haida Funds and a supplement thereto. I respectfully request prompt consideration of this important measure.

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. 2650) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, introduced by Mr. GRAVEL, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, as follows:

#### S. 2650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended funds and interest thereon on deposit in the Treasury of the United States to the credit of and otherwise invested by the Secretary of the Interior for the account of the Tlingit and Haida Indians of Alaska which were appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case entitled *The Tlingit and Haida Indians of Alaska, et al v. The United States*, No. 47900, after payment of attorney fees and expenses, may be advanced, expended, invested or used for any purpose and in any manner authorized by the Central Council of the Tlingit and Haida Indians of Alaska (notwithstanding any other statutory provision). Any of such funds that may be distributed under the provisions of this Act shall not be subject to Federal or State income taxes.*

The statement presented by Mr. GRAVEL is as follows:

#### STATEMENT OF PLANS FOR THE USE OF TLINGIT AND HAIDA FUNDS

NOVEMBER, 1968.

##### A. INTRODUCTION

This memorandum presents (1) a summary of the current Tlingit and Haida funds, (2) an explanation of the authorization given by the Congress to the Central Council of the Tlingit and Haida Indians of Alaska,

to prepare plans for the use of the funds, (3) a brief description of a tentative program consisting of six plans for the use of a portion of the Tlingit and Haida funds.

The fundamental objectives of the plans will be to provide the maximum benefits and advantages which will contribute to the economic and social progress of each of the Communities of Tlingit and Haida Indians, which are represented in the Central Council of the Tlingit and Haida Indians of Alaska. Further, the procedures and mechanics for the administration and operation of the plans and criteria and standards for benefits under the plans will be designed to provide, to the fullest practicable extent, self-determination by each of the Communities and their members.

#### B. SUMMARY OF THE TLINGIT AND HAIDA FUNDS

At the present time the Tlingit and Haida funds comprise (1) funds invested in securities, (2) funds deposited in the U.S. Treasury, and (3) budgeted funds.

(1) *Invested Funds:* Certain funds belonging to the Tlingit and Haida Indians of Alaska, in a total principal or face amount of Six Million Five Hundred Ninety-Two Thousand Dollars (\$6,592,000.00), are invested in United States securities as well as other securities or obligations which are guaranteed by the United States or are collateralized by United States Securities, follows:

Security	Face or principal amount	Maturity date
U.S. Treasury bills:		
(a) Of Apr. 22, 1969	\$41,000	Apr. 22, 1969
(b) Of May 31, 1969	51,000	May 31, 1969
Subtotal	92,000	
Bank certificates of deposit:		
(a) Marine Midland Trust Co.:		
(1) Certificate No. 11379	500,000	July 29, 1969
(2) Certificate No. 11371	1,250,000	Jan. 23, 1970
(3) Certificate No. 11372	1,250,000	July 23, 1970
(b) Manufacturers & Traders Trust Co.:		
(1) Certificate No. 24252	1,250,000	Jan. 23, 1970
(2) Certificate No. 24253	1,250,000	July 23, 1970
Subtotal	5,500,000	
Federal National Mortgage Association participation certificates:		
(a) 4.7 percent certificates	500,000	Dec. 1, 1972
(b) 6.45 percent certificates	500,000	Apr. 9, 1973
Subtotal	1,000,000	
Total	6,592,000	

It is estimated that on these investments, the Tlingit and Haida Indians of Alaska are presently earning interest at the rate of more than Four Hundred Thousand Dollars (\$400,000) on an annual basis. When the interest on these investments is paid from time to time, it is automatically deposited in a Tlingit and Haida account in the U.S. Treasury.

(2) *Deposited Funds:* In addition to the above-described invested funds, there is on deposit at the present time in a Tlingit and Haida account in the U.S. Treasury a total of \$111,592.19. Also, the sum of \$16,214.56 is in process of being deposited. However, the great bulk of these "deposited" funds are being held in reserve to pay the costs and expenses of the litigation in the U.S. Court of Claims which resulted in the award to the Tlingit and Haida Indians of Alaska.

(3) *Budgeted Funds:* A total of One Hundred Fifty Thousand Dollars (\$150,000), which was withdrawn from the Tlingit and Haida funds in the U.S. Treasury, has been



made available to the Central Council of the Tlingit and Haida Indians of Alaska for organizational, administrative, operating and program planning expenses in accordance with an approved budget.

#### C. THE CONGRESSIONAL AUTHORIZATION TO PREPARE PLANS FOR THE USE OF THE FUNDS

By Section 8 of the Act of June 19, 1935 (49 Stat. 388) as amended by the Act of August 19, 1965 (79 Stat. 543), Congress directed that the Tlingit and Haida funds (which were derived from an appropriation made by Congress to pay the judgment against the United States, awarded by the U.S. Court of Claims to the Tlingit and Haida Indians) may not be made available for expenditure by the Tlingit and Haida Indians, except for certain specified uses,<sup>1</sup> until after Congress has enacted legislation that sets forth the purposes for which the funds shall be used.

In this same Section 8, Congress authorized the Central Council of the Tlingit and Haida Indians to prepare plans for the use of the funds, and to exercise such further powers with respect to the advance, expenditure and distribution of the funds as may be authorized by Congress.

#### D. THE PLANS

The Executive Committee of the Central Council, in consultation and cooperation with the Program Planning Committee, has formulated a program providing for six plans, which will call for the making available, from time to time as needed, upon requisition by the Central Council, of sums up to a total of two million dollars (\$2,000,000), out of the proceeds of the above-described Tlingit and Haida invested funds, deposited funds and the interest accrued and accruing thereon. As may be noted, this sum of two million dollars comprises less than one-third of the present Tlingit and Haida invested funds. It is contemplated that the balance of the Tlingit and Haida funds, amounting to more than four and one half million dollars, as well as the interest earnings thereon will remain substantially intact and be invested and reinvested, and be on deposit in the U.S. Treasury, until such time as future plans are developed for the use of such funds.<sup>2</sup>

The six plans fall under the following descriptive headings and the amounts tentatively allocated to the plans are as follows:

- |   |              |
|---|--------------|
| (1) Scholarship grants and assistance for education and professional and vocational training..... | \$200,000.00 |
| (2) Plans for services for the "special" (that is, the elderly) Tlingit and Haida people.....     | 250,000.00   |

<sup>1</sup> The specified permitted uses were for (1) the organizational, administrative, operating and program planning expenses of the Central Council of the Tlingit and Haida Indians; and (2) payment of attorney fees and expenses of the litigation. As has been stated, \$150,000 has been withdrawn from the Tlingit and Haida account in the U.S. Treasury and made available to the Central Council for organizational, administrative, operating and program planning expenses. Also, the sum required for attorneys' fees for services in the litigation in the U.S. Court of Claims has been withdrawn from the Tlingit and Haida account in the U.S. Treasury and paid to the attorneys. Further, as has been noted, funds have been reserved in the Tlingit and Haida account in the U.S. Treasury in an amount believed more than ample to pay all expenses of the litigation, including expert witness fees and costs.

<sup>2</sup> Pending the development of such future plans, the only expenditures from such balance of funds may be for organizational, administrative, operating and program planning expenses of the Central Council.

(3) Housing guaranty and loan fund.....	\$500,000.00
(4) Community development fund .....	200,000.00
(5) Industrial and commercial development fund.....	500,000.00
(6) Revolving fund for loans or organization of a T-H Bank .....	350,000.00
Total.....	2,000,000.00

The plans are intended to fulfill purposes and meet problems for which other programs—federal, state or local—are not available or to facilitate the use of such other programs where suitable, to help carry out the objectives of the plans.

The financial arrangements of the plans will be designed to maintain and conserve the assets of the Tlingit and Haida to the extent feasible within the purposes sought.

The following is a statement of certain recommended general principles and guidelines under the plans.

(1) *Scholarship Grants and Assistance for Educational and Professional and Vocational Training:* The purpose is (a) to encourage, through financial means, and to assist in other respects in the achievement of higher educational levels for the Tlingit and Haida youth, (b) to advance the education and the technical and professional training of the adult members of each of the Communities of the Tlingit and Haida, and (c) to increase their earning capacity.

Fuller use of existing scholarship, loan and other assistance (both public and private) for education and training will be encouraged by information services to the Communities, by guidance and referrals, and by establishing lines of communication with colleges, universities and other educational and training institutions. Emphasis will be placed on training and education that is consistent with occupational requirements in Alaska.

Barriers to fuller use of existing programs will be reduced where review of such barriers indicates need for supplementary financial assistance and action (for example, transportation payments, clothing and boarding allowances, etc.).

Combinations of training grants and loans will be designed to facilitate the upgrading of occupational skills and earning levels of those already at work.

(2) *Plan for Services to the "Special" (that is, the Elderly) Tlingit and Haida People:* The purpose is to provide needed housing, health and nutritional services and facilities not otherwise available for the "special" T-H people so as to permit these persons to live out their lives with dignity.

Fuller use of existing health and public aid programs will be encouraged by such additional measures as are appropriate to the needs of the special T-H people, including, for example, referrals, guidance, and transportation allowances. In addition, housing developments, nursing homes, training of health personnel, provision of prosthetic appliances, subsidization of nurse services will be assessed in terms of needs and having regard to supplementation of existing programs.

(3) *Housing Guaranty and Loan Fund:* The purpose is to assist the members of the Communities of the Tlingit and Haida to obtain satisfactory housing through various measures, such as guarantees of mortgage loans made by financial institutions or direct loans.

Present housing facilities of the Tlingit and Haida in each Community will be assessed and plans made for moving toward satisfactory housing that takes account of the current and prospective income available for housing purposes of the Tlingit and Haida.

To the extent that housing would facilitate other community development projects, and other sources of support (loans and grants) are not available, housing loans

would be extended to encourage and finance the necessary constructions.

Fuller use of existing public aid (both grant and loans) programs will be encouraged and facilitated (for example, housing projects would be designed and planned, and services would be made available for matching public programs).

(4) *Community Development Fund:* The purpose is to promote and encourage community participation and development by the provision of resources including facilities for community activities, such as cultural, educational and recreational activities.

Financial support for community facilities will be supplementary to those which can be obtained from other sources and will be considered along with plans for improved housing.

(5) *Industrial and Commercial Development Fund:* The purpose is to develop satisfactory employment opportunities and to raise the earnings and income of the Tlingit and Haida.

A fund will be set aside to foster industrial and commercial development that will have a comparative advantage because of the special characteristics of each Community of Tlingit and Haida by (a) the making of loans, (b) the guarantee of loans, (3) and subsidization of interest on loans.

Included among the activities to be funded are (1) training of Tlingit and Haida in the skills required to administer and carry on business enterprises, and (2) formulation of proposals for outside financial support.

(6) *Revolving Fund for Loans or Organization of a T-H Bank:* The purpose is to provide a fund which will enable the members of the Communities of the Tlingit and Haida to obtain loans not available from other sources for various essential purposes, such as repair of homes, acquisition of housing facilities, capital for small business operations, etc.

It is proposed that a portion of the loan fund be reserved so as to provide for each Community a fund for temporary financial assistance that can tide Tlingit and Haida families and persons over emergency situations until the emergency has passed or until appropriate channels can be found in longer range situations.

As a future alternative, consideration will be given to the organization and funding of a bank owned by the Tlingit and Haida which will provide loans to the members of the Communities of the Tlingit and Haida on a preferential basis.

#### SUPPLEMENT TO STATEMENT OF PLANS FOR THE USE OF TLINGIT AND HAIDA FUNDS

APRIL 1969.

On November 10, 1968, the Program Planning Committee of the Central Council of Tlingit and Haida Indians of Alaska submitted to the Executive Committee of the Central Council a "Statement of Plans for the use of Tlingit and Haida Funds." After considering the "Statement of Plans", the Executive Committee adopted a Resolution (Resolution No. 68-69 Ex. 8) approving the Statement of Plans.

The Program Planning Committee now presents this memorandum as a "Supplement to the Statement of Plans" and recommends that the Statement of Plans of November 1968 and this Supplement to the Statement of Plans be presented for the consideration of the Central Council of the Tlingit and Haida Indians of Alaska at its meeting to be convened in Sitka, Alaska, commencing on April 24, 1969.

It is noted that the Statement of Plans formulated a program providing for six plans, which will call for the making available, from time to time as needed, upon requisition by the Central Council, of sums up to a total of Two Million Dollars (\$2,000,000.00) out of the proceeds of the Tlingit and Haida invested funds. The Program Planning Committee, after further consider-

ation and review, has concluded that the allocation of funds to the six plans should be increased to \$4,000,000.00. The six plans fall under the following descriptions:

(1) Scholarship grants and assistance for education and professional and vocational training-----	\$200,000.00
(2) Plans for services for the "special" (that is, the elderly) Tlingit and Haida people-----	250,000.00
(3) Housing guaranty and loan fund-----	500,000.00
(4) Community development fund-----	1,000,000.00
(5) Industrial and commercial development fund-----	1,500,000.00
(6) Revolving fund for loans or organization of a T-H Bank-----	550,000.00
Total-----	4,000,000.00

In addition, there will be a reserve of invested funds which exceeds two and one half million dollars.

Considering the best interests and welfare of the Tlingit and Haida Indians as a whole and of the various Communities of Tlingit and Haida Indians, the Program Planning Committee believes at this time, that the foregoing allocations to the six plans are appropriate. However, it is emphasized that as experience makes it desirable and as conditions change, the allocations may be modified, including substantial increases in the allocations to one or more of six plans. In the event of such increased allocations, it is contemplated that funds will be requisitioned pursuant to resolutions duly adopted by the Central Council or the Executive Committee of the Central Council from the reserve of the Tlingit and Haida funds, which reserve as noted presently amounts to more than two and one-half million dollars.

Similarly, it is contemplated that as experience is gained in the operation of one or more of the six plans, additional plans will be formulated of a nature similar to the above described six plans. Such additional plans will be funded from the reserve of Tlingit and Haida invested funds. The basic standards for such additional plans will also be the betterment of the social economic welfare of the Tlingit and Haida Indians as a whole and of the local Communities and the conservation, protection and enforcement of the rights, land and other resources of the Tlingit and Haida Indians, including (1) contribution of funds to be expended, advanced or loaned to assist in protecting their rights and claims in connection with the legislative proposals to settle on a State-wide basis the Alaska Native land rights as well as (2) their rights and claims to the 2.6 million acres of lands in southeast Alaska to which the United States Court of Claims has decided that the ownership of the Tlingit and Haida based on Indian title remains unextinguished and has survived.

#### S. 2651—INTRODUCTION OF NEW AIRPORT DEVELOPMENT MEASURES WITH EXTENSIVE AVIATION INDUSTRY SUPPORT

Mr. RANDOLPH. Mr. President, during the first phase of hearings before the Aviation Subcommittee of the Senate Committee on Commerce, a number of aviation industry witnesses and representatives of airport operators stressed the need for consideration of a bill which has as its objective the solution of the needs of our Nation's airports, both with respect to landing areas and terminals and terminal areas.

Today, I introduce, by request, a proposal with that objective. It is the culmi-

nation of months of study by major elements of aviation which seem to have agreed on a valid approach to the airport problem. Indeed, this legislative proposal is reported to me to be supported by the Airport Operators' Council, the Aircraft Owners and Pilots Association, the three major aircraft manufacturers, and the Air Transport Association of America. I understand that other organizations may join in supporting the program proposed in the measure I introduce.

In view of prior testimony during the Aviation Subcommittee hearings, when the framework of this measure was endorsed by airport and aviation industry witnesses, and in view of the broad effort which seems now to be joined in support of the bill's approach to airport financing, I believe it would be helpful to the Committee on Commerce and to the Senate as a whole to have this proposal officially in the legislative process in bill form. My distinguished West Virginia colleague, Representative HARLEY O. STAGGERS, chairman of the House Committee on Interstate and Foreign Commerce, has introduced a like bill in that body. I will introduce or cosponsor within the month a separate measure on airways.

By studying and considering the industry-sponsored program in legislative draft, perhaps we can better analyze its provisions and more carefully determine its value.

In a desire to be helpful, therefore, I introduce the bill to amend the Federal Airport Act and to provide additional Federal assistance in connection with the construction, alteration, or improvement of airports, airport terminals, and related facilities, as well as to provide relief of congestion at public airports. I request unanimous consent to have the bill printed in the Record following these introductory remarks.

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

The bill (S. 2651) to amend the Federal Airport Act, and to provide additional Federal assistance in connection with the construction, alteration, or improvement of airports, airport terminals, and related facilities; to provide relief of congestion at public airports; and for other purposes, introduced by Mr. RANDOLPH (by request), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

#### S. 2651

*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 "Federal Airport Development Act of 1969."  
TITLE I—FEDERAL AIRPORT DEVELOPMENT PROGRAM

#### DEFINITIONS

SEC. 101. As used in this title—

(1) "Secretary" means the Secretary of Transportation;

(2) "airport development" means the construction, alteration, and improvement of airfield facilities and related support systems, airport terminal buildings and other

public use airport facilities at air carrier airports or reliever airports, including but not limited to roads within the airport boundaries and passenger and baggage handling facilities; and for any acquisitions of land needed for such development, as well as lands adjacent to or in the immediate vicinity of such airports, including any interest therein, or an easement through or any other interest in airspace, for the purpose of assuring that activities and operations conducted thereon will be compatible with normal airport operations;

(3) "air carrier airport" means an existing or proposed airport at any air traffic hub or nonhub receiving or scheduled to receive service by an air carrier or air carrier certificated by the Civil Aeronautics Board under the provisions of section 401 of the Federal Aviation Act of 1958, as amended. As used in this title, the meaning of the term "large air traffic hub", "medium air traffic hub", "small air traffic hub" and "nonhub" shall be defined in the most recent issue of the publication "Airport Activity Statistics of Certificated Route Air Carriers", published jointly by the Civil Aeronautics Board and the Federal Aviation Administration on or before the effective date of this Act;

(4) "reliever airport" means an airport which is designed or is intended primarily to serve nonair carrier aircraft which otherwise might use and contribute substantially to congestion at air carrier airports;

(5) "public agency" means the United States Government or an agency thereof; a State, or Puerto Rico, the Virgin Islands, and Guam, or any agency of any of them; a municipality or other political subdivision or a tax-supported organization;

(6) "sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary an application for assistance for airport development; and

(7) "project" means a project for the accomplishment of airport development.

#### DECLARATION OF PURPOSE

SEC. 102. The Congress hereby finds that the existing system of airports and airport terminal facilities within the United States is rapidly becoming inadequate to meet the present and future needs for civil aviation operations required in the interests of the foreign and domestic commerce of the United States, of the postal service, and of the national defense; that there is a responsibility in the Federal Government to encourage and assist in the development of a system of airports adequate to meet those needs; and that financial assistance beyond that provided under existing laws is necessary to assure an adequate system of airports and airport terminal facilities.

#### AIRPORT ASSISTANCE CONTRACTS

SEC. 103. (a) (1) The Secretary is authorized to provide financial assistance for airport development under the programs hereinafter established. Such financial assistance may be provided only if the Secretary finds that (a) the project for which assistance is sought will be consistent with the national airport plan developed by the Secretary pursuant to his authority under this Act, the Department of Transportation Act and section 3 of the Federal Airport Act; (b) the project sponsor will, to the greatest extent possible, utilize all of its airport revenues for the operation, maintenance and improvement of such airport; and (c) the project sponsor will not seek to recover from airport users the funds granted to it under this Act or the Federal Airport Act.

(2) The provisions of sections 11, 15, 19, and 21 of the Federal Airport Act, as amended, shall be applicable to all programs under title I of this Act.

(b) (1) Within the limits established from time to time in appropriation Acts for each fiscal year for the period beginning July 1,



1969 and ending June 30, 1979, the Secretary may enter into contracts, in accordance with the provisions of this subsection, with any sponsor, to make annual payments to it equal to 100 per centum of the principal payments due on obligations issued by the sponsor to finance any airport development project. Such obligations shall be issued for periods not exceeding thirty years.

(2) The Secretary also may enter into contracts for airport development, in accordance with the provisions of this subsection with any sponsor, to make a payment or payments by installment to it over a fixed period of not to exceed thirty years in an amount equal to one-half of the costs of any airport development project.

(3) With respect to amounts in the direct airport account established under section 104(c) (2) the Secretary shall, after project approval, enter into contracts under paragraph (1) or (2) of this subsection to the extent of the sponsor's percentage share under section 104(c) (2).

(4) Any contract executed by the Secretary under this subsection shall be an obligation supported by the full faith and credit of the United States.

(c) In order to assist and encourage the sponsorship of airport development projects, the Secretary is authorized, within the limits established from time to time in appropriation Acts for each fiscal year, for the period beginning July 1, 1969 and ending June 30, 1979, to make advances to public agencies which will cover the planning costs of engineering and architectural surveys, designs, plans, working drawings, specifications, or other actions preliminary to and in preparation for airport development projects, including such activities as may be necessary to meet the requirements of the Secretary for obtaining such assistance. No advance shall be made hereunder with respect to any airport development project unless it is planned to be initiated within a reasonable period of time and unless the public agency contracts with the Secretary to complete the plan promptly and to repay such advances or parts thereof when due with interest at an agreed rate specified in the contract and agreed to by the Secretary of the Treasury taking into consideration the average market yield during the month preceding the making of such advance on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such advances, adjusted to the nearest one-eighth of 1 per centum, plus an allowance adequate to cover administrative costs: *Provided, however,* That such repayments and the interest thereon shall be considered a part of the total airport development project cost for purposes of determining the amount of financial assistance allowable under this section.

(d) The proceeds from repayments of advances made under the provisions of subsection (c) of this section, including interest thereon, shall be paid into the trust fund established by section 104 of this Act.

(e) Projects for which funds are committed by a public agency within one year prior to enactment of this Act shall be eligible for assistance under this section on the same basis as any other airport development project initiated after enactment of this Act.

#### OPERATION OF AIRPORT DEVELOPMENT FUND

SEC. 104. (a) There is hereby created within the Treasury of the United States a fund to be known as the airport development fund (hereinafter called the fund). The fund shall consist of such amounts as may be appropriated or credited to the fund as provided in this section and such payments into the fund as may be made under the provisions of section 103(c).

(b) There is hereby appropriated to the fund, out of any money in the Treasury not

otherwise appropriated, amounts equivalent to 100 per centum of the taxes received in the Treasury after June 30, 1969, under the provisions of section 4265 of the Internal Revenue Code of 1954, hereinafter provided.

The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund of the Treasury to the fund on the basis of estimates by the Secretary of the Treasury of the amounts received in the Treasury under the provisions of section 4265 of the Internal Revenue Code of 1954. Proper adjustments shall be made in the amounts subsequent transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) (1) The fund shall be composed of two accounts, the direct airport account and the discretionary account. Each account shall be credited with an amount equal to 50 per centum of the revenues appropriated to the fund pursuant to subsection (b) of this section. All other amounts appropriated or credited to the fund under this title shall be paid into the discretionary account.

(2) Amounts in the direct airport account shall be available as provided by appropriation Acts, for making expenditures to meet the obligations incurred by the Secretary under the provisions of section 103(b) of this title and shall be apportioned to each sponsor based on the ratio which passenger enplanements at that airport for the year preceding that in which the contract is made, bear to passenger enplanements for that year at all airports. The total amount of contracts for each sponsor payable from this account shall not exceed the annual amount so determined multiplied by the number of years during which it is intended that such contracts will be in effect.

Each airport sponsor shall be credited each year with the apportioned amount of the preceding year's taxes as provided above and to the extent such credit exceeds the amount of all payments to such sponsor in the current year under contracts entered into pursuant to this subsection (excluding payments under discretionary allocations), such excess shall remain to the credit of the sponsor throughout the next following two years. If at any time during the current year or the next following two years, the Secretary shall approve an airport development project for such airport sponsor, such remaining credit, plus any remaining credit which may have been accumulated in the next succeeding two years, shall be available to the sponsor as a grant toward the payment of construction cost for such approved project. If the Secretary shall not have approved an airport construction project for such airport sponsor prior to the end of the second fiscal year following the crediting of any sum to such sponsor, such sum shall be transferred to the Secretary's discretionary fund, to be applied to the hub category in which such airport or airports fall.

For the purposes of this section, the term "passenger enplanements" shall include United States domestic, territorial, and international passenger enplanements as annually compiled by the Civil Aeronautics Board: *Provided,* That enplanements of connecting passengers shall be given a value of 65 per centum of that afforded originating passengers.

(3) Amounts in the discretionary account shall be available, as provided by appropriation Acts, for making expenditures to meet any obligations incurred by the Secretary under the provisions of section 103 of this title or payments made by him thereunder, to sponsors of airport development projects under the apportionment formula contained in section 105 of this title.

(d) There are hereby authorized to be appropriated to the fund, as repayable advances, such additional sums as may be required to make the expenditures referred to

in subsection (c), to the extent that amounts in the fund are not adequate to meet current obligations. The Secretary shall not enter into any new contracts until such time as amounts in the fund are adequate to meet current obligations.

(e) (1) It shall be the duty of the Secretary of the Treasury to hold the fund, and (after consultation with the Secretary) to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at the issue price or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest. Advances to the fund pursuant to subsection (d) shall not be invested.

(3) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such obligations may be redeemed at par plus accrued interest.

(4) The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(f) Advances made pursuant to subsection (d) shall be repaid and interest on such advances shall be paid to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the fund for such purposes. Such interest shall be at rates computed in the same manner as provided in subsection (e) (2) for special obligations and shall be compounded annually.

#### APPORTIONMENT OF FINANCIAL ASSISTANCE

SEC. 105. During each fiscal year, the amounts authorized to be paid or obligated from the discretionary account shall be apportioned by the Secretary on the following basis:

(1) 62 per centum shall be apportioned to projects at air carrier airports which serve or will serve large air traffic hubs;

(2) 18 per centum shall be apportioned to projects at air carrier airports which serve or will serve medium air traffic hubs;

(3) 10 per centum shall be apportioned to projects at air carrier airports which serve or will serve small air traffic hubs; and

(4) 10 per centum shall be apportioned to projects at air carrier airports which serve or will serve nonhubs.

**TITLE II—FEDERAL AIRPORT ACT  
EXISTING AIRPORT PROGRAMS**

SEC. 201. The Federal Airport Act, as amended, is hereby extended, and nothing in this Act shall prevent the carrying out of the Federal-aid airport program to the extent authorized and funded by the Congress: *Provided, however,* That the scope of the national airport plan developed by the Secretary pursuant to section 3 of the Federal Airport Act, as amended, shall be expanded to include projects eligible for financial assistance under either or both the Federal Airport Act, as amended, and this Act.

**AMENDMENT OF FEDERAL AIRPORT ACT**

SEC. 202. The Federal Airport Act (60 Stat. 170, 49 U.S.C. 1101 et seq.), as amended, is further amended as follows:

(a) Section 5 is amended by relettering subsection (e) thereof as subsection (f) and inserting a new subsection (e) as follows:

"(e) For the purpose of developing airports to serve general aviation, of relieving congestion at airports having high density of traffic serving other segments of aviation, of providing assistance to nonhub airports, and of providing assistance to other locations at which the only certificated air carrier service is that provided by air carriers who are paid compensation by the Civil Aeronautics Board under clause 3 of section 406(b) of the Federal Aviation Act, as amended (49 U.S.C. 1376), appropriations amounting to \$50,000,000 are hereby authorized to be made to the Administrator for each fiscal year, beginning July 1, 1969 and ending June 30, 1979. Such appropriations shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each fiscal year, and shall continue to be so available until expended."

**TITLE III**

**AIRPORT DEVELOPMENT TAX**

SEC. 301. (a) Subchapter C of chapter 33 of the Internal Revenue Code of 1954 (relating to tax on transportation of persons by air) is amended by adding a new section 4265 as follows:

"Sec. 4265. Imposition of Airport Development Tax.

"(a) There is hereby imposed upon the amount paid within or outside the United States for the transportation of any person by air which begins after June 30, 1969—

"(1) a tax equal to percent of the amount so paid if such transportation begins and ends in the United States,

"(2) a tax of \$ per person transported by air from a point within the United States to a point outside thereof.

"(b) The tax imposed by this section shall not apply to any transportation exempted from payment of the tax imposed by section 4261."

(b) The tax imposed under section 4265, subchapter C of chapter 33 of the Internal Revenue Code of 1954 shall cease to have force and effect, and the Secretary of the Treasury shall not collect the tax, at such time as amounts in the Fund established in section 104 of this Act are sufficient to meet all commitments and obligations of the Federal government under Title I of this Act.

**ADDITIONAL COSPONSORS OF BILLS  
AND A JOINT RESOLUTION**

S. 2029

Mr. HART. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Idaho

OCV—1254—Part 15

(Mr. CHURCH) and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of S. 2029, the Omnibus Civil Rights Act of 1969.

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

S. 2360

Mr. WILLIAMS of Delaware. Mr. President, on behalf of the Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 2360, which proposes to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona.

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

**SENATE JOINT RESOLUTION 61**

Mr. MCCARTHY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

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

**SENATE RESOLUTION 215—RESOLUTION  
AUTHORIZING THE PRINTING  
OF ADDITIONAL COPIES OF  
HEARINGS ON THE UTILITY CON-  
SUMERS' COUNSEL ACT OF 1969**

Mr. MUSKIE submitted the following resolution (S. Res. 215); which was referred to the Committee on Rules and Administration:

S. RES. 215

*Resolved,* That there be printed for the use of the Committee on Government Operations one thousand additional copies of part one of the hearings before its Subcommittee on Intergovernmental Relations during the Ninety-first Congress, First Session, on the Utility Consumers' Counsel Act of 1969.

**CONTINUANCE OF INCOME TAX  
SURCHARGE AND CERTAIN EX-  
CISE TAXES—AMENDMENTS**

AMENDMENT NO. 80

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 81 AND 82

Mr. TYDINGS submitted two amendments, intended to be proposed by him, to House bill 12290, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 83

Mr. HARTKE submitted an amendment, intended to be proposed by him, to House bill 12290, supra, which was ordered to lie on the table and to be printed.

**PROHIBITION OF USE OF CERTAIN  
INTERSTATE FACILITIES FOR THE  
TRANSPORTATION OF CERTAIN  
MATERIALS TO MINORS—AMEND-  
MENTS**

AMENDMENT NO. 84

Mr. GOLDWATER submitted amendments, intended to be proposed by him, to the bill (S. 2073) to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors, which was referred to the Committee on the Judiciary, and ordered to be printed.

**NINTH ANNUAL ALL-AMERICA  
YOUTH BOWLING CHAMPION-  
SHIPS**

Mr. DIRKSEN. Mr. President, it is my very great pleasure to call attention to a unique event which combines our most popular participant sport—bowling—with scholarship and youth. I refer to the Ninth Annual All-America Youth Bowling Championships to be held in Washington, D.C., August 1 to 4. During this tournament, more than 100 high school seniors from all over the country will compete for \$21,000 in scholarships awarded by the National Bowling Council. The unusual thing about this tournament is that scholarship counts more than athletic ability. All of these youngsters, from every part of the country, take college entrance-type tests before they bowl in the tournament. Their performance here counts 60 points, their academic performance in high school counts 10 points, while their performance as tournament bowlers counts 30 points.

So contestants will not only be good bowlers, but will be top-ranked scholastically, too.

The All-America Youth Bowling Championships are sponsored by the National Bowling Council—NBC—and conducted by the Bowling Proprietors' Association of America, with headquarters at Hoffman Estates near Chicago. In addition to the proprietors group, the NBC is composed of the Woman's International Bowling Congress—WIBC; American Bowling Congress—ABC; American Machine & Foundry Co.; and Brunswick Corp.

This year, according to the NBC, a number of colleges plan to match the dollar value of scholarships won so that a winner who chooses and is accepted by one of these participating schools is actually doubling the value of the scholarship.

The young participants are all bowlers graduating from high school this year who regularly bowl in a youth league. They qualified for the national event by bowling in local and, in some cases, in regional and State elimination contests.

Each participating State sends one bowler for each of the three divisions: girls' handicap, boys' handicap, and boys' scratch. In each division, the NBC will award seven \$1,000 scholarships for a total of \$21,000. The youngsters are accompanied on the Washington trip by parents or other chaperones.



My hope is that other organizations which offer athletic and other scholarships for specialized skills like sports will emulate the practice of the National Bowling Council and the BPAA in placing great stress on scholarship and academic performance.

#### BUILD BROTHER BUILD

Mr. SCOTT. Mr. President, Rev. Leon Sullivan, of Philadelphia, founder of the highly successful Opportunities Industrialization Center, which trains disadvantaged youth for productive careers, has written a book based on his experiences. The book, entitled "Build Brother Build," was reviewed in the Philadelphia Inquirer of July 16. The Reverend Mr. Sullivan is an extraordinary man, and I know that this recounting of his experiences and his philosophy will be useful reading for everyone interested in contemporary American life. I ask unanimous consent that the book review be printed in the RECORD.

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

"I WANT TO BUILD AMERICA UP": LEON SULLIVAN TELLS HIS STORY  
(By Harold J. Wiegand)

"Build Brother Build," by Leon H. Sullivan. Macrae Smith Co. 186 pp. \$4.95.

"We black people must become partners at the helm of the national economy and not continue just in menial role, for in the final analysis black men will be respected only in proportion to what they produce to strengthen the nation. No one wants a beggar in his living room . . . I have no intention of tearing America down, but I want to build America up."

This is the Rev. Leon H. Sullivan speaking, and they are the words of a patriotic American dedicated to the uplift of his own people.

He is not only a preacher of the principle of helping others to help themselves; he has done something about it, and in the process he has gained nationwide recognition and commendation and become one Philadelphian whose name is literally a household word among those who genuinely want to rescue Negroes from their plight.

Leon Sullivan is no militant, no apostle of violence and hatred toward the whites. He is an activist and what he has accomplished since coming here from a West Virginia slum by way of Union Theological Seminary, Adam Clayton Powell's Harlem church and a five-year pastorate in South Orange, N.J., makes an astonishing story, which he tells here in his own words.

When he became pastor of Zion Baptist Church in 1950 he was in the heart of a North Philadelphia community where the concentrations of black people was to become greater than in Harlem.

His first step was to organize a Citizens' Committee against juvenile delinquency and its causes, a white and black volunteer organization which had extraordinary success among Negro black youths.

Then he set up a Youth Employment Center which got young Negroes off the streets and into about 1000 jobs a year.

The energetic minister soon found, what others had found in other cities, that there was discrimination against blacks in a number of business firms; jobs were available, but not if you were black.

So he started something that, in the beginning at least, aroused anger and resentment among many white employers.

Negro ministers exert a considerable influence in the Philadelphia black community. Leon Sullivan got 400 of them to join in what he called a Selective Patronage Program but was better known as a succession of business boycotts.

The ministers called on corporations known to have few or no Negro employees and asked for the hiring of Negroes in jobs that were available and where there would be equal opportunity in promotions. When the delegation was turned down, congregations were advised not to patronize these particular firms.

The response opened up more than 2000 skilled jobs to black workers—after all, the purchasing power in the black community of Philadelphia in 1968 was in excess of three quarters of a billion dollars.

Leon Sullivan found a further step was necessary to help the unemployed blacks. Jobs were available, but only for the skilled.

So he established the Opportunities Industrialization Center, starting out with headquarters in an abandoned jail. Youths received training for skilled jobs in such numbers and with a display of such competence that the OIC became a standard pattern for job training in many other cities.

The OIC has had its glamorous spin-offs, a \$1.7 million shopping center where all the managers and most of the store-owners are blacks; a nonprofit garden apartment complex; an aerospace plant; a dress industry; a home education program; a center to train Negroes to operate their own businesses.

It all adds up to drive based on hope, and the new patterns now established for America's underprivileged communities stand as remarkable monuments to a remarkable man.

#### DEFENSE DEPARTMENT INTERVENTION IN TABLE GRAPE BOYCOTT

Mr. CRANSTON. Mr. President, on Tuesday, at a hearing of the Subcommittee on Migratory Labor, I listened to very disturbing testimony from Mr. Dale Babione, a representative of the Defense Supply Agency of the Department of Defense. Mr. Babione stated that in fiscal 1969 table grape purchases for the Armed Forces rose 40 percent and that table grape shipments to Vietnam skyrocketed 350 percent during the same period. Coming at a time when the shameful working and living conditions of farmworkers are being challenged by a nationwide boycott of California table grapes, these increases seem to indicate a most regrettable lack of perception and neutrality in a labor dispute on the part of the Defense Department.

This appearance of partisanship and the antiboycott impact seem to me to be a clear violation of a highly commendable, recently issued Defense Department policy calling for a social consciousness by Department officials in evaluating the domestic impact of all DOD actions. Accordingly, I wrote to Secretary of Defense Melvin R. Laird on July 15, stating my views on this distressing situation and urging the Defense Department to demonstrate true neutrality in the table grape boycott and adherence to its social consciousness policy by immediately cutting back on table grape purchases so as to return to a level of purchases approximately the same as that which prevailed before the boycott began. I also have recommended that the DOD adopt a general policy under

which its procurement of products grown or manufactured by a supplier engaged in a bona fide labor dispute would not be significantly increased or decreased during the existence of such dispute, barring, of course, the necessities of national security.

Mr. President, I ask unanimous consent that the complete text of my letter to Secretary Laird be printed in the RECORD.

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

JULY 15, 1969.

HON. MELVIN R. LAIRD,  
Secretary of Defense,  
Department of Defense,  
Washington, D.C.

DEAR MR. SECRETARY: This morning, at hearings of the Migratory Labor Subcommittee, we heard testimony from Mr. Dale Babione, Deputy Executive Director, Procurement and Production, Defense Supply Agency, Department of Defense.

Mr. Babione was asked to testify because of reports that Department of Defense Procurement of table grapes in fiscal year 1969 had rapidly and substantially increased over the last fiscal year. I am sure you are aware of the impact of the Defense Department procurement and must know that increases in D.O.D. grape procurement have serious implications for the effectiveness of the nationwide boycott of table grapes currently being conducted by the United Farm Workers Organizing Committee, AFL, and numerous religious and civic groups.

Mr. Babione revealed that over the last fiscal year, Department of Defense purchases of table grapes increased approximately 40 percent over-all, and approximately 350 percent in shipments to Vietnam. He stated that the enormous Vietnam increase was due to the unavailability of seasonable oranges for Vietnam shipment during the fall of 1968, along with the newly-developed ability of the Department at that time to improve drastically the method of shipping such perishables overseas.

At the same time, it was brought out in the questioning of Mr. Babione that there was absolutely no nutritional requirement that grapes, as opposed to other available fresh fruits, be consumed by our servicemen in Vietnam. He also indicated that all alternative fresh fruit substitutes for oranges were not explored—including nectarines, which apparently were not even being offered at the time.

Mr. Babione took the position that Department neutrality toward the boycott was established by its mere intention not to favor one side or the other in the dispute.

I must disagree with that statement. In fact, I believe that such a narrow conception of public service reflects either incredible ineptitude or surprising naivete on the part of the Department.

It seems to me fundamental that those directing Governmental action—and certainly those of the largest Governmental unit—are charged with the responsibility of considering and responding to public opinion. It is not enough that Government officials convince themselves of their own subjective purity of intention; public servants must not ignore the implications of their actions and how they will be construed, especially when those actions may be construed as showing favoritism.

That is exactly the import of a May 10, 1965, statement by the President of the United States upon issuing an executive order (No. 11222) establishing Government-wide standards for ethical conduct by government officers and employees. On that occasion, the President said: "We cannot tol-

erate favoritism—or even . . . conduct which gives the appearance of (favoritism)."

In the case of table grape procurement, Department of Defense actions are being widely interpreted as partisan intervention in a labor dispute, not as neutrality.

I wish to commend you on your recent order calling for a social consciousness in the Defense Department in evaluating the domestic impact of all its actions. (Mr. Babione stated your order had not come to his attention.) I think that a very substantial part of any such evaluation must be a realistic estimate of the expected public interpretation of a particular policy.

Therefore, I call upon you to establish a policy under which Department of Defense procurement of products grown or produced by suppliers engaged in bona fide labor disputes would not be significantly increased or decreased during the existence of such disputes, barring, of course, the necessities of national security. Such a policy would be a logical corollary to the very responsible guidelines which you have promulgated.

It seems to me that only such a "freeze" policy on procurement can qualify as true neutrality on three key counts: intent, effect and appearance.

With specific regard to grapes, I believe that only by sustaining table grape procurement at the fiscal year 1968 level (inasmuch as the boycott started in May, 1968) can your social consciousness policy be meaningfully implemented. I strongly recommend that the necessary decreases in procurement be instituted immediately.

I am sending a copy of this letter to the President, the Secretary of Labor and the Secretary of Agriculture for their consideration.

Sincerely,

ALAN CRANSTON.

#### OUR FAILURE TO RATIFY THE HUMAN RIGHTS CONVENTIONS IS HARMFUL TO OUR POSITION IN THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, the failure of the Senate to ratify the International Convention on Forced Labor, the political rights of women, and genocide has had many adverse effects. At various points in my continuing effort to have these conventions approved I have described most of these effects, but I would like today to concentrate on one particularly detrimental result of our inaction.

It is the responsibility of our representatives at the United Nations and other supranational groupings to assert and defend this country's interests in the international arena. This is indeed an awesome task. Our representatives' effectiveness in performing this vital task is severely compromised when our actions do not conform with their statements. In a body that relies more than any other on the influence of words and examples, our considerable influence suffers when our words are not supported by our Government's example.

This is precisely the case with human rights. In the United Nations and elsewhere we have long been among the most consistent and vocal pleaders of this cause. Yet our effectiveness as leaders in this field and the integrity of our entire position in that body declines when we fail—as we have—to affirm the simple guarantees of what we aspire to internationally and practice domestically.

Numerous prominent men entrusted with the task of representing us in the international arena have spoken eloquently of the frustration of defending our high-minded assertions in the light of our inconsistent actions. Mr. Richard N. Gardner, a distinguished professor of law who has represented our country at numerous international conferences, said:

Our membership in the small company of U.N. members who have refused to ratify any human rights treaties has become an increasing embarrassment. Our friends cannot understand it. Our adversaries exploit it. It is a costly anachronism which should be eliminated without delay.

Mr. Morris Abrams, an attorney serving as U.S. representative to the U.N. Commission on Human Rights, spoke of "the serious embarrassment to the conduct of our policy at the United Nations stemming from our failure to ratify these conventions." He said:

The Soviet Union holds our record in this field over our head as a club ready for use to counter any initiative in the human rights field of which they do not approve. It makes little sense for us to play into their hands, to hand them a gratuitous propaganda weapon with which to flagellate us.

I am at a loss to understand how we can expect to maintain the international respect to which we aspire if we fail to earn this respect by making our deeds conform to our words. I urge the Senate to stop undermining our effectiveness in the international forum and act swiftly to ratify these conventions.

#### "THE AMERICAN MERCHANT MARINE: KEY TO DEFENSE AND TRADE", A PAPER BY GUADALUPE DE LA CRUZ, JR.

Mr. MURPHY. Mr. President, I frequently express concern on the Senate floor over the sorry state and condition of our merchant marine which is such an important asset to this Nation, both at the time of war and during peace.

A student in California, Mr. Guadalupe De La Cruz, Jr., of Le Grand High School has written a paper entitled, "The American Merchant Marine: Key to Defense and Trade."

We can only be encouraged that the younger generation is taking a look at the problem and perhaps they will point the way. I ask unanimous consent that this article be printed in the RECORD.

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

#### THE AMERICAN MERCHANT MARINE: KEY TO DEFENSE AND TRADE

Someone once said, "America, always growing, never-ending, never ceasing." Can we as Americans proudly raise our heads and still say to ourselves that this is true, when statistics and history show that we are slowly declining in our most vital industry? It is shameful how we, once the world's most foremost shipbuilding power, now rank fourteenth. Let us examine our world around us and take note how important our merchant marine is to you and me and all Americans.

Today in America, we enjoy the highest standard of living in the world. We enjoy and consume many commodities every day

that in other parts of the world are considered luxuries. Almost everything you come in contact with everyday is affected by our merchant marine. Those canned peaches you eat during the winter are canned in tin; tin ore is 100 percent imported by ship, and, of course, thousands of items from peanuts to lubricating oil are packaged in cans. What about your car? That's right. That piece of machinery which is now considered a necessity is very strongly affected by the merchant marine. Nearly all of your car is in some way or another made of steel. That's right from your engine blocks to those bolts that hold your door together! Manganese which is needed in the production of steel is 93 percent imported. What about the tires that keep your car going? Yes, even though modern researchers are producing synthetic rubber, we still rely on natural rubber which is 100 percent imported. What if one morning you woke up and there was no coffee to drink because our merchant marine was unable to bring in America's number one drink? Fortunately, our small merchant fleet is efficient enough to supply us with the 100 percent imported coffee beans needed to make that good old hot cup of coffee and all of those everyday things which we don't think of as being very important. We could continue on naming item after item, from bananas to Volkswagens, until we'd grow old naming items affected by our merchant marine.

Our merchant marine helps our economy too, not only nationally but internationally as well. Approximately 3.1 billion dollars annually flows through the hands of those involved in the maritime industry. This vital industry employs more than 104,000 employees but this is only a small number when compared with those people that are indirectly involved. In fact, no major industry in this nation is not affected in some degree by the maritime industry, an industry which has been neglected by our government.

Although we are the world's leading trading nation, we must rely on foreign vessels to haul 92.3 percent of our exports and imports. The world's merchant fleet totals about 40,000 ships, with carrying capacity of about 153 million gross tons. More than nine million gross tons of new shipping are built every year. Japan, Great Britain, and West Germany lead the world in ship-building. According to the latest figures released by the American Merchant Marine Institute, the size of the American fleet has declined about 26 percent since 1951, while the world fleet has steadily increased to a 62 percent gain over 1951. During the same period, the cargo capacity of the American fleet decreased by 2.7 percent, while that of the world rose by 156 percent. In a current report, Paul Hall, president of the AFL-CIO Maritime Trades Department, gave us a wrap-up on the state of the merchant marine today. He said, "For the past two decades, the story of the United States merchant marine has been one of deterioration and decay. Where we once were the world's foremost shipbuilding power, we now rank fourteenth." He also urged more government assistance to American shipbuilding.

In the field of defense our merchant marine is an auxiliary to our armed forces. Our merchant marine fleet is by far the most versatile fleet in the world. By this I mean that during peace time it serves the world of trade and in times of crises it must be ready to transport men and material whenever and wherever they are needed. Today, for example merchant seamen man an 8,000 mile-long lifeline over which moves 98 percent of the supplies and two-thirds of the servicemen bound for Vietnam. History shows us that the success of merchant shipping has been the keystone to victory in every war. If America were to declare an all-out war, could she depend on foreign ships



to serve her needs? Without a strong merchant marine, America would be at the mercy of her friends, as well as her enemies. History also shows us that we were prepared in the eighteenth century to wage war on the high seas, but that we were unprepared in 1812 . . . unprepared in 1917, in 1941 . . . and we are today in the sixties unprepared. Because of the merchant marines' vital service to our armed forces, there is no doubt as to the honor they have won for themselves as our "Fourth Arm of Defense."

We are a leading nation in many ways, but not in shipping. Let's urge our government to take steps to build up our merchant marine through federal aid as well as to encourage American companies to ship American. Let us join those who hope to see that American flag shipping carries more than 9 percent of our total trade and commerce. That's why I say, no matter who or what you are, where you live—in urban or rural areas, everyone should know that the merchant marine builds up our country. So why not build up our merchant marine!

#### MASS TRANSIT TRUST FUND—A SOLUTION TO OUR NATION'S TRAFFIC PROBLEMS

Mr. WILLIAMS of New Jersey. Mr. President, on February 17, 1969, I introduced S. 1032, the Urban Mass Transportation Act of 1969. The intent of this legislation is to provide the Federal funding which is necessary if we are to meet the present and future mass transportation needs of our Nation's cities. S. 1032 takes an established program of proven value, urban mass transportation, and weds it to the trust fund method of financing which has been used successfully over the year to pay for other forms of transportation such as our Nation's highways.

The urban mass transportation trust fund created by this bill would be financed by earmarking portions of the existing excise taxes on automobiles. Over a 4-year period of time, an estimated total of \$1.8 billion would be made available for urban mass transportation as contrasted with out current expenditures of approximately \$170 million a year.

Mr. President, this proposal is supported by the National League of Cities—U.S. Conference of Mayors, the National Association of Counties, the American Transit Association, the National Association of Railroad Passengers, the National Association of Homebuilders, the National Association of Real Estate Boards, as well as by individual experts who work daily with the problems of urban mass transportation. All of these groups have, over the years, been in the forefront of the struggle to upgrade our Nation's transit facilities so that they will be able to meet the needs of the 1970's.

The Trenton, N.J., Evening Times of June 26, 1969, in an excellent editorial entitled "Transit's Day Coming?" after endorsing the trust fund approach, went on to state:

Doubtless the auto lobby will protest vigorously at the use of the excise tax for this purpose. But a strong case can be made for financing an even heavier share of mass transit out of auto and truck user taxes. Obviously, the sooner large numbers of commuters can be lured from their cars to decent mass transit, the safer, swifter and

more pleasant the highways will be for those who continue to use them.

The Macon, Ga., Telegraph and News in a July 6, 1969, editorial also supported trust fund financing. The editorial stated:

The Advantage of trust fund over other forms of financing is that the former provides a steady, predictable flow of funds. . .

With more than 70 per cent of Americans living in urban areas, and the trek to the city still increasing, our large cities need mass transit systems to compliment good highways for private vehicles.

Both editorials also compliment Secretary of Transportation, John A. Volpe, for his purported support of the trust fund concept of financing. This support was unequivocally given on March 10, 1969, in a press conference preceding Secretary Volpe's address to the Fourth International Conference on Urban Transportation in Pittsburgh, Pa. Over the last 4 months, the Secretary has continually reiterated his support. He has repeatedly promised to forward legislative proposals to the Congress specifically setting out the administration's views in this area. Unfortunately, as of this date, Secretary Volpe has not backed up his words with the appropriate deeds. He has not recommended any legislation whatsoever in the area of mass transportation.

On June 17, 1969, the senior Senator from Alabama, JOHN SPARKMAN, chairman of the Banking and Currency Committee, publicly announced that hearings would begin on July 15 on all housing and mass transit proposals pending before the committee. Hearings on S. 1032 have been scheduled for July 23, 24, and 29. Secretary Volpe has been invited to appear before the committee on July 23 as the leadoff witness. I sincerely hope that the Secretary of Transportation will be able to take time away from his busy schedule to appear before the committee and publicly set forth his views concerning the urban mass transit trust fund or any other alternative legislative action which he may now wish to recommend.

Mr. President, in conclusion I wholeheartedly recommend that Secretary Volpe read the July 13, 1969, New York Daily News editorial, which clearly and concisely states:

And the federal government has the means to provide long-term remedies, if it will only give mass transit a fraction of the attention lavished on highways. Listening, Transportation Secretary John Volpe?

So that all Members of this body and Secretary Volpe may have the benefit of these three excellent editorials which go to the heart of our Nation's mass transit problems, I now ask unanimous consent that they be printed in the RECORD.

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

[From the Trenton (N.J.) Evening Times, June 26, 1969]

#### TRANSIT'S DAY COMING?

Urban mass transit is getting some belated but welcome attention in Washington.

President Nixon took a helicopter ride over the capital's jammed freeways and bridges the other day and said his sympathies were

with the commuter. "I'm glad we don't have to drive to work," he added.

Meanwhile, the U.S. Transportation Department let it be known that Secretary John Volpe is ready to produce a \$10 billion program for overhauling the nation's mass transit systems in the next decade.

The legislative package would give transit systems the same kind of guaranteed annual income for capital construction purposes that interstate highways have enjoyed, through their trust fund, since 1956.

It would provide money for research, loans and grants through a "designated account," paid for from the existing seven percent auto excise tax and new taxes on cigarettes and liquor.

The federal aid would be aimed at improving the speed, comfort and convenience of travel by bus, subway or surface rail line.

It would encourage dozens of metropolitan areas to emulate or better the exciting new rapid transit system the San Francisco Bay area is now building at a total cost of over a billion dollars. Locally, it could provide funds for the Mercer County Improvement Authority and other bus operators to dramatically upgrade the quality of their service within Trenton and to the New Jersey and Bucks suburbs.

Doubtless the auto lobby will protest vigorously at the use of the excise tax for this purpose. But a strong case can be made for financing an even heavier share of mass transit out of auto and truck user taxes. Obviously, the sooner large numbers of commuters can be lured from their cars to decent mass transit, the safer, swifter and more pleasant the highways will be for those who continue to use them.

[From the Macon (Ga.) Telegraph and News, July 6, 1969]

#### MASS TRANSIT SOLUTION TO BIG CITIES' TRAFFIC

"Where are they going to put all the cars?" President Nixon exclaimed on a recent helicopter tour of Washington during the morning rush hour.

Whereas the President asked the question only one day, not having to drive to work, regular automobile commuters in large cities ask the question every weekday.

The U.S. Department of Transportation has estimated that the average auto commuter in major cities spends 13 per cent of his Monday-Friday waking hours in traffic.

The commuter would spend less time and money getting to and from work if his area were served by adequate rapid transit facilities. When it comes to mass transit, however the United States is an underdeveloped country.

Urban transportation policy since World War II has catered almost exclusively to automobile highway interests, but President Nixon must have realized as he hovered above the capital, viewing the morning traffic, that changes in emphasis are in order.

Transportation Secretary John A. Volpe, rated as a strong highway man, has even been pressing for a greatly enlarged program of federal aid to urban mass transit systems.

Volpe favors creation of a trust fund, similar to that which finances the Interstate Highway System, to pay for the mass transit program.

The advantage of trust fund over other forms of financing is that the former provides a steady, predictable flow of funds. However, Congress often objects to trust funds because they intrude on its appropriation power.

Until recent years, big city governments have sought to alleviate traffic congestion mainly by building additional highways and parking facilities. But growth of motor traffic has more than kept pace with new road construction.

With more than 70 per cent of Americans living in urban areas, and the trek to the city still increasing, our large cities need mass transit systems to compliment good highways for private vehicles.

[From the New York Daily News,  
July 13, 1969]

SICK, SICK, SICK

is about the only way to describe the mass transit situation in the metropolitan area.

Subways are hot and crowded; the Penn Central hobbles along one short step ahead of chaos; the Long Island Rail Road is plagued with cancellations due to "shortage of equipment."

Who's to blame? Just about everybody, in our opinion.

The Metropolitan Transportation Authority deserves some of the brickbats thrown at it for the failures of the subways and the LIRR. But in all fairness, the MTA inherited decrepit equipment and, on the LIRR, must back long-established union featherbedding practices.

The MTA can also claim, justly, that its record is no more shoddy than that of the private railroads, whose operators have permitted service to deteriorate over the years in what sometimes appears to be a program of deliberate neglect.

It is little wonder that commuters and straphangers are sullen and rapidly turning mutinous.

The situation urgently demands action by established regulatory agencies such as the Public Service Commission and the Interstate Commerce Commission. They have the power to make the carriers toe the mark—if they will but wield it.

And the federal government has the means to provide long-term remedies, if it will only give mass transit a fraction of the attention lavished on highways. Listening, Transportation Secretary John Volpe?

#### OBSCENITY IN THE MAILS

Mr. GOLDWATER. Mr. President, the citizens of my State are wondering why Congress has not begun to move on legislation to control the flood of obscene mail which continues to invade their homes. I am certain that decent citizens in all areas of the United States are expressing the same, urgent pleas as are my constituents that something be done to protect against this invasion of their privacy.

It is indeed a sad commentary on our times when people have to write their Senator to take action against this kind of trash. They find it incredible to discover that the laws of the land are not adequate to stamp out the delivery to their households of this unsought and unwelcome material. They find it very strange that the laws on the books are unworkable and they demand our immediate attention to correcting this situation.

If I may read aloud a few sentences contained in one of the numerous letters being sent to me almost daily, I believe it will bring home to Senators the great sense of anxiety and irritation which is felt by most Americans in regard to this problem. The letter begins as follows:

I apologize for sending the enclosed material to you. It would have been impossible, however, to describe such garbage in words... I did not believe such trash could be printed in the United States.

Then the writer poses the question to which we must address ourselves:

Are our laws so poor or our enforcement so lax as to permit such pornography to be manufactured? How can this be controlled? What can I do?

Mr. President, I ask unanimous consent that the pertinent portions of this letter and of a representative sampling of similar ones which I have received from my State be inserted in the RECORD at the conclusion of my remarks.

Perhaps this personal indication of the vast depth and sincerity of feelings expressed by the American public against obscenity in the mails will help to convince Members of Congress that there must not be any further delay in this area.

For my part, I agree 100 percent with my constituents that it is high time we decide to roll up our sleeves and get to work on this problem. It was encouraging to note the prod given us all by the majority leader recently when he asked the Senate to start hearings on this subject promptly after the Fourth of July recess, and I would like to associate myself with his request.

This marks the third occasion on which I have spoken to the Senate this year on the need for action to control this misuse of the mails. It was in March that I first expressed my strong concern in this Chamber that the present situation had reached the state of a national menace insofar as the danger it poses to children. At that time, I was pleased to join as a coauthor with the Senator from Alabama (Mr. ALLEN) of the first Senate bill to propose a law aimed squarely at protecting minors against indecent materials.

Our bill has been followed by several important measures along this line—chief among which is the proposal submitted by President Nixon in his message of May 2. In view of the excellent nationwide interest which the administration bill received, I offered a series of eight amendments to it last month designed to increase its effectiveness in the event it becomes law. In case any members are interested, these amendments were offered on June 5, and have been designated Senate amendments numbered 29 through 35.

Today, I would like to examine in detail a particularly important aspect of the administration's bill. This provision is founded on what I believe to be a worthwhile purpose, but is drafted in such a way that I fear it will not pass muster by the courts.

The language which I would like to examine closely is set out in subsection (c) of the proposed statute. In short, this provision creates a presumption that indecent material which is sent to a household where a child resides shall be considered as having been put in the mails for delivery to a child. An exception is made only when the material is sent in an envelope or wrapper that "completely conceals the contents" and is "clearly, specifically, and personally addressed to an adult."

Frankly, Mr. President, I believe there are serious questions whether this device will stand up to the test of constitutionality which has been set forth by the U.S. Supreme Court.

The most current announcement of the Court's criteria is found in Leary against United States, decided May 19 of this year. In this case the Court had before it a presumption established in the Narcotic Drugs Import and Export Act which authorized the jury to infer from a defendant's possession of marihuana that the drug was illegally imported and that the defendant knew of this fact. The Court weighed the provision against its standards and found that it lacked a rational basis.

The nub of the test applied by the Court is whether there is any "substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend." In making this judgment, the Court stated, significant weight is to be given to "the capacity of Congress to amass the stuff of actual experience and cull conclusions from it."

Applying this rule to the subsection (c) presumption, I regret to say that I cannot perceive of any legislative record upon which Congress can make conclusions in favor of the facts we are asked to presume. But, before treating this question, let me state what kind of mail it is which may lead to a defendant's conviction. For it must be kept in mind that we are discussing the great bulk of direct advertising mail—which includes the millions of letters that are addressed to "head of household" or to "occupant" or "resident."

And, under the literal terms of subsection (c), we must add to this mail all letters that fail to show the addressee's name "clearly, specifically, and personally." This would seem to include all cases in which a significant error is made in the use of a person's name.

The upshot of the matter is that the presumption covers a tremendous portion of all mail delivered—some of it being sent in the name of persons who are children, to be sure, but a great deal of it consisting of "occupant" mail and mail actually meant for adults.

This background sets the stage for an examination of whether there are definite reasons to believe that the disseminator of this kind of mail has actual knowledge, or should be aware, that most of such mail will be delivered to persons who are younger than 18. To prove this, I believe two elements must be shown. First, it must be proven with substantial assurance that most of the mail I have just described is actually received by minors and not by adults. Second, it must be shown that most mailers of this matter are aware of this fact and have deduced that unless their merchandise is mailed in the exact manner set out in the provision it will be delivered to a child.

Mr. President, a close study of the existing materials persuades me there is no direct or circumstantial evidence available at this time to sustain either conclusion.

In the course of my search for evidence, I have been in touch with several agencies of the Government—including the Bureau of the Census, the Post Office Department, the Justice Department, the President's Commission on Obscenity



and Pornography, and the Library of Congress—to determine whether they have conducted any surveys to ascertain the letter-opening habits of American families and whether they possess any statistics bearing on this question. In each instance, the reply was negative. I should add an encouraging note, however, because one agency—the Presidential Commission—is aware of this gap in research data and has informed me of its plans to conduct a national survey next fall to learn if some pertinent evidence can be developed in this field. I ask unanimous consent that the letter submitted to me by the Commission be printed immediately at the end of my remarks. Nevertheless, Mr. President, I must conclude that as of this moment there is no agency in the Government which possesses any evidence that can be used to sustain the presumption we have been asked to approve.

The result is the same if we turn to private sources. I can imagine that if any precise information is available from these sources concerning the participation of minors in opening the mails, it will be found among the firms which are active in the mail advertising industry.

This medium seems to break down into two broad categories of mailing houses and mail advertising users. The former is primarily involved with the mechanics of mailing, such as the addressing, folding, and automatic mailing of materials. The latter is more oriented toward the follow-up of mailings, including the analysis of who reads the mail and what response is given to it. Consequently, in order to obtain a worthwhile reply, I directed my inquiries to the major and responsible national associations representing each of these kinds of firms—one being the Mail Advertising Service Association and the other being the Direct Mail Advertising Association.

Mr. President, I must report that neither group knew of any evidence which would seem to indicate that most mail of a general nature is opened by minors. It is significant, however, that some information came to light which may point to the opposite conclusion. This data is contained in the report on a national consumer survey made for the Direct Mail Advertising Association in June and July of 1964 by the Nielson marketing service. Among the highlights of this deep research effort were the findings that direct mail is opened by the head-of-the-family in three-fourths of U.S. homes and that it is only in 16 percent of the homes where each family member opens his own mail of this type. I wish to emphasize that these are the results of one study only and that there may be millions of families in which the practice is different. Therefore, in order to thoroughly pursue this trail, I also have examined whether any secondary material exists that may provide circumstantial data from which the presumed facts may flow.

One source which may give a clue as to the percentage of minors who open unsolicited mail sent to their homes is the Bureau of Labor Statistics, which publishes a report on marital and family

characteristics of workers. For if it can be shown that in the case of most families with children both of the parents are absent from home on account of work when the mails are delivered, it might be said that their children are likely to be the first persons to open the mail in such homes.

But here again, the official statistics fail to give any support to the credibility of such an inference. The most current figures available disclose that the wife is not employed in two-thirds of American homes with children under 18 years. From this I conclude that in at least two-thirds of American families with children, it is just as likely that there will be one parent at home when the mail arrives as it is that there will be a child there.

The only other statistic that looks at all relevant is the impressive fact that there are children under 18 years in almost 59 percent of American households. However, the mere fact that it can be proven that there are children living in most American homes by no means justifies the conclusion that most mail sent to American homes is meant for delivery to minors. In the absence of any pertinent evidence to show that in most homes minors, and not adults, open the mail, the inference simply will not pass muster. It must be remembered that we are not talking about situations where the dealer can actually see the consumer. Here, where the dealings are through the mails, the sender does not see who the addressee is and cannot be charged, without proof, of knowing the age of the addressee.

Therefore, in the face of a complete lack of any supporting evidence, I must conclude that it is not constitutionally permissible to authorize a jury to infer that most defendants who send mail to homes where children reside have intended such mail for delivery to a minor. Granting that the courts will pay the utmost deference to the findings of Congress, in this instance the legislative record falls short of furnishing a basis upon which to make any findings.

Even if the evidence had borne out a preliminary decision in favor of the validity of the statutory presumption, there are other serious problems which might crop up. For example, I suspect that the U.S. attorneys would be hard put to explain to a court the differences between the requirements that an envelope or wrapper be "clearly, specifically, and personally" addressed. I assume that for an envelope to be "personally" addressed, it must show the name of the person to whom it is directed. But what reasonable distinctions in construction can the courts give to the other terms?

Webster's defines "specific" to mean "precise" or "accurate." Applying this usage to the bill would mean that a person can be liable for conviction because of a misspelled name or an erroneous initial.

What then of "clearly"? I wonder what could be more clear than the personal name of the addressee. In his search for a distinct interpretation, perhaps the judge looking over this word will decide

that the only meaning left open is for all envelopes or wrappers to be free of smudges and marks.

In any event, Mr. President, I feel it is apparent that the use of this triumvirate of requirements is open to challenge on the ground of vagueness. Further, it may develop that the Court will hold that the presumption must also meet the strict "reasonable doubt" standard of criminal cases because proof of an essential element of the crime charged depends upon its use. The Court alluded to this possibility in the Leary case.

Mr. President, this concludes my analysis of the questions raised by subsection (c). But, I do not want to convey the impression that Congress is left helpless to impose reasonable and stronger controls in this field. I definitely believe that there are two worthy motives behind subsection (c) which we can act upon in framing a stronger law. First, there is the desire to curtail the practice of mailing pornographic matter simply addressed to "occupant" or "resident." Second, there is the purpose of preventing the mailing of sexually provocative materials if the merchandise is not completely concealed.

Mr. President, I believe these purposes are sensible and deserve inclusion in the criminal statute in a proper form. Therefore, I am submitting an amendment to erect prohibitions against the use of "occupant" mail as a means to disseminate publications which are obscene to minors and against the deposit of such indecent material in the mails unless the matter is completely concealed.

By shifting the question of what conduct Congress might legitimately make a crime, I am confident the courts will sustain the power of Congress to impose these requirements. There is no longer any question that Congress may regulate the dissemination to youngsters of, and their access to, material objectionable as to them, but which could not be regulated as to adults. The landmark case which established this rule, *Ginsberg v. New York*, 39 U.S. 629 (1968), persuades me that Congress may restrict the mode of distribution of publications which are obscene to minors if there is a significant possibility that children will receive or have access to such materials.

In this area, the available data offers an adequate foundation for the enactment of the reasonable controls I am proposing. We can start with the statistic that there are children living in almost six out of every 10 homes in America, with a total of almost 28.6 million families having at least one child under 18. Next, we can note that there are 35 million children in the age group to which Congress is addressing itself. And, in view of the ever-increasing proportions of married women with children who continue to enter the labor force, it might well be concluded that the access of children to mail is so great that reasonable steps should be taken to decrease the chances they will be exposed to mail which is harmful to them. The highest labor force rate among women of all ages in March 1967, was that of married women with children ages 6 to 17. This

group represented 45 percent of the entire women's labor force and totaled over 6 million.

From this, Congress might properly infer that several millions of children who have arrived at a crucial, inquisitive stage of life will have an unsupervised opportunity to open the mail before their working mothers and fathers return home. And, based on this finding, it would not be arbitrary for Congress to make the judgment that these children will be much less than likely to notice and unseal objectionable mail if it is sent to a specific addressee and its contents are well concealed. The indiscriminate flooding of the mails with indecent matter is a plainly reckless action which shows a complete indifference to the fact that a substantial portion of this harmful material may reach young children. In my opinion, the time has arrived when Congress should shift some of the burden of keeping this trash out of the hands of minors to the purveyors of filth, even if it ups the cost of their product.

The Supreme Court has clearly established that the Government may legitimately determine that the exposure of children to erotic materials will have a harmful effect on their normal and healthy development. In a previous address to the Senate, I called attention to the testimony given to Congress by Dr. Benjamin Karpman, when he was Chief Psychotherapist at St. Elizabeths Hospital in the District of Columbia. Dr. Karpman expressed his professional opinion that if a perfectly healthy boy or girl is exposed to obscene materials it can virtually crystallize and settle unhealthy attitudes in such children for the rest of their lives.

There are several medical doctors among my own constituents who have written to me in protest at the disgusting matter which intrudes into their homes. Contrary to the bizarre opinions of some of the knee-jerk civil libertarians whose reports I have read, these distinguished professionals of the medical field have no difficulty in recognizing the potential for harm in prurient merchandise. In fact, one of the leading medical administrators in Arizona has written to me:

It's getting so that I feel that I cannot even open my mail in the presence of children.

This gentleman has an additional concern. His letter advises me as follows:

I understand that federal legislation is to be proposed to deal with this type of mail and I sincerely hope that you will be sufficiently interested to see that the law will be written responsibly and intelligently so that it will even pass the scrutiny of a permissive Supreme Court Justice!

His comment pretty well sums up the role which a legislator should assume in working on this problem. I agree that we must seek to frame a sensible and strong piece of legislation, which, if enacted, will prove to be workable and successful in controlling this menace to the Nation's children.

Let us develop a clear and comprehensive record which will assure the millions of concerned parents and decent citizens who are looking to us for action

that we will pass the most effective law of which we can conceive to stamp out this danger to America's youth.

I ask unanimous consent that general exhibits be printed at this point in my remarks.

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

#### EXHIBIT I

##### COMMISSION ON OBSCENITY AND PORNOGRAPHY,

Washington, D.C., July 11, 1969.

Hon. BARRY GOLDWATER,  
U.S. Senate  
Washington, D.C.

DEAR SENATOR GOLDWATER: I am not aware of any research concerning the letter-opening habit of Americans or relevant to the question to the extent of which children of 18 open mail received in American homes. The Commission is interested in this issue as you are and is planning to secure information relevant to it. This is one of the items that will be included in a national survey that the Commission is planning to have conducted next fall.

We now have underway a pilot study of high school juniors and seniors to get some preliminary information about the extent of exposure of high school students to erotic materials. The question of exposure to erotic materials that have come through the mails addressed either to parents or to the adolescents themselves is being included in the study. Unfortunately, these data will not be available until next fall or winter.

We will be issuing a Progress Report later this month which will describe the various kinds of information that the Commission is securing as background for the recommendations that it has been asked to make. As the Progress Report indicates, however, most of these data will not be available until next winter and spring. The Commission's findings and recommendations are due to be printed next summer.

We appreciate your continued interest in the Commission and its work.

Sincerely yours,

W. CODY WILSON,  
Executive Director.

#### EXHIBIT II

JULY 1, 1969.

Re Senate bills 2073 and 2074.

DEAR SENATOR GOLDWATER: On several occasions residents of Mohave County have come in to my office for help and demanded prosecution of certain individuals for sending them pornographic matter through the mails. On each of these occasions I have forwarded the matter to the United States Attorney for the State of Arizona and he, in turn, has forwarded the same to the Post Office Department for investigation.

The results in each of these cases, I am afraid, will be no prosecution due to the current status of the law regarding obscenity and pornography.

While I have not had an opportunity to review the above captioned bills, I sincerely urge the enactment of these bills, or similar bills, which will give law enforcement some means of prosecuting the people responsible for sending this, for the lack of a better word, "filth" completely unsolicited through the mails.

Very truly yours,

Mr. L. C. L.,  
County Attorney.

KINGMAN, ARIZ.

JUNE 23, 1969.

DEAR SENATOR GOLDWATER: As a concerned parent, a patriotic American and a decent citizen I am shocked and dismayed that anything such as the attached brochure can be sent through the United States mail. It

is tragic that peddlers of such filth can hide behind and indeed be protected from prosecution by interpretations of our Constitution and the laws that support it that were never intended by our forefathers who founded this great country.

During World War II I fought as an infantry soldier from Sicily to Germany, but when I observe the decay and rot that is causing everything I believe in to crumble and fall around my feet I wonder what was gained.

Is there nothing that can be done about this sort of thing? . . .

Perhaps this is a cry in the wilderness but maybe we all have remained silent too long.

Yours most sincerely,

Mr. E. A. Z.,  
President, Auto Dealership.  
TUCSON, ARIZ.

JUNE 21, 1969.

DEAR SENATOR GOLDWATER: Enclosed you will find a letter and advertisement I received through the mail June 18, 1969. I called the Postmaster and asked what I should do about it. He suggested I send it to you, so that you could see just what *smut* and *pornography* is being sent through our U.S. mail.

It's a direct insult to receive such literature, and I would like to see it stopped . . .

It is appalling and will I am sure get worse, if something is not done about it, and soon.

Sincerely,

MIAMI, ARIZ.

Mrs. L. E. T.

JUNE 20, 1969.

Hon. BARRY GOLDWATER,  
Washington, D.C.:

I'm so tired and disgusted with having to either tear up or burn this sort of stuff!

There should be a law against mailing it!  
Mr. Z. M. M.

PHOENIX, ARIZ.

JUNE 19, 1969.

DEAR SENATOR BARRY: The enclosed letter came in the mail here, several days ago, and I am forwarding same to you unopened . . .

Things of this nature aren't doing any of us, or the Country in general, any good, and I will ask that you please turn this over to the Postal authorities, or whoever you consider might be the proper ones to take action thereon.

I consider this sort of thing to be in the class of the very lowest type of pornography.

This is a small-town family business . . . Mrs. L. keeps the books, local girls work in the office, our son, now 16, is a pretty-fair field- and office-hand, and the two daughters (13 and 11) have duties around "the shop" (including opening the mail!).

Fortunately, none of them happened to be on the job at the time this little gem showed up.

Regards,

Mr. R. L.,  
Professional Engineer.  
PATAGONIA, ARIZ.

JUNE 18, 1969.

DEAR SENATOR GOLDWATER: This enclosed trash is being mailed to us without our permission or knowledge. Can you imagine a group of small children reviewing this before we get our hands on it?

What's happening to our country? Isn't there something that can be done?

Sincerely yours,

Mr. and Mrs. S. W.  
PHOENIX, ARIZ.

JUNE 2, 1969.

DEAR SENATOR GOLDWATER: I apologize for sending the enclosed material to you. It would have been impossible, however, to describe such garbage in words. . . . I did not



believe such trash could be printed in the United States. . . . Are our laws so poor or our enforcement so lax as to permit such pornography to be manufactured? How can this be controlled? What can I do? Please, do what you can to stop this.

Sincerely,

Mr. T. W. S.

TEMPE, ARIZ.

MAY 29, 1969.

HON. BARRY GOLDWATER,  
U.S. Senate Building,  
Washington, D.C.

DEAR SENATOR GOLDWATER: The enclosed clipping from the Arizona Republic prompted me to write to you.

You will also find a piece of "mail" which I had intended to return to the Postmaster. I cannot believe that any decent family would enjoy getting this type of advertising literature. I found it obscene and repulsive.

I felt degraded to think that my name was on any such a mailing list and incensed that it came to me for 3¢. It just can't be possible that good American people want this type of literature and to think that thousands of letters must have been sent from New York—if they pick someone from a little town like Kingman.

Further, you will note that my letter to you carries 12c postage. This letter has a 3¢ bulk rate. Perhaps the Post Office Department would not run in the "red" if all obscene or "junk" mail carried the same postage as we are required to pay in a legitimate business.

I wish you success in the movement you are sponsoring aimed at obscenity.

Sincerely,

Mrs. B. R.,  
Insurance Agent.

KINGMAN, ARIZ.

MAY 7, 1969.

DEAR MR. GOLDWATER: Enclosed is an example of the garbage which is coming to me in ever increasing frequency, and the same is happening at my home. It's getting so that I feel that I cannot even open my mail in the presence of my children.

I am far from a Puritan, but most of this trash is of appeal to deviates primarily. The enclosed pamphlet is one of the more benign examples, but its primary aim is to prurient interest.

I understand that federal legislation is to be proposed to deal with this type of mail and I sincerely hope that you will be sufficiently interested to see that the law will be written responsibly and intelligently so that it will even pass the scrutiny of a permissive Supreme Court Justice! A formidable task!

Sincerely,

D. J. C., M.D.,  
Chairman, Department of Internal  
Medicine.  
TUCSON, ARIZ.

MAY 1, 1969.

DEAR SENATOR GOLDWATER: My attention has been drawn recently to a bill now in the House Judiciary Committee, against "SMUT". It is H.R. 5171.

Since you are a "Fighter" for good causes, and hopefully you will agree this bill is a good cause, will you exercise your influence in the House and Senate, so that a bill may be passed to take care of this stuff.

I am a victim of it twice, and having two small daughters, it hit the core. I would like to use stronger language, but it has to go thru the mails. . . .

Sincerely yours,

Mr. M. D. H.

PHOENIX, ARIZ.

APRIL 26, 1969.

DEAR SENATOR GOLDWATER: The post office claims it is unable to enforce pornography laws because of the recent Supreme Court

rulings, and suggested that I write my congressman when I complained about receiving a copy of the enclosed mailing, as well as submit form 2150, a copy of which is enclosed. . . .

Having neither the time nor resources to pursue this matter personally, I send you this copy of material which was sent to many other faculty members as well, hoping that you will help us to overcome the tide of moral decay which is sweeping our nation. . . .

Sincerely,

Mr. W. O. C.

CHANDLER, ARIZ.

APRIL 25, 1969.

DEAR SENATOR GOLDWATER: I receive in the mail approximately 4 times a month literature that is undesirable. I am forwarding one of these masterpieces. This particular piece of pornography is mild compared to others. Can something be done to stop this dissemination of pornography?

Sincerely,

D. C. B., M.D.

SCOTTSDALE, ARIZ.

APRIL 22, 1969.

DEAR MR. GOLDWATER: My doorstep is being desecrated and my government allows it. The enclosed came *unsolicited*. Have I no protection? It seems not. . . .

I've already heard the thousand and one words about the recent Supreme Court rulings, etc., and I am an advocate of free speech and against book burning. I also firmly believe that the rules (laws) of organized society should protect me in my home, but I believe the law should work both ways. Let's look at it this way. If I wanted that stuff in my home, my privacy should be respected. Just recently a Court in Tucson made that decision (pornographic films that were confiscated by the Police from someone's home had to be returned.) But look at the other side of the coin—if I don't want trash brought into my home, unsolicited (in an unmarked envelope so I've no way of knowing what's in it until I open it)—then I feel I should have protection of some kind to keep it out and be able to mete out punishment of some kind to anyone who brings it in. Simply turning a cold shoulder, as I would be doing through the Postal Authorities, doesn't do the job. The character who would send me, *unsolicited*, this cesspool collection of perversion and debauchery, so fearlessly, couldn't care less about any cold shoulder I might turn on him. Nothing short of a blow from a club of sufficient strength to annihilate him would do any good.

If our laws don't do something for us citizens soon, we will be forced to resort to Vigilantes. Can't something be done through legislation before this happens?

Sincerely,

Mrs. S. M. R.

TUCSON, ARIZ.

APRIL 15, 1969.

SIR: Yesterday (April 14) my wife opened the mail to find this pornographic filth.

My two small children—Loretta Jo, 8, and Derek, 5—were in the room with her. She hid the mail immediately but, as you might guess, the kids are still wondering why their mom hid the mail.

Although they have been told never to open the mail, my children often bring it in from the box, and they are as curious as any children their ages.

The Post Office advised me to send this material to you. We understand you are attempting to have legislation passed that will protect people from this type of mail. If so, you certainly have our support.

We can't understand why—with all the words in the English language and all of the

competent Federal Judges—someone can't adequately define "pornographic."

Sincerely,

Mr. R. L. D.

GLENDAL, ARIZ.

APRIL 15, 1969.

DEAR SIR: We are a group of parents concerned about the amount of filth in our movies, on television and in our books. Our magazines are filled with nudity and things considered obscene. . . .

We can screen reading material brought into our homes. We can turn off the television and stay away from the movies. But what about the children whose parents don't care? They deserve something better than a lot of obscenity. . . .

Isn't there something people like me, with very little money can do?

We need some answers plus a lot of advice on how to combat this force that is invading us from all sides.

We would appreciate a direct reply.

Thank you,

Mrs. M. G.

PHOENIX, ARIZ.

APRIL 15, 1969.

DEAR SIR: Now don't get excited! How do you like opening your mail to such pictures? . . .

Let's work together on this. I am truly worried about our country! What can we do? Help us help ourselves by making these kind of things illegal to mail. Surely this type of person needs to be jailed so he'll have time to think of what he's doing. Where will it stop? You say it is okay in the privacy of your own home. This is more poison to our youth than a man making counterfeit money or whiskey. If you are the man I think you are, you will do something about this. . . .

I am a business man, a Christian, and a worried father! I would appreciate an answer.

Sincerely,

Mr. H. S.

PHOENIX, ARIZ.

APRIL 11, 1969.

DEAR SENATOR GOLDWATER: Enclosed, for your eyes to see, is a copy of advertising material we just received in the mail. It is abominable that we must be subjected to un-requested trash like this.

The Post Office informs us our only right is; to fill out a form within 30 days which will take us off the mailing list. This is ridiculous. . . .

My immediate reaction now is to send a copy of this filth that came out of California to every Congressman in Washington and directly to his home, this I am sure would get a reaction.

However, prior to such a drastic movement, I request your opinion on changing the law on the United States assisting these peddlers of pornography and your advice on the effect of mailing the list to every Congressman in Washington.

I don't often write my Congressman because I feel overdoing diminishes the value of a sincere request. This I assure you, is a sincere request and I await your reply.

Very truly yours,

Mr. E. S. S.,

Treasurer.

YUMA, ARIZ.

MARCH 21, 1969.

DEAR BARRY: Enclosed is the second mailing to me from a firm known as Cybertype Corp. The first mailing was forwarded to our Phoenix Postmaster registering our opposition. Frankly, this type of literature which is mailed at random should be strictly prohibited. The results of such filth will lead to further moral decay throughout our Country.

Barry, you know me as not being a prude,

but I do object strongly to the distribution of such rot. The publishers and printers responsible should be prosecuted to the full extent of the law. If current laws are not adequate, then Congress should take drastic action.

Sincerely yours,

Mr. G. R. C.,  
President, Steerhide Co.

PHOENIX, ARIZ.

### REFUSAL TO ADMIT CARLOS FUENTES TO UNITED STATES

Mr. FULBRIGHT. Mr. President, the Senate will recall that last February the Immigration and Naturalization Service refused to allow the prominent Mexican Novelist Carlos Fuentes to go ashore in San Juan, P.R., when a ship on which he was traveling from Europe to Mexico made a call at that port.

I have long been disturbed over incidents of this kind which do nothing to protect the internal security of the United States and do a great deal to confirm the worst suspicions which are held about the United States by intellectuals abroad.

When I learned of this embarrassing treatment of Mr. Fuentes, I wrote to the Secretary of State and the Attorney General asking if it would not be possible to administer the law with a little more flexibility.

A rather considerable exchange of correspondence followed and has now been happily concluded with the adoption of changes in procedures by the Immigration and Naturalization Service designed to avoid repetition of the Fuentes incident.

I think the changes which the service has adopted are constructive and I congratulate both the Department of Justice and the Department of State for their responsiveness in this case.

I ask unanimous consent that two news stories from the New York Times concerning the Fuentes matter as well as my complete correspondence with the the Departments of State and Justice may be inserted in the RECORD at this point.

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

LEFTIST NOVELIST IS BARRED BY UNITED STATES;  
FUENTES HALTED AT SAN JUAN AS AN "UNDESIRABLE ALIEN"

(By Henry Raymont)

Carlos Fuentes, a leading Mexican novelist with leftist leanings, was denied permission by United States immigration officials to land in San Juan, Puerto Rico, last Saturday on the ground that he was "an undesirable alien."

In a letter made public here yesterday by Mr. Fuentes' literary agent, Carl Brandt, the 39-year-old author said immigration officials had torn up his transit card and treated him "like a common criminal."

A Justice Department spokesman in Washington confirmed that Mr. Fuentes had been prevented from leaving the tourist vessel Virginia de Churrua, on the way from Barcelona to Veracruz, Mexico. The spokesman, Jack Landau, said the author's name was listed as "a person considered undesirable" by the United States Immigration and Naturalization Service, but he declined to give any reason.

Mr. Fuentes, whose father is the Mexican Ambassador to Portugal, has long been iden-

tified with leftist causes, and has been known for his sympathy to Premier Fidel Castro of Cuba. Last August, however, he joined a number of French and Latin-American intellectuals in denouncing the Soviet-led invasion of Czechoslovakia, which Mr. Castro endorsed.

The young author's problems with the United States immigration authorities go back to April, 1963, when he was refused an invitation to participate in a television debate on the Alliance for Progress with Richard N. Goodwin, at that time Assistant Secretary of State for Inter-America Affairs. State Department officials said then that the visa had been refused in the belief that Mr. Fuentes might be a member of the Communist party.

A year later, a visa was granted, but the publicity did not brighten the United States image in cultural circles in Latin America, where Mr. Fuentes' works have been steady best-sellers. His latest novel, "A Change of Skin," received widely favorable reviews in the United States and Europe.

The new ban against Mr. Fuentes drew immediate protests from the publishing and academic communities, which have long been sensitive to the exclusion of foreign artists, writers and scientists who are suspected of belonging to the Community party or to Communist fronts.

Roger W. Straus, Jr., president of Farrar, Straus & Giroux, Mr. Fuentes' publisher here, called the ban against the author "absolutely outrageous" and said he would demand an explanation from the Departments of State and Justice.

Two Columbia University officials, who have invited Mr. Fuentes to lecture at the university next year, sent a letter of protest to Attorney General John N. Mitchell. They are Frank MacShane, chairman of the writing division of the School of the Arts, and Charles Wagley, Franz Boas Professor of Anthropology and director of the Institute of Latin-American Studies.

Mr. Fuentes, who has been living in Paris for the last two years, is returning to Mexico despite warnings of friends who fear he may be arrested as a result of his denunciations of the Mexican troops' attack on a student demonstration just before the Olympic Games last August. Scores of persons were killed in the attack.

In an essay in the forthcoming March 18 issue of The New York Review of Books, Mr. Fuentes criticizes the Mexican government as an "autocracy" and warns against "the sinister world order that is taking shape with the formidable trappings of nuclear terror, peace by blackmail, spheres of influence, and the promise of a planetary fascism that denies both individual rights and socialist experience."

REFUSAL TO LET FUENTES ENTER PUERTO RICO REVIVES CONTROVERSY OVER IMMIGRATION POLICY

(By Henry Raymont)

The old controversy over whether aliens should be prevented from visiting the United States because of their political beliefs has been revived by the refusal of immigration officials to admit Carlos Fuentes, a prominent Mexican novelist with leftist leanings, into San Juan, P.R.

The issue was raised by two former officials of the Kennedy and Johnson Administrations amid a mounting storm of protest over the Fuentes case.

Mr. Fuentes said last week that he was stopped by immigration officials and "treated like a common criminal" when he attempted to land in San Juan on Feb. 22. He had been on his way from Spain to Mexico aboard the tourist vessel Virginia de Churrua.

Abba P. Schwartz, former head of the State Department's Bureau of Security and Consular Affairs and an advocate of liberal immigration and travel policies, said here yes-

terday he hoped the action represented "an isolated instance" and not a reversion to the more restrictive policies of the 1950's.

In a telegram to Senator J. W. Fulbright, Democrat of Arkansas, chairman of the Senate Foreign Relations Committee, Mr. Schwartz said that the Fuentes case illustrated the need for change in the immigration law "to prevent further senseless and embarrassing situations" in the United States' foreign relations.

He specifically urged the revival of legislation to strike from the law the exclusion of persons who are past or present members of the Communist party or other proscribed organizations.

Another former high State Department official, William D. Rogers, who was head of the Alliance for Progress program and is now a Washington lawyer and president of the Center for Inter-American Relations, in New York, called on the Nixon Administration to make clear that the Fuentes incident "was an aberration" and not general policy.

"The notion that Fuentes' presence among us could in any sense damage our national interest is unworthy of serious discussion," he said in a letter to Secretary of State William P. Rogers, who is no relation.

"To the contrary," he continued, "it is his rejection which will cause us immense harm. It will be interpreted by the youth and intellectual community in Latin America as meaning that our commitment to free expression is superficial and will confirm the impression to some that we are timid and fearful of criticism of Latin-American writers."

Observing that in recent years there has been a growing effort by the United States universities and private foundations to expand contacts with Latin-American authors, Mr. Rogers urged the Nixon Administration to announce "in clear and convincing terms that it would welcome Fuentes and other leading Latin-American writers to our shores, regardless of their political opinions."

Meanwhile, protests to Secretary Rogers and Attorney General John N. Mitchell were made public over the weekend by several literary societies.

The Authors League of America, Inc., disclosed that a telegram had been sent to the officials by its president, Rex Stout. The telegram said:

"The refusal to permit Carlos Fuentes to land in Puerto Rico is shocking and reprehensible and on behalf of the 5,000 writers who are members of this organization we deplore and condemn it and urge that it be revoked forthwith."

Robert Halsband, president of the American Center of the International Pen Club, sent a similar message noting that as "one of Latin America's outstanding writers" Mr. Fuentes had participated in the organization's international congress in New York in June, 1966. He called the recent action against Mr. Fuentes "a disgraceful, unbelievable muddle."

A Justice Department spokesman said yesterday that Mr. Fuentes' presence at the Pen Club meeting in 1966 and an earlier visit in 1964 had been made possible through a temporary waiver, which the Attorney General can extend to persons otherwise excluded from the United States by the immigration law.

He said that there was no record that the author had asked for such a waiver for his planned temporary stop in Puerto Rico.

MARCH 8, 1969.

The Honorable WILLIAM P. ROGERS,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: I have been much disturbed over the refusal of the United States Government to allow Carlos Fuentes to disembark from a tourist ship in San Juan, Puerto Rico on February 22.



This is the latest of a series of similar instances affecting various left wing intellectuals over the past several years. There are few things which do more to damage the image of the United States among articulate leadership groups abroad.

I understand the requirements of the law, but wonder if it would not be possible to administer the law with a little more flexibility. I am writing to the Attorney General in this same vein, and I would appreciate it if I could have the joint comments of your two departments with respect to this embarrassing problem.

Sincerely yours,

J. W. FULBRIGHT,  
Chairman.

MARCH 8, 1969.

The Honorable JOHN N. MITCHELL,  
Attorney General of the United States,  
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I have been much disturbed over the refusal of the United States Government to allow Carlos Fuentes to disembark from a tourist ship in San Juan, Puerto Rico on February 22.

This is the latest of a series of similar instances affecting various left wing intellectuals over the past several years. There are few things which do more to damage the image of the United States among articulate leadership groups abroad.

I understand the requirements of the law, but I wonder if it would not be possible to administer the law with a little more flexibility. I am writing to the Secretary of State in this same vein, and I would appreciate it if I could have the joint comments of your two departments with respect to this embarrassing problem.

Sincerely yours,

J. W. FULBRIGHT,  
Chairman.

DEPARTMENT OF STATE,  
Washington, D.C., March 26, 1969.

Hon. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of March 8, 1969 concerning Carlos Fuentes. We have consulted with the Department of Justice with respect to this letter and it reflects the views of both Departments.

Mr. Fuentes has in the past been found to be ineligible for a visa by consular officers of the Department of State under Section 212(a) (28) of the Immigration and Nationality Act. On two separate occasions, upon the recommendation of the Department of State, this inadmissibility was waived by the Department of Justice and he was then granted a visitor's visa to enter for a specific period of time and for a specific purpose.

On February 22, 1969 when Mr. Fuentes applied for landing privileges at San Juan, he was not in possession of a visa. He sought to go ashore under a "special transit without visa" procedure. A condition of this privilege is that the alien must be completely admissible to the United States. This does not, of course, preclude a person seeking, prior to embarkation, a transit, tourist or other appropriate visa and obtaining, as Mr. Fuentes has in the past, a waiver of a ground of inadmissibility. Mr. Fuentes did not, however, avail himself of this avenue, as he has in the past.

We are consulting with the Department of Justice with respect to the question you raised as to whether the administrative practice in such cases might be modified and I will promptly inform you of the results of these consultations.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
Assistant Secretary for Congressional  
Relations.

APRIL 17, 1969.

The Honorable WILLIAM MACOMBER, Jr.,  
Assistant Secretary for Congressional Relations,  
Department of State, Washington,  
D.C.

DEAR MR. SECRETARY: I refer to my letter of March 8 concerning the case of Carlos Fuentes and to your reply of March 26.

I note that in your reply you say that you are consulting with the Department of Justice as to whether the administrative practice in such cases might be modified. I would appreciate at least an interim report on the result of these consultations.

Sincerely yours,

J. W. FULBRIGHT,  
Chairman.

DEPARTMENT OF STATE,  
Washington, D.C., April 25, 1969.

Hon. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have received your letter of April 17 regarding possible changes in the administrative practice which was followed in the case of Carlos Fuentes.

The Department of State and the Department of Justice have recently had some discussions regarding possible changes in the regulations. Further discussions are scheduled for next week and I hope to have something substantive to report as soon as possible thereafter. I will, of course, inform you promptly of the results.

If we can be of help in any other matter, please let us know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
Assistant Secretary for Congressional  
Relations.

JUNE 4, 1969.

The Honorable WILLIAM MACOMBER, Jr.,  
Assistant Secretary for Congressional Relations,  
Department of State, Washington,  
D.C.

DEAR MR. SECRETARY: I refer to my letter of March 8 concerning the case of Carlos Fuentes and to your reply of April 25.

I note that further discussions with the Department of Justice were scheduled for the last week in April. I would appreciate a report on the result of these consultations.

Sincerely yours,

J. W. FULBRIGHT,  
Chairman.

JUNE 17, 1969.

Hon. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington D.C.

DEAR MR. CHAIRMAN: I have received your letter of June 4 in further reference to the case of Carlos Fuentes and possible changes in the administrative practice which was followed in that case.

We have discussed this matter further with the Immigration and Naturalization Service. We understand that the Service is changing its regulations to eliminate the mandatory custody requirement for persons ineligible for admission under the provision of the law applicable to Mr. Fuentes. It was primarily this requirement which resulted in the refusal of Mr. Fuentes' application for landing privileges at San Juan. We also understand that the Service is taking other steps in Mr. Fuentes' particular case which should avoid a repetition of his experience in San Juan.

We appreciate your interest in this matter.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
Assistant Secretary for Congressional  
Relations.

JUNE 23, 1969.

The Honorable WILLIAM MACOMBER,  
Assistant Secretary for Congressional Relations,  
Department of State, Washington,  
D.C.

DEAR MR. SECRETARY: Thank you for your

letter of June 17 reporting on the State Department's discussion of the Carlos Fuentes case with the Immigration and Naturalization Service.

I am gratified to know that the Service is taking steps in Mr. Fuentes' particular case to avoid a repetition of his experience in San Juan.

However, I still have a few questions.

What is the "mandatory custody requirement" which you say the Service is changing its regulations to eliminate?

What are the "other steps" which the Service is taking with respect to Mr. Fuentes?

Why could these steps not be made of more general application?

I will appreciate an early reply.

Sincerely yours,

J. W. FULBRIGHT,  
Chairman.

DEPARTMENT OF STATE,  
Washington, D.C., July 7, 1969.

Hon. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter of June 23 requesting further information regarding the changes in procedures which are being made, primarily by the Immigration and Naturalization Service, to avoid an incident such as that which occurred with respect to Carlos Fuentes at San Juan.

The mandatory custody requirement I mentioned in my letter of June 17 appears in 8 C.F.R. 214(c) (1) relating to an alien seeking admission under the transit-without-visa procedure. This regulation provides that in the case of an alien who requires a waiver of ineligibility under Section 212(d) (3) (B) of the Immigration and Nationality Act in order to be admitted, "the alien shall be in the custody of the Service at carrier expense and must depart on the earliest and most direct foreign-destined plane or vessel." The effect of this requirement is often to prevent the granting of the transit-without-visa privilege to an alien ineligible under the provisions of the law applicable to Mr. Fuentes. The elimination of this requirement will permit granting the transit-without-visa privilege to Mr. Fuentes and other aliens similarly ineligible.

We understand that the Service is also taking steps to insure that once a person ineligible under the provision of the law applicable to Mr. Fuentes has been granted a waiver of that ineligibility, all ports of entry will be informed of the granting of the waiver in order that that fact may be taken into consideration in future applications by the alien for admission. This procedure will be applicable not only to Mr. Fuentes but to other aliens ineligible under the same provision of the law.

I hope this information is helpful. If we can be of any further help on this or any other matter, please let us know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
Assistant Secretary for Congressional  
Relations.

FRANCES KNIGHT, DIRECTOR OF  
PASSPORT OFFICE

Mr. MURPHY. Mr. President, one of the persons in Washington whom I admire most is Frances Knight, Director of the Passport Office, who has administered her shop in a practical and efficient manner which would be the envy of any private business. This, I believe, is a goal toward which all Government operations should work.

In recent years the increase in for-

foreign travel by our citizens has placed an increasing burden on Miss Knight's Office, and unfortunately administrative problems have prevented her from taking steps she has thought necessary to meet the increasing demand for passports.

This situation is well described in a column written by Marquis Childs appearing in this morning's—July 17—Washington Post, entitled "Passport Unit Snowed Under by Boom in Foreign Travel."

I ask unanimous consent that Mr. Childs' column be printed in the RECORD.

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

PASSPORT UNIT SNOWED UNDER BY BOOM IN FOREIGN TRAVEL

(By Marquis Childs)

Now it's a travel explosion. As though not a word had ever been spoken about seeing America first, the perils of the dollar balance and the gold outflow, Americans in unprecedented numbers are rushing off to foreign shores.

The fly-now, pay-later plan is said to account for a large part of the travel boom. The low rate on chartered flights is another reason. Clubs, often improvised for the purpose, sign up for a charter at a cost to members far below that of regular airline fares.

Travel bargains are attracting those who never before ventured out of the United States. An example is a 22-day escorted tour of six countries (if it's Tuesday, this is Belgium) for \$495, which includes round-trip fare, meals and hotel. At that rate, the bargain hunter argues, you can hardly afford to stay home.

An unhappy consequence of the travel boom is a virtual breakdown, or at any rate a frustrating slowdown, in the issuance of passports. Long lines of irate citizens at every passport center, and particularly in New York, reflect the clogged passport machinery. The most irate citizen is Director Frances G. Knight of the State Department's Passport Office. The tart-tongued Miss Knight has run an efficient shop. She was caught in the travel deluge without the essential extra personnel through no fault of hers, according to her staff.

What happened is an example of the penny-wise, dollar-foolish economy policies prevailing in other departments as well as State. Miss Knight has asked State's budget makers for funds for the fiscal year just ended to hire an additional 22 persons on a permanent basis. For the current fiscal year she asked for another 24. A total of 64 is considered the minimum to handle the ever-rising demand.

Nothing quite like the present travel boom had been anticipated. Total applicants for passports in June were 36 per cent above June a year ago. The daily average is close to 12,000, running 30 per cent above 1968. The staff of the Passport Office is on a 10-to-12-hour-a-day schedule which includes Saturdays. Especially galling to Miss Knight is that the passport operation more than pays its way. The operating budget is \$5 million, while the office takes in more than \$15 million in fees.

The travel boom is expected to slacken as the rush of summer trippers subsides. The plight of the passport office is evidence of the urgent need for an overhaul of the system. Aside from the passport offices in 10 cities, reliance has been on Federal or state courts. With clogged court calendars there is increasing reluctance to perform this function. Passport applicants complain of delays of two months or more.

The passport tangle is only one comparatively small example of how the narrow frame of Government has been inadequate to encompass the swiftly expanding economy or the rise in the number of educated people bent on foreign travel. Both high-school and college students are on the move as never before.

The expansion has been sparked by a credit explosion. Ever-new credit devices have sent the debt total of private individuals soaring to unprecedented levels. How much fly-now, pay-later has contributed, it is too early to say, since this powerful appeal through every advertising medium is fairly recent.

The total of installment credit as of May 31 for autos, home appliances, television sets and the whole range of the buy-now-and-pay-by-the-month goods was an almost incredible \$91.8 billion. This represented a jump of \$9.5 billion in the previous 12 months. An added \$2.3 billion was outstanding in credit-card and check-credit plans. These figures do not include real estate and insurance loans.

The outflow of tourist dollars is an important factor in the balance of payments problem. Various cures were considered under the Johnson Administration, including taxes on airline tickets and a limit imposed on the amount the tourist could spend. The travel industry was powerful enough to fend off these remedies and now the Nixon Administration is faced with the same situation enhanced by the travel boom.

An effort has been made with limited success to offset the outflow by persuading foreign visitors to come to America. For the first five months of this year 557,948 foreigners bent on either business or pleasure came to the United States, an increase of 17 per cent over the same period in 1968. It did not include nearly 11 million visits of over 72 hours by Canadians and a half million Mexican visitors. Measured against the horde of Americans leaving by every available plane and ship, the offset is small.

A far more serious side of the narrow frame of Government is the airport and airways squeeze. At principal airports the overcrowding is intolerable and the air controllers repeatedly testify to the hazards of hundreds of near misses in the corridors where traffic is heaviest. This is without the jumbo jets to come into service in the fall. The White House has proposed a long-range plan calling for quick expansion and the taxes to pay for it. Delay will imperil life and limb as well as a major industry.

### BALLISTIC MISSILE DEFENSE AND THE ALLIANCE

Mr. PELL. Mr. President, one aspect of President Nixon's decision to deploy Safeguard, that has far too long gone unremarked, is the impact of the decision to deploy on our relations with our NATO allies. NATO, now in its 20th anniversary year, has recently come through a troubled period, a period marked both by French withdrawal from the military organization and U.S. neglect of serious political issues. President Nixon in his April 10 address to the NATO ministerial correctly identified these concerns and said: "The alliance today will be judged by the content of its cooperation, not merely by its form," and called upon all NATO countries to "devise better means of harmonizing our policies."

Safeguard proponents maintain that the decision to deploy was welcomed, or at least not objected to, by our NATO allies. Proponents point to a lack of offi-

cial or unofficial evidence to the contrary to buttress their view.

In light of this, I bring to the attention of the Senate a recent study commissioned by the Atlantic Institute in Paris entitled "Ballistic Missile Defense and the Alliance." The study was authored by Laurence Martin, professor of war studies at the University of London and associate of the Washington Center for Foreign Policy Research at Johns Hopkins University. Professor Martin cooperated with a group of 25 defense experts from nine NATO countries in producing the study. The Atlantic Institute, which issued the study, had as its founding director general Henry Cabot Lodge; among the distinguished industrial, political, and intellectual leaders on its board of governors are Kurt Birrenbach of West Germany, Dirk Stikker of the Netherlands, Paul Henri Spaak of Belgium, Christian Herter, Jr., John McCloy, and Lauris Norstad, of the United States, and Manlio Brosio, of Italy, currently serving as Secretary-General of NATO.

The study concludes that while new technological developments, including MIRV, are upsetting the strategic balance Safeguard is more immediately disruptive of the accepted frames of strategic thought. With regard to the Alliance, the study states that European official and public reaction has been overwhelmingly hostile both to the idea of ballistic missile defense and to its adoption by the United States and continues:

Many Europeans regard it as an attempt to buy a superfluous margin of American security at the expense of Europe, at the same time introducing a new element of European inferiority into the Alliance.

I ask unanimous consent that the summary and that portion of the study covering the Alliance be printed in the RECORD. The study is 50 pages in length and is available from the Washington office of the Atlantic Institute, 1616 H Street NW., Washington, D.C.

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

### BALLISTIC MISSILE DEFENSE AND THE ALLIANCE BRIEF SUMMARY

New developments in the field of arms technology seem to upset what seemed to be a relatively stable strategic relationship between the two superpowers. While the multiple individually targetable re-entry vehicle (MIRV) is likely to compel new strategic calculations, Ballistic Missile Defense (BMD) is more immediately disruptive of the accepted frames of strategic thought.

Professor Martin's paper analyses the effects the deployment of an American BMD system could have both on the relationship with the Soviet Union and on the Atlantic Alliance. It points out that the two powers are deploying BMD on very different patterns: the Soviet Union is trying to provide some protection for her population against attacks by the United States, whereas the U.S. has shifted emphasis from an attempt to afford protection against China to improving the defense of the U.S. land-based intercontinental missile against Soviet attacks.

While it does not automatically follow that BMD entails a new arms race, it may well invite a further improvement of offensive



weapons by which BMD might be overcome: there are strong arguments to suggest that BMD cannot offer anything approaching immunity. Furthermore, these new technologies might complicate attempts to limit the level of strategic armaments, make arms control measures still more difficult and at the same time breach the political requirements of equal sacrifice laid down by non-nuclear powers as a condition of their signing the nonproliferation treaty.

Nevertheless there is a case for BMD and it seems that argument over the merits of this particular technological possibility has been allowed to obscure the more fundamental requirements of strategic stability.

The European reaction to BMD has on the whole been unfavourable, the argument weighing most heavily against BMD being that it accelerates the arms race and thus it will worsen East-West political relations. Many Europeans regard it as an attempt to buy a superfluous margin of American security at the expense of Europe, at the same time introducing a new element of European inferiority into the Alliance. The author sees very little likelihood in a "European BMD" coming off, the main obstacles being financial and political. In his view a BMD deployment by the superpowers could prove a decisive political blow to the two small nuclear forces of Britain and France. From a strictly technical view, however, it is not yet clear that these forces will become ineffective. There is no reason to believe that BMD will undermine the Alliance. Current technological developments do, however, afford an appropriate occasion to reassess the strategic basis of the Alliance in general and the future of European nuclear power in particular. The new American Government should ask itself whether the hostility of the United States to European nuclear forces in recent years should not be replaced by a more constructive effort to build them safely into the common structure of Western deterrence.

#### BIOGRAPHICAL NOTE

Laurence W. Martin graduated from Christ's College, Cambridge and from Yale University. He has taught at Yale, the Massachusetts Institute of Technology, The Johns Hopkins University School of International Studies, and at the University of Wales. At present he is Professor of War Studies, King's College, University of London, and Research Associate of the Washington Center of Foreign Policy Research, Johns Hopkins. His latest book is *The Sea in Modern Strategy*, published for the Institute for Strategic Studies, London.

#### BMD AND THE WESTERN ALLIANCE

##### *The European reaction*

Informed discussion of BMD in Western Europe has been confined to very limited circles, although some generalized and occasionally sensationalized treatment has been afforded the subject in the popular press. Such official and public reaction as there has been has taken an overwhelmingly hostile attitude both to the idea of BMD and to adoption of it by the United States. In 1965-66, when existence of the Soviet Union's network was confirmed and the possibility of American emulation became real, the British Foreign Office attempted to take something of a lead in establishing a European viewpoint. The American announcement of the Sentinel system came as a considerable shock to those Europeans who had begun to feel they were having some influence upon debate in the United States. This announcement was, in fact, not one of the happier pieces of American alliance management for, by being made without previous consultation only a few days before a meeting of the NATO nuclear planning group, it appeared as an affront casting doubt on the whole concept of consultation. The omis-

sion seems to have been intentional, reflecting a correct anticipation that European reaction would be unfavourable, and that extended debate could do nothing to bring consensus but might very well reinforce the already heated controversy within the United States. Nevertheless, the timing and style of the announcement did nothing to alleviate the misgivings of Europeans at perceiving yet another aspect of their fate held in hands patently beyond their control.

Europe's negative response is typical of a paradoxical attitude to American strategy, in which anxiety at the least sign of American weakness and infirmity of purpose goes hand in hand with readiness to denounce American plans and behaviour as provocative. This paradox is partly to be explained no doubt by the fact that it is frequently different individual and factional voices which are raised in varying circumstances. But there are other and more significant reasons for the phenomenon. The chief, perhaps, is that NATO has never devised or been willing to pay for a strategy for fighting a war in a way that can offer much prospect of survival to Western Europe. Europe thus both depends upon and fears American deterrent power. As a consequence Europe has been overwhelmingly more attracted to strategies for deterring wars than for fighting them.

Success in deterrence is always, and for everyone, preferable to fighting a defensive war, because it promises a complete absence of damage or casualties. But for Europe such success is vital, for in general war Europe is open both to devastation by the large nuclear forces the Soviet Union maintains for this express purpose, and to being overrun by the Red Army. Thus Europe has great aversion to conditions of tension under which the outbreak of war appears very possible and also to periods of relaxation if they result in an apparently reduced American determination to oppose the Soviet Union's designs.

At least at first sight, BMD seems to be entirely concerned with fighting wars rather than with deterrence. This has assured it a chilly reception in Europe, similar to that accorded Mr. McNamara's advocacy of flexible responses involving provision of capacity to sustain a prolonged conventional engagement in Europe. Concomitantly, the recent period of sustained détente bred optimistic reassessments of the sources of the Soviet Union's conduct, embracing a spate of revisionist history of the origins of the Cold War, and thereby strengthened the never wholly absent belief that much of what passed for Soviet hostility was largely a nervous response to Western pressure. Such an attitude was particularly conducive to fears that Western military policies of strength would be merely counterproductive, and thus encouraged receptiveness to the charge that BMD would stimulate the arms race.

To this endemically hypercritical attitude to American strategy a number of special European considerations doubtless contribute. There is a certain amount of "sour grapes" about policies which Europeans cannot afford. In the case of BMD this feeling may reinforce the general sense of falling behind in military technology. The field of nuclear weapons is an especially sensitive one because of European dependence on a type of military endeavour in which Europe is at best a marginal participant. NATO's elaborate mechanisms for nuclear consultation testify to the trouble this asymmetry in the alliance can breed. An American programme of BMD against the Soviet Union would, unless precautions are taken, add yet another instance of European inferiority and subordination in the critical areas of national security.

Thus a variety of peculiarly European circumstances disposes Europeans to accept the negative view of BMD expressed by its American critics. The argument weighing most heavily in the general European oppo-

sition is that BMD, by accelerating the arms race, will worsen East-West political relations. Still the chief focus of East-West confrontation, Europe has a special interest in the state of tension. Anything which may tend to worsen East-West relations is particularly deplored because of the hopes bred in Western Europe over the past two or three years that changes in the Soviet Union's outlook were about to permit a much greater degree of flexibility in political relations within Europe itself. Thus BMD could be presented as imperilling a prospect in which Europe had a more direct interest than the United States. While Europeans know, of course, of the Soviet Union's investment in BMD, the impossibility of acting so directly upon Russia as upon American policy produces the usual and not unnatural European tendency to minimize the conduct of the USSR as a consideration that should influence the United States or justify American limitations.

The decision to design Sentinel as a defence against China was not well calculated to win favour in Europe. There has been a long-standing divergence between European and American views about the proper policy to pursue towards Communist China and an established tendency for Europeans to regard American fears as hysterical and dangerous. While European optimism about the results of an amiable policy towards China has suffered some disillusionment in recent years, the Vietnam war has done at least as much to reinforce lack of faith in American judgment regarding Asia. Being accustomed to life under the shadow of nearby Russian power, many Europeans regard American fears of China's embryonic nuclear force as exaggerated and fail to see why deterrence by offensive weapons should not work in this case also. Thus the dangers that are thought to arise from BMD deployment seem to be incurred for no good reason. As many of the dangers most vividly envisaged in Europe naturally affect chiefly European concerns, it was easy to regard Sentinel as an attempt to buy a superfluous margin of American security at the expense of Europe. In the instance of Korea, Vietnam, and elsewhere, there has been a long history of European complaints that the United States endangers vital interests at the heart of the power balance in Europe for much lesser purposes in Asia.

The American plan to build BMD against China also served to cast some doubt on the credibility of the American deterrent as a protection of the Europeans from Russian attack. For, goes the argument, if the United States has come to doubt its capacity to deter the Chinese, it can scarcely be expected to stand up to the much more terrible power of the Soviet Union on behalf of others. This argument fails to take account of the different stakes that might be at issue in a confrontation. Most Europeans are confident that Europe is a more vital interest to America than most Asian countries. Nevertheless the rapid growth of Soviet striking power may well reopen the old doubts in NATO about the credibility of American nuclear guarantees. This debate, though dear to the hearts of academic students of strategy and to a few official builders of designs both grand and small, has never actually disrupted the alliance. But its ups and downs, the degree of faith and suspicion, certainly affect the level of political and military cohesion within NATO, while the possibility of some truly disruptive degree of mistrust cannot be ruled out entirely. At the present time, moreover, the issue of the strategic balance is entangled with the erratic move towards "flexible response," a concept which is itself evoked by the deteriorating nuclear balance—deteriorating, that is, from the American near monopoly of the early fifties—and which is sufficiently disturbing to allied confidence as to have

evoked a series of nervous paraphrases for its terminology.

Thus it is possible to depict American interest in BMD as evidence of timidity in the face of growing Soviet strength, as the often-heralded age of American vulnerability finally dawns in reality. BMD could be seen as part of a retreat into a nuclear Fortress America. The official justification for Sentinel ought, of course, to suggest another interpretation: that a defended United States could afford to be more staunch in defence of its allies. Now that Safeguard has succeeded Sentinel one could argue that it does not affect American vulnerability enough to raise such fundamental questions about the reliability of the United States as an ally and should be welcomed as at least a small addition to the potency of American retaliatory forces. But it is doubtful whether European opinion makes such subtle distinctions. The general if erroneous impression that BMD is always a matter of defending population is reinforced by the suspicion that a defence of population is the ultimate American purpose, whatever justification may be advanced in the interim.

There does not seem to be any logical connection between the adoption of BMD and a disengagement of American power from Europe. While BMD might form part of the array of forces with which the United States retreated into her continental fortress, it might as easily be part of the arsenal with which the United States tried to maintain her position in Europe. Any temptation to disengage from Europe would presumably arise from the perception of Russian power and the risks of opposing it rather than from the adoption of a particular mode of defence.

Whatever the role of BMD in American policy, it remains possible that were the day to come when the United States, and the Soviet Union, were covered by a supposedly not ineffective defence, and Europe was not, the resultant sense of nakedness would be qualitatively different from that experienced now. It is true that Europe has been almost totally vulnerable since the late forties, while for much of this period the United States was virtually immune from attack. But there is a big psychological difference between being unprotected because technology can suggest no answers and remaining so out of poverty and disunity. At the very least a new asymmetry and instance of European inferiority would be introduced into the alliance.

There is also the unpleasant suggestion that when both superpowers had acquired a high degree of defence they would be tempted to place a higher hostage value on each other's half of Europe and might conduct nuclear or conventional wars more freely on European territory, either for want of any other strategy or because their fear of the consequences would be much reduced. The possibility of nuclear war at Europe's expense has frequently been mooted, as, for example, in the debate over tactical nuclear weapons. While such a development is not impossible, it is not very easy to see what rational purposes would be served by such combat or whether—leaving on one side the rather unrealistically high levels of effectiveness implied for the defences—would really enhance the attractiveness of such a course. Indeed, it might well be that interest in Europe as a hostage would be much reduced by a greatly increased sense of domestic security for the superpowers. It would then be important to Europe that American disinterest did not outpace Russian before Europe was ready to do more in its own defence.

#### *BMD for Europe*

History suggests that if the superpowers acquired defences denied to Europe, the European nations would learn to accept it without much fuss, as they have learned

to become resigned to other indications of their secondary status. Their preoccupation with deterrence and their lack of faith in defence would tend to support such an adjustment. But it is only natural that the provision of BMD for Western Europe has already been proposed. Officially, NATO has discussed such a proposal and dismissed it as unnecessary and impractical for the moment. Other voices have suggested that it would be both desirable and attainable.

There are few hard targets in Europe and little prospect of any substantial number appearing. BMD in Europe must therefore mean defence of population. Indeed, no other purpose seems remotely likely to inspire sufficient enthusiasm to produce the money. Although there is much argument about it, the technical problem of defending Western Europe against long-range missile attack is probably not insurmountable. Warning-times would be less, but the intermediate-range missiles chiefly involved in the Soviet Union's present pattern of attack are somewhat easier to intercept than intercontinental missiles because they have a slower re-entry speed. The concentration of population in some areas of Europe might facilitate rather than impede defence. According to one expert, the task of mitigating damage to Europe by a missile attack from the Soviet Union would be no more daunting than that of coping with the threat by aircraft.

This observation may be correct but it also uncovers the prime obstacle to strategic defence for Europe. The Soviet Union's bases are so close to Western Europe that she would enjoy a wide range of alternative ways of wreaking destruction if the use of ballistic missiles were obstructed. It has already been remarked that really great strides in defensive technology against missiles might stimulate other methods of delivery in the superpower confrontation. In Europe these alternatives already exist in abundance. With aircraft, cruise missiles, tactical missiles and the possibility of retargeting ICBMs, the Soviet Union enjoys a massive overkill capacity against Europe. Thus the rewards of BMD appear to be even more dubious in Europe than elsewhere. The European belief that if war comes it will bring virtually unmitigable consequences, will make it necessary to produce very convincing proof of the efficiency of BMD in Europe if it is to be taken seriously. This is not to say that European indifference can never be overcome if technology makes great strides and the superpowers testify to this by massive deployment.

Even if BMD in Europe came to be thought desirable, the impediments to its realization would be formidable. Not the least of these would be financial. Although the United States has studied such ideas as a seaborne BMD system that might, in certain forms, afford a degree of mobile protection for others, the main burden would presumably fall on Europe. Even with generous American technical assistance to spare Europe development costs, the expense of a BMD network is probably far beyond the sums European nations are currently inclined to devote to defence, especially as BMD would not necessarily have priority if some crisis loosened the purse-strings for military purposes. The most practical approach would be to see what could be built for a set sum within the accustomed scale of NATO endeavours. It might, for example, be possible to build a single *Spartan* site centrally located to afford as wide a thin defence of Western Europe as the range would allow. Whether this would have much military effectiveness or would go very far to meet the requirements of those who think BMD necessary in Europe seems doubtful. But this is probably the proper order of magnitude with which to consider the prospects in Europe.

For financial, technical and political reasons, any BMD in Europe ought to be approached on a co-operative basis. This presents problems of its own. Arrangements for control might be more tractable than in the case of proposed joint offensive forces because the occasion for use would be a nuclear attack on Europe. This contingency has given little trouble even in establishing the NATO guidelines for retaliation by offensive nuclear weapons. Even so, there would remain some taxing problems. In the United States the allocation of defence to specific areas was solved by providing this defence everywhere. This would probably be impossible in Europe and the necessary decisions to include or exclude populated areas could be expected to provide ample ground for controversy. In the American debate about a thicker defence involving close-point defence of particular cities, the latent controversy was amply revealed. Moreover, the positioning of defensive weapons arouses fears about attraction of enemy fire, besides taking up valuable real estate and establishing an unwelcome reminder of unpleasant possibilities. All such disputes would assume an additional sharpness in an international setting.

Nor can the problem of control be finally dismissed. Even though the decision on use may appear a relatively easy one, as such matters go, none who have watched European efforts at joint military endeavour can underestimate the capacity for disagreement over strategic and military management, especially when large sums of money are involved. The presence of Germany constitutes an additional complication because the BMD systems would almost certainly require nuclear warheads. Such non-nuclear systems as have been suggested appear impractical for reasons which include excessive cost. They are therefore unlikely candidates for European employment, however much they would relax political constraints.

With nuclear warheads involved, the German role would become of great concern to the Soviet Union, to Germany's allies, and to Germany herself. It would be possible to design a method of control that kept independent national decisions by Germany remote from the heart of the defensive system and still satisfy Germany's security requirements. Equally, it would be feasible to design the physical components of the defence so that they would only be used for defence. Warheads can be made to work only in the ascent, above certain altitudes or in defined geographical areas. Yet even so it would be difficult to eliminate all suspicions that the BMD system was a backdoor to acquisition of nuclear weapons by Germany, perhaps the more dangerous for being sufficiently innocuous in appearance to disarm really powerful reactions. Thus the requirement for design of a control system is more rigorous than it would appear at first sight, for it must not only prevent abuse but also provide conspicuous proof of this to a suspicious audience. The political climate may well change, Germany become less suspect or Europe less solicitous of the Soviet Union's feelings, but for the immediate future the problem of control and Germany's relation to it appears a real one.

#### *BMD and the European deterrents*

In so far as BMD may be thought to offer the superpowers immunity from attack by lesser nuclear powers, as was once the hope of the United States in relation to China, it casts great doubt upon the future of Europe's own national nuclear forces. Indeed, not a few American proponents of BMD see the adoption of a "high posture" of armament by the superpowers as the most effective of antiproliferation strategies, pricing small fry out of the nuclear business. Thus Soviet BMD would serve a longstanding purpose pursued by many American policy-



makers ever since 1945: the elimination of independent centres of nuclear power in the West. Such an achievement would be welcomed by some as a simple measure of arms control, by others as the consolidation of American dominance over aspects of strategic relations that could involve the United States in major catastrophe against her will.

So far, statements from the Soviet Union have paid little if any attention to the lesser nuclear powers as an argument for BMD. This may imply lack of respect for the small forces or a conviction that they are so much a part of a unified Western threat as to require no special consideration. But quite obviously a growing BMD system in the Soviet Union would pose an insurmountable obstacle to small forces of missiles, supported by weak technological and economic resources, long before it would succeed in shutting out the United States. Irrespective of the advent of BMD, the future of the European nuclear forces is in doubt for both political and financial reasons. The cost of creating strategic nuclear forces strains the limited resources which European states are willing to make available. These costs were just manageable in Britain and France when technology seemed to promise a plateau upon which a generation of missiles might remain effective for a long time. Even then mere wear and tear would have presented a problem of replacement. All these difficulties are compounded now that technology is unmistakably seen to be still on the move. The French nuclear forces, yet to come into serious existence, have encountered well-publicised troubles in development and appear very vulnerable to the shifting stresses of the political and economic situation in France. Official policy in Britain, while maintaining research and development, at present holds out little concrete promise of new generations of weapons to follow the *Polaris* A 3 now coming into service. Heavily dependent on American assistance as they are, the British nuclear forces will be much affected by the future of Anglo-American nuclear relations. The way forward for Europe so far as finance and technology are concerned is clearly a co-operative European venture. But political obstacles to this are formidable.

With the existing European nuclear programmes so delicately poised, a new element like BMD could well prove a decisive blow. Whatever the strictly technical implication of BMD, it forms the kind of talking point around which political positions are often taken.<sup>1</sup> Yet if European powers wished to stay in the nuclear business, it is far from evident that BMD need prevent them in practice.

The Soviet Union's defensive network poses little difficulty. Its technical quality is probably not high and its coverage is so limited that the small European forces need not suffer from lack of valuable targets. If the Soviet Union undertakes a general deployment, the process must take some time, although careful preparation for upgrading existing systems might shorten this. Moreover, if European capacity to develop penetration aids is less than that of the United States, it is not negligible. Only the device of massive saturation attacks seems in principle beyond Europe's reach. The existing British force, and the French one when it materializes, thus seem likely to remain a factor to reckon with into the medium-term future. It must be recalled, after all, that the existing British force is far more potent than that which China is likely to possess for sev-

eral years, yet this has been sufficient to produce alarmist reactions in the United States. Admittedly the geopolitical context is vastly different, but the conclusion remains that the European forces are not militarily negligible, whatever their political significance.

There is, however, yet another card for Europe to play. Were the European powers determined to maintain some nuclear capability against the Soviet Union yet dubious of the continued efficiency of their long-range missiles, they could concentrate upon exploiting precisely that geographical propinquity to the Soviet Union from which their own vulnerability arises. Although anti-aircraft defence is likely to make great strides in the next few years, it will scarcely attain perfection. The effort to establish better air defences will be particularly taxing for the Soviet Union if undertaken along with a full-scale attempt at BMD. Thus the European powers could provide themselves with a full range of aircraft, cruise missiles and shorter-range ballistic missiles to exploit types of delivery not primary to the main Soviet-American contest, some of which might also be of use in the task of local European defence.

The pros and cons of European nuclear forces will have to be debated in a much wider context than can be explored here. Preliminary consideration does not suggest, however, that those types of BMD that can be foreseen now should dictate a European decision to abandon nuclear efforts if they otherwise seem to serve useful purposes. The evaluation of these purposes will presumably depend in large part on the adequacy of the other arrangements made, especially within the Western alliance, to ensure the security of Europe. With American vulnerability high, with elevated tension in Europe and yet with ambiguous signs of bilateral Soviet-American arrangements on nuclear questions, the present hardly seems the time for Europe to relinquish its nuclear option on the future.

It is indeed possible that BMD may reinforce the arguments for European nuclear forces. If, for instance, the view should gain ground that, once protected and facing an enemy protected by BMD, the superpowers would be tempted to adopt strategies of controlled nuclear warfare executed by limited nuclear action in Europe, European nuclear forces might acquire purposes more plausible than a crude deterrence of aggression. For even if it is thought implausible that the European powers would ever initiate nuclear strikes in reaction to diplomatic pressure or conventional invasion, because of the catastrophic retaliation this would bring on them, it would be another matter to threaten such action as retaliation for any employment of nuclear weapons by the superpowers which, though limited for them, was disastrous to the local nations. In other words, it might be useful to be able to break any rules which the superpowers tried to observe in their own interest at European expense. The European nuclear force would be exploiting the superpowers' own interest in refraining from the full-scale use of nuclear weapons so as to make the otherwise overwhelmingly outnumbered European forces politically effective. As an American analyst has put it: "the role of allied strategic forces—British or French *Polaris*-type submarines, for example—looks very different when the advantages of preserving weapons are commensurate with the advantages of expending them."

A strategy of this kind might be held within the limits of a no first-use doctrine and reserved for retaliation for nuclear acts on Western European territory. This might both reduce the provocativeness of the posture and facilitate solution of the problem of control. It goes without saying that such a European venture is open to objections and that history may well take another course. But it

seems very possible that the advent of BMD is going to stimulate a fresh look at many strategic questions that once appeared safely disposed of in the trans-Atlantic debate.

#### ABM: THE BEST OR THE WORST ALTERNATIVE?

Mr. KENNEDY. Mr. President, in a number of colloquies recently on the Safeguard ABM, various Senators have discussed whether the ABM is "provocative" to the Soviets, and whether alternatives to the ABM would be equally, more or less "provocative." These alternatives include further hardening of our missile sites; increasing the number of ICBM's; increasing the number of *Polaris*/*Poseidon* submarines; dispersing our intercontinental bombers; and other more advanced steps.

During these discussions, it has been suggested that some of us who oppose the ABM recommend instead that we deploy one or more of these alternatives. The senior Senator from Kentucky has pointed out—quite correctly, in my view—that this is not so. What we have said, on the other hand, is that if at some point over the next few years the Soviet or Chinese threat to our retaliatory forces becomes real—as opposed to projected—these alternatives would provide us ample time to react to guarantee the viability of our second-strike forces.

We should not dwell too long on whether the ABM is "provocative." Anything which shifts the balance of strategic power is provocative, in the sense that it calls for a response by the other side to seek to restore the balance. Thus, whether we call a particular weapons system "defensive" or "offensive" has as much actual relevance to the dynamics of the arms race as whether we called the Pentagon the Department of Defense or the Department of Offense.

But there is another aspect of alternatives to Safeguard which merits examination. This is the military effectiveness of the alternatives. If, for example, we were to decide to add a few more *Polaris* submarines, in lieu of deploying the ABM, the dollar cost would be far less. We must also know, however, before we decided to take this step, what the effect of the additional submarines would be upon the strength of our retaliatory force, vis-a-vis the deployment of our ABM.

It is very difficult to make these measurements of the military effectiveness of the various alternative weapons systems without using computers, because the measurements involve balancing thousands of variables. As a result, most of the studies of the effectiveness of various alternative weapons systems remain the province of the Defense Department.

Recently, however, I have had the opportunity to read the narrative analysis of one such computer analysis. This analysis was prepared by a student at MIT, Mr. Peter Peckarsky, using unclassified material, and I think it merits study by all of us interested in the ABM.

His conclusion is significant: that of four alternative ways of meeting a hypothetical Soviet move toward a first-strike force, the Safeguard ABM is the worst. I should emphasize that this con-

<sup>1</sup>It is not at all obvious that BMD is a more dire blow to small missile forces than modern Soviet air defence has been to small bomber forces. The prevalence of assertions that it is may reflect changed American attitudes to independent nuclear forces as much as technological prospects.

clusion is not an intuitive, educated guess; rather, it is a carefully drawn conclusion based on facts. In carrying out his analysis, Mr. Peckarsky makes a series of assumptions which give Safeguard more effectiveness than it actually has, while concurrently overstating the Soviet's capabilities. Thus, the case against Safeguard is even stronger than indicated by the analysis.

In deciding on whether to approve the funds requested for Safeguard, we should know why, with some specificity, the other three alternatives were rejected. It does no good to say that the ABM is "not provocative," while the other three alternatives are "provocative." This is particularly so because Safeguard is not designed solely as a point defense for our offensive forces. Rather, it is a mixture of area defense, Spartan missiles, and point defense, Sprint missiles. In addition, it would change the balance of strategic power.

For these reasons, the paper, which I will have placed in the RECORD, reinforces my own belief that we would do best not to deploy Safeguard at this time. I ask unanimous consent that it be printed in the RECORD.

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

COMPUTERIZED COST-EFFECTIVENESS STUDY OF ASSURED DESTRUCTION CAPABILITY DEFENSE ALTERNATIVES

(By Peter Peckarsky)

ABSTRACT

This paper is a study of the United States' and Soviet Union's strategic forces (excluding bombers) as they may exist on January 1, 1974. Four alternative defenses of the United States' assured destruction capability are postulated as responses to what may become a Soviet Union first strike capability. The four options are:

1. Incrementing the current Minuteman force;
2. Incrementing the current Polaris force;
3. Superhardening the current Minuteman silos;
4. Deploying a hard-point ABM defense of the current Minuteman silos.

For a fixed cost, the degree of protection afforded the assured destruction capability by the four responses is analyzed assuming a Soviet Union first strike with varying levels of effectiveness.

The Main conclusions are:

1. An increment in the Polaris fleet is the best response to the postulated Soviet threat.
2. Deployment of a hard-point ABM defense of the Minuteman force is the worst response due to the low confidence in the system's reliability and the high sensitivity of the ABM defense to increases in the number of attacking re-entry vehicles.

DEFINITION OF PROBLEM

It has been apparent to members of the U.S. defense community for some time that hard, fixed, land-based Inter-Continental Ballistic Missiles (ICBMs) would be vulnerable to an attack by an opponent's ICBM force if such a force were of sufficient size and if the attacking ICBM warheads were of sufficient accuracy and yield.

Recently, it has been stated by the responsible persons within the U.S. Government, namely Secretary of Defense Melvin Laird and Deputy Secretary of Defense David Packard, that the Soviet Union was, in fact, attempting to develop and deploy an ICBM force which would possess a first strike capability against the U.S. Minuteman force

which consists of 1000 hard, fixed, land-based ICBM's.<sup>1</sup>

In the face of this threat, the Nixon Administration has decided that it is necessary to protect a fraction of the current Minuteman force with a hard-point Anti-Ballistic Missile (ABM) defense. The rationale offered for this decision is that it is necessary to protect this fraction of the Minuteman force in order to preserve the U.S. assured destruction capability.<sup>2</sup>

There are at least three other possible responses to the threat of a Russian strategic force increment of sufficient size and effectiveness to constitute a first strike capability against the U.S.

The three options analyzed in this paper, in addition to a hardpoint ABM defense of the Minuteman silos are:

1. An increment in the Minuteman force;
2. An increment in the Polaris fleet;
3. Superhardening of the Minuteman silos.

The method of analysis was to fix the budget available for the mission of protecting the U.S. assured destruction capability five years from now and to determine what effectiveness each option would provide if all of the money available for the above mission were spent on the given option.

The scenario for the study was a Soviet Union counterforce first strike against the U.S. strategic forces followed by an U.S. countervalue attack against the population centers and industrial plants of the attacker.

A computerized model, which will be explained next, was constructed to determine the effectiveness of each option in responding to various Russian attacks.<sup>3</sup>

THE MODEL

A. Parametric assumptions

There are two basic ways to solve a cost-effectiveness problem. Either the cost may be fixed and the variations in effectiveness analyzed or the effectiveness may be fixed and the variations in cost observed. This investigation was conducted using the former method of solution.

It was assumed that a fixed budget of four billion dollars (\$4 B) would be spent in defense of the U.S. assured destruction capability over the next five years. At this level of spending, the following forces may be purchased under each of the four options:

1. At a unit cost of \$7 million (\$7M) per Minuteman, an additional 570 Minutemen could be added to the ambient force level. The unit cost includes the cost of procurement for the missile, missile silo, warheads, and the five year operating and maintenance cost. Under this option, the Minuteman force would consist of 1,570 Minutemen as of January 1, 1974.

2. At a unit cost of \$200 million (\$200M) per Polaris boat, an additional 20 Polaris submarines could be purchased. The unit cost includes the procurement cost, five year operating cost, and the cost of the Poseidon missiles with their associated warheads. Under this option, the Polaris fleet would consist of 61 boats as of January 1, 1974. Fifty-one of these boats were retro-fitted with missiles carrying Multiple Independently-targetable Re-entry Vehicles (MIRVs) while ten of the boats were not retro-fitted with MIRV-carrying missiles.

3. At a unit cost of \$4 million (\$4M) per silo, the current 1000 Minuteman silos could be superhardened to withstand up to 1000 pounds per square inch (psi) of blast overpressure. Under the superhardening option, the Minuteman force would consist of 1000 Minutemen in superhardened silos as of January 1, 1974.

4. At a unit cost of \$1.2 million per Sprint (the Sprint is a short-range interceptor mis-

sile which would serve as the last line of defense in an ABM system), it would be possible to purchase two Sprints for each of the current 1000 Minuteman silos at a price of \$2.4 billion. This would leave an additional \$1.6 billion for the purchase of radars necessary to control the Sprints. The current price range of ABM radars is \$130 million to \$165 million per radar site. The lower figure represents the cost for a Perimeter Acquisition Radar (PAR) capable of scanning 90 degrees while the higher figure represents the current high estimate of the unit cost for a Missile Site Radar (MSR) capable of scanning 360 degrees. Thus it would be possible to purchase some mix of radars (e.g. 3 PARs and 7 MSRs, for example), which would by assumption, suffice to control all of the interceptors, with the remaining \$1.6 billion. The unit cost for the Sprint includes the cost of its warhead while the unit cost for the radars includes the procurement, operational, and maintenance costs for five years. On January 1, 1974, with an ABM defense of the Minuteman force, each of the 1000 Minutemen would be defended by two Sprints.

The U.S. force structure and capability were assumed to be specified by the following input variables:

1. The total number of U.S. ICBMs (USICBM) was set at 1,570 in the Minuteman option and 1,000 in the other three options.
2. The number of MIRVs per Minuteman (USMPMM) was set at 3.
3. 200 Kilotons was assumed to be the warhead yield for each Minuteman MIRV (USICWY).
4. The Minuteman "bus" reliability (USICBR) from pre-launch to MIRV separation, inclusive, was set at 0.9.<sup>4</sup>
5. The Minuteman MIRV reliability (USICMR) from immediately after MIRV separation to immediately after warhead detonation, inclusive, was assumed to be 0.95.
6. A fraction of the U.S. ICBM force will be inoperative at any given time due to maintenance, testing, and other related problems. This fraction was set at 0.05 and given the label USICNO in the computer program.
7. The hardness, or blast resistance, of the Minuteman silos was derived by using figures cited by Deputy Secretary of Defense Packard in his testimony before the Senate Foreign Relations Committee, the Subcommittee on International Organization and Disarmament Affairs of said committee, and the Senate Armed Services Committee. When Packard's figures were used in conjunction with the Rand Corporation's "Bomb Damage Effect Computer," the silo hardness (USMMSH) was ascertained to be 300 psi.<sup>5</sup> The silo hardness was varied during the analysis of the superhardening option.
8. The total number of Polaris MIRV-carrying submarines (USMS) was set at 51 in the Polaris option and 31 in the other three alternatives.
9. The total number of Polaris submarines which were not retrofitted with MIRV-carrying missiles (USNMS) was set at 10 in all four options.
10. The number of Sea-Launched Ballistic Missiles (SLBMs) per Polaris submarine (USSLPP), of either variety, was 16.
11. The number of MIRVs per SLBM (USMPSM) was assumed to be 10.
12. 50 kilotons (50 KT) was presumed to be the SLBM MIRV warhead yield (USSLWY).
13. the SLBM "bus" reliability (USSLBR) from pre-launch to MIRV separation, inclusive, was set at 0.9.
14. The SLBM MIRV reliability (USSLMR) from immediately after MIRV separation to immediately after warhead detonation, inclusive, was set at 0.95.
15. The percent of Polaris submarines in

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port at any given time (USSNO) was assumed to be 25 per cent.

16. The hardness of the Polaris submarines in port (USSBPH) was assumed to be 20 psi.

17. The number of Sprints per silo in the ABM defense option (USAMNM) was 2.

18. The single-shot kill probability, or effectiveness, (USAMSK) of each Sprint in the AMB system was varied as will be explained below.<sup>6</sup>

The Soviet Union force structure and capability were specified by the following input variables:

1. The total number of Soviet Union ICBMs (SUICBM) was varied during the course of the analysis.

2. The number of MIRVs per ICBM (SUMPIC) was set at 3.

3. 5 MT was assumed to be the ICBM MIRV warhead yield (SUICWY).

4. The ICBM accuracy (SUCEP) was varied during the course of the study as will be explained below.<sup>7</sup>

5. The ICBM "bus" reliability (SUICBR) from pre-launch to MIRV separation, inclusive, was set at 0.9.

6. The ICBM MIRV reliability (SUICMR) from immediately after MIRV separation to immediately after warhead detonation, inclusive, was set at 0.95.

7. The percent of the Russian ICBM force which was inoperative due to maintenance and testing at any given time (SUICNO) was presumed to be 5 per cent.

8. The total number of U.S.S.R. SLBMs (SUSLBM) was fixed at 400. This is based on the assumption that over the next five years, the Russians will add 4 Polaris-type submarines per year to their current fleet of 5 such boats. It further assumes that each submarine is capable of carrying 16 missiles.

9. The number of MIRVs per SLBM (SUMPSL) was assumed to be 3.

10. One megaton was presumed to be the SLBM MIRV warhead yield (SUSLWY).

11. The SLBM "bus" reliability (SUSLBR) from pre-launch to MIRV separation, inclusive, was fixed at 0.9.

12. The SLBM MIRV reliability (SUSLMR) from immediately after MIRV separation to immediately after warhead detonation, inclusive, was assumed to be 0.95.

13. The SLBM accuracy (SUCEP) was presumed to be the same as the ICBM accuracy.

14. The percent of the Soviet SSBM (Submarine Ballistic Nuclear) fleet in port for maintenance (SUSLNO) at any given time was set at 25 per cent.

15. The number of interceptors in the ABM system around Moscow (SUAMMN) was set at 100.

16. The number of interceptors in the ABM system anchored at Tallinn (SUAMTN) was fixed at 2,000.

17. The number of interceptors in the ABM system anchored at Odessa (SUAMON) was assumed to be 400.

18. The SSKP of each interceptor in any of the Soviet ABM systems (SUAMSK) was varied during the course of the simulation as will be explained below.

19. The Soviet Union Anti-Submarine Warfare (SUASW) capability against the Polaris boats which were not in port was varied in the simulation as will be discussed below.

This completes the parametric specification of the problem. In Part B the operational characteristics of the model are discussed.

#### B. Operational characteristics

The following operational assumptions constrained the model:

1. The bomber forces on both sides were excluded from the model due to the high vulnerability and consequent low survivability of the U.S. bombers and the problems of a

Russian surprise attack by bomber at intercontinental range.

2. It was assumed that any given weapon could have only one target and could have an effect on only that target. In other words, an U.S.S.R. ICBM could, at most, destroy one Minuteman silo. An interceptor missile in either side's ABM system could, at most, destroy one incoming object.

3. It was assumed that the numbers given on the Rand Corporation's "Bomb Damage Effect Computer" accurately represent the effects of nuclear weapons.

4. It was assumed that the force increments postulated in each of the four options would be deployed as of January 1, 1974.

5. There are at least four methods for coping with an ABM system. They are evasion (i.e. attacking targets out of the range of the system), leakage (i.e. targeting a number of warheads on the ABM system less than the number of interceptors in the system and relying on inefficiencies in the system to allow a number of weapons to leak through to their targets), destruction (i.e. destroy the radars which control the interceptors), exhaustion (i.e. presenting N+1 targets, all of which are weapons, to the system, where N is the number of interceptors, will insure that at least one weapon will penetrate the system). Exhausting an ABM system requires more missiles than any of the other possibilities. It was assumed that each side would have to exhaust the other side's ABM system. Hence, it was assumed that the radars would be indestructible (i.e. no attack on the radars was allowed) and the radars and their associated computers would always be available to guide the remaining interceptors.

6. The U.S. ABM system is assumed to have a shoot-look-shoot capability. It is assumed that the Russian ABM systems do not have this capability.

7. It was assumed that the only way to destroy a Minuteman was to destroy the Minuteman silo. This implies that the Minuteman control centers, including the airborne command center, were less attractive targets than the Minuteman themselves.

8. It was assumed that during the U.S. countervalue attack all of the surviving Minutemen and one-half of the surviving Polaris force would have to penetrate the Tallinn ABM system and that the other half of the surviving Polaris force would have to penetrate the Odessa ABM system.

9. It was assumed that Moscow would not be targeted unless the total of the number of warheads penetrating the two outer ABM systems (i.e. Tallinn and Odessa) was 700 or more warheads. In that case, 200 warheads, or twice the number of interceptors in the Moscow ABM system, were targeted, through the use of terminal guidance, on Moscow after penetrating the outer defenses.

10. The maximum SSKP allowed for either an ICBM, a SLBM, or an interceptor in an ABM system was 0.99.

11. It was assumed that the explosion of each warhead was an independent event. That is to say, the attacking warheads would be in the correct orientation in space and time to prevent one incoming warhead from destroying another due to time delays in their respective detonation times. In addition, there would be no reinforcement or cancellation of shock waves. Furthermore, the U.S. warheads when landing on Russia would land with their maximum effect and would also not destroy one another due to time delays in detonation. For the warheads to land with maximum effect, it is necessary that the area destroyed by one blast not overlap with the kill area of another weapon.

12. It was assumed that each side's ICBM fleet would be able to target any area within the borders of the other country. The same type of assumption was made for SLBMs. In other words, no area in either country would be considered safe from attack by

virtue of its being out of range of the other side's arsenal.

13. The Soviet Union's ICBM fleet was presumed to consist entirely of SS-9s. The U.S. force was assumed to consist entirely of Minutemen since the Titan missiles are scheduled for phase-out before 1974.

14. The missile accuracies referred to were assumed to be those of the MIRV itself and not those of the ICBM or SLBM launcher.

15. It was assumed that each ICBM or SLBM "bus" would deploy all of its MIRVs before coming into the range of an ABM system.

16. Since the Minutemen silos were equally protected in each of the four options, it was assumed that the Soviet Union targeting doctrine would be to target each silo with the same number and type of warheads insofar as was possible.

#### ANALYSIS

A semi-complete specification of the problem would require varying each of the 37 variables over a representative range of values. Assuming each parameter were given 10 values,  $10^{37}$  iterations should be necessary. Even assuming that some of the values were fixed, such as the number of launchers per Polaris submarine, a semi-complete specification of the type discussed above would require on the order of  $10^{18}$  continuous years of computer time, on the system utilized (the IBM system 360/65/40). The computer program would generate a stack of data  $10^{17}$  miles thick. Since the necessary computer time was unavailable and since it would probably have been unlikely that the data produced could be analyzed within the allotted time, another approach was chosen.

It was decided to vary those parameters about which there is the greatest uncertainty. These parameters and their ranges were as follows:

1. The number of Soviet Union ICBMs was 2000, 3000, and 4000 in the primary computer run.<sup>8</sup> This variable was allowed to run over the range of values from 300 to 2000 during the crossroad analysis which will be explained below. Since this was a worst possible case simulation, a high range of values was chosen for the primary run.

2. The accuracy of the Russian ICBMs and SLBMs was set at high, medium and low values of 1000, 2000, and 3000 feet.

3. The SSKP for the interceptors in the Soviet ABM systems was fixed at .3, .6, and .9.

4. The percent of the Polaris boats, not in port, which the Soviet anti-submarine warfare forces could destroy was varied from 0 per cent to 25 per cent to 50 per cent to 75 per cent.

5. The SSKP for an interceptor in the American ABM system was varied at .3, .6, and .9.

6. The degree of hardness which could be obtained for a Minuteman silo in the super-hardening option was assumed to be 400, 700 or 1000 psi.

Since the Minuteman silos were equally protected, the Soviet Union targeting doctrine was to target each silo with the same number and type of warheads insofar as was possible.

Under the conditions of the primary run, 972 different cases were analyzed by the computer.

The measures of effectiveness used were the number of warheads delivered outside of Moscow (USWDOM), the number of warheads delivered on Moscow (USWDM), and the number of surviving Minutemen (USIS). Histograms of the above three measures of effectiveness were constructed for the 324 cases in the primary run in which the hardness of the superhardened silos was 1000 psi.

In addition, a crossover analysis was performed. By crossover point, one means the point below which a given option is more cost-effective than a second option and above which the second option is most cost-effective.

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tive than the first. The crossover analysis determined the point at which the Polaris option became more cost-effective than the option with which it was being compared. In this case, the cross-over was measured in terms of the original number of Soviet Union ICBMs under the assumption that all of the other variables were held constant.

The results of the analysis are presented next.

#### RESULTS

Since this paper is concerned with the preservation of the American assured destruction capability, it would be beneficial to keep in mind an operational definition of the assured destruction capability. Secretary of Defense Robert S. McNamara postulated in his 1968-72 posture statement that 400 1-MT equivalents would be sufficient to destroy 30 per cent of the Soviet Union's population and 77 per cent of its industrial capacity.<sup>9</sup> The important point to remember is that 3 200-KT weapons or 7 50-KT weapons would yield a 1 MT equivalent in terms of the area over which each type of weapon could deliver 30 psi of blast overpressure. The figure 30 psi was chosen because it seems to be well above the highest blast overpressure which a concrete building reinforced with steel rods could withstand.<sup>10</sup>

Accordingly, each Minuteman launcher will carry a 1-MT equivalent and each Polaris launcher will carry 1.42 1-MT equivalents.

The specific results obtained from the data generated by several computer runs were:

1. The crossover points between the Polaris and ABM options, measured in terms of the number of Russian ICBM launchers, were calculated by setting  $USAMSK = USAMSK = 0.9$ . Then SUCEP and SUASW were allowed to vary over their complete ranges of 1000, 2000, and 3000 feet and 0 per cent, 25 per cent, 50 per cent, and 75 per cent respectively. The resultant matrix of values and crossover points is given below.

SUASW	SUCEP	Crossover <sup>1</sup>
No percent.....	1,000	(?)
Do.....	2,000	(?)
Do.....	3,000	(?)
25 percent.....	1,000	790
25 percent.....	2,000	810
25 percent.....	3,000	810
50 percent.....	1,000	760
50 percent.....	2,000	770
50 percent.....	3,000	820
75 percent.....	1,000	750
75 percent.....	2,000	770
75 percent.....	3,000	810

<sup>1</sup> Number of Soviet ICBM launchers above which Polaris dominates.

<sup>2</sup> None (Polaris always dominates).

There is also a crossover point for  $USAMSK = USAMSK = 0.6$  and  $SUASW = 75$  percent. These crossovers are:

SUASW	SUCEP	Crossover <sup>1</sup>
75 percent.....	1,000	(?)
75 percent.....	2,000	700
75 percent.....	3,000	760

<sup>1</sup> Number of Soviet ICBM launchers above which Polaris dominates.

<sup>2</sup> None (Polaris always dominates).

Polaris always dominates the ABM option for  $SUASW = 0$  per cent, 25 per cent, or 50 per cent and  $USAMSK = USAMSK = 0.3$  or  $0.6$ .

There is no crossover for  $SUASW = 75$  per cent and  $SUCEP = 1000$  feet. Similarly, there is no crossover between Polaris and ABM for  $SUASW = 0$  per cent, 25 per cent, or 50 per cent and  $USAMSK = USAMSK = 0.3$  or  $0.6$ .

Other possible payloads for the SS-9 are 15 500-KT weapons or, assuming advances in MIRV technology, 3 100-KT warheads. For

either of these two payloads, Polaris is always the dominant option.

2. For three pairs of values of SUASW and SUCEP there is a crossover between the Minuteman option and the Polaris option. The values are:

SUASW	SUCEP	Crossover <sup>1</sup>
50 percent.....	3,000	340
75 percent.....	2,000	420
75 percent.....	3,000	820

<sup>1</sup> Number of Soviet ICBM launchers above which Polaris dominates.

For all other pairs of values of SUASW and SUCEP, the Polaris option always dominates the Minuteman option.

3. For two pairs of values of SUASW and SUCEP, assuming the superhardened silo hardness is 1000 psi and that each Soviet ICBM carries 3 5-MT weapons, there is a crossover between the superhardening option and the Polaris option. The values are:

SUASW	SUCEP	Crossover <sup>1</sup>
75 percent.....	2,000	360
75 percent.....	3,000	1,050

<sup>1</sup> Number of Soviet ICBM launchers above which Polaris dominates.

In all other cases, the Polaris option delivers more warheads on Russia than any other option.

4. For a large Russian threat on the order of 2000 to 4000 SS-9 launchers (i.e. 6000 to 12,000 re-entry vehicles), the minimum number of warheads the Polaris option would deliver on Russia was 324 which was roughly 5 times the minimum number (68) of warheads the other three options could deliver outside of Moscow in their worst response to a Soviet first strike. The maximum number of warheads delivered by the Polaris option on Russia was 4,398 which was on the order of 1,700 more warheads than any of the other three maximum responses. The other maximum responses were 2,529 for the Minuteman option, 2,644 in the superhardening option, and 2,498 for the ABM alternative.

5. Under the assumption that  $SUMPIC = 3$  and  $SUICWY = 5$  MT, the point at which the Minuteman, superhardening, and ABM options failed to deliver any warheads on Moscow was at  $SUICBM = 300$ ,  $SUASW = 50$  per cent,  $SUCEP = 2000$  feet,  $USAMSK = 0.3$ , and  $USAMSK = 0.9$ . However, the Polaris option continued to deliver warheads on Moscow until the following capability was attained by the Russians:  $SUICBM = 300$ ,  $SUASW = 75$  per cent,  $SUCEP = 1000$ ,  $USAMSK = 0.3$ , and  $USAMSK = 0.6$ . At this latter point, the Polaris option failed to deliver warheads on Moscow. It should be added, that in the cases where the Minuteman force<sup>\*</sup> left and it alone accounted for the damage inflicted on the Soviet Union. In addition, the Polaris option delivered its best response more frequently than the other options and its worst response fewer times than the other options.

6. The general conclusion is that the Polaris option delivers better coverage across a wider range of Soviet Union force structures and capabilities than do any of the other options. This is because the Polaris option is relatively insensitive to variations in  $SUICBM$ ,  $SUCEP$ ,  $SUICWY$ , and  $SUMPIC$ . However, the other three options are highly sensitive to even small variations in these parameters.

#### MODEL DEFECTS

There are a number of obvious idealizations in the model which may cause the results to be slightly inaccurate. A few of these idealizations and their effects on the results are:

1. No radar or decoy attack on either ABM system was allowed. This would tend to make the U.S. ABM system look even worse in comparison with the other three options. In addition, it would also mean that a higher number of warheads would penetrate the Russian ABM system if an attack on the ABM radars or a precursor decoy attack were attempted.

2. The assumption that the MIRVs would deploy before coming into the range of an ABM system tends to make the ABM system look worse than they actually are.

3. The 10 Polaris boats which were not retro-fitted with MIRV-carrying missiles would probably carry warheads on the order of 1 MT rather than the 50 KT with which they were credited in the model.

4. The question arises as to whether or not the ABM system in the model is as good a defense as the proposed Safeguard system. Currently, the Safeguard system calls for the deployment of about 700<sup>\*</sup> (phase left out): was essentially destroyed, the Polaris fleet was the only component of the U.S. retaliatory force Sprints (short-range interceptors) and 350 Spartans (long-range interceptors) to defend 350 Minutemen, several SAC bases, two command and control centers, and the 12 ABM radar sites. The system in the model employs 2000 interceptors in defense of 1000 Minutemen and does not have an area defense capability. Assuming that the Spartans will be used mainly for area defense, and not for the hard-point Minuteman defense, it is quite obvious that if there is a large enough number of SS-9s to pose a threat to the Minuteman force then the system in the model is better than the Safeguard system since the Safeguard system leaves 650 launchers unprotected. Also, the model's ABM system protects each of 1000 missiles to the same degree or better than the Safeguard system protects each of 350 missiles.

#### POLICY RECOMMENDATIONS

On the basis of this paper, the following defense policy recommendations are made:

1. If it is decided that there is a threat to the U.S. assured destruction capability, the most cost-effective way to cope with the threat is to purchase additional Polaris submarines.

2. The worst way, in terms of cost-effectiveness, to cope with such a threat would be to buy the currently proposed Safeguard ABM system. However, research should be continued into ways to provide a cost-effective active Minuteman defense to hedge against the possibility of future increases in the Soviet anti-submarine warfare capability which would compromise the security of the Polaris fleet. Such a defense would ideally have the ability to respond with the speed of light over hundreds of miles and to shoot many times at each incoming object (i.e. a shoot-shoot-shoot-shoot... capability). One obvious possibility for such a system would be a laser ABM system.

#### FOOTNOTES

<sup>1</sup> "SS-9 Helps Administration Score Points in Missile Debate" by John W. Finney, The New York Times, March 24, 1969, Page 30.

<sup>2</sup> An assured destruction capability is the ability to achieve the destruction of an opponent's society after incurring a first strike by the opponent's entire strategic force on one's own strategic forces.

<sup>3</sup> Copies of the computer program and print-out may be obtained on request from Peter Peckarsky, 4425 West Spencer Place, Milwaukee, Wisconsin 53216.

<sup>4</sup> The so-called "bus" of an ICBM or SLBM is the part of the launcher which carries the MIRVs to the point where they depart on their independent trajectories. The MIRVs may be pictured as passengers on the "bus" while the points of departure may be thought of as the "bus" stops. The "bus" reliability includes such things as pre-launch main-



tenance, inflight guidance, component failures, and effectiveness of MIRV separation. The MIRV reliability includes the same types of factors for the portion of the flight after the MIRV has departed from the "bus." In addition, the MIRV reliability includes the probability that the warhead will detonate at the right time, in the right place, and in the proper manner.

"SS-9 Helps Administration Score Points in Missile Debate" by J. W. Finney, The New York Times, March 24, 1969, Page 30. In his testimony, Packard said that with an accuracy of about 3000 feet and a warhead yield of 20 MT, the SS-9 could destroy a Minuteman silo. Ninety-four per cent of the time, 300 psi would be produced at the Minuteman silo under the above conditions (i.e. warhead accuracy of 3000 feet and warhead yield of 20 MT). After assuming that a confidence level of 90 per cent or above was sufficient to consider a target "destroyed," the silo hardness was set at 800 psi since the confidence level in the destruction of the silo is 94 per cent.

"The single-shot kill probability of a given missile is the probability that the missile will destroy its target. Since a missile's utility drops to zero after the missile's warhead explodes, the missile has only a single shot at its target."

"Missile accuracies are measured in terms of circular errors of probability. The circular error of probability of a missile is defined as the radius of the circle, whose center is the point at which the missile was aimed,

within which the missile lands 50 per cent of the time when fired over the distance the missile is supposed to travel in combat. The circular errors of probability (CEPs) in this study will be given in feet.

"A computer run is one complete execution of a set of instructions given to the computer. In this case, the set of instructions given to the computer told it to compute the results of 972 different types of Soviet attacks and U.S. counter-attacks and then to print the results of each attack and counter-attack.

"Statement of Secretary of Defense Robert S. McNamara before the House Armed Services Committee on the Fiscal Year 1968-72 Defense Program and 1968 Defense Budget," Robert S. McNamara, published by the U.S. Government Printing Office, Washington, 1968, Pages 41 and 43.

"The Effects of Nuclear Weapons," edited by Samuel Glasstone, published by the USAEC, April 1962, Washington, Chapter 5.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7215) to provide for the striking of medals in commemoration of the 50th anniversary of the U.S. Diplomatic Courier Service.

## ADJOURNMENT

Mr. McCARTHY. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Friday, July 18, 1969, at 12 o'clock noon.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, July 17, 1969:

### DEPARTMENT OF JUSTICE

John O. Olson, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

Farley E. Mogan, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years.

## HOUSE OF REPRESENTATIVES—Thursday, July 17, 1969

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Make Thy face to shine upon Thy servants; and teach us Thy statutes.—Psalm 119: 135.*

Eternal Father of our spirits, whose love never lets us go, whose strength never lets us down, and whose truth never lets us off, in the glory of a new day we lift our hearts unto Thee seeking guidance as we face the trying tasks of this turbulent time.

We quiet our spirits in Thy presence and rest in the assurance that Thy strength makes us strong, Thy wisdom makes us wise, and Thy love makes us loving.

Grant that in this hour we and our Nation may be messengers of hope to the nations of the world, particularly to those who sit in darkness without freedom but with faith in the coming day when liberty shall be the life of all.

Bless us in our endeavors to lift humanity to the heights from whence cometh our help.

In the spirit of Christ we pray. Amen.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## DISTRICT OF COLUMBIA REVENUE BILL

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, today several of us on the House District Com-

mittee are introducing a District of Columbia revenue bill.

This bill represents substantially the position taken by the District of Columbia government with some changes that we feel are necessary, particularly in the area of advertising services, the theater and special events tax, and in limiting a Federal payment formula to 5 years.

We introduce this bill for consideration by the committee without necessarily advocating each and every one of its provisions or closing the door to further amendments.

The District of Columbia Committee has held lengthy hearings on various revenue proposals. We want, therefore, to urge prompt consideration of this matter and thus have introduced this bill today.

Mr. Speaker, we have now passed the beginning of the fiscal year, yet the District of Columbia has neither a revenue bill nor appropriations for fiscal year 1970. Starting July 1, 1969, the passage of each month without a revenue bill has cost the District of Columbia government an estimated \$2 million per month in lost revenues.

We hope by introducing this bill that we can expedite the establishing of a sound financial situation for the District of Columbia.

## PERSONAL ANNOUNCEMENT

Mr. HENDERSON. Mr. Speaker, on Tuesday, July 15, I was recorded as not voting on rollcall No. 106, the passage of H.R. 4018 to provide for the renewal and extension of certain sections of the Appalachian Regional Development Act of 1965.

At the time of this vote, I was in con-

ference with officials of the executive branch and a group of my constituents here in the city on a matter of great importance to the Third District of North Carolina.

I have consistently supported the Appalachian Regional Development Act, both in committee and on the House floor.

I should like for the RECORD to show that had I been present, I would have voted "yea" on rollcall No. 106.

## GOLDEN EAGLE—PASSPORT TO AMERICA'S GREAT OUTDOORS

(Mr. MEEDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I introduce, for appropriate reference, a bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to restore the popular Golden Eagle program for a unified system of annual admission fees to Federal outdoor recreation areas.

This bill would repeal the provision of the 1968 amendment to the fund act by which the Golden Eagle program would go out of existence on March 31 of next year. This would continue to raise needed money for the development of additional outdoor recreational facilities. Although in the first years of the program, these fundraising powers were not as great as had been hoped, this has been improved. The amount raised has grown ninefold since 1965, and over \$5 million are projected revenues for 1969. Such a program should not be terminated.

Mr. Speaker, the Golden Eagle program has been more than a fundraiser, however. It has been a particular boon