

movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS (for himself, Mr. BUSH, Mr. GERALD R. FORD, Mr. ARENDS, Mr. ANDERSON of Illinois, Mr. TAFT, Mr. RHODES, Mr. CRAMER, Mr. BOB WILSON, Mr. POFF, Mr. CARTER, Mr. FULTON of Pennsylvania, Mr. GUBSER, Mr. HORTON, Mr. KEITH, Mr. LUKENS, Mr. McCLOSKEY, Mr. MOSHER, Mr. PETTIS, Mr. POLLOCK, Mr. REID of New York, Mr. VANDER JAGT, Mr. WOLD, and Mr. SMITH of California):

H.R. 13337. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Ways and Means.

By Mr. MURPHY of Illinois:

H.R. 13338. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY (for himself and Mr. MIKVA, Mr. ANDERSON of California, Mr. BARRETT, Mr. BINGHAM, Mr. BROWN of California, Mr. BUTTON, Mr. CLAY, Mr. EDWARDS of California, Mr. ESCH, Mr. FARBSTEIN, Mr. FOLEY, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KEE, and Mr. KOCH):

H.R. 13339. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA (for himself, Mr. OBEY, Mr. McCARTHY, Mrs. MINK, Mr. OLSEN, Mr. OTTINGER, Mr. REES, Mr. REUSS, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. THOMPSON of New Jersey, Mr. TUNNEY, Mr. VANIK, Mr. WALDIE, and Mr. WHITEHURST):

H.R. 13340. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. OTTINGER:

H.R. 13341. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13342. A bill to amend title II of the Social Security Act to provide a general increase of 25 percent in the amount of the benefits payable thereunder (with a minimum old-age benefit of \$100), to provide for cost-of-living increases in such benefits in the future, to increase the amounts individuals may earn without suffering deductions from such benefits, and to amend title XVIII of such act so as to include eye care, dental care, hearing aids, and routine physical examinations within the services covered by the insurance program established by part B of such title, and for other purposes; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 13343. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.R. 13344. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. PODELL:

H.R. 13345. A bill to create a Federal Insurance Guaranty Corporation to protect the American public against certain insurance company insolvencies; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 13346. A bill to amend the Internal Revenue Code of 1954 to increase from \$600 to \$1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 13347. A bill providing for a moratorium on the discontinuance or reduction of railroad passenger train service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. FREY, Mr. HAMMERSCHMIDT, Mr. HELSTOSKI, Mr. McDONALD of Michigan, and Mr. PIKE):

H.R. 13348. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail-handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself, Mr. ASHLEY, and Mr. WIDNALL):

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. RAILSBACK (for himself, Mr. BIESTER, Mr. BROCK, Mr. BUSH, Mr. FREY, Mr. HASTINGS, Mr. HOGAN, Mr. McCLOSKEY, Mr. McDONALD of Michigan, Mr. PETTIS, Mr. RIEGLE, Mr. RUPPE, Mr. STEIGER of Wisconsin, and Mr. VANDER JAGT):

H.J. Res. 865. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote in Federal elections shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.J. Res. 866. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 13349. A bill for the relief of Maria Christine Munoz de Reyes and Juan Pedro Reyes-Munoz; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 13350. A bill for the relief of Pasqua Porzia; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 13351. A bill for the relief of Milena Rastic; to the Committee on the Judiciary.

SENATE—Tuesday, August 5, 1969

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 4, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the

request of the joint leadership that there be no meetings of committees of the Senate at the conclusion of the morning business and the laying down of the unfinished business tomorrow.

The PRESIDENT pro tempore. The Senate will take cognizance of that request.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Alaska (Mr. GRAVEL) is supposed to be recognized at this time. The Chair recognizes the Senator for not to exceed 40 minutes.

Does the Senator from Montana desire the Senator from Alaska to yield?

Mr. MANSFIELD. Yes, I do.

Will the Senator yield to me, without losing any of his time?

Mr. GRAVEL. I yield to the distinguished Senator from Montana.

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

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

O God, whom no man hath seen, but who has come to us in word and human flesh, when thoughts of Thee grow dim and duties seem to overwhelm us, may we unconsciously fulfill Thy will. When faith fails and knowledge is confused, still hold us fast. Teach us the invincibility of goodness, the reality of a brotherhood which transcends race, rank, and vocation, and the power of the love that never fails.

Be with us in our labors here that as we work we may know also that we serve "the God who has made and preserved us a nation." Wilt Thou revive in all the people of this land the pure religion and the lofty patriotism which equip us for the testing times in which we live.

In Thy holy name, we pray. Amen.

THE NIXON ASIAN POLICY

Mr. MANSFIELD. Mr. President, I read an excellent editorial entitled "Good Sense in Asia," published in the Wall Street Journal of today. The editorial concentrates on the initiative of the President of the United States in explaining a new thesis in the field of American policy in the Pacific area. I am referring, of course, to the so-called Nixon doctrine, which, in my opinion, indicates a shift away from an old, vested policy which has outlived its usefulness in many respects, and a veering toward a new policy more in accord with the realities of the region as it exists today.

As I understand the Nixon policy, it is a watershed in the history of our relations with the Pacific region. On the basis of what the President said in Guam, what he stated, according to the press, in the various Asian countries he visited, and what he told the joint leadership at the White House on yesterday morning, I commend the President for the inauguration of this new policy as a step in the right direction. As I understand the policy, among other things, it precludes intervention in the case of internal subversion; and I think that is a very important factor to be kept in mind.

Furthermore, it emphasizes that we are primarily a Pacific power with peripheral interests on the Asian mainland.

It is my belief, also, that what the President intended—and intends—is that there should be greater cooperation among the nations of Asia, with assurances that the United States will give the most serious consideration to economic means to help them achieve and maintain stability, make them less dependent on help from the outside—in this case, the United States—and in effect create a spirit and a feeling of interdependency rather than rely on continued dependence on us.

So I congratulate the President for this bold move, this good move, this realistic move, and state that, so far as I am concerned, I fully support him in his efforts. It is my belief that the Senate supports him in his efforts. It is my belief that the American people support him.

I ask unanimous consent that the editorial to which I referred be printed at this point in the RECORD.

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

GOOD SENSE IN ASIA

President Nixon's intention to "lower the profile" of U.S. influence in Asia represents an encouragingly enlightened attitude; if he remains firm in such a policy, the positive effects on future U.S. relations with Asia and other areas could be great indeed.

If some of Mr. Nixon's public statements have caused doubt about the seriousness of his intentions, the overall impression remains that his basic concept of the U.S. role there has changed. He has endorsed the view that Asians must solve Asian problems, avoid firm, broad commitments in favor of a selective flexible policy, and promised to send U.S. troops only to aid countries threatened by external aggression, rather than internal subversion. Furthermore he has insisted on these principles even when confronted by the obvious discomfort they give his Asian hosts.

To a certain extent, of course, Mr. Nixon has few options. The combination in the U.S. of an inflated economy, new awareness of domestic problems and dissatisfaction with the war in Vietnam creates great pressure to deemphasize foreign commitments. But if a limited U.S. role in Asia reflects conditions at home, it may also prove sensible in light of Asian realities.

For one thing, the fear of Communist Chinese expansionism which has dominated U.S. policy for so long may now no longer be valid. China's internal problems have reduced her capacity for serious foreign adventures; for the time being, China may well be too preoccupied with protecting her Soviet borders to consider extending her influence further in the Pacific.

But the more significant assumption underlying a limited Asian policy is its recognition of various Asian nationalisms as basic protection against subversion or aggression by outside powers. Such an idea can hardly seem comfortable to those who assess defense capability in traditional terms, but there is some evidence that it may have new validity in light of recent changes.

For the decline of old style colonialism has made it impossible to ignore nationalism in developing countries. Major powers can no longer get away with overt administrative control of developing lands for economic or political benefit. Leaders of small countries thus retain some capacity to frustrate the major power's pursuit of its interests, perhaps enough to diminish the value to the major power of such a relationship.

If the United States has had its problems with the South Vietnamese, the Dominicans, and the Peruvians, the Soviet Union has suffered its own difficulties with the Czechs and the Cubans. The prospect of like frustrations must figure in the Chinese calculations for the future of Asia.

However nerve wracking it may be to deal with such nationalism, it cannot realistically be ignored; thus a truly forward looking policy would hope to turn it to the benefit of the long range U.S. interest in the peaceful, stable development of Asia. "We should approach the problems of Asia in judo style," says Edwin O. Reischauer, former U.S. ambassador to Japan, "not trading blow for blow with the forces of Asia, but so adapting our stance as to let those forces work for us."

A limited Asian policy will not be without problems. Developing a viable national spirit may still take many years in some countries; the process of creating sound governments which reflect a truly objective nationalism may be turbulent for Asian nations. Furthermore, the pressure remains strong on Asian lands to get along with China, if only because of geography. The ways they may choose to do so, even as they maintain a spirit of nationalism, could well prove agonizing for a President pledged to a limited Asian policy.

But such a policy does represent a major departure from the past in that it genuinely seems to put a long term goal-encouraging independent national government as an alternative to hegemony by either China or the U.S. in the Pacific—ahead of short term considerations. Such an experiment, which if successful could also apply to other developing areas, surely deserves a chance. Mr. Nixon shows good sense in deciding that now is the time to try it.

Mr. SCOTT. Mr. President, will the Senator from Alaska yield?

The PRESIDENT pro tempore. Does the Senator from Alaska yield to the Senator from Pennsylvania?

Mr. GRAVEL. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. I thank the distinguished Senator from Alaska for yielding.

Mr. President, I congratulate the distinguished majority leader for his candid statement with regard to the emerging Nixon doctrine. I agree with him. We were both at the bipartisan leadership meeting at the White House yesterday, and the majority leader has correctly stated, in my judgment, the importance of this emerging doctrine, which will develop as time goes on, but which was initiated in the Guam declaration.

In that declaration the President has made clear that the new policy of the United States, indeed, is not to undertake intervention in the case of internal aggression or revolt within Asian countries. I think I should add that we understood the President to make the point quite clear that he was referring to intervention through U.S. military personnel.

The President has made clear in Guam, the Philippines, Bangkok, and Saigon that the United States intends to keep its commitments. But he has also made clear that the United States does not intend to expand those commitments to involve us in future confrontations with nonnuclear powers, such as that which occurred in Vietnam. I think it is very good, indeed, for us to have this clear enunciation.

I may interject that this morning, in the Subcommittee on Communications of the Committee on Commerce, we are conducting a hearing on broadcast licenses in television and radio. We are being assured of the responsibility of broadcasters, and I am, as usual, impressed with their anxiety to impress us with their objectivity. But I cannot forget that last night, on the various channels, as I turned from one to another to get the news, each of the commentators was indulging in what I call categorical imperatives.

They were all saying that President Nixon had made contradictory statements in the different countries he had visited. Of course, being Olympian they neglected to state what the contradictory statements were. After all, one does not question the wisdom of the gods.

They were, however, selling their pitch to move semantically from the sublime to the ridiculous, and somehow their unsuspecting viewer was required to believe that their statements were true when, indeed, they were not.

I submit that network commentators, gilded as they may be with the crust of authority if not omniscience, at least ought to explain to a public not necessarily as literate or as fluent as they are what they mean when they say President Nixon's statements in the various countries were contradictory. I did not find them so; others may. But let us at least get the facts before us. At a later date I expect to make a presentation for the RECORD on those statements.

In the first place, what the President was doing as he proceeded to each country and discussed the problems of maximum interest to those countries, was to say in each country, "This is the way the United States views our relationship to you, past, present, and future."

He said to us yesterday that this is the

first time a Presidential visit has been made without making any promises, without making any commitments, and without agreeing to lay out any money. He said the Asian governments involved were anxious themselves to settle their own affairs internally and that they did not wish the intervention of great powers through their military personnel. It is true we have some treaty obligations whereby we do supply economic and military aid. This is particularly true in Thailand. The President stated that our commitments to continue to supply such aid as we had undertaken to supply were good and would stand, but that to the degree to which we have military forces in Thailand they are there for our own protection and defense in the Vietnam war and not to be used by the Thais in matters of internal aggression.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point for an observation?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I think that is a very important point that the Senator just made. That particular country is in the news; questions have been raised, but, as far as internal subversion is concerned, that is a Thai matter.

Mr. SCOTT. Yes. That was made very clear. One Senator there—and I shall not quote him without his permission—raised the point as to whether we had any secret agreement to the contrary. The President made it very clear we did not; that the presence of any military forces there is for the defense of the United States and is connected with the Vietnam matter. As the distinguished majority leader said, the President made clear the nature of our intent.

Moreover, he made clear that he felt he had been entirely consistent in these various countries because he had made these three essential points: First, we keep our commitments; second, we do not expand our commitments in the areas I have discussed; and third, we respect the right of the Asian country involved to handle its own affairs.

He also made clear with respect to collective security that we are not seeking to advance the Russian Brezhnev doctrine of collective security for Asia where the United States and the U.S.S.R. as specific powers become parties; we were not seeking or encouraging a condominium of the United States and the U.S.S.R., but we were encouraging Asian countries to get together and solve their problems either in union or separately.

Therefore, I hope this explanation has been of some value to the lords of the airwaves. I hope that within the time compression which is essential to good television and somehow within that limited space the truth may not be crushed to earth by the demands of the air but somehow may be allowed to seep into the comment.

I thank the Senator from Alaska for yielding.

Mr. AIKEN. Mr. President, will the Senator from Alaska yield to me?

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator yield?

Mr. GRAVEL. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I can say all I have to say in a minute.

President Nixon's pronouncement of a new Pacific policy is probably the most significant political development of this generation. This policy for the Pacific which he has announced can be applied not only as a national policy toward the Pacific, but also toward the rest of the world as well. It is also a policy to which most of the countries of the world could well subscribe.

I wish to join in commending the President for the development of this new policy which can be of inestimable value to the whole world in coming generations.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Delaware.

INCREASES IN FEDERAL EMPLOYMENT

Mr. WILLIAMS of Delaware. Mr. President, as a member of the Joint Committee on Reduction of Federal Expenditures I regret to report that in the month of June 1969 the administration added 83,999 extra employees to the public payroll, thereby reaching the second highest level of Federal employment since the postwar period of World War II.

In July 1968, Federal employment had reached the peak level of 3,062,004. During the succeeding months as the result of a mandatory ceiling on Federal civilian employment, which was a part of the Expenditure Control Act of 1968, civilian employment by the U.S. Government was reduced by over 90,000.

Under this expenditure control provision of the 1968 act the Government could employ but three out of each four normal resignations or retirements.

Notwithstanding this progress toward reducing expenditures, however, in June of 1969, Congress, supported by the administration, repealed all controls over Federal employment, and within 30 days after its repeal Federal employment was back to its second highest level.

During the testimony before the congressional committees in support of the repeal of the mandatory ceiling on Federal employment the Secretary of the Treasury told Congress that his Department, as the result of personnel cuts, was losing around \$500 million annually in uncollected revenues. Both the Secretary of the Treasury and the Director of the Budget, while asking for the repeal of this ceiling on Federal employment, failed to point out that under the law enacted in 1968 the Budget Director had unlimited authority to increase employment in any agencies requiring additional personnel. It was the intention of Congress that the offsetting reductions be made in those agencies which would least disrupt essential public service.

But now the law has been repealed, and there is no control over the number of personnel that can be added to the public payroll. What happened?

There were 83,999 extra employees added to the public payroll in June 1969.

Of these, 16,687 were added in the Agriculture Department, 13,556 were

added to the Post Office Department, 4,144 employees were added to the Department of Health, Education, and Welfare, 3,964 were added in the Interior Department, 3,568 were added in the Veterans' Administration, and 3,145 in the Transportation Department. The Justice Department added 1,591, Housing and Urban Development added 809, and the Commerce Department added 575 while the Bureau of the Budget and the Treasury, the two Departments making the biggest howl about the lack of personnel, added 40 and 561 respectively.

It can be argued that the June increases reflected not only the regular employment by the major agencies but also the temporary summer employment under the President's youth opportunity program; however, the same explanation was applicable in June of last year, and that still leaves Federal civilian employment now at the second highest level since 1945.

Mr. President, earlier this year when the administration was asking for the repeal of the law which placed a mandatory ceiling on Federal civilian employment I objected and expressed the fear that with its repeal we would see a resumption of the trend toward a padding of the Government payroll. My fears were justified.

I ask unanimous consent that an excerpt from table I appearing in the joint committee's report, giving an itemized breakdown of these increases during the month of June, be printed at this point in the RECORD.

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

	Personnel		
	June	May	Increase
Executive departments (except Defense):			
Agriculture.....	125,034	108,347	16,687
Commerce.....	36,471	35,896	575
Health, Education, and Welfare.....	112,524	108,380	4,144
Housing and Urban Development.....	14,964	14,155	809
Interior.....	74,663	70,699	3,964
Justice.....	36,416	34,825	1,591
Labor.....	10,813	10,209	604
Post Office.....	739,002	725,446	13,556
State.....	43,644	42,930	714
Transportation.....	64,118	60,973	3,145
Treasury.....	88,598	88,037	561

ABM: A CASE FOR DELAY

Mr. GRAVEL. Mr. President, no issue, save perhaps that of Vietnam, has so preoccupied this Congress as the deployment of an anti-ballistic-missile system. The debate over this question has no precedent. No debate over arms spending in the entire postwar period has been so intense, so closely contested, and so well informed. The questioning of the administration's proposal to deploy the Safeguard has been the most serious review of defense spending in the entire so-called "cold war."

This debate, dealing as it does with the most sensitive questions of U.S. defense policy, has become larger than the sum of its parts.

It raises the question of spending about \$1 billion in fiscal 1970. But it forces us to examine the record of effectiveness of

almost \$1 trillion of defense spending over two decades.

It raises the question of defending our Minuteman missiles. But it forces us to examine the security of our entire deterrent force.

It raises the question of strengthening this administration in the arms talks. But it forces us to examine whether strength really contributes to a climate for limiting the arms race.

Twenty-four years ago tomorrow, our minds were numbed by the incredible explosiveness of the atom bomb dropped at Hiroshima from a piston-engine bomber. Today, we are confronted with the reality of the Poseidon weapons system; a submarine capable of launching 16 missiles, each of which can deliver a dozen warheads to separate targets. And each of these warheads is deadlier than the Hiroshima bomb.

The debate over Safeguard has been a historic opportunity to take stock of how this Nation has managed, and how it should continue to manage the grim problems of defense and security.

Before giving my analysis of the issues, I feel impelled to express my satisfaction with the Senate debate thus far. Despite the great sensitivity of the question, the discussion in the Senate has been candid, thorough, and handled with respect for differing views. The Armed Services Committee, under the able leadership of the distinguished junior Senator from Mississippi, Senator STENNIS, heard testimony on both sides of this issue. The Foreign Relations Committee, led by the distinguished junior Senator from Arkansas, Senator FULBRIGHT, sought to develop related foreign policy issues. Its Subcommittee on International Organization and Disarmament Affairs, under the distinguished senior Senator from Tennessee, Senator GORE, heard exceedingly useful testimony by leading scientists for and against the ABM. Later, the able junior Senator from Washington State, Senator JACKSON, and the experienced senior Senator from Missouri, Senator SYMINGTON, led a most informative debate in which classified material was presented.

The press has spoken of considerable pressure being brought to bear on Members to sway votes. Certainly, in this instance, I have received as much pressure as any Member. But it has been pressure I consider entirely proper, sincere, and motivated by the highest intentions.

I take this opportunity to assure Americans that the dedication and integrity of the Senate has not been compromised by this debate.

The involvement of citizens groups and other organizations has been a healthy contribution. America needs this kind of informed, direct interaction between broad segments of the public and elected representatives.

Of course, the greatest pressure upon me has been the weight of the testimony presented. This I have studied carefully. This wealth of material is quite sufficient to make a reasoned judgment. But weighing it takes time. That is the principal reason I have waited until the final hour to express my views on this matter.

Also, if debate is to go on, someone should be listening. I have felt that every

view should be given an opportunity for expression unburdened by comprehensive polls that seek to prejudge the decision. Finally, I have wanted to give my constituents in Alaska the longest possible period to express themselves to me on this issue.

Waiting has been valuable for me. I am much better prepared and far more confident that my vote will be based upon informed judgment.

In presenting my analysis, I will begin with a few basic comments on our deterrent force. It is composed of about 500 strategic bombers, 1,000 land-based Minuteman missiles, and 41 Polaris submarines.

It is important to observe that the Minuteman force is not the primary element of our deterrent. That role is played by our Polaris submarines.

Our Polaris force of 656 missiles—about half of which are on station at all times—is far less vulnerable than our Minuteman missiles.

Our Polaris force is far more difficult to destroy simultaneously. This force is capable of destroying all the major Soviet cities several times over.

This force is much better designed for delayed and controlled response—an absolutely necessary requirement for a proper deterrent. Our submarines could wait for some time before responding. They could wait until there is no question of the necessity of launching retaliatory attacks upon cities. Regardless of the size of our Minuteman force, it cannot substitute for Polaris because the exposed Minuteman missiles would be too vulnerable to hold in reserve.

Our Polaris strike force has no fixed geographic coordinates. Enemy missiles cannot be targeted on it as they can in the case of fixed Minuteman silos.

We have 41 nuclear submarines, many of which are armed with Polaris A-3 multiple warheads. Under present planning, 31 of these submarines will be converted to accommodate Poseidon missiles equipped with individually guided warheads.

The nuclear destruction carried by a single Poseidon submarine could devastate the major cities of the Soviet Union. Thus, the firepower of even a single Poseidon submarine remaining after a first strike would be catastrophic to the Soviet Union.

Our Polaris force appears to be in no danger. Our Chief of Naval Operations, Admiral Moorer, testified last year that he had "very high confidence that the invulnerability of Polaris would be maintained."

The Armed Services Committee evidently agrees. If Polaris were becoming vulnerable, we would want to increase the range of its missiles, permitting it a larger area in which to hide. However, after hearing testimony, the Armed Services Committee eliminated from its authorization \$20 million for additional research on ULMS—undersea launched missile system.

Finally, the number of submarines could also be increased before the mid-seventies without taking action this year.

In summary, this element of our deterrent force shows every sign of maintain-

ing, and even improving, its extraordinary effectiveness.

Let me reemphasize—Polaris is our primary retaliatory force. If we had to rely on a single defense no one would choose our bombers and no one would choose our Minuteman. All would choose Polaris. Indeed, if there were no Polaris submarines, I doubt that anyone would now be proposing a missile defense of Minuteman. There would be a search for an entirely new force.

Unfortunately, in the debate over Minuteman, the primary importance of Polaris has been obscured, ironically enough, because it is so secure.

Having placed the problem in what I believe to be the proper perspective, I now want to deal with five questions that go to the core of this debate: First, is Minuteman worth preserving? Second, if so, does the threat to Minuteman require immediate action? Third, is an ABM defense of a small number of our Minuteman silos the most dependable and efficient way of maintaining a secondary strategic force? Fourth, what about missile defense to protect people against accidents or Chinese attacks? Fifth, would approval of Safeguard strengthen the administration position in the strategic arms limitation talks—SALT? I shall discuss these questions in order.

(1) IS MINUTEMAN WORTH PRESERVING?

The very fact that Minuteman is threatened is not sufficient justification for defending it. Minuteman must have some continuing, vital role in our long-range defense posture to justify any effort to protect it.

At present we have bombers, land-based missiles, and Polaris submarines. How much should we spend to maintain these deterrents? Do we need all three?

Every time a strategic force begins to become vulnerable, we tend to try to maintain it as a secondary force. But just as the bomber age gave way to the missile age, land-based missiles are giving way to sea-based forces. We must recognize that land-based missiles are becoming obsolete as an invulnerable deterrent.

We must face this question squarely. Should we maintain three separate deterrent forces? And should a land-based force be one of them? If it is essential to preserve our land-based missiles then we must ask a second question:

(2) DOES THE THREAT TO MINUTEMAN REQUIRE IMMEDIATE ACTION?

Specifically, is it either urgent or prudent to begin to deploy at this time the proposed missile defense? This defense is designed to protect a few Minuteman's in the mid-seventies. Therefore, the urgency of beginning now depends on two considerations.

First, how great will the threat to Minuteman be by the mid-seventies? In other words, how far advanced will the Soviet missile buildup be at that time?

Second, how long would it take to protect this force or substitute for it? In other words, how much leadtime do alternative solutions require?

The mid-1970 deadline is based on extrapolating the Soviet SS-9 buildup for 6 or 7 years. No missile buildup in

the last 20 years of the arms race has gone on at as steady a pace for such a long period as is suggested in this extrapolation.

The acknowledged fact that the Soviet Union built a few more SS-9's in 1968 is not a strong case for such a long extrapolation. Undoubtedly the Soviet Union has not itself decided how long it will build SS-9's; indeed, intelligence reports indicate that overall the SS-9 buildup has slowed rather than increased.

And in the context of the SALT talks, we can expect to have ample opportunity to dissuade the Soviet Union from continuing such a buildup. We can warn them that such decisions on their part would evoke a response from us that would certainly go far beyond defensive weapons.

Therefore, I conclude that the desirability of taking action now is partly generated by alarmist extrapolations.

What about the second factor, that of leadtime? Any urgency of beginning now to meet a deadline in the midseventies stems largely from the long leadtime required to build missile defenses. If we decided upon some other alternative for protecting Minuteman, or substituting for it, and if that method required fewer years to build, it would not be necessary to begin now.

Some alternatives for maintaining a secondary force are: superhardening the Minuteman sites; that is, protecting them with more concrete; building more Minutemen; building mobile Minutemen; or building a new kind of seabased force.

Of course, there is also the option of strengthening the primary force, our Polaris submarines, or, for that matter, strengthening our other secondary force, the strategic bombers.

Unfortunately, the administration has not presented the Congress with a serious analysis of all the possible alternatives. Most, if not all of them, would require shorter leadtimes than the ABM.

I can only conclude that the need to take action now is partly self-generated by our choice of this option.

In summary, we seem to have exaggerated the threat by predicting a steady buildup over many years and then announced that we must answer that threat immediately because we have chosen an answer that takes many years to build.

The alternative solutions to the threat also must be considered more particularly with regard to their cost and dependability. Even if we require three strategic forces, and if the threat is urgent, this raises a third question:

(3) IS AN ABM DEFENSE OF A FEW MINUTEMAN'S OUR MOST DEPENDABLE AND EFFICIENT OPTION?

I am impressed by the fact that all of the alternatives just mentioned are more reliable than the use of the ABM. President Eisenhower's Science Adviser and his Director of Defense Research and Engineering have testified that the missile defense might fail catastrophically at the critical moment.

Of all the possible alternatives, the ABM is the most complicated and the least dependable. Let me restate it—none of the other possible options have been presented to the Senate in any serious study.

In terms of overall reliability, missile defenses are the most controversial weapon we have yet to consider. Many different kinds of penetration aids and tactics—devices such as precursor warheads, decoys, chaff, fireballs, blackout effects, maneuvering warheads, and simultaneously arriving warheads—make a really reliable missile defense almost inconceivable.

Enemy efforts would be focused on destroying our radars. Even if we have interceptors, the Soviet Union can acquire a sufficient number of warheads to exhaust those interceptors—and one additional warhead to knock out our radars. If the radars are destroyed, the system becomes blinded and worthless. We have had much testimony underlining the Rube Goldberg quality of defending many hardened missiles with a few soft radars.

Furthermore, I am impressed with the difficulties that will arise in designing and relying upon Safeguard's computer programs. Safeguard must cope with adversary tactics and tricks, many not yet invented, and with sequences of attacks no one can predict. We launch Apollo at a predetermined time of our choosing and without enemy efforts to defeat it. But Safeguard must fire at a moment picked by the other side. Safeguard must cope, not only with nature, but with an ingenious human adversary exploiting vulnerabilities.

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

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I think the Senator is making an extremely able and perceptive argument. On the last few points that he has made, particularly with regard to the computer program, very little evidence has been taken with regard to the capability of existing computers to deal with this matter. In fact, I have seen no evidence that is persuasive that the computer technique is at present sufficiently advanced to deal with the problems that would be confronted by ABM.

I saw one article in this field by Prof. John Anderson of the University of Minnesota, I think, in which he said it was estimated that a computer, to deal with the ABM problem, would require about 10 million instructions into the program; and even to program the computer would take, I think it was estimated, 80 years. In other words, he was writing that it was practically impossible at the present time to create a computer to deal with this matter. I think the Senator is quite correct.

I ask unanimous consent to have Professor Anderson's article inserted at this point in the RECORD.

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

THE CASE AGAINST SAFEGUARD
(By John Edward Anderson, Ph. D.,*
University of Minnesota)

I. INTRODUCTION

The case against the Safeguard ABM system is devastating. The need for such a system cannot be justified upon the grounds given by President Nixon. Even if it could be so justified, it can be shown on technical grounds that it would be ineffective and dan-

gerous. It is a mistake to believe that scientists in the United States are equally divided on this issue. Never in any of the extensive literature, both pro and con, on this question have I seen the overwhelming technical arguments against the system even rudimentarily answered. The pro argument usually deals with the Communist Threat, as if a strong enough threat will make the system necessary and/or effective.

It is a mistake to believe that the technical success of the Apollo mission means that no task is beyond our technological capability. The differences between Apollo and Safeguard are enormous. The Apollo mission was clearly defined and required observation of only one or two vehicles. Launches could be carried out one at a time, by a single highly trained crew, could be planned far in advance, and delayed as needed with no effect on the basic mission. The Safeguard task, which must be programmed into its computer, will never be clearly defined, as it must deal with an unknown future offensive attack strategy. It requires simultaneous observation of thousands of vehicles moving at speeds up to 7 miles a second, and a sky filled with objects designed to distract the radars. Thousands of crews at remote locations must be on instant alert over a period of years, ready to fire at a moment's notice, and then the whole attack and defense sequence could be completed in seconds. Complete testing could be accomplished only when and if the moment of truth arrives so that there could be no rational basis for developing confidence in the system.

The second and third of President Nixon's three reasons for Safeguard, i.e., the China argument and the accidental-launch argument have been so effectively answered that they were not even mentioned in the recent majority report on Safeguard by the Senate Armed Services Committee. The first reason, i.e., that Safeguard is needed to protect our deterrent is discussed in Section 2 below, in which we also present a new and more compelling argument against first-strike capability. It is believed that a careful attempt to understand this argument will reassure those who genuinely believe our deterrent is in danger, notwithstanding C.I.A. testimony to the contrary. The author believes this argument is so strong that the Safeguard system is not needed even if it were to work. But the technical arguments against the system per se are so overwhelming that it is a particular irony that such a system should be pushed so hard at a time when the Nation's resources need so badly to be used to solve social problems. These technical arguments are summarized in Section 3.

II. PROTECTION OF OUR LAND-BASED DETERRENT FORCE

The main reason given by President Nixon for Safeguard, and emphasized again in the Senate Armed Services Majority Report, is that our land-based deterrent force may be in danger of attack by the Soviet Union in the mid 70's. As is well known, the implication of this is that the Soviets would be capable of launching so overwhelming a force simultaneously against our 1000 Minuteman missiles, our 41 Polaris submarines, our 650 B52 bombers, our Naval task forces, and our tactical nuclear forces in Europe, that any second strike by us would be weak enough so they would be willing to absorb it.

To carry out such a coordinated attack would require both an overwhelmingly superior attack force, and almost perfect confidence that the attack could be carried out with predetermined high accuracy and split-second timing. If the attacker errs in either his accuracy or in his timing, his society could be destroyed.

Consider the portion of his attack aimed at the U.S. Minuteman force alone. This problem is considered in detail in the Ap-

*Biography on p. 22276.

pendix. There it is shown how the number of missiles which must be targeted at each Minuteman depends upon the destruct radius of the bomb, the average accuracy of the attack missiles and their reliability. With 5 megaton warheads and 50% reliable missiles, 14 missiles must be targeted on each of our 1000 Minutemen if the accuracy is 1/2 mile, or 4 if the accuracy is 1/4 mile. These figures, which can be readily checked, are much in excess of those given by Dr. John S. Foster of DOD. Since the calculation is so simple and has been checked independently by many scientists, it is apparent that the DOD intended to make the first strike look much more plausible than it actually is. That this should be so is a most sobering conclusion.

The above calculation shows that only if one side attains a numerical superiority in attack missiles many times in excess of the other, would a first strike be possible.

The most important argument, however, is yet to be made. It is given in Section 3 of the Appendix and relates to the disastrous consequences of an incorrect estimate of the missile accuracy. Suppose the attacker calculates the number of missiles he requires based upon the premise that only 50 of the 1000 Minutemen will remain undamaged after the attack. If he is low by a factor of two in his estimate of the accuracy of his own missiles, the number of Minutemen which would remain would not be 50, but 472!

A full appreciation of an error in his accuracy estimate requires understanding of the fact that there is in reality no way to determine the average accuracy of say 5 to 10,000 operational missiles maintained and fired by regular field forces. This is discussed in Section 2 of the appendix. In face of these facts, could any nation ever take the risk of a first strike attempt?

III. THE TECHNICAL ARGUMENTS AGAINST SAFEGUARD

The technical arguments against Safeguard, or against any ABM system consisting of missiles, radars and computers, have been detailed by many eminent scientists in many journals, statements, books, etc. The most comprehensive treatment is given in ABM, An Evaluation of the Decision to Deploy an Antiballistic Missile System, edited by Abram Chayes and Jerome Wiesner. Here, as a quick overview, these arguments are summarized.

Decoys

The Spartan long-range ABM missile attacks above the atmosphere and hence can be rendered completely ineffective by cheap decoys of many kinds. Why it is still even included is a mystery.

Nuclear blast effect

Explosion of a multimegaton bomb over the area of the missile farm would black out the radar for periods of approximately 15 minutes, completely destroying the effectiveness of the system.

Soft radar

Minuteman silos which can withstand overpressures up to 300 psi are to be protected by radars good for 20 psi. This is worse than protecting tanks with squads of infantrymen.

Computer program

It has been estimated that the program will require about 10 million instructions. Based on extensive experience with large programs, about 10,000 instructions per month appears to be the maximum that can be written on a single problem, no matter how many men are assigned. This would imply that about 80 years would be required to program the computer. This essentially means that it could never be programmed because it would always have to be changed as new offensive strategies are discovered.

Reliability

Past experience with large field-deployed systems gives little hope that Safeguard would come close to meeting required operational reliability. Apollo is a totally different type of system and its success bears no implications for Safeguard. Safeguard requires 10's of thousands of missiles and hence 100's of thousands of regular Army men trained as missile crews. Cape Kennedy standards will not be maintained under such circumstances.

Testing

Notwithstanding DOD assertions to the contrary, there is no effective way to test Safeguard under field conditions. Component and simulation testing simply will never give confidence that the system will perform when the moment of truth arrives.

Safety

The requirement for quick firing precludes use of as many safety checks as one would like to prevent accidental firing. The situation here is much worse than with the Minuteman. Since maintenance and check out crews will be continually working near 10's of thousands of missiles, the probability of an accident is high. Fall out from a ground burst in North Dakota or Montana could kill thousands of people.

Control

The only effective attack on our strategic forces would be a surprise attack. Only 10-15 minutes would be available for a decision to fire in which case the concept of Presidential approval is a farce. Man could only rubber-stamp a decision made by the computer.

Effectiveness

With all this deployment and effort, a few months more production of SS-9's would wipe out the effectiveness of Safeguard even if it would work. If our deterrent were in danger, which it is not, superhardening of the missile silos would be a much cheaper, more effective solution.

Accidental launch

It has been argued that Safeguard is needed to protect against accidental launch of an enemy missile. The Minuteman missiles can be used for this purpose. All that is required is a change in parameters inserted into the Minuteman guidance system. At most, the details would require a small engineering program.

Negotiations

In view of the above arguments, the importance attached to the need for Safeguard as a bargaining tool seems ludicrous indeed. It would be a mistake to believe the Soviets will be unaware of the arguments against the system. My own nine months of experience in the Soviet Union impressed upon me inter alia the closeness with which they follow our discussions on such matters. Not being able to profit in any way from Safeguard, their planners would be in a position to view Safeguard much more objectively than ours.

Why Safeguard?

The Soviet Union is not capable of a first strike nor can it be in the foreseeable future. The Safeguard system is far from being ready for deployment, and it is quite possible that such systems consisting of missiles, radars and computers may never be. We are continually frightened with the possibility that the Soviets may want to attempt a first strike against us. Suppose only ten of our total armament of missiles were left after an attack, that these were targeted on Moscow, and that only one would get through. That one bomb would destroy most of Moscow, its leadership, its main scientific, governmental and cultural centers. Would sane men risk such a possibility? Particularly after having lived in Moscow for a month, I think not.

But yet the pressure for Safeguard continues. Why? Can it be out of genuine fear of a Communist Menace, wishful thinking so clouds the minds of intelligent men that they refuse to listen to arguments against the system? Or can it be that the opportunity for monetary profit, the possibility of promotion, or the hope of working on technically exciting systems has a similar effect? My own experience indicates that all of these influences play a role. These tendencies must be controlled or it will be soon too late. This task is now in the hands of the Congress of the United States.

APPENDIX

REQUIREMENT FOR A FIRST STRIKE AGAINST MINUTEMAN SILOS

An attacker seriously planning a first strike against the United States Minuteman missile force must understand very clearly all factors which enter into the computation of his chances of success. As will be shown below, if he is in error by even a moderate amount, the consequences for him would be disastrous.

In this Appendix, we first compute the probability of success of a first strike in terms of the number of missiles that will remain functional after the attack. Second, since this calculation depends very critically on the accuracy of the attacking missiles, we discuss the problem of estimating missile accuracy. Finally, we estimate the consequences to the attacker if he is wrong in his estimates.

1. REQUIRED NUMBER OF ATTACKING MISSILES

If all systematic errors in the attack missile system have been eliminated, then the probability that a given missile will miss the target by more than a distance of R is

$$P(R) = \frac{1}{2\beta^2} \tag{1}$$

in which $\beta = R/C.E.P.$ (2)

Here, C.E.P. stands for the Circle of Error Probability. Its meaning is seen by letting $R=C.E.P.$ Then $\beta=1$ and $P(C.E.P.)=1/2$. In other words, if a large number of missiles is fired at a target, half of them will fall outside a circle of radius C.E.P.; $P(R) \times (\text{No. of missiles})$ will fall outside a circle of radius R. Henceforth, we will take R to be the destruct radius, i.e., the largest distance from the Minuteman the attack missile can fall and still destroy the target.

The probability that neither of two missiles fired at the same target will destroy it is simply $P^2(R)$. If n missiles are launched successfully at the same target, the probability that none of them will destroy the target is

$$P^n(R) = \frac{1}{2^n \beta^{2n}} \tag{3}$$

Another way of stating this formula is that if the attacker successfully launches missiles at each of 1000 targets, the number that will remain after the attack is

$$N_R = \frac{1000}{2^n \beta^{2n}} \tag{4}$$

The Department of Defense has suggested that the Soviet Union may contemplate a first strike if it could reduce N_R below 50.

If β is known, we can use Equation (4) to determine the number n of missiles which must be launched successfully at each Minuteman. Solving Equation (4) for n, and substituting for β from Equation (2), we get

$$n = \left(\frac{C.E.P.}{R} \right)^2 \frac{\ln(1000/N_R)}{\ln 2} \tag{5}$$

or if $N_R=50$,

$$n = 4.3 \left(\frac{C.E.P.}{R} \right)^2 \tag{6}$$

According to Pentagon figures, the present Minuteman silos will be destroyed if subject to overpressures of 300 psi or more. The destruct radius R is the largest distance from the center of the megaton explosion at which this overpressure occurs and varies as the one-third power of the yield of the bomb.* In tabular form

Yield, megatons	Destruct radius R, miles
1	0.2 to 0.3
5	.4 to .5
20	.6 to .8

The range in R in this table indicates uncertainty, and these figures are estimated to give 80% chance of destruction of the silo. In Equation (6), this additional uncertainty was left out, which means that the estimate of n which we will make will be somewhat low.

$$n = 4.3 \left(\frac{.5}{.4} \right)^2 = 6.7 = 7 \quad (7)$$

Suppose each Soviet SS-9 missile contains three 5 megaton warheads and that the Soviets estimate their C.E.P. to be 1/2 mile. Then from Equation (6)

This would be the number of attack missiles successfully launched against each Minuteman. Based upon many published figures, it would be difficult to envision that the Soviets could assign a probability of successful launch any greater than 50%. In this case they would have to target 14 missiles on each Minuteman, or about 5 SS-9's each MIRVed three ways.

Destruction of our Minuteman force of 1000 missiles with 95% certainty (50 left standing) would, under these conditions, require 5000 SS-9 missiles. Thus, only if their offensive force far outbalance ours would we need to worry about a first strike on this basis.

If the C.E.P. figure of 1/4 mile quoted by Dr. John S. Foster were used in Equation (7), the required number of attack missiles per Minuteman would be reduced by a factor of 4, from 14 to 4. This is still far in excess of his estimate. In addition, a C.E.P. of 1/4 mile is unrealistically small, as will be shown from the following discussion.

2. ESTIMATING MISSILE ACCURACY

It is seen from Equation (6) that the number of missiles which must be targeted is strongly dependent upon the C.E.P. Doubling the C.E.P., for example, quadruples the required number of attack missiles. A C.E.P. of 1/2 mile in a 5000-mile missile flight will be caused alone by an azimuth misalignment of only .1 mil, or 20 seconds of arc. Those familiar with the art will recognize that this is very high precision, particularly under field conditions. But the C.E.P. of an ICBM is determined by many separate error sources—errors from gyroscopes, accelerometers, errors in thrust-cut-off time, in the computer, in wind dispersion, in mapping, in the gravitational model of the earth, as well as in initial alignment.

Most of these errors can be estimated from laboratory tests on separate components, and from this data the C.E.P. can be computed. This is, of course, not considered adequate, and therefore test firings of complete missiles are used to verify the accuracy. The number of test firings that is practical is always limited, however, and even with attempts to use randomly chosen production missiles in these tests, the test conditions are invariably different from the operational conditions. With even 5000 attack missiles, the number of men which must be trained to operate in missile crews becomes exceedingly large, and

hence will never reach the level of competence of test crews. The crews must be continually checking and maintaining their missiles over a period of years, and then on very short notice be ready to fire. Under these circumstances, an allowance of an unknown amount must be made for deterioration of missile C.E.P. Even if this deterioration were not to take place, it is simply not possible, with any confidence, to predict statistically the C.E.P. of a large number of missiles from a relatively small number of tests.

These considerations lead to the conclusion that the C.E.P. can never be known with any great confidence. To estimate values as small as 1/2 mile, considering the very great precision this requires of many components, is open to serious question.

3. THE CONSEQUENCES OF ERROR IN THE ATTACKER'S ESTIMATES

Suppose that, based upon his best estimates of C.E.P. and destruct radius R, the potential attacker estimates n from Equation (4) so that N_R is say 50, i.e., so that only 50 Minuteman missiles will remain after his attack. Then we ask the question: If he errs in his estimates of C.E.P. and/or of R, how will his error affect the number of missiles N_R that will remain after the attack?

	nB^2	N_R
1.	1	500
2.	$4.3/(2)^2 = 1.08$	472
3.	$4.3/(1.5)^2 = 1.91$	263
4.	2	250
5.	3	125
6.	4	63
7.	4.3	50
8.	5	31

We can answer this question from the adjacent tabulation of values. These values are the solution of Equation (4). If, following the D.O.D. judgment, the attacker would proceed with his attack if only 50 of 1000 missiles would remain afterwards, then $N_R = 50$, and from line 7 of the table, $nB^2 = 4.3$. This means that, after determining B from Equation (2), he would compute n so that $nB^2 = 4.3$ to get $N_R = 50$. If the actual C.E.P. during the attack is higher than his estimate by only 50%, i.e., by a factor of 1.5, then nB^2 decreases by a factor of $(1.5)^2 = 2.25$ and line 3 shows that N_R jumps to 263. If the estimate is low by a factor of 2, line 2 shows that $N_R = 472$. Similar errors could occur, of course, if the attacker overestimated the destruct radius. With as many missiles left as indicated, the attacker would have to conclude that his first strike effort would fail, the consequence of which would be the destruction of his entire society. If the leaders of the potential attacking country are thoroughly appraised of the above facts, i.e., of the potentially disastrous effect of entirely reasonable errors in estimates of C.E.P., it is difficult to believe they could ever conclude that a first strike attempt would be less than suicidal.

BIOGRAPHICAL DATA

J. Edward Anderson, Associate Professor, Mechanical Engineering Department, University of Minnesota. Bachelor of Science, Iowa State College, 1949; Master of Science, University of Minnesota, 1955; Doctor of Philosophy, Aeronautics, Massachusetts Institute of Technology, 1962. From 1949-1951, Aeronautical Research Scientist, National Advisory Committee for Aeronautics, Langley Field, Virginia. From 1951-1963, with Honeywell, Inc., Aeronautical Division and Systems and Research Division in Minneapolis; 1951-1953, Work Director, aircraft instrument design; 1953-1956, Senior Research Engineer and Research Project Engineer, analysis and synthesis of autopilots for military aircraft; 1956-1959, Principal Research Engineer and Research Staff Engineer, invented and directed development

of inertial guidance systems for aircraft, ICBM's and for the Polaris submarine. 1959-1962, M.I.T. Fellow in Astronautics; 1962-1963, Manager of Space Systems.

From 1963 to present, with the University of Minnesota, Mechanical Engineering Department, Teaching and research in thermodynamics, heat transfer, magnetohydrodynamics, large-scale computer solution of fluid dynamic problems, system design; consultant to industry. Spent academic year 1967-1968 in the Soviet Union as Exchange Scientists for the National Academy of Sciences.

Virtually all of his professional experiences have involved use and/or design of digital and analog computers of many types. Has written numerous technical papers in his fields, holds six patents, and has written two technical books, both of which have been selected for translation into Russian by Soviet publishers.

Dr. Anderson has been a speaker for the United Fund, is a Past Club President of Toastmasters, Int., was Board Chairman of a Symposium on the Role of Science and Technology in Society, Univ. of Minnesota, April 7-8, 1969; and is on the Board of Directors of HELF, an organization to promote rapid transit.

He is an Associate Fellow of the American Institute of Aeronautics and Astronautics and Chairman of the Twin Cities Section, a member of the American Association for the Advancement of Science, the American Society for Engineering Education, the American Association of University Professors, the American Metric Association, the Citizen's League, Sigma Xi, Tau Beta Pi, Phi Kappa Phi, Pi Tau Sigma and Eta Gamma Tau.

His biography appears in *American Men in Science* and in the forthcoming edition of *Who's Who in the Midwest*. His travel experience includes 8 years in China as the son of missionary parents, three weeks in Western Europe in 1964, eleven months in Europe in 1967-8 including 9 1/2 months in the Soviet Union, and extensive business travel in the United States.

Mr. FULBRIGHT, Mr. President, the other point mentioned is the blackout effect and the fireballs created by the nuclear explosions. I asked the distinguished chairman of the Armed Services Committee the other day if any evidence had been received on this matter at the hearings. At that particular time he said he was not prepared to answer, but he later furnished me with a copy of the hearings in the House Appropriations Committee in which there was a passing reference of less than one full page devoted to the blackout effects upon ABM radars and the communications systems.

We had a hearing in the Foreign Relations Committee on the subject. Unfortunately, the people invited to testify on short notice were not specialists in the field of radar, but they were knowledgeable in communications only.

They professed an inability to testify upon the effect of nuclear explosions on radar. But it is quite clear from their testimony that the radiation effect is quite substantial upon communications because of the electromagnetic waves created by nuclear events. While these explosions may not affect cable communications, the kind of communications that radar must use could well be knocked out, and probably would be knocked out by precursors—nuclear explosions—as the Senator has mentioned, or by radiation from them.

*ABM, *An Evaluation of the Decision To Deploy an Antiballistic Missile System*, Ed. Abram Chayes & Jerome Wiesner, Signet, 1969, p. 276.

So it is really inconceivable to me, and I think utterly indefensible, to undertake and authorize a program about which so little is known in such very important areas, or in which so little progress had been made in certain areas such as the computers, the hardening of the radars, or in understanding the effect of black-outs or fireballs. There is not any good, substantial, credible evidence in the record of these hearings to justify believing these problems have been faced and overcome.

Proponents say they have made the Sprint explode properly. They have; there is no doubt about it. We have all kinds of missiles that will explode properly; and the Spartan has been tested. But to create the explosion involves only the most primitive and simple parts of the whole program. The most delicate and sensitive parts of this proposed system are the radars and computers, and there has been virtually nothing done on them. Neither the radars nor the computers have been built, much less tested, at the present time. So I would say the Senator is absolutely correct and sound in stating that these weaknesses would justify at least another year before any deployment is made.

I think the Senator has done a fine job.

Mr. GRAVEL. I thank the Senator for his kind remarks, and compliment him on the work he has done in this area. I certainly thank him for the hearings that have been held before his committee, from which I have learned a great deal.

Mr. FULBRIGHT. I ask the Senator, does he know of any evidence, aside from the hearings I have mentioned, as to the effect of radiation on the radar?

Mr. GRAVEL. I have found no evidence to contradict the Senator. As to the computers, I find quite persuasive the argument that even if they were developed to do just what they are supposed to do, it would seem logical, in my judgment, that computers could be created by the Soviets to confuse the computations of our computers. I can only say to the Senator that I share his views in that regard.

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

Mr. GRAVEL. I yield.

Mr. STEVENS. I thank my colleague from Alaska for giving me notice of his intention to present this statement today. I would like to stay and listen to his presentation, but another engagement prevents me from doing so.

As the Senator knows, we are in disagreement on this matter. However, I appreciate the candor with which he has presented his position, and can only hope that, in the long run, he will be able to review the matter further.

I should like to ask the Senator one question, though, if he will permit me to do so: Will he tell me whether he intends to support the appropriation for research and development of the ABM program?

Mr. GRAVEL. Yes. The Cooper-Hart amendment will solve that problem.

Mr. STEVENS. I thank the Senator.

Mr. GRAVEL. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I should like to say that in my opinion the Senator from Alaska is making an excellent speech, in which he points out the effectiveness of the nuclear submarine as a deterrent to war. Apparently the ABM is designed and promoted as a way to protect our retaliatory power; but, I believe it is far more important to stop an enemy missile before it leaves the enemy country than it is to try to intercept the missile on arrival here in the United States.

I must say that my first apprehension over ABM occurred when it became apparent to me that the strongest proponents of the ABM were perfectly willing to downgrade our nuclear submarine fleet over the next few years. I began to wonder then if it was not a question of who got the contracts.

But I commend the Senator from Alaska. I have read his speech, and believe it is excellent and accurate all the way through.

Mr. GRAVEL. I thank the Senator.

Mr. AIKEN. I might add, if I am not robbing the Senator of his time, that Russia is concentrating today on constructing a nuclear submarine fleet superior to our own. Russia already has submarines with a range of 1,500 miles for the missiles fired from the sea. Russia is today constructing submarines which are believed to be speedier than ours, and also more quietly operated. Russia intended to surpass us in the nuclear submarine field, knowing perfectly well that whoever controls the seas will control the overriding question of peace or war.

Mr. GRAVEL. I thank the Senator from Vermont.

Mr. President, I ask unanimous consent that I be permitted to speak until noon.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Alaska is granted 15 additional minutes.

Mr. GRAVEL. I thank the Chair.

Finally, the arms race moves swiftly. If this system is deployed 7 years from now, it more than likely will face an entirely new family of threats. This was the case of our air defenses planned in the early 1950's. When the bomber defense began to function in 1960, it faced not just bombers, but missiles also. It had no way of protecting itself against missiles. These could outflank the defense and destroy its ability to defend against bombers. Any new weapon in the mid-1970's that can destroy a few radars will turn Safeguard into billions of dollars of junk.

Even if the ABM were a dependable way of protecting our deterrent, I question whether public confidence could be reestablished in this option after so much controversy. All past Presidential science advisers have been critical of missile defense. Obviously the system can never be realistically tested in a war situation, so public confidence in it can never be reestablished.

In summary, of all our options, the proposed missile defense seems to be the one most likely to fail completely and catastrophically, and the least likely to inspire confidence.

THE POSSIBILITY OF ACCIDENT OR CHINESE ATTACK

My prior analysis has concerned itself with the defense of Minuteman. Now let us turn to two other arguments that have been raised in an attempt to justify deployment of the ABM—the possibility of an attack by China and the possibility of an accidental firing.

The authorization before us does not commit us to build a defense against either contingency. The Senate has not yet been asked to consider these questions. This administration has not asked for a thin defense of the entire country, and in fact rejected one proposed by the previous administration. A favorable vote by Congress and subsequent deployment of the system proposed and before us today will not protect any American city from any missile attack, accidental or on purpose. We are being asked only to protect a small portion of our deterrent.

I emphasize this point because there is a risk that observers outside the country may misinterpret this vote. They may believe that approval of the administration's proposal would indicate our intention to push ahead with the full phase II defense of the entire country. There has been no such indication.

While this vote does not concern itself with a defense against Chinese missiles, I feel impelled to comment on some of the issues such a defense would raise.

The Chinese are not irrational. China can be deterred in the same way Russia has been deterred. China is the only nuclear power that has asserted it will never use nuclear weapons first. We want to improve our relations with China not turn them into a carbon copy of the United States-Soviet arms race. We want trade with China, not threats. We want to open doors to China, not play into the hands of those who want to keep them closed. We do not want the only exchanges we consider with China to be missile exchanges.

In my opinion, the isolation of China and our ignorance of it, have contributed to these unreal fears. China has enough problems of her own, and so do we. The sooner we put aside talk of mutual threats, the sooner China and America can resume normal relations.

THE RELATIONSHIP OF ABM TO ARMS LIMITATION TALKS

Apart from the technical aspects of ABM, proponents offer the argument that ABM's approval is necessary as a prelude to successful arms limitation talks.

Therefore, the question is, Would approval of Safeguard weaken or strengthen the administration's position in these talks?

The trouble is that many people refer to the forthcoming talks as if they were some kind of union-management bargaining. They are not. The arms limitation talks are a search for an accommodation that will satisfy the legitimate security needs of each side. In such a search our hand cannot be "strengthened" or "weakened." But our search can be facilitated or complicated.

For example, even before the talks begin, the administration has already

indicated in White House question and answer sheets that it will not negotiate the entire phase II, 12-site thin defense of the United States. This is a way of complicating the arms talks. This thin defense would protect cities and be more modern and 10 times larger than the Soviet defense of Moscow.

What will happen when the Soviet Union insists in the arms discussions on the right to build a missile defense equally large? Then we shall surely insist on maintaining our MIRV warheads to be able to penetrate that defense. Then they will insist on maintaining their MIRV warheads to match us. Then we shall fear that their MIRV warheads can destroy Minuteman. Then this debate will continue. And on and on and on. Each new weapon system triggers development and deployment of another.

When the new Director of the Arms Control and Disarmament Agency, Mr. Gerard C. Smith, testified before the Senate Foreign Relations Committee, he suggested that any Soviet response to the Sentinel program was "already in train."

In other words, we are still reconsidering the original proposal at a time when the Russians already have made provisions to counter it. Every signal we emit that we are going ahead with defense of cities will encourage Soviet planners to offset it, just as our planners launched MIRV and other preparations to offset Soviet defenses.

The very Soviet SS-9 procurement of which we are complaining may be the reaction which Director Gerard Smith said was "already in train." It would seem imprudent to give off any more escalatory signals when we have imminent prospects of talking these things over with the Russians. We do not want to be constantly responding to the responses we have ourselves induced.

No amount of U.S. strength can prevent the Soviet Union from building more weapons. For 20 years we have had arms superiority relative to the Soviet Union. For 20 years we have had an arms race. Surely one more weapons system will not provide additional leverage to the President in arms limitation talks. Certainly no one can be advancing as a good argument for the ABM system the fact that it can be torn down.

I can only conclude that approval of this proposal will assist the President in no important way. Indeed it may undermine our hopes for eventual successful negotiation by encouraging the view that the United States has embarked on a major nonnegotiable program of building missile defenses.

ABM AND THE ARMS RACE

In summary then, as I see it, the narrow issue of Safeguard has not been difficult to resolve. Safeguard seems likely to require the longest leadtime, to be the least reliable, and most expensive way of defending a few of the evermore obsolete Minuteman.

The threat against which Safeguard is proposed seems exaggerated.

The other options for resolving that threat seems insufficiently considered.

And since the arms limitation talks are themselves a method of resolving

the threat, the timing of Safeguard seems inappropriate. If the talks begin to succeed, Safeguard will be entirely unnecessary.

The Hart-Cooper amendment, which I shall vote for, permits research and development to continue in support of a better missile defense. And it permits a year of arms talks to occur before a deployment decision is made. But there is another reason why this amendment appeals to me. It provides a year in which other alternatives to Safeguard can be analyzed and presented to the Senate by this administration.

I have explained why other alternatives may be cheaper, more dependable and quicker to build. Equally important, these alternatives may also be more acceptable to the Senate. It would be unfortunate indeed if a major national security program were approved by a margin of one or two votes.

This close contest in the Senate cries out for alternatives that can muster broader support. Congress should insist on being presented with options in major national security decisions.

Beyond the question of Safeguard itself, I would like to say a few words about the context in which this debate has taken place. Something is seriously wrong with our approach to national security. Twenty years ago, we were as secure as a nation could be. Ten years ago, if nuclear war occurred, half our population would have been annihilated. Today if nuclear war occurs, virtually every man, woman, and child in the United States could be killed.

We have tended to think that our greatest danger is a Soviet surprise attack. But the Russians are not insane. They will not deliberately strike at us in a world filled with hostile nuclear weapons—weapons armed and pointed at all their population centers.

War can happen. There can be a war that is unwanted by both sides—a war by escalation. Our fear of calculated, deliberate Soviet attack has blinded us to the even greater dangers of an unwanted war by escalation.

Our fear of deliberate Soviet attack has caused us to put our main priority on staying ahead of the Soviet Union in the arms race. It has led us to ignore the rising levels of arms that make war even more destructive. And since war can always happen, we have lost irreplaceable security. More arms, in the nuclear era, do not mean more security. This is a situation without parallel in the history of warfare. Gen. Douglas MacArthur summed it up well in 1961 when he said:

Global war has become a Frankenstein to destroy both sides. No longer is it a weapon of adventure—the short cut to international power. If you lose, you are annihilated, if you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.

No missile defense, and no missile, can save us from ever greater threats to our security if the arms race continues. Our own arms efforts only stimulate and encourage Soviet efforts. There is no solution but to stop the Soviet weapon

program and this can be done only by negotiating to stop our own.

Agreements are feasible. We now have methods of reconnaissance that can reliably monitor Soviet actions. So we can have agreements with the Soviet Union in which trust plays no role. And we can maintain a deterrent that can reduce risks of calculated deliberate attack to an irreducible minimum. So we can have arms limitations and a deterrent too. But we cannot try to stay ever farther ahead of the Soviet Union, and at the same time ask them to stop trying to catch up.

Unfortunately, the arms race has become business as usual. We accept the risk that 1,000 Soviet ICBM's could be fired at us as the result of a disagreement over Berlin or a war in the Middle East. But we measure the risk of arms limitations on a different scale. We ask that agreements for arms limitations be totally without risk.

Today, all the political and strategic elements for an agreement exist. We and they have adequate deterrent forces. We and they have many other problems that encourage arms controls. They have problems in China and Eastern Europe and with their economy; we have our problems in Vietnam and at home.

Both of us have agreed to talk. And both of us are afraid the other side will do the same two things: build large, expensive ABM's and MIRV's.

These two weapon systems are the very elements about which we and they want to negotiate.

If the Soviet Union does not build MIRV, we will not need Safeguard. If the Soviet Union does not go forward with ABM, we will not need MIRV. Why, under these conditions, is it not prudent to talk to the Russians before buying ABM and MIRV? Otherwise, we will induce them to match us. This will then foreclose any chances we have of stopping deployment of ABM and MIRV by both sides.

The Senate cannot control the SALT negotiations. But Safeguard is something which is before us. The Senate must express itself on the issue of the arms race. And this debate over Safeguard is an opportunity to affirm that new methods and approaches are necessary for national security.

If this administration is overly burdened with the near- and medium-term risks, then the Senate must be statesmanlike enough to give heavy priority to the long-term risks.

The long-term risks to the survival of this country and our way of life come from a war nobody wants.

The long-term solution lies not in Safeguard, but in taking seriously every opportunity to halt the arms buildup simultaneously both here and in the Soviet Union.

If this historic debate only determines whether we should, or should not, defend a few Minutemen, this debate will have been a failure.

However, in my mind, this debate has catalyzed a new awareness among Americans as to where the dangers to our Nation really are. Mr. President, I believe

this debate in the Senate of the United States has fulfilled its promise.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 20 minutes.

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

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

Mr. GRAVEL. I yield.

Mr. MANSFIELD. Mr. President, I have waited for some time for the last of the new class of Democratic Senators to make his maiden speech. I have urged our new Members to make an early start in expressing their views. I have urged them not to sit back and remain silent. All the others, in varying degrees, have taken my advice, all except the distinguished Senator from Alaska. However, his judgment has been correct for, if I may say so, this speech has been worth waiting for; well worth waiting for. It is one of the best speeches, if not the best, that I have heard in the Senate, on the issue which now confronts this body, this country and, in effect, the world. It exhibits a good deal of research and study. It goes into a good deal of detail.

On page 2 of his speech, the Senator said:

I take this opportunity to assure Americans that the dedication and integrity of the Senate has not been compromised by this debate.

I express my wholehearted agreement with those remarks. This debate has been, on the whole, statesmanlike. There have been, of course, differences of opinion, not only among Senators but also between Senators and the administration. I do not doubt for one moment the integrity and the beliefs of the administration in their advocacy of this program. Who knows, history may prove them right. But, by the same token, I do not doubt the integrity, the patriotism, or the sincerity of those who oppose the program, because the reasons are many and varied, and all of them have been brought out. Most of them have been carefully analyzed today in the speech of the distinguished Senator from Alaska—who, incidentally, I am happy to say, has a direct tie with the State of Montana through the girl who is his wife.

On page 9 of his speech, the Senator raises this question:

What will happen when the Soviet Union insists in the arms discussions on the right to build a missile defense equally large? Then we shall surely insist on maintaining our MIRV warheads to be able to penetrate that defense. Then they will insist on maintaining their MIRV warheads to match us. Then we shall fear that their MIRV warheads can destroy Minuteman. Then this debate will continue. And on and on and on. Each new weapon system triggers development and deployment of another.

As the Senator has pointed out so well, we are not really talking about an initial deployment of radar, computers, Sprints, and Spartans at two sites in Montana and North Dakota. What we are really talking about is a program which may well go far beyond that and cost not the \$6.3 billion as originally alleged and which has now gone up to

\$10.8 billion, but will cost rather tens and tens and tens of billions of dollars on the one hand and tens and tens and tens of billions of rubles on the other. And at the end, we will be just about where we are now.

If I may say so, this country has unquestioned nuclear superiority over the Soviet Union at the present time. In the field of the ICBM's we have 1,054—200 of them in my own State of Montana. As of the moment, I would guess that the Soviet Union may have approximately 1,065, and at the end of the year may have 1,075. But that is the only area that approaches comparability.

With respect to the Polaris, for example, we have 41 submarines, each with 16 missiles, or a total of 656 Polaris missiles, compared with the Soviet Union's 45. And that is where the core of defense in this country lies—on the sea.

Let me repeat those figures. Within our Polaris fleet, all 41 of the submarines, there are 656 missiles. The Soviets have 45.

In the field of bombers—the B-52's and the B-58's—we have 646; and so far as Soviet counterparts are concerned—the Bisons and Bears—there are 150. As a matter of fact, that is a decline of five from the Soviet figure of last year.

Those figures should be kept in mind at all times.

There are many further questions I would like to raise. Other Senators wish to speak, however. Indeed, I have seldom seen so many Members turn out to greet the maiden speech of a Senator—for which I am grateful, as—I am sure—is the Senator from Alaska. Therefore I shall not take much more of the distinguished Senator's time, except to say that I am in wholehearted accord with the arguments he has advanced in his most statesmanlike speech; a speech presented, moreover, in a most high-level and statesmanlike manner.

I only hope that the way to peace will lie not through arming and rearming, not through acting and reacting, but through negotiations. To that end I hope it will be made definite very soon that the so-called SALT negotiations will get underway—sometime this month—between the Soviet Union and the United States. It hardly needs saying that every effort should be made to see that these negotiations succeed; that there is brought about an arms freeze or arms limitation to the end that the syndrome of acting and reacting will be done with and to the end that less and less will be spent on this type expenditure and more and more spent to face up to the problems that face this Nation at home.

Mr. President, again I extend my sincere congratulations for a great speech by the distinguished junior Senator from Alaska. I am confident that it has marked the beginning of many outstanding contributions hereafter.

Mr. GRAVEL. I thank the Senator.

I yield to the Senator from Ohio.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. Mr. President,

the address we have just listened to, the maiden address of the distinguished junior Senator from Alaska, has been a very superior and a most convincing speech, and a most devastating speech against the pending proposal of the administration for the ABM.

I think the citizens of the great State of Alaska have every reason to be mighty proud that they are represented here in Washington by the distinguished junior Senator of their State.

He has manifested that he has been most diligent. He has manifested that he is serving his State and the Nation with vitality, zeal, and great industry. His excellent analysis of the problems posed in the proposed deployment of the ABM system has been irrefutable. As the majority leader stated, this is probably the best, and it is certainly one of the best, arguments that have been made on the floor of the Senate expressing opposition to the ABM proposal.

The Senator from Alaska is absolutely correct in stating that our only real defense against the threat of a nuclear attack is the deterrence of our overwhelming offensive forces, primarily the Polaris and the soon-to-be Poseidon submarine force. These nuclear submarines of our Navy are capable of remaining underwater for as long as 300 days and nights. Their missiles have presently a maximum range of 2,875 miles. Soon, with the Poseidon, that figure will be more than doubled. No area in the vast land mass of the Soviet Union or Communist China is safe from the devastation from missiles fired from these submarines, as has been so eloquently stated by the Senator from Alaska. Furthermore, in addition to our nuclear submarines, our combined strategic bombers and land-based missile forces assure survival of one or the other from attack.

I agree with the prediction of the Senator from Alaska that, should we proceed to build this system, the leaders of the Soviet Union are almost sure to respond with increases in offensive strength which would negate any advantage from an ABM deployment.

We should continue to seek an understanding with the Soviet Union whereby neither side would expand its defensive facilities beyond the present level. Such an understanding would freeze the strategic situation as it is today with each side depending on its offensive missiles to provide the deterrent. We should be considering arms cutbacks, not increasing arms; we should be encouraging arms limitation negotiations, not a new and accelerated arms race. It is of the utmost importance that the President give top-most priority to winning and achieving a nuclear missile limitation agreement with the Soviet Union.

It is ironic that the first crucial vote on the ABM will occur on the 24th anniversary of the dropping of the atomic bomb on Hiroshima.

I wish to say it is a fine thing not only for the State of Alaska but for the Nation and the world that the distinguished junior Senator from that great State has made his convincing address on the eve of the vote we shall take.

I believe implicitly that the Safeguard proposal must be defeated. I am utterly opposed to the appropriation of taxpayers' money for the ABM. However, I recognize the fact that this proposal may be approved by Congress—I do not believe it will be—and every effort must be made to delay deployment until sanity prevails and until the administration explores the possibility of an arms limitation agreement with the Soviet Union.

Therefore, I intend to vote for the Cooper-Hart amendment which would assure that delay and give us a vital breathing spell to avoid the ramifications of this boondoggle.

Again, I congratulate the distinguished Senator from Alaska.

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

Mr. GRAVEL. I yield.

Mr. CHURCH. Mr. President, I wish to join my colleagues in expressing my admiration for the maiden address which has just been delivered by the distinguished junior Senator from Alaska.

I must say this is not just a promising, praiseworthy maiden address; it is unusually and impressively perceptive and profound.

I could not possibly gild the lily by elaborating further, except to say the Senator has demonstrated on this floor today that he will have a bright future in the Senate. I congratulate him.

Mr. GRAVEL. I thank the Senator.

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

Mr. GRAVEL. I yield.

Mr. CASE. Mr. President, I thank the Senator. I would not want it to be thought that the enthusiasm of our Democratic colleagues which leads them to rise in support of what the Senator from Alaska has said, is attributable in any sense to the fact that they liked it because they are Democrats and he is, too. This has been a great speech in a great cause. As a member of the party which sits on this side of the aisle I join my Democratic colleagues and all our colleagues in congratulating the Senator, and in congratulating his State for sending to the Senate someone who has dealt so well with a matter so vital.

Mr. GRAVEL. I thank the Senator.

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

Mr. GRAVEL. I yield.

Mr. HARRIS. Mr. President, I wish to commend the distinguished Senator from Alaska for an outstanding speech on a subject of great import to the country. I listened with great interest and admiration. I do not believe that the Senator could have chosen a more important topic during this session of Congress, and perhaps for several sessions before and after this session, upon which to make his maiden speech.

I think that what the Senate and what the Congress decide to do in regard to this issue, the deployment of the Safeguard ABM missile system, may well determine the direction this country takes for many years to come.

I think the Senator was quite right in pointing out the crucial element of time that is in our favor and which enables

us to make this decision on a more careful and more rational basis. We have time because of our tremendous deterrent force. As the distinguished Senator so well outlined, our deterrent force is composed of Polaris missiles, intercontinental ballistic missiles, strategic bombers, and intermediate range ballistic missiles and planes which fly from carriers.

We have time, as the Senator has so well said, to make these and related decisions without having precipitously now to agree to the deployment of a system which is untested—a system that has not been completely tested and one which will make more difficult the talks which are upcoming, and which are so important to the security of this country and the stability of the world.

I certainly commend the distinguished Senator for his very fine speech.

Mr. GRAVEL. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the Senator from Alaska may proceed for 15 additional minutes.

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

Mr. HART. Mr. President, I have never found a word formula on an occasion such as this that could express adequately both sincere admiration and yet avoid the appearance of going through a Senate ritual.

I wish I had a formula that conveys how much we really mean it as we rise to congratulate the Senator from Alaska.

As the able Senator from New Jersey said from across the aisle, it was a great speech in a great cause from one who demonstrates today that he shall be, indeed is, a great Senator.

Mr. GRAVEL. Mr. President, I thank the Senator very much.

Mr. NELSON. Mr. President, there is not much that I can add to what has already been said by our distinguished majority leader and other Senators who followed him in commending the excellent speech of the Senator from Alaska, except to say that I wholeheartedly endorse his comments.

His speech is a most thoughtful contribution to the dialog now going on over the development of a weapons system by this country and Russia.

I join other Senators in congratulating the distinguished Senator from Alaska on an excellent job.

Mr. GRAVEL. I thank the Senator from Wisconsin very much for his comments.

Mr. COOPER. Mr. President, the breadth, quality, and even the calmness of the speech of the distinguished Senator from Alaska reflects his enormous work in the hard process of arriving at a decision, a process which he described so well in the early part of his address.

I agree with the Senator from Wisconsin. I believe that the Senator from Alaska has analyzed as clearly as anyone has, the various weapons systems and their relation to security.

I should like to highlight one reference on the last page of the Senator's speech, in which he states:

THE LONG-TERM RISKS TO THE SURVIVAL OF THIS COUNTRY AND OUR WAY OF LIFE COME FROM A WAR NOBODY WANTS

The long term solution lies not in Safeguard, but in taking seriously every opportunity to halt the arms buildup simultaneously both here and in the Soviet Union.

I congratulate the Senator from Alaska on his maiden speech. It is a great speech.

Mr. GRAVEL. I thank the Senator from Kentucky.

Mr. FULBRIGHT. Mr. President, when I asked questions of the Senator from Alaska a short time ago, I did not refer to his speech as being a maiden speech. However, I knew that it was when I came into the Chamber.

It reminds me that, 26 years ago, I made my maiden speech in the House of Representatives, but the Senator's was on a much more important subject and a much better speech.

I congratulate the Senator from Alaska once again on producing such a thoughtful and appropriate speech in his maiden effort in the Senate.

I, too, join the majority leader in saying that I agree with the reasoning of the Senator. The Senator from Alaska has obviously interpreted, I believe correctly and thoroughly, the testimony which has been taken by the various committees of the Senate.

Congratulations to the Senator.

Mr. GRAVEL. I thank the Senator from Arkansas.

Mr. HARTKE. Mr. President, the speech of the distinguished Senator from Alaska is an excellent one, with a most persuasive argument against deployment of the ABM system.

I am not surprised at the depth and intensity of the Senator's remarks, and the way he has expressed himself, because I know him personally. I know that he is a man of intelligence, one who is dedicated to the sincere, best interests of the United States of America.

I know that the State of Alaska is very proud of him, as I know all Senators in this Chamber are proud of the fine work he has performed today.

Mr. GRAVEL. Mr. President, I thank my good friend, the distinguished Senator from Indiana, for his kind remarks.

Mr. KENNEDY. Mr. President, I join my colleagues in commending the distinguished Senator from Alaska on his statement to the Senate today.

All of us realize that this is one of the most complicated, involved, and sensitive questions with which the Senate has ever been confronted.

In the Senator's speech, he has shown insight, perceptiveness, and judgment from which all of us can benefit. He is to be commended for his remarks.

The Senator from Alaska renders a valuable service to the Members of this body and to the American people, and I commend him on what he has done today.

Mr. GRAVEL. Mr. President, I thank the Senator from my native State.

Mr. HUGHES. Mr. President, it is with a great deal of pride that the freshman Senator from Iowa rises today to join in the compliments being paid to the freshman Senator from Alaska.

I say "a great deal of pride," because I have enjoyed the relationship the two of us have been sharing since coming to the Senate.

I have long waited for the Senator from Alaska to express himself on this issue. I have never heard a more reasoned, a more thorough speech to a subject than was made here today by the Senator from Alaska. I share completely the views he has expressed.

Naturally, a person feels good when he agrees with a man, but I think that the reasoned, the studied, and the intellectual approach which he has made, obviously for weeks and months into research and soul searching on this subject, as well as the patriotism displayed and the best interests of the people of this great Nation considered, could only reflect on the part of this freshman Senator a great pride in the Senator from Alaska.

Certainly, I join all Senators with more years of service than I in saying to the Senator from Alaska what great joy I share in this fine hour on the floor of the Senate.

Mr. GRAVEL. Mr. President, I thank my good friend from Iowa.

Mr. MURPHY. Mr. President, I, too, should like to congratulate the distinguished Senator from Alaska on his maiden speech.

It is a very thoughtful and very scholarly address. I disagree with much of the logic in it, as he knows, but I think that its preparation and delivery deserve a great measure of the acclaim which has been given him by many of his colleagues today.

Let me ask the Senator one question. Page 8 contains a statement that China is the only nuclear power which has asserted it will never use nuclear weapons first.

I was under the impression that that was the policy of the United States also; is that not true?

Mr. GRAVEL. The only answer I can give to that is that I know of no pronouncement by the United States in that regard. China has repeatedly made that statement.

Mr. MURPHY. I thank my distinguished colleague.

There is one other point I should like to make. Continually in the discussion here, concerning sums of money, I should like to ask my distinguished colleague whether he understands that in the bill before this body the only amount that is within discussion at this particular time—and I understand my distinguished colleague agrees—is that research and development should precede, and that the only objection is to the construction of the building or deployment of the two bases asked for in the bill, and that the amount of money involved is not in the billions of dollars but actually less than \$400 million.

I wonder if my colleague understands that before further expenditures can be made, it must come back to this body. Thus, we have a chance to reassess it, look at it, and decide whether further expenditures possibly are necessary. I assume my colleague knows that.

Mr. GRAVEL. The Senator from California knows the high esteem in which I hold him, but I answer him by asking if that is an argument for the ABM—the fact that it is going to cost only \$400 million.

Mr. MURPHY. No. The argument for ABM is that all seem to agree that we need a defensive system. From all the testimony the Senator from California has listened to in all the Armed Services Committee secret meetings and open meetings, it seems this is the only system available under the state of the art at the present time. Both proponents and opponents on the scientific side agree to that.

It is the feeling of the Senator from California that the President of the United States certainly has carefully considered all the information, and he has asked for this system. He said something which I think is very important. He said we will have a reassessment and review every year.

The Senator from Alaska and the Senator from California—and I am sure every Member of this body is in complete agreement—hope and pray that the coming arms talks will be productive. Experience of the past has taught us that we must not take too much for granted; that at least one party at the negotiating table has a strange reputation for its manner of negotiating and, later on, the manner in which it stands by its agreements.

The President of the United States, who has the responsibility in this matter, has, at the outset, said he feels the adoption of this proposal will help him at the negotiating table. Others feel it will not help him. I am inclined to believe that perhaps the more he has to deal with in the way of strength, the more the opportunity and the better the chances will be that he will accomplish what we all fervently hope for.

Mr. GRAVEL. I would only add to the comments of the Senator from California that in my mind he reemphasizes the point that no argument is made based on dollar amounts.

Second, I have stated in my remarks that there are alternatives. I believe these alternatives have not been sufficiently studied and they have not been presented to the Congress.

Mr. MURPHY. May I say, in response, I know there are alternatives, but again, as I stated, in discussions with the scientists, who are both for and against the ABM Safeguard system, in answer to direct questions they all agreed that this was the only available system under the present state of the art that is known. There may be a new system later, but—

Mr. GRAVEL. I disagree with the Senator on that. They could, as an alternative possibly expand our primary force. They could harden the sites—

Mr. MURPHY. May I say they were all discussed in the committee?

Mr. GRAVEL. I can only say to the Senator from California that the scientists he has listened to and the opinions I hold, differ.

Mr. MURPHY. As I have explained, I

have listened to scientists who were proponents, and also those who were opponents. We went through the matter of hardening. We went through the matter of defense capability and radar and all the other details. The statement has been made that the system will not work. There are just as many, just as capable, who say the system will work. One expert witness said the ABM system which the Russians had already deployed was a "bunch of junk." I do not really think his information on that system is better than the Senator's or mine. I am not sure it is a "bunch of junk." I wish we had one.

I do not think adoption of this proposal will increase the arms race. The Russians have so stated.

So it seems to me that if there is to be a disagreement in a matter of this importance, the point in controversy must be decided in favor of the future security of the United States. At this time, as I pointed out, we are considering in this bill only an amount involving the difference between research and development—which everybody seems to agree should continue—and the building of the two sites, which is less than \$400 million. If it gets into billions, we get into a further consideration. It is a matter which will get back to this body. It must be reconsidered. At that point we hope we can say we do not need it and can cut out the whole thing.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. I thank my distinguished colleague for his courtesy.

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

Mr. DOLE. Mr. President, will the Senator from Alaska yield to me?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have 2 additional minutes.

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

Mr. GRAVEL. First I yield to the Senator from Texas (Mr. YARBOROUGH).

Mr. YARBOROUGH. Mr. President, I commend my colleague, the Senator from Alaska, for his very able statement and forceful argument. As he says, it is his maiden speech, but it would be a speech worthy of one who had been in this body for 10 or 20 or 30 years. It is a speech that would be to the credit of any Member of the Senate. His marshaling of the facts has been irrefutable and his marshaling of the arguments unanswerable. It makes me proud that I was the first Senator from the State of Texas who advocated statehood for Alaska.

Mr. GRAVEL. I thank the Senator.

I now yield to the Senator from Kansas.

Mr. DOLE. I commend the Senator from Alaska. I have had an opportunity to read his statement very hurriedly. I am impressed by the statement found on page 11, that it would be unfortunate if a major national security program were approved by a margin of only one or two votes. There is another body in this Congress, whose Members are made up of very patriotic and capable men and women. I would say a vote taken there would be by a margin of two to one. So I would guess there are about 533 Members

of the Congress, with a couple of vacancies, and the margin would be much larger than one or two votes. The Senator may be correct as far as this body is concerned.

The Senator is not saying, in essence, that we do nothing; is he? Does the Senator support further research and development?

Mr. GRAVEL. I support the Cooper-Hart amendment.

Mr. PERCY. Mr. President, the Senator from Alaska (Mr. GRAVEL), in his first formal presentation to this body, has made a significant contribution to the debate on the Safeguard ABM system. I congratulate him on the quality of his argument and the wisdom of his conclusions.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business today be limited to 3 minutes, beginning now.

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

THE WRONG MAN FOR VENEZUELA

Mr. CHURCH. Mr. President, I wish to discuss briefly the pending nomination of Mr. John Hurd to be our new Ambassador to Venezuela.

The President sent this nomination to the Senate June 18. No action has been taken on it by the Foreign Relations Committee, and my purpose today is to urge the President to withdraw it.

I do not know Mr. Hurd. From all accounts, he is an estimable gentleman. If he were nominated to be Ambassador to some Latin American country other than Venezuela, I would have no objection. But I believe it would be a costly blunder to send him to Venezuela; and if the nomination is not withdrawn, I shall do everything I can to oppose its confirmation by the Senate.

The problem is that Mr. Hurd is an ex-president of the Texas Independent Producers and Royalty Owners Association and has served on the imports committee of the Independent Petroleum Association of America where he has been actively engaged in the movement for tighter oil import quotas.

I do not propose here to argue the pros and cons of our import policies. But to send an oil protectionist to Caracas is like sending a Zionist to Cairo. Given our gigantic oil investment in Venezuela, it would be dubious enough to send an oil man there under any circumstances. But to send one who has lobbied for tighter import quotas boggles the imagination.

U.S. oil import policy far overshadows any other issue in United States-Venezuelan relations. Up to this point, our import quotas have not forced a curtailment of Venezuelan exports to the United States. But, at the same time, Venezuelan production and exports are not increasing. This needs to be viewed in the context that:

Oil accounts for 90 percent of Venezuela's foreign exchange;

The Venezuelan Government is strapped for money;

Venezuela is one of the very few Latin American countries that has moved forward in the spirit of the Alliance for Progress and that is making democratic government work; and

Venezuelan oil would have trouble increasing its share of the U.S. market even without import quotas. It is substantially more expensive than Middle Eastern oil—even allowing for transportation differentials.

To send to Caracas as the new American ambassador an American oil man who has lobbied for stricter import quotas would inevitably inflame Venezuelans across the political spectrum; it would be like sending fire to fuel.

I emphasize that my objections to Mr. Hurd apply only to his assignment to Venezuela or to some other important oil-producing country. I have no doubt that he would make a commendable ambassador to a country where oil does not figure so largely in U.S. policy, but I cannot give any advice and consent to sending him to Venezuela.

An interpretive account of the consternation that President Nixon's nomination of John Hurd has caused in Venezuela is contained in an article written by Jeremiah O'Leary, the Latin American correspondent for the Washington Star, which appeared in last Sunday's edition of that newspaper. I ask unanimous consent that the article, entitled "Choice of Hurd To Be U.S. Envoy Jolts Caracas," be printed in the RECORD.

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

CHOICE OF HURD TO BE U.S. ENVOY JOLTS CARACAS

(By Jeremiah O'Leary)

Nothing since its last earthquake has rocked Venezuela as much as President Nixon's nomination of controversial Texas oilman John Hurd as ambassador to Caracas.

Hurd, president of the Independent Oil Producers Association and a Nixon campaign fund-raiser, is an avowed enemy of loosening restrictions on foreign petroleum imports. Oil is the life-blood of the Venezuelan economy, and the South American's foreign policy is keyed to obtaining more favorable conditions for marketing its petroleum in the United States.

Veteran observers of Latin-U.S. affairs consider the nomination a blunder in view of Hurd's opposition to imported oil and Washington's desire to improve relations with other countries of the hemisphere.

Hurd is viewed in Venezuela about as favorably as a Ku Klux Klan member would be in Tanzania. Reaction of Venezuelan government officials to the nomination, while publicly correct, has been choleric in private. Venezuelan newspapers have not been so restrained, and they have been swinging freely at the nomination since it was announced June 12.

CALDERA HAS TROUBLES

President Rafael Caldera, a minority election victor still in his first year in office, is having trouble enough governing his turbulent democratic nation without the added tribulation of a U.S. envoy with a record of protectionist oil advocacy. Caldera won election last winter as a candidate of the Social Christian (COPEI) party over the incumbent Democratic Action party but inherited a large deficit and faces restlessness in several quarters.

The youth wing of COPEI, which is consid-

erably to the left of the party main stream, has been stirred up by the Hurd nomination. In addition, Caldera permitted the first July in recent Venezuelan history to pass without promoting any of the army's generals. This could come back to haunt him even though the well-budgeted armed forces are not coup-minded.

Political observers believe Caldera would have withheld Venezuela's placid—the diplomatic agreement to receive an envoy—in the case of Hurd if he had not found it necessary to ask New York's Gov. Nelson A. Rockefeller to skip Venezuela in his fact-finding tour for Nixon. Rejection of both Rockefeller as Nixon's personal emissary of the U.S. President and Hurd as ambassador would have been, or seemed, more provocative than Venezuela cares to be in relation to Washington.

Venezuela's manifest intention, in the event Hurd is confirmed by the Senate, is to receive him with what might charitably be described as restraint. Some Venezuelan officials make no bones about saying Caracas will simply ignore Hurd if he comes as ambassador and attempt to deal with Washington through its envoy here.

HINT OF SECOND THOUGHTS

It is difficult to see how the 54-year-old native of Laredo, Tex., could function as an effective ambassador under these conditions, and there is some evidence that Washington is already having second thoughts about the wisdom of the nomination. Hurd's nomination already has gone six weeks without being scheduled for a confirmation hearing by the Senate Foreign Relations Committee. Some sources take this as an indication that the nomination may be withdrawn.

There have been hints around Capitol Hill and the State Department that Hurd may be redesignated as ambassador to another country where oil is not an explosive domestic issue.

Hurd was Texas state chairman for the Nixon-Agnew campaign last year. He figured in the news when the Pearson-Anderson column reported Spiro T. Agnew had given a secret pledge to Texas oilmen that a Nixon administration would block a proposed free trade zone at Machiasport, Me. The incident reportedly occurred at a fund-raising affair in the Petroleum Club of Midland, Tex., in October.

Agnew reportedly said, "I assure you any gimmick to get a refinery at Machiasport will be killed."

Hurd was quoted as saying, "I have good news for you. I have talked directly to Mr. Agnew. He has assured me that the Occidental (Petroleum Co.) effort at Machiasport is dead. If he and Nixon are successful, there will be no refinery."

Both Agnew and Hurd denied making the statements but Hurd admitted discussing the hope that the Nixon-Agnew administration would not show favoritism to any part of the oil industry as to import quotas.

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—AMENDMENTS

AMENDMENTS NOS. 114 THROUGH 116

Mr. NELSON. Mr. President, in behalf of the Senator from New York (Mr. GOODELL) and myself, I send to the desk three amendments.

CHEMICAL-BIOLOGICAL WARFARE

Mr. President, it is only recently that we have begun to penetrate the highly secret Pentagon world of the deadly

weapons of chemical-biological warfare. So secret is that world that few Members of Congress know what this country is doing in the experimentation, development, stockpiling, and disposal of these weapons. But the magnitude of the threat to the people of this Nation and the world requires the fullest congressional examination and investigation.

Most Congressmen were surprised and shocked recently when the Wall Street Journal revealed that 24 persons had been injured in a nerve gas accident, but in the disclosure that deadly weapons had been secretly moved to the Ryukyu Islands base that is a major jumping off point to the war in Vietnam.

Reacting in its usual manner, the Defense Department denied the accident on Okinawa. A few days later, however, the Pentagon made a vague admission that the accident had occurred and that some chemical agent was involved. The Okinawa incident is one of several that have occurred recently. It is mentioned here as one example of what has been happening. But the Pentagon should not receive all the criticism for keeping all CBW activity in strictest secrecy. Congress has permitted the Pentagon to go its own way without asking for an accounting and it must be obvious to the Nation and the world that Congress has failed to devote sufficient time and energy to debating and reviewing the chemical-biological program.

The seriousness of this failure was emphasized last week in the statement made by Senator ALLEN ELLENDER who said:

As far as the Continental U.S. is concerned, evidence has recently been brought out that tremendous stockpiles of various deadly compounds are on hand at centers throughout the country. Most of this work has been done without the knowledge of the Congress. During my twenty years service on the subcommittee of the Appropriations Committee for Defense, I never have come across any line item for the production of nerve gas.

But in spite of the fact that Senator ELLENDER has not seen a line item for production of nerve gas in his 20 years on the subcommittee, this country is spending approximately \$1 million a day on chemical-biological warfare weapons.

It is well known that these chemical-biological weapons have the frightening capacity of backfiring, especially if the wind happens to change direction. That happened only last year when the winds carried poisonous gasses from a Dugway Proving Grounds test in Utah to an area where livestock was grazing and 6,400 sheep died. Fortunately the wind blew in the direction of animals. Had it blown in another direction the tragedy might well have been to people in nearby Salt Lake City.

Certainly, CBW deserves the same careful attention and scrutiny that Congress is presently giving the question of the deployment of the ABM. Biological weapons, even in the best circumstances, are highly unreliable devices that always carry the threat of epidemic for people all over the world. The threat of these dangers has been discussed by concerned persons everywhere. Just last week Senator THOMAS J. MCINTYRE expressed his concern and a concern I am sure many

Members of Congress share when he said:

We all share the fervent hope that we won't have to fight again once peace is secured in Southeast Asia. But if ever we must retaliate in the event of a germ warfare attack, I would hope we would use a more effective response than the chaotic dissemination of deadly germs. I think most Americans would agree with me.

That is why this group of Senators has come to the floor today to offer a number of amendments to the military appropriations bill. Senator CHARLES GOODSELL is joining me in the sponsorship of three amendments. Senator VANCE HARTKE is sponsoring three others. Senator CLAIBORNE PELL is sponsoring another and cosponsoring one with Senator RALPH YARBOROUGH.

Congress must act now to fulfill its responsibility in discussing a program that has safely escaped careful congressional scrutiny for 50 years. The proposals offered today are not radical; nor do they jeopardize the security of this Nation.

It is our conviction that our proposals, if passed, will offer greater protection to our citizens and will guarantee the right of Congress to review the actions of the executive branch of Government. Perhaps, more importantly, these amendments might be significant contributions toward cooling the spiraling arms race.

The first amendment Senator GOODSELL and I will offer prohibits the open air field testing of nerve agents or any other pathogenic biological organism. This amendment does not prohibit the field testing of tear gases, incapacitating gases, chemical stimulants, or nonpathogenic biological organisms. It also does not prohibit the testing of agents done within the confines of a laboratory.

The next amendment prohibits any procurement of biological bomblets, biological spray tanks to be attached to aircraft, biological missile warheads, any shells containing nerve agents or a biological toxin, and other devices that could be used to disseminate lethal chemical or pathogenic biological agents in warfare.

The third amendment is twofold: First, to insure that foreign nations are consulted before the United States deploys CBW agents on their soil; and second, to assure that Congress is consulted before the United States deploys CBW agents on those lands outside the United States which are under its jurisdiction and control, such as Okinawa.

Hopefully this last amendment will eliminate the dangerous international repercussions of deployment of such weapons on foreign territory. In addition to the Okinawa incident which threatens our relations with Japan, the West German Government has now revealed that poison gas is being stored in that nation.

The package of CBW amendments offered here today is aimed at answering the question that concerned Congressmen and people all over the world are asking. After the ABM issue is settled, Congress should plan to set aside time for several days of debate and consideration of these amendments and a thorough examination of our total CBW program.

These are modest and very limited amendments which do not reach the much more important issue as to whether we should be developing such a weapons system at all. There are practical, political, and moral questions that must be debated and resolved by the Congress and the people of this country. It is my own view that we are developing a chemical and biological monster that cannot be controlled. It will ultimately proliferate into the armaments race of all nations large and small and we will have made it possible because of our own research and development. As the Columnist James J. Kilpatrick put it in a column in the July 31 Washington Evening Star:

The "possible poisoning of whole populations" is a caged monster, dwelling in the dungeons of the unseen hell that men of all nations have fashioned.

On the moral question—I cannot believe that the people of this Nation would ever sanction the use of deadly disease germs and lethal gases on defenseless civilian populations.

These important questions cannot be left for settlement in the military arena; it is in the public forum where such issues must be weighed and resolved.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Time To Lift the Veil on Grisly CB Weapons," written by James J. Kilpatrick and published in the Washington Evening Star of Tuesday, July 1, 1969.

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

TIME TO LIFT THE VEIL ON GRISLY CB WEAPONS

(By James J. Kilpatrick)

For the first time in many years, possibly since the mustard gas days of World War I, the American people are beginning to think uneasily about the most grisly weapons in contemporary arsenals—the weapons of chemical and biological warfare. It is a subject that cries out for sober discussion.

Several events have served the useful purpose of provoking debate. There was the killing of sheep in Utah last March. In late spring a hullabaloo arose over the army's effort to dispose of obsolete stocks of chemical agents. Then came the row over storage of nerve gas on Okinawa—a row that Secretary of State Rogers has been trying to quiet this week in Japan. A few days ago, Louisiana's Senator Ellender complained publicly that in the 20 years he has served in Congress, the military establishment has kept its CB program a tight secret.

At least some of the secrecy ought to be ripped away. No one reasonably could ask that the Joint Chiefs of Staff make full disclosure of every last detail of research, development, production and storage of its CB agents. At the same time, a thorough ventilation of the nature of these frightful weapons might well lead to stronger covenants against their use.

Contrary to widespread assumption, the United States never ratified a treaty banning the use of poison gas. Such an agreement was signed at Geneva in 1925, but when the Geneva Protocol reached the U.S. Senate the following year, a number of objections were heard. Gen. John J. Pershing, speaking from his own searing knowledge of chemical warfare, did his best to help the agreement along:

"I cannot think it possible that our country should fail to ratify the protocol," Pershing wrote the Foreign Relations Committee. "Scientific research may discover gas so deadly that it will produce instant death. To sanction the use of gas in any form would be to open the way for the use of the most deadly gases and the possible poisoning of whole populations of noncombatant men, women and children. The contemplation of such a result is shocking to the senses. It is unthinkable that civilization should deliberately decide upon such a course."

Unfortunately, the Senate took the unthinkable course. Alone among the powers of the earth, the United States failed to ratify. Meanwhile, in the 43 years that have passed, Pershing's prophecy has come true. The "possible poisoning of whole populations" is a caged monster, dwelling in the dungeons of the unseen hell that men of all nations have fashioned.

In closed-door testimony before a Senate committee last April, Dr. Matthew S. Meselson, professor of biology at Harvard, gave several senators an elementary course in chemical and biological warfare. His statement, carefully sanitized, was released in printed form a few weeks ago. Copies may be obtained from the Foreign Relations Committee.

The U.S. has seven chemical warfare agents. These begin with CN, which is ordinary tear gas. At the next level is CS, a super tear gas used in Vietnam. Slightly stronger is DM, an agent that causes violent sneezing, nausea and vomiting. Little is known of BZ, a "temporary incapacitant that interferes with normal mental and bodily processes." Another incapacitant is HD, better known as the blistering mustard gas.

The two remaining chemical agents are VX and GB. Both are highly lethal. "A tiny droplet of VX on the skin will cause death," Dr. Meselson said. This was the agent that killed the 6,000 sheep in Utah. As for GB, a nerve gas developed but never used by the Germans in World War II, a single bomber in a single run "might be able to kill most unmasked persons within an area of at least five square miles." This would happen "within a matter of seconds."

The biological agents are more dreadful still: "These pose a threat to the entire human species." Space prevents a description of them here; but these agents exist, and one does not have to be a professional pacifist to raise an alarm about them. As Senator Ellender said, it is high time for the Senate to get concerned.

Mr. NELSON. I ask unanimous consent that the amendments offered in behalf of myself and the Senator from New York (Mr. GOODELL) be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and, without objection, will be printed in the RECORD.

The amendments are as follows:

AMENDMENT No. 114

At the end of the bill add a new section as follows:

SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be used for open air tests of lethal chemical agents or pathogenic biological microorganisms or biological toxins.

AMENDMENT No. 115

At the end of the bill add a new section as follows:

SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems designed to disseminate lethal

chemical agents, pathogenic biological microorganisms, or biological toxins, or for the procurement of any part or component of such delivery systems.

AMENDMENT No. 116

At the end of the bill add a new section as follows:

SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be used for the storage or deployment of any lethal chemical agent or any pathogenic biological microorganism or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or microorganism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the House of Representatives. As used in this section the term "United States" means the several States, and the District of Columbia.

Mr. GOODELL. The amendments being offered today by the Senator from Wisconsin (Mr. NELSON) and myself as well as the amendments of other Senators indicate that the period of silence over gas and germ weapons is over. It is time for open discussion of CBW. What is needed is some plain speaking between Congress and the Pentagon, between our Government and other Governments and between our Government and the American people.

Chemical and biological weapons have long been one of the Pentagon's most closely held secrets.

We, however, have come to know and to think about weapons. As with nuclear weapons, we must come to know and understand chemical and biological weapons. Only in this way, will we be able to consider gas and germ weapons with sustained understanding rather than to react sporadically on impulse and ignorance. Congress and the Nation have a right to know the facts from the Pentagon and to debate the issues of CBW just as we have come to know and debate nuclear weapons.

What we need to consider are the grave moral issues which arise when we stockpile munitions filled with lethal gas and disease-producing bacteria. What is needed is an in-depth examination of the Pentagon's retaliation-in-kind concept used to justify this program.

Peril points do exist in this weapons program. There are dangers that can no longer be ignored or hushed in secrecy.

Consider the peril to the health and safety of the American people unless CBW testing, transportation, stockpiling, and disposal are regulated. Consider the peril to constitutional guarantees of checks and balances unless Congress can review requests and the rationale for an expanded CBW program. Consider the peril to U.S. relations with other

countries unless deployment of these weapons is with mutual consent.

Now let us think about the example that our CBW program presents to both nuclear and nonnuclear nations.

One aspect of our program is CBW training for foreign officers from over 35 nations. Does this inspire an appetite for acquisition and proliferation of these weapons throughout the world? What if we receive requests from nations engaged in war for supplies of deadly nerve gas or disease-producing biologicals. Under these circumstances, what would the American people want our Government to do?

Finally, what about arms control? CBW is a driving wedge splitting meaningful action from general disarmament goals.

Let us weigh carefully the horrors in actual use of these insidious weapons of war. Let us weigh the escalation-of-weapons risks to the soldier and to civilian populations if gas and germs are unleashed in war.

The three amendments which I will introduce with Senator NELSEN today aim at limiting the dangers posed by offensive lethal chemical and biological weapons. We hope that our discussion of these amendments will help to answer some of the difficult questions which CBW poses.

The first amendment prohibits the open air field testing of nerve agents or any pathogenic biological organism. This amendment does not prohibit the field testing of tear gases, incapacitating gases, chemical stimulants, or nonpathogenic biological organisms. It also does not prohibit the testing of agents done within the confines of a laboratory. Distressing as it may be to have to guard against gas and germ warfare, it is vitally important to continue testing in the laboratory for protective devices aimed at both military and civilian defense.

The next amendment prohibits any procurement of biological bomblets, biological spray tanks to be attached to aircraft, biological missile warheads, any shells containing nerve agents or a biological toxin, and other devices that could be used to disseminate lethal chemical or pathogenic biological agents in warfare. Chemical and biological warheads for the Sergeant have brought CBW to the missile age. Weapons escalation has come a long way since 1944 and the Army's ill-fated scheme to use bats to deliver incendiary bombs.

The third amendment is twofold: First, to insure that foreign nations are consulted before the United States deploys CBW agents on their soil; and, second, to assure that Congress is consulted before the United States deploys CBW agents on those lands outside the United States which are under its jurisdiction and control, such as Okinawa. Hopefully this last amendment will eliminate the dangerous international repercussions of deployment of such weapons on foreign territory. In addition to the Okinawa incident which threatens our relations with Japan, the West German Government has now revealed that poison gas is being stored in that nation.

Mr. President, the possibility of acci-

dental death, contaminated land, or the spread of disease due to outdoor testing is an unacceptable price for adding still more to the vast offensive capability of our CBW arsenal.

Lethal chemical and biological weapons are a menace to life in the outdoor testing stage. Throughout the procurement and deployment stages, CBW designed for offensive military purposes, presents a perilous barrier to meaningful arms control. From the perspective of war strategy, tactical use of lethal chemical weapons is of marginal utility. Moreover, it opens up the question of weapons escalation on the battlefield and threats to civilian population. Tactical use of disease-producing bacteria is simply indefensible. Still, the Pentagon wants to add to its CBW arsenal.

It is time we ask if we must continue up the "balance of terror" ladder with CBW. It is time we ask whether the United States is contributing to an erosion of past anti-CBW restraints by its CBW program.

In chemical and biological weapons funding over the years, we have been guided by the Pentagon's "retaliation-in-kind" argument. Where do we find ourselves now?

We find ourselves now in a near perfect model of weapons escalation. We have witnessed escalation in the potency of CBW agents. In gases: chlorine became more powerful than tear gas, phosgene more so than chlorine and the arsenal expanded with the addition of mustard gas and the nerve gases, GB and VX. In biological agents: micro-biological agents of increased resistance to protective treatment are constantly being searched for in our BW laboratories. Our BW effort has now reached a point where it appears to be the world's most ambitious effort to develop deadly germs for offensive military weapons.

There has been escalation in delivery systems and in target potential.

The size of our budget for CBW program development has also been built up. In the last 10 years, our expenditures for a CBW program have increased sevenfold to over \$350 million estimated for fiscal year 1970. Other estimates put CBW funds at double this figure.

Mr. President, what will be in store for future generations if we pursue this course of action? Today our attention is focused on nuclear weapons. The Pentagon is asking for funds to deploy an ABM as a defense against nuclear attack. While this nuclear defense question is before us, I wonder about the future and CBW.

Is the handwriting on the wall? In the years to come, will the Pentagon be asking us for an ACBM, an anti-chemical and biological monitoring system?

Life and death decisions are now being made in the Pentagon's laboratories as well as at test sites. The Pentagon can add or detract from the capabilities of CBW now available.

Yet the issues that gas and germ weapons pose to the military are dwarfed by the policy problems which we must face here in Congress. The American people must face these problems with us.

Precautions can be taken now against

the perils of CBW if we have the will to take them.

Many of us have requested that the President send to the Senate the Geneva protocol outlawing the use of chemical and biological warfare. Hopefully, this will be a step taken in the immediate future.

I am hopeful also that Senate consideration of our amendments and those of the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) will lead to better understanding of chemical and biological weapons. The issues which these weapons raise to Congress and the Nation are too serious to let CBW spiral in secrecy any longer. The time of discussion review and hard choice is at hand.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

AMENDMENT NO. 117

Mr. YARBOROUGH. Mr. President, the chemical and biological warfare program of the United States raises vital questions in the area of public health and safety. I believe I have a special responsibility to bring these questions to the attention of the Senate because I am chairman of the Labor and Public Welfare Committee and its Health Subcommittee.

The chemical and biological warfare program of the United States costs approximately \$1 million per day. Yet to date, Congress has not devoted sufficient time to analyzing this weapons system and what it means to the domestic health and safety of the country.

The chemical and biological warfare program has already caused great concern throughout the Nation because of the hazards to the public health and safety of our people and their environment, caused by the field testing and transport of CBW agents. In addition, we are concerned with its effect on our relations with other countries. Most recently, we have had to deal with the severe repercussions which resulted from the accidental release of nerve gas on Okinawa.

Pursuant to a request last year by the Special Subcommittee on Science—now the Special Subcommittee on the National Science Foundation—of the Committee on Labor and Public Welfare, the Legislative Reference Service of the Library of Congress prepared a background report on chemical and biological weapons. This background report is the source of much of the discussion which follows.

The U.S. Army defines chemical warfare as the tactics and techniques of conducting warfare by use of toxic chemical agents. Chemical weapons can be designed to cause, first, either death or disability in a man; second, destruction or damage to food, animals and crops; and third, depression or removal of other living things in accordance with a specific military tactic.

Types and effects of the principal chemical agents are as follows:

Nerve gases are the most lethal—or deadly—chemical weapons. Generally odorless and colorless, they cause asphyxiation by paralyzing the human

nervous system. As little as one-fiftieth of a drop can kill a man.

Incapacitating agents can produce temporary paralysis, blindness, or deafness.

Harassing agents include mustard gas, which caused many casualties in World War I. Mustard gas causes severe burns to eyes and lungs and blisters the skin. Large amounts can kill.

Defoliants and herbicides are used against vegetation rather than humans; can be sprayed on forests and jungles to expose enemy hiding places, also effective in killing crops in enemy-held territory; may cause eye irritation, stomach upsets, or arsenic poisoning in humans.

Biological warfare is the deliberate introduction of disease-producing organisms into populations of people, animals or plants. The organisms are the same as those found in nature, but can be selected and cultured to be more virulent and resistant than those in nature. Some organisms, and especially bacteria, can be grown so as to be resistant to drugs and antibiotics.

It might also be possible to develop a kind of "super germ" or new strains of germs for which the body has not evolved antibodies and for which vaccines have not been developed. The Hong Kong flu is an example of a virus—evolved by nature—to which we had no seriological resistance and for which a vaccine could not be developed until the disease was discovered and the organism isolated.

There are diseases such as influenza which are basically incapacitating and there are others which cripple or kill. Hundreds of pathogenic organisms are available in nature from which the scientist and military strategist can select those which will serve the planned effect. Among the most effective and most feared BW diseases are the following:

Anthrax is a bacterial disease usually found in animals. Symptoms include high fever, hard breathing, and physical collapse. It can cause death within 24 hours if it affects the lungs.

Brucellosis is a bacterial disease usually found in cattle, goats, and pigs. Also known as undulant fever. Not usually fatal to humans although can cause high fever and chills which may last for months.

Plague is a bacterial disease sometimes carried by rats. Usually fatal within a week. Pneumonic plague affects the lungs, may be transmitted by coughing.

Q-fever is a highly infectious disease usually carried by ticks. Rarely fatal, can cause fever lasting 3 months.

Because biologic agents are invisible, odorless, and tasteless, and usually produce no immediate physiologic damage, their early recognition is often impossible. Another reason for the delay in recognition of a biologic agent lies in the fact that physical detection from samples of air, food, and water might take days and even longer, especially if the organism were foreign to the affected population.

Protection against biologic agents is extremely difficult. For example, the "Emergency Manual Guide on Biological Warfare—1959" states:

Decontamination of extensive areas is not considered practical. Rather, natural decay, assisted by sunlight, temperature and air movement must be relied on.

The population is better protected if it has been immunized actively or passively before biologic attack. Thus far it has been impossible to have available a multitude of vaccines capable of being dispersed and administered to a large population. Also, there are as yet no effective vaccines against certain diseases. It is likely that the young, the elderly and the infirm will be particularly susceptible victims.

Biological weapons systems have potential as a device for mass destruction. This is especially true if the combination of virulent agents and susceptible population, along with other conditions, are suitable to epidemic results. It is a self-replicating weapon—it proliferates itself, not only in the affected individual, but also in the entire population.

Not all diseases are equally contagious, but in one way or another they may spread from those who receive the direct inoculum to those who do not.

Crops are vulnerable to biological attack. Some biological agents are persistent; that is, they have spore forms which resist destruction and may remain in the environment, especially the soil, for tens or even hundreds of years.

Increasing attention is being given by the media to recent accidents and potential for accidents in the testing, development, transportation, and disposal of chemical and biological weapons. The July 25 edition of *Medical World News* contains an article on this subject, entitled "Biological Warfare: Off Limits to Doctors." Most of the following information is from that excellent article, including this quote:

Congressman's Question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?

Physician's Answer: I don't know.

Congressman's Question: Were you aware that the Army's own maps show a permanent biocontaminated area about 17 miles outside Dugway?

Physician's Answer: Not until I read about it in yesterday's papers.

The doctor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the United States Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. "I have primary responsibility within the federal government for the protection of public health," Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.

Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major bio-war center at Fort Detrick, Maryland, for example, has only 14

MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the information that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against an air crash, train wreck, lab explosion, or earthquake involving U.S. research or storage facilities.

I believe it is imperative that the Surgeon General be allowed to exercise primary responsibility within the Federal Government for the protection of public health of the citizens of the United States. Thus, I am offering an amendment to the military procurement authorization bill, S. 2546, so that the Surgeon General may be allowed to exercise his responsibility.

The amendment simply states that the Surgeon General of the Public Health Service must determine that any testing, development, transportation, or disposal of chemical and biological weapons will not present a hazard to the public health before any funds can be used for these purposes.

We must not have other incidents such as occurred at the Dugway Proving Ground in Utah. The wind that carried the poison gas which killed 6,000 sheep blew 35 miles to the northeast. But if it had gone 35 miles east to Tooele, or 35 miles north to Highway 40, Dr. Gubler, chief of staff of Tooele Hospital, believes the victims might have been humans as well as sheep.

A witness at committee hearings called by Congressman REUSS, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian, who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway. Asked by Congressman VANDER JAGT:

Have you ever run into diseases that you have been unable to account for?

Dr. Osguthorpe replied:

I have run into a disease in newborn calves in the area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent.

Congressman RICHARD MCCARTHY has pointed out:

Fort Detrick, the Army Biological Warfare Research Center, has one of the poorest records among major biological institutions for infections. There were 3,300 accidents at Detrick between 1954 and 1962. Half of these occurred in a laboratory, involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result.

Infections among workers at secret installations pose a threat to the entire neighboring community, MCCARTHY states. He has cited the instance of a worker who caught a plague at Fort Detrick some years ago:

He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger.

Fort Detrick, of course, is only minutes from Washington, D.C.

Recently, there was a furor over the proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped in the Atlantic Ocean.

Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an accident befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

I think the time is right for the Senate to take action. It is my earnest hope that the Senate will pass my amendment. This amendment is not designed to prevent the testing and development of such agents if it can be done with safety to the civilian population. It is designed to protect the civilian population, not to hamper the Army and the scientists. It is not meant to cripple our defenses; rather, it is meant to protect our people.

I ask unanimous consent to have printed at this point in the *Record* the article published in *Medical World News* of July 25, 1969, entitled: "Biological Warfare: Off Limits to Doctors," and the text of the amendment.

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

The amendment will be received and printed, and will lie on the table.

The article is as follows:

[From *Medical World News*, July 25, 1969]
BIOLOGICAL WARFARE: OFF LIMITS TO DOCTORS

Congressman's question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?

Physician's answer: I don't know.

Congressman's question: Were you aware that the Army's own maps show a "permanent biocontaminated area" about 17 miles outside Dugway?

Physician's answer: Not until I read about it in yesterday's papers.

The doctor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the U.S. Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. "I have primary responsibility within the federal government for the protection of public health," Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.

Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major bio-war center at Fort Detrick, Md., for example, has only 14 MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the informa-

tion that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against any epidemic that might be set loose by an air crash, train wreck, lab explosion, or earthquake involving U.S. research or storage facilities.

Until recently, the Army's secrecy has kept biological weapons from arousing widespread alarm among physicians and the public at large. This year, however, the biowar program, along with many other Pentagon projects, has lost much of its former immunity. Its congressional opposition, sparked by Rep. Richard McCarthy, a Democrat from Buffalo, N.Y., has now expanded to include the usually hawkish Senate Armed Services Committee. President Nixon has ordered a sweeping review of U.S. policies on chemical and biological warfare. A UN committee with representatives from all 13 countries believed to have biowar programs has called for unconditional effective biological and chemical disarmament. And physicians who see biological warfare as off limits ethnically to anyone who has taken the Hippocratic oath, and who believes that the medical profession should take the lead in pressing all governments to rid themselves of these weapons, are getting a hearing in an increasing variety of medical organizations.

Only about 15% of biowar research is ever published in the open scientific literature. As a result, some significant data reach the light of day via such publications as the *Congressional Record* rather than the more traditional scientific journals.

If Dr. Stewart had looked in the *Record* a few days before his testimony, he would have found a statement by Dr. Matthew S. Meselson, professor of biology at Harvard, about nerve agent VX. "A tiny droplet on the skin will cause death," Dr. Meselson said, citing Swedish research.

Dr. Meselson lists some of the reasons why a sizable group of scientists and physicians is disturbed: "Important military personnel can be equipped and trained to use protective devices far more easily than civilians can. Civilians are the most natural and most vulnerable targets for chemical and biological attack. Field testing of live biological weapons and especially the outbreak of actual biological warfare would be a menace to the entire human species."

Much the same prediction is made in a UN report on chemical and bacteriological weapons completed by consultant experts from 14 countries and just released by Secretary General U Thant. The experts came from Canada, Czechoslovakia, Ethiopia, France, Great Britain, Hungary, India, Japan, Mexico, the Netherlands, Poland, and Sweden as well as the U.S. and USSR. Of these countries only Ethiopia is believed to have abstained so far from biowar research.

The UN report says the idea of biological weapons being used to spread disease "generates a sense of horror."

"And anyone who reads the report—as I urge all physicians to do—will see that there is a technical basis for this value judgment," says this country's consultant expert to the UN group, Dr. Ivan L. Bennett, New York University's vice president for medical affairs.

The UN report discusses various biological agents. From its appetizing menu (see box, page 26) an attacker could pick his weapon on the basis of precisely what he hoped to accomplish. For high mortality, anthrax, glanders, melioidosis, and plague (pneumonic) would be the diseases of choice, especially if reinforced by artificial drug resistance as shown on page 23. For fast transmission to areas and individuals who missed out on the first dose, cholera, smallpox, and pneumonic plague would be the best bet. To incapacitate large numbers of people for several weeks or more, one might choose

Chikungunya fever, tularemia, typhus, brucellosis, glanders, coccidioidomycosis, Rocky Mountain spotted fever, or an aerosol version of tick-borne encephalitis. And there is no guarantee that an aggressor would use one weapon at a time. Airborne anthrax, for example, would fell far more victims if it were combined with influenza. Both the U.S. and USSR are believed to be working on all, or nearly all, of the agents discussed in the UN report, and to have large stockpiles of the ones their biowar scientists consider the most useful.

Perhaps the most frightening characteristic of these weapons is their unpredictability. Bullets and bombs can be aimed; viruses and bacteria cannot. Bullets and bombs, once used, do not reproduce themselves in ever-increasing numbers; specially bred viruses and bacteria may. As the UN committee's experts point out: "Were these weapons ever to be used in a large-scale war, no one could predict how enduring the effect could be, and how they would affect the structure of the society in which we live. This overriding danger would apply as much to the country which had initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken."

Another danger comes from the low cost of these weapons. Just about any country that can find enough funds and know-how to operate a small vaccine laboratory or even a large brewery can initiate biowar research. Poor countries can pollute the world almost as easily as rich ones.

The weapons themselves may be cheap, but a lot of money can be spent on delivery systems. These systems include planes with spraying devices and missiles with various type of warheads. In this country, the Army alone spends at least \$330 million per year for chemical and biological warfare activities. This official figure, given by Dr. K. C. Emerson, acting Deputy Assistant Secretary of the Army for Research and Development, has been challenged by congressmen as being too low. Some informed observers place the spending by the Army at roughly double that figure.

Delivery systems need not be elaborate, however. For most biological weapons the preferred form of dispersal is an aerosol. In one field trial cited by the UN report, 200 kg of zinc cadmium sulfide, a harmless powder, was distributed from a ship sailing 160 miles along a coastline while staying ten miles offshore. The resulting aerosol traveled more than 450 miles inland and covered an area of nearly 30,000 square miles.

Because biowar research is closest to medical research, it represents the most intense perversion of the humane aims of science, says Dr. Joshua Lederberg, 1958 recipient of the Nobel Prize in Medicine and now professor of genetics at Stanford.

Dr. Lederberg and his fellow critics argue that apart from enforceable treaties there can be no protection against a biological attack or accident. A less scholarly New York City internist puts the point tersely: "If the Public Health Service can't protect the nation against a flu epidemic with six months' advance warning, how in the hell could they ever protect us against an unknown organism that we have no vaccines against?"

One physician in a good position to speak to this question is Col. Dan Crozier, commanding officer of the U.S. Army Medical Unit at Fort Detrick. To Dr. Crozier, the most important aspect of medical defense is quick etiologic diagnosis. "Times considered acceptable in general medical practice would be totally unacceptable and possibly disastrous," he said in *JAMA* (Vol. 175, No. 1). His suggestion: a maximum elapsed time of six hours in the lab.

Despite the limited information available to doctors, biowar defense "is primarily a medical problem and is a responsibility of the medical community," Dr. Crozier said. "The civilian medical profession will bear the brunt of the load. It will not matter that one opposes war or is against the use of microbiological agents as weapons, the problem will be one that must be met. At the present time, definite answers do not exist to many of the problems that would be created by such an attack."

Last year at the American Public Health Association meeting in Detroit, Dr. Crozier added another dimension: "It is no secret that the military forces of the U.S. are interested in biological warfare from the offensive as well as the defensive standpoint." In his current book, *Chemical and Biological Warfare*, Seymour Hersh cites Pentagon papers and Army field manuals in documenting a shift, under the Eisenhower Administration, away from the Roosevelt no-first-use policy.

The Committee for Environmental Information, a group originating at Washington University in St. Louis, is concerned with hazards of uncontrolled testing and careless handling. Official secrecy "is a deadly serious matter," pathology instructor Gustave L. Davis says. "If Congress and the people are to make the vital decisions about the manufacture, testing, and use of these agents, they must have the facts. These decisions may determine the life or death of hundreds of thousands of our people."

This is precisely the point emphasized by a "Speaker's Kit" issued by the Federal Civil Defense Administration in the early 1950s. It lists some "Quotable Quotes on Biological Warfare." Among them is this one, attributed to Millard F. Caldwell, who was then Civil Defense Administrator: "One of our toughest problems is what we could call, for the want of a better term, the panic element. Panics can be most costly; they can cost us more than atomic bomb damage would. The only way to avoid panic is for the people to know the facts, and to have, in advance, the means of protecting themselves through knowledge of what to do."

A small taste of this panic element burst into the news during the recent furor over proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped into the Atlantic Ocean. Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an accident befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

Some of the other unanswered questions first came to Representative McCarthy from his slim, blonde, pony-tailed wife, who had watched an NBC-TV program dealing with chemical and biological warfare. Constituents in Buffalo also found the program disturbing.

Attempting to answer his wife and his electorate, Representative McCarthy found himself knocking on closed doors. Some of his questions: Why does this country need a biological and chemical warfare capability? What sort of capability do we have now? Under what circumstances would our government use these weapons? Assuming we don't intend to use them first, could biological weapons ever be a militarily useful response to a biological attack? How much do these activities cost us each year? What safety precautions are taken to protect the public against accident? Are our academic and private institutions being improperly involved in this type of research?

BIOLOGICAL WEAPONS AND POSSIBLE MEDICAL DEFENSES

Disease	Mortality	Infectivity	Antibiotic therapy	Vaccination
Bacteria:				
Anthrax (pulmonary)	Almost invariably fatal	Moderately high	Effective if given very early	Available
Brucellosis	Low (less than 5 percent)	High	Moderately effective	Under development
Cholera	Usually high (up to 80 percent)	Low	do	Available
Glanders	Almost invariably fatal	High	Little effect	None
Melioidosis	Almost 100 percent fatal	do	Moderately effective	Do
Plague (pneumonic)	do	do	Moderately effective if given early	Available
Typhoid fever	Moderately high	Moderately high	Moderately effective	Do
Viruses:				
Chikungunya fever	Very low	Probably high	None	None
Dengue fever	do	High	do	Do
Tick-borne encephalitis	Up to 30 percent	do	do	Under development
Venezuelan equine encephalitis	Low	do	do	Do
Smallpox	Usually high	do	do	Available
Yellow fever	High	do	do	Do
Rickettsiae:				
Epidemic typhus	Usually high (up to 70 percent)	do	Effective	Do
Psittacosis	Moderately high	do	do	None
Q-fever	Low	do	do	Under development
Rocky Mountain spotted fever	Usually high (up to 80 percent)	do	do	Do

Source: U.N. report, July 1969.

McCarthy got some of the brush-offs given to physicians and ordinary citizens. But as a congressman, he had some resources not available to others, and he used them. He asked the Army for a congressional briefing on the subject. The Army complied, but declared that the briefing was classified.

Since the congressman could hardly answer his constituents' questions with classified material, he tried another way to leap over the high wall of bureaucratic secrecy. He submitted some of his policy questions to the Secretary of Defense.

The Defense Department replied—five weeks later. Signing the reply was Dr. John S. Foster, Jr., a physicist. As director of defense research and engineering, Dr. Foster is the Pentagon's top scientist.

One paragraph of Dr. Foster's reply is of particular interest to physicians:

"The U.S. does not maintain large stockpiles of medical supplies such as antibiotics and vaccines against the possibility of biological attack. There is no specific antibiotic therapy available for most biological warfare agents. As for vaccines, there are more than 100 possible biological warfare agents and production and administration of 100 possible biological warfare agents, and production and administration of 100 vaccines to the U.S. population is not practical. There is medical reason to believe that such a program would be generally injurious to health in addition to requiring prohibitive expenditures."

If there is no defense against an attack, what about the defense against accidental infection of our own population? Dr. Foster's letter stated that strict safety practices are enforced at laboratories conducting research on biological and chemical agents: "Elaborate systems of airtight hoods, air filtration, and waste decontamination are employed. These precautions and procedures are reviewed by the U.S. Public Health Service as well as by Department of Defense safety experts. The equipment and building designs developed at the U.S. Army Biological Laboratories, for example, have been generally accepted throughout the world as the ultimate in safety for the investigation of infectious diseases."

In making the reply public, Congressman McCarthy in effect called its author a liar—an experience which Pentagon officials are finding increasingly common on Capitol Hill this year. McCarthy particularly attacked the over-all biological safety record during the past two decades: "Fort Detrick, the Army's biological warfare research center, has one of the poorest records among major biological institutions for infections. There were 3,300 accidents at Detrick between 1954

and 1962. Half of these occurred in the laboratory involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result."

Infections among workers at secret installations pose a threat to the entire neighboring community, McCarthy charged. He cited the instance of a worker who caught plague at Fort Detrick some years ago: "He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger."

Soon other congressmen began to question the Army's veracity in dealing with one spectacular recent chemical warfare accident—the killing of 6,000 Utah sheep by Dugway's poison gas. The Conservation and Natural Resources Subcommittee began hearings on the dangers of open-air testing of persistent lethal chemicals.

Their unrelenting questioning of three Army officials, under oath, established these facts: The Army had first denied testing nerve gas on March 13, 1968, when in fact it had. Even after correcting this, the Army still denied—for 14 solid months—that the gas had anything to do with killing the sheep, even though it had paid their owners \$500,000 in reparations. This misstatement, too, was corrected, but only after the committee spent one entire morning of relentlessly pursuing evasions, hesitations, and disavowals by three Army representatives, including Dr. Mortimer A. Rothenberg, a biochemist who is Dugway's top scientist.

Last year, in reporting the Army's fib about the neurotoxin VX not causing the March sheep kill, mwn was the first to catch the brass in a second and more blatant lie—that Army precautions eliminated all peril to humans and indeed were so good that there had never been a single human casualty due to storage or testing of war chemicals at Dugway Proving Ground. Dr. Kelly Gubler, chief of staff at Tooele Hospital in the town of that name 35 miles east of the test site, said he had previously treated Dugway workers for anticholinesterase poisoning such as VX would produce. The wind March 13 blew to the northeast, but if it had gone east to Tooele or north to Highway 40—also 35 miles away—Dr. Gubler believed the victims might have been humans as well as sheep.

mwn's story (April 12, '68), read into the record by the same committee that later grilled Dr. Rothenberg, also trapped the Army in still a third lie—that its tests had gone according to plan on March 13. As Surgeon General Stewart got the Army to admit months later, an airplane had accidentally spewed out VX high above the desert where

the winds could take it anywhere, after making a pass at a ground target to test dispersal techniques. The Army eventually promised Dr. Stewart that, in the future, airborne chemicals won't be released above 300 feet and won't cross heavily traveled Highway 40 for at least three hours.

At the hearing, Dr. Rothenberg said he feels secure about the new safety measures. The Congressman Guy Vander Jagt, Republican of Michigan, asked in a mild voice, "If the Army was wrong about the danger to the sheep, could the Army be wrong about the danger to human beings?"

Vander Jagt did not press for an answer to his question, but committee chairman Henry S. Reuss, Democrat of Wisconsin, did insist on an answer to this one: "Is there Venezuelan equine encephalomyelitis virus in the Dugway storehouse?"

Dr. Rothenberg answered, "That is security information."

"Clear the hearing room," said the congressman, "and we will take your testimony in private."

Few scientists know precisely what is in the Dugway storehouse, but antibodies against VEE virus have been found in cattle in Utah. The only other states in which these antibodies have been found are Florida and Louisiana, where they would be more expected. This virus has been cited as being particularly suitable for biological warfare, because it is so easily spread to humans by inhalation, and because there is little immunity to it in temperate zone nations.

Another witness at the Reuss committee hearings, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway.

Asked by Vander Jagt, "Have you ever run into diseases that you have been unable to account for?" Dr. Osguthorpe replied: "I have run into a disease in newborn calves in this area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent."

All indications are that the debate on blowfare will continue gathering heat in the months to come. Surveying the situation on both sides of the Atlantic, an editorial in *Nature* (Vol. 218, No. 6) comments wryly: "The point is rapidly arriving when it is as hazardous for a person to carry out research on some aspect of chemical or biological warfare as it is to be a president on a campus torn apart by student power."

There will probably be a substantial rumble at the next meeting of the American Society for Microbiology. "The ASM has long been tied to the biological warfare effort and to the official secrecy shrouding it," says Dr. Richard Novick, a physician who is research assistant professor of microbiology at New York University. "More ASM members are employed at Fort Detrick than at any other institution. Their secrecy is evidently due to a desire to avoid arousing public opinion."

Dr. Novick helped found the microbiologists' Committee on Chemical and Biological Warfare, which seeks U.S. ratification of the Geneva Protocol of 1925, outlawing the use of poison gas and biological agents. They also hope to enlist the aid of microbiologists in other countries—particularly the Soviet Union, England, and France—in outlawing blowfare.

The American Public Health Association includes a growing list of members opposed to biological weapons. After Fort Detrick's Dr. Crozier reported on biological warfare at last year's APHA meeting, he was challenged to a debate by Dr. Steven Jonas, a physician from Brooklyn. "The session was hastily adjourned when Dr. Crozier indicated he was not prepared to discuss morality," says Dr. Jonas.

The Brooklyn physician then helped organize the Caucus for Peace and Human

Rights, which circulated a petition opposing continued development of chemical and biological weapons. "About 200 members signed it, and we mailed it off to the chairman of the APHA executive board. Hopefully, we would like the entire APHA to endorse our position."

For at least two decades, the AMA has virtually ignored the issue. But during the past few months, there have been some stirrings. In *Chemical and Biological Warfare*, Seymour Hersh charges that JAMA in recent years has refused to print letters critical of the views presented in JAMA by Colonel Crozier and others. Dr. John H. Talbott, JAMA editor, says Hersh's charge is easy to make but difficult to prove. Dr. Talbott also says he does not recall rejecting a "thoughtful" letter on the subject, and that he gets a lot of crackpot mail.

As for the ethics of biological warfare, an AMA spokesman says the question has never come up before the Judicial Council. Of the physicians who believe participation is unethical, one of the most articulate is Victor W. Sidel, formerly chief of the community medicine unit at Massachusetts General Hospital and now professor of community health at the Albert Einstein College of Medicine in New York.

To stay ethical, Dr. Sidel says, a military physician must do nothing to contribute to the net increase in disease, disability, or untimely death. "He must also be free to make judgments about his own medical ethics. If the physician becomes a combatant, or unable to make his own ethical judgments, he has stopped functioning as a physician. He may be a good soldier, but he is an unethical doctor."

A civilian physician, Dr. Sidel says, has an "ethical imperative," stemming directly from the ethical traditions of medicine and from the concept of complicity developed at the Nuremberg Tribunal. "If the physician knows of any unethical activities of other physicians—for example, developing chemical-biological weapons or using medicine for psychological warfare—even if those activities are being performed under the aegis of his government, it is not only his right but his clear duty to make these activities as widely known as he can and to protest against them. In the long run, everyone will gain from this—his profession, his nation, and his species—even though in the short run, the physician himself may suffer from his protests."

Can biological warfare be made off limits to governments—our own and everybody else's—as well as to doctors and other private citizens? A year ago it would have seemed unlikely, but perhaps times have changed.

At the disarmament talks in Geneva, Britain has just proposed a new treaty that would ban production and possession of biological weapons as well as their use. Nixon and Kosygin have voiced interest. And even without any Russian reciprocity, the Senate Armed Services Committee has voted to eliminate all funds for lethal and incapacitating chemical and biological weapons from the U.S. military budget. But cash outlay is one indication of national priorities, and the billions already spent on biological weapons are hardly outweighed by the investment in biological disarmament—which so far consists mainly of Ivan Bennett's plane fare to Geneva.

As a social institution, war is not yet quite ready to follow slavery and human sacrifice onto the list of discarded behavior patterns that no one can any longer regard as part of some unchanging "human nature." But physicians like Drs. Sidel, Novick, Jonas, and Bennett hope that this particular kind of war can be ruled out before it is tried. One Swedish suggestion: Internationalize the entire microbiological profession into an intelligence network with universal diplomatic immunity.

Says Dr. Bennett: "I think things will be-

gin to move. The time is ripe to do something. The problem is to get biological weapons banned by all nations, not by just the U.S. But I do think we are one step further along the way to what we are all after—general disarmament in biological weapons."

The amendment is as follows:

AMENDMENT No. 117

At the end of the bill add a new section as follows:

"SEC. 402. None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, or disposal of any chemical or biological weapon unless the Surgeon General of the Public Health Service determines that such testing, development, transportation, or disposal will not present a hazard to the public health."

Mr. HATFIELD. Mr. President, the mid-July mishap in Okinawa, with the hospitalization of 24 persons exposed to nerve gas in its accidental release, brought to mind the urgency of control of chemical and biological weapons at home and abroad. Last year, reported fatalities from testing were limited in the United States to a flock of 6,400 sheep near the testing site in Utah. This year, it was only loudly voiced repercussions that prevented harm being brought to ocean life and water resources in the halt of disposal of 27,000 tons of chemical and biological agents off the coast of New Jersey. The dangers in testing of CBW agents are indeed grave, and continuation must be carefully weighed against the necessity and desirability of maintaining a CBW arsenal.

Chemical and biological weapons seem to be neither feasible, strategic, tactical, or humanitarian weapons. While the need to be aware and updated on developments in the area is realized, I am firmly of the opinion that our stockpiling efforts should be reduced and research limited to a possible defense against the agents.

It has been estimated that the damage chemical and biological weapons could yield could easily surpass that of nuclear bombs in destroying civilian populations. It is even believed that the ecological effects would exceed those disastrous damages that have been attributed to capabilities of nuclear fallout.

The Army recently told Congress that \$350 million is spent annually on CBW research in its various phases—that is, for the development of means of disseminating germs, viruses, and nerve gas to destroy or incapacitate populations. At the same time, Congress is being told of the need for funding and programs to build strong minds and bodies within our Nation and to improve the conditions of our people. In light of these demands for crippling and creative programs, the priorities should be obvious; but only after the problems are recognized can they be given broader evaluation.

Therefore, it is with encouragement that I view the introduction today of several amendments to S. 2546, the military procurement bill, relating specifically to matters of testing, development, and international cooperation with chemical and biological agents. The aim of the amendments is to stimulate needed discussion and to establish a viable military policy for this area of question.

AMENDMENTS NOS. 118 THROUGH 120
CONGRESS NEEDS MORE INFORMATION ON CBW

Mr. HARTKE. Mr. President, the mysteries which surround our chemical and biological warfare program have served to compound and to amplify public doubts and fears about CBW. In the belief that better public information will prevent CBW from developing into a dangerous emotional issue, I am introducing three amendments designed to provide a more complete disclosure of the scope and purposes of our CBW program.

My first amendment will require the Secretary of Defense to furnish semi-annual reports to the Congress on the size and nature of various aspects of our CBW program. Such information is not readily available to the Congress at the present time. A reporting amendment of this nature is listed in a May 1969 Labor and Public Welfare Committee report as one possible approach to reducing the threat and danger of CBW. A similar amendment, introduced by Senator Clark, passed the Senate last year, but was deleted in conference. Since that time, it should have become clear to all of us that CBW deserves closer congressional attention and that the Congress deserves broader access to CBW information.

My second amendment will explicitly prohibit "back door" spending for the purposes of CBW. Informed private estimates point to an expenditure of funds for CBW far in excess of official statements from the Defense Department. Representative RICHARD D. McCARTHY has also cast doubts on official Pentagon expenditure reports. He noted that a McGraw-Hill investment newsletter has stated that Edgewood Arsenal, only one of our CBW centers, will spend about \$420 million in 1969 for CBW materials, more than \$100 million above the total official program figure of \$300 million.

We are all too familiar with the technique of hiding unpopular program expenditures in the unnoticed budgets of unsuspected agencies—a \$1.2 billion authorization request for ABM warhead development was hidden in the AEC budget for a while this spring. Similar practices may characterize our CBW program as well. The Public Health Service, ironically enough, has a record of close cooperation with the Army's chemical warfare program. In 1960, for example, the PHS received more than \$380,000 in Army funds to bolster ongoing projects in fields in which it has an independent interest. According to a PHS spokesman, the annual transfer of funds measures only a fraction of the real cooperation between the two agencies. My second amendment would make sure that this questionable cooperation would not involve a similar transfer of funds in the opposite direction.

My third amendment was drafted in response to growing public fears about rail shipment of lethal chemical and biological weapons. As chairman of the Surface Transportation Subcommittee of the Commerce Committee, I have become acutely aware of the need to provide maximum safety precautions in the shipment of hazardous materials. My amendment will give the Congress and

the civilian agencies advance notice of such shipments, will require strict adherence to established safety standards, and will require detoxification of lethal chemical and biological agents prior to shipment for disposal whenever practicable. In addition to the need for more adequate disclosures with regard to CBW, this amendment deals with the substantive problem of safety. Reports of a casual official attitude toward safety standards make restatement of these standards necessary. And a growing consensus that onsite detoxification is the safest, if not the fastest, way to dispose of unneeded CBW agents, has prompted the other restriction expressed in subsection (b) of this amendment.

Mr. President, my three amendments are modest in appearance, but they can be far reaching in their consequences.

A more complete disclosure of information is little to ask—and in our CBW program, which has never quite emerged from the wartime secrecy of the forties, it is long overdue. In the hope that congressional doubts will be answered, and in the belief that public fears should be eased, I submit these three amendments to the pending military-procurement bill.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

AMENDMENT NO. 121

Mr. PELL. Mr. President, as chairman of the Subcommittee on Ocean Space of the Committee on Foreign Relations, I have twice in recent months risen to discuss the international legal implications of the transportation and disposal of obsolete chemical weapons outside of the continental United States. Since that time the attention of the Senate has been brought to another question of equal significance for international law, the disclosure that the United States has been providing nerve gas to West Germany without notifying the Western European Union as required by the Final Act of the Nine Power Conference held in London, September 28, through October 3, 1954. Those events form the backdrop for the amendment which I would like to discuss at this time.

As I have mentioned in my previous floor statements, the dumping of obsolete, but still lethal, chemical weapons beyond our territorial boundaries could be regarded not only an expression of de facto jurisdiction over a portion of the seabed contrary to what the United States has espoused at the United Nations, but, as unilateral actions, those dumpings were most likely violations of the Geneva Convention on the High Seas which requires all states to cooperate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from activities with harmful agents such as lethal chemicals.

In 1954 the United States signed the final act of the Nine Power Conference held in London and agreed that it "would notify the Brussels Treaty Organization of the military aid to be distributed to the continental members of

that Organization." The past shipments of nerve gas to West Germany without the agreed upon notification not only may have put the United States in violation of the 1954 protocol, but also, West Germany's storage of that gas may have left it in violation of the protocol's provisions restricting the stockpiling of chemical and biological weapons.

At a time when the United States is faced with criticism for its use of tear gas and defoliants in Vietnam and its failure to ratify the 1925 Geneva Protocol forbidding the use of chemical and biological weapons, I find it particularly unfortunate that the United States has left itself open for further criticism by its apparent disregard of its international obligations with regard to chemical and biological weapons.

For the United States to have dumped pollutants into the Atlantic Ocean after having cosponsored a motion adopted by the U.N. General Assembly stating that "In the use of the deep ocean floor States shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical process and balances; (and) shall provide timely announcement of any marine activity that could harmfully interfere with the activities of any other State in the exploration and use of the deep ocean floor," and for the United States to be furnishing nerve gas to West Germany while the 18-Nation Disarmament Conference is considering a proposal by Britain to control chemical and biological weapons programs, would seem to me to be a contradiction of the position the United States presented to the United Nations and a demonstration of lack of faith in the efforts being made in Geneva at the disarmament conference.

If the two events which I have discussed are not disturbing enough, there are reports of other incidents which also have international legal implications.

The United States furnishes nerve gas to a number of allied countries under various arms agreements. A question has arisen whether the United States is permitted to ship VX nerve gas to other nations without the consent of the British who invented it and allow the United States only to manufacture it under special license.

Rear Adm. R. W. Goehring, Chief of Operations of the U.S. Coast Guard, told the House Subcommittee on International Organizations and Movements in June that at least 50 people at the Coast Guard Station at Peale Island in the Pacific had to be removed from that island in April of 1968 after they were struck ill by an airborne toxic irritant. In the surrounding waters dead marine life was observed. Gas masks were used on the island until the wind shifted 3 days later. The subcommittee said it had a report that gas was dumped off the island sometime after World War II. I would note at this point that the Geneva Convention on the High Seas includes pollution of the air above the seas.

There has also been a report in the press that the U.S. Army has been conducting nerve gas tests on an Hawaiian island and tests with bacterial toxins in Micronesia. I would question whether

countries whose fishermen might be near those islands have been apprised of the possible dangers of fishing in the surrounding waters.

The existence of the disturbing questions which I have raised may be in part explained by a consideration of the recent hearings held by the House Subcommittee on International Organizations and Movements on the Department of Army's most recent plan to dump obsolete chemical weapons in the Atlantic Ocean.

After Brig. Gen. James A. Hebbeler of the Department of the Army told the subcommittee that previous to the planned dumping being discussed there has been three other dumpings of obsolete chemical weapons and nine dumpings of other weapons into the ocean, John S. Leahy, Office of the Assistant Secretary of State had for Congressional Relations, told the committee that the Department of State had not become aware of the dumpings until 2 days before the House hearings.

Mr. Leahy's statement was confirmed 2 days later by Mr. Herman Pollack, Director of International Scientific and Technological Affairs of the Department of State, when he told the subcommittee that for the 2 years that he has been director, he had not been apprised of the dumpings. The subcommittee also learned that the Department of State was not notified about the 13th planned dumping until after the decision had been made to send the trains to New Jersey.

The Department of State testified that there were at least 18 treaties and international agreements signed by the United States which should have been considered before the Defense Department undertook to dispose CBW materials outside of the continental United States. I ask unanimous consent to insert that list in the RECORD. Included in that list is article 25 of the Geneva Convention on the High Seas to which, as I mentioned earlier in my statement, particularly close attention should have been given.

As one person who believes the United States should strictly adhere to its international agreements, I am surprised at the negligence of the Defense Department in not providing proper consideration of those agreements in consultation with the Department of State.

Perhaps the Defense Department's action or, rather no action, is understandable in the light of their attitude toward an agreement on a national CBW policy which was circulated within the executive branch last January. It is reported that, as a result of conversations originating from 1963 among representatives from the Department of Defense, the Department of State, and the Arms Control and Disarmament Agency, a proposed national policy was developed which would have prohibited the first use of chemical and biological weapons, with the exception of herbicides and tear gas, and would have required Presidential authorization for the combat use of chemical and biological weapons. Each of the executive agencies approved the proposed statement except the Department of Defense.

Another telling example of the Defense Department's attitude toward the State Department's concern with the CBW program is revealed, in what I understand is the Defense Department's reported recent refusal of the State Department's request to delay, until the new CBW study is completed, the shipment of 40 kilos of nerve gas to West Germany.

The Department of State has the responsibility and authority for the interpretation of international agreements to which the United States has subscribed. Past events have suggested that the Department of Defense believes that the Department of State's responsibility is extraneous to its movement and disposal of chemical weapons outside of the continental United States.

The Defense Department's independent action within the executive branch in the disposal of chemical weapons in the oceans and in the provisions of nerve gas to West Germany have resulted in a needless disregard of American international obligations and unnecessary embarrassment for the United States abroad.

I believe it is time that the Department of State and the Department of Defense assume and fulfill their appropriate and separate responsibilities.

There must be one policy within the executive branch with regard to chemical and biological weapons based upon existing international agreements and canons of international law. This coordination will not be possible if the Department of Defense does not recognize the responsibility of the Department of State for interpreting the international obligations of the United States.

I offer an amendment today which, I believe, will insure the proper consideration within the executive branch, of American obligations abroad in the provision, disposal, transportation, and testing of chemical and biological weapons outside of the continental United States.

As undesirable an increment in the arms race as I find the chemical and biological weapons program, I do not offer an amendment to reduce the authorization for that program. I simply offer a moderate amendment asking for the proper consideration for our international responsibilities when elements of that program require the disposal, or movement of chemical and biological weapons outside of the United States.

My amendment would require that the Secretary of States' determinations be reported to the Committee on Foreign Relations in order that the committee will be assured that the United States is fulfilling its obligations under the Geneva Convention on the High Seas and under the other treaties and agreements which have a bearing on chemical and biological weapons. It is also important that the Foreign Relations Committee knows which of our allies are receiving offensive or defensive CBW materials under the various arms agreements if the Foreign Relations Committee is to be able to judge accurately the arms balance in the world. I would also like to say regarding this point that I believe it would be more desirable for the Foreign Relations Committee to be receiving that information on a confidential

basis from the executive branch than it would be if the committee was receiving such information, as it has in the past, as a result of exposés by the communication media.

The amendment would also require the Secretary of State to report his determinations to the appropriate international organs if agreements to which the United States have supported demand such notifications. Examples would include notification to the North Atlantic Treaty Organization when the United States furnishes nerve gas to West Germany, and notification of such international organs as the U.N. Inter-Governmental Maritime Consultative Organization and the U.N. Oceanographic Commission, in the instance of the dumping of obsolete chemical weapons in the ocean.

The evidence is clear that there has been inadequate consideration within the executive branch of international responsibilities with regard to chemical and biological weapons. The handling of chemical and biological weapons outside of the continental United States presents serious implications for world peace and understanding. I believe the passage of the amendment I propose is necessary if the United States is to maintain respect abroad as a nation which upholds its international obligations.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of treaties and other international agreements containing antipollution provisions to which the United States is a party.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the document will be printed in the RECORD.

The list, presented by Mr. PELL, is as follows:

LIST OF TREATIES AND OTHER INTERNATIONAL AGREEMENTS CONTAINING ANTI-POLLUTION PROVISIONS¹ TO WHICH THE UNITED STATES IS A PARTY

International convention for the prevention of pollution of the sea by oil, done at London May 12, 1954, as amended April 11, 1962.

12 UST 2989; TIAS 4900.

17 UST 1523; TIAS 6109 (amendments).

(Convention sets up prohibited zones around the coasts of all countries into which ships of Governments parties to the convention are prohibited from discharging oil or oily wastes.)

Convention on the high seas, done at Geneva April 29, 1958.

13 UST 2312; TIAS 5200.

(Art. 24 requires States parties to draw up regulations to prevent pollution of the seas by discharge of oil from ships or pipelines or resulting from exploitation and exploration of seabed and its subsoil. Art. 25 requires parties to prevent pollution of seas from dumping of radio-active waste and to cooperate with international organizations in measures for preventing pollution of seas or airspace above, resulting from activities with radio-active or other harmful agents.)

Convention on the Continental Shelf, done at Geneva April 29, 1958.

¹ This list does not include general provisions of Treaties bearing upon uses of the seas, such as Article 2 of the Convention on the High Seas, or rules of Customary International Law which may be relevant.

15 UST 471; TIAS 5578.

(Art. 5, par. 7, requires a coastal State party to undertake, in the safety zones around installations and devices for exploiting and exploring natural resources on its Continental Shelf, all appropriate measures for the protection of the living resources of the sea from harmful agents.)

The Antarctic Treaty done at Washington December 1, 1959.

12 UST 794; TIAS 4780.

(Art. V prohibits nuclear explosions in Antarctica and the disposal there of radioactive waste material.)

Interim guidelines for conservation of fauna and flora, adopted as Recommendation, III-IX under the Antarctic Treaty at Brussels June 2-13, 1964.

17 UST 991; TIAS 6058.

(Provides that each participating Government shall, to the extent feasible, take all reasonable measures towards the alleviation of pollution of the waters adjacent to the coast and ice shelves.)

The treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, done at Moscow August 5, 1963.

14 UST 1313; TIAS 5433.

(Art. I prohibits any nuclear explosion in the atmosphere, outer space or under water and in any other environment if it causes radio-active debris outside its territorial limits.)

Treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other bodies, done at Washington, London and Moscow January 27, 1967.

18 UST 2410; TIAS 6347.

(Art. IX requires States parties to avoid harmfully contaminating Outer Space and adversely changing the environment of the earth by introducing extraterrestrial matter.)

Convention on International Civil Aviation, done at Chicago, December 7, 1944.

61 Stat. 1180; TIAS 1591.

(Art. 12 requires contracting States to adopt measures to insure that every aircraft carrying its nationality mark shall comply with rules of the air in force wherever it is. It requires each State to keep its own regulations uniform, to the greatest possible extent, with those established under the Convention, and declares that over the high seas, the rules in force are those established under the Convention. Annex 2 (Rules of the Air) established under the Convention provides in Chapter 3, paragraph 3.1.4 that "Nothing shall be dropped or sprayed from an aircraft in flight except under conditions prescribed by the appropriate authority.")

International sanitary regulations, adopted at Geneva May 25, 1951.

7 UST 2255; TIAS 3625.

(Art. 31 provides that no matter capable of causing any epidemic disease shall be thrown or allowed to fall from an aircraft when it is in flight.)

Treaty relating to boundary waters and questions arising along the boundary between the U.S. and Canada, signed at Washington, January 11, 1909.

36 Stat. 2448; TS 548; III Redmond 2607.

(Art. IV provides that the boundary and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other. The International Joint Commission has made a number of recommendations to carry out the provisions of Art. IV of the Boundary Waters Treaty that have been approved by the U.S. and Canada. See "Documents on the Use and Control of the Waters of Interstate and International Streams", H. Doc. 319, 90th Cong., 2d sess., pp. 391-393.)

Convention between the U.S. and Canada concerning operation of smelter at Trail, British Columbia, signed at Ottawa April 15, 1935.

49 Stat. 3245; TS 893; IV Trenwith 5009.

(Provided for payment by Canada to U.S. of \$350,000 in damages caused prior to 1932 by fumes discharged from the smelter of the Consolidated Mining and Smelting Co. at Trail, British Columbia, to property in the State of Washington, in accordance with finding of International Joint Commission pursuant to Art. IX of 1909 Boundary Waters Treaty; submitted to arbitration the U.S. claim of damages after January 1, 1932.)

Convention between the U.S. and Mexico to facilitate the carrying out of the principles contained in the treaty of November 12, 1884, and to avoid the difficulties occasioned by changes which take place in the beds of the Rio Grande and Colorado River, signed at Washington March 1, 1899.

26 Stat. 1512; TS 232; I Malloy 1167.

(Establishes the International Boundary Commission to decide all questions and differences growing out of changes in the rivers, works constructed therein, or any other cause affecting the boundary.)

Treaty between the U.S. and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944.

59 Stat. 1219; TS 994; 3 UNTS 313.

(Renames the Commission as the International Boundary and Water Commission, with a U.S. Section and Mexican Section, and with additional powers and duties. Art. 3 provides that in making provision for joint use of international waters, the Commission shall be guided by the following order of preferences: 1. domestic and municipal uses; 2. agriculture and stockraising; 3. electric power; 4. industrial uses; 5. navigation; 6. fishing and hunting; 7. any other beneficial uses. All of the foregoing uses "shall be subject to any sanitary measures or works which may be mutually agreed upon by the two Governments, which hereby agree to give preferential attention to the solution of all border sanitation problems".)

Recommendations of the International Boundary and Water Commission to improve the quality of water reaching Morelos Dam in Mexico from the U.S., approved by the Presidents of the U.S. and Mexico on March 22, 1965.

52 Dept. of State Bulletin 556 (1965).

(Construction of a drain to permit control of the salinity of water impounded by and diverted from Morelos Dam for irrigation purposes.)

Isthmian canal convention between the U.S. and Panama, signed at Washington November 18, 1903.

33 Stat. 2234; TS 431; II Malloy 1349.

(Under Art. IV Panama grants to the U.S. in perpetuity the right to use the rivers, streams and other water for navigation, water supply, and for maintenance, operation, sanitation and protection of the Canal.)

General treaty of friendship and cooperation between the U.S. and Panama, signed at Washington March 2, 1936.

53 Stat. 1807; TS 945.

(Art. I declares that the 1903 Convention contemplates use, occupation and control by the U.S. of the Canal Zone and additional lands and waters under U.S. jurisdiction for the purposes of "efficient maintenance, operation, sanitation and protection of the Canal and its auxiliary works.")

Agreement for enlargement and use by Canal Zone of sewerage facilities in Colón Free Zone Area, concluded by exchange of notes at Panama March 8 and 25, 1954.

5 UST 782; TIAS 2966.

(Facilities to be constructed at U.S. expense; to be owned by Panama, subject to continuous use by U.S.)

Agreements between the U.S. and other countries providing for desalination studies or projects:

Israel: October 14, 1964 (not printed).

Mexico and the International Atomic Energy Agency: October 7, 1965 (16 UST 1252; TIAS 5874).

Saudi Arabia: November 11 and 19, 1965 (16 UST 1952; TIAS 5932).

Spain: June 25, 1968 (TIAS 6514).

U.S.S.R.: November 18, 1964 (15 UST 2146; TIAS 5697) extended to November 18, 1968 (17 UST 2310; TIAS 6174).

Agreement between the United States and the Union of Soviet Socialist Republics, signed at Washington, February 13, 1967, as amended and extended by the agreement of January 31, 1969:

18 UST 190; TIAS 6218; TIAS 6636.

(Paragraph 7 provides: "Both Governments will take appropriate measures to ensure that, to the extent practicable, waste materials are discharged at sea only in waters deeper than 1000 meters.")

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period July 1968 to April 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements made in the medical care cost accounting system of the Veterans' Administration, dated August 5, 1969 (with an accompanying report); to the Committee on Government Operations.

RETROCESSION OF JURISDICTION OVER LANDS WITHIN THE BOUNDARIES OF THE BROOKHAVEN NATIONAL LABORATORY

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to retrocede to the State of New York exclusive jurisdiction held by the United States over part of the lands within the boundaries of the Brookhaven National Laboratory of the U.S. Atomic Energy Commission (with accompanying papers); to the Joint Commission on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION 29

"Assembly joint resolution relative to payments to members of the Philippine Scouts

"Whereas, Legislation has been introduced in the Congress of the United States to provide adequate benefits for members and survivors of the Philippine Scouts; and

"Whereas, The battlefields of Bataan and Corregidor are living testimony to the contributions made by the members of the Philippine Scouts during World War II; and

"Whereas, The Philippine Scouts was established in 1901 as part of the United States Army after valiantly serving the Army as guides and as fighting men; and

"Whereas, In World War II, members of the Philippine Scouts were permitted to and did enlist in the United States Army, and served hand in hand with the American soldiers in the fight to repulse the common enemy; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the

Legislature of the State of California supports legislation to provide adequate benefits for members and survivors of the Philippine Scouts, and urges Congress to enact such legislation; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION 54

"Assembly Joint Resolution relative to flood control projects

"Whereas, During the months of January and February 1969, Fresno County and counties adjacent thereto experienced record rainfall which produced extremely severe foothill surface runoff into a number of streams which ultimately run through the Fresno-Clovis metropolitan area as well as other urban and farming areas of the County of Fresno and urban and agricultural areas in adjacent counties; and

"Whereas, Such streams are largely uncontrolled and do not have the capacity to hold back the surface runoff generated from a heavy rainfall, as the past winter has demonstrated; and

"Whereas, The nature of this flooding from the foothill surface runoff cannot be handled by planned local drainage facilities of the Fresno Metropolitan Flood Control District encompassing the Fresno-Clovis metropolitan area for the reason that such facilities are designed strictly for local surface runoff generated solely by urban development; and

"Whereas, The President of the United States has declared Fresno County a disaster area by reason of the severity of the flooding and the resulting damage; and

"Whereas, It is necessary that dams and other facilities be constructed upon the various foothill streams and tributaries running into the San Joaquin Valley in order to control such floodwaters during the periods of extreme rainfall and to prevent floodwaters from damaging the rural, urban and metropolitan areas through which these streams and tributaries run; and

"Whereas, The construction of dams and other facilities upon streams and tributaries, particularly Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as San Joaquin-Kings River Interstream Group, will require coordination, administering and financing of studies and the design and construction of dams and facilities exceeding the financial and administrative capabilities of the many rural, urban and metropolitan areas involved; and

"Whereas, The United States, particularly through the U.S. Army Corps of Engineers, has the means and ability to assist in the study, design and construction of necessary dams and facilities to prevent future disastrous floods of the kind which have been experienced in the past, particularly during the months of January and February 1969; and

"Whereas, It is necessary that immediate steps be taken to secure the necessary Congressional appropriations required in order to permit the Corps of Army Engineers to undertake a study of this problem and the facilities which will be required in order to prevent further disastrous floods in the future; and

"Whereas, It is desired that this study in particular be immediately made with reference to the foothill area between the San Joaquin River and the Kings River; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the

Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make an appropriation for the purpose of allowing the U.S. Army Corps of Engineers to make an immediate study of the foothill area between the Kings River and the San Joaquin River, which study will include the need for flood control projects on Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as the San Joaquin-Kings River Interstream Group, together with the dams and flood control facilities required, the design criteria therefor, and the cost of these facilities; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States; to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Bureau of Reclamation, and to the U.S. Army Corps of Engineers."

A resolution adopted by the Town Board of Orangetown, Rockland County, N.Y., praying for the continuance of tax exemption of bonds of local governments; to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments: H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes (Rept. No. 91-340).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Albert A. Gammal, Jr., of Massachusetts, for appointment as U.S. marshal for the district of Massachusetts.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. PROUTY (for himself, Mr. BAKER, Mr. BOGGS, Mr. COOPER, Mr. COTTON, Mr. DIRKSEN, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GOODELL, Mr. GURNEY, Mr. HANSEN, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN, Mr. MATHIAS, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. PEARSON, Mr. PERCY, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH, Mr. STEVENS, Mr. THURMOND, and Mr. TOWER):

S. 2769. A bill to provide an incentive for private employers to provide job training programs, including programs for individuals lacking skill or training necessary for steady employment, by allowing an income tax credit for the expenses of such programs; to the Committee on Finance.

(The remarks of Mr. PROUTY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DIRKSEN:

S. 2770. A bill to permit certain agricultural publications to be sent as second-class mail; to the Committee on Post Office and Civil Service.

By Mr. MURPHY:

S. 2771. A bill to amend title 10 of the United States Code to provide for additional nominations by Members of Congress of persons for appointment to the service academies by the secretaries of the military departments; to the Committee on Armed Services.

By Mr. LONG:

S. 2772. A bill relating to the election of a taxpayer to change from the accrual to the installment basis of accounting for income tax purposes; to the Committee on Finance.

(The remarks of Mr. LONG when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HOLLAND:

S. 2773. A bill to amend the Internal Revenue Code of 1954 to require the capitalization of certain costs incurred in planting and developing citrus groves; to the Committee on Finance.

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 2774. A bill to amend title III of the National Housing Act to authorize the Government National Mortgage Association to guarantee obligations issued by State agencies to finance low- and moderate-income housing; to the Committee on Banking and Currency.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MONDALE:

S. 2775. A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Rumania; to the Committee on Finance.

(The remarks of Mr. MONDALE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DODD:

S. 2776. A bill for the relief of Miss Sonia Zapp; and

S. 2777. A bill for the relief of Francesco P. Paonessa; to the Committee on the Judiciary.

By Mr. LONG:

S. 2778. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Finance.

(The remarks of Mr. LONG when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SCOTT:

S. 2779. A bill for the relief of Paolo Falcetta, his wife, Salvatrice Falcetta, and their daughter, Brigida Falcetta; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 2780. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

S. 2781. A bill to remove the \$10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Armed Services.

S. 2782. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Finance.

(The remarks of Mr. MURPHY when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. McCLELLAN:

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

(The remarks of Mr. McCLELLAN when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S.J. Res. 144. Joint resolution to provide for the appropriation of fund to assist school districts adjoining or in the proximity of Indian Reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. ANDERSON when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 2769—INTRODUCTION OF HUMAN INVESTMENT ACT OF 1969

Mr. PROUTY. Mr. President, on behalf of myself, Mr. BAKER, Mr. BOGGS, Mr. COOPER, Mr. COTTON, Mr. DIRKSEN, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GOODELL, Mr. GURNEY, Mr. HANSEN, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN, Mr. MATHIAS, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. PEARSON, Mr. PERCY, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH, Mr. STEVENS, Mr. THURMOND, and Mr. TOWER, I introduce for appropriate reference the Human Investment Act of 1969.

I ask unanimous consent that the bill and a background and summary of the measure be printed at the end of my remarks.

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

Mr. PROUTY. Mr. President, the bill I introduce today with 28 of my distinguished colleagues represents another phase in the evolution of the tax-credit-for-manpower-training concept first advanced legislatively in a measure I introduced on February 17, 1965. Since then I and others have sought continually to review and revise this tax-incentive concept.

While the Human Investment Act has changed over the years, one thing that has sadly remained constant is our Nation's manpower dilemma: unemployment and underemployment paradoxically coexisting with widespread job vacancies.

The stimulus for the Human Investment Act was the Investment Tax Credit in 1962. I thought "if you can stimulate capital expenditure with a tax credit, why can you not stimulate skill training with a similar incentive?"

I was not alone in this thinking or in my insistence that the Nation's most important capital is its human capital—the skills, experience, and security of its working men and women. I was privileged to receive broad support from my colleagues for a series of legislative proposals stemming from my initial inquiry. Again today I am grateful for their support.

These Human Investment Acts were based on the skill-ladder concept of upgrading training. Under these measures a 10-percent tax credit with an upward limit would be allowed for certain definable training expenses. It was the intent

of these proposals to advance all workers up the skill ladder, thus opening vacancies at the bottom of the ladder for the unskilled and unemployed.

My continuing study of the Nation's manpower dilemma indicates that labor as a factor of production is not homogeneous. Our highly industrialized society requires manpower with particular and diverse skills. A study of the occupational distribution of the labor force reflects the demands for particular skills as well as a shortage of these skills.

In short, changing manpower requirements have created a need for better trained manpower. Workers with low-level skills and workers with inadequate educational preparation are finding it increasingly difficult to find employment. Some workers, who not long ago could have qualified for simple repetitive and routine jobs, now find these jobs are the very ones easily taken over by electronically controlled machines.

Workers with less education and inadequate training are feeling the effects of current technological improvements more than those with high levels of education. The unskilled worker has become a handicapped worker in the truest sense. In too many instances the barriers created by our technology preclude individuals from any meaningful role in our economy.

If an individual is unable to find a job, his ideas and attitudes may become twisted. He may develop grievances against the society which has no place for him. Further more, many of these people have no clear understanding of their talents, abilities, shortcomings, or how to go about getting a job. All too frequently they have not even had the chance to develop acceptable work habits.

This lack of homogeneity in the labor factor and the social problems attendant with periods of unemployment led me to revise my Human Investment Act.

It became apparent that while the skill ladder concept of upgrade training remains valid, the challenges of ascending rungs on the skill ladder are not equal for all rungs. The first rung is the most difficult for the unskilled. Accordingly, I have made provision in this latest version of the Human Investment Act for a 20-percent tax credit for certain training and supportive service expenses for the "certified" hardcore unemployed and unskilled individual.

Under the provisions of this measure, individuals who lack the skills, education, or job experience necessary for steady and remunerative employment and meet such other criteria as the Secretary of Labor may require will be certified through the local office of the State Employment Service Agency. An employer, who subsequently hires this individual for training will receive a tax credit of 20 percent for certain allowable training expenses for a maximum period of 1 year. Following this period an employer can receive a tax credit at the 10-percent rate for any further upgrade training provided the individual.

There is one important distinction between the two tax credit tiers. During the first year of training of a certified

employee, the 20-percent tax credit rate would also apply to the costs of supportive services such as counseling, remedial education, and prevocational training incurred by the employer to enable employees to become full productive employees. This follows the National Alliance of Businessmen's JOBS program, which recognizes that in the case of the hardcore unemployed more than job training alone is required to bring a man, long outside our economy, into a position of meaningful employment and opportunity.

As I am indebted to the JOBS program for its success and example, I also should credit the Kerner Commission report for its certification recommendation.

However, while I tentatively call such card an "Opportunity Certificate" this euphemism does not totally overcome my hesitance to advocate a device which might tend to segregate certified from noncertified employed.

The bill I introduce today proposes that the Secretary of Labor administer the certification. Perhaps in subsequent hearings and deliberations on this measure, we can provide whatever further legislative safeguards are necessary to insure that certification is a confidential form of identification rather than a painful token of discrimination.

As I am indebted to the JOBS program, I am likewise grateful to the example of the institutional and on-the-job training segments under the Manpower Development and Training Act of 1962, of which I was one of the original sponsors and strong supporters.

The institutional and on-the-job training segments of the NDTA and the JOBS program are the three most successful manpower programs in terms of completion and placement rates and in giving the type of training which permits recipients to continue or find employment in private enterprise after Federal financial assistance has been withdrawn.

The Human Investment Act borrows heavily from these programs and responds with a two-tier tax credit formula to two problems: One, meeting our advancing technology with expanded upgrade training; and two, meeting the needs of the hardcore unemployed with meaningful training, counseling and education programs by employers who have jobs available.

I do not envision the 20-percent tax credit for training expenses for the certified employee to be an exclusive alternative to our existing manpower training programs.

I see it as an additional alternative particularly geared to the smaller or isolated employers who with a minimum of bureaucracy and delay seek to hire and train the heretofore unemployable individual.

Under this proposal any employer could hire an individual and proceed immediately with a training program adhering to the definitions of allowable training expenses.

Simultaneously throughout the Nation employers would be stimulated under the 10-percent tax credit provisions for non-certified employees to expand their

upgrade training programs. Thus, as semiskilled jobs slots and unskilled workers are trained to fill semiskilled slots, further job opportunities are opened below for the unskilled.

An employer can seek to hire and train the unemployed for these slots with either the impetus of manpower programs now underway or the 20-percent tax credit incentive for certified employees incorporated in this measure.

Those of my colleagues familiar with previous versions of the Human Investment Act will note other changes in this latest version of the measure.

I have proposed that the two-tier tax credit for certain allowable training expenses be limited to 5 tax years. Thus, if this proposal is enacted, the tax credit would not be open ended. Rather, it would require Congress to evaluate and deliberate on its efficacy and choose to continue or not to continue its provisions.

The measure I introduce today also requires the Secretary of Labor to report annually to the Congress on the manpower and revenue effects of the tax credit. Consequently the Congress will be kept fully and currently informed on the impact of this act on the Nation's economic and manpower needs and problems.

As I said at the opening of my remarks this latest Human Investment Act is another phase in the evolution of the tax credit for manpower training concept. It is not the culmination of my efforts but another step in my search for the most efficient and expeditious means of responding to the cruel dilemma of structural unemployment.

The bill (S. 2769) to provide an incentive for private employers to provide job training programs, including programs for individuals lacking skill or training necessary for steady employment, by allowing an income tax credit for the expenses of such programs, introduced by Mr. PROUTY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Investment Act of 1969".

PURPOSE

SEC. 2. It is the purpose of this Act to provide an incentive for private enterprise—

- (1) to train and employ presently unemployed individuals lacking needed job skills and to provide new job opportunities for individuals presently employed by upgrading their job skills, and
- (2) in particular, to train and employ individuals whose lack of skill, training, education, or experience acts as a barrier to steady and remunerative employment.

TITLE I—CERTIFICATION OF INDIVIDUALS BY SECRETARY OF LABOR
DEFINITIONS

SEC. 101. For purposes of this title—

- (a) The term "Secretary" means the Secretary of Labor.
- (b) The term "subpart C" means subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (as added by title II of this Act).

ISSUANCE OF OPPORTUNITY CERTIFICATES

SEC. 102. (a) The Secretary shall issue an opportunity certificate to each individual who makes written application therefor, if he determines that—

(1) the skill, training, education, or job experience of such individual is below that normally required to maintain steady and remunerative employment, and

(2) such individual meets such other criteria as the Secretary may prescribe as necessary to carry out the purposes of this title and of subpart C.

(b) An opportunity certificate issued under subsection (a) shall expire at the end of three years after the date of issuance. For purposes of subpart C, an opportunity certificate shall be effective with respect to periods of employment not exceeding a total of twelve months during the period prior to its expiration.

(c) An individual shall be eligible to be issued only one opportunity certificate.

ADMINISTRATION

SEC. 103. (a) The Secretary shall administer the provisions of section 102 through the United States Employment Service and such other offices and divisions of the Department of Labor as he determines desirable.

(b) The Secretary shall prescribe such rules and regulations as he determines necessary for purposes of this title, including rules and regulations prescribing—

(1) the form and contents of an opportunity certificate,

(2) the form and contents of an application for an opportunity certificate,

(3) the procedure for consideration of an application for an opportunity certificate, and

(4) the procedure for reconsideration and review of the Secretary's action in issuing or failing to issue an opportunity certificate to an individual applying therefor.

(c) The Secretary shall, from time to time, transmit to the Secretary of the Treasury information with respect to individuals to whom he has issued opportunity certificates under section 102.

REPORTS TO CONGRESS

SEC. 104. The Secretary shall submit to the Congress an annual report on the performance of his functions under this title. The first such report shall be made on or before November 15, 1970, and each subsequent report shall be made on or before November 15 of each year thereafter. Each such report shall contain an evaluation of the effectiveness of the provisions of this title and of subpart C in achieving the purposes set forth in section 2 of this Act. Each such report may also include such recommendations for further legislation as the Secretary deems advisable.

TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

ALLOWANCE OF TAX CREDIT

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as section 41, and by inserting after section 39 the following new section:

"SEC. 40. EXPENSES OF EMPLOYEE TRAINING PROGRAMS

"(a) GENERAL RULE.—In the case of taxable years beginning after December 31, 1968, and before January 1, 1974, there shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under subpart C of this part.

"(b) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart C."

(b) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by adding at the end thereof the following new subpart:

"Subpart C—Rules for Computing Credit for Expenses of Employee Training Programs

"Sec. 51. Amount of credit.

"Sec. 52. Definitions; special rules.

"SEC. 51. AMOUNT OF CREDIT

"(a) DETERMINATION OF AMOUNT.—

"(1) GENERAL RULE.—The amount of the credit allowed by section 40 for the taxable year shall be equal to the sum of—

"(A) 20 percent of the certified employee training expenses (as defined in section 52 (b)) paid or incurred during the taxable year, and

"(B) 10 percent of the noncertified employee training expenses (as defined in section 52 (c)) paid or incurred during the taxable year.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—Notwithstanding paragraph (1), the credit allowed by section 40 for the taxable year shall not exceed—

"(A) so much of the liability for the taxable year as does not exceed \$25,000, plus

"(B) 50 percent of so much of the liability for tax for the taxable year as exceeds \$25,000.

"(3) LIABILITY FOR TAX.—For purposes of paragraph (2), the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 35 (relating to partially tax exempt interest),

"(C) section 37 (relating to retirement income), and

"(D) section 38 (relating to investment in certain depreciable property).

For purposes of this paragraph, any tax imposed for the taxable year by section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

"(4) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return, the amount specified under subparagraphs (A) and (B) of paragraph (2) shall be \$12,500 in lieu of \$25,000. This paragraph shall not apply if the spouse of the taxpayer has no certified employee training expenses or noncertified employee training expenses for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(5) AFFILIATED GROUPS.—In the case of an affiliated group, the \$25,000 amount specified under subparagraphs (A) and (B) of paragraph (2) shall be reduced for each member of the group by apportioning \$25,000 among the members of such group in such manner as the Secretary or his delegate shall by regulation prescribe. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504 (b)).

"(b) Carryback and Carryover of Unused Credit.—

"(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (a) (1) for any taxable year exceeds the limitation provided by subsection (a) (2) for such taxable year (hereinafter in this subsection referred to as 'unused credit year'), such excess shall be—

"(A) an employee training credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) an employee training credit carryover to each of the 7 taxable years following the unused credit year, and shall be added to the amount allowable as a credit by section 40 for such years, except that such

excess may be a carryback only to a taxable year beginning after December 31, 1968. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried, and then to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) LIMITATION.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by subsection (a) (2) for such taxable year exceeds the sum of—

"(A) the credit allowable under subsection (a) (1) for such taxable year, and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"SEC. 52. DEFINITIONS; SPECIAL RULES.

"(a) Certified and Noncertified Employees.—For purposes of this section—

"(1) CERTIFIED EMPLOYEES.—The term 'certified employee' means any employee of the taxpayer to whom an opportunity certificate has been issued by the Secretary of Labor under section 102 of the Training and Employment Tax Incentive Act of 1969, but only with respect to periods of employment not exceeding a total of 12 months during the period commencing 3 months prior to the date of issuance of such certificate and ending on the date of expiration of such certificate.

"(2) NONCERTIFIED EMPLOYEE.—The term 'noncertified employee' means any employee of the taxpayer who, with respect to any period of employment, is not a certified employee within the meaning of paragraph (1).

"(b) Certified Employee Training Expenses.—For purposes of this subpart, the term 'certified employee training expenses' means the following expenses paid or incurred with respect to individuals who are certified employees:

"(1) the wages and salaries of employees who are apprentices in an apprenticeship program registered with a State apprenticeship agency of the Federal Bureau of Apprenticeship and Training;

"(2) the wages and salaries of employees who are enrolled in an on-the-job training program;

"(3) the wages and salaries of employees who are participating in a cooperative education program involving alternate and approximately equal periods of study and employment in cooperation with—

"(A) a school or college, or department or division of a school or college, which is certified by the United States Commissioner of Education to be an area vocational education school as defined in section 108(2) of the Vocational Education Act of 1963, or

"(B) a business or trade school, or technical institution or other technical or vocational school, which is certified by the United States Commissioner of Education to be a vocational school as defined in section 435(c) of the Higher Education Act of 1965;

"(4) tuition and course fees paid or incurred by the taxpayer to—

"(A) a school or college, or department or division of a school or college, which is certified by the United States Commissioner of Education to be an area vocational education school as defined in section 108(2) of the Vocational Education Act of 1963, or

"(B) a business or trade school, or technical institution or other technical or vocational school, which is certified by the United States Commissioner of Education to be a vocational school as defined in section 435(c) of the Higher Education Act of 1965, for instruction of an individual in job skills

necessary for and directly related to his employment by the taxpayer or his continued employment with the taxpayer in a position requiring additional job skills, and amounts paid or incurred by the taxpayer to any such individual in reimbursement for such tuition and fees paid by such individual;

"(5) expenses of the taxpayer for organized job training (including classroom instruction) provided by the taxpayer, including (but not limited to) expenses for the purchase or lease of books, testing and training materials, classroom equipment and related items, and instructors' fees and salaries, incurred in training any individual in job skills necessary for and directly related to an apprenticeship program or on-the-job training program;

"(6) expenses of the taxpayer for counseling, remedial education, and prevocational training (including, but not limited to, expenses for the purchase and lease of books, testing and training materials, classroom equipment and related items, and instructors' fees or salaries), incurred to enable employees to become fully productive employees;

"(7) expenses of the taxpayer for organized job training described in paragraph (5) or supportive services described in paragraph (6) provided by another taxpayer, but only to the extent the expenses of providing such instruction or services would, if provided by the taxpayer, constitute certified employee training expenses of the taxpayer under paragraph (5) or (6) of this subsection; and

"(8) expenses of the taxpayer for organized job training described in paragraph (5) or supportive services described in paragraph (6) provided by a business or trade association, joint labor-management apprenticeship committee, or other similar nonprofit association, group, trust fund, foundation, or institution for an employee of any taxpayer member of such association, committee, group, trust fund, foundation, or institution, but only to the extent the expenses of providing such instruction or services would, if provided by the taxpayer, constitute certified employee training expenses under paragraph (5) or (6) of this subsection.

"(C) NONCERTIFIED EMPLOYEE TRAINING EXPENSES.—For purposes of this subpart, the term 'noncertified employee training expenses' means the following expenses paid or incurred with respect to individuals who are noncertified employees:

"(1) the expenses described in paragraphs (1), (2), (3), and (4) of subsection (b);

"(2) home study course fees paid or incurred by the taxpayer to any home study school accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education for instruction of an individual in job skills necessary for and directly related to his employment by the taxpayer or his continued employment with the taxpayer in a position requiring additional job skills, and amounts paid or incurred by the taxpayer to any such individual in reimbursement for such individual;

"(3) expenses of the taxpayer for organized job training (including classroom instruction) provided by the taxpayer, including (but not limited to) expenses for the purchase or lease of books, testing and training materials, classroom equipment and related items, and instructors' fees and salaries, incurred in training any individual in job skills necessary for and directly related to his employment by the taxpayer or his continued employment with the taxpayer in a position requiring additional job skills;

"(4) expenses of the taxpayer for organized job training described in paragraph (3) provided by another taxpayer, but only to the extent the expenses of providing such instruction would, if provided by the taxpayer, constitute employee training expenses of the taxpayer under paragraph (3) of this subsection; and

"(5) expenses of the taxpayer for organized job training described in paragraph (3) provided by a business or trade association, joint labor-management apprenticeship committee, or other similar nonprofit association, group, trust fund, foundation, or institution for an employee or prospective employee of any taxpayer member of such association, committee, group, trust fund, foundation, but only to the extent the expenses of providing such instruction would, if provided by the taxpayer, constitute employee training expenses of the taxpayer under paragraph (3) of this subsection.

"(d) ON-THE-JOB TRAINING.—For the purposes of this section, the term 'on-the-job training' means job training according to a plan formulated or approved by the taxpayer which assures that—

"(1) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment;

"(2) the training period is reasonable and consistent with periods customarily required for comparable training;

"(3) adequate and safe facilities, and adequate personnel and records of attendance and progress, are provided;

"(4) the trainees are compensated at reasonable rates, including periodic increases, considering such factors as industry, geographical region, and trainee efficiency; and

"(5) the training content of the program meets such other reasonable criteria as the Secretary may prescribe.

"(e) ORGANIZED JOB TRAINING.—For purposes of this section, the term 'organized job training' means job training according to a plan formulated or approved by the taxpayer which contains—

"(1) the title and description of the job objectives for which individuals are to be trained;

"(2) the length of the training period which shall be reasonable and consistent with the occupation for which the employee is being trained;

"(3) a schedule listing various operations for major kinds of work or tasks to be learned and showing for each, job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task;

"(4) the wage or salary to be paid at the beginning of the course of training, at each successive step in the course, and at the completion of training;

"(5) the entrance wage or salary paid to employees already trained in the kind of work for which the individuals are to be trained;

"(6) the number of hours of supplemental related instruction required; and

"(7) the approximate length of time to be spent on safety training required for introduction to new equipment or production methods.

"(f) LIMITATIONS.—

"(1) TRADE OR BUSINESS EXPENSES.—Except in the case of expenses described in subsection (b) (6) (or so much of subsection (b) (7) or (8) as relates thereto); no item shall be taken into account under subsection (b) or (c) unless such item is allowable as a deduction under section 162 (relating to trade or business expenses). For purposes of applying the preceding sentence, expenses which are paid or incurred by the taxpayer with respect to an individual who is not his employee shall be treated as paid or incurred with respect to an individual who is his employee.

"(2) CERTAIN KINDS OF TRAINING EXCLUDED.—

"(A) IN GENERAL.—No item shall be taken into account under subsection (b) or (c) with respect to any expense paid or incurred in training any individual in—

"(i) management, supervisory, professional, or human relation skills;

"(ii) scientific or engineering courses creditable to a baccalaureate degree by an in-

stitution of higher education (as defined by the first sentence of section 103(b) of the National Defense Education Act of 1958);

"(iii) courses of a type determined by the Veterans' Administrator to be avocational or recreational in character under the authority of section 1673 of chapter 34 of title 38, United States Code; or

"(iv) subjects not contributing specifically and directly to such individual's employment or prospective employment with the taxpayer (or a taxpayer member of an association, group, trust fund, foundation, or institution as used in subsections (b) (8) and (c) (5)).

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(1) expenses described in subsection (b) (4) (or so much of subsection (c) (1) as relates thereto) and (c) (2) paid or incurred for courses and at institutions certified by a State apprenticeship agency (or where none exists, by the Bureau of Apprenticeship and Training) as eligible for inclusion in a registered apprenticeship program in an apprenticeship occupation listed by the Bureau of Apprenticeship and Training;

"(ii) expenses described in subsection (b) (4) (or so much of subsection (c) (1) as relates thereto) and (c) (2) paid or incurred for courses offered in a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge by an institution which is accredited or otherwise certified by the United States Commissioner of Education under paragraph 401(f) (5) of the Higher Education Facilities Act of 1963; or

"(iii) expenses described in subsection (b) or (c) for training which has been approved by the agency of a State that administers its State unemployment compensation law for individuals receiving unemployment compensation.

"(3) REIMBURSED EXPENSES.—No item shall be taken into account under subsection (b) or (c) to the extent that the taxpayer is reimbursed for such item by any other taxpayer, by any association, group, trust fund, foundation, or institution, or by any State, local, or Federal Government program, grant, contract, or agreement.

"(4) GEOGRAPHICAL LIMITATION.—No item shall be taken into account under subsection (b) or (c) with respect to any expense paid or incurred by the taxpayer for training conducted on the territory of any foreign country.

"(5) OVERLAPPING EXPENSES.—A taxpayer may take into account expenses paid or incurred with respect to any one individual under either paragraph (3) or paragraph (4) of subsection (b) (or so much of subsection (c) (1) as relates thereto), but shall not take into account expenses concurrently paid or incurred with respect to such individual under both such paragraphs.

"(g) SUBCHAPTER S CORPORATIONS.—In case of an electing small business corporation (as defined in section 1371)—

"(1) the certified employee training expenses and noncertified employee training expenses for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(2) any person to whom any expense has been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expense.

"(h) ESTATES AND TRUSTS.—In the case of an estate or trust—

"(1) the certified employee training expenses and noncertified employee training expenses for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each,

"(2) any beneficiary to whom any expense has been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expense, and

"(3) the \$25,000 amount specified under subparagraphs (A) and (B) of section 51 (a) (2) applicable to such estate or trust shall be reduced to an amount which bears the same ratio to \$25,000 as the amount of the expenses allocated to the trust under paragraph (1) bears to the entire amount of the certified employee training expenses and noncertified employee training expenses.

"(1) LIMITATIONS WITH RESPECT TO CERTAIN PERSONS.—In the case of—

"(1) an organization to which section 593 applies,

"(2) a regulated investment company or a real estate investment trust subject to taxation under subchapter M (section 851 and following), and

"(3) a cooperative organization described in section 1381(a),

rules similar to the rules provided in section 46(d) shall apply under regulations prescribed by the Secretary or his delegate.

"(j) CROSS REFERENCE.—
"For application of this subpart to certain acquiring corporations, see section 381(c) (24)."

EXCLUSION FROM GROSS INCOME

SEC. 202. Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by renumbering section 123 as 124 and by inserting after section 122 the following new section:

"SEC. 123. TUITION AND FEES UNDER EMPLOYEE TRAINING PROGRAMS

"In the case of individual, gross income does not include—

"(1) tuition and course fees paid on behalf of such individual, or amounts received as reimbursement for such tuition and fees paid by such individual, to the extent such tuition and fees or such reimbursement constitutes employee training expenses under section 52(b) (4) (or so much of section 52(c) (1) as relates thereto) of the person making the payment or reimbursement, and

"(2) home study course fees paid on behalf of such individual, or amounts received as reimbursement for such fees paid by such individual, to the extent such fees or reimbursement constitutes employee training expenses under section 52(c) (2) of the person making the payment or reimbursement."

CLERICAL AND TECHNICAL AMENDMENTS

SEC. 203. (a) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Subpart C. Rules for computing credit for expenses of employee training programs."

(b) The table of sections of subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out

"Sec. 40. Overpayments of tax."

and inserting in lieu thereof

"Sec. 40. Expenses of employee training programs.

"Sec. 41. Overpayments of tax."

(c) Part V of subchapter A of chapter 1 of such Code is amended—

(1) by renumbering section 51 and 56, and (2) by striking out "51" in the table of sections for such part and inserting in lieu thereof "56."

(d) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out

"Sec. 123. Cross references to other Acts," and inserting in lieu thereof

"Sec. 123. Tuition and fees under employee training programs.

"Sec. 124. Cross references to other Acts," (d) Section 381(c) of such Code (relating

to items taken into account in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

"(24) CREDIT UNDER SECTION 40 FOR EMPLOYEE TRAINING EXPENSES.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 40, and under such regulations as may be prescribed by the Secretary or his delegate) the items required to be taken into account for purposes of section 40 in respect of the distributor or transferor corporation."

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall apply with respect to taxable years beginning after December 31, 1968.

The summary, presented by Mr. PROUTY, is as follows:

THE HUMAN INVESTMENT ACT OF 1969

PURPOSE

"To provide an incentive for private employers to provide job training programs, including programs for individuals lacking skill or training necessary for steady employment, by allowing an income tax credit for the expenses of such programs."

METHOD

The Act offers employers a two-tier tax credit towards certain expenses of programs designed to train productive employees for jobs with the company or retain current employees for more demanding jobs with the company.

AMOUNT OF TAX CREDIT

1.—20 percent of the allowable training expenses for employees holding an Opportunity Certificate (see explanation of Opportunity Certificate below); plus:

2.—10 percent of the allowable training expenses for noncertified employees.

The maximum tax credit for an employer under the provisions of the Act will be \$25,000 plus 50 percent of the taxpayer's liability in excess of \$25,000. This credit will be in addition to credits provided for by other sections of the tax code, and in addition to the regular deduction as a trade or business expense under Section 162 of the Internal Revenue Code.

OPPORTUNITY CERTIFICATES

Under the Act the Secretary of Labor will issue an Opportunity Certificate to individuals if:

1.—the skill training education, or job experience of such individual is below that normally required to maintain steady and remunerative employment; and

2.—such individual meets other criteria established as necessary to carry out the purposes of the Act.

The certificates will be administered through the United States Employment Service. An individual's Certificate will expire after three years.

Training expenses allowable for tax credit at the 20 percent rate will be effective with respect to a certified individual's employment for a maximum period of one year. The 10 percent tax credit rate for allowable training expenses will then apply for training of such individual subsequent to this one year period.

NONCERTIFIED EMPLOYEES

Under the Act non-certified employees are those not eligible for certification as outlined above.

ALLOWABLE TRAINING EXPENSES

1.—For both certified and non-certified employees:

(a) The wages and salaries of employees who are apprentices in an apprenticeship program registered with a State Apprenticeship Agency of the Federal Bureau of Apprenticeship and Training.

(b) The wages and salaries of employees who are enrolled in an on-the-job training program.

(c) The wages and salaries of employees who are participating in a cooperative education program involving alternate and approximately equal periods of study and employment in cooperation with a secondary school, college, university, business school, trade school or vocational school.

(d) Expenses of the taxpayer for organized job training (including classroom instruction) including expenses for the purchase or lease of books, testing and training equipment, and instructors' fees and salaries.

2.—For Certified Employees Only:

Expenses of the taxpayer for counselling, remedial education and pre-vocational training incurred to enable new employees to become fully productive employees.

3.—For Non-Certified Employees Only:

Home study course fees paid by the taxpayer for the instruction of any individual by a college, university, business school, trade or vocational school in job skills necessary for his employment by the taxpayer or his continued employment with the taxpayer.

NOTE.—Under the definition of allowable training expenses, provision is made in the Act for training and services provided for the taxpayer by organizations other than the taxpayer.

OTHER PROVISIONS

1.—The tax credit provisions of this Act will expire at the end of five tax years.

2.—Allowable employee training expenses must be tax deductible under Section 162 of the Code, relating to trade or business expenses.

3.—The tax credit could be carried back three years and carried forward seven years.

4.—No credit will be allowed for the training of managerial, professional or advanced scientific employees. The intent of the Act is to encourage businesses to upgrade the skills of those at the bottom end of the skill and income ladders, not middle management or professional employees.

5.—No credit will be allowable for avocational or recreational courses.

6.—Employers could not claim a credit when the training expenses are reimbursable by the government under a training contract, etc.

COMMENT

The Human Investment Act is patterned after the investment credit provisions of the Revenue Act of 1962, which permitted a 7% tax credit toward investment in certain depreciable plant equipment and real property.

This bill is an attempt to meet the increasingly serious problems of structural unemployment caused by a labor force ill-fitted for existing and developing job opportunities. Unlike programs aimed only at the hard-core unemployed, the Human Investment Act is designed to help the hard-core unemployed, others seeking jobs and workers presently employed, who wish to increase their skills to qualify for better jobs. The intent of the Act is to advance all workers up the skill ladder, thus opening vacancies at the bottom for the presently unskilled and unemployed. The bill recognizes that the task of ascending "rungs" on the "skill ladder" is not equal for all "rungs" and that climbing the first "rung" is most difficult for the hard-core unemployed. The bill responds to this difficulty by providing a 20% tax credit for allowable training expenses and requisite supportive services during the first year of training for "certified employees."

The major premise of the Human Investment Act is that private business and labor have, over the years, learned how to obtain the best results per training dollar and should now be encouraged to expand their training programs to meet the growing national need. The Human Investment Act seeks not to eliminate existing manpower programs,

but to augment them with an alternative, which contains a minimum of bureaucracy.

The provisions of the Human Investment Act are particularly suited for firms, which for various reasons may find existing manpower programs difficult to implement. The tax credit approach will "round out" responses available to firms to meet this nation's need for skilled workers.

LEGISLATIVE HISTORY

The original version of the Human Investment Act was introduced on February 17, 1965 by Senator Winston Prouty. Following six months of study and consultation, a revised Human Investment Act was introduced on September 9, 1965 by Senator Prouty in the Senate and Representative Thomas B. Curtis (R-Mo.) in the House. On February 2, 1967, Senator Prouty and 28 other Senators and Representative Curtis and 121 other Representatives, introduced another revised version of the Act. The tax credit concept was adopted in the 1968 Republican Platform. On February 25, 1969, Senator Prouty introduced an up-dated version of the Human Investment Act in the Senate and at the time remarked that he anticipated further revisions of the bill. This latest legislation incorporates several revisions stemming from an intensive review of earlier legislation and existing manpower programs.

Mr. DOLE. Mr. President, I am privileged to cosponsor this legislation being introduced today by my colleague from Vermont (Mr. PROUTY).

For many years, Senator PROUTY has recognized the need for legislation to encourage the private sector to play a larger role in job-training programs. As most everyone knows, he has been instrumental in securing broad bipartisan support for this concept in both the Senate and the other body. I recall on February 2, 1967, I joined 120 of my House colleagues in introducing the Human Investments Act which then, as now, was Senator PROUTY's idea.

There was need for the legislation then and there is even greater need today for enactment of the Human Investment Act.

The scarcity of required job skills among the unemployed continues to hinder them in obtaining a job and has created difficulties for employers and thus hindered our economic growth. All one needs to do to become aware of this fact is to glance through the classified advertisements in a daily newspaper which are filled with enticing offers for skilled manpower.

Much is being said of the urgent need to reform our outdated and ineffective welfare programs. Neither the recipients, administrators, or taxpayers are happy with the way layer after layer of bureaucracy has been created but with self-defeating results. To break the "cycle of poverty" in which many of the second- and third-generation welfare recipients find themselves, we must mobilize the tremendous resources of the private sector. It has become increasingly apparent that government has neither sufficient funds nor does it have all the answers to this most pressing of our domestic needs.

But it is the responsibility and indeed the duty of government to encourage the training by the private sector of the unemployed and the underemployed.

The 1969 version of the Human Investment Act will provide a 20-percent

tax credit for training expenses during the first year for the hard-core unemployed—those that qualify for a Government "Opportunity Certificate." It also provides a 10-percent tax credit for the allowable training expenses for others seeking jobs and those who are underemployed—so that they can move up the employment ladder, opening up positions for those who are unemployed.

This bill will help meet the increasing problem of structural unemployment caused by a labor force ill equipped for existing and future job opportunities. It will not eliminate existing manpower programs, but will augment them with an alternative, which contains a minimum of bureaucracy.

Mr. President, the word "crisis" when written in Chinese is composed of two characters: one represents danger and one represents opportunity. Today America faces a domestic crisis much of which can be related to an insufficiency in employment opportunities and training. Although the problems are great, the opportunities offered by the Human Investment Act of 1969 for our unemployed and disadvantaged citizens are great.

Mr. President, I strongly urge prompt action on this measure.

S. 2772—INTRODUCTION OF A BILL RELATING TO THE ELECTION OF A TAXPAYER TO CHANGE FROM THE ACCRUAL TO THE INSTALLMENT BASIS OF ACCOUNTING FOR INCOME TAX PURPOSES

Mr. LONG. Mr. President, installment reporting for Federal income tax purposes has been recognized as a proper method of tax accounting since the Revenue Act of 1921. In 1925, the Board of Tax Appeals held, however, that installment reporting did not clearly reflect income. The 1926 act authorized and validated installment reporting both for future and past taxable years. The purpose of allowing this method was to more closely match tax liability with cash flow, thus, reducing the harshness of the immediate tax bite. This action was another step in bringing tax accounting into agreement with generally accepted accounting principles.

The accounting profession continued to recognize installment reporting as proper accounting through December 1966. However, an opinion, dated December 1966, of the Accounting Principles Board stated that the installment method of recognizing revenue is no longer acceptable except in exceptional cases where receivables are collectible over an extended period of time and because of the terms of the transactions or other conditions, there is no reasonable basis for estimating the degree of collectibility. The essence of this opinion is to require accrual reporting for accounting periods beginning after December 31, 1966. Taxpayers who have elected to report on the installment basis for tax purposes are now required to maintain sufficient records to satisfy two methods of reporting.

Another recent opinion—dated December 1967—of the Accounting Principles Board requires taxes to be accrued as a deferred liability on revenue which is reported on the financial statements

even though a large portion of this revenue is deferred for tax reporting purposes. This requirement can result in a firm showing a large deferred tax liability resulting in a large tax expense being shown on the income statement which will result in a material reduction in the firm's financial net income. This depressed financial picture would well hamper a firm's efforts to secure the necessary working capital needed to continue its present level of operations. In these situations, it would be virtually impossible to obtain working capital which would be needed to expand operations. In several cases, firms can rectify this situation by reverting from installment reporting to accrual reporting for Federal income tax accounting.

Section 453 of the Internal Revenue Code of 1954 does not preclude revoking the election to report on the installment basis. However, the Internal Revenue Service has been reluctant to allow revocation of the election since section 453 does not specifically provide for such an election. In one instance, the Internal Revenue Service has refused to grant an election for revocation even though the firm would pay \$43,972 in additional taxes in the year of revocation if allowed, and even though there would be increased additional taxes in each year thereafter for as long as the firm continues to grow. The required changes in acceptable accounting principles coupled with the indecisive position of the Internal Revenue Service necessitates statutory action to remedy a hardship which could be detrimental to several small and medium size merchandising firms which have elected the installment basis of reporting before becoming aware of the effect of the changes made by the Accounting Principles Board.

Let me now deal specifically with the changes which would be made by the bill which I am introducing at this time.

Section 453 of present law allows a taxpayer to elect the installment method of reporting without permission to change accounting methods in the following situations:

First, upon the sale of personal property on an installment plan by dealers;

Second, upon the sale or other disposition of real property, providing that payments in the year of sale do not exceed 30 percent of the selling price; and

Third, in the case of a casual sale or casual disposition of personal property providing the price exceeds \$1,000 and the payments in the year of sale do not exceed 30 percent of the selling price.

A taxpayer who changes his accounting method from the accrual to the installment method pays a double tax on certain income. Under the accrual method, the entire profit from a sale is taken into account in the year of sale, regardless of when the collection is made. The installment method requires the profit from a sale be recognized ratably as the cash is collected. In the early years following a change from the accrual to the installment method, profit recognized under the installment method is taxable despite the fact that this same profit previously had been reported as taxable income under the accrual method. To preclude this profit from being taxed twice, the tax attributable to

an amount included in income for the second time is eliminated or at least decreased to the extent of the tax attributable to its inclusion under the earlier method of accounting.

Although the Internal Revenue Code does not preclude change to some other method of accounting from the installment method, Treasury regulations on section 453 state that a dealer may not change from the installment plan to the accrual method or to any other method of accounting without the permission of the Commissioner. However, neither the Internal Revenue Code nor the related regulations allow for, or preclude, retroactive revocation of the election to report on the installment method.

The bill I am today introducing corrects this type of situation. It amends section 453(c) of the Internal Revenue Code by allowing a taxpayer to revoke an election to report on the installment basis by filing a notice of revocation. The Secretary or his delegate shall describe by regulations or rulings the method by which the "revocation of election" is to be made. The election to revoke must be made within 3 years following the date of the filing of the tax return for the year that the election to file on the installment method was made. A timely filed revocation applies to the year that installment reporting was elected plus all subsequent years. The statutory period for the assessment shall extend for 2 years following the date of the filing of the notice of revocation. Interest will not be allowed on refunds paid or credits due as a result of filing an election of revocation. The election to revoke shall apply to all open years under the statutory period for assessment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2772) relating to the election of a taxpayer to change from the accrual to the installment basis of accounting for income tax purposes, introduced by Mr. Long, was received, read twice by its title, and referred to the Committee on Finance.

S. 2774—INTRODUCTION OF A BILL EXTENDING FEDERAL MORTGAGE GUARANTEES TO CERTAIN STATE BONDS ISSUED TO FINANCE LOW AND MODERATE HOUSING

Mr. MURPHY. Mr. President, on behalf of Senator CRANSTON and myself, I introduce a bill to authorize the Federal Government to guarantee obligations issued by State agencies to finance low- and moderate-income housing. This Federal guarantee is needed to make the interest rates on these obligations as low as possible so that a new, creative California housing effort will be both feasible and profitable. A similar bill has been introduced in the House led by Congressman BILL MAILLIARD and a bipartisan California delegation: Congressmen BURTON, SMITH, REESE, HOSMER, GUBSER, DON CLAUSEN, McFALL, McCLOSKEY, HAWKINS, ANDERSON, EDWARDS, LIPSCOMB, MOSS, and CHARLES WILSON.

Providing all Americans with decent housing is rightfully one of our impor-

tant national goals. Last year, the Congress enacted the Housing and Urban Development Act of 1968 which is an ambitious blueprint for meeting the housing needs of the country over the next decade. The most exciting concept of this omnibus Housing Act is the inclusion of the homeownership feature. This provision originated with the so-called Percy bill, S. 1592, which I was pleased to co-author and strongly support. This Republican initiative was offered as a new approach toward a real partnership with private individuals, private enterprise, and Government to assist low-income families in rehabilitating or building new homes. Homeownership has always been part of the American dream. In addition to the personal pleasure and pride one derives from owning a home, homeownership has a desirable stabilizing effect on both individuals and their communities.

It has been estimated that 6 million units of new or rehabilitated housing is needed in the Nation to replace substandard housing over the next decade. This is true, despite expenditures of \$5.5 billion over the past 17 years for urban renewal. The record of public housing leaves a lot to be desired. Urban renewal for example, has demolished more homes than public housing has built.

Mr. President, unfortunately, all too often the propensity of Federal urban renewal programs and the public housing programs has been to demolish existing structures and to build anew. Despite the cost of this approach, both economic and human, we have been ignoring one of the great potentials in the housing area; namely, the potential of renovating or rehabilitating existing buildings.

Mr. President, as great as the national housing needs are, California needs are even greater. Because of its pleasant climate, unparalleled beauty, its outstanding educational institutions, and the great opportunity it affords, California attracts enough new citizens each month to create a new city of 30,000. Population projections for the State of California by the year 2000 indicate that we "build a second California" in order to house an estimated population of 38.5 million. This means that we must construct over the next 31 years more units of housing than presently exist in the State of California.

While this must be done in order to meet the State's population expansion, if we add to this the substandard housing we need to replace, we must build 500,000 new units and rehabilitate several hundred thousand dwelling now in use. A great challenge, indeed, even for a State like California.

The price of homes is of major concern both in California and throughout the country. The highest interest rates in the Nation's history, rising cost of land, labor, and materials have all converged to price housing in many cases beyond the reach of many low- and moderate-income Americans. For example, one study showed that the average price of a new home built was \$28,000 in seven southern California counties and \$27,000 in nine San Francisco Bay area counties. These two areas of the State comprise 80 percent of the State's popula-

tion. This study further indicated that more homes are being built in the \$35,000 or higher range than in the \$20,000 or below category. This is true despite the fact that the median income for these counties would seem to call for housing of around \$19,000. One frequent way that lower-income families acquire homes is the so-called filtering-down process, that is, lower-income families buying homes of individuals that are trading up to higher priced housing. Mr. Charles R. LeMenager, State director of housing and community development, has, however, said:

We are witnessing in many of our communities vacancies of under one per cent. Filtered-down housing is not available and low income housing is being removed from the housing stock through demolition faster than it is being replaced.

Mr. President, Speaker Bob Monagan of the California State Legislature has authored an imaginative housing program which holds much promise and has great potential in helping to make California equal to meeting the State's housing needs. This measure, assembly bill 115, is designed to "encourage persons—in renewal areas—voluntarily to engage in cooperative efforts based on self-help—and to enlist the capital and technological resources of the private sector in meeting that objective, which is to establish a mechanism through which people can initiate, plan, finance and carry out the rebuilding or rehabilitation of renewal areas."

This bill, which passed the California Assembly and the Senate by the overwhelming votes of 60 to 2, and 38 to 0, and has been signed into law by Governor Reagan, was drafted to deal with the two problems fundamental to the housing situation in California. Namely, the need for low and moderate housing, particularly in urban areas, and the need to provide neighborhoods within urban areas the means to plan, implement, finance the construction, and rehabilitation of their own neighborhood renewal programs. Under this imaginative California initiative, local residents can initiate and form their own renewal area agency. Residents desiring such a designation must present to the local legislative body petitions signed by 20 percent of the persons who live within the area. After receiving the petition, the local legislative body then refers it to the local planning commission for a study. After receiving a report of the study, the local legislative body may then approve the formation of a renewal area agency. This local renewal agency is then given various powers, including the power to issue tax-exempt bonds. These bonds will then be sold to the private market and other lending institutions. And the money is in turn loaned to landlords who rehabilitate or rebuild their property. It is hoped that the low interest loans, which the Federal guarantee will help make possible and the streamlined building codes to encourage the use of modern building technology will enable the landlord to rent the new units at the same price as the old property. In summary, the unique features of the California bill include, first, the initiation.

participation, and control of neighborhood renewal by local citizens; second, the involvement and supervision by the local legislative body; third, the required consent of 60 percent of the property owners of the area for the final go-ahead; fourth, the encouragement of the use of modern housing technology by suspension of local building codes more restrictive than minimum State standards; and fifth, the self-help principle and the enlisting of private enterprise to overcome the housing problem.

Mr. President, once again my State has advanced a very unique and a very imaginative proposal. This is the second occasion in 2 years when this has been done. Last year, for example, they enacted a bipartisan package of programs in the manpower area and to enable them to implement this program better, I authored an amendment to title V of the manpower development and training program called supplementary State programs. This program was designed to give the States freedom and flexibility in the manpower area and was framed so that gaps and coordination problems might be overcome. The previous administration failed to budget any funds for this program but I was able to persuade Secretary Shultz and the Labor Department to provide an additional \$20 million for this program. I understand that a considerable number of other States are extremely interested and, therefore, I was exceedingly disappointed when the House of Representatives failed to provide the funds for this needed program designed to encourage States in the important manpower field.

Assembly bill 115, is a similar imaginative approach in the housing area and once again shows that States can and will face up to their responsibilities. Given the housing backlog and needs of the Nation and the budgetary problems we face, the Federal Government through the guaranteeing of obligations issued by local agencies, authorized to do so by the various States, would seem to be a most practical needed and welcome additional effort to meet the housing needs of the Nation and California.

Mr. President, I ask unanimous consent that the assembly joint resolution memorializing Congress to enact such legislation, as I am introducing today, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection the joint resolution of the California Legislature will be printed in the RECORD.

The bill (S. 2774) to amend title III of the National Housing Act to authorize the Government National Mortgage Association to guarantee obligations issued by State agencies to finance low- and moderate-income housing introduced by Mr. MURPHY, for himself and Mr. CRANSTON, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The material presented by Mr. MURPHY is as follows:

ASSEMBLY JOINT RESOLUTION No. 57

Whereas, In 1968 the California Legislature enacted into law as Chapter 1392 of the Statutes of 1968 Assembly Bill No. 115,

introduced by Assemblyman Robert T. Monagan; and

Whereas, Such Chapter 1392 establishes a program to make it possible for residents of substandard and deteriorated housing areas to form renewal area agencies in their neighborhoods, issue tax-exempt bonds, and, by working cooperatively with local governments, plan, finance, and carry out necessary rehabilitation or rebuilding in the renewal areas; and

Whereas, Such program will alleviate some of the economic forces which tend to drive low-income residents out of their neighborhoods; and

Whereas, Congressman William S. Mailiard has introduced HR 11596 before the Congress of the United States, which bill, if enacted, will authorize the extension of federal mortgage guarantee to bonds of a type issued under the program established under Assemblyman Monagan's bill; and

Whereas, Such mortgage guarantee is urgently needed to expedite the rebuilding and rehabilitation of neighborhoods under renewal area agency programs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to enact legislation to authorize the extension of federal mortgage guarantee to bonds of a type issued under Assemblyman Monagan's bill; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Departments of Housing and Urban Development and Health, Education and Welfare, to the Chairman of the House Banking and Currency Committee, and to each Senator and Representative from California in the Congress of the United States.

Mr. CRANSTON. Mr. President, by now, the plight of Americans with low income residing in the central city is well known. We all have heard of the Kerner Commission report, the Kaiser Committee report, and various other studies telling of the desperate situation of millions of Americans.

One of the most critical facets of the urban problem is the serious shortage of decent housing for low- and moderate-income inhabitants of the inner city.

There are various Federal programs now in effect which were designed to help alleviate some of these housing problems. However, because of Vietnam, inflation, and heavy defense spending, adequate funds for these programs have not been allocated by the administration nor appropriated by Congress. Obviously, we cannot afford to wait for an end to the Vietnam war, an arresting of inflation, or congressional curbs on defense spending before taking steps to get decent housing for millions of needy Americans.

Since adequate Federal funds for urban housing may not be forthcoming in the immediate future, efforts must be made to obtain as much support as possible from the private sector.

Moreover, a special effort must be made in order to involve the members of the community in the planning of their urban renewal program.

Last year the California Legislature enacted a bill which in my opinion will help accomplish both of these objectives. Under that law residents of a designated urban renewal area would be al-

lowed to come together and form a mini or community urban renewal agency. This miniagency would allow residents of the community to formulate plans and provide financing for the development of their own community. The money would be made available through the sale of tax exempt revenue bonds by the miniurban renewal agency.

Security experts have warned that these bonds would not be marketable unless some form of Government guarantee is provided.

Today, I am cosponsoring a bill being introduced by my distinguished colleague from California which would make it feasible for residents of urban renewal agencies to finance their own urban renewal programs by selling bonds as allowed under the California law.

Under this bill the U.S. Government would guarantee bonds, notes, and debentures issued by a public agency for the purpose of financing any urban renewal area project which has as its objective the rehabilitation or construction of housing for persons and families with low and moderate incomes.

This guarantee would not be at all burdensome on the Government and would indeed be a small price to pay toward the efforts to rebuild our cities.

Clearly, this bill provides a unique opportunity for the Government to assist the local communities to assist themselves in solving one of the most critical problems facing our urban areas.

S. 2775—INTRODUCTION OF A BILL TO BE KNOWN AS RUMANIAN TRADE ACT OF 1969

Mr. MONDALE. Mr. President, at the conclusion of President Nixon's visit to Rumania, he and President Nicolae Ceausescu issued a joint United States-Rumanian statement:

The two heads of state devoted particular attention also to the economic relations between their countries. While noting the upward trend which these relations have displayed in recent years they also agreed on the need in the interests of both countries to develop and diversify the economic ties between the United States and Rumania. In this connection it was agreed to look for new ways of realizing the potentialities which this important field offers.

Today, I introduce the Rumanian Trade Act of 1969 with the hope that it can provide a new way of realizing increased trade and economic ties between the United States and Rumania. The joint Presidential statement creates an atmosphere conducive to returning the United States-Rumanian trade relationship to the normal most-favored-nation status.

With the exception of Yugoslavia and Poland, Eastern European nations pay the prohibitively high Smoot-Hawley rates for their products. If Eastern sellers reduce their prices in order to overcome the tariff barrier, they are subject to the sanctions of antidumping legislation. The lack of most-favored-nation treatment, a routine concession to most nations of the world, is a serious barrier to U.S. participation in East-West trade.

The most-favored-nation clause has been gradually extended to most of the Eastern countries by a very large num-

ber of Western countries. Refusal to apply it may be regarded as an exception except in the case of the United States.

Last year U.S. exports to Rumania totaled \$18 million, more than three times the \$6 million in U.S. imports from Rumania. The United States enjoys a favorable balance-of-trade in Eastern Europe, and the volume of favorable trade could be increased considerably if we restored normal trading terms. A high Rumanian trade official told me last year that lack of most-favored-nation treatment by the United States means that Rumanian exports are directed to Western Europe, thereby limiting the potential for import of goods from the United States.

This bill gives the President the authority to extend most-favored-nation tariff treatment to Rumania when it is determined to be in the national interest. The authority can be exercised only on a commercial agreement and the granting of MFN would be in return for equivalent benefits to the United States.

The Rumanian Trade Act of 1969 responds to the spirit of the President's visit to Rumania. I hope that we can use this most opportune moment to put our economic relationship with another Eastern European nation on a normal basis.

Mr. President, I ask unanimous consent that the Rumanian Trade Act of 1969 be printed in the RECORD and be appropriately referred.

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. 2775) to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Rumania, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2775

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

SHORT TITLE

SEC. 101. This Act may be cited as the "Rumanian Trade Act of 1969."

STATEMENT OF PURPOSES

SEC. 102. The purposes of this Act are—

- (a) to maintain United States objectives in building a peaceful, democratic world;
- (b) to promote constructive relations with Rumania and to provide a framework helpful to private United States firms conducting business relations in Rumania by instituting regular government-to-government negotiations concerning commercial and other matters of mutual interest; and
- (c) to increase peaceful trade and related contacts between the United States and Rumania, and as assistance in meeting United States balance-of-payments problems, to expand markets for products of the United States in Rumania by creating similar opportunities for the products of Rumania to compete in United States markets on a non-discriminatory basis.

AUTHORITY TO ENTER INTO COMMERCIAL AGREEMENTS

SEC. 103. The President may make commercial agreements with Rumania providing most-favored-nation treatment to the prod-

ucts of Rumania whenever he determines that such agreements—

- (a) will promote the purposes of this Act,
- (b) are in the national interest, and
- (c) will result in benefits to the United States equivalent to those provided by the agreement to the other party.

BENEFITS TO BE PROVIDED BY COMMERCIAL AGREEMENTS

SEC. 104. The benefits to the United States to be obtained in or in conjunction with a commercial agreement made under this Act may be of the following kind, but need not be restricted thereto:

- (a) satisfactory arrangements for the protection of industrial rights and processes;
- (b) satisfactory arrangements for the settlement of commercial differences and disputes;
- (c) arrangements for establishment or expansion of United States trade and tourist promotion offices, for facilitation of such efforts as the trade promotion activities of United States commercial officers, participation in trade fairs and exhibits, the sending of trade missions, and for facilitation of entry and travel of commercial representatives as necessary.
- (d) Most-favored-nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States; or
- (e) satisfactory arrangements covering other matters affecting relations between the United States and Rumania, and the improvement of consular relations.

EXTENSION OF BENEFITS OF MOST-FAVORED-NATION TREATMENT

SEC. 105. (a) In order to carry out a commercial agreement made under this Act and notwithstanding the provisions of any other law, the President may by proclamation extend most-favored-nation treatment to the products of Rumania.

(b) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of Title III of the Trade Expansion Act of 1962 (19 U.S.C. sec. 1901 et seq.).

(c) The portion of general headnote 3(e) to the Tariff Schedules of the United States that preceded the list of countries and areas (77A Stat. 11; 70 Stat. 1022) is amended to read as follows:

"(e) Products of Certain Communist Countries. Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the countries and areas that have been specified in section 401 of the Tariff Classification Act of 1962, in sections 231 and 257(e) (2) of the Trade Expansion Act of 1962, or in actions taken by the President thereunder and as to which there is not in effect a proclamation under section 5(a) of the "Rumanian Trade Act of 1969."

(d) Nothing in this Act shall be deemed to modify or amend the Export Control Act of 1949 (50 U.S.C. App. Sec. 2021 et seq.) or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. sec. 1611 et seq.).

SEC. 106. The President shall submit to the Congress an annual report on the commercial agreements programs instituted under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

Mr. MONDALE. Mr. President, MFN treatment for Rumania, if coupled with the liberalization of the Export Control Act recommended by the Banking and Currency Committee, and reform of the Export-Import Act to permit extension of credit and guarantees to assist such

trade, would go far to expand and normalize trade relations with Rumania and further prospects for understanding and peace. It would underscore the President's apt appeal to the "spirit of Apollo."

S. 2778—INTRODUCTION OF THE FAIR INTERNATIONAL TRADE ACT OF 1969

Mr. LONG. Mr. President, during the past 35 years this country has entered into a succession of trade agreements with other countries for the purpose of removing or lowering the barriers to trade among the nations. After these many years of tariff cutting, the average U.S. tariff is about 11 percent of the value of all dutiable items and around 6 percent of our imports as a whole, including those on the free list. In other words we are near free trade, at least some 80 percent below the level at which we stood when we first began our tariff cutting, when the duty averaged a little over 50 percent.

This country has comparatively few nontariff trade barriers. Therefore as we reduced our tariffs we actually reduced our principal trade barrier. We did not cut the tariff and then put on all kinds of import controls, including absolute and rigid quotas, exchange controls and other devices to undo the effects of the tariff cuts, as other countries did, all over the map. Nor have we devalued our currency since 1934, when the first Reciprocal Trade Act was passed, while numerous other countries, including virtually all the Continental Western Europe, the United Kingdom, Canada, Japan, Mexico, Brazil, and Argentina have all devalued since World War II, many of them more than once. Every currency devaluation encourages exports and discourages imports, and, of course, can offset, or more than offset, such tariff reductions as had been made in trade agreements with us.

Mr. President, we continued down this road of tariff reduction upon tariff reduction, through the Kennedy round, lulled by the false optimism induced in the public by official trade statistics that grossly overstated our competitive exports and undervalued our imports. These many years we basked in the sunlight of bright trade statistics that told us all was well, that each year we rolled up trade surpluses ranging from \$4 to \$7 billion per year. We had nothing to worry about. We could go right on cutting our tariff with impunity, without fear of being hurt seriously, even if other countries did not follow suit, or if they nullified their reductions by devaluation or nontariff barriers.

When voices were raised for caution they were answered by pointing to our beautiful trade surplus. To those who said that we were pricing ourselves out of foreign markets it was said that they were prophets of doom and gloom; that their fears were belied by the sunny trade statistics.

Mr. President, even today the same misleading statistics continue to be issued.

When it became clear that our trade was in difficulties, when one important

industry after another moved from the export surplus into the deficit column, the supporters of further tariff reductions simply pointed to the handsome trade surplus that the Department of Commerce continued to pour out onto the public. When the automobile industry first felt the chill of rising imports and dwindling exports; when the steel industry followed suit, no less than the textile industry, and the industries manufacturing typewriters, sewing machines, consumer electronic goods, such as radios, TV tubes, and so forth, when these industries, already preceded by the same trend in petroleum, began falling behind, it was no longer a case of imports merely hitting our so-called labor-intensive industries, such as handmade glassware, pottery, fisheries, and the like.

The industries that were coming under heavy fire were the leaders in our mass production system and technology. We failed to notice how quickly foreign productive capacity had developed; nor did we realize how efficient our major trading partners—especially Europe and Japan—had become.

The plain facts were brushed aside with a glib reference to our so-called "export trade surplus." Then one day the fallacy of the trade balance statistics was exposed. It was revealed that our export statistics included all the shipments under foreign aid, for which the American public itself paid the bill. The beautiful surplus was shown up for what it was—a fraud. It was clear that we could enjoy a yet fatter surplus if we wished to double or triple our foreign aid.

We would then apparently have had real proof of our competitive muscle in foreign markets. We had only to give away \$5 billion in export shipments instead of \$1½ to \$2 billion per year and our trade surplus would have looked twice as good as it did. Or we could have raised our foreign aid to \$10 billion and become rich with our export surplus.

Mr. President, it seems almost unbelievable that this style of reporting our trade could have been countenanced; and yet I must tell you that in spite of numerous protests, the reports continue as before.

Not only were foreign aid shipments counted as exports but the \$2 or \$3 billion that we shipped as food for peace, and the cotton and wheat which were heavily subsidized so that we could meet world prices, were also included as exports. Most of our food for peace shipments were for worthless local currencies which we then gave back to the governments as "grants."

Now, there is nothing wrong with keeping track of shipments of this character and there is nothing wrong with telling the public of the \$3 to \$4 billion in exports that were accounted for by such shipments. The public should know and is entitled to know how much we ship abroad, paid for in whole or in substantial part by the taxpayers.

What is not all right, what is inexcusably false, is to let the public believe, indeed, leading the public to believe, that we had a beautiful export surplus when that surplus was composed of these non-commercial and noncompetitive items

for the most part. What was worst of all was the claim, based on these false statistics, that this country must be competitive in the world market, for witness our trade statistics.

Mr. President, that is not all the story of our statistical deception. Nearly all the other leading trading nations compile their imports on a cost, insurance, and freight basis. That is to say, they include not only the original cost at the point of shipment, whether this be Liverpool or Yokohama, but add freight, insurance, and some other charges. Thus an import that might be priced at \$1,000 free of board point of shipment, might actually cost the importing country \$1,100 or \$1,200, depending on the distance of shipment, amount of insurance, and so forth, incident to bringing the goods into the ports of the importing country. In other words, nearly all the other countries tabulate the cost of the imports at the actual cost laid down in the importing country. What we do is something different.

We value our imports at the free on board cost, at the foreign point of shipment. We do not include freight and insurance or any other charges. The \$1,000 for exports shipped to us from abroad at free on board prices would be tabulated by us as imports of \$1,000, not as imports of \$1,100 or \$1,200. The result is that our imports are compiled at something substantially less than what they really cost us. It is like saying that an automobile you bought cost you the free on board Detroit price. We know that if you live any substantial distance from Detroit the car cost you a good deal more.

With the exception of our imports from Canada and Mexico, we are at a considerable distance from the countries that ship us most heavily. We are a goodly distance from our European trading partners and still farther from Japan. South America is also not at our doorsteps.

Let me give you an example. Let us say that we exported \$3 billion to Japan in 1968, and that by our own official figures we imported \$3 billion or the same amount from Japan. Our exports to Japan would, however, be recorded by Japan as imports of about \$3,600 million to cover freight and insurance, while we would show our imports from Japan at \$3 billion; that is, f.o.b. Yokohama or other Japanese points of shipments, not c.i.f. U.S. port of entry.

Japan could and would then say that she imported \$600 million more from us than we imported from Japan. The official import statistics of both countries would prove it. And believe me, this apparent excess of imports from us was put to good use in our trade negotiations by other countries. We were the big exporting country, you know, they said. The other countries were the big importers.

Now, with competition going so badly against us, as it has in the past year, we are running sizable deficits even with those countries where we had previously shown a surplus by use of our dubious method of compiling our statistics. Japan, Canada, and West Germany are running surpluses against us now even without our compiling our imports on a c.i.f. basis. Therefore, the real commer-

cial deficit is much larger, certainly by some 20 percent in the case of Japan and West Germany, less from Canada because the freight haul from there is much shorter.

For the year 1968 our official trade balance was given out by the Department of Commerce as a surplus of \$835 million. If, however, our exports under AID, and subsidized food for peace farm products are stripped from the total, this surplus becomes a deficit of some \$1.4 billion. If our imports are tabulated at 10 percent above their f.o.b. value as shown in our official imports—which is the IMF practice—their value would be enhanced by \$3.3 billion. Added to the \$1.4 billion deficit mentioned just now, the total deficit for 1968 would be raised to a level of \$4.7 billion.

The fact is, Mr. President, that with the exception of our exports of aircraft, machinery, chemicals, electronics, including computers, nearly all our other industry trade balances are negative. This covers a wide range of products, especially in the consumer goods field. Our imports of manufactured goods have been zooming in recent years and have accounted for the outstripping of exports by imports. In 1968 our imports were up by 24 percent over 1967. Since 1965 our total imports have grown by more than 50 percent. Nearly all these increases have been registered in manufactured goods. Compared with raw materials, manufactured goods give rise to much more employment.

Mr. President, the facts can no longer be ignored or brushed aside. In many areas this country is simply not competitive, not because we are less efficient, but because our productivity and technological advantages are not sufficient to offset our labor cost disadvantages. I do not say that all our industries are sorely beset by rising imports; but many of them, counting among them some of our largest industries, are so beset. Some others have already defended themselves by investing heavily in foreign plants and subsidiaries. In doing so they protect themselves against the ravages of low-wage import competition by going where the low wages prevail and getting the benefit, if benefit it is, of the lower wages.

I say "if benefit it is," because our own producers and manufacturers are bound by minimum wage laws and union contracts that put low wages out of reach. Our laws do not permit wages nearly as low as those that are common throughout the rest of the world. In fact, our mass production economy could not operate with the low consumer income that low wages make inevitable.

What is only now coming to light is that in seeking to protect themselves by going overseas to manufacture the goods they previously exported, our industries are laying the groundwork for shrinking our exports. Instead of shipping from this country goods manufactured here, they supply more and more of their former export markets with goods manufactured by their overseas plants. In some instances they turn around and ship to this country. This is not a criticism of our direct foreign investments. Most foreign investment makes good

business sense and brings back income to this country; in many instances companies would lose their share of the market if they did not set up a manufacturing plant in the market. Nevertheless, our foreign investment has long-term repercussions on our international trade position.

Mr. President, we continue to adhere to a trade policy that is unrealistic and out of tune with our economic and social objectives. But the chickens are coming home to roost. Industry after industry is complaining about excessive foreign competition in our market, and foreign nontariff barriers which prevent them from competing in foreign country markets. Our balance of payments continues to be badly in the red—running at an annual rate of \$7 billion—while our indebtedness to foreigners grows and our gold supplies dwindle. We also find that our labor organizations are complaining about the employment effects of foreign imports, which ironically have increased in part as the result of legislation which those organizations supported.

Free trade has almost become a religion associated with international peace and tranquillity. And for those who think in theoretical abstract terms, any domestic industry that cannot compete with imports thereby convicts itself of inefficiency.

Even though it is clearly demonstrable that nearly all, if not all, the American industries that are losing their historic share of the market in this country to imports enjoy a higher output per man-hour than their foreign competitors, this canard continues to be mouthed. Yet in the economic sense a higher output per man-hour or man-year means that our industries are more efficient than their foreign counterparts.

For example, our steel industry does not find imports capturing a greater share of our market because foreign steel mills produce more steel per worker per hour or per day or per year. No. Our steel industry is ahead of them in terms of output per man-hour or man-year. The trouble is that our lead has been shrunk to a point where it no longer covers the wide difference in wage levels. Average hourly employment costs in the steel industry were \$4.76 in 1967. This compares with \$1.97 in West Germany and \$1.22 in Japan. The disparities in hourly employment costs between the steel industries of the United States and other major producers are so great that steel labor productivity here would have to be about 2½ times that of the European and four times that of the Japanese to equalize unit labor costs. We still produce more steel per man per year—showing that in the economic sense we are more efficient—but the countries shipping steel to us have come up more rapidly in productivity than we have. This is not difficult to understand when we consider the lower level from which they started during the postwar period. Their productivity jumped because they built the most modern mills, sometimes with both our financial and technological assistance, on top of antiquated or bombed-out works or where none existed before. Now some of them are coming close to us in output per man-hour or man-year.

But, Mr. President, if our foreign competitors are still behind us in productivity, why is that the imports from them give our industries the fits? Mr. President, almost any schoolboy would know the answer.

Let me give a simple but not simplistic example. One of our industries, let us say, pays an average of \$4 per hour to its workers. These workers produce 4 units of output per hour, so that the direct labor cost would be \$1 per unit. That industry has a competitor in Europe, let us further assume, whose hourly or annual output per worker is 75 percent as high as that of our industry, or 3 units per hour instead of 4. Now, if this competitor also paid a wage of \$4 per hour, our industry would have nothing to worry about. This seems clear enough. The European cost per unit would not be \$1 but \$1.33. Moreover, in order to ship to this country he would have ocean freight and insurance and other charges to pay.

Now suppose that the European industry paid only \$1.50 per hour while our manufacturer paid \$4, and the European's workers produced 3 units per hour against our 4. Then the European manufacturer would have a cost of only \$0.50 per unit of labor cost against our \$1.

Under these circumstances our manufacturer would have plenty to worry about. The European industry might not find it difficult to send his product to this country and undersell our industry by, let us say, 15–20 percent. That is a sufficient margin to give any competitor the fits.

Now Japan, or some other countries where even lower wages prevail, could be mighty inefficient and yet come out with lower labor cost per unit than their American competitor. If they should pay only \$0.75, or half the European rate, their labor cost per unit would be half the European rate, assuming their output per man-hour were equal to that of the European. However, they could get away with an output half as high as the European or a quarter as high as the American and still come off with a handsome competitive advantage over their American competitor.

Those who previously went to great pains to point out over and over again that it is not the wage rate alone that counts, but also productivity per man-hour, now that he is routed out of that position, falls back on material costs. He says, "Yes, the wages are lower, but wages are only one item of production costs," and smiles as broadly as he previously smiled when he dropped his blockbuster about relative productivity.

This is not to say that he was wrong when he said that the wage rate was not all that counted and that productivity must be taken into account. He was right, but he is wrong now when he tries to use the same argument in the present-day context. It is no longer automatically true that our own productivity per man-hour is so far ahead of that of our foreign competitors that we can say, "Sure, we pay wages two to four times as high as they do in such and such country, but we have nothing to worry about. Our mass production technology takes care of that." Our mass production does not any longer take care of that.

While the so-called technological gap between us and our competitors has been narrowing, the wage gap continues to gape. While we have not stood still technologically, and in some areas such as space and aerodynamics our technology is vastly superior, our competitors have made great strides technologically in many manufacturing lines because they superimposed modern technology on a much lower base. Some of them did not have a cost advantage before, now do enjoy such an advantage. Their productivity has risen sharply as a result of their great technological advancement.

Let me come back a minute now to the second line of defense of the free-trader. Having been ousted from his comfortable position in the wage-productivity corner, he now tries to minimize wages as an item in production costs. They bring up material cost and fringe benefits.

Well, Mr. President, in this country employee compensation represents right at 80 percent of the corporate outlay for production, and that includes fringe benefits. What has confused so many people is the so-called percentage of labor cost of the total cost in the mass-production industries. Those with a low percentage are said to be capital intensive rather than labor intensive. It is said, for example, that in the automobile industry only about 15 percent of the manufacturer's cost goes to wages. This can be supported by reference to Census Bureau reports.

But the automobile industry in this country is typically no more than an assembly operation. Possibly two-thirds of the total cost of manufacturing the car has already been incurred by the time parts and components come to the production line in Detroit to be assembled. Employee compensation has been accumulating all down the line, from the iron mines, rubber plantations, copper mines, sandpits, and other sources of raw materials, none of which are classified as the automobile industry, to the pay of railroad workers, bank and insurance clerks, building trades workers, and many others also not classed as automobile workers, but whose pay adds to the cost of manufacturing automobiles. The 14 percent expended for labor in assembling the automobile in Detroit is but a fraction of the total labor cost accumulated on the way.

Material costs of foreign manufacturers will in many instances be incurred principally within their own countries for raw materials produced there or in similarly low-wage paying countries from which the materials may be imported. Therefore material costs cannot in most instances be cited as sources of high costs. Even if the imported raw materials were relatively high, most of the work applied in the various stages of processing and finishing the products would still take place in the country where the manufacturing would be carried out.

Mr. President, what the free trader is guilty of to a high and inexcusable degree is to reason from a premise that does not fit the facts. He reasons from a false assumption, and therefore reaches wrong conclusions no matter how sound his logic. He starts by assuming that our industries operate in a free market, both

national and international. Wages and other costs are assumed to be flexible, and labor is assumed to be mobile, even internationally. This is, of course, far, far from being the state of world economies and world interchange of goods. In this country, still one of the freest, the principal elements of cost borne by producers and manufacturers are highly inflexible and virtually beyond the control of the producers and their managers.

Employee compensation which, as we have seen, represents by far the heaviest item of cost, flexes in only one direction—up. In this country wages have been on an upward trend without a back-step for a quarter of a century or more. The employer has been unable to reduce wages as a means of reducing his production costs. This has been a fact of life that has had the blessing of the Government and of conscious political policy and appears to be irreversible. Other elements of cost, including the cost of national security and social welfare, not to mention space exploration, are also apparently shrinkproof and may be expected to swell in magnitude. Industry must bear them in the form of taxes and direct costs. It cannot unload them except on the consumer, if it is to have a profitable business. Since the consumer is principally the very employee whose income is principally in the form of employee compensation, he, the consumer, is the chief purchaser of the goods that are produced by those who employ him as a worker. The mass production economy indeed depends for its continuance on mass consumption, and the latter is made possible by high employee compensation. There is therefore a strong interlocking connection between mass production and high employee compensation, and that is the twin mount we are riding, and cannot dismount from.

Mr. President, it should not be difficult to understand that our high costs are not flexible. They are the result of legislation that has been adopted by Congress over the past 35 years, usually with a considerable margin of votes, tested by quadrennial elections when successive administrations went before the voters. Therefore the policies that work inexorably toward high-cost burdens are deeply imbedded in our political soil.

It is nevertheless these high costs that make for competitive weakness in fending off undue import penetration. The consumer as consumer does not recognize the results of the policies he has supported as a voter. He wants policies that will bring him high compensation and social welfare and votes accordingly in the majority. As a voter he heaps cost burdens on industries but as a consumer he wants low prices and therefore likes to buy imported goods because they are cheaper, rather than the goods that he and his fellow workers have produced and for the production of which they were paid more handsomely than the workers in any other country—sometimes much more.

He wants to eat his cake and still have it. This is natural. It is human nature. But, if his plant had to shut down, or if his job was transferred abroad, he

would raise a hue and cry against his industry.

Thus, we as a Nation have two conflicting policies. One increases the burdens on production in the form of high costs. The other exposes the producers whom we have thus handicapped, to ever sharper import competition. We burden him and then turn a deaf ear when he calls for help, and call him names on top of that. Thus there is an inner contradiction in our national economic policy and our trade policy.

Now, the free traders ignore this fact. They proceed as if the day of Adam Smith, who wrote his great tomes on the Wealth of Nations nearly 200 years ago, were still here. They reason as if all the factors of competition, national and international, were under the sway of freedom and uninhibited. But as a national policy, often for reasons of social justice, we have controlled the forces of the free market by approving minimum wages, obligatory collective bargaining, social welfare, control of money and interest, farm price supports and much other regulatory legislation that took the flexibility out of the cost of producing goods.

Now that this high-plateau economy has become exposed to competition with the economies that are not equally burdened, even though they too have little flexibility, these free traders act as if the economic world were a stage on which free market forces play out their destinies by the free-trade script.

Nothing could be farther from the truth.

What we hear today is that a domestic industry suffering from severe import competition has been fat, lazy, complaisant, and incompetent. Those who say that are, of course, not those who are in active management of manufacturing enterprises. This fact does not stop them. They simply say that those industries that cannot compete with imports should so improve their efficiency as to make them competitive or they should move over and give way to deeper penetration of our market by imports, as if imports had an unquestionable right of eminent domain. I wonder whether the economist who spent many years working for a higher degree and in gaining tenure at the university would be happy to change occupations if his dean approached him and said:

Dr. Jones we have found that we can import a Japanese economist with your credentials at half your salary, his productivity is the same as yours. May we suggest you try a profession where we have a comparative advantage like sociology; but, you will have to take a substantial salary cut.

It is clear that greater industrial efficiency today is not a question of the coal miner shoveling faster and faster, or the overseer prodding the workers to a higher muscular speed. It is a question of installing machinery or processes that do away with as many jobs as possible. Since wages cannot be reduced—and I do not suggest that they should be—there is no other way to reduce production costs materially without diminishing the work force. To indicate otherwise is to fail to look the facts in the face.

We have in our industrial history of the past 20 years a perfect example of what is involved in becoming or remaining competitive with imports or any other form of competition. It comes down to material reduction of production costs.

Our coal industry was faced with the option of being driven out of business, partly by imports of residual fuel oil but most surely by diesel oil and natural gas. It was necessary to reduce production costs dramatically. Over a 15-year period the coal industry did take drastic steps. It was possible to manufacture and introduce mammoth coal mining machinery that displaced miners left and right, decimating their ranks and throwing them on the slag heaps of the unemployed.

The output of coal per year was increased from 1,159 tons per man in 1950 to 3,697 tons per man in 1965. The total number of miners was reduced from 483,000 in 1950 to 142,000 in 1965.

Mr. President, our coal-mining industry became the most efficient in the world today. We can ship coal to Europe and undersell them, but England will not admit our coal and West Germany has a limiting quota against our coal to protect her own miners. We ship coal successfully to Italy and Japan. Altogether we export about 50 million tons per year, or about 10 percent of our production.

The coal industry accepted the challenge of becoming more efficient and saw it through to success; but, Mr. President, we have been pouring hundreds of millions of dollars, out of the pockets of our taxpayers, into the Appalachian region, where most of the damage was done. Aside from the human misery involved, that section has not yet been rehabilitated.

So, Mr. President, there is the possibility of overworshipping industrial efficiency as the only way out. In the case of the coal industry it was the only way out. No one would have expected that natural gas and oil should have been held back for the sake of coal, even if the terrible cost had been known ahead of time.

But why should we do nothing to moderate, to temper or to hold to a reasonable pace such displacement and misery if the means of doing so are at hand? Why leave our industries at the mercy of forces that have no particular virtue of their own but that draw their competitive strength from an advantage, such as low wages which we cannot and should not adopt, or cannot offset by higher productivity?

If, in order to compete with imports our other industries must do what the coal industry did, would it not be better to ask a few questions beforehand and see whether the catastrophe could not be avoided by means that would prevent such deplorable consequences without causing remotely comparable damage, if any? It has been estimated, for example, that it would be necessary for the steel industry to abolish some 200,000 jobs, up and down the line, including ore mining and all supporting activities in order to reduce the cost of production by 10 percent. The steel industry gives employment not only to the 500,000 in the steel mills; but there are about

1,500,000 other workers involved in the processes and activities that end in the finished product, making a total of 2,000,000. Would that 10-percent reduction make the industry competitive? That is still a question. If it did not, perhaps the displacement of another 100,000 workers would do the job. Many of those displaced would be unable to make the painful shift to a new profession and a new way of life.

Would it not be better if we arrived at the same end of containing imports by establishing a ceiling over them at or near their present level? Would that not be better than to halt imports by displacing hundreds of thousands of workers in this country, such as would be necessary to raise our efficiency to the necessary level?

This illustration, Mr. President, should bring home to us what is involved in this whole problem of import competition. Our industries cannot properly be accused of inefficiency by reason of their inability to compete with imports. Such an indictment is false, as I think I have shown.

The overall displacement of workers necessary to bring all our import-sensitive industries to competitive equality with imports would not stop at two or three hundred thousand in the steel industry. It would extend to the footwear industry, the meat industry—assuming there were no limitation now in effect—to the textile industry and to the petroleum industry—assuming no limits had been placed on imports—the electronic industry, and a score of other industries that do not now have a limitation on imports and where the tariff has been greatly reduced over the years.

It has been suggested, and I myself have considered doing so, that individual product import quotas should be enacted; but, Mr. President, would it not be more equitable to make it possible that any industry, the small ones no less than the large ones, have available for use some reasonable limitation or ceilings placed on imports to keep them, the imports, from running wild and doing to these industries what the coal industry was forced to do to itself?

I am introducing such legislation today. It is called the Fair International Trade Act of 1969.

Mr. President, this bill provides a remedy against serious injury already suffered or threatened by any industry that can qualify under the criteria set forth in the bill. It is not an open door to all industry regardless of trend of imports or the degree of import penetration of our market.

The remedy would be an import ceiling set at or near the current level of imports. The ceiling would not of itself represent an import quota. In fact, if the exporting countries would hold their exports to this country at a level equal to or below the ceiling and did not break through the ceiling, no import quota would be imposed. Only when imports had breached the ceiling for a period of 6 months or more would an actual quota be imposed.

The bill provides flexibility in three respects. Imports in each year following the proclamation of a ceiling on a par-

ticular product could increase in proportion to the increase in domestic consumption of the product. Secondly, no import quota would run for more than 5 years. Only after another year would the industry be eligible for a new ceiling. Thirdly, if imports, once under a quota would fall below the ceiling for a whole year, the quota would be removed until imports again broke through the ceiling.

Mr. President, this is a fair bill. It is free of nearly all the objections made against absolute and inflexible import quotas. Quotas have been given a bad name on the grounds that they represent a straitjacket and cut back imports to unreasonably low levels.

This bill does not impose quotas. It establishes ceilings that are high enough to offer a substantial market in this country to other countries. If our imports were \$33 billion in 1968, this bill, if enacted, would not reduce this figure. Rather, it would allow imports to grow in proportion to the expansion of consumption of the products covered by ceilings or quotas established under this act. It could not rightly be said, although I am sure it will be said, that this bill would cripple our imports. It would not, and it would be a misrepresentation to make such a claim. Imports could easily grow to \$35 billion or more in 1970, for example, without being held back by such ceilings as might be established under this bill, were it enacted.

The great majority of imports would not be touched at all. The 38 percent on the free list would hardly be touched, if at all. Only a relatively few of the other hundreds of industries would be eligible.

So I say, Mr. President, that, while I am not wed to all the features of this bill, I do believe it offers a solution to the matter of foreign import competition that merits the serious attention of all Members of Congress. With their help, I am confident we can solve the import problem in a manner which will be in our best national interest.

I ask unanimous consent that a brief explanation of the bill be printed at this point in the RECORD.

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

The bill (S. 2778) to encourage the growth of international trade on a fair and equitable basis, introduced by Mr. LONG, was received, read twice by its title, and referred to the Committee on Finance.

The explanation, presented by Mr. LONG, is as follows:

DESCRIPTION OF PROPOSED IMPORT-CEILING LEGISLATION

The proposed trade legislation is designed to provide domestic industry, agriculture and labor with a remedy against the adverse effects of an undue rise in imports on industrial growth, employment and profits. It is in effect an Escape Clause, revised to assure the actual availability of a remedy to industries that have suffered or stand to suffer serious injury from rising imports.

The legislation is therefore not open to any industry unless imports have made a serious market penetration.

The bill lays down two sets of criteria for determination of the question of serious injury or a threat thereof. One is for use when

sufficient statistical evidence is available for the Tariff Commission to determine what share of the market (i.e., of domestic consumption) is supplied by imports. The other is to be followed when the statistical evidence is not good enough to permit the calculation of the share of the domestic market being supplied by imports.

In the first of these two instances, which is to say, where the share of the market supplied by imports can be determined, a 10% penetration of the market will be interpreted as representing serious injury, if absolute imports have doubled since 1960. A threat of serious injury, on the other hand, will be assumed if not less than a 7½% penetration has been made by imports.

The year from which to measure the trend of imports in terms of the share of the market (penetration) supplied by them is 1960, or the ten most recent years, whichever is less.

In either approach, any industry, labor union or trade association alleging serious injury would file a petition before the Tariff Commission, even as in the past under the Escape Clause or for Adjustment Assistance. The Tariff Commission would make a preliminary survey to determine whether available statistics make it possible to determine the share of domestic consumption supplied by imports (market penetration). Should this result affirmatively the Commission would proceed to determine the share of domestic consumption supplied by imports since 1960, as just stated.

If the available statistics were inadequate to make possible such a finding, the Commission would nevertheless proceed to make a finding with respect to injury, but under different guidelines. The bill under these circumstances calls for an examination of the probable adverse effects of rising imports on growth of the industry, expansion of the industry, level of profits, and the trend of employment.

Upon a finding of serious injury or a threat thereof the Commission would in this type of proceeding recommend an increase in duty to the President or an import limitation, that in its judgment would prevent or remedy the injury. The duty could not be placed at a level higher than 25% of the 1930 rate; and no quantitative limitation (import quota) could reduce imports below the average of the two most recent years.

If the President were opposed to putting the Commission's recommendation into effect he would send his reasons to Congress, and if either house by a majority vote of those present and voting sustained him within 90 days, the Commission's recommendation would be set aside. Otherwise it would be put into effect.

IMPORT CEILINGS AND QUANTITATIVE LIMITATIONS

The most distinctive part of the legislation lies in those cases in which the share of the market supplied by imports can be determined. In those cases the Tariff Commission would determine the level of imports that could be admitted into the country without going so far as to impose administrative limitations on them, and this level would be the ceiling. Only if imports subsequently should break through such a ceiling in their upward surge would an administrative limitation be imposed. This need not happen if the exporting countries took care to avoid it.

It is thought that in most instances in which injury from imports occurs or threatens, statistical evidence of the share of domestic consumption supplied by the imports is adequate. The Commission could then proceed on the basis of recommending ceilings to the President instead of recommending a tariff increase, if the facts developed in hearings and investigation demonstrated deep enough a market penetration by imports to justify an affirmative finding

for a ceiling under the criteria laid down in the law.

The President would proclaim such ceilings upon a finding by the Tariff Commission of the share of domestic consumption supplied by imports of the product or article in question if this share were above the 10% penetration level, thus meeting the criteria of serious injury (7½% in the case of a threat of serious injury).

The Commission would thereafter keep the President informed of the trend of imports in terms of the share of domestic consumption supplied by them, in all instances in which a ceiling had been proclaimed. Should imports fail to rise above the ceiling level no actual administrative quantitative limitation would be established. Only if imports should rise above the ceiling for a period of six consecutive months (i.e., above 50% of the ceiling for a whole year) would the President impose the limitation.

By controlling their exports to this country, the foreign countries could avoid triggering the imposition of an administrative quantitative limitation (import quota). If after such a limitation were imposed imports for a whole calendar year should fall below the ceiling, the President would rescind the administrative quantitative limitation (import quota).

The ceiling for each article for which one has been established would be revised each year to adjust the quantity to any increase or decrease in domestic consumption, thus permitting imports to grow in proportion to the domestic consumption of the article. This proportion might be 10%, 12%, 20% or whatever had been found by the Tariff Commission to be the ceiling as prescribed in the law for the particular level in each case according to the extent of market penetration.

No quantitative limitation would remain in effect over 5 years if it were imposed upon a finding of serious injury, and not over 3 years if it were imposed upon a finding of a threat of serious injury. After a year subsequent to the ending of the quantitative limitation, the industry in question could petition the Tariff Commission for a new ceiling.

NEW CONCEPT

The concept of a ceiling on the share of the market that would be available to imports is relatively new. The further provision that imports would be allowed to expand as domestic consumption might expand introduces a flexibility into quantitative limitations on imports that is very rare and would go far to remove the usual objection to import quotas on the ground that they would place trade in a straitjacket. Indeed a further element of flexibility is introduced by allowing an interval of a year or more for reestablishment of a new ceiling, after 3 or 5 years.

The principal virtues of the proposal lie in the limited nature of the cutback in the level of imports if any; the avoidance of an actual administrative limitation on imports if the exporting countries do not trigger one; the exclusion of industries that have not experienced injury from increased imports arising subsequent to a tariff reduction or reductions under one or more trade agreements, and the flexibility already mentioned.

As an effective remedy for injury from trade agreements concessions with a minimum of objectionable features the proposed approach would be unique.

SENATE JOINT RESOLUTION 143— INTRODUCTION OF A JOINT RESOLUTION EXTENDING THE DURATION OF COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of

the Committee on the Judiciary, I introduce, for appropriate reference, a joint resolution extending the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1970, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as previously extended by Public Law 87-668, Public Law 89-442, Public Law 90-141, or Public Law 90-416. The objective of this resolution, as well as the preceding interim extensions, is to temporarily continue the renewal term of copyright pending the enactment by the Congress of a general revision of the copyright law, including a proposed increase in the length of the copyright term.

I am aware that Members of the Congress are receiving considerable correspondence requesting favorable action on the legislation for the general revision of the copyright law. Many Americans—especially those involved in the creative and performing arts—look forward to the long, overdue modernization of the copyright law. It may, therefore, be useful for me to report to the Senate at this time concerning the prospects for action in this session of Congress on this legislation.

The public hearings by the subcommittee were completed during the previous Congress, but various developments precluded any action by the subcommittee to report a copyright bill. The principal, if not exclusive, factor delaying action in the subcommittee has been the complex and highly controversial subject of cable television. During the last Congress there was pending before the Supreme Court litigation relating to the possible copyright liability of cable television systems under the Copyright Act of 1909. I indicated last year that I would initiate further efforts to advance the progress of the bill at the start of the 91st Congress. I have kept that commitment. As early as January 8, I scheduled a general meeting with all of the parties to the CATV question. I virtually pleaded on that occasion that the parties cooperate with the Congress in reaching at least a measure of agreement that could then be reviewed by the appropriate committees.

Following the January 8 conference, a number of smaller meetings were held with certain of the parties in Washington and New York. The counsel of the subcommittee represented me at those meetings. In addition, the parties themselves scheduled various meetings to conduct negotiations. In due course, the staffs of the National Association of Broadcasters and the National Cable Television Association reached agreement on a package settlement, reflecting both copyright and communication principles, and recommended this proposal to their respective boards. The board of the National Cable Television Association gave an affirmative response to the agreement, but the staff proposal was not approved by the board of the National Association of Broadcasters. The NAB indicated that the staff agreement required "major revision" and that various unspecified additional issues had to be resolved. Subsequent to the action of the NAB board, I was advised by the

three principal parties, NAB, NCTA, and the motion picture producers and distributors, that they were prepared to resume discussions on an expeditious basis. While I welcome the willingness of the parties to resume their discussions, such efforts have been in progress under the subcommittee's sponsorship for about 2 years and little tangible progress has been made. Since the CATV question is delaying the markup in the subcommittee of the copyright revision bill, I felt obliged to request the parties to submit to the subcommittee not later than August 31 a report indicating what agreements, if any, have been achieved, and to identify the areas which remain to be resolved.

On the basis of the information currently available to the subcommittee, I am not optimistic that the parties will achieve substantial agreement by August 31, or at an early subsequent date. Even if such a fortuitous event should at last occur, further discussions would then be necessary with various secondary parties, such as the music performing rights societies, educational broadcasters, and the professional baseball and football leagues. It will then be necessary to draft the required statutory language. Finally, some appropriate method would have to be developed to permit the Commerce Committee, which also has jurisdiction in this area, to review whatever provisions are approved by our subcommittee.

Under these circumstances, I am now reluctantly prepared to support the separation of the cable television issue from the general copyright revision bill so that the substance of the CATV question would be dealt with in a separate bill. While the general copyright revision bill was being processed, the efforts of the CATV parties to reach an agreement could continue. If the parties later were to achieve an understanding, this agreement could be reviewed by the appropriate committees of the Congress, and if found to be in the public interest, the necessary implementing legislation could be enacted. If the parties do not reach agreement, the appropriate committees could take whatever legislative action they deem necessary and desirable. While the general copyright bill would not be intended to deal in any permanent way with the substantive CATV question, it obviously will be necessary to include in that bill language preserving the status quo and providing that with respect to secondary transmissions by cable television systems, their possible copyright liability shall be determined by the provisions of the Copyright Act of 1909.

I believe that this approach is not adverse to the real interests of any of the major parties. It is unfortunate that the CATV issue apparently cannot be resolved as part of the general legislation. The responsibility for this condition rests with the parties and particularly those who persist in undermining efforts to achieve a compromise settlement. If it is not possible to separate the CATV issue from the general bill, I doubt that the subcommittee would be able to report the revision bill during this session. The failure of the subcommittee to act on the revision bill in this session, in my opinion, would raise a very real prospect that this

Congress would not be able to revise the copyright law and that the entire revision effort may well collapse.

I invite those organizations and individuals who have comments or suggestions concerning the separation of the CATV provisions from the general revision bill to submit them to me promptly. After the August recess, I shall consult with the other members of the subcommittee concerning our future procedure.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

SCHOOLBUILDINGS FOR OUR NATIONS INDIAN SCHOOLCHILDREN

Mr. MONTROYA. Mr. President, I am pleased to join with my distinguished colleague from New Mexico, Senator ANDERSON, in sponsoring legislation to fill a deep void in our educational system. That is the construction of facilities to educate Indian children.

Mr. President, we hear much these days about the need to improve our educational standards, about the need to upgrade our educational values, about the need to insure that every American child and adult is given the opportunity to receive the best possible education. I, myself, have been a vociferous proponent of these thoughts and have always fought long and hard for new and innovative legislation to promote a good education as well as full funding of those programs which we authorize. I have taken the floor of the Senate on numerous occasions this session to denounce cuts proposed in the new budget for education as well as to encourage and demand adequate funding of all education programs. I intend to continue to do so.

I have been heartened by the progress which has been made by recent Congresses in enacting legislation to stimulate new programs in education, to fund at a higher level than ever before the national effort to insure the best possible education for all, and our renewed commitment to education as the key to solving many of our social ills.

What bothers me, Mr. President—and it bothers me deeply—is the almost total lack of attention that has been given to the lack of adequate facilities in which to educate our Nation's children. The task has been traditionally left up to the States to provide for the building of schools and to insure that such schools are adequately equipped and staffed to meet the challenges of providing a modern education. But the States cannot do the job alone. I do hope to be able to speak further and perhaps propose additional legislation in this field later, for there is a great void in present programs to assist States in constructing adequate, modern school facilities. The few programs that do exist are modest and are not meeting the needs of our Nation's schools.

Regardless of one's feelings about pro-

viding Federal assistance to school districts for school construction, I think most of us in Congress are united on one point. That is the need to provide States with financial assistance in constructing schools in federally compacted areas. We have one principal program to provide this assistance: Public Law 81-815. This program was enacted with the thought in mind that the Federal Government should provide assistance to the States in constructing school facilities in areas which are heavily populated by Federal employees and/or other individuals who do not contribute to the tax base of the States and whose education should be a responsibility shared by the Federal Government. Otherwise the States would be providing for the education of children whose parents contribute little or nothing to the tax base of the State to help meet the costs of such education.

However, even though Congress has acknowledged its commitment to assist the States in constructing schools in federally impacted areas, our commitment has not been fulfilled in recent years. We have authorized the program but the money, the appropriations, have not been forthcoming. For example, during the 4-fiscal-year period of 1967 through 1970, the estimated needs totaled \$327 million. Yet, the appropriations will total only \$107.1 million. This is assuming that the Congress does not appropriate more for fiscal year 1970 than the budget request. I hope Congress does not heed the budget request and appropriates the necessary sums. I shall certainly work toward that end. But even if we appropriate the sums necessary for fiscal year 1970 instead of the budget request, this will still be inadequate for needs of the previous 3 fiscal years will remain unmet.

Mr. President, this brings us to the legislation which we are introducing today. While schools in all federally impacted areas have suffered as a result of lack of funds, those which have suffered the most are those schools which are called upon to provide an education to our American Indian children.

In my own State of New Mexico, Mr. President, we have a number of school districts, receiving little support from the State and little or no support from the Federal Government, which school districts are nevertheless expected to provide for the education of a large percentage of Indian children whose parents provide nothing to the tax base of the district. I do not mean to suggest that the children should be penalized. They should not. But we should realize the full impact of this action on the school districts involved. They have a tremendous burden placed upon them, like other school districts do, of providing a modern day education and constructing the necessary facilities to enable them to do so. But they have the added burden—and in some cases a terribly crippling burden of attempting to do so with an extremely limited budget. They do not have enough funds available to them from taxes and other sources to provide even the children from taxpaying parents with a good ed-

ucation, much less those from Federal installations or from Indian reservations.

If I were to try to meet the present day needs, we would require expenditures of perhaps billions of dollars. This would be desirable, but, I realize, not very practical in today's tight budgetary circumstances.

I have been exploring various ways in which to provide for the needs of those school districts providing an education to Indian children. I intend to continue seeking a long-range solution. However, I firmly believe that the measure which I am joining my dear colleague from New Mexico, Senator ANDERSON, in sponsoring today, will provide a measure of immediate relief. As Senator ANDERSON has explained, this joint resolution would provide for \$7.5 million a year for each of 3 years beginning with fiscal year 1971. I wish that funds could be provided under this measure for this current fiscal year, but I fully recognize that the legislative process of enacting such a measure will of necessity take time. I do urge my colleagues to give this proposal immediate attention so that we can appropriate funds for next year.

Mr. President, as an indication of why these funds are needed, I ask unanimous consent to have printed at this point in the RECORD a resolution adopted by, and other materials prepared by, the Gallup-McKinley County schools on the need for additional facilities in that school district. This is not the only source of need in New Mexico. There are various others including the Grants School District which is suffering greatly. However, I believe that these materials which I am inserting into the RECORD today will give the required proof that something needs to be done to provide immediate assistance in providing adequate buildings to insure a good education for our American Indian children.

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

RESOLUTION OF GALLUP-MCKINLEY COUNTY SCHOOLS, GALLUP, N. MEX.

Whereas, the Board of Education of Gallup-McKinley County School District No. 1, Gallup, New Mexico, realizing its responsibilities to the Indian children of the townsite of Navajo, New Mexico, and surrounding area, desires to further the educational opportunities of these children, and

Whereas, the school children in this area were housed in barracks and quonset huts, then bused 75 miles to Gallup to school, then later transported to a high school in Arizona on a tuition basis, in an attempt to provide a worthy education, and

Whereas, the Chief of Public School Finance, New Mexico Department of Finance and Administration has stated their department would no longer pay the tuition for the education of these children of Navajo in an out-of-state school beyond September, 1970, and

Whereas, Public Law 815 funds for the construction of schools have not been available for the Gallup-McKinley County School District for the past three years, which funds could have provided a secondary school for the education of the children of Navajo, New Mexico,

Now, therefore, be it resolved: The Gallup-McKinley County Board of Education requests direct funding in the amount of two and one-half million dollars for the con-

struction of a secondary school in Navajo, New Mexico, to provide the proper housing and educational opportunities for the Indian children in Navajo and the surrounding area.

GALLUP-MCKINLEY COUNTY BOARD
OF EDUCATION,

JOHN H. SCHUELKE,

President.

EARNEST BECENTI,

Secretary.

Attest:

STATEMENT OF W. B. FITZSIMMONS, SUPERINTENDENT OF SCHOOLS, GALLUP-MCKINLEY COUNTY SCHOOL DISTRICT, GALLUP, N. MEX.

To: New Mexico Members of Congress

The Gallup-McKinley County Board of Education in prior correspondence has furnished The New Mexico Congressional Members considerable information in regard to federal aid to education, primarily Public Law 815, Public Law 874, and Johnson-O'Malley evaluations and how they adapt to Indian education, together with recommendations and suggestions for changes in the laws to better accommodate the needs of Indian children.

At this writing, it is our understanding that no one knows the fate of the above laws or what the future role of the federal government may be. If Congress does not act favorably, and the existing laws are curtailed to a point of being inadequate, the Gallup-McKinley County School System will be in a precarious position and will have to relinquish its obligation of Indian education to the federal government. This action is not the desire of the Gallup-McKinley County

Board of Education, but it would be their only recourse.

It is our observation and appraisal that Congress may not resolve the appropriations for P.L. 815 until the latter part of the year, and then the appropriations may be severely curtailed. Therefore, the following projects, which were submitted with the 1966-69 P.L. 815 application, are in jeopardy.

Addition to Navajo Elementary	\$856,341
Addition to Thoreau Elementary	1,151,393
Addition to Tohatchi High School	2,328,500
Addition to Towa Yallane Elementary	113,500
Zuni High Vocational Addition	128,000
Addition to Tse Bonito Elementary	706,002
Start of Secondary School at Navajo	2,133,137
Zuni Junior High School	1,710,000
Addition to Thoreau High School	2,339,652
Addition to Crownpoint High School	2,328,500
Total	13,795,025

The building cost of the above projects has increased at least 10 percent since the time of their submittal. The priorities of these projects have all changed with the time delay, and, as of now, all the projects have a number one priority as far as the school district is concerned. The enrollment data which follows will clearly substantiate this statement.

GALLUP-MCKINLEY COUNTY SCHOOL DISTRICT, GALLUP, N. MEX.

	Capacity of present building	Enrollment as of June 1969	Projected enrollment, 1969-70	Unhoused children, September 1969	Projected enrollment, 1970-71	Unhoused children, September 1970
Navajo Elementary, grades kindergarten to 6 ¹	300	290	349	49	400	100
Navajo, grades 7 to 12 (attending Fort Defiance, Ariz., tuition basis)		136	184	184	300	300
Crownpoint Elementary, grades kindergarten to 6 ²	690	637	750	60	825	135
Crownpoint High, grades 7 to 11	250	259	453	203	475	225
Church Rock, grades kindergarten to 6 ²	360	413	429	69	460	100
Tohatchi Elementary, grades kindergarten to 6 ¹	540	585	647	107	700	160
Tohatchi High, grades 7 to 10	250	199	296	46	350	100
Thoreau Elementary, grades Kindergarten to 6 ²	390	552	644	254	725	335
Thoreau High, grades 7 to 12	150	347	411	261	465	315
Towa Yallane, grades kindergarten to 6 ¹	300	382	406	106	430	130
Zuni Elementary, grades kindergarten to 6	540	528	547	7	575	35
Zuni High, grades 7 to 12	600	550	711	111	725	125
Tse Bonito, grades kindergarten to 6 ²	120	170	184	64	200	80
Total	4,490	5,048	6,011	1,521	6,630	2,140

¹ Indian reservation.
² Checkerboard area.

³ 7th to 12th grade.
⁴ 7th to 11th grade.

School officials feel this data speaks for itself and clearly shows that the school district is in dire need of funds for school facilities to alleviate present and future classroom needs.

Even though the above data indicates our needs are critical in all the areas listed, the Gallup-McKinley County Board of Education at this time wishes to point out the greatest need is for a secondary school (Grades 7-12) in the townsite of Navajo, New Mexico. This is the only area in the Gallup-McKinley County School District without secondary school facilities.

Therefore, the Board of Education of Gallup-McKinley County Schools is requesting direct funds of two and one-half million dollars to be appropriated immediately for this project. This request is urgent in that it will take 250-280 days for construction to be completed by September, 1970.

The children from the Navajo, New Mexico area have been transported to the Gallup secondary schools in the past. This plan had to be discontinued because the children were traveling 160-170 miles per day, which entailed a four-hour bus ride. This subjected

the children to an undue hardship. The following year, the Board of Education tried to start a secondary school at Navajo, using old surplus barracks and quonset huts, however, these facilities were inadequate. The Director of Instructional Services, Mr. Calloway Taulbee, New Mexico State Department of Education, during an evaluation study of the school district, recommended the children be transported to Fort Defiance, Arizona, and enrolled in the Window Rock Public School District on a tuition basis. In his letter of February 5, 1968, he stated:

"During our recent evaluation visit to your school district it became obvious to us that the children in grades 7-9 at Navajo would obtain better educational opportunities at nearby Window Rock, where you are already sending grades 10-12. While the question of out-of-state tuition has to be considered, we are in agreement that it should not dissuade you from seeking improved opportunities for the children involved.

"It is our recommendation, therefore, that you strive to make the necessary plan to send all of the secondary school children from

Navajo (grades 7-12) to Window Rock next school year (1968-69)."

The trip to the Window Rock school district required only a 25 mile bus ride. This recommendation was deemed satisfactory by the Board of Education and was enacted immediately, even though the Board felt the tuition charged by Arizona, in comparison to the cost in New Mexico, was high. The number of Navajo, New Mexico children educated in Arizona this past school year reached 136 and the estimate for the next school year is 184 children. Mr. Harry Wugalter, Chief, Public School Finance, New Mexico State Department of Finance and Administration, met with officials of the Arizona State Department of Education and the governor of Arizona in an attempt to lower the tuition rate, but to no avail.

During the annual budget hearing for the Gallup-McKinley County school district, held in May, 1969, Mr. Wugalter, after a lengthy discussion, stated he would not approve payment of the Arizona tuition of \$810 per child beyond September, 1970, and he instructed the Board of Education to find revenues to construct a secondary school at Navajo. In his letter of July 7, 1969, he stated:

"This letter is a follow-up to our lengthy discussion during the budget hearing about the situation at Navajo.

"As we indicated, the tuition payment for resident New Mexico pupils to the Arizona School District was meant to be a temporary arrangement. It appears that the enrollment projection for next year, and further projections, point to the need for a pupil attendance center.

"This office granted approval of the out-of-state tuition payment with the proviso that the board would do all possible to seek a solution for our secondary pupils. If there is an opportunity for the board to receive federal assistance with which to construct a junior-senior high school, then this office would certainly endorse this move. The State of New Mexico will meet its obligation to the school district and assure the district of operating expenses via the state-aid formula as long as these resident children attend a public school in this area.

"If this office can be of any assistance at any time in connection with this matter, please do not hesitate to call."

In 1965 the Gallup-McKinley County Board of Education constructed the elementary school at Navajo with district bond monies because Public Law 815 funds were not available at that time. Mr. Sweeney, Field Representative for P.L. 815, could not be convinced that this community would be large enough to warrant an elementary school. However, the Gallup-McKinley County Board of Education had the foresight to see the need, and in cooperation with the Navajo Forest Products Industries and the Bureau of Indian Affairs, allowed bond money to be used for an elementary school at Navajo. The Navajo Forest Products Industries officials and the Bureau of Indian Affairs planned the sawmill as an industry together with a community development plan. The entire project was to be a model community and an example to the rest of the reservation to follow. The plan has made tremendous progress. The sawmill is one of the most modern in the United States. The community is growing by leaps and bounds, and has the most modern housing on the reservation. The economy in the area is above average and stable. This project is a perfect example of what can be done on the Navajo Reservation with the Indian workers. It is conclusive evidence that once an Indian has a skill and a job, his social progress and educational philosophies for his children change to conform with our society.

Due to this progress and the demands of the people, the Board of Education feels very strongly that the Navajo community deserves school facilities to house children in grades kindergarten through twelve.

The plans for a new high school include six general classrooms, music, art, industrial, woodworking, science, business administration and home materials center, with staff offices, toilet rooms, and storage and custodial spaces for a total of 21 teaching spaces, all in a steel frame, one-story building. The teacherages are to have ten 3-bedroom units and ten 2-bedroom units in the townsite proper on sites assigned by the town from the existing plat.

The proposed facilities should provide for teaching stations in the basic areas of English, mathematics, science, social studies, health and physical education, business education, fine arts, foreign languages, home economics, arts and crafts, driver education, and industrial arts. In addition, vocational education facilities should be provided in the areas of building trades, office occupations, distributive education, and consumer and homemaking education.

With an anticipated initial enrollment of 300 secondary students, staffing requirements would include eighteen teachers, one counselor and one principal.

The curriculum recommendations stated above would provide an adequate instructional program to meet the educational needs of the secondary students in the Navajo area. This program cannot be implemented until adequate facilities are provided.

The reason the construction fell behind in our rural school area was because P.L. 815 funds were frozen for the past three years, and our school district has not received any funds even though it was eligible. During this same period, the school district has had an increased enrollment of approximately 1,500 federal impacted children, all of whom are primarily of Indian descent. This lag in federal funding has set back the school district construction program four years and forced the school district to house children in old surplus barracks and quonset huts. These buildings present a fire hazard and poor atmosphere for education. The Board of Education cannot help but feel that the federal government is not fulfilling its obligation to the Indian people. School officials of McKinley County have a strong feeling that Public Laws 815 and 874 were not designed for Indian education; nevertheless, if our school district had been funded in the past three years as it was from 1960 to 1965, the deplorable classroom conditions would not exist. As one can readily see from the previous enrollment chart, the school district will have 1,521 unhouseed children as of September, 1969, and this will increase to 2,140 by September of 1970. All of the unhouseed children will be assigned to obsolete classrooms.

The education of the American Indian has been one of the most controversial topics in America. Most Indian children enter school with a language handicap. They are made to compete in a society that is foreign to them in their cultural and language patterns. If the school curriculum is not developed with the above elements in mind, it may hamper the Indian child through his life span. This makes the education of the Indian child a complicated problem, and we feel it is the greatest challenge in education today.

In order to cope with this problem, all personnel concerned must have the knowledge, enthusiasm, and dedication to do a good job. It is of the utmost importance to have a Board of Education that is willing to take on the responsibility of this challenge. It could be said, without reservation, that the members of all of the boards of education who served the Gallup-McKinley County school district have not only accepted this responsibility, but have, in a genuine manner, touched the problem and made educational strides second to none.

The absorption of Indian children into the public schools of McKinley County in the

past 12 years proves this point without a shadow of a doubt. Twelve years ago the school system was educating approximately 1,000 Indian children. The current enrollment stands at 12,000 with 7,000 Indian children. Bus routes have been expanded from 14 to 46 over the same period of time. All of these children reside at home and attend school on a day basis, with the exception of approximately 600 children in the Gallup and Ramah dormitories. This educational feat could be accomplished only with the full cooperation of the Indian people, the Navajo Tribal Government, and the Bureau of Indian Affairs.

Another important aspect, if not the most important, is the part played by the federal government in providing necessary funds under P.L. 815, P.L. 874, and the Johnson-O'Malley law. P.L. 874 provides funds in lieu of local taxes for the operating and maintenance purposes of the plant; P.L. 815 provides funds for construction; and Johnson-O'Malley law provides funds for the special education needs. It is very obvious that this financial support is necessary due to the non-taxable lands involved in the Gallup-McKinley County area. This support will be necessary until such time that resources of these areas are industrialized and the economy stabilized to support itself through the normal taxation process.

For your further information, we are also enclosing statistical data on projected enrollments for the entire Gallup-McKinley County School District for the years 1969-70 and 1970-71.

We trust the information provided in this report will justify the immediate funding of a secondary school at Navajo, New Mexico.

W. B. FITZSIMMONS.

SENATE JOINT RESOLUTION 144— INTRODUCTION OF A JOINT RESOLUTION ON INDIAN EDUCATION

Mr. ANDERSON. Mr. President, the educational experience of many Indian children in the West provides a stark contrast to the schooling of most of our youngsters. My own State offers visible evidence of the additional burdens which these youngsters must carry because of the lack of classrooms and dormitories.

The Navahos, for example, live in scattered communities in an area comparable to the State of West Virginia. The land is rough and the roads are few. Many of the roads which exist are impassable in the rainy season and particularly in the winter when there is snow.

Thus, school attendance in many cases entails much more than walking the several miles many of us and our parents did. Instead, youngsters to whom reservation schools are unavailable face these options: Attending class in quonset huts or converted barracks, traveling by bus sometimes as much as 160 miles daily over dirt roads to public schools, and being sent out of State to live in Government boarding schools away from their homes.

The latter alternative puts considerable strain on family relationships which are important to our Indian citizens and, in fact, sometimes much stronger than our own.

The tremendous desire of the Indians to provide their offspring equal educational opportunities was expressed recently by Timothy Benally, chairman of the Navaho Tribal Education Committee:

The past is gone, the present is going and we have the future coming up. The future of the Navahos depends on what kind of education our children get now and in the future. And the future of our country depends on what happens to all of its peoples.

I am pleased to report that local school districts have been responsive to this concern by absorbing the Indians into their facilities.

My discussions in recent weeks with public school officials and Navaho Indian school officials and the Bureau of Indian Affairs have revealed how wide the gap has grown. In fact, it has become so serious within the Gallup school district adjoining the Navaho Reservation that this fall, 1,521 school-age youngsters will have no place to go except obsolete and overcrowded classrooms.

In several areas, local school districts want to construct new schools to accommodate Indian and non-Indian students who live within their jurisdiction and to assume the responsibility for this education. However, the districts have no funds and are presently bonded to their legal limits. They have made application for Federal assistance through the Public Law 815 program, but the Congress has reduced these funds to such a level that it will be at least 5 years before moneys will be available for these districts.

The ultimate cost to the Federal Government of educating these children would be reduced greatly by financing these new school facilities. Since the local school districts would assume the major responsibility for their education, the Government would be relieved of this burden and better education would be provided at a lower cost. Many of the children could live at home and be transported to school each day by local school-buses. I am informed that the Bureau of Indian Affairs is willing to construct and supervise dormitory facilities adjoining the proposed schools for students whose homes are inaccessible to vehicle travel during the winter months or who live too far away to commute each day.

I believe that the Federal Government should not shirk its responsibility for these children. Providing public school facilities in the proximity of their homes will not only lessen the expense to the Government but will accelerate their adjustment to the modern educational process by integrating them into the local public schools, and this is what the Indians want.

I do not believe we will accomplish these goals for many years if we wait for the Bureau of Indian Affairs or the Department of Education to supply the funds for these facilities. This is a critical problem. It needs solving now. It will require, relatively speaking, a small amount of funds, and these funds will be budgeted over a period of time so that there will be no sudden large impact on budgets.

For these reasons I propose this Senate joint resolution to authorize the appropriation of \$7,500,000 annually for each of 3 years beginning with fiscal year 1971 to assist in constructing school facilities in public school districts ad-

joining or near Indian reservations for the education of Indian children. This is a responsibility of the Government.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed at this point in the RECORD.

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

The joint resolution (S.J. Res. 144) to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools, introduced by Mr. ANDERSON, for himself and Mr. MONTOYA, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S.J. RES. 144

Whereas, it is the responsibility of the Federal Government to provide educational opportunities to Indian children living on Indian reservations or on Indian land in the proximity of reservations;

Whereas, the Secretary of the Interior has found it practicable and advisable to educate Indian children in the public schools;

Whereas, sufficient schools have not been constructed by the Federal Government to provide for the education of Indian children in some areas of Indian reservations served by public school districts;

Whereas, these public school districts are bonded to the limit and are unable to provide facilities, which forces many of the Indian children to attend schools in dilapidated barracks and Quonset huts, or to leave the reservation to attend Indian boarding schools in other States;

Whereas, the Indians desire that their children attend public schools in their immediate locality;

Whereas, the public school districts are willing to accept the Indian children if funds can be obtained to construct adequate facilities;

Whereas, the Bureau of Indian Affairs has indicated that it will construct boarding facilities where necessary in connection with new school facilities; and

Whereas, the cost to the Government of educating the Indian children in these areas would be decreased if provision is made for them to attend public schools in the area in which they presently reside: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into a contract or contracts with any State or local educational agency for the purpose of assisting such agency in the construction or acquisition of classrooms and other facilities in school districts adjacent or in close proximity to Indian reservations necessary for the education of Indians residing on any such reservation. Any such contract entered into by the Secretary pursuant to this joint resolution shall contain provisions requiring such contracting agency to—

(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district;

(2) operate such facilities as a part of the public school system and to provide a program of instruction meeting the standards

required by such State or local educational agency for other public schools under the jurisdiction or control of such agency; and

(3) meet, with respect to such facilities acquired or constructed pursuant to such contract, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control.

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated, for the fiscal year commencing July 1, 1970, the sum of \$7,500,000, and for each of the two next succeeding fiscal years, the sum of \$7,500,000, such funds to remain available until expended.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 410

Mr. MOSS. Mr. President, I ask unanimous consent that at the next printing, the name of the senior Senator from Idaho (Mr. CHURCH) be added as a cosponsor of S. 410, to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink.

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

S. 2371

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of S. 2371, to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

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

S. 2422

Mr. BAYH. Mr. President, I ask unanimous consent that, at the next printing, the names of the senior Senator from Nevada (Mr. BIBLE), the junior Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oregon (Mr. PACKWOOD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Ohio (Mr. YOUNG), be added as cosponsors of S. 2422, to amend the Higher Education Act of 1965 to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest for the students insured loan program.

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

S. 2470

Mr. SCOTT. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 2470 to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes.

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

S. 2518

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. FONG) and the Senator from

Tennessee (Mr. BAKER) be added as cosponsors of the S. 2518, to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

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

S. 2721

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of S. 2721, the Insured Student Loan Emergency Amendments of 1969.

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

S.J. RES. 120

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from North Dakota (Mr. BURDICK) and the Senator from Montana (Mr. METCALF) be added as cosponsors of Senate Joint Resolution 120, providing for the preparation and submission to the Congress of a master ground transportation plan for the United States.

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

SENATE RESOLUTIONS 230, 231, 232, 233, 234, 235, 236, 237, AND 238—RESOLUTIONS REPORTED BY THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolutions, which were referred to the Committee on Rules and Administration:

S. Res. 230

Resolved, That Senate Resolution 40, 91st Congress, agreed to February 18, 1969 (authorizing an investigation of antitrust and antimonopoly laws and their administration), is hereby amended on line 5, page 3 by striking out "\$577,500 and inserting in lieu thereof "\$606,300".

S. Res. 231

Resolved, That Senate Resolution 42, Ninety-first Congress, as agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to constitutional amendments), is hereby amended by striking out \$120,000 and inserting in lieu thereof \$124,000.

S. Res. 232

Resolved, That Senate Resolution 43, Ninety-first Congress, agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "\$200,000" and inserting in lieu thereof "\$215,000".

S. Res. 233

Resolved, That Senate Resolution 44, 91st Congress, agreed to February 17, 1969 (authorizing a continuing of the study of criminal laws and procedures), is hereby amended on line 15, page 2, by striking out \$120,000 and inserting in lieu thereof \$145,000.

S. Res. 234

Resolved, That the limitation of expenditures under Senate Resolution 46, 91st Congress, 1st Session, relating to the internal security of the United States, agreed to February 17, 1969, is hereby increased by \$65,000, and such sum, together with an unexpended balance of sums previously authorized to be expended under such resolution, shall be

paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee and covering obligations incurred under such resolution on or before January 31, 1970.

S. RES. 235

Resolved, That Senate Resolution 47, Ninety-first Congress, agreed to February 17, 1967 (authorizing study and examination of the Federal judicial system), is hereby amended on page 2, line 23, by striking out "200,000" and inserting in lieu thereof "\$209,000".

S. RES. 236

Resolved, That section 4 of Senate Resolution 48, Ninety-first Congress, first session, authorizing an investigation of juvenile delinquency in the United States, agreed to February 17, 1969, is amended by striking out "\$225,000" and inserting in lieu thereof "\$250,000".

S. RES. 237

Resolved, That Senate Resolution 51, Ninety-first Congress, as agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to revision and codification of the statutes of the United States), is hereby amended by striking out \$48,900 and inserting in lieu thereof "\$52,900".

S. RES. 238

Resolved, That Senate Resolution 52, Ninety-first Congress, agreed to February 17, 1969 (authorizing a complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution) is hereby amended by striking out "\$95,000" and inserting in lieu thereof "\$105,000".

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

S. CON. RES. 34

Mr. BYRD of West Virginia, Mr. President, on behalf of the Senator from South Dakota (Mr. McGOVERN) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of Senate Concurrent Resolution 34, to establish a national policy on Indian affairs.

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

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—AMENDMENTS

AMENDMENTS NOS. 114 THROUGH 116

Mr. NELSON (for himself, Mr. GOOD-ELL, Mr. HUGHES, and Mr. PROXMIRE) submitted three amendments, intended to be proposed by them, jointly, to the bill (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 for each Reserve component of the Armed Forces, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. NELSON when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 117

Mr. YARBOROUGH (for himself, Mr. PELL, Mr. HUGHES, and Mr. PROXMIRE) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. YARBOROUGH when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 118 AND 119

Mr. HARTKE (for himself, Mr. PROXMIRE, Mr. HUGHES, and Mr. PELL) submitted two amendments, intended to be proposed by them, jointly, to Senate bill 2546, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. HARTKE when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 120

Mr. HARTKE (for himself, Mr. PROXMIRE, Mr. HUGHES, and Mr. PELL) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. HARTKE when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 121

Mr. PELL (for himself, Mr. HUGHES, and Mr. PROXMIRE) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PELL when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 122

Mrs. SMITH submitted an amendment, in the nature of a substitute, intended to be proposed by her to the amendment proposed by Mr. HART (for himself, Mr. COOPER, and others), No. 101, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mrs. SMITH when she submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 123

Mr. PROXMIRE, Mr. President, I submit an amendment to the military procurement authorization bill, pending in the Senate, which would have substantial sums of money and would curtail the Department of Defense trend toward pursuing a policy of disengaging itself from controlling costs incurred by contractors and being charged under Government contracts. I refer to those efforts involved in what is known as independent research and development, or I.R. & D., bid and proposal, and other technical engineering activities. The costs of these efforts are included in the contractors' overhead and are allocated to the contracts they have with the Government.

The Department of Defense pays to contractors each year over one-half billion dollars for such engineering efforts over which DOD has very little, if any, control. Furthermore, these costs have been steadily increasing at an alarming rate each year. For example, in 1963 DOD paid \$459 million while NASA paid \$57 million; in 1968 DOD paid \$685 million and NASA paid \$131 million. In both years these sums of money were paid to less than 100 major defense contractors. While NASA is not involved in this bill, Mr. President, that agency follows the same policy as DOD, and the combined figures for the two more accurately portray the total picture.

Contractors have a great incentive to incur these costs. The efforts involved provide a basis for developing new and improved products, for selling these products, and otherwise improving the firm's capability to acquire new business. Those contractors that do a large share of their business with DOD are in an exceptionally good position in that they know that DOD will pay a large portion of these costs without controlling the efforts or demanding any share of the benefits obtained by the contractors. Because the contractors know the Government will bear a major portion of the costs, they have little reason to economize in these efforts.

DOD officials do very little reviewing contractors' I.R. & D. programs and, therefore, are in no position to determine their worthiness. In fact, these same officials find it necessary to ask the contractors each year to submit a list of benefits that have resulted from their I.R. & D. programs to provide support for justifying continuance of the program.

DOD's philosophy in not attempting to control I.R. & D. costs is that such costs are a necessary element of doing business, and that the Government should bear its share. DOD has recognized, however, that there is some need to better scrutinize these expenditures by contractors whose work is predominantly or substantially with the Government. Consequently, a system of negotiating advance agreements to define the maximum extent of the Government's liability was developed. However, once an advance agreement has been reached the contractors are free to change the content of their I.R. & D. programs without even making such changes known to DOD.

DOD has recognized that its system needs improvement, but the solution DOD is currently advocating is to completely eliminate any semblance of control by instituting a formula basis for determining the reasonableness of contractors' I.R. & D. and bid and proposal costs. Under this system no contractor, regardless of the degree of business he does with DOD, would be required to have his proposed programs scrutinized in any way prior to incurring costs that will be reimbursed by the Government.

Mr. President, this amendment is necessary if the taxpayers are to be saved from financing contractors' programs that may be commercially oriented. In these times of economic stress it is necessary that we get the best possible return on every dollar of Government expenditures. In my opinion, this cannot

be done by letting contractors decide on their own how they should spend the Government's money.

My amendment would require DOD to review contractors' proposed I.R. & D. programs and select those projects which would appear to benefit the contract work and which, therefore, the Government would be willing to finance. This amendment would eliminate any Government payments for work that would only further the contractors' own private interests.

I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 123) is as follows:

At the end of the bill add a new section as follows:

"Sec. 402. No part of the funds authorized by this Act shall be available for payment, directly or indirectly, to any contractor under a negotiated contract for any research and development work, bid and proposal expense, and other technical effort unless such work, expense, or other effort is specifically authorized under the terms of the contract or unless such work, expense, or effort is determined by the contracting agency to be of direct or indirect benefit to the work being performed under the contract."

AMENDMENT NO. 124

Mr. PROXMIRE. Mr. President, I am submitting today an amendment to the Military Procurement Authorization Bill which would authorize the Comptroller General of the United States to conduct a continuing study and review of the profits made by contractors and subcontractors on contracts entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, and the National Aeronautics and Space Administration, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense.

There has been much discussion of defense profits in recent years. Charges and countercharges have been made on this controversial subject. Critics maintain that defense profits are too high. The Defense Department denies these charges. Last November the Subcommittee on Economy in Government conducted hearings on military procurement problems including defense profits. We found that the Department of Defense cannot accurately ascertain what profits are in defense procurement. The fact is that there is little up-to-date knowledge about this subject. Elmer Staats, Comptroller General, testified that no complete and comprehensive study on this subject has been made.

In view of the enormous sums of money spent on defense contracts there can be no excuse for not knowing whether defense profits are in fact excessive. The public deserves a better account of what is being done with its money than the Government is now able to provide.

For this reason a comprehensive investigation of defense profits is essential. My bill authorizes the General Account-

ing Office to conduct such an investigation and to provide this legislative agency with the additional statutory authority to do so.

I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 124) is as follows:

AMENDMENT NO. 124

At the end of the bill add a new section as follows:

"Sec. 402. (a) The Comptroller General of the United States (hereinafter in this section referred to as the 'Comptroller General') is authorized to conduct a continuing study and review of the profits made by contractors and subcontractors on contracts entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense.

"(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting the study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

"(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor and to take the sworn statement of any such contractor or subcontractor or of any officer or employee of any such contractor or subcontractor.

"(d) The Comptroller General, or any officer or employee designated by him for such purpose, may hold such hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

"(e) In case of disobedience to a subpoena, the Comptroller General or his designee may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor or an officer or employee of the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring the person to appear before the Comptroller General, or his designee, or to produce

books, accounts, and other records if so ordered, or to give evidence touching any matter pertinent to the study and review; and any failure to obey such order of the court shall be punished by the court as a contempt thereof."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 107

Mr. BYRD of West Virginia, Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of Amendment No. 107 to S. 2546, the military procurement bill. The amendment requires annual disclosure by former high-ranking civilians and military Pentagon employees who leave the Government and go to work for major defense contractors.

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

AMENDMENT NO. 110

Mr. FULBRIGHT. I ask unanimous consent that, at the next printing of my Amendment No. 110 to S. 2546, authorizing 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, the name of the junior Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor.

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

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Douglas B. Baily, of Alaska, to be U.S. attorney for the district of Alaska for the term of 4 years, vice Richard L. McVeigh, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 12, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON S. 2624

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I announce hearings on S. 2624, a bill to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes. The hearings will be held at 10 a.m. on September 8 and 9, 1969, in Room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as

possible with the Subcommittee on Improvements in Judicial Machinery, Room 6306, New Senate Office Building.

PRIME MINISTER PIERRE ELLIOTT TRUDEAU—A PROFILE

Mr. MANSFIELD. Mr. President, recently the New Yorker magazine published a profile of an interesting and distinguished contemporary political figure. The issue of July 5, 1969, contains a study of Pierre Elliott Trudeau, the 15th Prime Minister of Canada.

The portrait which emerges from this account by Edith Iglauer is that of a very human man of intellectual brilliance with a consummate interest in the public affairs of Canada and the world, and an intense integrity in approaching the problems which beset these affairs. Mr. Trudeau's personal characteristics have been woven—or perhaps to state it more accurately, have blended—into an unorthodox leadership which, according to the profile, is of great effectiveness in Canada's current political life.

It seems to me most important that there should be in the United States a depth of understanding about the operations of the Canadian system of government. I speak now not so much in the textbook sense of comprehending the machinery of that government. Rather, what needs to concern us intensely are the forces now moving within the Canadian political system. These forces are of interest to the United States not only because the Canadians are neighbors closely linked but also because of the comparative value of any new experiences which others may have in dealing with free institutions under a Federal constitutional structure.

It is clear from the profile that Pierre Elliott Trudeau and his political associates are, so to speak, very alive and kicking in current Canadian political processes. It is also clear that they are very much attuned to new social rhythms which have been set in motion largely by the younger generations and which are more often than not worldwide in scope. Edith Iglauer's article makes a distinct contribution to our understanding of recent political phenomena of Canada. I ask unanimous consent that her profile of Pierre Elliott Trudeau be printed in the RECORD.

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

PROFILES: PRIME MINISTER (By Edith Iglauer)

Pierre Trudeau, the improbably fifteenth Prime Minister of Canada, whose dream is to mold a more nearly perfect government and save his country from dissolving into two separate nations, is a man who likes to have the last word. He has been talking back to people since boyhood. When he is reminded of this, he throws back his head and laughs. "Yes!" he says. "I was impertinent to my father, to my teachers—to everybody. It got me into trouble, but when I was intimidated I had to have the last word. As I became more mature, I would state my case and sit back, which is a form of answering." He has been stating his case since 1950, when, in the first issue of *Cité Libre*, a small, free-spirited French-Canadian magazine he helped to found, he presented

his own theory of balanced action between central-government authority and provincial autonomy, in an article entitled "Politique Fonctionnelle." Last year, with characteristic consistency, he stated his case again, in a collection of speeches and essays called "Federalism and the French Canadians." He wants Canada, whose constitution provides for a form of government that unites the qualities of American federalism and British parliamentarism, to become what he calls "a brilliant prototype" for tomorrow's world, and, as Prime Minister, he is in a position to try to make this particular dream come true.

Trudeau had few listeners until two years ago, when he was appointed Minister of Justice and Attorney General in the Cabinet of Lester B. Pearson, his predecessor as Prime Minister and as leader of the Liberal Party. Until 1965, when Trudeau joined the Liberals—the first time he had joined any party—ran for public office, also for the first time, and was elected a Member of Parliament from a well-to-do suburb of his birthplace, Montreal, he was almost unknown outside the Province of Quebec. Until he became Prime Minister, in 1968, he was not considered sufficiently important to have a listing in the Canadian *Who's Who*. Just a little more than a year ago, when Marc Lalonde, a Montreal lawyer who is now Trudeau's Principal Secretary and administrative Chief of Staff, suggested to Jacques Hébert, a French-Canadian writer and publisher who is one of Trudeau's closest friends, the possibility of Trudeau's becoming Prime Minister, Hébert pronounced the idea "wonderful but crazy." Hébert has said since, "I could see ten years ago that he was perfect for the job, but I thought it not at all possible that in a democracy a man so well prepared as Pierre, so unlike the traditional politician, could be Prime Minister."

The aspect of Trudeau's complex personality that has caught the public imagination is his ability to "swing"—to close the gap between his own age, which is forty-nine, and the long-haired, miniskirted generation. When he was a bachelor Cabinet minister, his personal eccentricities fascinated a country that puts considerable stress on the proprieties. He would go to his office in Ottawa's austere Parliament Buildings in sports jacket, ascot, and sandals; he might stand on his head, walk on his hands, dive into a swimming pool fully clothed, or slide down bannisters in public places; he would drive a motorcycle or the latest-model sports car while wearing a leather coat, perhaps in the company of a ravishing beauty of less than half his age. In his term as Minister of Justice, during which he introduced legislation that has broadened the grounds for divorce, liberalized the laws on abortion, and abolished penalties for homosexual acts between consenting adults, he remarked, "The state has no business in the bedrooms of the nation," and the remark was repeated with delight around the world. After he won the leadership of the Liberal Party, in April, 1968, and succeeded Pearson as Prime Minister, Trudeau called a general election for June, in the hope of obtaining a clear working majority in the House of Commons. In the ensuing campaign, his every quip made the headlines, and he was photographed dancing in the streets and kissing his way across the country. Kissing is as common a greeting in French Canada as handshaking is elsewhere, yet Trudeau's charm produced a nationwide reaction so powerful that it was given a name of its own—"Trudeumania." For many Canadians, stirred by the grand-scale celebration the previous year of a century of nationhood, Pierre Trudeau personified the centennial spirit and promised a fresh start for the second century of Canadian history.

The countless facets of Trudeau's personality inspire a wonderful variety of reactions. The view of a political enemy: "Pierre is conservative, but in the campaign he was passed off as having flowers in his mouth. He is one

of the best-equipped men intellectually, but this is not enough until the ancient dream of a republic of philosophers is realized. His greatest weakness is aristocratic arrogance tied to no experience. He's a dabbler, a dilettante, an easy-going bachelor who likes traveling around the world and will soon get fed up with the job."

An official at Liberal Party headquarters: "Mr. Trudeau is a contemporary man, who looks, acts, and thinks the way we all believe a man of the twentieth century should. He is an I.B.M. computer. He is hip. He is thoughtful, worldly, exciting, candid. Somebody's going to say someday, 'Will the real Mr. Trudeau please stand up,' and about fifty-eight people will rise."

A left-wing Member of Parliament: "He is cautious and conservative, with nothing new or exciting to offer but his manner, which some people find exciting. He is a suspended brain, not fed much by the spirit, detached and cold. I think he's warm in personal relationships, but he is not sensitive to the needs and stirrings in the lower strata of society."

A prominent civil servant: "The Prime Minister has the most precise and logical mind I have ever worked with, a brilliant and versatile mind. He's a bundle of contradictions, different from what you would expect. He is mentally fresh and young, a superb companion. You might think he's frivolous, but he is intensely serious—a very hardworking person, who seldom takes time off for recreation."

An old friend: "The playboy image of Pierre reflects one-tenth of one per cent of his activity. Pierre is always challenging, provoking, shocking, so that no one can see what he's really like. He keeps us guessing all the time, which is what he wants. He is arrogant with people who don't know anything, and he himself has a passionate eagerness to know, to see and learn. He respects competence. He is an individualist who is always challenging himself, and who will always be lonely. He has one consistent personality trait, and this may be what some people don't like: to go through with anything he starts, and through to the end."

"My life is one long curve, full of turning points. Like Einstein, I feel that space is curved," Pierre Trudeau said recently to a visitor, in one of his rare moments of relaxation on a working day. The two were sitting at lunch in the three-story rectangular gray stone house at 24 Sussex Drive, Ottawa, that is the official residence of Canada's Prime Ministers. It is a modest house in a lovely setting of lawns and rosebushes and petunia beds, with a crab-apple tree in the garden, and there is a view from the enclosed sun porch in the back across the Ottawa River to the Gatineau Hills, in Quebec Province, and a narrow white church spire in the Quebec town of Hull. The furnishings of the residence are those of a middle-class home: black leather and brown overstuffed chairs in a small, panelled library; chintz couches around a fireplace in a gray-carpeted, gray-walled living room; and, beside a window looking out on the river, a piano, which former Prime Minister Pearson played when he thought nobody could hear him. Mrs. Pearson's taste in interior decorating dominates the rooms; Prime Minister Trudeau has changed nothing but the paintings, on loan from the National Gallery. He shows a marked preference for Abstract Expressionist works by Canadians, and especially for artists who have been his personal friends, among them the late Paul-Emile Borduas, Jean-Paul Lemieux, Alfred Pellan, and Micheline Beauchemin, creator of a handsome tapestry rug that hangs above a curving staircase in the hall.

The Prime Minister had arrived for lunch at one-thirty, half an hour behind schedule, bounding into the room with a broad smile of welcome, looking extremely natty in a well-tailored conservative brown suit, a striped tie, and a blue shirt that exactly

matched his eyes. He is a slim, athletic man of medium height. His receding brown hair is just beginning to gray, and there is a small bald patch at the back. His features are pleasantly irregular—high cheekbones, which give his face a faintly Oriental cast; a slightly aquiline nose; and a large mouth with very white, even teeth. His eyes are luminous, and of a blue so brilliant that the effect of his gaze is startling to some people, even a bit frightening. He looks at one with such intensity, seeming to listen with his eyes, that the object of his attention is apt to feel that every word spoken must be significant.

The Prime Minister apologized for his tardiness, and offered his visitor a cocktail. He was delighted when it was refused. "Good!" he said. "Then we can go right in and eat." He sat down at the lunch table and poured chilled dry white wine into small cut-crystal glasses, remarking that he drank very little and didn't smoke at all. "I'm not willing to sacrifice the control of physical and mental ability that drinking and smoking take away for what they give in return," he said. "I used to tell myself that smoking impaired the memory, and in time I believed that it did. I have always thought, Why should I lose even a little bit of my memory, since it is not all that good? Also, in my early boyhood I was frailer than most boys and I thought I had to be more careful. I still have to average eight hours' sleep. I think I just have to have that. I can go for weeks or months on five hours or so of sleep, as I did during the election campaign, but afterward I have to make up for it by sleeping twelve or thirteen hours."

There are many Trudeaus in Canada (more than six hundred are listed in the Montreal phone book), and, according to the Prime Minister, the first Trudeau arrived in Canada from France in either 1628 or 1632. The Prime Minister's father, Charles-Émile, who died in 1935, was a farmer's son who was trained as a lawyer and became a very successful businessman. Pierre Trudeau's mother, who is ill and lives in retirement in Montreal, was Grace Elliot, the daughter of a Scottish father and a French-Canadian mother. Pierre Trudeau grew up speaking both English and French at home, and is totally bilingual, but he believes that he writes with greater precision in French. In conversation, he is soft-spoken in either language, but he is also a superb orator. He speaks vibrantly in French, but in English, when he is tired, his voice can drop to a lifeless monotone.

Trudeau, whose distaste for growing older runs to a vagueness about his birth date, although he is otherwise precise about detail, was born on October 18, 1919. He has an older sister, Suzette—a shy but composed and friendly woman, who is married to a dentist in Montreal and has three children—and a brother, Charles, two and a half years his junior. Charles is quiet and sensitive, and shares with his brother a deep love of the Canadian wilderness. An architect by profession, married but childless, Charles Trudeau is an expert skier and swimmer, and has become absorbed in art, music, and outdoor living, dwelling in a woodland area in the Laurentian Mountains in a striking modern house of his own design. Pierre Trudeau's most zealously guarded possession, next to his time, is his privacy, which also involves the right to privacy for his immediate family, with whom he has an affectionate relationship. Whenever he can, he slips off to Montreal for a weekend (he is likely to stay at a different hotel each time) and, after Sunday Mass, pays a visit to his mother. During his backbreaking coast-to-coast election campaign last year, he managed to find a telephone every night at seven o'clock and call her up.

Trudeau's father, who is said to have amassed at least a million dollars—now considerably increased—from service stations,

real estate, and investments that included an amusement park and a baseball club, was a sporty extrovert, whom everyone called Charlie. Pierre was fifteen when his father died. In the curve of Trudeau's life, his friends believe, his father's death produced a deep sense of responsibility toward his family, which he still feels.

"My father taught me order and discipline, and my mother freedom and fantasy," the Prime Minister said, beginning the first course of the lunch—lentil soup. He has an expressive face, and it lights up as he speaks about people he loves. When he can, he likes to lunch informally at a small table in a bay window of the dining room, facing the garden and the view, as he and his visitor were doing on this day. The dining room proper is a large chamber with two huge crystal chandeliers above a long, handsome mahogany table, which can seat twenty-two. The table is frequently filled, because Trudeau likes to discuss the nation's affairs at dinner two or three nights a week.

The Prime Minister finished his soup and, as the next course was being served, said, "My father believed in things done well. My mother was a great respecter of the freedom of her children and was always prepared to take a chance. I suppose that because my father gave us a strong disciplinary base I could make good use of that freedom. If I was going to take off for James Bay, for example, she would say, 'So long. Have a nice trip, and don't get drowned.' She never said, 'Why don't you work or study instead?' She just said, 'I'll expect you back when I see you.' She was like that about my friends, too—never said I couldn't bring someone home. She wasn't always off to parties, didn't break down and weep, never took things too tragically, never imposed her wishes on us. She left her children free. What happened is that my parents probably lived in a way that I found sound and I tended to imitate them. They didn't preach."

For years, Trudeau's mother, small, delicate, elegant, serene, was a grande dame to those who saw her at museums and concerts. During the Second World War, when there was not much cultural activity in Montreal, Pierre and Charles Trudeau regularly invited their friends to Sunday-night concerts of classical music from their collection of records. "The concerts were attended by forty or fifty people, or even more, most of them artists and writers," Guy Viau, deputy director of the National Gallery in Ottawa, who has known Trudeau since they were both twelve, recalled recently. "The Trudeaus were fond of music and wanted to share it, although inviting so many people was something quite new for such a reserved family. Guests sat in the basement playroom, where the record-player was, and all the way up the stairs, and in the rooms on the ground floor, where the boys had put up extra speakers. We were all very serious, not social—it was just for music lovers." Another friend remembers that Mme. Trudeau used to remain on the second floor during the concerts but would come down later to say hello: "She would drift through the room, looking as if she weren't listening to the conversation, and then suddenly come out with a remark right to the point," he said. "She was intelligent, very clever, and the most charming person you can imagine. She was something like Pierre. We always suspected that she knew a lot more than she cared to say."

The Prime Minister's mother still lives in the family house, on McCulloch Street, off the broad Chemin de la Côte de Sainte-Catherine, in the Outremont section of Montreal, which is an old, prosperous residential area. McCulloch Street climbs an extremely steep hill, which levels off into a plateau of large houses and spacious grounds. Very few of the people walking or pushing bicycles up the hill seem to know where the Prime Minister's family house is. The Trudeau house

is on a narrow lot, and is smaller than the ones surrounding it—a modest structure of brownish brick, with an old-fashioned front porch. The interior is conventional early-nineteen-twenties, except for several paintings on the walls in the downstairs rooms by Georges Braque, a friend and neighbor of Trudeau's uncle Gordon Elliott, a landscape architect who once lived in France. The only decoration that any of Trudeau's friends can remember in his room is a few paintings, and shelves filled with books from floor to ceiling. "A chair, an old desk, maybe a few souvenirs from trips—otherwise books and more books," says Jacques Hébert. Until a year ago, Trudeau also kept a flat on Sherbrooke Street, in the center of Montreal. It was a one-room kitchenette apartment, and, like his quarters at home, it had a Spartan quality. "A place to go, with a lot of books there," Hébert says. "He doesn't like luxury."

A mile or so from the McCulloch Street house—a short bicycle ride for a boy in his teens—are the big, classical-style cream-colored brick buildings of the Jesuit Collège de Jean-de-Brébeuf, which the Prime Minister attended between the ages of twelve and twenty, leaving with a B.A. degree.

"I suppose the man who most influenced me as a student was Father Robert Bernier, a French Canadian from Manitoba," the Prime Minister said, a warm note in his voice. He had just finished second helpings of fish soufflé and of cucumbers with sour cream and was sitting back while the table was cleared for dessert. "Father Bernier was the most highly cultivated man I had met, and he confirms what I am always saying—that you can be a damned good French Canadian outside Quebec. Bernier was the man who talked politics to me. He was my teacher of letters—of French literature. We used to go to school six days a week, and to Mass on Sunday, so school was almost a complete life, even for day students. That Bernier's mind was wonderful! He not only made you study the right works but incited you to read."

"Pierre must have been sixteen or seventeen when he was my pupil," Father Bernier told a visitor not long ago. "It was the academic year 1936-37, and I was twenty-five, in the second year of my teaching." Father Bernier, now fifty-eight, who left Brébeuf in 1939, is a philosopher and political scientist and the author of books on international politics. He lives in Quebec City, where he is the rector of Villa Manrèse—a comfortable old house set back from the street behind a curved driveway—which is a Jesuit retreat house and residence for priests. Father Bernier, a quick-moving man with a firm manner, a ready smile, and alert eyes behind rimless glasses, led his visitor to a quiet room in the Villa, and there, after lighting a cigarette, he apologized for his English and settled back in his chair to talk. "Brébeuf was a typical classical school, and my course was belles-lettres," he began. "There were about fifty in my class, and the idea was to train a boy's mind and personality so that he would be ready for anything and would learn rapidly. It was quite a special group, and Pierre was one of the best. I don't present myself as knowing him intimately, but I saw the man emerge from the boy. Nothing in his thinking or acting surprises me." I thought, "A boy like that will be a leader. But Prime Minister? No, no, I wasn't that much of a prophet!"

Father Bernier asked if his English was clear enough. Reassured that it was, he continued, "We were very close, the boys and I. Part of the teaching was the idea of meeting a man, of getting to know him deeply. I was young myself, discovering the world of culture and America at the same time they did. We passed books back and forth. Literature, philosophy, music, painting—all went together. We lamented the lack of museums in Montreal, but we got acquainted with Cézanne, Renoir, Degas, Gauguin, Manet, van Gogh, and the ultimate, Picasso—and even

the sculptor Maillol—through reproductions in books. In architecture, we bought the books of Le Corbusier. Great music was beginning to be heard in Montreal, with Wilfred Pelletier conducting there. We wouldn't miss any concerts if we could help it, especially if they included our favorites—Fauré, Debussy, Stravinsky. And, of course, there were records. All this was a bit cut off from the atmosphere of daily life, but these were the sons of bourgeois, and didn't have money troubles, so they could throw themselves into art and beauty. Pierre Trudeau was among the most enthusiastic, and, like all intelligent boys, a bit avant-garde. We lived in a little world by ourselves—no television yet, of course, and the social conditioning of the families kept the boys from being much interested in political change. It was an atmosphere of elation, where everything was beautiful."

Father Bernier leaned forward eagerly in his chair. "I also gave them a history course," he said. "I insisted not only on facts and dates but on thoughts: the importance of the democratic spirit and the idea of federalism as a way of having political unity and cultural differences in the same country—a pluralistic society, with a sense of the universal and a love of differences for themselves, where outside all the differences of nation, religion, sex, color, and so on, a man is a man, and is respected as such. I think the boys got something out of it. In addition, I taught them French, Greek, and Latin literature, and although this was a typical modern French culture—oh, a very French atmosphere—it was open to other streams of thought, like Tagore, the Indian poet, and outside of class we would read and discuss, in English, Hemingway, Faulkner, Henry James, Hawthorne, and Thoreau, particularly what Thoreau said about the wilderness, which was very appealing to Canadians. We could enter easily into the mind of Locke, de Tocqueville, Acton, Jefferson. Our little life gave the boys respect for the rational, an instinctive repulsion against the rising Fascism and Nazism. I insisted on a respect for man-made beauty. I insisted on that. They had to understand that our real men are not destroyers but builders—of society, of poetry and of beauty—and that all these things are linked together. I remember reciting a phrase from Paul Valéry's 'Eupalinos, or The Architect': 'I built so much I think I finally built myself.' I used to give the boys Plato as a model of intellectual courage—the man who by himself caused the Greeks to pass from a mythical to a rational mode of knowledge. You could feel that Pierre had this kind of courage. Even as a boy, he would say what he thought anywhere. I would like to use a French word about Pierre—*intelligent*, which is the highest praise. And if I had anything else to note, it would be his deep honesty—*probité*."

There was a knock at the door, and a priest entered with a steaming coffeepot. Father Bernier poured the coffee, then ignored it. His mind was elsewhere. "My father studied law, was stung by the political fly, and passed all his life in the Manitoba Parliament. He was very French, but he read extensively in English—everything from Newman and Burke to Winston Churchill—and I remember hearing him make a speech and thinking he had a political outlook that was British. Well, Pierre is in advance of most of us. He is a prototype of what the French Canadians can be in a few years, if the extremists don't get the upper hand."

Leaning forward again, his hands pressed together, he said, "I will explain. The social and cultural personality of French Canada has four components. The first is the old, traditional society, whose people have kept many characteristics of Old France but are Canadians first, dynamic and arrogant. After the British conquest in 1763, when economic and political power passed out of French

hands, French Canada became a country of workers and peasants under the guidance of priests, doctors, and lawyers, with the church at the center of every small town, and with a strong emphasis on family values. The second component is the contact with modern France over the last fifty years. French Canadians have made trips to Europe and have bought French books, and when Pierre was a boy this cultural impact was great. The third component is the effect of the British, through business contacts and parliamentary institutions. The British type of democracy has affected us deeply, for we are in the system, now more than ever. The fourth component, the impact of the United States, is getting more important every day. American civilization has the power of seduction, and our young people are more and more American in outlook. So, you see, the French Canadian has all that to digest. He wants to be himself in his bones and keep his own values, and he fears that he will lose his personality. Pierre has assimilated and dominated these differences. He has the brilliance of the French intellectual, the grave manner of the British parliamentarian, and the dynamic organization and efficiency of the American. But we know him as one of us, a French Canadian who likes to talk and be flippant when he lets himself go."

Father Bernier now remembered his coffee and drank it. "Pierre has taken on a tremendous job—keeping this country together," he said. "He is placing very efficient machinery in Ottawa, and his great strength in building will to a certain extent correct his own intuitions, which are not infallible. But his values are the same as they always were: a deep respect for the other man, a respect for things beautiful, a revulsion against anything mediocre. *C'est un homme qui a des grandes exigences envers lui-même*—who asks much of himself—so he has a right to ask much of others."

As his visitor was leaving, Father Bernier said, "Even as a boy, Pierre needed a sense of dedication. To swallow the world takes a long time, and he started by getting an international background—preparing himself for anything and waiting to see where he could best go. I think he really committed himself to Canada with the magazine *Cité Libre*. We had the Duplessis government in Quebec, and the occasion was right. The domination of the clergy over political matters at that time in Quebec was detestable. They had been the most learned men for a couple of hundred years, and everyone had consulted them, but then they became detrimental to liberty and it was time for them to step back into the religious life. Pierre thinks, as a political man should, about the order in this world. Religion is something else; it's what to do to get into the other world."

"My teachers used to say that for a Catholic I was pretty much of a Protestant," the Prime Minister told his luncheon companion. "I believed in the Protestants' rule of conscience, and that you must not deliberately hurt others." He had been eating a dessert of stewed peaches, and now he paused with his spoon in the air. "So I try not to hurt people, and when I do I feel it is a sin. That's the only really basic sin—to hurt others. I was very much impressed by what George Bernard Shaw said about Joan in the preface to his play about her. She was the kind of Catholic I probably am. What she called her voices I call my conscience."

The magazine *Cité Libre*, which usually had a circulation of about twenty-five hundred, was at times the only voice in Quebec openly opposing the corrupt Union Nationale regime of Premier Maurice Duplessis, the local tyrant, whose government was in power from 1936 to 1939 and from 1944 to 1960, a year after Duplessis's death. *Cité Libre* was founded by ten men, Trudeau among them, who in 1950 put up twenty-five dol-

lars each to publish five hundred copies of the first issue, but the guiding hand was that of the distinguished French-Canadian journalist Gérard Pelletier. Trudeau has a capacity for deep and lasting friendship, and his relationship with Pelletier and Pelletier's wife, Alec, a television playwright, is especially close. Nine out of ten times when Trudeau feels a need to be in the company of friends, he goes to see the Pelletiers. Gérard Pelletier is now the Secretary of State—a Cabinet post concerned with cultural affairs, broadcasting, education, citizenship, and elections. Trudeau is said to feel that the success of his Government rests on its ability to reform the Canadian constitution, to include, among other things, a provision naming both French and English as the official languages of Canada. Equal status for the two languages is one of the basic principles of Trudeau's "Just Society"—his favorite, if never precisely defined, phrase for expressing his ultimate aims. Parliament is currently considering the Official Languages Bill, which would give the two languages this status, and enable five million French Canadians in Quebec and a million in the other provinces to deal with the federal government in French. The responsibility for applying the law, through language courses for government employees, will rest with Secretary of State Pelletier.

"I was nineteen and Pierre not yet quite nineteen when we met," Pelletier told a visitor to his office a while ago. He is a slight, dark man with sharp features and an amused, urbane air, who especially seems to embody three characteristics common to Trudeau's circle of intimate friends: intelligence, humor, and warmth. "He came from Outremont, on the right side of the tracks, with a reputation of being quite a *personnage*," Pelletier said. "Mine was a modest background. My father was a railroad employee, and we were eight children. I was editor of an intercollegiate youth-movement paper that circulated throughout the province, while Pierre was editor of the paper at his aristocratic school." Pelletier pulled at his ear and smiled. "I wrote an article challenging other student editors to define themselves and say where they were going—whether they were literary or performed a function in their environment," he said. "Pierre, exercising his sense of humor, wrote, 'We went down to the basement, put out the lights, and said, "We don't know who we are, and we must find out!"' I thought this so good that I wanted to discover who wrote it. We met, and I liked him, though his flippancy disconcerted me a little. But he was obviously so intelligent."

Pelletier went to work for a Catholic youth movement, and Trudeau took a law degree at the University of Montreal. He graduated with honors in 1943, and then went south to Harvard for a Master's degree in political economy. The really close relationship between Trudeau and Pelletier began in Europe, in 1946, when Trudeau arrived in Paris to study at the Ecole des Sciences Politiques. "I sensed in Pierre an intellectual capacity that attracted me very much," Pelletier said. "I think he envied me a certain gift for action. I was more involved, because I had to earn a living, and was working in an international student relief agency. He was studying, and I picked his brains as much as I could, since I had no formal training in economics and politics." The next year, Pelletier returned to Canada, and Trudeau enrolled at the London School of Economics, where he studied political science with Harold Laski.

"What a fabulous memory that Laski had!" the Prime Minister exclaimed. Having finished his dessert, he pushed his chair back a little from the lunch table. "A lot of guys thought that Lord Acton was the great forming influence on me," he said. "The truth is that I liked Acton's approach and several of his essays but probably read less

of him than several newspaper people studying his influence on me have read since—and less of de Tocqueville, too. Quite frankly, I didn't read de Tocqueville's entire works, and I was well into my thirties by the time I found confirmation in him of my theories of checks and balances. I am very eclectic. I can quote from Plato and from the theories of de Tocqueville and from Montesquieu's 'Laws,' but it would be a mistake to single any one of them out. I bet many people in my position have read more than I have in the field of history and economics. I have probably read more of Dostoevski, Stendhal, and Tolstoy than the average statesman, and less of Keynes, Mill, and Marx. The point I am making is that I am not a scholar of any of these disciplines. I haven't read as much as a good economist, and, being eclectic, I have done a lot of other reading and travelling."

Trudeau left London in 1948 to take a year's trip around the world—a *cours pratique*, Pelletier has called it. Trudeau made a point of travelling to unusual places, and of melting into the stream of the local population wherever he was. Even Jacques Hébert, with whom he has shared many travel experiences, is continually discovering, when he himself is about to depart for some out-of-the-way place—Malaya, say, or Burma—that Trudeau has already been there and can give him a few addresses. "Maybe the face of the world would be different if Mao Tse-tung had travelled as much as Pierre—if he had, for instance, camped on Vancouver Island or walked in the woods of Vermont," Hébert observed recently. "Pierre made all those trips of his in a very intense way."

Hébert, a lively, generous man in his mid-forties, met Trudeau for the first time twenty years ago, in Montreal, at a gathering of travel enthusiasts who assembled every so often to talk about their trips. He has written many travel books, one of them in collaboration with Trudeau, describing a journey they made together—a sort of guided tour of China, in a Chinese-government-sponsored group, in the fall of 1960. The book, a witty, sharp-eyed account of their travels, entitled "Two Innocents in Red China," has lately been translated into English and reissued. "Our friendship has been of the humorous type, telling each other how awful each thought the other was," Hébert remarked. "I had agreed to write the fancy descriptions and leave it to him to fill in the serious economic and political commentary, but when we exchanged what we had written we found that, for fun, each had written the part reserved for the other. It was a game—so much so that Pelletier, reading the book, said, 'That's Pierre's' when it was mine. I asked Pierre if he wanted to read the proofs when 'Two Innocents' was reissued, and he said no, so I said, 'You are the Prime Minister, and I don't want to take on the responsibility,' and he laughed and said, 'It's O.K. If I have trouble, I'll say you wrote that part.'"

The Prime Minister's French and English speechwriters have also been among his travelling companions. He met his English-language speechwriter, Tim Porteous, in Nigeria, in 1957, during the course of a seminar organized by a group called World University Service. At the time, Porteous was a graduate student at McGill University, and earlier he had written a revue lampooning the government, which toured the country very successfully. Trudeau's French speechwriter, Roger Rolland, who is a handsome man with a clipped gray beard, was a school chum of his in Brébeuf days, and for many years he was unofficially in charge of the practical joker in Trudeau's nature. "I would initiate the practical jokes, but Pierre has so much humor that he would fall in line," Rolland said. "Actually, I don't know a more serious man. If he dives, he won't dive just

for the fun of it but will try to improve his technique. At twenty-two, if we were thinking of skiing, he would first have to discuss the idea with himself and see if he had time for it. If he is going to enjoy himself, he has to plan for it ahead. But when he relaxes, he surely does relax."

When Rolland and Trudeau were students, they dreamed up an informal association called the Agonizers. In answer to the question "How are you?" they would say, "Very bad," and fall over backward, breaking the fall with their hands just in time. This made quite an impression in Montreal living rooms. During the Second World War, Trudeau and his friends uneasily took no part, along with many other French Canadians, in protest against English Canada's broken promises concerning conscription. In Quebec, after the First World War, the Liberals never missed an opportunity to remind people that the Conservatives had forced conscription upon the country in 1917. During the Second World War, after much soul-searching and a nationwide plebiscite, Parliament, under the Liberal Government of Mackenzie King, worked out a compromise whereby a certain number of men could be conscripted for service within Canada but only volunteers would serve overseas. Trudeau—who, his friends say, was longing to fight—felt he could not betray his moral position as a French Canadian. He and his friends used to amuse themselves by donning German helmets, goggles, sabres, and boots and racing through the countryside on motor bikes, scaring people. "Pierre liked to dress up as a German spy from a submarine or as an Army deserter, and he loved to provoke the Mounted Police when they rose to the bait," a friend has recalled. "It was funny once or twice, but I got bored and I asked him why all the fuss. He said he found it a good way to develop confidence in himself and to learn to control the circumstances around him. I think he looked on it as a form of training."

Training for what? Trudeau was following the "Jesus mystique of wanting to have the best mind, be the best athlete, develop the greatest will power and the strongest character. But in his relationship with Gérard Pelletier—a personal application of Trudeau's philosophy of counterbalancing—he was beginning to show purpose. It was Pelletier who involved Trudeau in his first political action, and the two men have been involving each other since—first one of them leading, then the other. When Pelletier returned from Europe to Montreal in 1947, he went to work as a reporter for the daily newspaper *Le Devoir* and, while covering a strike, renewed an acquaintance with Jean Marchand, a prominent Quebec labor leader whom he had known as a student. Marchand persuaded Pelletier to work for his Confederation of National Trade Unions, and by the time Trudeau returned from Europe in 1949 he found Pelletier totally involved in a bitter strike by five thousand asbestos workers at mines in Thetford and Abestos, Quebec. The strike was as much against the oppressive Duplessis government and the repressive elements in the Church as it was against the mines, which were run by a Canadian subsidiary of the Johns-Manville Corporation. "Pierre joined us," Pelletier recalls. "He had grown a beard, which was blond, and the miners christened him St. Joseph. We decided then that something should be done about Quebec, and out of this came *Cité Libre*, in which we hoped to develop our ideas. Pierre, more easily than any of the rest of us, could have escaped and had a brilliant career anywhere as a writer or teacher. We were the first generation to say, 'God damn it, we'll stay home and change the place.'"

Marchand was impressed by Trudeau, and offered him a job. Trudeau said he did not want to be confined by a permanent job, but from time to time he worked for the

union confederation free, representing it in negotiations with the aluminum industry and with the paper and textile industries. Marchand, Pelletier, and Trudeau saw each other constantly for years, and the association finally brought them, with Marchand in the lead, up Ottawa's Parliament Hill, where they became known to English Canadians as the Three Musketeers, or the Three Wise Men, and to French Canadians as the Three Doves, or the Three Virgins of Canadian Politics.

"*Cité Libre* was a curious affair," Pelletier has said. "We would meet every week, and anyone who had written an article read it to the others for criticism. This is why the publication came out so irregularly—just whenever we had time. In 1949, Pierre had gone to Ottawa as an economic adviser to the Privy Council, but he came back to Montreal every weekend for meetings to plan *Cité Libre*, and it was at those meetings that I discovered his ability to communicate his knowledge and ideas to others. He had such a natural superiority over all of us in the international field, and we also discovered how far he had gone in evolving political ideas for French Canada—and for the rest of Canada, too. The meetings were quite informal. We brought our wives, and Pierre brought his girl friends. I would preside, and he would get very impatient if I tolerated any digressions. He is exactly the same at Cabinet meetings now—strict, but in a nice way. He has a particular gift for bringing the conversation back to the subject without offending."

Tact is not always Trudeau's strong point. René Lévesque, a leading Separatist, is a member of the Quebec Parliament who left the Liberal Party in 1967 to help start *Le Parti Québécois*. Lévesque's group wants to separate Quebec from the rest of Canada, with which it would coexist under vague economic and defense arrangements. "I remember the first time I met Pierre, because I got a bit of the Pierre Trudeau arrogance," Lévesque, who was a well-known journalist before he became a politician, has recalled. "I had come back from overseas and was working for the Canadian Broadcasting Corporation. Pelletier, who was trying to get guys interested in starting *Cité Libre*, introduced us, remarking to Trudeau, 'Maybe we can get him,' to which Trudeau replied, without looking at me, 'Yeah, but can he write?' It would have been better if he had looked at me and said, 'Can you write?' This is part of the trouble with Pierre."

Trudeau is genuinely sorry to have hurt Lévesque's feelings. "I just meant it as a joke," he said recently. "It was my way of complimenting him."

Trudeau spent two years working for the Privy Council in Ottawa. When he had to wait in the anterooms of superiors, he would walk around on his hands, for exercise. He was too far down in the bureaucratic hierarchy to be given credit for his work on any published reports, but he did some of the historical research for conferences held to explore ways of amending the federal constitution. He also had an apprentice in the complexities of federal-provincial relationships. In a footnote in his recent book, he records that in 1950, at the request of the Privy Council, "I made a summary of existing federal-provincial cooperative arrangements, which covered more than fifty pages."

After leaving Ottawa, Trudeau worked as a labor lawyer, travelled extensively, and wrote for *Cité Libre* and about his travels for the daily press. He also edited, and partially wrote a book entitled "La Grève de l'Amiante" ("The Asbestos Strike"), a complete study of the 1949 walkout, a momentous event in Quebec. The book describes how, during the hundred and thirty-five days that the strike lasted, the government, backed by the reactionary wing of the Church, fought a vicious battle against the workers. The

strike was a turning point in Quebec history, because, for the first time, people engaged in what came to be known as the Quiet Revolution—the fight for Quebec's freedom—became aware of their identity and their combined strength. "La Grève de l'Amiante," a collaborative effort involving scholars, lawyers, union officials, and journalists—including Pelletier—was published in 1956. Trudeau wrote an exhaustive first chapter, about Quebec's backwardness and immobility, and he also wrote the last chapter, a summing up. That same year, he also helped form Le Rassemblement, an organization of people from every political party whose primary aim was to get rid of Duplessis. Le Rassemblement lasted three years, during which it acquired many antagonists, among them members of a Socialist group called the New Democratic Party, or N.D.P. Although Trudeau has worked closely with the N.D.P., he partly blames it for killing Le Rassemblement. The N.D.P. men, for their part, regard Trudeau as a deserter, pointing out that in 1963 he was campaigning for a close N.D.P. friend, Charles Taylor, in the very constituency in which, running as a Liberal, he defeated him two years later, and also in 1963 was attacking Liberal Prime Minister Pearson—who had won the Nobel Peace Prize in 1957—as "Le Défroque de la Paix" ("The Unfroked Priest of Peace") for permitting nuclear warheads on Canadian soil when he had previously opposed them.

"Quite frankly, I didn't enter the N.D.P. in earlier years because I was not ready to make up my mind, and later I didn't believe in it, because the ideology was wrong," the Prime Minister said. "It was a basic difference of orientation. In those days, the N.D.P. didn't think it was important to do anything in Quebec. They were all for the Ottawa boys, and the Ottawa boys won. We said, 'We have to reform Quebec before going on to Ottawa.' So we disagreed. Ironically, a lot of people who were fighting us then because we gave too much importance to Quebec have since become Separatists, or at least want special status for Quebec. In other words, the swing went full circle."

At the time Trudeau left Ottawa, he hoped to teach at the University of Montreal—a logical but not a realistic ambition in Duplessis's Quebec. Trudeau was barred from the faculty of the university for ten years, or until two years after the death of Duplessis. When his supporters pressed for action, the university authorities always had a handy collection of excuses: they were afraid he might stir up the students to rebellion; that he was a Communist or a Socialist; or that, anyway, he was a dilettante, who would stay for six months and then go off somewhere on a trip.

"It became a cliché to call me a dilettante, just because I didn't live on the same rhythm as other people," the Prime Minister said impatiently. He was clearly annoyed; his eyes were icy blue. "Just because I wasn't in court or teaching every day, people didn't realize that I worked. Many of my friends didn't even realize that I had an office. I would be working for a trade union, or I would go off for six months, and they didn't know I had written three articles, or a third of 'L'Amiante,' while I was away. I wasn't married and settled down, and I wasn't showing up to toot my horn. I was working much harder than any of the people who called me a dilettante. If a person works in an office from nine to five, plays golf at a country club, and spends his weekends in the country, he is not a dilettante. But if he is reading or writing sixteen hours a day and not doing things that people can see, he is a dilettante. They say this about artists, who do not go to work. They imagine them up in an attic sleeping with the models, when actually they may be painting ten or twelve pictures."

After the end of the Duplessis regime, Trudeau was invited, with what he has de-

scribed as "almost indecent haste," to become a member of the Montreal faculty. Two departments wooed him—Political Science and Law. Jean Beetz, a professor of constitutional law, who is now dean of the Law School and one of the Prime Minister's principal advisers on constitutional reform, had at the time just become director of a new Public Law Research Institute, and Trudeau was one of his first appointments. "Another department wanted him, too," Dean Beetz has said, "so we both *did* approach him with haste. He chose to come to the Faculty of Law." When Trudeau was asked to list his academic credentials after joining the faculty, he wrote down, among other things, "Brown Belt"—the award given to judo students who achieve the second-highest degree of proficiency.

Trudeau enjoyed teaching, although he has described the university atmosphere as "rather sterile." He is still technically on leave, and listed in the university catalogue as associate professor of law and member of the Research Institute. In his field, which was human rights, he was a provocative lecturer, and he encouraged students to come to his office before and after lectures to talk. As Prime Minister, he thoroughly enjoys question-and-answer sessions with university students, and will more readily make that kind of public appearance than any other. He was a demanding teacher, challenging his students and growing impatient with any who hadn't done their homework, and he was a controversial figure on the campus. Many students at the university are radical, which in Quebec means Separatist. The non-conformist aspect of Trudeau's personality placed him to the left of center in some people's eyes, but because he was a federalist, who wanted Canada to remain united, the out-and-out Separatists regarded him as a reactionary.

Actually, Trudeau's political philosophy is thoroughly pragmatic, and whenever a need or an opportunity arises to practice what he teaches he jumps right in. Never does he do this more eagerly than in defense of an old friend. In 1956, Jacques Hébert, who is a passionate civil-libertarian, became convinced that a Canadian named Wilbert Coffin had been unjustly executed for the murder of three American hunters, killed in 1953 in the Gaspé region. Hébert set out to prove Coffin's innocence, and wrote a book in which he accused the Quebec government of murdering him. The government responded by setting up a Royal Commission of Inquiry. Hébert voluntarily spent five days a week for a year before the Commission in Quebec City, but it issued a report unfavorable to him, whereupon he was charged by the government with contempt and was suddenly clapped into jail. Trudeau, who had given him legal help during the inquiry, got him out on bail, and Hébert eventually won his case. "It was a crazy thing for me to do, to start a fight without money or means," Hébert said recently, sitting in a small upstairs office of his publishing firm on the Rue Saint-Denis, in the old part of Montreal. "Pierre's office was nearby, and we used to eat in a very simple restaurant on the corner—really quite a poor one. You certainly wouldn't take a girl there—certainly not. Well, Pierre is the kind of a man who won't pick up the check for his friends—even if it is only a dollar and a half—because it would destroy a kind of dignity in their relationship. But when one of those friends is in real difficulty, he will discreetly lend him thousands. Pierre was the first to offer his services, even though he was not altogether happy about some of the things I had put in my book, because they were difficult to prove. When I went to Quebec City for the inquiry, he said, 'I want to represent you, but I am a civil, not a criminal, lawyer, and your case won't be completely secure with me.' For my part, I didn't want him thrown out of his teaching job after

he had waited so long for it, so we engaged a very fine criminal lawyer. Even so, Pierre came as often as he could to Quebec City the first month, and his presence gave me quite a lot of prestige. And, on the last day, he came and sat down with me, to show the Commission, and the public, he was there. When I was thrown into jail in Quebec City, Pierre came running after me, right up to my cell door. He laughed and said, 'Look at you here, in your jailbird costume!' He helped to plead my case before the judge during both the government suit and my appeal, and he was marvelous."

Most French-Canadian intellectuals would rather meet than sleep—or, possibly, eat. Their solution for any pressing political problem is immediately to call a meeting. In 1963, sporadic bombings by Separatists in the streets of Montreal inspired Trudeau and six younger men, who were groping for a constructive approach to the growing Canadian disunion, to hold a series of Friday-night meetings. There were, besides Trudeau, three university professors, a psychoanalyst, and two lawyers—one of whom was Marc Lalonde, now the Prime Minister's chief aide and principal political adviser. Lalonde had met Trudeau briefly in 1949, when he sought advice from him on whether to study law or social science, but he did not really come to know Trudeau until 1960, which was when Lalonde began writing for *Cité Libre*. The Friday-night meetings produced a four-page document entitled "Manifesto for the Nation," which was published in the *Montreal Star* on May 14, 1964. A rebuttal of the Separatist position, it was a scathing denunciation of economic and political conditions in Canada. By the time the "Manifesto" appeared, Marchand, Pelletier, and Trudeau were already considering their triple march toward Ottawa.

Trudeau's ascendancy was a political accident. It came about because Marchand declined to run as a candidate for the leadership of the Liberal Party when Pearson announced his intention to resign, in December, 1967. Marchand's prestige in Quebec as a labor leader had brought him to the attention of the national leaders of the Party, who were looking for a French Canadian capable of holding the country together after Pearson stepped down. If he had chosen otherwise, Jean Marchand might very possibly be the Prime Minister of Canada today. A slight, gray-haired man of fifty with a small mustache and glasses, he is gentle-looking, despite his reputation as a tough labor leader. He is a worldly, humorous person, very Gallic and down-to-earth. In Trudeau's Government, he is Minister for Regional Economic Expansion, which means that he is in charge of plans to bring Canada's depressed areas into Trudeau's Just Society. In his office, Marchand recently traced for a visitor the events that brought him and Pelletier and Trudeau to national prominence. He seemed noticeably fatigued; his health is said to be precarious.

"Pierre and Gérard were not very well known, and they insisted I be the one to make the decision to enter politics," Marchand began. "They said they would follow if I made up my mind. In the general election of 1963, Pearson wanted me to run for Parliament. Things in French Canada were becoming worse and worse, and we thought it essential for the new generation of French Canadians to become involved in federal politics. I made it a condition that Trudeau and Pelletier join me. Pearson and his people were a little reluctant, but they agreed. I was convinced that one French Canadian in Ottawa alone would be destroyed—that there needed to be several of us. And I think it's still true."

Marchand shifted in his chair and sighed. "We three were opposed to having American nuclear weapons established in Canada. A few weeks before the election, Pearson changed his mind and announced he would

accept such weapons on Canadian soil, so we refused to run. The Liberals were elected as a minority Government, and everything seemed to be disintegrating. In November, 1965, there was another general election. Again Pearson insisted that I run." Marchand closed his eyes for a second, then continued, "The nuclear warheads were no longer a public issue, so I made the same condition. I said, 'I'll run if you accept Trudeau and Pelletier.' Pearson's people were again reluctant, but finally succeeded in getting them ridings—constituencies in which to run. For Pierre, they chose Mount Royal, a suburb of Montreal. We were all elected. Right away I became Minister of Manpower and Immigration. I started working at once to get ministerial offices for the others." He paused and took a sip of water. "So in January, 1966, Pierre was appointed Parliamentary Secretary to the Prime Minister," he continued. "This was a very difficult step for Pearson to take, because Pierre had been so critical of him a couple of years earlier, and the reaction in the caucus of the Liberal Members of Parliament was violent. Some of them said that Pierre was not a Liberal and the Party shouldn't have accepted him. Well, in the spring of 1967, the Minister of Justice retired, and I thought that afforded a good opportunity to put Pierre in the Cabinet. After a few weeks, Mr. Pearson agreed, and there was a second violent reaction in the Liberal caucus." He smiled. "In December, the Prime Minister told his Cabinet that he intended to resign as soon as a qualified successor could be chosen. A few friends in the Cabinet had been meeting together, including Trudeau and me. We were looking for a prospective leader. They were unanimous that I should run. No one mentioned Pierre Trudeau's name." He laughed softly.

"That December, Pierre introduced his bill on divorce in the House of Commons, and made such a big case for it that almost overnight he became a public figure. I had always been the prospective candidate, but I had always refused. I am deeply rooted in Quebec, and I see that fact as deeply dangerous, because as Prime Minister I would have to represent the whole of Canada. So I had a conversation with Pierre. I said, 'The situation is changing, and you have become a potential candidate.'" Marchand stirred restlessly. "Pierre refused," he continued. "He said, 'It's not the reason we came—to take over the Party and the government,' and he said we had plenty of time. I said to him, 'In politics, there is the opportunity, and if we miss it it may not recur.' Pierre left for Tahiti over the Christmas holidays for some scuba diving with Tim Porteous, and I left for a vacation in Florida. I came back before I had intended, to gather support for Pierre. Then Pierre had a second chance to reach the Canadian public—as Minister of Justice at the first of the federal-provincial conferences on constitutional reform. He performed there particularly well." Marchand smiled and appeared to relax. "There was no doubt in my mind then that he was a serious candidate. What he had been lacking six months before he now had. Besides, he was intelligent, a good lawyer, a good economist, perfectly bilingual, healthy, rich, young, and a bachelor. The Liberal Party in Montreal was still hesitant, but the 'Draft Trudeau' movement increased in strength. Pierre formally became a candidate on a Thursday night in February when a group of us met in his office in the Parliament Buildings. Pierre took out a large trick coin and flipped it, and then, without looking at how it had come up, said, 'O.K.' And we started the show."

Marchand went on, "Pierre makes a very good Prime Minister. He works very hard and is very responsible, and he's got a lot of support among the people. That surprised me at first. But I think he performed well on TV, and I think he has a personal magnetism we didn't notice, because we were too near

him. The goals we wanted to attain when we came to Ottawa were to integrate Quebec into the federal government and show that French Canada can achieve something with Ottawa if everyone works hard and consents to play the game, to get rid of dangerous regional disparities, and to have some kind of civil-rights bill enacted. Well, it's still not certain we can achieve all of them. But Pierre is tougher than Pearson. He's highly disciplined. He's refreshing, too. After the Liberal Party Convention, we went to Florida to work on the reorganization of the Cabinet, and he said, 'Let's go for a swim.' He started diving—he dives very well—and people asked, 'Who's that man?' And I said, 'The Prime Minister of Canada,' and they said, 'Ha, ha!' They didn't believe a Prime Minister could be such a good diver."

"I began to think about the Liberals as a possibility when we founded Le Rassemblement, and a few years later I was urging people to vote Liberal," the Prime Minister said. "Friends made an effort to have me accepted as a parliamentary candidate of the Liberal Party in 1960, but the leaders didn't want me. Later, Levesque entered the Party and tried to draw in Marchand, Pelletier, and me. The Party told him no. The main reason was our attack on Mr. Pearson's reversal of his nuclear stand in 1963. I happen to be against the proliferation of nuclear arms. If we permit them, why couldn't the Cubans have theirs—and everyone else who desires them? The Liberal Party had committed itself to no warheads since 1958, and Mr. Pearson reversed their stand without broad consultation within the Party. I was strongly opposed to the way he did it. As for Pearson's nuclear policy, in time he and I put our differences aside. We both felt that now he was taking me and I was taking him for better or worse. This was true of the Liberal Party, too." He added, smiling, "The coin I tossed was a great big green-and-red one given me by Pearson's Secretary of State, Judy LaMarsh, in a Cabinet meeting. It said 'Yes' on the green side and 'No' on the red one. She was telling me to make up my mind to run or not to run. But at the meeting where I tossed the coin I had already made up my mind. I had done that a day or so earlier, while walking around the Parliament Buildings until two o'clock in the morning. How did I make up my mind?" He stopped smiling. He seemed to forget that anyone else was there. Then he answered himself rapidly, in a low voice, "I was pushed."

Probably the first person to think seriously that Pierre Trudeau could be the next Prime Minister was Marc Lalonde, in the spring of 1969. Characteristically, he held meetings every Saturday with two friends to plan a course of action. Lalonde, the son of a politically-minded Quebec farmer, is a determined, methodical French Canadian with a seemingly unlimited capacity for work. Well over six feet tall, he towers over Trudeau, and, when the two are together, gives the impression of standing protectively on all sides of the Prime Minister at once. All documents that go into Cabinet meetings cross his desk, and he is one of the four people who sees the Prime Minister every morning. He first broached to Trudeau the question of the leadership of the Liberal Party in November, 1967, and when Pearson announced his intention to resign Lalonde started trying to pin Trudeau down. Trudeau would say yes and then say no, but more often it was simply no. He said he wasn't ready, wondered if they were being influenced by the press and fake publicity, worried about Party support and the possibility of an ignominious defeat, in which case their reasons for going into Parliament at all would be destroyed. When Trudeau went off to Tahiti, Lalonde thought he would still say no after his return. Then came the night when Trudeau donned a large coat made of wildcat fur, which is one of his favorite possessions, and took his long and lonely walk around Parliament Hill until 2

a.m. Trudeau had promised to meet Pelletier and Marchand for breakfast in the parliamentary restaurant that morning. Marchand and Pelletier were there first, and when Trudeau arrived they immediately began talking about inconsequential matters. Trudeau finally said, "Aren't you interested in my decision?" To which one of them replied, "So much so that we are afraid to mention the subject." "I'm running," he said, and by eight-fifteen he had notified Lalonde.

Another early Trudeau backer was a thirty-year-old English Canadian named Gordon Gibson, who was the son of a wealthy logger and politician from British Columbia. In the spring of 1967, Gibson—who, although he was then serving as Executive Assistant to one of Pearson's Cabinet ministers, didn't know Trudeau—started, as a sort of mental exercise, trying to figure out who the next Prime Minister should be. He decided that only a French Canadian would do. At about this time, Gibson's attention was caught by a newspaper article about Trudeau, accompanied by a photograph of him in a yoga pose wearing a turtleneck sweater. When Trudeau was appointed Minister of Justice, Gibson began watching his performance in the House and reading his remarks in *Hansard*, the official daily record of debates. "I was thinking of public acceptance, and he looked good," he said. Gibson is an earnest-looking blond young man who, at first glance, seems a little bit wide-eyed behind his shell-rimmed spectacles but is extremely keen and hardheaded, with a matter-of-fact view of life and a Master's degree from the Harvard Business School. He knew Lalonde, but he did not know that Lalonde and Trudeau were friends. "One day, I was having a drink with Marc and I said that the only man who could be the next Prime Minister was Pierre Trudeau," Gibson said. "He told me a small group was interested in backing this delightful but unlikely person, and even before Pearson announced his resignation we started small, secret meetings. When I had been working on the plans so long that I felt I ought to meet Trudeau, I called on him at his office and told him he was more acceptable to English Canadians than any English Canadian and, as far as French Canada was concerned, he was the only name in town. Then I wrote him a fifty-page memo about why the country needed him." Gibson stopped and scratched his head. "He didn't give me any encouragement. I asked him after he came back from Tahiti in early January about opening an office, and he replied, 'Do what you think right, but don't tell me.' We kept working, kept holding meetings. Then finally we opened the office, paying the rent with a thousand dollars one of Trudeau's young legal assistants, Eddy Rubin, put up."

At the Liberal Party Convention on April 6th, Trudeau had to impress on the Liberal politicians of the ten provinces of Canada the fact that he possessed the ability to run the country, and he did. For the general election on June 25th, he had to convince people from one end of Canada to the other that they should send Liberal representatives to the House of Commons. In these efforts, his record as Minister of Justice helped. Early in February, the three-day conference on constitutional reform—where, as a legal scholar put it, "Canada began doing in midstream what the United States had done in Philadelphia in 1787"—brought the ten provincial premiers to Ottawa, two months before the Liberal Convention. Beforehand, Prime Minister Pearson had been persuaded by Lalonde and Gibson that Trudeau should pave the way—for the constitutional reforms and for his candidacy—by taking a cross-country trip and meeting with the premiers. Pearson had also suggested that Carl Goldenberg, a leading constitutional lawyer, accompany him. Trudeau made an excellent impression on most of the provincial politicians, once they had figured out

which of the two men who debarked from the plane at each stop was the Minister of Justice. Goldenberg, a youthful sixty-one, is small, gray-haired, and dignified, and wore a black hat and blue topcoat, so that he looked like everyone's idea of a Cabinet minister, while Trudeau had on a short leather coat and a fur cap. Goldenberg has said, "Trudeau always insisted I walk out of the plane first, and then he'd follow, carrying the bags. So naturally I would be greeted as the Minister of Justice. When we got back to Ottawa, he was still carrying my bags, right into the hotel where we were staying, and the clerk gave him a very simple room. When Pierre saw mine, he was astonished: 'I didn't know they had rooms like this!' he said."

Several spectacular television appearances probably had more to do with Trudeau's meteoric political success than even the speeches he eventually made at shopping plazas, street corners, and public rallies during the election campaign. Not long before the federal-provincial conference, Trudeau gave an impressive television interview to two prominent C.B.C. newsmen, Norman DePoe and Ron Collister, and on March 26 he turned in a dazzling performance at the St. Lawrence Hall, a historic building in Toronto, where he was introduced to the TV audience in one of a series of programs devoted to Liberal candidates for the leadership. Fraser Kelly, the political editor of the Toronto *Telegram*, asked him what he would think of a politician who, as Prime Minister, might come into the Province of Ontario advocating a constitutional policy opposed by its premier by its other leading politicians, and by its press, and who was himself opposed by most of the Church in that province. It was obvious that this was a precise description of Trudeau's situation in Quebec, where many Separatists and a large segment of the press had denounced him, some going so far as to call him a traitor. Trudeau replied without hesitation, and with a smile, "I'd say he had a lot of guts"—a remark that brought down the house. The program was again stopped by wild applause after a C.B.C. interviewer, Warner Troyer, paraphrased a quotation to the effect that public men who most want to be leaders try much harder to do a good job than those who don't, and asked Trudeau, "How badly do you want to be Prime Minister?" Trudeau replied, "Not very badly," and went on, "But I can give you another quotation, from Plato—that men who want very badly to head the country shouldn't be trusted."

On the evening of April 4th, two nights before the voting at the Liberal Convention that was to make him Party leader and Prime Minister, when all the delegates had arrived in Ottawa and many were sitting around in their hotel rooms watching TV, an interviewer, Patrick Watson, talked with Trudeau for an hour on a local station. The show was full of closeup shots of a very warm, human, and thoughtful Trudeau, making the gestures with which the country is now familiar: shrugging his shoulders or using his hands to emphasize a point; making a motion when he explained an idea, almost as if he were physically unwinding it; sighing or pursing his lips when thinking through the answer to a question; smiling courteously or looking at the camera with his amazingly bright eyes, appearing to give the listener the same full attention he gives in a private conversation.

According to Canadian election law, all broadcast electioneering must cease forty-eight hours before the voting, but many people think that a brief drama caught by television cameras the night before the general election in June substantially increased the majority for Prime Minister Trudeau's party. The occasion was the great annual parade in Montreal of an old and influential French-Canadian group called the St. Jean Baptiste Society. At the time, anti-Trudeau senti-

ments among Quebec Separatists were so strong that pamphlets had been circulated likening the Prime Minister to Machiavelli's Prince and to Mao Tse-tung. (Trudeau's amused friends bought them as souvenirs.) Because there were fears of trouble at the parade, word was passed to its organizers that the Prime Minister did not want to be invited. But, months before, the Society had announced that the Prime Minister would be asked, so an official invitation was tendered. Then the Separatist leaders publicly said that it was a shame that Trudeau, a traitor to the French-Canadian cause, should be a guest at the parade. Trudeau, who had meant to decline the invitation, was now challenged and felt he had to accept. The organizers, frightened of a possible disturbance, went to Pelletier the day before the parade and asked him if he could keep Trudeau from coming. Both Trudeau and Pelletier thought it impossible now for Trudeau to appear to be refusing to come, and he is said to have felt that yielding to the Separatists' threats would give them such a feeling of power that Canada's democratic system would be seriously threatened.

The parade began passing the reviewing stand at nine-thirty in the evening on June 24th, and Trudeau was sitting in the front row of the stand, on Sherbrooke Street before the Municipal Library, with Mayor Jean Drapeau of Montreal, the late Premier Daniel Johnson of Quebec, their wives, and a number of other dignitaries, including Archbishop Grégoire of Montreal. There were half a million people at the parade, and clashes between Separatist rioters and police had already led to some violence, although the paraders themselves were orderly. An hour or so later—it usually takes a couple of hours for the floats and bands, the flag-bearing troops, and the various French-Canadian detachments to go past the reviewing stand—bottles suddenly soared over the Prime Minister's head and crashed against the library portico behind him, in full view of the television audience. Everyone in the stand rose in surprise, ducking and covering their heads with their hands. Then a second flight of bottles crashed on the portico, and Trudeau was pushed down by a bodyguard. He immediately rose, shook his fist angrily at the guard, and sat down again determinedly at the front of the stand, leaning forward intently over its hunting-draped edge to watch the paraders below. Meanwhile, the other dignitaries left the stand, many of them pushed by the police, and for a moment the television viewers saw Trudeau sitting alone, with only his bodyguards behind him. Mayor Drapeau, after leading his wife out, returned almost immediately and sat down in the empty seat at Trudeau's right. Trudeau could then be seen smiling, almost laughing, and at one point clasped his hands together in a relaxed gesture of salute. The other people gradually returned to the stand. The whole incident appeared on TV screens for a matter of minutes, but that was enough for viewers and people who saw the newscast later that night across Canada to be thoroughly impressed. A Trudeau supporter who was standing in front of the grandstand later reported that a Separatist said to him, "My God, now in addition to everything else you're going to say he's got courage!" Trudeau himself, talking about fear a few weeks later, remarked, "It takes up too much time, being afraid."

The voting age in Canada is twenty-one, but so many young people flocked to Trudeau's side during his campaign that at one point the average age inside the campaign organization was twenty-two. Publicity and much of the arrangement of rallies were actually put in the hands of teen-agers. Trudeau has frequently made the point that if he lacks experience, so much the better; he can then face old problems with a fresh approach. The very fact that the young people didn't understand why new things couldn't

be tried was considered an advantage; the country was eager for a change. Wherever Trudeau showed up, he was flanked by mini-skirted volunteers who were remarkable not only for their good looks but for their ability to answer questions about the candidate, about his policies, and about why they were for him even if they couldn't vote. "The climate was right," one of the campaign officials has said since. "If you started tomorrow morning with the same tactics, you'd fail. We happened to come along and gauge it right. We just offered the man. It was amateurish and convincing, and that was it." But the truly remarkable quality of Trudeau's unconventional campaign was that he got elected without having made any commitments to the Party, to any particular provinces, or to any individuals.

"If you make promises, that gives you obligations that you have to carry out," the Prime Minister said quietly. "I was afraid of those obligations. You mortgage yourself and lose the freedom of decision. Justice is the problem—the one about which I have been concerned the most, stated the most, thought the most. I guess most of the authors I've read crystallize my particular idea of the virtue—that justice is a cornerstone of the society I live in, the basis of all human relations in the family or the state. I was not dreaming the Just Society up as a catchword or cliché, and I think from that thought now. To me, it summed up the total of the relationships in a society of free men. The Just Society is the kind of society freedom would establish. Looking ahead, I don't think a state can say, 'Here's a state, a package imposed on you.' A Just Society is one toward which every citizen must work, and the first condition of such a society is that of respecting the liberty of individuals."

Trudeau moved formally into the Prime Minister's residence with one large dark-brown suitcase, one small tan one, and some sports jackets and suits over his arm. The only really personal objects in his principal office, in the East Block of the Parliament Buildings, are a *bilboquet*—an Oriental game of skill in which the player tosses a wooden ball about four inches in diameter into a cup to which it is attached by a string—and a battered filing cabinet with his name on it in big letters. When Parliament is in session, he moves a few hundred yards to a more formal, elaborately panelled second office, on the third floor of the Centre Block, where the House of Commons is situated. The Prime Minister's East Block office is an old-fashioned room with Gothic windows, white walls, green hangings, leather furniture, a fireplace, and a large octagonal table-desk. Only the pictures on the walls have been changed by Trudeau. Traditionally, a portrait of Sir John A. MacDonald, the first Prime Minister and a Conservative, hangs over the fireplace if the incumbent is a Conservative, and a portrait of the great Liberal Prime Minister Sir Wilfrid Laurier hangs there if the incumbent is a Liberal. Pearson was the first Prime Minister to keep both portraits in his office. When someone teasingly suggested that instead of the portraits Trudeau should have paintings more in style with his personality, he spent about five minutes pondering how the public would take this before he had the portraits replaced by the type of Abstract Expressionist work he prefers. He likes to have fresh flowers in his office, and usually wears a rosebud or a small red carnation, symbol of the Liberal Party, in his buttonhole.

The ministerial privilege that Trudeau enjoys the most—he told a colleague before he was elected that it was one of the few things worth waging an election for—is Harrington, the country house provided for Canada's Prime Ministers. It is twenty-one miles from Ottawa, situated on a two-mile lake in a national park in the Gatineau Hills, and although Harrington has been described as "a collection of boards nailed together," it is

actually a rambling twelve-room cottage, very plainly furnished, in a beautiful area of woodland. The Prime Minister goes there frequently for weekends, and occasionally on a quick overnight trip during the week. Trudeau always has chosen sports at which he had to work hard to achieve excellence, and at Harrington he is still presenting himself with challenges, in the form of three-hour walks over the roughest routes, to test whether he is in good physical condition. Having a house is a new experience for him, and he enjoys showing friends around, but he is not a comfortable host. He goes through the motions, carving meat at the sideboard, and sitting at the head of the table, but he has never been much on small talk, and the silences can be monumental. It often takes until the end of dinner, when his guests are about to leave, before he unwinds. "He tunes out quite frequently in the middle of everything," one frequent guest has said. "When he does, he sits absolutely motionless. Then all the men feel that they must say something profound, and since all of them are sitting around trying to have a fantastic thought, the women try to fill in. His mood is purely a matter of luck. You're O.K. as long as you don't overstep a couple of boundaries. He doesn't like to be interrupted, and he hates to be driven into a corner socially. If he gets cornered at someone else's party, he's apt to leave immediately.

Trudeau's first semi-vacation as Prime Minister took him far from the Gatineau Hills, on a week's trip to inspect new development areas and some old settlements in the North—to the Yukon Territory, across the High Arctic, and down through Baffin Island in the east to the Labrador Peninsula. Since boyhood, Trudeau had taken carefully planned wilderness trips on foot and by canoe through the Canadian North, but he was the first Prime Minister to make an extensive tour through the Northwest Territories, which comprise a third of Canada. On this trip, he followed a rigid routine aboard the plane that carried him and his party of seven: ten minutes or so looking out the window; next, pulling out his briefcase, putting on his glasses, and burying himself in state papers; then, perhaps, a catnap. When the scenery was irresistibly magnificent, as it was above the deep-cut fjords of Ellesmere Island, or when the route passed over the Barren Lands of the Mackenzie District, through which he had once travelled by canoe, he stopped his work entirely. Above the barrens, he gazed lovingly across the rolling empty land. "Not a tree, not a stick of wood," he murmured. "They are very attaching." Trudeau has a pilot's license, and he eagerly accepted a suggestion that he fly the chartered plane, and old amphibious Canso, a durable but clumsy aircraft. At towns and settlements where the plane landed, he shrugged off his informal holiday air and became the Prime Minister, as if, in slipping on his jacket to face the welcoming crowds, he was also donning a mask—a pleasant, courteous, smiling countenance that endured a barrage of picture-taking with no visible change of expression. "It's all part of the game," he said over and over again, as if to remind himself of what he was about. Visiting an Eskimo settlement, he asked about everything: the housing, the industry, how many shots it took to kill a polar bear, what kind of music the Eskimo girls preferred (rock and roll). At a new asbestos mine, his range of interest covered every aspect of technical operation, labor, and living conditions.

Last summer, Trudeau returned to Lake Ouareau, in the Laurentians, where he, Pelletier, and eight other friends bought a piece of land in 1958 and put up small places, visiting back and forth, climbing, swimming, improvising plays. Trudeau has sold his portion, because not long ago he bought a large tract of land with its own small private lake near his brother at Saint-

Sauveur, an hour and a half north of Montreal. He spent last Bastille Day with the Pelletiers, as he has done since 1950, at their log cabin at Lake Ouareau. This was three weeks after the election and the St. Jean Baptiste parade, and already his friends thought he had changed in ways hard to define. "Pierre wants it to be the same, but you sense that he is alone now," an old friend who was present said, "He's there, but somewhere else at the same time, even though he is acting very much as he did before. All the children know Pierre—he loves children—and they were excited about his coming in a helicopter, and the bodyguards, and so on. The kids kept throwing him into the water and calling to the bodyguards, 'Come and get the Prime Minister! Save him! Someone wants to drown him!'

"Later at midnight, we were swimming and heard shooting across the lake. So Pierre took someone's flashlight and tried to see what it was. We shrugged our shoulders and said, 'So what?' But we knew his life was in danger. We weren't afraid, but the Kennedy assassinations had made us conscious of the danger."

All kinds of systems and flow charts showing what is happening have been installed in the Parliament Buildings to sort out the demands on Trudeau's time. Gordon Gibson is his Executive Assistant, with an office immediately adjacent to the Prime Minister's, and is in charge of his daily schedule both in Ottawa and when he travels. Unlike Pearson, who has lived a life full of political crises, Trudeau cannot switch off and look at a baseball game for relaxation. Like all bachelors, he is a bit fussy. He has described himself as a "clocked person," who does not like surprises. Even his well-tailored casual clothes are an expression of his studied approach to relaxation. Although the pressure of time makes it essential for him to have speechwriters, he finds it difficult to use other people's words even after extensive consultation during the speechwriting. When he is bored with the text, his delivery is deadly dull; on the other hand, when he is pleased and the structure suits his own rational mind, he may surprise listeners with the drama and excitement of the speech. He is himself an agonized writer, who weighs every word. In speaking, he often departs from the text, to the relief of his writers, who think he is much better then, and in fact his best speeches are spontaneous, which is why he prefers any question-and-answer type of meeting. Hard questions stimulate him, and he is apt to complain later if the questions were too easy. He is, even now, a painstaking correspondent, keeping up written contact with hundreds of people he has met all over the world. In many cases, he gives his private secretary, Cécile Viau, a general idea of what he wants to say, and she drafts the letters that he signs.

Time to think—that is what Trudeau requires above everything, and, theoretically, a full two-hour period during which nobody is permitted to see him is kept open whenever possible (although this is fairly constantly invaded), and an attempt is made to keep at least every second weekend free for catching up on paperwork. He expects anyone to whom he delegates authority to take full responsibility, and if something goes wrong he wants to know why. If the same thing goes wrong again, because of the same person, that person's days are probably numbered, no matter how close to Trudeau he may have been. Trudeau is decisive once he has made up his mind, but he makes up his mind slowly, considering alternatives as long as he can and continuing to question himself until it is time to choose one course of action over another. For him, a tight schedule is an entrapment, and where another man might do his best when pressed, Trudeau rebels. When he gets irritated and explodes, he usually feels quite sorry after-

ward, since he is really concerned about his staff and sensitive to their feelings. "The most important thing I do is to try and give him time to maneuver," Gordon Gibson has said. "Whenever I can, I postpone pressing him to do things as long as possible, so that he can do them voluntarily. It's not as tidy planning, but it gives him more freedom and flexibility."

Trudeau's working day starts at nine o'clock every morning. When Pearson walked into his office in the morning, his staff waited to say hello until they had gauged his mood. Trudeau always walks in with a hello and a smile for everyone. A daily early-morning staff meeting lasts anywhere from fifteen minutes to an hour, depending on the number of questions each person raises. Only four people besides the Prime Minister attend: Marc Lalonde; Roméo LeBlanc, a former C.B.C. correspondent, who is Press Secretary; Gordon Robertson, the Clerk of the Privy Council and the Secretary to the Cabinet, which means he is the highest-ranking Canadian civil servant, who is sometimes referred to as the Keeper of the Secrets; and Robertson's assistant, Marshall Crowe. Certain appointments are inflexible. Every Monday afternoon, from four to six, there is a long-range-planning meeting with members of the staff. Tuesday mornings, Trudeau has a planning session with Cabinet ministers, and Tuesday afternoons he meets with other Cabinet members on Canada's most pressing current problem, federal-provincial relations. Every Wednesday morning at ten-thirty when Parliament is in session, the Liberal Members have a caucus that the Prime Minister attends, and at six that evening he goes to see the Governor-General, the Right Honorable Roland Michener. On Thursday mornings, or more often when necessary, the full Cabinet meets, either in a room near the chamber of the House of Commons or in the East Block's Canadian Gothic Cabinet Room.

When Parliament is in session, a large portion of the Prime Minister's life revolves around one appointment in the House of Commons, the Question Period—that daily display of parliamentary responsibility in government wherein the Prime Minister and his Cabinet are exposed, without previous notice, to questions from the House. It begins promptly at two o'clock every weekday but Friday, when it is at eleven in the morning, and customarily lasts for forty minutes to an hour. The severity and extent of the questioning is peculiar to the Canadian Parliament. In the British House of Commons, prior notice must be given of a question, and the Prime Minister need not be present more than once every few days, whereas in Canada the Prime Minister is present every day. This places a heavy burden on Trudeau, who is expected to somehow have all the answers. The Question Period has two purposes: to obtain information about how the Government is operating, and to embarrass the Government by springing questions that make those in power look foolish. A highly sophisticated game, it is the dramatic climax of the parliamentary day. Everybody comes to the show, and Trudeau is an expert, witty, and sometimes irritable performer. He is not upset by fair questions, and is exhilarated by really tricky ones, but shows his annoyance plainly when questions are silly, stupid, terribly general, or have already been asked and are repeated by backbenchers who have been absent and not done enough homework.

The assignment of keeping the Prime Minister on top of this seemingly impossible duty has been given to Ivan Head, an outwardly serene professor of international law from western Canada, who was once in the Foreign Service. He had full access to Trudeau at all times, by telephone or in person, and comes very close to being an indispensable man. "You gain a kind of sixth sense of how to do it," Professor Head says. "Civil servants back you up with information. Ordinarily,

if the Government is defeated on a major money bill or a plank on government policy, it is a signal for it to resign, so, although nothing requires the Prime Minister to answer, if he doesn't the Opposition will assume he either doesn't know something or is hiding something."

Professor Head's office is a step away from the Prime Minister's. "Although quite often he gets here just as the bells are ringing for the session to start, I am supposed to see the Prime Minister for half an hour immediately prior to the Question Period and brief him on events that, in my view, might be reflected in questions," he says. "A quantity of material has to be passed to him on the go. We're in tune on the vocabulary and the essentials, and he's on top of the job now. After the House meeting, we have a debriefing, and decide which matters have to be followed up and what has to be done. I have had all kinds of relationships with ambassadors and heads of state, and so on, but I have never worked with anyone who so stimulated me as Trudeau. You determine your intellectual investment in accordance with the task, and the investment required with him is just total. He has an immense grasp of detail, and a functional mind. He will not tolerate slipshod work or indefensible opinions. He's not the kind of fellow who makes you nervous, but he has a commanding presence. He's in control, and he's openminded, too. He'll say, 'What would you say about that?' I find him incapable of insincerity or deception. The fact is that he has such high intellectual standards that he won't permit himself to be deceptive, and that fresh, open approach is one of the factors that have made him so appealing. The kids recognized it, a hundred per cent."

Other experienced government officials who work frequently with Trudeau regard his mind as the best they have ever dealt with. All three Liberal Prime Ministers in the past half century have been men of topnotch intelligence, capable of arriving at good conclusions on complex questions. Pearson was vague and intuitive, his associates say, but his reactions were predictable, and usually the results were good; he was not actually the open man he seemed to be, and most of his staff felt that they never quite knew him. Louis St. Laurent was a relatively uncomplicated French Canadian, with a clear, logical mind, like Trudeau's Mackenzie King, another bachelor, and a political genius who lasted more than twenty years, had a subtle mind that went off on tangents, but he came to conclusions, although it was never quite clear how he managed to do it. He himself said he always knew what to do but not always why. Trudeau is mysterious to his associates, and something new about him seems to show up every couple of days. His emotions are not readily apparent, and his reactions seem totally intellectual. According to those who know his mind best, Trudeau arrives at a conclusion by logical, precise thought. As a lawyer, he thinks and requires others to think in a rational, constructive way; if they do not, he becomes annoyed. One of his colleagues, describing him, said, "While he keeps his perspective on the whole picture, he wants to tie a bow on each point and move on to the next one. He has a distaste, almost a repugnance, for taking things in the wrong order, or getting facts associated in an illogical way. You can practically see him recoil. If there are three lines of consideration for an aspect of policy, Trudeau will start on the first one. If someone moves over to the second before they have finished with the first, he just won't do it. It's not a confinement, it's a method. It's not a plodding one, two, three, but a streaking brilliance. The intervening steps might not be touched upon, but you know they are there. If all the information isn't there, he finds it better not to decide, and will go back, if he has given something the wrong weight, and reexamine it. He will

also remember exactly where a view was at variance in a previous conversation, and you have to justify your shift."

The Prime Minister's popularity has waned a bit, and there are complaints that he is not doing enough. More than most people, Trudeau is aware of the inconstancy of the public mood, and his apparent indifference to public affection or alienation is probably based on his attitude that whatever happens in political life is part of the game. In his own life, he does not neglect any part of what he thinks he can be or do, and by extension this is what he now wants for his country. During this past year, especially in the last six months, he has been rearranging the government of Canada in ways that do not necessarily show: bringing the creaky machinery of Parliament up to date, by such measures as reducing the time required for ministers to be in the House during the Question Period, so they have more afternoons to work, and strengthening the House committee structure to handle increasing work loads; modernizing the government by means of a whole array of new rules and financial arrangements, especially with the provinces, to cope with an increasingly complex society; having fewer meetings of the large, unwieldy Cabinet and more of Cabinet committees; and establishing an office for the Prime Minister, with staff members covering various areas of responsibility and providing him with a separate reservoir of advice. The development of a Prime Minister's office, somewhat paralleling in concept the White House office of the President of the United States, challenges the whole system of Canadian government. Until now, no Prime Minister has had such an extensive staff of his own with delegated authority, and Pearson functioned with only about a quarter of the staff that Trudeau now has, obtaining his advice primarily from his ministers and the civil service. Canada has prided itself on being the rugged frontier country that, until recently, it was, operating simplistically, hesitant to face its own increasing maturity. But now, beyond the beauty and grandeur of the land and its lavish supply of resources, it has huge gleaming cities, an expanding industrial economy, its own distinctive and exciting culture, and highly complicated social problems. The changes Trudeau has quietly made already, although they may appear minor, have impinged enough upon timeworn customs to produce shouts from the Opposition about the "destruction of the democratic way of life" and complaints from Trudeau's own constituents that the government is letting them down. Trudeau's philosophy of counterbalancing is so much a part of him that it follows naturally that, after a flamboyant campaign, he began the actual process of governing in the low-keyed manner he chose, following some inner and compelling blueprint, carefully testing the way and moving meticulously, as he does with everything.

"I have felt that the government of Canada was breaking down in the last few years," the Prime Minister said. "It was breaking down under the pressure of the provinces, when we had a minority Government in Parliament. We had a hell of a lot of catching up to do before we could operate, and I wasn't sure whether it wasn't too late already. We needed all kinds of reforms—in Party organization, the civil service, federal institutions, finance. We weren't able to plan our government or our expenditures, and to govern we had to solve all this. Then the government might become a ship we could steer. We are pushed by Parliament, we are pushed by international events, but I have not been in a hurry to produce any revolutionary ideas. First, we had to get a runaway federal government under control. In the last six months, we have succeeded beyond our dreams. It is working now, and I feel that there is little chance today that my government will break down."

The Prime Minister took a last sip from his coffee cup. He looked out the window toward the garden. "The federal and provincial governments were stumbling over each other, completely out of kilter, like characters in one of those Chinese plays," he said. "Conceivably, the country could have foundered, and the people probably sensed this. The forces of disruption and chaos are so great in the world that I am not afraid of erring on the side of machinery. Most important is the reform of Parliament and the Cabinet committees, of election laws."

He rose from the luncheon table, looked quickly at his watch, and continued talking as he walked to the front door and climbed into a black chauffeur-driven limousine that was waiting to carry him to the Parliament Buildings. Trudeau changes rapidly. He can be dashing and youthful, full of vigor, a severe and proper public servant, or suddenly tired, as he seemed sitting back in the car, with deep circles under his eyes. "My next appointment this afternoon is with V.I.P.s, which I don't enjoy, because I need that time for repose, to think things out," he said. "I have a lot of fun, even in Parliament, and I am beginning to be a little less impatient, but I tire physically."

At the Parliament Buildings, he got out of the car and ran rapidly up the steps, taking them effortlessly two at a time. In his oak-paneled formal office, four large brown leather dispatch cases covered chairs behind him. "Full of documents, all of them to be signed," he said with a sigh. It was a hot day. He took off his jacket, rolled up his shirt-sleeves, sank into his chair, and put his feet up on the desk. "I dream. I dream all the time," he said. "I've always dreamt of a society where each person should be able to fulfill himself to the extent of his capabilities as a human being, a society where inhibitions to equality would be eradicated. This means providing individual freedoms, and equality of opportunity, health, and education, and I conceive of politics as a series of decisions to create this society. We in Canada have a chance that other nations do not have of attacking and solving problems. We should be devoting ourselves to finding the way. We should be experimenting with institutions, penal reforms, uses of freedom, the scope of permissiveness. We live in a society that is peaceful. We have no violent revolutions, we haven't been touched physically by war. We really are most favored for developing conditions under which the man of tomorrow can experiment. I dream of a Canada that can be doing those things."

He loosened his tie and ran his finger around his collar. "I don't want to sound as if I've got a vision or that Canada has a vision," he said. "I'm not a crusader, and I don't feel we are charged with a mission by the Holy Ghost. But progress is a very large word for man's movement toward freedom for the individual. On the constitutional side, when you have a federal form of government you need and want a constitution to define the rules of the game. In the British system, where you assume the sovereignty of Parliament, you don't need a written constitution, because Parliament can change the rules of the game. For the British, Parliament is supreme, and for the United States the constitution is supreme. We're in between; we have retained elements of the sovereignty of Parliament, which can change all our statutes, but to an extent that is limited by our constitution."

He dropped his feet to the floor and got up. "When I talk to students, I tell them we shouldn't think of Canada as one of the big important nations. We can't tell the rest of the world what to do and force our ideas on Africa and Asia. We must be more modest in our ambitions, and not carry the burdens of the world on our shoulders. If we don't solve our own problems, other people will—and the world of tomorrow belongs to the people who will solve them."

He smiled. Standing in his shirtsleeves, tie loose, eyes shining, he looked young and full of energy. He quickly rolled down his sleeves, put on his coat, and straightened his tie. "I see Canada as a land of tremendous opportunity in terms of jobs, in terms of its natural beauty and wealth and its three oceans, its temperate climate, its standard of living, its system of education, its technical knowledge," he said, walking with his visitor to the door. "I enjoy being Prime Minister. I am pleased to be part of this society. I see Canada exploring its past, experimenting with its future—playing its political role—first at home, and then in the world."

SYMINGTON HAS THE ANSWERS ON "FACE THE NATION"

Mr. PROXMIER. Mr. President, last Sunday the distinguished senior Senator from Missouri (Mr. SYMINGTON) appeared on "Face the Nation." Appearing as he did on nationwide television, in the middle of the Senate debate on the military procurement budget, Senator SYMINGTON's answers were especially germane to the debate.

Senator SYMINGTON's remarks were so unusually perceptive and thoughtful that I am sure all Members of Congress will find them useful in determining our course on this critical military budget as we act on it in both the Senate and the House.

I ask unanimous consent that the transcript of this "Face the Nation" broadcast be printed in the RECORD.

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

"FACE THE NATION"

(Broadcast over the CBS television network and the CBS radio network, Washington, D.C., Aug. 3, 1969)

Guest: Senator Stuart Symington, Democrat of Missouri.

Reporters: George Herman, CBS News; Charles Corddry, the Baltimore Sun; Bruce Morton, CBS News.

Producers: Prentiss Childs and Sylvia Westerman.

Mr. HERMAN. Senator Symington, the anti-ballistic missile comes up for a major test vote in the Senate on Wednesday. How will it go?

Senator SYMINGTON. That is a very difficult question to answer. I think it will go one way or the other, by not more than two or three votes; however, we will all know Wednesday, and it has been an interesting discussion and perhaps a symbol in itself.

ANNOUNCER. From CBS Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with Senator Stuart Symington, of Missouri, a senior member of the Armed Services and the Foreign Relations Committees. Senator Symington will be questioned by CBS News Correspondent Bruce Morton, Charles Corddry of the Washington Bureau of the Baltimore Sun, and CBS News Correspondent George Herman.

Mr. HERMAN. Senator, I gather you don't really want to try and predict at this point how the vote will go on Wednesday, so let me ask you what you mean by saying "it is a symbol."

Senator SYMINGTON. There are going to be a good many amendments, from what my colleagues tell me, to the proposed military authorization bill, and this is unusual. Actually, if you added together the two committees, the Armed Services Committee and the Foreign Relations Committee, even though the Foreign Relations Committee is considered more dovish and has three mem-

bers less than the Armed Services Committee, if you add the combined total of those two committees, thirty-three votes, you find that now eighteen have declared against the ABM and fourteen have declared for it, with one still undecided. That to me shows that the more information that they had on those committees, the less they approved the deployment of this ABM system. And, therefore, we had hoped that if the full Senate knew as much as the two committees, that we could save this money for the taxpayers.

Mr. CORDDRY. Senator Symington, you describe this as a symbol, and I presume you mean a symbol of the Congress' intention to get a hold of the Pentagon budget. Isn't treating this ABM matter as a political one a rather poor way to decide an important strategic matter like this?

Senator SYMINGTON. Well, let me answer this way: I opposed this system in 1968 as a result of the work that was done by a Republican Senator, Senator Cooper, of Kentucky, primarily. And, in looking into it, I decided that it was, you might say, a political rather than a military decision to deploy a thin defense of the cities against China; therefore, it has never been a political matter with me, nor do I think it is a political matter basically with the Senate, because we are running out of money and we are not only running out of money from the standpoint of our financial position but all the programs that are so important to the states and the cities are now being curtailed because of the price of the military budget. And I think that this is the first time in the years that I have been in Washington, about a quarter of a century now in government, that there has ever been major opposition to a military budget.

Mr. MORTON. Senator, if that is true, aren't you saying by implication that the Congress has done a very bad job over recent years? We've gone and spent money for this system or that system and, obviously, some of that could have been saved.

Senator SYMINGTON. Well, I don't think that the fact that you have approved the military since World War II is much a criticism of the Congress, or could be any more of a criticism of the Congress than it could be of the various administrations. There has been a tendency, especially as we have had two major wars since World War II, to accommodate the Pentagon in what they said they needed—and the administration. So I think if there is some criticism, and I think it can be spread equally around among all people, including myself.

Mr. MORTON. Fortune Magazine suggests this month that Congress really ought to have a large staff of systems analysts and people like that who could look at these weapons systems and look at Pentagon strategies with a more expert and a more full-time eye than the average committee member can. Would you agree?

Senator SYMINGTON. Yes, I would, and those were good articles. And, incidentally, the Chairman of the Senate Armed Services Committee, Senator Stennis, has taken steps to work much closer with the General Accounting Office than this committee or, to the best of my knowledge, any committee has done in the past, and I think that will be evident and well expressed when we discuss the budget next year.

Mr. HERMAN. Is the General Accounting Office enough or do you need some kind of really independent organization to study the Pentagon alone?

Senator SYMINGTON. The Secretary of Defense—and, I might add, this is not his budget we are discussing; next year it will be his budget—has appointed a committee with some member, I think the head of a life insurance company, to look at the Pentagon.

Mr. HERMAN. Mr. Fitzhugh.

Senator SYMINGTON. Gentlemen, the point is that we just can't continue to spend this time and character of money on our military establishments and, at the same time, preserve our economy. And everybody, I think, is recognizing that, not only the Congress but also the administration and, what is more important, based on my mail, the people of the country.

Mr. HERMAN. Let me just question you one point further on that statement. Could we afford to spend this kind of money for the military, as you have just said we couldn't; could we afford, if we had to, if there was something like a major war facing us, on which the whole Nation was politically of one mind?

Senator SYMINGTON. Well, it is a good question, because if it was a major war and if you were fighting for your existence, and if it was a declared war, then the people would have a better understanding of it and, for example, they would be much more sympathetic with price and wage control. This is the first war, of the four wars, for example, that we haven't had a war tax. We had a war tax in World War I; we had a war tax in World War II; we had a war tax in Korea and, therefore, some of those who have opposed the surtax are right when they say, in effect, it is a war tax. But it isn't sold that way to the American people. We have hundreds of thousands of casualties, we are spending \$2.5 billion a month in Vietnam, but, in effect, we haven't done anything about it to recognize this situation with respect to our economy.

Mr. HERMAN. Well, my question is, is this something which is intrinsic in the economy or is this something relating to the will and the desire of the people?

Senator SYMINGTON. I think if the people were more convinced of the rightness of the casualties and the treasure that is being lost in Vietnam, then they would be more willing to make the sacrifices that are necessary in order to keep the economy in shape despite the war.

Mr. CORDDRY. Senator—

Mr. MORTON. Senator, what is your feeling on President Nixon's statement that historians will look back on the Vietnam war as one of our finest hours? You don't sound very much that way.

Senator SYMINGTON. I think that he will have second thoughts about that statement.

Mr. CORDDRY. Senator, I am terribly puzzled by your position. Is it not a fact that the cost of defense today is no greater than it was when we got into this war, in terms of the Gross National Product? That is one question. And the other is: If you are this much concerned about the money running out, why are you supporting programs that would cost far more than the ABM, such as a new fighter, more submarines, a continuation of production of multiple warheads, and this sort of thing?

Senator SYMINGTON. Well, in the—

Mr. CORDDRY. What are your priorities?

Senator SYMINGTON. In the first place, I would say this, that you are only seeing the tip of the iceberg on what is being asked for the ABM this year.

Mr. CORDDRY. Well, I was referring to—

Senator SYMINGTON. This is going to be a great many billion dollars more of a program than any program, for example, for an air superiority fighter, which I believe that you are referring to.

Mr. CORDDRY. That is one of the things.

Senator SYMINGTON. I have always taken the position that whatever is necessary for our national defense in order to maintain adequate deterrents against a first-class power should be done, but I don't put the ABM in that category. And what was the first part of your question?

Mr. CORDDRY. Well, it seems to me that, in terms of the Gross National Product, the cost of defense today is no more than it was

when we got into Vietnam, and it is probably less.

Senator SYMINGTON. In the first place, your Gross National Product is an expression of inflation which is eating up the earnings of all of the people in the country, especially those with fixed income. In the second place, your Gross National Product, in effect, is a representation of your fixed position, talking like a corporate balance sheet, but the facts are that because of the gigantic amount of money that we are spending outside the country, regardless of our Gross National Product—and I would just like to leave two figures with you now. We have a little more gold than we had a year ago because of the collapse of France. We have \$11.2 billion in gold. On the other hand, we now owe abroad in current liabilities that are to be redeemable, according to our pledge, in gold, \$36.2 billion. So, from the standpoint of a corporation, you might say, the Nation is insolvent. Now, we can carry that, but for the first time in our history we have the highest interest rates in history, which is creating a real depression in certain industries, like housing, building, and so forth, and at the same time we are not stopping the inflation. Therefore, I am one who, whereas three years ago I thought if we attack this problem from a fiscal standpoint as well as a monetary standpoint we might be able to lick it—I no longer feel that. I don't feel that any rise in interest rates, a further rise, or any amount of taxation that would be within reason would do this job. The only thing that will do this job, in my opinion, is a reduction in federal spending, and a little reduction in the military is worth far more than a major reduction anywhere else. And that is one of the reasons for the tremendous interest at this time in the justification of the military budget by the members of the Congress, not only those that are on the committees involved but all members of the Congress.

Mr. MORTON. If I could come back to the war for a minute, Senator. There has been a lull in ground fighting that has gone on for sometime now. There has been some talk of a change in U.S. strategy from a lot of search and destroy and active pursuit to a more passive role. How do you read this? Is this a signal from the North Vietnamese or is this just because the U.S. military has been doing the right thing, or what?

Senator SYMINGTON. Well, first, let me say that I believe that the present administration is doing everything it can to obtain a just peace. And, secondly, I don't believe that very much progress has been made in Paris. And, third, last week, in the executive session, we were briefed by the Chairman of the Joint Chiefs of Staff, General Wheeler, upon his return from his latest trip a few days ago to Vietnam. Now, you can't discuss in open session, which this is, the details of his report, but I did say this, and I meant it most sincerely, when I came out and was asked by the media: It is the same old story and it is very sad, and all we can do is hope that it gets better.

Mr. HERMAN. By "the same old story," you mean that this is not a really new phenomenon, a lull leading toward peace, it is a lull leading towards a renewal of hostilities?

Senator SYMINGTON. Well, that is a projection, but I will say that all the optimism that was expressed this time was comparable to the point of similarity with all the optimism that has been expressed over the years, since I have been on the committee, and I have been on it since the war started.

Mr. CORDDRY. Senator—

Mr. HERMAN. Optimism towards peace or optimism towards victory?

Senator SYMINGTON. I would just say optimism. It is very difficult to see how you can achieve a military victory in Vietnam. It is very difficult to see how you can have a satisfactory political solution because, in my

opinion, if we left Vietnam, the government today in Vietnam would collapse like a house of cards.

Mr. CORDDRY. You have no doubt that we are on a withdrawal course, do you, Senator?

Senator SYMINGTON. I think we want to be on a withdrawal course, but I don't understand, Mr. Corddry, some of the things that are going on as, you might say, a tactical execution of the strategy of withdrawal.

Mr. MORTON. What sorts of things?

Senator SYMINGTON. I think we are doing a great deal of fighting, some offensive fighting, considering that we say we would like to withdraw. Now we have withdrawn or plan to withdraw some 25,000 troops, which is not to many when you have, say, 550,000, not counting the fleet and not counting troops all over the other parts of the Far East. My impression from the Chairman of the Joint Chiefs was that it is going to be very difficult to make any additional substantial withdrawal from Vietnam, at least for some time to come. That was one of the reasons that I said it is a sad story.

Mr. MORTON. Well, then we just—

Mr. HERMAN. Let me apply that. Does that seem to you to mean that there will not be another 25,000 withdrawn in middle or late August?

Senator SYMINGTON. Well, if you withdrew another 25,000 in addition to the 25,000 we have been told are going to be withdrawn, you would still have only withdrawn less than 10 percent of the troops that are over there.

Mr. CORDDRY. Senator, in your time you have been associated with the idea of closing the port of Haiphong, in taking, such stern measures, are these long since passed now or would you be in favor of putting some pressure on the foe again?

Senator SYMINGTON. No, I have been to Vietnam a good many more times, I believe, than any other member of the Congress, and I have gone a lot because I don't think you can get the information, the real information, except right on the ground and looking and talking to a lot of people.

Mr. CORDDRY. Each time you have been critical of the way they were allowed to do their job.

Senator SYMINGTON. When I came back in January '66, and this was pretty much the way I felt when I was out with General Taylor and Mr. Rostow in '61—in any case, when I came back in '66 and they said, "Would you go on with it or get out of it?"—or I said we should do one or the other, and they said, "What would you do?" I said I would get on with it. Then I came back in January of '67 and they asked me, "What would you do, of the two?" and I said frankly I don't know. I'm glad I am not President. Things don't look too good. In the fall of '67, in October '67, they said, "What would you do?" and I said I would get out. I would get out on the best basis possible and on an honorable basis, but I would get out, because I saw no progress being made with respect to any true victory in the sense that we know victory.

Mr. MORTON. Well, you seem to be saying now, Senator, that we can't get out, it is going to be impossible to get out and we are just in for a lot—we are stuck there a lot longer. Do you see no new avenue that the administration might take?

Senator SYMINGTON. Oh, I don't want to imply, let alone say, that we can't get out. I think it is very important—we could drown our entire future in these escapades if we don't cut it out. As you know, I think we are very over-committed. I have staff members—

Mr. MORTON. Well, what would you do, though?

Senator SYMINGTON. Right now in the Far East, who have been to Europe, of the subcommittee of the Foreign Relations Committee, of which I am Chairman. We are badly

over-committed. We are over-committed politically, we are over-committed militarily, and we are over-committed economically, and we just can't mold the world into the image of the United States and what the United States stands for, because it isn't what the other people want. We will start hearings this fall on overcommitments, and I would hope that we would have some basic suggestions to present to the people.

Mr. HERMAN. Some of your Democratic colleagues see in President Nixon's various utterances in the Far East some internal contradictions, that in Guam and Manila he said we are going to have a low profile, we are not going to get entangled in Asia, and in Thailand he got us entangled again. Do you agree with that evaluation?

Senator SYMINGTON. Well, Mr. Herman, I don't want to criticize the President when he is out of the country, and I have never criticized his actions with respect to the war, because he didn't get us in it and I am sincere in believing he would like to get us out of it. Perhaps I would be willing to make more of a sacrifice to get us out than he would, but that I don't know. But he did make one statement in Thailand that worried me. He said something to the effect that we would defend the Thais against external aggression and also aggression from within, and that worried me because I don't think the United States can go around the world protecting a particular government. I think that is more a decision of the people in the country, and I believe that is one of the reasons that we have some very serious problems in other parts of the world, not to mention, of course, the fact that it could be our major problem with respect to getting out of Vietnam.

Mr. HERMAN. Let me get you back to the Congress—I'm sorry, Charles—for just a second here. The debate over the antiballistic missile system frequently brings up the question of Russian aims and Russian intentions. Now you, sir, are unique in the Senate of the United States in being a member of both the Armed Services Committee, the Foreign Relations Committee, also the Subcommittee on Central Intelligence and, while I have got you here, I have just got to ask you: How do you evaluate—having played a role in the past in the question of the missile gap—how do you relate America's strength to Russia's strength, America's intentions to Russian intentions at this point?

Senator SYMINGTON. I think the most important single thing, from the standpoint of the security of America, real deterrence, is not only the fact that we could destroy any country that could attack us, including the Soviet Union—which I believe that we could—but that they know that we have that type and character of strength. Now, if we disarm, I am quite certain that the Soviets would quietly take us over. It was Richard Revere who wrote an article saying you can't be a pacifist country or a non-pacifist country; we will take you over. On the other hand, what amuses me in this debate is that every time the Soviets say something which those who are proponents of all this gigantic spending want, they say you can never trust what those dirty Russians say. But when they say something, as, for example, Kosygin saying that the ABM was a defensive missile, they run around and say, why, the Soviets themselves say that this is a defensive missile and therefore there is no danger in our building it. I also believe that it is terribly important to my children and their children that we do everything possible to make an arrangement with the Soviet Union from the standpoint of the future control of nuclear weapons, because today that is impossible, and because of the rapid proliferation that is going on in this field, tomorrow, in my opinion, it will be impossible. And, therefore, from the standpoint of the world's future, those of us who know what a full nuclear exchange

would mean to civilization, I am extremely anxious to see the Nixon administration do everything it can to arrange and to succeed in an arms control agreement.

Mr. CORDDRY. Well, it seems to me—

Mr. MORTON. Well, if the Soviet Union sees you are not going to defend your deterrent, why should they discontinue the production of intercontinental ballistic missiles, of which they are already equal to us? What incentive is that to them to come to terms with us?

Senator SYMINGTON. Well, in the first place, I challenge your statement that they are already equal to us in intercontinental ballistic missiles.

Mr. MORTON. It is a thousand on either side, isn't it?

Senator SYMINGTON. I beg your pardon?

Mr. MORTON. It is a thousand on either side, isn't it?

Senator SYMINGTON. There is a thousand of the Minuteman on either side. Their bomber force is not even a fraction of our strategic bomber force. And, although I am an airman, I would be the first to say that in my opinion the greatest strategic weapon in the world today is the Polaris submarine, of which we have 656 missiles, all in the megaton range. Now, we plan to put the Poseidon's in thirty of those forty-one submarines. That means that we will have 5,000 ICBMs because a Polaris unit is just as much an ICBM as a Minuteman unit. And, so, when people talk about equality, they are not talking against the facts. Now, what worries me in arguments like this, let's be sure that we get on with an ABM because the Soviets have been working on it for fifteen years. Well, if the proponents are accurate when they say it is a defensive missile, why shouldn't the Soviets work on it for fifteen years when we have been working, to my certain knowledge—because I was heavily involved in it—on an ICBM which nobody could deny is an offensive weapon, for 23 years. And, therefore, it is simply a case of do you want to continue with this tremendous arms race that is, in effect, wrecking so many of our programs, programs that have to do with the education of our children, the control of our water, the control of our air, the hard-core problems of our cities. These programs are not going forward because of the cost of war, and it must be true in the Soviet Union as well as in our country. In any case, the basic question is do we want to try and work out an arrangement by which the United States would be safe as far as our security is concerned and, at the same time, we could devote more money to the problems of people.

Mr. MORTON. Well, do you think the administration has been laggard in trying to get arms control talks with the Soviets going? Do you think they are waiting until the ABM is in the works before getting serious about that?

Senator SYMINGTON. I don't think any administration has been as anxious, of the last three or four, to work out a meaningful arms control agreement as they should be. I think that all administrations now and in the future should make this their number one desire, because it is the one way to get peace. And, as we continue with these technological developments, if we don't work out something that will maintain peace in the world, then we are going to destroy the world.

Mr. HERMAN. Senator, you used to be considered at one point, when I first came to Washington, as sort of the Senator from the Pentagon. You were the spokesman in Congress, people used to bring you documents, sneak them under your door, perhaps, from inside the Pentagon, and you used to be the major spokesman for the Pentagon. Now, all of a sudden, you are a spokesman for cleaning up our lakes and waters, cleaning up our cities. How did you evolve? What happened?

Senator SYMINGTON. Well, I have never changed in wanting to see this country secure by having an adequate defense, but I believe the situation builds on itself, and I have been sold on the theory of overkill. When I was Secretary of the Air Force, some nineteen years ago, the budget for all three services was \$13.8 billion, and the dollar in those nineteen years has depreciated about fifty per cent. That would make the military budget today \$27.6 billion. And, remember, in those days Stalin was alive. I had just completed directing the Berlin airlift and this was a really pretty warm cold war. Today, however, the budget is approximating \$80 billion, and what worries me is, we have had testimony, that even if the Vietnamese war stops on the basis that is satisfactory to us, that there will not be—it will not be possible to make a major reduction in the cost of the military establishment. On that basis, regardless of whether we are secure or not, I don't think the integrity of the dollar can be maintained. So whereas I am completely in favor of a secure America, I think we can have a secure America for a great deal less money. And priorities in this country, another word for which is values, is what is important, coming to the fore with respect to our domestic problems. We haven't yet talked about how much we defend other parts of the world. For example, we have had our troops in Europe for over a quarter of a century, and it has cost us tens of billions of dollars.

Mr. HERMAN. Are they still needed there?

Senator SYMINGTON. I would think we could cut many of them back. General Eisenhower, with his vast knowledge of the subject, felt that we could cut heavily on troops in Europe. And, after all, if we are there with the flag there, that should be enough, and what worries me is that the other people have never had, on their own soil, as much of what they originally promised in the way of a defense. And this is another reason why our economic problems are coming to the fore so rapidly.

Mr. CORDDRY. How much could this defense spending be cut, Senator? You have referred to the necessity of cutting it several times. How much a percentage—

Senator SYMINGTON. Well, Senator Stennis made a talk recently—he is Chairman of the Armed Services Committee—that he thought that if the shooting would stop we could cut it \$10 billion. In New York, last year, among some of the ablest men I know, military, scientists, in the forums that were run by Dr. Carl Kaysen, of the Princeton Institute of Advanced Studies, I was rather surprised to hear them arguing as to whether it could be cut \$20 billion or \$30 billion.

Mr. CORDDRY. But could it be cut now?

Senator SYMINGTON. I think now you could have a heavy reduction without affecting the security of the United States, yes. In that connection, I noticed a story this morning that a Republican Senator and a Democratic Senator have joined to look into this whole question of aircraft carriers, why we should have fifteen aircraft carriers, attack carriers in 1969, because we had them in 1947.

Mr. HERMAN. Thank you very much, Senator Symington. I am afraid our time is about expired. I want to thank you for being here with us today on Face the Nation.

Senator SYMINGTON. Thank you.

NATIONAL COMMITMENTS

Mr. JACKSON. Mr. President, the senior Senator from Wyoming made an important contribution to the debate last month on the so-called commitments resolution. I was glad to see this contribution recognized in a recent editorial in the Casper Star-Tribune. I ask unanimous consent that the editorial be printed in the RECORD.

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

QUESTION OF COMMITMENTS

What is a national commitment?

This is a question with which the U.S. Senate struggled manfully last week and which it seems to have solved with the adoption of Senate Resolution 85. Both Sen. Gale McGee and Sen. Cliff Hansen voted against the resolution, which was approved in amended form by a margin of 70 to 16.

By its vote, the Senate sought to restore to the Senate its prerogatives in the field of foreign policy, which many members agreed had been permitted to go by default. Senator McGee who had been the lone dissenter in the Foreign Relations Committee, spoke against the resolution on the grounds that in these times when a President must take quick action, he would be seriously handicapped if he had to wait for Senate approval before moving in an emergency.

It is generally conceded that the Senate's action has no force of law. It cannot add anything to the powers granted to the Congress by the Constitution, but it does spell out the senatorial position and puts Presidents on notice that there should be consultation before taking action which could lead this country into war. The major basis was, of course, our involvement in the Vietnam War, although other instances also were cited in the course of the lengthy debate.

Much of the discussion was spent on the definition of a national commitment, various senators point out that it was not the intent to limit the executive branch in the ordinary work that must be accomplished in foreign relations. Sen. John Sherman Cooper of Kentucky came up with an amendment that would restrict the term to the use of armed forces on foreign territory or a promise to give assistance by the use of armed forces or financial resources of the United States either immediately or upon the happening of certain events.

It was declared to be the sense of the Senate that in such major instances a national commitment should result only from affirmative action taken by the executive and legislative branches by means of a treaty, statute, or concurrent resolution by both Houses of Congress. Since treaties must be ratified by the Senate and since Congress has the power to declare war, the wording of the resolution is largely a reaffirmation of these powers. It would not repudiate any obligations already in effect.

Senator McGee expressed some important views in his opposition. He called the action regressive and unrealistic—"regressive in the sense that it would call into question the legitimacy of the President's role in the formulation and implementation of foreign policy, a development that unquestionably is a necessary response to the demands of the modern age. It is unrealistic in that it fails to provide for placing the responsibility the President now holds into hands equally decisive and determined."

The Senator suggested that if the Senate is to succeed in its new role it should update its procedures and give more attention to foreign policy in advance of crises rather than respond principally to situations after the fact. He recommended that some type of select Senate committee be established that could work with the President. "We are not going to be able to follow the Foreign Relations Committee as we have always known it and still address ourselves to the crisis factor," he told his colleagues.

We believe Senator McGee is correct in his reservations about the resolution and that if it is to be implemented there will have to be some streamlining of procedure so as not to tie the President's hands in an emergency and endanger the national security. Many Senate Foreign Relations Committee hearings have been lengthy debates over facts accomplished.

THE BRAKING SYSTEM OF THE A-7D AIRCRAFT

Mr. GOLDWATER. Mr. President, quite often overenthusiastic members of the press seize on a single statement to create the impression that all connected with the subject is not going so well. In the constant attacks on the military men of this country this has been particularly true. For example a week or so ago much was made over the fact that weakness had been found in the wing of the C-5A because fatigue had occurred at 128 percent of stress. The press did not go to the trouble of delving into this subject or they would have discovered that the inability to withstand this much overload is by no means considered unusual and is accepted by standards. A few days ago in his continuing good efforts to point up mistakes made in the spending of the peoples money, Senator PROXMIRE disclosed some trouble experienced with the A-7 brakes over a year ago. The press would have the people believe that this has not been corrected and was a result of evildoing within that group referred to as the military-industrial complex. The truth has been made known by the Air Force. I ask unanimous consent that this background paper be printed in the RECORD.

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

BACKGROUND ON A-7D TESTING

The Air Force today released the following statement regarding the problems encountered during the development of the braking system of the A-7D aircraft. The test program for all aircraft bought by the Air Force is divided into three major phases or categories. Category One tests are those conducted by the prime contractor (in this case, Ling-Temco-Vought) to demonstrate the basic soundness of the aircraft design and to insure that it meets contract specifications. Category Two testing is done by the Air Force Systems Command to definitize the aircraft's performance envelope. Category Three testing is conducted by the using command (USAF's Tactical Air Command) to devise operational tactics and to refine training requirements. The objective of this exhaustive test program is to insure that the Air Force accepts only those systems and sub-systems which will accomplish the mission for which they were designed in a safe, effective manner. When examined in its entirety, the solution to the brake problem to which Senator Proxmire referred in his report Monday demonstrates that the present government-industry testing procedures are effective in identifying problem areas and correcting them before they reach the production stage.

To review the chronology of events in full perspective, the original Goodrich brake referred to by Senator Proxmire was delivered to the prime contractor, LTV, where it was installed on only four of the first five test aircraft built. The first of these four aircraft was used to test the stability and control of the A-7D. Braking performance, while always important, was not being seriously taxed or specifically evaluated on the tests on the No. 1 aircraft. Aircraft No. 2 was identified for testing of the aircraft's brake system, along with its rocket and gun systems. Engine performance data gathering was the goal of tests on aircraft No. 3, while aircraft No. 4 was an avionics testbed. All of these test aircraft were flown by highly-experienced experimental and engineering test pilots under rigid safety standards as a part of the Category I (contractor) test program.

The original Goodrich brakes were adequate to stop the A-7D on a runway of normal length and at average landing weights. It was at the point when the brakes on the #2 aircraft were tested to their maximum stopping capability that it was discovered that they were unable to dissipate the amount of heat generated by a "maximum performance" stop. The incident of locked brakes to which the Senator referred, occurred as a part of these maximum performance stopping tests during July 1968 at Edwards AFB, Calif. The full complement of safety precautions was pre-positioned for these tests—crash crews, fire-fighting equipment, ambulance were all on hand and fully manned. No one was injured in any way. At this time nevertheless, special restrictions to prevent unnecessary braking loads were imposed to insure that no unwarranted risks were incurred during the on-going test flights of the A-7D.

Although the "maximum performance" stopping was indeed judged unsatisfactory, this is not an unprecedented outcome in the evaluation of important aircraft sub-systems. In any event, the Air Force, Goodrich, and LTV promptly teamed up to develop a new brake system that would fully meet government specifications.

By November 1968, this military-civilian team had produced a fully effective brake for the A-7D. By January 1969, the new brake had been fitted to all test aircraft. Subsequent testing revealed that the improved brake cut stopping distances of the aircraft from ten to twenty per cent below the contractual guarantee. It should be noted that this improved brake was provided by the contractor at no additional cost to the government, and that there were no delays to the test program. All of the above-described identification and correction of the problem was accomplished by a team effort between the Air Force and the contractor long before the first operational aircraft was scheduled for acceptance by the government. As a matter of fact, the first delivery of the A-7D aircraft to an operational unit is not scheduled until the latter part of this month.

WILEY A. BRANTON, PINE BLUFF, ARK.

Mr. FULBRIGHT. Mr. President, Mr. Wiley A. Branton, who is a native of Pine Bluff, Ark., has recently been named executive director of the community and social action division of the Alliance for Labor Action.

The ALA is indeed fortunate to secure the services of Mr. Branton, and I know that his many friends were pleased to learn of this further advancement in his career.

Mr. President, I ask unanimous consent that a news release announcing Mr. Branton's appointment be printed in the RECORD.

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

REUTHER, FITZSIMMONS NAME WILEY A. BRANTON TO HIGH ALA POST

Wiley A. Branton has been named executive director of the Community and Social Action Division of the Alliance for Labor Action.

The appointment, effective immediately, was announced by UAW President Walter P. Reuther and Teamsters Acting President Frank Fitzsimmons.

The Alliance for Labor Action (ALA) was formed by the UAW and the International Brotherhood of Teamsters, America's two largest labor organizations, and is committed

to a program to revitalize the American labor movement and to help America find answers to its urgent social problems.

Branton will direct ALA work in the field of community and social action, including working with the poor and the disadvantaged, building community unions, sponsoring education and training projects, meeting housing needs, health care and other essential social services, furnishing legal aid and consumer protection.

Branton comes to the Alliance from the United Planning Organization, the National Capital Area community action agency, which he served as executive director for the past two years.

The UPO, a private agency, receives funds from the Office of Economic Opportunity, the Labor Department and the Department of Health, Education and Welfare, to conduct antipoverty programs in the District of Columbia and surrounding areas.

UPO programs range from comprehensive manpower development programs to community action centers and from Headstart and day care programs for pre-school children to programs to assist the elderly poor.

Branton served from October 1965 to October 1967 as special assistant to Attorneys General Nicholas Katzenbach and Ramsey Clark, dealing with implementation of the voting rights act of 1965 and other civil rights matters.

In that capacity, he also assisted in the coordination of a government-wide equal opportunity effort and served as liaison between the attorney general and national civil rights leaders.

Prior to his Justice Department appointment, Branton served as executive secretary of the President's Council on Equal Opportunity. In that position, he served as principal staff coordinator of the Federal Government's Equal Opportunities program.

He also served for three years as the first director of the Southern Regional Council Voter Education Project, which resulted in the addition of more than 600,000 black voters to the rolls in 11 southern states.

In addition, Branton served as executive director of the Committee for Welfare, Education and Legal Defense Inc. and the Council for United Civil Rights Leadership.

In that capacity, he directed coordination of corporate fund raising activities for civil rights groups and directed implementation of civil rights projects.

A native of Pine Bluff, Ark., Branton received a B.S. degree in Business Administration from Arkansas A.M. and N. College in 1950. He received his law degree from the University of Arkansas in 1953.

Branton practiced law in Pine Bluff from 1952 to 1962 and continued to maintain his office in Arkansas and in Atlanta, Ga. on a part-time basis until 1965.

He came to national prominence as chief counsel for the Negro plaintiffs in the Little Rock school controversy. He had a broad general practice, with particular expertise in the fields of civil rights and criminal law.

He is a member of the bars of Arkansas, Georgia, the District of Columbia and the United States Supreme Court and a member of the National, American, Federal and Washington Bar Associations.

As director of Community and Social Action for the Alliance, his scope of activities will include organizing community unions to enable the working poor, the underemployed and the unemployed to exercise self-determination in dealing with their problems.

The division also will join with other groups to achieve community action around problems of discrimination, unemployment, education, housing, health and the elderly. Other projects will be in the areas of consumer protection, bringing about public understanding of crucial issues, improving gov-

ernment responsiveness to the needs of citizens, and working with labor, religious, civic and community groups to help find solutions to urgent social problems.

Branton is married to the former Lucille McKee of Memphis, Tenn. They have six children and reside in Southwest Washington.

Branton's appointment has drawn praise from a number of prominent citizens. Mayor Carl Stokes of Cleveland said:

"I compliment the ALA on obtaining the services of Wiley Branton in a key position. He is a concerned, dedicated fighter for things that need doing in our society."

Mayor Richard Hatcher of Gary, Ind. declared:

"I have always had the highest regard for Wiley Branton. He is particularly outstanding for his courage and efforts to help people. I am sure he will do an outstanding job for ALA and he can depend on me and all of us in Gary for support and cooperation."

Whitney M. Young, executive director of the National Urban League, said:

"We congratulate both the Auto Workers and the Teamsters for their excellent choice. Mr. Branton is well qualified and committed to an aggressive program in the field of civil rights and civil liberties. The National Urban League will work with Mr. Branton towards the achievement of our mutual goals."

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, said of the appointment:

"In my judgment, the Alliance for Labor Action has taken a solid step forward by acquiring the services of Wiley Branton. His depth of experience, his broad knowledge of the law and his thorough-going dedication to the cause of human rights makes him an excellent choice."

The Rev. Ralph D. Abernathy, head of the Southern Christian Leadership Conference, declared:

"We congratulate ALA for bringing in a fighter, statesman and organizer to head its Community and Social Action Division. From his days as a legal pioneer in Arkansas through his service to the entire South as director of the Voter Education Project, Wiley Branton has been one of the stalwarts of the civil rights movement. He has been a close associate of ours in the SCLC and we look forward to many years of close cooperation as we continue our attempts to organize the poor."

HEROIC RESCUE BY MARINE PFC. DENNIS ROBARE, OF ISHPEMING, MICH.

Mr. HART. Mr. President, recently a young man from Ishpeming, in Michigan's Upper Peninsula, was recognized by the National Council of the Boy Scouts of America for an act of heroism.

To earn this honor, Marine Pfc. Dennis Robare clearly sacrificed his own safety to rescue two young boys from a car trapped under the Sturgeon River Sloughs.

The two young boys owe their lives to Private First Class Robare—and it would seem to me that we all owe him a debt of gratitude. Private First Class Robare demonstrated what many young people today are trying to demonstrate—a feeling of concern for the safety and well-being of their fellow man.

This young man seems to exemplify all that is good in the younger generation and is certainly deserving of the honor accorded him by the Boy Scouts.

Mr. President, I ask unanimous consent that an editorial describing Private First Class Robare's heroic act, published in the Marquette, Mich., Mining

Journal of June 30, 1969, be printed in the RECORD.

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

AN ACT OF HEROISM

Well-deserved recognition for courage and skill came to Marine Pfc. Dennis Robare of Ishpeming last week when he was honored by the National Council of the Boy Scouts of America for an act of true heroism. Robare, the son of Mr. and Mrs. Ellsworth Robare, former Negaunee residents, thus became the only person in the Upper Peninsula ever to receive the Honor Medal and Certificate for Heroism from the National Scout Council and only the 11th to be accorded this honor in Michigan.

In a time when youth are so often cast in a negative light, it is indeed heartening to read of the bravery of this young man. He is credited with having saved the lives of two boys, ages 6 and 9, last Aug. 23 when he pulled them to safety from a watery trap in the Sturgeon River Sloughs in Houghton County. The boys were caught in a station wagon that had crashed through guard rails along U.S. 41 near Chassell and plunged into six or seven feet of water.

Robare, who was then a student at Michigan Technological University and junior assistant Scoutmaster for the Boy Scout troop sponsored by the Negaunee Eagles, later was asked to describe the incident by the U.S. Coast Guard. He did so in an unassuming report, from which the following is excerpted:

"I was riding in a car heading towards Chassell. About two miles from the town we noticed six or seven cars parked along both sides of the road. A man was standing in the middle of the road stopping the traffic. When we approached him, he ran to the driver and asked if anyone knew how to dive. I told him I could. Looking out of the car I could see people standing on the roof of the car.

"I took off my jacket and shirt, kicked off my shoes and dove into the water. I swam out to the car, and a man on the roof told me there were two kids in the car and that the back window on the passenger side was open. I then dove down and felt my way along the side of the car. Finding the front windshield, I followed the car down until I reached the open window. As I started to go inside the car I opened my eyes, but it was too no avail because the water was too dirty.

"Feeling around inside the car I felt one of the boys floating around on the ceiling, up by the steering wheel. Grabbing him under the chin, I pulled him out of the car and passed him to someone standing on the roof.

"I dove down again and started feeling for the other boy. I found him also floating up by the ceiling but in the back of the station wagon. Grabbing him by the shirt, I pulled him out of the window and headed for shore.

"Upon reaching shore, I immediately started giving the boy mouth to mouth resuscitation. The boy was bloated and his complexion was blue. After several breaths of air into the boy he started vomiting up water. It was sometime after that that he started to breathe. As soon as he started to breathe on his own, I looked up for the other boy. I saw a serviceman in blue giving the other boy mouth to mouth resuscitation also."

Both boys survived, and the doctor who treated them after they were taken to a hospital in Houghton said Robare had performed a remarkable job. Everyone else who is familiar with the case agrees and joins the National Boy Scout Council in paying tribute to this outstanding young man.

ARIZONA ATTACKS ALCOHOLISM

Mr. GOLDWATER. Mr. President, a strong movement is underway in Congress to achieve a national awareness of

the disease of alcoholism and a recognition of the extent of its social and medical consequences. This campaign is one in which I participated during my previous term in the Senate—until my 4-year sabbatical intervened—and it is a privilege to resume this effort in the current Congress.

Mr. President, some Senators may recall that in 1964, when I was selected to carry the banner of the Grand Old Party, our platform announced:

We pledge to seek continued Federal support for a sound research program aimed at both the prevention and care of diseases, and intensified efforts to secure prompt and effective application of the results of research. This will include emphasis on mental illness, drug addiction, alcoholism.

To my knowledge, this statement marked the first time the platform of either major party took a stand distinguishing alcoholism as a separate illness and focusing on the serious need of support for research—both basic and applied—in this specific area.

Since then there have been some small beginnings on a program with a national scale; but I would add my voice to the many others who say that this is not enough. There remains a compelling national need—one which has increased since 1964—for research and new departures in this field.

Unfortunately, we know very little about alcoholism and even less about what causes it. We know that it affects about one of every 18 drinkers in the country—drinkers at all levels on the socioeconomic scale from the very poor in the inner city to the very wealthy in the banks and in the law offices. We know that American industry incurs costs of more than \$2 billion annually as a result of lost manpower, inefficiency, and wasted training due to alcoholism. We know that nearly one out of every two arrests made in this country are for the offense of drunkenness, and that the costs to taxpayers for arrest, trial, and maintenance in jail of these people amounts to millions of dollars per year. We also know that nearly 50 percent of all highway fatalities point to alcohol as a related factor. Fifty percent of all highway fatalities means 26,000 people per year who might otherwise be alive today.

While these statistics show us the magnitude of the problem we are dealing with, they do not tell us of the human suffering and misery associated with alcoholism. They make no mention of the marriages and the children and the bright young professionals who have become victims, either directly or indirectly, of the disease. Nor do they indicate how many people are on the welfare rolls in our States because of an alcohol-related problem. Clearly the time has come for us to face this problem and to mount an aggressive campaign against it.

Mr. President, when I speak of an aggressive campaign against alcoholism, I mean precisely that. We must examine every facet of the problem until we understand it completely. We must provide for the construction and operation of treatment centers, and for the specialized training of personnel to man them. We must alert our young people to the dangers of alcoholism in the same man-

ner as we today alert them to the dangers of narcotics and drug addiction. And perhaps most importantly, Mr. President, we must face up to the fact that alcoholism is a disease and that alcoholics can be successfully treated in the vast majority of cases. Only after we have adjusted our thinking toward alcoholism can we begin to effectively deal with it.

Mr. President, I have referred to the fact that there is a strong movement underway in Congress to place alcoholism in the correct perspective, and I am pleased to be a part of it. The extent of the commitment by Members in this area is demonstrated by the fact that almost one-half of the membership of the Senate has joined with the Senator from New York (Mr. JAVITS) and the Senator from Utah (Mr. MOSS) in the introduction of S. 1997, the proposed Alcoholism Care and Control Act of 1969. This bill, of which I am a cosponsor, will enable us to truly take a giant step in the national fight to control alcoholism. The legislation provides for research grants; the construction, operation, and staffing of community treatment facilities; grants for alcohol education programs at the local level; and support for the establishment of regional research centers.

But the best attribute of the bill is that it builds upon a foundation which is well established and which has been successful to some measure in coping with alcoholism. I refer to the numerous small community action groups which have been initiated throughout the United States. These agencies, councils, and other service groups have recognized the gravity of the alcoholism problem and have attempted to do something about it. Although they have only begun to break the surface of the alcoholism problem which exists in the United States today, they have made a good start. In many cases the results they have achieved with very limited resources have been downright spectacular.

Mr. President, relative to these local efforts, I would like to discuss for a moment the successes of some of Arizona's community service programs in the field of alcoholism control and treatment. Also, I wish to offer for the RECORD an appendix which identifies many of the Arizona participants, and the type of work they are doing. In offering this appendix it is my hope that other States will be encouraged by Arizona's approach to the problem, and that some may wish to follow her example.

A survey of the services offered in Arizona reveals that assistance is available in eight distinct areas. They are counseling, diagnosis, detoxification, hospitalization, financial assistance, employment, education, and housing. In other words, the whole spectrum of required services is available in one degree or another. We are the first to acknowledge that these services are grossly insufficient to meet the demand; and that much work remains to be done. Nevertheless, we have sprouted a great many healthy ideas, and our efforts are continuing.

One exciting example of the projects going on in my State is occurring at the University of Arizona, which today is actively engaged in seeking a solution

to the problems of the alcoholic. The university has set up an interdisciplinary committee on alcoholism that is developing comprehensive plans in this field, including the goal of establishing an Institute of Alcoholism for the Southwest. As a part of the initial program designed by the committee, the University of Arizona intends to offer the degree of master of science in rehabilitation counseling for the alcoholic beginning in September of 1969, thereby becoming one of only three schools in the country to do so. Also, in the near future it plans to sponsor a unique program called the community specialist in alcoholism. After 2 years of study and practical experience, the specialist will assist communities in marshaling resources against alcoholism. Considered in light of the fact that there are so few people trained in the problems of alcoholism who are available in any region of the United States, the latter part of the university's program will be an exceptional contribution to the Nation's needs.

Mr. President, an outstanding instance of the regional leadership displayed by cooperating agencies in Arizona is the Southwestern School of Alcohol Problems which was held at the University of Arizona from June 9 through June 13. This school was sponsored by five different Arizona groups. The purpose of this important workshop was to bring the problems related to alcoholism in the Southwest communities into focus and to try to stimulate the participants to do something about the problems when they returned to their communities.

A major source of direction and guidance in our State has been and is being provided by the Governor's Advisory Committee on Alcoholism. This committee, under the excellent chairmanship of Judge Eugene K. Mangum, has served as a catalyst for the institution of several good projects in our State and a coordinator of statewide agencies involved in these projects. The Arizona State Department of Health has played an important role also. The department has carried out a plan which the advisory committee presented to it in November of 1966, with the result that there is now a positive State commitment to control alcoholism in Arizona.

Finally, I would like to give special attention to the creation of councils on alcoholism in the majority of counties in Arizona. These councils have been established to coordinate the activities of local agencies with those of the State government and have shown the people of our towns and cities how to start to handle their own needs.

In the words of Judge Mangum, who has prepared a report for me relative to Arizona's program:

Our ideas run along the lines that a completely comprehensive program based on community needs, as voiced in the community, utilizing community resources to their fullest is best.

This same philosophy should control any legislation we enact. In my opinion, the most effective solutions will result from encouraging and expanding these local activities. But while this is true, we must not be blind to the fact that we cannot achieve the elimination of alco-

holism by State and local resources alone. The sheer size and complexity of the alcoholism problems necessitate the expenditure of substantially more funds than the States have available by themselves.

Our initial programs at the State and local level have only just opened the door. We need to foster and cultivate these new projects with a fair measure of Federal financial assistance. We need to help them grow together throughout our towns, States, and Nation to the end that we will have joined together a network of community, State, and Federal services that can conquer alcoholism in every area of this land. The prompt passage of S. 1997 would achieve just that.

Mr. President, I ask unanimous consent that an appendix relative to the exciting efforts occurring in Arizona be printed in the RECORD.

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

APPENDIX: REPORT ON CERTAIN ARIZONA STATE AND LOCAL AGENCIES INVOLVED IN THE CONTROL OF ALCOHOLISM*

1. The Pima Council on Alcoholism, Inc. (\$15,000) has opened a full-time information and referral office employing an executive director and secretary. They offer information and referral services principally over the phone. They receive an average of 35 calls per month. Educational programs have been promoted through the utilization of the Alcoholics Anonymous speakers' bureau and through dissemination of literature. Coordination of effort is being developed with various service agencies. In conjunction with the University of Arizona, a regional school of alcohol studies was held June 9th through 13th, 1969.

2. Division of Vocational Rehabilitation (\$20,000) has expanded their efforts in this area by providing tuition, and necessary implements to clients with a disabling diagnosis of alcoholism for attending various vocational schools, and by providing counseling services to their clients in the alcoholism recovery centers.

3. Arizona Recovery Centers Association, Inc. (\$10,000) has employed a full-time coordinator of services, who has been instrumental in assisting the Maricopa County General Hospital develop their admission procedures for alcoholics. He has worked with various service agencies and service people in facilitating referrals from and to the recovery centers. This association is composed of seven recovery centers in Arizona, with five being located in Phoenix, one in Tucson, and one in Globe.

4. Maricopa Council on Alcoholism, Inc. (\$9,000) has employed a full-time education director, who has provided programs for ten high schools, a church, nurses, junior high schools, teachers' groups, and a social workers' association. It has presented ten films and provided programs for 54 other groups. Other duties have included press releases and spot announcements to newspapers, radio and TV, as well as five special TV programs. Consultation was offered at a two-day conference at the University of Arizona regarding the Regional Institute of Alcohol Studies held in June of 1969.

5. Maricopa County Health Department (\$10,000) has employed the part-time services of a medical doctor experienced in the field of alcoholism, who presently is providing services to the various recovery centers

*Based upon a special report to Senator Goldwater by Judge Eugene K. Mangum, Chairman, Governor's Advisory Committee on Alcoholism and Drug Abuse.

and is conducting clinics Friday mornings for the clients of the recovery centers. This same doctor under this contract is providing in-service training for medical staffs of various out-of-county general hospitals.

6. Maricopa County General Hospital (\$16,000) established the first alcohol rehabilitation unit in Arizona in 1968. The initial detoxification of the patient takes place in the medical unit of the hospital, after which he or she is transferred to the separate alcohol rehabilitation ward. The rehabilitation ward contains ten beds and the hospital now employs a full-time coordinator of the alcohol program in the ward. This program is comprehensive and includes physical and psychiatric examinations and therapy, group therapy, Alcoholics Anonymous, occupational therapy, and post-discharge outpatient counseling, both individual and group.

7. Yuma Council on Alcoholism, Inc. (\$2,700) has opened a full-time information and referral center, staffed by volunteers. The council has had two community forums, holds regular meetings at which films have been shown, has provided speakers for the high schools in the area and is working on the promotion of a detoxification center.

8. Winslow Council on Alcoholism (through the Navajo County Guidance Clinic, Inc.) (\$1,400) is providing speakers in the high schools, has provided the program for the Hopi Reservation Annual Alcoholism Meeting, provides transportation to the Veterans Hospitals in Fort Whipple for sick alcoholics, and augments the efforts of the mental health clinic, working hand in hand with them.

9. Gila Council on Alcoholism and Drug Abuse, Inc. (\$2,000) has opened a full-time information and referral office manned by volunteers, with phone service, has provided one community forum, and has shown films at its regular meetings. It is promoting the upgrading of the local recovery center and the inclusion of a detoxification unit in the plans for the new county hospital. Its principal efforts have been toward the inclusion of aid from the various unions and mines in the area.

10. Pinal Council on Alcoholism and Drug Abuse (\$1,280) is working through the local health department to provide information to those in the area, promoting the establishment of Alcoholics Anonymous meetings and the education of various professionals and semi-professionals, particularly service agency personnel in the area of alcohol or drug abuse.

11. West Yavapai Guidance Clinic (\$1,000) is providing information and referral service in the area of alcohol and drug abuse. Literature is available through the clinic as well as services. Scholarship opportunities are offered to the various schools of alcohol or drug abuse studies.

12. Arizona Tuberculosis Sanatorium (\$5,600) has employed a part-time alcoholism counselor to work with patients in the sanatorium and to provide in-service training for the staff of the hospital. Psychiatric consultation and therapy is available if needed. It is now working on a plan for after-care involving the public health nurses and referrals to resources in whatever area the patient comes from.

13. University of Arizona (through the Pima Council on Alcoholism) (\$5,000) has conducted a Southwestern School of Alcohol Problems from June 9th through 13th. The program for the school was developed through the efforts of Doctor Kam Nasser, Associate Professor of Health Education, University of Arizona. Also, an Interdisciplinary Committee on Alcoholism has been established at the University to plan a long-range program relative to the field of alcoholism. This program includes the goal of establishing an Institute of Alcoholism for the Southwest.

14. Apache County School District No. 90 (\$1,200) is committed to presenting a unit in each one of their high schools on alcohol and drug abuse and has provided transportation and expenses to some of their teachers to attend an institute on drug abuse held at Arizona Western College. Upon completion of the various presentations, it will meet and cooperate in the formulation of a written unit to be presented to the Department of Education for their consideration.

15. Mohave Council on Alcoholism and Drug Abuse (through the Mohave County Mental Health Clinic) (\$1,300) is presently in the process of planning the opening of an information and referral center. It has recently completed working on its Articles of Incorporation and is developing a program which will include providing scholarships to professionals and semi-professionals to schools of alcohol or drug abuse studies and the training of a speakers' bureau.

16. Santa Cruz Health Department (\$1,200) will be providing funds for scholarships to the various schools of alcohol or drug abuse studies for professionals and semi-professionals and will be utilizing its office space for the dissemination of literature. Members of the community have expressed their interest in forming a council and are making plans to show films and get in speakers for community presentations.

17. Graham County Board of Supervisors (\$1,350) has enlisted the services of a volunteer director in formulating an alcoholism program which will include the presentation of a one-day institute at Eastern Arizona College. It will also augment the efforts of the Alcoholics Anonymous personnel in order to utilize their services for the benefit of municipal courts. Through their health department they will be dispersing literature and will provide the library with needed resource books. With available funds it will supply scholarship to the various schools of alcohol or drug abuse.

18. Cochise County Health Department (\$1,500) will provide scholarships to professionals and semi-professionals to attend schools of alcohol or drug abuse studies and will be presenting community forums to which it will invite various resource people of the state. They will work in cooperation and coordination with the efforts of the Alcoholics Anonymous groups and the mental health clinic.

19. The Winslow Guidance Clinic (\$5,000) will augment its services to include educational programs in the area of alcohol and drug abuse as well as more concentrated effort with those children and families which evidence problems because of abuse of alcohol or drugs.

20. Tucson General Hospital (\$12,000) has opened a ten-bed detoxification and therapy unit and has requested funds to get this program started. It plans to apply for a Federal grant and to augment whatever funds it can obtain with matching funds of other types.

21. Coconino County Guidance Clinic (\$11,000) plans to establish a model Council which will open an information and referral center and work in conjunction with the mental health clinic for outpatient services and with the Flagstaff hospital for inpatient therapy.

22. Arizona Alcohol-Narcotic Education Association (\$650) has a training program available to clergymen throughout the State, aimed at giving them the tools to cope with the alcohol and drug abuser who comes to them for counseling.

23. Maricopa Council on Alcoholism (\$1,500) will meet the increased requests coming into their office for literature and information and referral services.

24. Greenlee County Board of Supervisors (\$1,200) will formulate a program similar to the one in Graham County (see item 17) stressing education of the professionals and lay services workers in the area.

25. St. Luke's Hospital (\$5,000) has started an alcoholism treatment unit offering medical, psychiatric and psychological care.

26. Tucson General Hospital has recently acquired a 36-bed Detoxification Rehabilitation and Research Center for the immediate treatment of the chronic alcoholic. Following detoxification, patients are transferred to other medical facilities for rehabilitation therapy.

ATHENAEUM CLUB OF LUBBOCK, TEX., SUPPORTS ESTABLISHMENT OF 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Athenaeum Club of Lubbock, Tex., has adopted a resolution urging the establishment of a 100,000-acre Big Thicket National Park in southeast Texas.

The Big Thicket is disappearing at a rate of 50 acres per day. It has already been reduced from its original size of 3.5 million acres to about 300,000 acres. As recently as 1938, botanists could describe the region as consisting of a million acres "little disturbed as yet by devastating lumbering operations and clearing for farms." In the 31 years since these words were written, lumbering operations have stripped the thicket of all but a few stands of first-growth hardwoods. Pipelines, oil wells, and new roads have been pushed into the most remote places. We must act now if we are to save a small part of this unique and beautiful area.

Mr. President, I ask unanimous consent that the resolution adopted by the Athenaeum Club of Lubbock, Tex., including the name of its signer, be printed in the RECORD.

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

RESOLUTION

Whereas, the Big Thicket of Texas is a meeting place for eastern, western and northern ecological elements; and

Whereas, this is the last stand in Texas of the nearly extinct Ivory-billed woodpecker; and

Whereas, this beautiful and unique area is rapidly being destroyed by bulldozer and chain saw; therefore

Be it resolved the Athenaeum Club of Lubbock, Texas, urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket. These areas to be connected by environmental corridors; and

Be it further resolved that the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S4, which would create a Big Thicket National Area.

Mrs. E. W. BROWN,

President.

NEW STUDY ON ASSIGNED RISK AND HIGH-RISK DRIVERS

Mr. HARTKE. Mr. President, I invite the attention of Senators and the public to an important study which will shed some vital light on the automobile insurance issue, particularly with reference to assigned risk and high risk drivers.

This research project is entitled "Definition and Measurement of the High-Risk Automobile Insurance Market." It is being conducted under the auspices of

the Bureau of Economics of the Federal Trade Commission, with supervision by Nathaniel Greenspen, senior economist.

I was particularly pleased to note that Dr. Calvin H. Brainard, professor of insurance at the University of Rhode Island, and one of the country's foremost insurance authorities, has been chosen to research the specific field of the high-risk driver.

We can look to this study for answers and information on such important questions as:

What is a "high-risk" driver? How is he identified as such? What proportion of the total insurance market do they comprise? What rating prices are they being charged? How do these rating prices compare with those for standard risks?

When these answers are published, I am sure they will contribute valuable knowledge and help toward the final solution on auto insurance costs.

TAKE AN HONEST LOOK AT WYOMING

Mr. HANSEN. Mr. President, on July 28, I took issue with an article entitled "Wyoming in the Space Age: The Old Frontier Still Lives," written by Martin Arnold, and published in the New York Times.

The article was printed in the RECORD in order that the attention of all could be brought to bear on how distorted Mr. Arnold's view of our great State was.

The Casper, Wyo., Star-Tribune, in an editorial rebutting Mr. Arnold's observations, has made pertinent comment on the New York Times article.

We of Wyoming encourage all Americans to visit our State and take an honest look at Wyoming—at its beauty, its current greatness, and its vast potential.

I ask unanimous consent that the Star-Tribune editorial be printed in the RECORD.

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

DO THEY REALLY SEE US THIS WAY?

Writers from the East seem to be more impressed with the television image of the West than any first hand impressions they might gather on an actual visit to Wyoming.

An article on Casper appearing in the New York Times, for instance, refers to horses being kept in the back yards of residents, and streets wide enough to accommodate freight wagons pulled by horses making U turns.

Any report of a horse grazing in somebody's back yard, of course, would bring prompt action by city officials to "abate the nuisance." Horses have not been stabled in Casper for at least 30 years.

The article by Martin Arnold does not do justice to the reputation of the New York Times for realistic reporting in depth, but may be just the sort of fare New Yorkers like to read about the West.

Titled "Wyoming in the Space Age," it opens with a description of hills "black with Ponderosa pine," with the plains stretching out.

We wish this were so, but the pines, on closer inspection, are mostly lodgepole or what the natives call "jack pine." Ponderosa, however, fits in more neatly with that ranch in "The Virginian."

"In the early 1900s, fortunes were made overnight in oil . . ."

The fortunes were made in the Roaring 20s. Remember the Salt Creek boom? Kerosene was an important product of crude oil at the turn of the century.

"Casper's houses are strung together as close as beads on an Indian embroidery . . . it's the covered wagon complex, a resident said."

Let's face it, Arnold, suburban developers in both Casper and New York have one thing in common: to get the maximum number of lots from an acre. It costs money to run paving and utilities. Besides, who wants an acre of lawn to mow?

"Casper brags of its economic vitality, but the picture is somewhat misleading. Up to five years ago, 50 major oil companies had administrative offices in the city, but now most have pulled out, leaving behind only a small number of field workers."

The picture, of course, is not as bleak as that. Many important oil company offices, like Marathon remain in Casper. There is a raft of oilfield service and supply firms that serve the oil industry in Wyoming and the entire Rocky Mountain Region. There has been a big influx of uranium companies, and good office spaces are pretty well filled.

The writer observes a new "range war" between ranchers and uranium prospectors . . . but we haven't heard of any shootings yet. There has been some friction between ranchers and uranium prospectors, and some surface damage claims have been settled.

Arnold dwells at length on "the law of the sheriff" in Casper, saying it's "mainly a deep grained tradition that the sheriff and the police are ever on the alert to keep out the badmen who drift in from the plains."

We would point out that the sheriff is more concerned with the influx of some hippie types from the east and west coasts than the "shooting entry" into town of Big Bad Bill from the Badlands.

One would not expect any eastern writer to overlook the once notorious Sand Bar. Arnold notes this area, "several blocks from the main business section, where Casper's black—estimates range from 500 to 1,500—live in dilapidated one-story wooden shacks, most of which used to be brothels."

Casper's colored population is not concentrated on the Sand Bar, but rather in North Casper and some areas of the Railroad tracks, as well as elsewhere in the city.

The Sand Bar is becoming more of a business and industrial area, and one will find more whites than blacks in that area. Urban renewal, if it comes to that, won't displace many people from the Sand Bar.

"The blacks are on the Sand Bar and the Indians are on a reservation 100 miles to the west."

This observation is the obvious "reaching" for more local color. The Indians, naturally, are not too prominent in the local picture. You would have to go to Riverton, or Lander, or Thermopolis to find them.

Despite its inaccuracies, the article is appreciated by this remote community on the western plains by the mere fact that we are featured at all in a big paper like the New York Times.

The average New Yorker never heard of Casper, but is more familiar with place names like Cheyenne, Laramie and Medicine Bow—again thanks to television.

We liked the tag line on the article on Casper:

"There is no such thing as a stranger."

AN INDUSTRIAL SAFETY LAW IS NEEDED NOW

Mr. YARBOROUGH. Mr. President, the Wall Street Journal of August 5, 1969, contains a very fine article entitled "Watch It, There—Tired, Young Workers Spur a Steady Increase in In-

dustrial Accidents." It indicates that the ever-increasing problem of industrial safety needs the attention of Congress now.

Last year I sponsored and held hearings on a general industrial health and safety law. This year, under the very able chairmanship of the Senator from New Jersey (Mr. WILLIAMS), I hope that not only will hearings be held but a law passed which will protect the 75 million workers engaged in commerce in the United States.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

WATCH IT, THERE—Tired, Young Workers Spur a Steady Increase in Industrial Accidents—Nader Calls Problem Worse Than Crime in the Streets, Says Not All Is Reported—What Caused a Mine Mishap?

(By Richard D. James)

HAMMOND, IND.—The 20-year-old worker, on the job just two days, began oiling a giant forging hammer at Amsted Industries' busy Hammond Work without notifying the machine's operator. The operator, who didn't notice the youth, activated the 2,500-pound device. Down it slammed, crushing the tip of the new man's right index finger.

The accident was painful but not especially serious—the injured man was back on the job the next day. But it was part of a nationwide trend, and an unhappy one. Here is Hammond, for example, several workers at this noisy, dimly lit factory have in recent months been sidelined for up to eight weeks with broken bones, severed fingers, cuts, bruises and sprains suffered on the job. In 1968, the plant's accident rate soared 45% from the 1967 level.

By the way of explanation, Amsted officials point out that the plant hired some 400 new workers last year. "A lot of them were young people who didn't realize the dangers of factory work no matter how often we warned them," says one executive.

Amsted's situation at Hammond isn't at all unique. As manufacturers hire more workers and ask them to work longer hours, industrial accidents have become more frequent. U.S. Department of Labor statistics show that "disabling" mishaps—those that result in permanent injury or at least one day's loss of work—occurred at the rate of 14 for each one million man-hours worked in 1967, the latest year for which their figures are available. That's up from 13.6 per million in 1966 and 11.4 in 1958. The National Safety Council, a private group that keeps similar figures, says the 1968 injury rate also climbed.

WORSE THAN CRIME IN THE STREETS

The Safety Council also reports that 14,300 persons died in U.S. industrial accidents last year, up from 13,500 in 1961. Last year's toll was the second highest since 1950—and only 292 fewer than the number of American servicemen killed in the war in Vietnam in 1968.

According to some observers, these statistics don't tell the full story. "Companies vastly under-report their number of job accidents," contends safety crusader Ralph Nader. He claims that the National Safety Council's figures are particularly suspect because "by giving awards to the companies with the best safety records, the council provides an incentive for incomplete reporting."

Adds Mr. Nader: "The industrial safety problem is far more serious than crime in the streets. In some blue-collar neighborhoods you find many people without arms, fingers or legs. It's like Dusseldorf after the war."

A spokesman at the Safety Council's Chi-

icago headquarters says he has "heard rumors" that companies cheat on their reports, but he adds that the council has no "direct evidence" to that effect.

FATIGUE AND INEXPERIENCE

The plant safety director for one large Midwestern firm says Mr. Nader is correct. "This is something that goes on," he admits. "Management sometimes puts pressure on safety men to make the company look good, so the safety men conveniently forget a few accidents."

Whatever the actual death and injury figures, it's widely agreed that many accidents involve inexperienced workers who are unfamiliar with the equipment they are manning. "In a typical month one of every three on-the-job injuries we have involves people who have been on the job less than six months," says James F. Van Namee, safety director of Westinghouse Electric Corp. in Pittsburgh. "About 50% of our accidents involve employes in their first year."

The close relationship between accidents and fatigue-causing overtime work is apparent in Government statistics showing that the two rise together. Investigations carried out by individual firms reveal the same trend.

For instance, officials at Western Electric Co.'s Hawthorne Works in Chicago recently were puzzled by hand injuries suffered by several operators of punch presses that were equipped with devices designed to automatically brush aside the operator's hand each time the press came down. Both the press and safety device were activated by the same pedal.

BLAMING THE OTHER GUY

A company inquiry showed that the injuries occurred late on busy days; the weary operators had pushed the pedals down only part way, activating the presses but not the guards. Western Electric now says it will alter the machines so that both press and guard are set in motion simultaneously.

There's little agreement about the causes of many accidents. Some company officials are quick to blame employes who disregard safety rules; if everyone followed the rules no one would get hurt, this argument goes. Union officials counter that companies pay too little attention to safety and too much to productivity when shopping for new machinery; all the safety rules in the world won't stop unsafe machines from harming workers, they assert.

Such a dispute recently arose around an on-the-job accident at Inspiration Consolidated Copper Co.'s open-pit mine near Phoenix. Three workers were taking a break in the shade of a huge Caterpillar tractor-scraper when the earth-moving machine began rolling down the dirt ramp on which it was parked. One worker, an experienced man, jumped aboard the tractor in an attempt to stop it. After a few seconds of futile effort he leaped off the machine, which was picking up speed. The fall broke his left hip. Two days later, he died of complications from the injury.

Miles Jacob, president of Inspiration Copper, says the worker acted rashly. "He shouldn't have jumped on the equipment. We have a flat company rule against getting on moving equipment. We don't want anyone trying to save equipment if it's rolling out of control," he says.

Alan Burch, safety director of the International Union of Operating Engineers, of which the worker was a member, gives a different version. "The machine was unsafe because it had no parking brake," he declares. "Why the devil not? It was a \$100,000 piece of equipment, but the company wouldn't spend \$200 for an optional parking brake. It could have saved this man's life."

Not so, says Duncan MacDonald, Inspiration Copper's industrial relations director. "We used that type of equipment for 20 years without ever having such an accident," he

says. "If the blade of the machine had been set in the ground as it should have been, the scraper couldn't have moved." He adds that the company has no plans to add handbrakes to its scrapers as a result of the mishap. "It would give the operators a false illusion of safety," he says.

The same sort of dispute centers around the use of safety apparel such as goggles, hard hats and metal-tipped boots in potentially dangerous jobs. Companies say workers often refuse to wear such gear and get hurt as a result. Unions reply that too many companies don't feel strongly enough about the value of safety apparel to pay the bill for it.

At least a few company men admit there's some justice to the union side of that argument. "When you come right down to it, a lot of our safety decisions are really cost decisions," says one executive. "We give our workers safety glasses because they cost just \$3.50. Safety shoes, which they also need, cost \$14, so they aren't compulsory and the men have to buy them themselves."

Several actions are in the works that could result in tougher safety standards for industry. Last year the Johnson Administration proposed legislation to greatly extend the Secretary of Labor's power to establish and enforce safety and health rules for companies engaged in interstate commerce. No action was taken on the measure, but a similar bill is pending before the current Congress.

Unions have taken the initiative in pressing other measures. The United Mine Workers Union is seeking a Federal law that will reduce the maximum amount of dust permissible in coal mines and, it is hoped, help ward off the "black lung" disease that infects many miners. Earlier this year, at the urging of coal miners in West Virginia that state's legislature extended workman's compensation to "black lung" sufferers.

The Oil, Chemical and Atomic Workers Union, prompted by growing worry over environmental health hazards, recently announced plans to use its own equipment to measure noise, dust and chemical levels in plants where members work. The union says actions to reduce such hazards have been hampered by lack of information. "We're going to collect our own data so we don't have to rely on company doctors telling us there's nothing wrong," says an official.

An official of a big chemical company takes issue with the union's implication that company doctors misrepresent health conditions. "If a hazardous situation arises, we do our best to correct it immediately," he adds.

FORCED INTEGRATION IN SCHOOLS OF THE SOUTH

Mr. EASTLAND. Mr. President, when the schools open again this September, the spotlight will again fall where it has now shown for more than a decade—on the South.

As students head back to the classroom, the Southern States fall under varying and confusing orders of the Federal judiciary and the Federal bureaucracy.

Forced integration has become the rule—not the exception—in the South today. Community upheaval is commonplace. In short, the public education system of a vast number of States lies today in a state of danger—danger of extinction.

Mr. President, since the Brown decision of the U.S. Supreme Court back in 1954, the focus has been on these Southern States. They have felt the glare of national publicity.

While they have attempted to solve

problems brought on by judges and bureaucrats in far-off Washington, they have labored in the bright sunlight of banner newspaper headlines, probing television cameras, and they have felt the editorial sting of the press and news commentators alike.

By and large, these problems have been more keenly felt in the small communities of the South. Closely knit communities who have historically worked together for the betterment of both races now find themselves torn asunder by the ruling of the Federal Government. Where there was once peace and harmony we now find mistrust and misfortune.

The Federal judges and the Federal bureaucrats have cracked down on these small communities. Suit after suit has been filed by the Federal Government. Orders and counterorders have gone out from the Department of Health, Education, and Welfare.

All this has been charged off to integration—charged off at the expense of education.

While this social experiment has been going on in the small communities of the South, the vast majority of the schools of the Nation have escaped the glare of unkind publicity. But, or once, let us turn our eyes toward the cities and their schools. Let us see what is happening in these schools.

I have before me an analysis made by the national auditing firm of Peat, Marwick, Mitchell & Co. of the records maintained by the Office of Health, Education, and Welfare. This audit encompasses the 100 largest school districts in the United States—without regard to geographic location.

I point out that this report shows that out of a total of 12,497 schools in these districts, some 6,137—almost 50 percent—are either all black, or all white or attended by less than 1 percent of children of the minority race at that school. Let me emphasize, nearly half of the Nation's largest schools have not 20 percent, not 10 percent—but less than 1 percent—of the minority race in the classroom.

The statistics on instructional staff composition are similarly revealing. In New York City, with 853 schools and a teaching staff of almost 10 percent blacks, 211 of these schools have no black teachers at all and 533 have less than 20 percent blacks on their instructional staff. In Chicago, with 610 schools and more than one-third of the teachers black, 228 of their schools have white staffs and no blacks and another 109 schools have staffs with less than 20 percent blacks as teachers.

Mr. President, the all-white school is not a phenomenon found only in the small communities of the South. It is not a device reserved for small community school boards who seek to circumvent integration.

It is a stark reality in the largest school districts of the Nation. It is an ever-present fact in the largest cities of the United States.

What this reveals is not the wrongdoing of the school boards and the educational leaders in the larger communities.

What this means is that the people of

the Nation—in communities, large and small—prefer to run their own schools. And when they do, they prefer to operate them on a basis of the time-honored traditions and customs which have withstood the test of time and met the best interests of the communities.

It is, after all, the purpose of the school—whether it be large or small—to serve the community through education.

I hold firmly to the belief that the schools of this Nation must be returned to the people. They must be taken out of the hands of Federal judges who sit in far-off places and hand down decisions which affect the lives of our citizens. The schools must be removed from the iron fist of the Federal bureaucrat who writes an edict without regard to the community which it affects.

The schools must again become the center of the community, a place above the turmoil and furor of outside influences, where we can once again send our children to learn and prepare for the world in an atmosphere of orderly education.

It will be then, and only then, that we can begin to reconstruct this foundation of greatness upon which America was founded.

A LEADING AGRICULTURAL JOURNAL SPEAKS OUT ON HUNGER

Mr. YARBOROUGH. Mr. President, the existence of hunger and malnutrition is one of the greatest problems confronting the Nation. In spite of our vast riches, our surpluses of food, and prosperity on a level heretofore unparalleled in man's history, some Americans must still go to bed hungry at night, and some American children do not receive a nutritionally adequate diet.

This problem is receiving national attention, and, hopefully, we will mount the kind of effort necessary to end hunger once and for all in this land. Recently, *Progressive Farmer*, one of the country's leading agricultural journals published an article about this grave national problem. I found it quite informative. I hope my fellow Senators will read it at the earliest possible opportunity.

Mr. President, I ask unanimous consent that the article, entitled "All-Out Effort Under Way To Banish Hunger and Malnutrition," published in the *Progressive Farmer* of August 1969, be printed in the RECORD.

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

ALL-OUT EFFORT UNDER WAY TO BANISH HUNGER AND MALNUTRITION (By Jay Richter)

The crusade against hunger is taking some ingenious turns. In Williamsburg and Lee counties of South Carolina, for instance, a vintage school bus has been transformed into a mobile unit for demonstration work in good nutrition.

A complete kitchen occupies the rear of the vehicle, and its seats are turned around to face the back. A nutrition expert has been put aboard to go from town to town, demonstrating how to prepare low-cost, well balanced meals.

She also explains the Government's expanded food stamp program that allows poor families to buy food at a discount in their

local grocery stores. Some people who need the extra food are as yet unaware of the program; others who know about it don't use the stamps because of the expense of getting to the places where they are distributed.

In Hinds County, Miss., small buses are provided to get members of needy families to the points of distribution. Sometimes a mobile office goes to the people with the stamps.

Other techniques, even more direct, are employed.

Senator Ernest Hollings of South Carolina got the Piggy-Wiggly Carolina Company to stock a van with staple foods for delivery to the doorsteps of food stamp families in Beaufort County. Beaufort and Jasper counties, also in South Carolina, were—at the Senator's suggestion—the first in the nation whose poorest families received free food stamps.

Most of the South's lawmakers in Washington are today gung-ho troopers in the expanding war on hunger.

"There is hunger," said Senator Ralph Yarborough of Texas, "and we're going to do a lot about it." Senator William B. Spong of Virginia said, "As much as we might otherwise wish, my state has not escaped this problem."

Senator Herman Talmadge of Georgia is the author of legislation for an expanded food stamp program which closely parallels that of the Nixon administration.

Talmadge's proposal, cosponsored by Senator B. Everett Jordan of North Carolina, would provide 1) free stamps for families of four earning less than \$40 per month, 2) that no more than 25% of the family income need be spent for stamps, and 3) for total Government expenditure of \$525 million in fiscal year 1970 that began on July 1.

During fiscal 1971, the cost of the Talmadge program would rise to \$900 million, compared with about \$1 billion proposed by the administration.

Talmadge's feeling at presstime was that the Select Senate Committee on Nutrition and Human Needs would soon have "a clean bill"—a final blueprint for the war on hunger that combines the best features of the plans that were before Congress.

A national survey has been going on, meanwhile, to try to determine more precisely what we're up against—and what more should be done about it. The survey team, after examining and questioning 12,000 people in New York, Texas, Louisiana, and Kentucky, made a preliminary report.

"There is malnutrition," they said. "In our opinion it occurs in an unexpectedly large proportion of our sample population."

Signs of malnutrition included goiter, anemia, growth retardation—even a few dietary deficiencies that it has been supposed existed only in the poorest countries of the world.

Malnutrition was not only found to be a leading cause of death among infants and young children, but evidence strongly suggests that those who survive its effects in childhood are retarded throughout their lives in body and probably in mind as well.

"Shocked" and "surprised" by the findings, lawmakers went to see for themselves the scars of poor nutrition in poverty areas. "You see and you wonder," said Senator Marlow W. Cook of Kentucky, about conditions he found in a migrant labor camp in Florida.

The Office of Economic Opportunity estimates that some 12 million to 15 million people live in "hard-core" poverty, defined as belonging to families with incomes of less than \$2,200 a year.

But low incomes, USDA studies have shown, do not necessarily mean that a family gets less than adequate levels of nutrients. A 1965 survey of 7,500 households found that 37% of families in the lowest income group had diets rated "good."

Almost 10% of families with incomes of

\$10,000-plus, on the other hand, had diets classified as "poor."

Nutrients most often lacking were those found in calcium, vitamin A, and ascorbic acid—the ones provided by milk products and fruits and vegetables.

"We are going to ask everyone," says Secretary of Agriculture Clifford Hardin, "to take a good look at what their state is doing—and join wholeheartedly in wiping out in this land of plenty the scourge of poverty-caused hunger and malnutrition."

THE SOUTH IS RESPONDING

In Concord, N.C., for another example, homemakers volunteer their services to accompany low-income families on shopping tours, showing them how to get the most out of their food dollar.

In another North Carolina county, families who move into housing projects find instructions on food preparations awaiting them.

Pamphlets about food programs are being issued in Spanish by community leaders in Texas.

A Kentucky radio station sponsored a forum, inviting listeners' questions on the food stamp program.

We asked Winn Finner, Deputy Administrator of USDA's Consumer and Marketing Service, how a greatly expanded food stamp program would affect food demand in general.

A program funded at, say, \$1.5 billion annually could raise total food expenditures by as much as 2%, he figures. In the short run, farmers' prices should improve. Net effect, over the long pull: "Bigger sales by U.S. agriculture, a larger volume of products sold at former prices."

Which commodities would benefit most? Finner drew on a USDA survey made to determine the impact of the food stamp program on food consumption.

Families who were surveyed spent 80% of their new buying power on animal products (red meat, poultry, fish, milk, and eggs) and fruits and vegetables. Red meat consumption rose by a pound per person; poultry, somewhat less. Consumption of other foods, such as fats and oils and sugar, increased, but not as much.

There was also a net shift to foods that return a higher proportion of the retail food value to farmers.

Overall consumption of grains increased by nearly 25%, counting the grain equivalent in extra meat and poultry that were eaten.

A hunger program even more massive than is now contemplated, however, cannot be expected to solve our farm problem. The need to control production will continue for an indefinite time to come.

The Nixon program calls for expansion of direct distribution of foods, as well as more food stamps—but only for a while. Direct distribution or outright giveaways have been determined largely by what we've had in surplus, rather than by the diet needs of the people getting the food.

Large-range plan of the government is to phase out direct distribution as the food stamp program is expanded. Looking even further down the road, welfare officials are planning, eventually to replace food assistance with cash outlays for the poor.

This would be the best method of preserving "the dignity and freedom of choice of the individual to meet his own needs through the workings of the private market," says Robert H. Finch, Secretary of Health, Education, and Welfare (HEW).

Right now the goal is to expand the food stamp program and to get some kind of food assistance program into every city and county of the United States. About 400 of them still don't have either food stamps or direct distribution of food.

The administration will soon take these steps:

1. Set up a separate Food and Nutrition Service in the USDA.
2. Conduct pilot projects to provide special

foods for expectant and new mothers, and young children—through commercial outlets. (At present, these foods are available principally at health clinics.)

3. Form a Government-wide committee to coordinate programs for poverty, malnutrition and health.

4. Summon a White House Conference on Food and Nutrition, made up of leaders in agriculture, the food industry, education, voluntary organizations, and others, to mount what Agriculture Secretary Hardin described as "a greatly expanded private sector campaign against hunger and malnutrition." The food industry will be brought into the front lines to help formulate foods that deliver the necessary vitamins and minerals lacking in diets.

"No amount of instruction on food buying and preparation can suffice if adequate food is not available," said HEW Secretary Finch. "Food enrichment has not kept pace with the changing patterns of our food habits.

Finch noted that sales of products made with enriched flour have fallen to an alltime low, and those of iodine-fortified table salt have also been declining.

Particular attention should be given to the needs of families moving to new locations, officials say. In the South, for example, children rarely have iron-deficiency anemia because grits there are fortified with iron. Southern families who have moved North, however, may have difficulties getting sufficient iron, since Northern grits are generally not enriched.

Goiter is prevalent in a belt extending from Texas to the Great Lakes because salt is not fortified with iodine to compensate for the lack of the mineral in the soils of the area.

State governments and local communities across the country are being asked to enlist in the war on hunger.

COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS

Mr. FANNIN. Mr. President, the Department of Labor has recently issued an order known as the Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 regarding construction contracts in which the Federal Government is involved.

This plan, which is directed to all agencies of the Government, is currently to be in effect only in the Philadelphia area but the Department apparently plans to eventually use the system on a national basis.

The plan purports to set up a program of equal opportunity in employment for Federal contractors. It requires bidders to submit acceptable affirmative action programs which include specific goals of minority manpower utilization. In plain language, these are employment quotas based on race.

The overall objective of the Department's plan—the procurement of more jobs for members of minority groups—is certainly worthwhile and commendable. The quota methods and other requirements incorporated by the plan, however, seek to remove inequities of one form only to replace them with others.

It is my view that the plan clearly violates the Civil Rights Act of 1964 in a number of instances. I have previously asked the Comptroller General, Hon. Elmer B. Staats, to review the entire plan and to furnish me with his opinion of its validity.

In a broader sense, furthermore, I share the concern of the distinguished

senior Senator from Arkansas (Mr. McCLELLAN), and, like him, I have grave doubts about the validity of Executive Order 11246 itself and the rules, procedures, and regulations issued pursuant thereto and being applied by the Office of Federal Contract Compliance in its affirmative action programs.

Mr. President, the Senator from Arkansas has also written to the Comptroller General, expressing his concern over these matters and requesting the Comptroller General's opinion on the validity of the executive order and its related requirements. The Senator's letter of May 19, 1969, contains a complete and concise discussion of this issue. I ask unanimous consent that his letter be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C. May 19, 1969.

HON. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. STAATS: Complaints have been received by this office concerning the obligations imposed upon government contractors by Executive Order 11246 and the regulations, rules, and requirements issued pursuant thereto and in implementation thereof by the Office of Federal Contract Compliance of the United States Department of Labor and various government agencies including, but not limited to, the Departments of Defense, Transportation, Health, Education, and Welfare, Housing and Urban Development and General Services Administration. Enclosed herewith are copies of Executive Order 11246, Office of Federal Contract Compliance Regulations, Federal Register, Vol. 33, No. 104—May 28, 1968, Department of Defense Regulations Circular 67, issued January 1, 1969, incorporating OFCC Regulations, and Department of Transportation Regulations which also incorporate OFCC Regulations, notwithstanding the fact that Congress enacted specific equal employment opportunity provisions in the Highway Act of 1968. I do not have copies of the regulations of the other Federal agencies that award contracts or provide grants-in-aid, but I assume they are readily available to you.

The aforesaid complaints stem from the disparity and apparent conflict between the policy, provisions, and requirements set forth in Executive Order 11246 and in the regulations promulgated pursuant thereto and the policy and requirements enunciated by Congress in title VII of the Civil Rights Act of 1964, P.L. 88-352. Complainants have also voiced their concern regarding the apparent failure of the Office of Federal Contract Compliance and various other government agencies to conform their regulations, rules, and procedures to the directives contained in the opinions which have issued from your office regarding the proper and lawful manner of awarding public contracts.

Information which has come to my attention indicates that the regulations and requirements relating to affirmative action programs and pre-award examinations still in effect pursuant to Executive Order 11246, have added extra costs and have caused lengthy delays in the award of contracts involving various Federal and Federal-aid construction projects, particularly in the St. Louis, San Francisco, Cleveland and Philadelphia areas. Among specific examples are those which involved the Guepel Construction Company and the Peter Klewit Company and with which I believe you are familiar. I also understand that pre-award examinations were continued by HEW on construction projects in the Philadelphia area after your office had questioned the legality of the

procedure and that the matter is now pending in your office. And recently, as you know, hearings by the Senate Public Works Committee were precipitated by complaints regarding prequalification requirements and other regulations and procedures being applied throughout the country to bidders on federal-aid highway contracts by the Department of Transportation.

The aforementioned complaints concerning Executive Order 11246 and the government contracting program promulgated pursuant thereto, give rise to serious questions of statutory and constitutional law. Accordingly, I would appreciate receiving your opinion at the earliest possible date, regarding the validity of Executive Order 11246, and the regulations, rules, procedures and requirements issued pursuant thereto and being applied by the Office of Federal Contract Compliance and other Federal agencies in the awarding of Federal and Federal-aid contracts.

It is my own view that Congress in its enactment of title VII of the Civil Rights Act of 1964, made clear its intent that the law was not to be interpreted as requiring the introduction of quotas or other representative or preferential systems into the employment process. Section 703(j) of title VII, expressly disallowed the granting of preferential treatment to any individual or group in order to correct any imbalance that might exist with respect to the total number or percentage of persons or any race, color, religion, sex, or national origin employed as compared with the total number of such persons in any community, State, or other area, or in the available work force in any community, State or other area.

Nothing in title VII imposed or authorized the imposition upon private industry of any duty or obligation to institute or finance any training, apprenticeship, recruitment, advertising, or other affirmative programs designed to enhance the employment opportunities or job qualifications of any employee, applicant for employment, or other person. Furthermore, Congress made it clear in Section 703(h) that it was not its intent to outlaw or interfere with bona fide seniority or merit systems. It is also important to note that when it enacted title VI of the Civil Rights Act of 1964, entitled "Nondiscrimination in Federally Assisted Programs", Congress expressly provided that "Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice by any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance is to provide employment." (Sec. 604).

Despite the Congressional intent so clearly expressed in the legislation cited above, pre-award procedures, including elaborate requirements for "affirmative action" programs and what appear to be quota and minority representation systems, all of which are clearly inconsistent with and would appeal to contravene such Congressional intent, have been incorporated in the regulations issued pursuant to Executive Order 11246. See Circular 67 issued by the Department of Defense for example.

I participated in the Senate debate on the Civil Rights Act of 1964, and I am quite familiar with the fact that the Senate abandoned much of the House bill when it adopted the Dirksen-Mansfield substitute with twelve amendments which ultimately became the Civil Rights Act of 1964. One will note in the CONGRESSIONAL RECORD, volume 110, part 10, page 13835, that the changes effected in the House bill are clearly indicative of a Congressional intent to rule out quotas, reverse discrimination, and similar procedures. Furthermore, the fact that a provision contained in the House Committee bill H.R. 7152, which "directed the President to take such action as may be ap-

propriate to prevent the committing or continuing of unlawful employment practices by persons in connection with the performance of contracts with Federal agencies", was dropped when the bill finally emerged from the House on February 10, 1964, clearly indicated a Congressional intent to withhold such authority from the President and the Executive Departments, as that which has been and is still being exercised pursuant to Executive Order 11246.

The wide variance between the policy and program effected by and pursuant to Executive Order 11246 and Congressional intent as manifested in title VII of the Civil Rights Act of 1964, is pointed up in a recent report entitled "Jobs and Civil Rights" (Publication No. 16, April, 1969), prepared by Brookings Institution for the United States Commission on Civil Rights. And it is that variance and apparent conflict which immediately gives rise to the fundamental constitutional question of whether Executive Order 11246 constitutes proper implementation of title VII of the Civil Rights Act, or is, instead, a legislative enactment by the President in excess of his authority under the Constitution.

It is a well-established principle of constitutional law that the President's power to issue an executive order must stem either from an act of Congress or from the Constitution itself. (*Youngstown Sheet and Tube Co., et al v. Sawyer*, 343 U.S. 579, 585).

It is an equally well-established principle of constitutional law that although the President's general direction power is constitutional in its source, it is by no means absolute. On the contrary, its exercise is subject to important limitations. Foremost among these is the well-settled rule that an Executive order or any other Executive action, whether by formal order or by regulation, cannot contravene an act of Congress which is constitutional. Thus when an Executive order collides with a statute enacted pursuant to the constitutional authority of the Congress, the statute will prevail. *Kendall v. U.S.*, 12 Peters 524. Neither the President nor a department head at the President's direction or with his approval, has authority to act at variance with valid statutory provisions. *U.S. v. Symonds*, 120 U.S. 46; *Little v. Barreme*, et al, 2 Cranch 170; *Panama Refining Co. v. Ryan*, 293 U.S. 388; *Youngstown Sheet and Tube, supra*.

As Justice Frankfurter said in the *Youngstown Sheet and Tube* case, *supra*, "Where Congress has acted the President is bound by the enactment." And as Justice Holmes declared in *Myers v. United States*, 272 U.S. 52, 177, "The duty of the President to see that the laws be faithfully executed is a duty that does not go beyond the laws or require him to do more than Congress sees fit to leave within his power."

In the *Youngstown Sheet and Tube* case, *supra*, President Truman's Executive Order providing for seizure of this country's principal steel mills, was challenged on the ground that the Executive Order amounted to law making by the President. What Justice Black, speaking for the Supreme Court, said in that case is, I believe, equally applicable to Executive Order 11246. Justice Black said:

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution."

Justice Black then went on to declare on behalf of the Court that—

"The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize taking private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes and fixing wages and working conditions in certain fields of our economy. The Constitution does not subject this lawmaking power of Congress to Presidential or military supervision or control."

The Courts have repeatedly held that in the framework of our Constitution the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. *Youngstown Sheet and Tube, supra*, page 587. Congress alone is invested by our Constitution with the power to legislate and Congress cannot delegate that power to the President. *Panama Refining Company, supra*; *A.L.A. Schechter Poultry Corp. et al v. United States*, 295 U.S. 495.

Your cooperation in providing me with your opinion in this matter will be greatly appreciated.

With kind regards, I am
Sincerely,

JOHN L. MCCLELLAN,
Chairman.

NIXON'S MISSED OPPORTUNITY

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that an editorial entitled "Nixon's Missed Opportunity," published in *Newsday* of June 6, 1969, be printed in the RECORD. This is one of the most perceptive, brief statements that I have seen. I do hope the President will take heed of this timely warning.

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

NIXON'S MISSED OPPORTUNITY

In his discussion of student unrest earlier this week, President Nixon accurately described much of the youth revolt as "an attempt to strip away sham and pretense, to puncture illusion, to get down to the basic nub of truth." The President seemed to recognize that young people and others, too, are weary of hypocrisy in public officials, of a "credibility gap" in government, and of the ability of politicians to tell it both ways. He spoke eloquently of the need to find a way "to speak plainly, truly about the facts of Public life."

Unfortunately, the President missed the opportunity to do just that later in the week when he spoke at the graduation exercises of the Air Force Academy. Some of the points he made in defense of an adequate military needed to be said but when the President launched a broadside attack on critics of American military policy he employed the very tactics which he had previously said the young were decrying (and which he, too, seemingly deplored).

He did it by suggesting that people who criticize certain military policies are either isolationists or advocates of unilateral disarmament. This simply is not fair. One does not have to be against an adequate defense to be for the responsible procurement of military hardware. One does not have to be for quitting the world to be against prolonging the war in Vietnam. One does not have to be for surrendering to the Russians to be against the anti-ballistic missile.

And yet the President preached the doctrine that people who ask questions about these matters are somehow unpatriotic or fuzzy. He spoke of a school of thought that "holds that the road to understanding with the Soviet Union and Communist China lies

through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms in order to demonstrate our good faith." To whom is he referring? What are their names? No responsible critic of American policies holds these views.

"They believe," he went on, "that we can be conciliatory and accommodating only if we do not have the strength to be otherwise." That kind of charge might be described in more colorful language but, for the moment, let's merely call it nonsense. "They," meaning opponents to the war in Vietnam, skeptics about the ABM, and advocates of tighter control over military spending, believe no such thing, and Nixon is guilty of one of the oldest tactics of rhetorical malfeasance: attributing to an opponent motives he does not hold but which sound credible enough to damn him in the public mind.

The President made a serious mistake when he went in for this kind of thing, not only because it smacks of the grosser moments of the Johnson administration (remember LBJ's denunciation of "Nervous Nellies") but because it undermines the beginning President Nixon made earlier in the week toward rapport with young people, and some older ones, too, who do want public officials "to speak plainly, truly, about the facts of public life."

IS THE BUDGET SURPLUS AT THE EXPENSE OF SCHOOLCHILDREN?

Mr. YARBOROUGH. Mr. President, news of a \$3.1 billion budget surplus coincides with complaints reaching me from many Texas school districts about the belated payment of their entitlements under Public Law 874.

Under the law, these payments ultimately have to be made. But the budgeteers have decreed that the payments be stretched out so as to reduce actual Federal expenditures for the fiscal year. Thus it is that a budget surplus can be made from expenditures put off until after the end of the fiscal year.

This year, Members of Congress were notified early in the year that payments under Public Law 874 would not be completed until sometime after September 30. A school district in Texas has written me a typical statement that it is still owed money for last year, as well, and that it has had to borrow money to meet its payroll for the last 3 months. I ask unanimous consent that a letter I have received from the superintendent of this district, the Glen Rose School District in Glen Rose, Tex., be printed at the conclusion of my remarks.

For any school district in the country still to be owed money by the Federal Government for the 1967-68 school year is unconscionable. I appreciate that some time is required for applications to be received and processed, so that each eligible district can receive a prorated share of the appropriated money.

But a stretchout resulting from a shortage of personnel, or a stretchout designed for the bookkeeping purpose of postponing until a later fiscal year a payment owed is inexcusable. How does it combat inflation to compel these school districts to go into the financial market and borrow at a high rate of interest? That is what they have to do until they get the money due them.

Public Law 874 is for operating expenses. It is not for construction, or for a project that can be slowed up and completed at a later date than originally

scheduled. These children have to be taught every day, and someone has to pay for it. If the Federal Government does not meet its responsibility, the local school district must go out and borrow to pay the Federal share of the expenses.

I remind the Department of Health, Education, and Welfare that the personnel ceiling previously in effect has now been removed. If the kind of delay that results in payments still owed for fiscal year 1968 is due to the shortage of personnel to investigate and process the applications, then the administrators of the Department are remiss in not acting to add whatever staffing is needed for prompt action on these applications.

It is time to stop playing budgetary games with the schoolchildren of America.

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

GLEN ROSE INDEPENDENT SCHOOL DISTRICT,

Glen Rose, Tex., August 1, 1969.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Newspaper reports of a \$3.1 billion Treasury surplus has prompted the School Board of the Glen Rose Independent School District to seek your help in securing payments due the School on various Federal programs.

To date, the Gen Rose Schools are due the following:

1. \$1,885.00 under Public Law # 874 for 1967-68 based on 98% funding of our application.
2. \$4,570.00 under Public Law # 874 for 1968-69 based on 88% funding of our application.
3. \$5,490.00 under Elementary and Secondary Education Act, Titles I, II, V, and N.D.E.A. III for 1968-69.

No payments have been made on our approved grant under the various programs of the Elementary and Secondary Education Act since the month of April. The amount due us represents 25% of the approved grant. The Texas Education Agency tells us that no funds have been received from the Federal Government. As a result, we have borrowed to meet our payrolls for the past 3 months and all other obligations have remained unpaid.

Any assistance you may be able to give us in speeding up these overdue payments will be greatly appreciated. Also we request your help in securing full funding in Congress for 1969-70 of Public Law 874. This program is of vital interest to our district. We want to thank you for all past efforts in our behalf. They are greatly appreciated. Thank you.

Sincerely,

J. M. McCroskey,

Superintendent Glen Rose Public Schools.

OMAHA FIRM GIVES MEANING TO MINORITY ENTERPRISE

Mr. HRUSKA. Mr. President, on March 5, in a statement incident to his signing of an Executive order establishing the minority business enterprise program, President Nixon said:

I have often made the point that to foster the economic status and the pride of members of our minority groups we must seek to involve them more fully in our private enterprise system. Blacks, Mexican-Americans, Puerto Ricans, Indians, and others must increasingly be encouraged to enter the field of business, both in the areas where they

now live and in the larger commercial community—and not only as workers, but also as managers and owners.

Providing better job training and making more jobs available is only part of the answer.

We must also provide an expanded opportunity to participate in the free enterprise system at all levels—not only to share the economic benefits of the free enterprise system more broadly, but also to encourage pride, dignity, and a sense of independence. In order to do this, we need to remove commercial obstacles which have too often stood in the way of minority-group members—obstacles such as the unavailability of credit, insurance, and technical assistance. Involvement in business has always been a major route toward participation in the mainstream of American life. Our aim is to open that route to potentially successful persons who have not had access to it before.

Encouraging increased minority-group business activity is one of the priority aims of this administration.

This statement is the redemption of Mr. Nixon's campaign pledge in his widely hailed "Bridges to Human Dignity" speech during last year's campaign.

Today, I invite the attention of the Senate to an event in my home city of Omaha, where yesterday and today there is being launched a new business enterprise which gives special meaning to the President's words. It is called Time Out, Inc., a national restaurant franchise system founded by a group of Omaha citizens having two concerns.

One, of course, is to achieve profitability—the goal of our free enterprise system. Profits represent the fuel which generates benefits to all Americans.

The second concern of this unique company is to provide the kind of opportunity for residents of the Nation's inner cities that has been denied to many of our black citizens and members of other minority groups.

Time Out believes that any well meaning and properly motivated person who is willing to learn and to be directed in its system, can irrespective of previous education and past business experience, become a successful entrepreneur if he has the will to succeed and if he is supported by proper training.

This corporation, which is marking the grand opening of its first drive-in unit in Omaha this week has developed a plan which will permit a person who may be labeled "disadvantaged," to obtain a franchise for a drive-in in an inner city or other desirable location, hire employees, and become a successful businessman.

Time Out is sensitive to the problems a new businessman might face. It is providing the managers of all its franchised drive-ins with a 4-week course at its training center in Omaha. It is setting up an electronic data processing center to relieve the franchisees of time consuming and unfamiliar bookwork. It will offer continuing guidance and help in the area of management. Even the drive-in building itself and its equipment have been designed for simplified operations with low maintenance.

I have met a number of Time Out's top personnel, black and white. They represent the highest type of businessman—people who are concerned with efficiency as well as social obligations. On the firm's board of directors are such noted Negroes

as Bob Boozer, a star basketball player for the Chicago Bulls; Bob Gibson, the famous pitcher for the St. Louis Cardinals; and Dr. Claude Organ, a prominent Omaha surgeon.

These people are dedicated to extending the benefits of our free enterprise system not only to black citizens but to representatives of other minority groups as well as to the white community.

In view of the fact that the company is marking the grand opening of its first unit this week, I think it worthwhile to commend its efforts in bringing the benefits of our society and economic system to many who have heretofore been denied.

Time Out, Inc. will serve as an example to the Nation that opportunities founded on cooperation and involvement will benefit the cause of understanding and progress for our communities and for all Americans. This kind of practical down-to-earth, profit-motivated activity is, in truth, a "Bridge to Human Dignity."

CONGRESS IS GETTING THE MESSAGE, SLOWLY

Mr. HATFIELD. Mr. President, there is something new in Congress this year—and it is not just new faces. What is new, however, is the increasing concern of the Members of Congress for what kind of Nation, and what kind of a world, we are trying to build with the taxpayers' dollars.

From my own efforts as chairman of the Military Spending Committee of the Members of Congress for Peace through Law to the concerted efforts of my senatorial colleagues, it is becoming obvious that a better balance between military and domestic spending is wanted in our Nation. Constituent mail gives evidence that the new focus of congressional attention is welcomed by the public. By news reports, it is becoming clear that that issue is regarded as among the most significant facing our country.

With this preface, it is with hopefulness and commendation for his timely commentary that I ask unanimous consent that the transcript of David Brinkley's evening radio broadcast of July 31 be printed in the RECORD.

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

DAVID BRINKLEY, EVENING RADIO BROADCAST, JULY 31, 1969

New York City spends more on war than it spends on itself—but so does every other city in the country.

In today's New York Times is a full-page advertisement paid for by a group of private citizens, and the headline reads: "New York spends more on war than on New York." Then it quotes Mayor John Lindsay as saying, "The taxpayers of New York City send three billion dollars every year into the war in Vietnam, and they send six billion dollars every year into the military-industrial empire."

Then it goes on to say that the nine billion dollars of New York City tax money that Washington spends on the military every year is more than the entire city budget. The point of the advertisement is that pouring all that money—year after year—into wars and military hardware while the local needs of the people in the cities and states are neglected is insane.

What the advertisement does not say, but

could accurately have said, is that the same facts apply to every big city in the country. Small ones, too. The simple fact is this: every year, all the income taxes paid by all individuals in the United States—all of them together—are not enough to pay for what the Pentagon spends. Not only now when there's a war, but for the most of the last twenty years when there was no war.

The figures for New York City are somewhat more dramatic simply because New York City is the biggest. But again, precisely the same facts apply in every other city in the country, large or small. This has been going on since just after World War Two, but not until recently has the American public come to realize how much it was being drained each year to support an enormous military machine. And only in fairly recent months have these protests begun to appear.

The taxes Washington now collects are close to the taxes first put on at the beginning of World War Two, when they were described as war taxes. Now (25 years later) the taxes are still being collected at about the same rates, as if we were still in the middle of a world war. And in all those years, local public services across the country have been pinched for money: schools, health care, air and water, street cleaning, police, fire and the rest of it. One phrase somebody used was this: "If this goes on, the United States will become the best defended slum in the history of the world."

Not all the city and state problems can be solved with money but some of them can, and none will be solved by spending most of the money on bombers, tanks, submarines—one piled on top of another, year after year.

It does seem now that Congress is getting the message, slowly. If the spending on the military is to be reduced, that's where it has to be done.

ERNEST FITZGERALD SPEAKS OUT ON MILITARY WASTE

Mr. PROXMIRE. Mr. President, in my mind, no one has contributed more to congressional and public understanding of the waste in our military procurement—and the need to act to prevent it—than Mr. A. E. Fitzgerald, the Deputy for Management Systems, Office of the Assistant Secretary of the Air Force for Financial Management.

Mr. Fitzgerald has testified many times before the Subcommittee on Economy in Government of the Joint Economic Committee. I am chairman of that subcommittee.

It was Fitzgerald who first called the Nation's attention to the huge overruns in the C-5A, as well as in other weapons systems.

The August issue of the magazine *Professional Engineer* contains an article entitled "Defense Waste and the Industrial Engineer—A Professional Dilemma," written by Mr. Fitzgerald. In the article Mr. Fitzgerald discusses the two different approaches to estimating now recognized in defense acquisition: probable cost and should cost.

"Probable cost"—by far the most widely used—projects program or contract costs based upon experience with the same or similar program without considering the possibility that the bases for projecting may be inflated by ineffective performance.

"Should cost" estimates attempt to project costs attainable by reducing inefficiency and waste.

As Mr. Fitzgerald points out:

The should cost estimates have been vigorously opposed by both the Government and Contractor segments of the acquisition community. On the other hand the acquisition community has adopted the probable-cost estimating techniques with enthusiasm for negotiating costs of new contracts and changes. It is indeed a more comfortable mode of operation. It allows negotiations to be conducted in a gentlemanly manner, which helps Government-industry relations no end. The only people who suffer are the taxpayers, who are generally ignorant of the process and do not complain.

Mr. Fitzgerald cites the great political power of the contracting associations in opposing changes and concludes:

Given the overall climate and the level of opposition to cost reducing measures (reinforced by occasional examples of personal disaster visited on economy proponents), it is not surprising that most working-level Government acquisition managers shy away from tough cost control actions. The most successful Government project managers take a detached view of all financial matters once they make sure they have enough money to cover their contractors' requirements.

The environment I have described is hardly conducive to motivating major contractors to do the things necessary to run efficient operations. Given an environment without effective penalties for poor performance, I can honestly think of no valid business reasons why the major contractor community should extend itself to improve its cost performance on Government contracts, so long as it is assured of our continued patronage.

Despite evidence of vast increases in discretionary expenses, shocking inefficiencies, and unnecessary activities, I do not know of a single effective program under way to capture the cost improvement potential in these areas today. Broad but nonspecific commitments to improved efficiency are often heard, but the hard means of attainment are resisted.

Mr. Fitzgerald spells out the consequences of these loose procurement practices and details their significance. He points to inflation and high taxes, limitations on military hardware and services, poor product quality, adverse effect on the balance of trade, failure to achieve social goals, failure to "maintain capability," and finally breakdown of trust in Government.

Mr. President, I ask unanimous consent that Mr. Fitzgerald's article be printed in the RECORD.

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

DEFENSE WASTE AND THE INDUSTRIAL ENGINEER: A PROFESSIONAL DILEMMA

(By A. E. Fitzgerald, P.E.)

Since last November I have been privileged to testify several times before the Senate Subcommittee on Economy in Government. In these appearances I and others have discussed problems and opportunities in controlling major weapon acquisition costs. The reactions to this testimony have been remarkable.

Following my first appearance, in which I confirmed the information that the Government estimates for the cost of C-5A aircraft had increased dramatically, I found myself in very serious difficulty with the management of the Department of Defense. Despite attempts on my part to settle the inadvertently generated conflict, my personal difficulties persisted. When these difficulties were publicized by the press and the Congress, I began to hear from large numbers of people throughout the country,

practically all of whom agreed with my views on costs of big defense systems.

I have maintained that we commonly have excessive costs in the operations of the giant contractors who develop and manufacture our major weapons systems. By major weapons systems I mean such things as the F-111, Minuteman, and the C-5A. I have presented evidence to demonstrate that a major reason these problems exist and are not corrected is that the intent and determination to require efficiency in the operations of the larger contractors are insufficient on the part of the Government management. I emphasize the term "larger contractors" since it is my conviction that the Government is much more solicitous of the contractors' welfare in dealing with giant systems contractors than with small suppliers.

In various appearances before the Joint Economic Committee I have attempted, in addition to citing the intent problem, to popularize some of the more technical aspects of controlling costs on these complex programs. One of these aspects which I have discussed in some depth is the type of cost estimating employed in setting the prices of large weapons systems.

Basically, I have discussed the two approaches to estimating now recognized in defense acquisition. The two different approaches produce either the so-called probable-cost estimates or should-cost estimates. Probable-cost estimates are by far the most widely used. These estimates project program or contract costs based on experience on the same or similar programs without considering the possibility that the bases for projection may be inflated by ineffective performance. Should-cost estimates attempt to project costs attainable by reducing inefficiency and waste.

The should-cost estimates have been vigorously opposed by both the Government and contractor segments of the acquisition community. On the other hand, the acquisition community has adopted the probable-cost estimating techniques with enthusiasm for negotiating costs of new contracts and changes. It is indeed a more comfortable mode of operation. It allows negotiations to be conducted in a gentlemanly manner, which helps Government-industry relations no end. The only people who suffer are the taxpayers, who are generally ignorant of the process and consequently do not complain.

I have heard responsible Government managers oppose should-cost pricing by rationalizing contractor inefficiency as a good thing—creating more employment, keeping the large contractors financially healthy, and the like. This group, which I call the "social goals" faction, has exerted a powerful influence on defense acquisition in recent years. The argument that we must allow excessive costs in order to "maintain capability" (keep contractors in business) is also heard often.

ASSOCIATION'S INFLUENCE

The political potency of the large contractors and their supporters in all branches of the Government is often cited as an obstacle to improvement. I have personally observed the effectiveness of the large industry associations such as AIA (Aerospace Industry Associations) and CODSIA (Council of Defense and Space Industry Associations) in opposing measures beneficial to the taxpayers. Most major changes in the acquisition process are cleared in advance with these contractor associations.

The Industry Advisory Council (IAC), a joint Department of Defense/contractor group, is also a strong force in opposing changes not beneficial to the acquisition community. Conversely, changes beneficial to major contractors, such as the increases in progress payment or reimbursement percentages, breeze through the IAC.

Given the overall climate and the level of opposition to cost reducing measures (reinforced by occasional examples of personal

disaster visited on economy proponents), it is not surprising that most working-level Government acquisition managers shy away from tough cost control actions. The most successful Government project managers take a detached view of all financial matters once they make sure they have enough money to cover their contractors' requirements.

The environment I have described is hardly conducive to motivating major contractors to do the things necessary to run efficient operations. Given an environment without effective penalties for poor performance, I can honestly think of no valid business reasons why the major contractor community should extend itself to improve its cost performance on Government contracts, so long as it is assured of our continued patronage.

Despite evidence of vast increases in discretionary expenses, shocking inefficiencies, and unnecessary activities, I do not know of a single effective program under way to capture the cost improvement potential in these areas today. Broad but nonspecific commitments to improved efficiency are often heard, but the hard means of attainment are resisted.

I do not intend to suggest that the subject of why we have excessive acquisition costs is a simple one or that there is a single easy remedy. However, I do believe the permissive or, at best, indifferent environment of past years has been the prime factor in erosion of the buying power of the defense dollar.

LOOSE ACQUISITION PRACTICES

Taken together, I believe the broader effects of loose acquisition practices on major programs make up one of our most severe national problems. Some of these effects are (1) inflation and high taxes. The contribution of waste in major acquisitions to inflation and higher taxes is probably the most obvious of its adverse effects. Not only are the expenditures themselves mostly nonproductive in a purely economic sense, but higher contractor prices also condition buyers to view continuing upward trends as inevitable.

For example, the runaway contractor overhead rates, plummeting labor efficiency, and sharply increasing average pay of the ballistic missile contractors during the early 1960's—a period of relative price stability—were the precursors of our present inflation.

The higher prices caused by degraded performance spread throughout the major acquisition community, encouraged by the permissive climate for cost growth. Smaller suppliers were forced to follow suit to remain competitive for employees, services, and material. This situation compounded the effect of increases in volume of procurements after 1965. General inflation followed, and higher taxes, including the surtax, were imposed to pay the bills.

(2) Limitations on military hardware and services. During periods of stringent budget limitations, high and ever-increasing costs limit available and planned military hardware and services.

It is puzzling that the strongest opposition to improved cost control measures comes from some of the most verbally hawkish elements of the acquisition community. It is also strange to find that these same verbally hawkish elements are strong supporters of the theory that defense inefficiency is necessary to the attainment of "social goals," and that they often rationalize excessive costs on the grounds of "maintaining capability."

As something of a hawk myself, albeit a parsimonious one, I find these arguments fascinatingly illogical. Even if the Government desired to spend a given amount of defense money to "maintain capability," to employ the disadvantaged, or whatever, I see no reason why we should not try to get full value in return. This is particularly true in periods when it is argued that we need more or newer defense hardware.

(3) Poor product quality. Product quality is inevitably affected adversely by the poor management and worker discipline encouraged by loose acquisition policies. In some contractor operations, workloads are so low that workers do not maintain concentration on their widely spaced essential activities. Workmanship suffers greatly under these conditions.

In all the major weapons systems I am familiar with, those which experienced severe technical and quality problems were affected to some degree by this underlying cause.

(4) Impact on international trade. General domestic inflation is often cited as a growing problem in maintaining a favorable trade balance. A more persistent and possibly irreversible problem, which may be obvious at present only to industrial specialists, is the effect of undemanding acquisition cost management practices on our nation's management and work habits.

The poor management and work habits typical of the larger defense plants rapidly infect entire communities. There is a growing body of opinion which asserts that this situation is one of the root causes of a national productivity problem which threatens our competitive position in world markets and, hence, our balance of trade.

Until recently, American management and labor were so efficient compared to foreign competitors that they could be paid considerably more than their foreign counterparts and still compete successfully in world markets. There are increasingly fewer market areas where our margin of effectiveness is sufficient to offset differentials in rates of pay.

ACHIEVE SOCIAL GOALS?

(5) Failure to achieve "social goals." It is ironic that even with the strong position enjoyed by the "social goals" faction in the defense acquisition community, avowed "social goals" are not being achieved. The reason for this is quite simple. Most defense acquisition activities are very poor vehicles for employing those who could not otherwise be employed in a healthy economy.

Some time ago, this fact was recognized, and an effort was made by the Department of Defense to encourage defense contractors to hire low skilled and poorly motivated employees from among the hard core unemployed. Authority was granted to pay up to a 33 percent price premium for materials and services supplied by the disadvantaged. Armed Services Procurement Regulations requirements and restrictions in the Defense Appropriations Act were bypassed by transferring defense funds to the Small Business Administration for their subsequent contracting. The SBA is not bound by Armed Services Procurement Regulations or restrictions in the Defense Appropriations Act.

Even with all this activity, the hard core unemployed remain largely unemployed. Furthermore, those few who have been employed have, for the most part, been introduced to an undemanding, subsidized type of industrial activity which will equip them very poorly for the competitive world. I believe we should do much more to help the disadvantaged become more productive citizens and thereby have a better life. We should make sure they have a fair chance to fill legitimate, necessary jobs in the defense industry.

However, it is quite clear that extra-cost employment of the disadvantaged could be brought about much more efficiently outside the defense establishment. The specialized nature of the defense business, coupled with the inefficient management now prevalent in the industry, results in huge Government administrative and contractor overhead costs which must be paid in order to employ the disadvantaged. These expenses could be much less if extra-cost programs to employ the disadvantaged were assigned to agencies other than the Defense Department.

I believe employment of the disadvantaged

in economically productive activities would be more beneficial to both the national economy and the disadvantaged. Finally, a significant excuse for inefficiency would be removed.

(6) Failure to "maintain capability." At many contractor facilities where the Government has spent vast sums of money to "maintain capability", it appears that the opposite result has been achieved. Often these organizations have been sustained in near idleness long enough to impair seriously their ability to become effective producers. The effect on these companies is as tragically demoralizing and debilitating as the effect of prolonged welfare payments on a healthy family.

Worst of all, from the standpoint of organizational potential, most of the best producers among the staffs of the "maintained" companies have long since departed. Top people, particularly creative ones, simply will not tolerate the deadly, stagnant atmosphere of near idleness and make-work if opportunities for challenge and growth exist elsewhere. The atrophy of major industrial suppliers could have disastrous consequences should the time come when national survival depends upon our ability to outproduce any other nation.

(7) Breakdown of trust in Government. By far the most disturbing implication of continued drift in defense cost control policy is the danger of losing the trust and faith placed in the Government by the American people. Until quite recently, defense waste and its causes were seldom discussed publicly. However, as the procurement community has grown larger and less efficient, it has also become more visible to the grass-roots taxpayer.

Since my difficulties in the Pentagon were publicized, I have heard from literally hundreds of private citizens who expressed their own conviction, usually based on personal experience, that there is enormous waste in defense acquisition. These citizens generally have difficulty putting a dollar price on their own particular horror stories and often have difficulty detecting and explaining the causes. However, they are convinced of the avoidability of waste and object to the increased tax burden to pay for it.

PUBLIC BEING MILKED

There is another group of people who feel even more strongly than the average taxpayer group that the American public is being milked. These are the professional management people who have attempted to correct defense cost abuses and have suffered personal reverses as a result. All these people deeply resent being told in official pronouncements that all is well and that the ever-increasing defense money requirements are solely the result of the necessity to counter "threats" or of inexorable economic processes. They know better.

An increasing number of people believe that a prime purpose of defense expenditures is to enrich the so-called military-industrial complex. This belief is fed by obvious waste, frank admissions of protecting supplier interests at the taxpayers' expense, and delays in corrective actions by the Government. In these circumstances, we might reasonably ask how long we can expect the annual recurrence of the miracle of April 15 in which millions of our citizens give up sizable portions of their bank accounts with minimum protest.

I am told by friends from abroad that this phenomenon is almost unique in the free world and that foreign governments view it with awe and envy.

It is by no means certain that our heavily burdened taxpayers will continue to provide the still enormous sums for the necessary portions of the defense budget if the taint of waste is not removed. Moreover, oratory and superficial, isolated demonstrations of toughness will not suffice. Hard-nosed corrective action on a broad scale is needed. More than

any other area of government, stewardship of the defense appropriation should be above reproach. At present, it is not.

Although I have painted a gloomy picture and a somewhat frightening one, I believe our present difficulties offer opportunities for improvement in the future. The possibility of capturing the cost reduction potential represented by excessive costs in our major weapons systems presents a genuine opportunity to find money for other national requirements at minimum risks to our security. We might even consider cutting taxes.

TRAINING INFLUENCES VIEWS

I recognize that my views on this subject are heavily influenced by my training and experience as an industrial engineer. Unquestionably, this background causes me to view industrial and business operations much more critically than most other managers in the weapons acquisition business. However, there are thousands of other experienced industrial engineers who have had the same exposure to defense inefficiencies as I, though rarely on so broad a scale.

As a long-time worker in industrial engineering professional association activities, I have met and talked with hundreds of these people over the years. Many are long-time friends. I know of none who have shared my experiences who will disagree with my appraisal of the problems and the opportunities in the acquisition of major defense systems. Because of our special skills, I believe that we professional industrial engineers have a particular responsibility to speak out on these subjects. Yet how many have? Unfortunately, not many.

The reason for my professional colleagues' silence is crystal clear to me. Those who have the best opportunity to view at close hand the situations I have described are engineers in the employ of large defense contractors. Clearly, these people could not make public disclosures of their convictions without jeopardizing the interests of their employers, at least in the short run. Also, they probably would be fired. Unquestionably, an industrial engineer who offended his employer in this way would have great difficulty obtaining responsible employment.

Despite my sympathy and understanding of these individuals' situations, I cannot avoid the question of whether industrial engineers can truly be called professional under these circumstances. By a loose definition, all employed industrial engineers are professional in that they get paid for their activities and have thereby lost their amateur standing. However, I believe the hallmark of true professionalism is an overriding dedication to the public good.

No one would argue the fact that a professional civil engineer should not approve a faulty design for a bridge or public building simply because his employer wished him to do so. I recognize that the issues in such decisions are not always clear-cut or precisely stated, and I am not so naive as to believe that the judgments are completely unaffected by employer interest.

However, open advocacy of jeopardizing the safety of people using the structures would never be tolerated. Should such a practice become commonplace and known to the public, the approval of the civil engineer would become meaningless and his professionalism would be destroyed.

ATTAIN TRUE PROFESSIONALISM

Given this unfavorable comparison with other professional disciplines, accentuated by the dilemma faced by industrial engineers in the defense industry, I have concluded that we as a group cannot truly lay claim to professional objectivity at present. At the same time, I am convinced that I and others of my craft can somehow overcome the obstacles to attainment of true professionalism.

I would be most interested in the views of my colleagues on the subject. We have a golden opportunity to make a major contri-

bution to the national well-being, and the mood of the country demands that we try.

FIRST IN SPACE, FIRST ON EARTH

Mr. GURNEY. Mr. President, for the past 2 or 3 years, it has been politically popular in Congress to shoot down the space program. The arguments always include the new space term of "moon-doggle" and have been accompanied by caustic remarks about the multibillion dollar cost of bringing back green cheese from the moon, plus anguished cries and pleas that if we were not spending so much money on the moon, we could solve all our problems of poverty and housing and welfare.

These same negative voices are now being heard to say that since we have attained the moon goal, now is the time to forget this moon-madness and to turn to the pressing problems here on earth.

On the other hand, some of us have been arguing hard and consistently that the nation first in space is going to be first here on earth, not only in scientific, engineering, and technological pre-eminence, but, of equal importance, in the area of foreign relations.

Some of us have pointed out repeatedly that the greatest propaganda triumph accomplished by Communist Russia in the entire history of its nation was realized when Russian space people first orbited Sputnik and first put a man in space, Uri Gagarin. Overnight, the eyes of the entire world were focused on this outstanding Russian achievement and the leader of the Communist world took over the driver's seat from the United States of America. We in turn were relegated to the back seat.

It took years and many space dollars before this Nation convinced the world that we were in the running with Soviet Russia in this space business. We scored many other firsts in space, but so also did the Russians.

Finally, on July 20, with the entire world watching, Neil Armstrong became the first man to set foot upon the moon. There is no way to accurately assess the far-reaching effects of this magnificent achievement of all of mankind in general and the United States in particular. It certainly can be said that this was the greatest outstanding single achievement in the history of the world. Certainly it can be said that once again the United States took over the driver's seat and in turn relegated to the back seat in this business of space and engineering and science and technology, the Communist Soviet Union.

Perhaps the most convincing, concrete piece of evidence of the enormous value of a successful space program was displayed in Bucharest, Rumania, last week. President Nixon visited a Communist nation, a Russian satellite behind the Iron Curtain, with its eastern border common with Russia. This was a nation whose leaders have seen its neighbors ruthlessly cut down in Czechoslovakia and in Hungary, when they sought to gain some small measure of independence from Russia. This was a nation which now witnesses the adjoining nation of Yugoslavia training its people for guerrilla warfare in the forest and the mountains, in the event that the leaders

of the Kremlin decide to march into Yugoslavia with their tanks and soldiers. Yet in spite of all this, this Communist nation gave the most spectacular welcome on his world tour to President Nixon, the President of the United States, the hated foe of communism and the constant target of the masters of the Kremlin. There is unanimous agreement that this warm feeling on the part of the Rumanian leaders and the Rumanian people and the outpouring of a million of their citizens to greet our President had a direct relationship with the successful voyage of Apollo 11 to the moon.

Our defense budget is now running at a cost of \$77.1 billion annually. We are fighting a war against communism in Vietnam at a cost of \$25 billion annually. We have spent \$171 billion in foreign aid since World War II. Every single dollar of defense spending, of Vietnam spending, of foreign aid spending, is directly related to our national goal of survival against communism and our efforts especially to protect ourselves against the Soviet dreams and ambitions of world conquest.

We spent \$22 billion going to the moon. It is my firm belief that a strong argument can be made that these dollars are equal in value for goods received, in the constant anti-communism struggle for the good will and friendship of peoples around the world, to any defense dollars or any foreign aid dollars.

There are many practical arguments of the importance of practical fallouts from the space program, in the field of communications, weather reporting, new products and a host of other things.

But if none of this had occurred at all, I am convinced that the prestige which the United States has acquired throughout the world by virtue of its Apollo 11 moon voyage is alone worth the money we have invested and expended.

In view of this Rumanian visit of President Nixon and his warm and tumultuous reception there, it is unthinkable not to drive ahead in the space program of the United States.

There are four major goals to be performed. One, to further manned space flight for long periods in close to the Earth orbit to prepare us for longer space voyages. Two, more scientific exploration to unlock the secrets of the universe. Three, a manned space flight to Mars. Four, unmanned explorations of the rest of the planets in the solar system.

Not all of these goals can be accomplished at once and simultaneously, nor is there any thought that they should be. Properly scheduled, they are all possible within the financial capability of the United States. We should map right now an orderly space program to carry us through the next two decades of the 1970's and the 1980's. We can do this and spend considerably less a percentage of the gross national product of this Nation than we did in accomplishing the Apollo program.

To set our goals for anything less, would deny our heritage and cast aside and abandon the never-failing adventurous spirit of our Nation and its people since the first settlers came to this land over 350 years ago.

It is for the administration to set the

goals, but it is just as important that Congress as the representatives of the people, back the administration in an ongoing, adventurous, and productive space program, that is representative and reflective of the United States of America and its heritage of exploration, and breakthrough in science and engineering and technology.

In closing, I again remind the Senate that the Nation in this world that is first in space will also be first here on this planet, Earth.

BUDGET BUREAU ACTION TO IMPROVE DISCOUNTING

Mr. PROXMIRE. Mr. President, the application of discounting analysis to proposed public investment undertakings is essential in separating those expenditures which are economically worthwhile from those which are not. On July 1, 1969, the Bureau of the Budget issued a circular to all executive agencies requiring consistent and improved discounting procedures. This circular was a direct response to the recommendation of my Subcommittee on Economy in Government of the Joint Economic Committee.

In discussing this Budget Bureau circular on the floor of the Senate on July 2, 1969, I stated that the minimum rate which it designates as acceptable is too low. While this minimum rate is based on the current yield on long-term Government securities, the Bureau appeared to accept a discount rate of 4 $\frac{1}{8}$ percent at a time in which the actual yield on Government securities is 6 $\frac{1}{4}$ percent.

Within the past few days, I have learned from Director Mayo, of the Bureau of the Budget, that the Bureau is requesting the use of higher rates of interest in the evaluation of activities other than those under the jurisdiction of the Water Resources Council. He stated:

These higher discount rates were specified in the issue letters sent to agencies this spring. The issue letters prescribed use of a 10 percent discount rate with tests for sensitivity at a higher rate and the then current yield on Government bonds of 6 percent.

This is most encouraging information. Effective discounting analysis will go far toward improving the efficiency of Federal Government investment decisions.

I ask unanimous consent that the letter from Robert Mayo providing this information and the memorandum referred to in that letter be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 30, 1969.
Senator WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, Congress of the United States, Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of July 9. I am pleased to learn that you and I both agree that Budget Bureau Circular No. A-94 will contribute to improved investment policy in the Federal Government.

There may be some misunderstanding with respect to the Circular's use of the discount rate formula established by the Water Resources Council for project evaluation. The interest rate established by the Water Resources Council applies to water resources projects whose evaluation practices are under its jurisdiction. For other Federal activities, however, this rate is intended only as a minimum, and higher rates, when requested by the Bureau, apply in their evaluation.

To preclude similar misunderstanding within the Executive Branch, the attached memorandum accompanied copies of the Circular sent to agency heads and emphasizes that the accepted evaluation rates are above the minimum based on the Water Resources Council formula. The higher discount rates referred to in the memorandum were specified in the issue letters sent to agencies this spring. The issue letter prescribed use of a 10 percent discount rate with tests for sensitivity at a higher rate and the then current yield on Government bonds of 6 percent. As the Circular and the memorandum provide, these rates continue to apply.

The study identified in the Circular is well underway, and the results of this effort to estimate a discount rate based on the opportunity cost of private spending displaced by Government expenditure will be reviewed intensively in the fall. If the review indicates that this rate and the procedure devised to estimate it provide a suitable standard for evaluating programs and projects, the Circular then can be revised accordingly. In the meantime, I believe that the Circular as it now stands provides satisfactory guidance for investment decisions in the Federal Government.

Sincerely,

ROBERT P. MAYO,
Director.

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET, Washington, D.C., July 1, 1969.

Subject Circular No. A-94, "Discount rates and procedures to be used in evaluating deferred costs and benefits."

Circular No. A-94 was issued June 26 to be effective July 1, 1969. It provides a more adequate standard for evaluating public investments and a minimum interest rate to be used. However, I draw your attention to paragraph 5b in the Circular:

"The Bureau of the Budget will request specific higher rates for particular projects or program evaluation efforts. Agencies should include in their analyses present value estimates of costs, benefits, and outputs based on these rates. (A study of the interest rate representing opportunities foregone in the private sector is being made and will be available later in the year.)"

The higher discount rates requested by the Budget Bureau for evaluating policy issues should continue to be used as requested earlier this year. The intent of the Circular was to identify a minimum acceptable interest rate and encourage use of higher and more appropriate rates, pending completion of the study identified in the Circular.

ROBERT P. MAYO,
Director.

REPORTS OF COMMITTEE TO MAINTAIN A PRUDENT DEFENSE POLICY

Mr. JACKSON. Mr. President, the Committee To Maintain a Prudent Defense Policy, under the chairmanship of Dean Acheson, has made a substantial contribution to making the consideration of the ABM defense matter more intelligent and rational.

I invite the special attention of Senators to two reports of that committee on two key issues raised in the ABM debate. I believe Senators can find these analyses helpful in making their judgments.

The questions to which these two reports are addressed are: "The Problem of Coordinating a Surprise Attack—Can Our Deterrent Depend on It?" and "Instead of Deploying Safeguard, Could We Not Wait and See Whether the Soviet SS-9 Threat Continues To Develop, Since We Could Deploy More Offensive Missiles if It Does?"

I ask unanimous consent that the two reports be printed in the RECORD.

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

[A report from Committee To Maintain a Prudent Defense Policy]

THE PROBLEM OF COORDINATING A SURPRISE ATTACK—CAN OUR DETERRENT DEPEND ON IT?

Opponents of Safeguard have frequently argued that there would be no threat to our deterrent even if the Soviet Union develops the capability to destroy our Minuteman force with its SS-9's because the Soviets would still face the impossible task of coordinating a simultaneous attack on all three components of our deterrent—bombers, submarines, and land-based missiles. While our bomber force might be vulnerable to attack by submarine-launched missiles which could arrive before the planes have time to leave their bases, such an attack would give us time, or so the opponents of Safeguard contend, to fire our Minuteman missiles before the SS-9's, which must travel a greater distance, could reach the Minuteman silos. If on the other hand, the attack on bomber bases were delayed to avoid giving warning to the Minuteman bases, then the bombers could leave their bases as soon as the SS-9's were detected by radar. Thus, it is argued, the impossibility of coordinating a simultaneous attack on these two elements of the deterrent would protect them even if each one individually becomes vulnerable.

This argument is based on a misunderstanding. In making it, the opponents of Safeguard ignore some of the feasible tactics which an attacker could use to prevent the launch of Minuteman on warning of an SS-9 strike. For instance, while the Soviet submarine-launched missiles are attacking the bomber bases, a few could be diverted to attack the Minuteman fields. These would not be sufficiently numerous or accurate to destroy any significant number of Minuteman missiles, so long as the latter remained inside their hardened silos. But, for good reason, no commander would launch his force from the protection of its silos while nuclear detonations were occurring nearby. The net effect would be to keep Minuteman in the silos until the SS-9's arrived. Once our bombers and land-based missiles become vulnerable individually, it will be possible to coordinate an attack which would destroy them both.

Thus if we allow the Soviet deployment of SS-9's and submarine-launched missiles to continue without any response on our part, it will be possible in the mid-70's for a coordinated Soviet attack to eliminate the retaliatory capability of both our bombers and our land-based missile force. Our deterrent will then rest solely on our fleet of Polaris/Posidon nuclear submarines.

This is an excellent force whose great advantage lies in its ability to remain concealed under the sea. Like any other weapon it has defects, in this case particularly the difficulty of protecting communications. It is unlikely that these weaknesses will be critical so long as the submarine fleet is not the only element

of our deterrent. On the other hand, it is unreasonable to suppose that even the great advantage of concealment under the sea will persist forever, particularly in the face of the kind of concentrated assault the Soviets might make if this became the sole basis of our deterrent. Even the strongest and most authoritative supporters of the Polaris program, such as Admiral Rickover, recognize the need to preserve the diversity of our forces and have supported Safeguard.

It is impossible now to say precisely when or how Polaris might become vulnerable in the future. But it would be foolhardy to ignore the possibility. As one of President Eisenhower's top defense advisers said in a recent statement to the Senate Armed Services Committee:

"Much has been mentioned about the invulnerability of Polaris as an 'Assured Deterrent' and there is no indication whatsoever that this position is not valid today. However, it is not inconceivable to imagine developing a system to destroy essential underwater communication from the main land by introducing artificial static at the wave lengths used or as needed in the event of a crisis situation. Nor does it seem entirely impossible, with adequate effort, to develop a capability of tracking our Polaris submarines to their designated underwater stations. And in a crisis situation to destroy them or render them ineffective."

If the day comes when all three elements of our strategic force are vulnerable to attack, then it will be impossible to rely for protection on a hope that the problem of coordinating an attack on all three will be deterrence enough. A vulnerable bomber force, as we have said, does little to reduce the vulnerability of a vulnerable missile force. If our submarines also become vulnerable, timing an attack on them would probably be even less of a problem, operating as they do much closer to the Soviet Union than to their own centers of command and control, and depending on communication links which may themselves become objects of attack.

Unless we do something to reduce the growing vulnerability of our land-based missile and bomber forces, we will be left with nothing on the day when our submarine force also become vulnerable. Moreover, we will hasten the arrival of that day by simplifying the problems of the Soviet military planners and allowing them to concentrate on a single remaining obstacle. When the fate of mankind may depend on the effectiveness of the U.S. nuclear deterrent, it would be imprudent to allow its effectiveness to be negated with the suddenness of a single technical breakthrough.

A recent book criticizing the President's ABM proposal opens with the words "History is littered with Maginot Lines." But the President's proposal, which aims at preserving three diverse elements of our deterrent is not a Maginot Line. If we place our sole reliance, however, on our submarine force, excellent though it is, it may prove to be the last Maginot Line in history. The words of former Secretary of State Dean Acheson are appropriate here:

"To use a Maginot Line mentality as a pejorative term is to be trapped by a cliché. The Maginot Line was good and useful strategically and tactically. It was never designed as the sole and sufficient defense of France. Its flanks and top had to be protected also.

"The Germans never broke the Maginot Line; they outflanked it at its northern end through feebly-held Belgian positions and inadequate British and French mobile forces. The planned ABM deployment can be saturated but not by missiles it is planned to meet in the mid-1970's. If these are increased, Safeguard can be increased also. But to write off our bombers and land-based missile forces and rely only on submarines as critics suggest would be true Maginot psychology."

[A report from Committee To Maintain a Prudent Defense Policy]

INSTEAD OF DEPLOYING SAFEGUARD, COULD WE NOT WAIT AND SEE WHETHER THE SOVIET SS-9 THREAT CONTINUES TO DEVELOP, SINCE WE COULD DEPLOY MORE OFFENSIVE MISSILES IF IT DOES?

No. Delaying for even a short while may force us into costly crash programs whose effect on the strategic nuclear balance would be truly destabilizing.

Opponents of Safeguard have contended that additional Minuteman missiles could be deployed in as little as two years. In fact it would take not two but four and one half years from the time of a decision to deploy more Minuteman missiles to the date when the first missile would be ready. If the deployment were to be carried out on the same moderate-priority, moderate-cost basis as Safeguard, it would be six and a half years before even three hundred additional Minuteman could be deployed. Doubling the Minuteman force, as some opponents of Safeguard have suggested, would not be possible by the mid-70's unless it were done on a costly crash-program basis.

There would be an even longer lead time for the deployment of other offensive systems such as Polaris. A former Secretary of the Navy has testified that "the leadtime for Polaris is more than 4 years; I would think 5 to 6 years, from the time you make a decision to go forward, before you would have additional boats in the water."

Those who contend that the leadtime for deploying Minuteman would be as little as two years have supported this contention by quoting Secretary Laird's statement that "it only takes 18 to 24 months from the start of construction to the operational availability of an ICBM in a silo." Had they examined the context of this quote, they would have known that Secretary Laird was referring to the problem of detecting Soviet missile deployments. Eighteen to twenty-four months is the interval between the start of site construction, the first observable step in missile deployment, to the time when the missile is ready for use. It is an inadequate measure of the time it would actually take the U.S. to deploy more Minuteman, for it does not include the time required to make the decision, negotiate contracts, build the missiles, and survey and purchase sites.

Thus, to be ready in the time period for which Safeguard has been planned, additional deployments of offensive missiles would have to begin very soon. In exchange for this short postponement we would be surrendering our option to deploy a defense of our own existing missiles that in no way threatens the Soviet deterrent, and committing ourselves to the course of additional deployments. Such offensive deployments would reduce the number of missiles the Soviet Union could expect to have survive a U.S. attack. Whereas the Soviets would not have to respond to Safeguard unless they are determined to have the ability to destroy our Minuteman force in a first strike, they would have to respond to additions to our offense simply in order to insure the security of their own deterrent. We would then have the very sort of arms race which the opponents of Safeguard are so concerned to avoid.

WOMEN'S RIGHTS HAVE A LONG TRADITION IN THE UNITED STATES

Mr. PROXMIER. Mr. President, I speak today for the ratification of the Human Rights Convention on the Political Rights of Women. I fully realize that the issue of women's rights is not "Page 1" news, but few would deny that our failure for 15 years to join the many other nations that have signed this con-

vention is significant and worthy of the Senate's attention.

The long history of women's rights in the United States goes back to 1691, when the province of Massachusetts gave women the right to vote for all elective offices in its Old Province Charter. New Jersey, Kentucky, and Kansas followed with limited voting rights for women. Full suffrage for women was first granted by the territory of Wyoming in 1869. The State constitution, subsequently adopted by Wyoming voters, was approved by Congress in 1890. Before 1920, 13 States had given 18 million women full suffrage. The first woman Member of Congress, Jeannette Rankin, was sent to Washington in 1917 by the State of Montana.

For the remaining States, the cries of such leaders as Susan B. Anthony led 9½ million women to the streets to fight for universal suffrage before the 19th amendment was ratified in 1920. Today, our children accept the political equality of women as natural in a democracy. They look on the history of the women's marches with the same curiosity reserved for only the strangest of events—just the same way that children, 50 years in the future, will look upon accounts of the epic landing on the moon.

Throughout the history of the United States, women have played active roles in business, in science, in social reform, and in Government. We recall the names of Dolly Madison, Barbara Fritchie, Clara Barton, Jane Addams, Amelia Earhart, Eleanor Roosevelt, Margaret Mead, and Helen Keller. In the Senate we have outstanding examples in former Senator Maurine Neuberger and Senator MARGARET CHASE SMITH. These are just a few of the women who, over our history, have been admired by our Nation. But there are many more who have quietly made their contribution. Today, one-third of our labor force is comprised of women, some of whom hold the highest positions in their fields. Throughout the country, women serve on juries, the judicial bench, boards of education, city councils, and State legislatures. We continually make progress in adding social and economic equality to the political equality our women enjoy.

For 50 years, we have recognized the political equality of women. But, for the last 15 of these years, we have failed to add our signature to that of other nations which have ratified this convention. It is not enough to tell the world that our Nation's laws comply with this convention. I submit that we can join other signatories in encouraging adoption of this important democratic concept in all countries only by ratifying the Convention on the Political Rights of Women.

KNOWLEDGE OF THE DECLARATION OF INDEPENDENCE

Mr. HATFIELD. Mr. President, on Monday, April 14, of this year I entered into the RECORD the results of a survey conducted by the University of Maryland, European division. The survey polled a cross section of Americans at an Air Force base in Germany to determine their knowledge of the Declaration of Independence, and their attitudes to-

ward the ideas expressed in the document. The study consisted of presenting, in the form of a petition, the preamble of the Declaration to the people and asking them to sign it. Only 16 percent recognized the document as the Declaration of Independence; 27 percent signed the petition, leaving 73 percent who refused to sign.

However, I am sure that Senators will be interested to learn that this has not been the only survey conducted concerning attitudes toward the Declaration of Independence. Recently I received a letter from Mr. Robert Farrell, owner of Farrell's Ice Cream Parlour Restaurants International, Inc., in which he described his restaurants' "Declaration of Independence campaign." From July 1 to July 6 of this year, each of Farrell's 21 restaurants displayed an enlarged copy of the Declaration of Independence with an attached sheet of white paper. The restaurants' patrons were urged to "sign the Declaration of Independence, it will be something you can tell your grandchildren about." It was heartening to learn that during the 6-day period well over 5,000 people "signed the Declaration." Mr. Farrell wrote:

If it has done one thing, it has shown a lot of us that patriotism does run deep in people, regardless of our changing times and attitudes.

GREECE—A NEW VIETNAM?

Mr. GOODELL. Mr. President, since the beginning of the cold war, the United States has been the acknowledged leader of the Western World. In this role, we have had to seek ways to contain the spread of communism on behalf of ourselves and our allies. Considering the magnitude of this commitment, we might be very disturbed to learn that many of our efforts have been counter-productive.

The United States has actively solicited the friendship of all nations that proclaim to be anti-Communist, and in doing so, we are vulnerable to the charge that we support any government that supports us, regardless of how oppressive it might be. Facts often bear out this conclusion and several of our allies have governments that could never be defined as democratic. Even more distressing, however, we are open to the allegation that we have used our influence to bring undemocratic governments to power and maintain their authority. If this were true, we would actually be encouraging communism with a policy that was designed to contain it.

By supporting foreign dictatorships, we are frustrating liberal elements within these societies. In such situations, Communist propaganda becomes believable and freedom-loving people see the United States as an oppressive force rather than as a symbol of democracy and individual liberty. If this discontent should erupt into revolution, it is the United States that is called upon to restore the status quo.

I know that many Senators are very much concerned about the possibilities I have mentioned, and I commend to their attention a position paper by Elias P. Demetracopoulos which deals with the

present military junta in Greece. Mr. Demetracopoulos was a distinguished political editor of international standing in Greece before the junta seized power, and he has been highly critical of the present regime. His paper, published by the Hudson Institute with a very interesting introduction by the noted U.S. strategic thinker, Herman Kahn, discusses recent events in Greece and speculates on the ramifications of current U.S. policy toward that country. In addition, I commend to Senators an article by Mr. Demetracopoulos published on the editorial page of the Wall Street Journal on April 21, 1969, which supports the ideas in his important and revealing paper.

Mr. President, I ask unanimous consent that these items be printed in the RECORD.

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

GREECE—A NEW VIETNAM?

(By Elias P. Demetracopoulos)

INTRODUCTION BY HERMAN KAHN

A recent Hudson Institute study, which attempted to identify various possible crisis areas, pinpointed Greece as a real possibility for future trouble. As part of our continuing program to build up our own internal competency on Greek issues and to contribute to internal and external discussion of these important issues, we are requesting a number of people to write papers on various aspects of the potential Greek crisis.

This Hudson discussion paper, written by a Greek national, Elias P. Demetracopoulos—the distinguished political Editor in exile and a leader in the United States of the Resistance Movement against the Athens Junta—who has consistently opposed the present military regime, is in some ways unique. For while it does contain the kinds of arguments that one would expect from an author opposed to the existing government in his home country, it argues very seriously that U.S. policy regarding Greece should be changed on the grounds of America's own national interests. While I myself have some disagreements with the contents of the paper, it is refreshing to see that instead of basing his arguments for a change in U.S. Greek policies merely on the internal situation in Greece, the author has chosen another tack.

Mr. Demetracopoulos points out that current developments in Greece are not only contrary to American national interests but also have seriously weakened NATO's southern flank. While I have not followed events in Greece very closely, several of the points made herein are worth serious study. This is especially true concerning the possibility of a renewal of a civil war and the weakening of the effectiveness of the Greek military. In any case, this paper deserves attention as it is a coherent statement of the beliefs and positions held by the more objective and anti-communist critics of the military Junta in Greece. Thus, if only because so many of the views expressed here are held by such critics, this paper is worthy of careful consideration by serious students of contemporary Greek, NATO and U.S. foreign policy issues.

GREECE—A NEW VIETNAM?

I would like to discuss the situation in Greece; a situation which I believe not only denies the Greek people basic democratic rights but is also harmful to the national interests of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection, as the dangers posed by the current Greek situation leave little time for constructive action by the United States. In

other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic developments on NATO's Southern Flank.

U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative. In support of this hypothesis ex-Defense Secretary Clark M. Clifford, in testimony before the Senate Foreign Relations Committee last May said, "I believe that the obligation upon us as a member of NATO is such that I place that as a more important consideration than I do the present government of Greece. I believe that we deal with a highly imperfect world, and if we were to confine our help to our Allies on the basis of our approving completely the different types of governments that existed then, I believe that NATO would disintegrate, and I believe that would be a calamity."

If that were true—if indeed the regime offered the only reasonable hope of stability in Greece—it would be possible for me to understand Mr. Clifford's position, even though both as a Greek and as a supporter of free democratic systems of government as a matter of moral and political principle, I am strongly opposed to dictatorship in any form. In my opinion, however, the premise that the Junta has or can bring stability to Greece is false. On the contrary, not only has the Junta failed to provide stability in spite of dictatorial and ruthlessly repressive tactics; it has actually created instability, uncertainty and the very real risk of civil war in Greece.

First, let us begin with the premise that the Junta has brought military stability. Both the Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO bases in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter direct communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. The key question then is: have the Colonels indeed provided this stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment two whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S., other NATO countries and Greece, since the Truman Doctrine of 1947. The officers purged were not and could not possibly be communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence communities. Indeed many of these officers fought against the communists in the Greek guerilla war. In fact, the officers purged by the Junta were generally considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greek officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group

of officers. It is interesting to note that "the hatchet fell with particular alacrity," according to the May 1969 issue of *Le Monde Diplomatique*, "on those officers who, during the German occupation . . . chose the path of resistance, either inside Greece or outside, especially those who served in the 'Sacred Battalion' which distinguished itself in all Mediterranean campaigns alongside the British forces. . . . For any man who was capable of choosing to fight against an oppression (the Nazis) is perfectly capable of fighting a new oppression. . . ."

The usurpers, the officers who seized power two years ago, are reliably reported to number no more than 800, with a good percentage of them having intelligence and security training and background.¹

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of the Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to "defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing Social Order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them.

The Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkey by the Soviet Union's rapid strategic deployment along North Africa's coastline and the Middle East, were used by the Johnson Administration as reasons for supporting the Junta. This is indeed tragic, since the Junta's actions have weakened the military capabilities and stability of the Greek armed forces and consequently NATO's strength in the area.

Let us now turn to the key question of political stability which many supporters of the 1967 coup—including the Junta itself—cite as one of the prime benefits of the current Greek dictatorship. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The Junta alleges that they stepped in to save the country from the danger of communism—yet even Greek Conservative lead-

ers emphasize the fact that the danger of communism was nonexistent in Greece. They overthrew a conservative government.

Those who place too great an emphasis on the confused political situation in Greece as a justification for the Colonels' coup must remember that Greece fought a hard and dirty war against a foreign dominated and supported communist aggression at the peak of the "Cold War" in Europe. The victory, although assisted greatly by U.S. material help and advice, was finally wrested with Greek, and only Greek, blood. If Greece were able to win this victory under a parliamentary government with basic democratic institutions functioning it is inconceivable that the current military dictatorship is necessary to correct alleged political instability.

There are some who argue that there was no political stability prior to the Junta and that the present arrangement is at least an improvement. This argument is superficial. Its evaluation needs a detailed recording of the events and the over-all background that preceded the coup.

The fact is that political stability was damaged in the 1965-67 period by the intervention of the Greek Monarchy and its military establishment in the political process, thus perverting the institution of parliament and the mechanism of achieving political stability which had worked well until then. This was done by repeatedly denying the use of the best safety valve available to real democracies—free elections.

In 1963 and early 1964, the eight years of conservative (ERE) rule under Prime Minister C. Caramanlis, ended at the polls with the largest majority in modern times for the Center Union Party led by the late George Papandreou. The peaceful transfer of power was accomplished in the middle of the Cyprus crisis involving the threat of a shooting war with Turkey, following years of impressive aggregate growth and financial stability. It was, to be sure, a growth in which many did not share; few reforms in education had been accomplished and not enough employment opportunities had been opened up, as indicated by the thousands who had to seek work abroad.

As Richard Westebbe of the World Bank, formerly senior foreign economic adviser to the Greek government, said in 1963 in a penetrating report, "Greece's long-run structural problems concern deficiencies in the structure of production, in public administration, in education, in financial institutions, and in the distribution of income."

The victors (the Center Union) promised a better distribution of income, a more rapid modernization of Greece to enable it to enter the Common Market, and a reform of Greece's institutions which, among other things, implied the paying of fair taxes by certain privileged classes and a reduced role of the Crown in controlling the Armed Forces and the political processes. In short, a return to the intent of the constitution which would have the King "reign, not rule." In foreign policy, Greece was to become a fully equal member of the NATO Alliance, with a real voice in determining its own destiny. In pursuing these goals there is no question that the Papandreou Government committed a number of mistakes and lost many opportunities.

The Center Union Party was soon faced with the violent and growing opposition of the Crown, the Armed Forces leadership, and the economic oligarchy—an opposition which was enjoying the support of a large part of the official American establishment in Athens. The story can be picked up with the elections of 1961 in which the Army, through the so-called "Pericles Plan," unnecessarily rigged the result to ensure an ERE (National Radical Union) victory, when the real unadulterated result undoubtedly would have given Caramanlis a narrower victory or, at the very worst, would have forced

him into a coalition with the Center. The election-rigging gave the liberal forces their cause and they exploited it until their ultimate victory at the next elections. When it was decided to bring down the Papandreou Government, a "treason plot" called "Aspida" was concocted and ascribed to the Prime Minister's son. The charge has never been proven and even the Junta, four years later, has been unable to produce any evidence.

The Papandreou Government retaliated by resurrecting the Pericles charges and conducting a formal investigation. The Generals panicked and persuaded the King of an imminent plot to seize power by unnamed leftist groups tolerated or led by Prime Minister Papandreou. The result was the overthrow of the elected government and a series of almost comic-opera attempts to make parliamentary rump-governments from mid-1965 through Christmas 1966. The agreement of the Conservative and Center Union Parties to hold elections in 1967 in order to restore real parliamentary government, and thus political stability, led directly to the Colonels' coup, only a few weeks before the elections were to be held under the conservative government of Mr. P. Canellopoulos—who, by the way, has spent a good part of the last two years under strict house arrest.

The Athens Colonels have since persecuted the leaders of all of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union—among whom were several of America's best friends—as well as the left and the extreme left. They have resorted to systematic torture of opponents, as was shown at the recent Strasbourg hearings of the European Human Rights Commission and as has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian governments, among others.²

On March 27, 1969, Secretary of State William P. Rogers, in his first major presentation to the Senate Foreign Relations Committee, said he shared the "concern" of Senator Claiborne Pell (D-R.I.), "not only for the torture phase" of Greece's new military regime, "but for other civil liberty" infringements. The Nixon Administration has made an encouraging start on the explosive issue of Greece's military dictatorship, through this statement of Secretary Rogers, who went well beyond any comments of his predecessor.

Senator Pell, speaking in the Senate on October 3, 1968, and January 31, 1969, said: "Over the past months I have become increasingly concerned with one of the more heinous characteristics of the Greek dictatorship. I refer to the brutal behavior of this regime in the treatment of its own citizens. . . . I said in a speech to this body in May 1967 that I deplored the illegal military seizure and that I deplored, moreover, the lack of any kind of strong public reaction or expression of disapproval from the United States. . . . It seems to me that the inescapable conclusion can only be that the revitalization of democracy in Greece is as much in our own interest as it is in the interests of the people of Greece. We should, therefore, do everything we can to encourage its prompt evolution."

Many senior U.S. government officials, at the time of the Colonels' coup, argued that there was little the U.S. could have done because the coup took the U.S. by surprise and once it was successfully carried out the U.S. was faced with a *fait accompli*. This is untrue as the threat of dictatorship in Greece was spotted early and this threat greatly disturbed politically prominent Americans well before the actual coup took place:

As early as September 4, 1962, and again on October 13, 1963, Senator Barry Gold-

² See article in *Look Magazine*, May 27, 1969, page 19: "Greece: Government by Torture," written by *Look* Senior Editor Christopher S. Wren.

¹ Mr. John S. Rountzounis, an American writer and journalist, has repeatedly charged that the Junta's leader, George Papadopoulos, was "a recruiter of Gestapo informants" during the Nazi occupation (*Washington Post*, November 8, 1968; *Baltimore Sun*, November 18, 1968). More recently in the aforementioned May, 1969 issue of the influential and well-informed *Le Monde Diplomatique*, it is stated that: "The president of the Government, Papadopoulos, during the occupation served under Major Koukoulacos (rewarded after the coup with the governorship of Greece's Agricultural Bank), commander of a battalion armed and equipped by the Germans—like all the other so-called Security Battalions (Tagmata Asphallas)—which conscientiously played its role as a security unit . . . against the 'Communist' resistance fighters!"

water (R-Ariz.) in published interviews with this writer stated: "I am particularly concerned about the political developments in that country (Greece) and I do believe that careful investigation should be carried out on those accusations against our U.S. Embassy role in Athens in the last Greek elections." And in 1963 he said: "I am against the establishment of a dictator any place. That is why I strongly attacked the suggestion made that the establishment of a dictatorship in Greece would be an effective solution to Greece's problems. Oh, Lord, No. Greece is the most sophisticated, civilized country in the world. Our democratic way of government came from Greece. It would be tragic if Greece, where democracy itself was first founded, were to go back to a dictatorship. I can't even imagine the Greeks thinking about it."

And in the summer of 1966 a galaxy of highly placed and influential U.S. personalities, covering the spectrum of American political life, condemned publicly, very strongly and in no uncertain terms, the possibility of a military dictatorship of any kind in Greece, under whatever pretext. They also urged the Johnson Administration to take all necessary steps to ensure that such a catastrophic development for American interests will not occur.

Their names are: The Speaker of the House of Representatives J. McCormack, Senators V. Hartke, S. Thurmond, E. McCarthy, J. Javits, W. Morse and E. Kennedy; the Chairman of the House Judiciary, Armed Services and Agriculture Committees, Congressmen E. Celler, M. Rivers and H. Cooley; the former Chief of Naval Operations, Admiral A. Burke and the former Supreme NATO Commander in Europe, General L. Norstad; and the then Governor of California, E. Brown.

They spelled out their views to me in question-answer format, taped, typed and in officially signed press interviews, which received wide coverage both in Europe and America.³ In short, there were numerous, early and authoritative warnings given to Washington, but to no avail.⁴

³ In Greece, these interviews were published by the newspapers *Ethnos* and *Athens Daily Post* during the month of August 1966.

⁴ Elliot Janeway, the well-known syndicated columnist for the *Chicago Tribune*, reported from Athens on September 28, 1966:

"Warning from Greece. The first cold-war crisis erupted in Greece. A stop-over in Athens, en route from Switzerland to Britain, uncovered genuine concern that the smoldering constitutional crisis there may turn Greece into our next hot spot. The source of the exposure is not just Greece's vulnerability to a one-two-three punch in the form of a German slump, a dollar drought and a British devaluation. It is that Russia may decide that the time is ripe for her to reassert her primacy in the Communist world by taking advantage of our involvement in Vietnam to follow through on de Gaulle's withdrawal from NATO to open a second front in Europe. If so, Greece is her ripe and ready target. We urge a close and literal reading of Gromyko's warning that Europe may be closer to trouble than in many a year."

And again on October 11, 1966:

"The big question now is whether Russia will now take advantage of our involvement in Asia, and our distraction from Europe, to explode a bombshell against us on a second front. The mere suggestion is a blood-chiller. Nevertheless, we fear that this is now a clear and present danger, and that it will be the better part of prudence to prepare for the scary possibility of a new Russian-American confrontation this side of Asia. . . ."

Watch Greece. Whereas Berlin and Iran are potential danger-points at which a provocative Russian initiative would be needed to force a confrontation, the third of the three

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens Colonels—America has pursued disastrous, contradictory and vacillating policies—policies largely influenced by inter-service and personality rivalries. Should these policies be continued the communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-communist elements in both Greece and Western Europe. Such a movement, even if led by communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all present.

It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967 coup and is responsible for keeping the Athens Colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the U.S. should realize that these beliefs have done much more than the criticism of the Vietnam War or the de Gaulle policies to undermine basic U.S. positions and interests in this vital area. This point, in many ways the most telling, is supported by such a personality as Mrs. Helen Vlachou-Loundras, well-known publisher of the most influential conservative Greek newspapers, who was forced into exile in London, when, after the Junta seized power, she bravely refused to publish under censorship. (Her husband—wartime hero conservative Navy Captain Costas Loundras—was sentenced to eighteen months imprisonment after he was kept by the Junta in solitary confinement for fifty days.) Mrs. Vlachou-Loundras spoke about the Greek regime in London on October 17, 1968:

"So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of The Pentagon by the CIA, reared by NATO, surrounded by dotting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but can not do it, and those who can and will not." In this connection, it is very significant that the Johnson Administration in December 1967 let down, in

possible storm centers is one that no Russian initiative could keep quiescent. This is Greece. It is our best judgment that Greece is well on her way into a constitutional crisis which will precipitate a domestic confrontation, with inevitable and obvious implications, between Right and Left. If this does develop, the question then will be whether Russia could avoid being drawn into it even if she felt it to her interest to remain aloof. Not least among our reasons for assuming that she will find herself drawn into any internal Greek confrontation on the side of the Left is the fact that the U.S. is certain to be involved on the side of the Right. . . .

We do not now mean to be taken as flatly predicting an imminent U.S. confrontation with Russia against the background of recurrent guerrilla war in Greece. But we are anxious to focus attention on the danger, which is real. We do expect a Greek constitutional crisis to erupt. We do take literally the King's threat to suspend the constitution. We do not regard Greece as an isolated Balkan trouble spot. We do not know, nor do we know of anyone who trusts himself to know, whether Russia could stay out of such a free-for-all if it once got started. . . .

We suggest that the above be taken as the warning it is meant to be: of exposure to shock in Europe just when the next step-up in the Vietnam escalation is distracting us even further from Europe and, therefore, making it more difficult for us to plan our reactions to possible shock in Europe."

a shameful, unbelievable and humiliating way, even the ultra-conservative Greek monarchy which, since the Truman doctrine of 1947, has been a basic element of U.S. foreign policy towards Greece. This happened when King Constantine finally decided to overthrow the Junta in his armed but ill-fated attempt.

That is why I strongly believe that an over-all and thorough congressional investigation of the U.S. role vis-à-vis Greece would not only be completely justified but also urgently advisable if the blunders of the past are not to be repeated by the Nixon Administration and a new "Vietnam" is to be avoided.

The European reaction to the Greek coup can be gleaned in the following statements: West German Socialist Deputy, Klaus Schultz, said recently, "It was 36 years ago that Hitler took power in my country. And he did it under conditions far more democratic than those imposed by the Greek colonels." British Laborite Bob Edwards, during the debate whether to expel Greece from the Council of Europe for violating the 18-nation organization's statutes on human rights, said: "I am amazed at some of these speeches. We heard them between the wars—Franco was going to hold elections. Hitler was no dictator and Mussolini made the trains run on time."

In a futile attempt to improve their international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the Junta announced a referendum on a new constitution in September 1968. This document, which received the private blessing of some American officials, in fact makes the Armed Forces the sole final source of power, the guardian of the status quo and the dispenser of civil liberties in Greece. Thus the constitution in effect gives the wolves the responsibility for guarding the lamb by giving the Athens Junta full power to "protect" the liberties they had already seized from the Greek people.

The subsequent referendum on the Colonels' constitution, carried out under conditions of martial law, resulted in a Soviet-style vote of 92.2%. The really free sentiments of the Greeks became manifest a few weeks later when over 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreou, the last elected Prime Minister. On March 29, 1969, the influential London *Economist* wrote: "Mr. Papadopoulos (the head of the Junta) has clearly reconsidered his views about a regrouping of political forces, which would eventually produce a satisfactory alternative to the present regime. He now argues that the constitution cannot be brought fully into force, and normal parliamentary democracy allowed to function, until the Greeks have acquired the necessary political maturity."

"The slowness with which the authorities are completing some of the legal formalities needed to make the provisions of the constitution operative, suggests that Mr. Papadopoulos is trying to keep all his options open. About a quarter of the constitution is still not even theoretically in force, including the provision for the creation of a constitutional tribunal, which the regime considers essential for the proper functioning of democracy. Nor has the prime minister yet fulfilled his pledge to introduce a law to allow the regime to ease or tighten martial law as it thinks fit, so that the Greeks can show how well they can behave under conditions of relative, or disciplined, freedom. All this deliberate slow motion is justified by the argument that the Greeks need time to acquire enough political maturity to decide who should govern them—although last September they were apparently sufficiently mature to decide in a plebiscite how they should be governed."

On the eve of the NATO Ministerial meeting in Washington, last April, the Junta feeling the weakness of its position—both domestically and internationally—announced a series of supposed "liberalization" measures, under the new constitution. These measures, however, would be applied only after appropriate legislation is drafted and promulgated. According to Mr. Papadopoulos, this will take at least six months. But he did not explain how these two constitutional freedoms of assembly and of association could be reinstated under martial law, even if the legislation required to make them operative were to be enacted. Thus, the aim of his move is quite transparent: a typical gesture on his part to forestall several NATO countries' pressure for an early restoration of democracy in Greece.

Last June's outrageous dismissal by the Junta of Michael Stasinopoulos as head of Greece's highest court, after he defiantly refused to resign, in direct violation of their own "constitution," is perhaps the best evidence of the importance of the Athens dictatorship attaches to this much publicized and used document of their own making.⁵ This was followed by the mass resignations of the senior judges of the Council of State to protest this dismissal of their Chief Justice and the interference by the military regime with the independence of the Judiciary, and was followed by the predawn arrests and banishment of one leading judge and the prominent lawyers who had successfully defended 21 leading judges purged in 1968.

Finally, let us turn to the alleged economic stability which the Junta pledged to bring to Greece. I believe that as a result of the coup, Greece is far more likely to be faced with a serious economic crisis, instead of stable growth.

The rate of growth of the Greek economy which averaged close to 8% a year in the period 1960-66 was reduced to about half this figure in 1967, when good crops and an illusory increase in services offset a sharp fall in industrial investment leading to stagnation in manufacturing output. In 1968 manufacturing recovered somewhat but low crops held the growth rate to about 4%. Admittedly, the building boom had already leveled off by April 1967. However, the collapse of confidence following the coup led to a sharp fall in business investment and consumer purchasing. Imports into Greece stopped rising, and people hoarded money. The reaction of the Government was to stimulate demand and buy popularity. A massive give-away took place when all farm debts amounting to some \$280 million to the U.S.-financed Agricultural Bank were written off. This not only penalized farmers who had paid their debts but probably convinced all farmers, who constitute some 45% of the total population, that there is no point in paying future loans. What is perhaps worse is that the immense resources distributed in this way have not been directed towards raising farm productivity and bringing about the long needed structural reform of Greek agriculture.

Bank credit and Government spending programs were greatly expanded. The money supply increased at an annual rate of 20% in 1967, and although the growth in money has decelerated since, it has not been

matched by comparable increases in output. The recovery of consumer demand in 1968 has already led to a renewed import growth and some pressure on prices. Exports barely rose in 1968 and tourist earnings declined for the second year in a row, since the Junta took over. Another mainstay, emigrants' remittances, are stagnant. The result is a worsening balance of payments position. This has been partly shielded by drawings on the secret gold sovereign reserve and partly by a number of short-term loans concluded with U.S. and European banks which are reliably reported to be secured by the nation's gold and hard currency reserves.

In the past, Greece's basic current trade imbalances were offset by rapidly growing tourist, emigrants' and shipping remittances. These were increasingly augmented by capital inflow, mainly on private account from abroad. The prospect of maintaining balance of payments equilibrium at the present exchange rate, and with free imports, lay in a hoped for rapid rise in industrial and agricultural productivity. Unfortunately, with low growth rates and a sharp fall in private investments the outlook is for controls and/or devaluation, including rescheduling of all recently contracted short-term foreign debt.

Further the mammoth spending programs have created a large inflationary potential which could lead to crisis conditions in a short time.

A confidential 12-page report prepared in March 1968 on Greece's Economic and Financial Developments by the Morgan Guaranty Trust Company of New York states that:

"The regime has, however, displayed an increasing number of signs that it intends pursuing a 1930-style authoritarian course. On the one hand, it has been intensely nationalistic, having called repeatedly for a regeneration of Greek life. On the other, it has taken a number of steps designed to appeal to the lowest socio-economic groups: freezing prices; raising some incomes; and providing working girls with dowries. All this has taken place against a background of increasingly restrictive measures. Nevertheless, the combination has thus far been successful. Some of the reforms introduced by the Papadopoulos government—especially those relating to the bureaucracy—have been to an extent necessary and desirable. The constitution, which the government was supposed to introduce in response to pressures from Western Europe, has yet to be made public. However, any constitution which the drafters might develop would be meaningless because the regime does not intend that there be any return to democracy.

"Since the coup, Greek economic activity has slowed down; GNP growth rate is officially estimated to have been 5% in 1967—and privately put nearer to 3%—compared with 7.4% in 1966. Much of this has been due to a slowdown in investment, especially of the private sector. However, in 1967 the trend toward more rapid growth of industrial than agricultural production was reversed—agricultural production grew faster than industrial, largely due to the rapid growth of the latter in 1966. Prices have been stable due to a price freeze. Wages, on the other hand, have been allowed to rise rather rapidly. The over-all government budget deficit for 1968 will again be large—mostly due to the rising government investment budget."

At the end of March 1969, in a series of speeches to merchants, industrialists and others, Mr. Papadopoulos tried to undo the damage caused to the economy by the crippling uncertainty over the regime's intentions. He was not particularly successful. He insisted that the regime had achieved the political stability needed to expand economic activity. But his claim that it was not a dictatorship, but only a "parenthesis . . ." that was necessary to put things straight," was

contradicted by his further assertion that "whether you like it or not, the revolution is a reality and you cannot get rid of us."

The Government made numerous appeals to attract foreign capital. Its most publicized achievement for political, propaganda and lobbying reasons, was the signing of a lucrative contract with Litton Industries (a few weeks after coming to power) which guarantees the latter a handsome annual fee as well as a commission on all investments it induces to come to Crete and the Western Peloponnese. It is of interest to note that Litton withdrew its proposals prior to the coup, due to overwhelming parliamentary opposition. To date Litton has produced some studies and very small investments coming mainly from the Litton group companies. It would seem that even their corporate name has not been sufficient to overcome the doubts of those who might have put their money in Greece. That is why, according to reliable information, both the Junta and Litton, at this very moment, are mutually dissatisfied with each other's performance, and the contract is presently being renegotiated. In addition, Litton was unhappy when last year the U.S. Department of Justice disclosed that it had launched an inquiry to determine whether Litton has engaged in activities which require it to register as a foreign agent.

Although most foreign investors found pre-Junta Greece a favorable spot for private enterprise, a difficulty did arise in the case of the Esso-Pappas refining, petrochemical and steel complex. This contract was strongly criticized by the Center Union before it came to power and was renegotiated to Greece's advantage while they were in power. Oddly enough, Pappas has since then managed to avoid, with Junta approval, most of the less profitable investments he was supposed to undertake and he has emerged as one of the most influential and vocal backers of the Junta in the U.S.

Finally, much has been made of an agreement of the Junta with Onassis last November to establish a new refinery, aluminum plant and tourist investments totaling some \$400 million over fifteen years. Specific features, according to reports from Athens, include his right to supply crude oil, in this case Russian, shipped in his own tankers, as well as guaranteed employment for part of his tanker fleet. Further, the prospect of another aluminum plant is far from an un-mixed blessing. There is no cheap power left in Greece. Onassis proposed to produce high-cost power with his oil in his own thermal plants. He would charge himself an artificially low power rate in order to produce aluminum and would force all other Greek consumers of power to pay a much higher rate for the excess power he would produce. It is significant that the Onassis effort to build the alumina-aluminum plant in partnership with the U.S. Reynolds Metals Company has fallen through and on March 17, 1969, the latter announced that it has ended talks with Onassis.

Alfred Friendly writes in the *Washington Post* of April 5, 1969, from Athens:

"The battle of the Greek tycoons, the former brothers-in-law, Aristotle Onassis and Stavros Niarchos, over which one will operate the proposed new \$400 to \$500 million investment program for a new oil refinery, aluminum plants and several tourist projects raised for the first time the suspicion of corruption with the Junta.

"The government's off-again, on-again, handling of the intricate affair may have been merely clumsy or shabby, testifying only to its administrative incompetence. But on its face, the Niarchos proposal, which was ultimately rejected, seemed so much more advantageous to the country than that of Onassis as to suggest bad faith by the regime.

"One would have supposed that, once the suspicion arose, the government would have

⁵ On this issue an editorial of *The New York Times* of July 4, 1969, under the heading "Justice in Greece. . ." had this to say: "It was predictable that Greece's ruling colonels would lash out, sooner or later, at any branch of the country's judiciary that refused to come to heel. The abrupt and clumsy attempt to purge the nation's highest administrative tribunal in flagrant violation of the junta's own Constitution of 1968 has, however, shocked even stout backers of Colonel Papadopoulos. . ."

taken elaborate pains to demonstrate clean hands. After all, one of the Junta's most loudly proclaimed justifications for its coup two years ago was the promise that it would end the notorious corruption of previous governments. If it is subject to the same falling, it loses a principal excuse for its existence.

"Suspected of sticky fingers, the regime's logical response would have been to lay out the proposals in detail, argue them and supply a complete explanation for its final choice. Instead, after a few weeks of pulling and hauling, the Junta clamped complete censorship over the whole matter. Nothing more may be printed about it in the Greek press. The consequence was obvious; what was once a smoldering rumor is now a wildfire scandal."

It would appear in fact that the scandal of which Mr. Friendly writes reached such dimensions that even the Junta could not stick to its agreement with Onassis. As a result, on May 20, 1969, the Junta canceled its agreement with Onassis to build a large new oil refinery in Greece and decided to invite international bids for the rights.

In summary, instead of bringing about stable economic growth the Junta has presided over a tragic misuse and waste of national resources, in an attempt to buy acceptance and some semblance of legitimacy. The resulting "gold rush" to extract favorable concessions from the Athens Colonels in return for supporting their dictatorship has resulted in the sacrifice of important Greek economic resources and interests which no parliamentary government could have undertaken and remain in office.

The political anomaly of a new post-war dictatorship in present day non-communist Europe has led to a suspension of some \$55 million of European Investment Bank loans to Greece under the Treaty of Association with the Common Market. The long-run future of Greece's association with the Common Market, the first of its kind, is in fact in doubt. As Greece's chief Common Market negotiator John Pezmatzoglou, then Deputy Governor of the Central Bank, said in a 1966 Bank of Greece message, the economic union of Greece with the EEC was based on the mutually agreed, basic objective of an ultimate political union of Greece with its European partners.

Since then the Governor of the Central Bank, Professor X. Zolotas, an internationally respected central banker, and the equally prominent Professor J. Pezmatzoglou have resigned in protest over the Junta and its policies. In fact, the great bulk of Greece's trained professionals have refused to participate in the Government, a phenomenon which has seriously hindered efforts at rational economic policy formulation and implementation. Last year, during a Congressional investigation conducted by the House Subcommittee on International Finance, on the proposed first World Bank loan to Greece, its influential Chairman, Congressman Henry S. Reuss of Wisconsin, criticized strongly the World Bank and the Johnson Administration for the proposed loan. He even criticized some of the new so-called "non-corrupt" leadership of Greece's economy when he identified the new Deputy Governor of the Bank of Greece, a Mr. Constantine A. Thanos, as having plagiarized his doctoral dissertation and other works and whose proposed appointment to the faculty of the University of Athens, in 1963, was vetoed because of these affairs. Reuss also questioned whether Greece, governed by such people and under these conditions, could be considered creditworthy for international public lending.

I believe that it is imperative for the Nixon Administration, which is in the advantageous position of having no responsibility for the events and policies of the last few years, to conduct a basic and urgent review of U.S. policy towards Greece on the following grounds:

A. The assumption that the current mili-

tary regime in Athens has or can bring stability is incorrect.

B. The Junta has greatly weakened Greece's military capability and political ability to fulfill its NATO commitments.

C. The situation in Greece is potentially dangerous. If present policies are continued, a new Vietnam could result.^{*}

D. The widespread belief in Europe that the U.S. is responsible for the coup and for keeping the Colonels in power is seriously damaging to America's position in Europe.

E. The existence of a military dictatorship in Greece is morally and politically repugnant especially to the extent that it appears that the United States is supporting this regime.

In considering U.S. policy towards Greece I would like here to make several points directed primarily to American conservatives. It has been a tragedy that many American opinions and actions concerning Greece have been viewed as a political issue between conservatives and liberals. As a result of the opposition to the Greek Junta by many prominent American liberals, all too many American conservatives have not realized the true nature and intent of the current Greek regime. While Greek political liberals have suffered as a result of the coup, as many Greek conservatives with well-known anti-communist credentials have been suppressed, imprisoned, and driven into exile by the Junta. In fact, many of the most severe critics of the coup and the current regime could be described as conservatives.

In the light of the Athens Colonels' past and continued repression of anti-communist Greek conservatives and the often-forgotten fact that the Colonels seized power from a conservative government, I would ask some American conservatives who have either largely remained neutral or have supported the current Greek regime to reconsider their positions. For the situation in Greece cannot be described or understood along American political lines. In this case both American liberals and conservatives, perhaps for different but compatible reasons, should oppose the authoritarian dictatorship imposed on the people of Greece by a small group of colonels in Athens.

Thus, in reviewing U.S. policy towards Greece I would suggest that the following specific changes in the policies inherited by the Nixon Administration would be both in the interest of the United States and the Greek people:

1. A clear-cut public condemnation of the Greek Junta by the new administration and real efforts of disassociation from the Johnson Administration policies, attitudes and methods used in dealing with Greece.

2. Delay the appointment or appoint, but do not dispatch, to Athens a new U.S. Ambassador and make clear to the Junta and the NATO Allies the real reasons for such a delay.

3. Terminate immediately and completely all U.S. military aid to the Athens regime and reverse the disastrous decision taken on October 21, 1968, during the last days of the previous Administration, to resume delivery of major U.S. military equipment to the Athens Colonels. Such a decision, under

^{*} In this connection three very interesting articles from Athens, by the well-informed and nationally syndicated columnists Rowland Evans and Robert Novak, were published in the *Washington Post* of June 19, 1969 ("Greece Facing Grim Alternatives: Salazar-Type Rule or Bloody Revolt"), of June 23, 1969 ("U.S. Action Against Greek Junta Is Prevented by Military Needs"), and of June 26, 1969 ("Nature of Greek Junta Underscored by Arrest of Distinguished General"—this article details the ordeal of two Greek officers with anti-communist credentials, General George Koumanakos and Admiral Athanasios Spanides).

those circumstances, gave in effect official public U.S. government approval to the Athens military dictatorship.

With the U.S. presidential elections only two weeks away, the Congress adjourned, and three weeks after a rigged "referendum," conducted by the Greek Junta under martial law, the Johnson Administration felt that it was safe and advisable to go ahead with a decision that was strongly debated and shelved repeatedly by the same Administration in the past.

4. Take the initiative for joint NATO action against the Junta by exercising maximum diplomatic, economic and military aid pressure, on a well-coordinated basis, in behalf of the Atlantic Alliance. Such an American initiative will take options away from Moscow policy-makers and will build up U.S. influence in NATO and among the European liberals, intellectuals and youth. Such a U.S. initiative would have worldwide favorable repercussions and Washington will be in a better position to exploit existing turmoil among Moscow's Eastern European communist satellites, non-satellites and the communist parties in non-communist Europe.

5. Give full U.S. support to the efforts of the Common Market and the Council of Europe to isolate morally, politically and economically the Athens Colonels.

6. Find other appropriate ways and means to support actively and effectively all anti-Junta, anti-communist elements who represent the vast majority of the Greek people.

7. Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek Junta in Greece and the rest of Europe, including the use of the Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

8. As a last resort, taking up a line already gaining ground in NATO, particularly in Denmark, Norway, The Netherlands and Italy, and moving to expel Greece from the Alliance.

In evaluating the merits of the above eight basic recommendations it is important to understand the following points:

A. All the above peaceful measures are sufficient if used effectively, in my opinion, to overthrow the Greek dictatorship without bloodshed, and without risking American lives, as you do in Vietnam today, or you did in Korea, Lebanon and in the Dominican Republic. The Nixon Administration must have learned some very valuable lessons recently with the events in Pakistan, the crisis in Peru and the negotiations over the Spanish bases. These events proved the grave risks inherent in dealing with anti-communist military dictatorships and should help dispel the myth that such regimes serve effectively the U.S. interests.

B. If the Junta is overthrown by these peaceful measures proposed to the Nixon Administration, Washington will be in a much better position to deal also with the Middle East crisis, having the full support and co-operation of the liberated (with American support) Greek people, and the U.S. and NATO bases presently in Greece will not any longer be surrounded, as is the case today, by an increasingly hostile population, which makes their value presently, in the case of emergency, at least doubtful.

C. More than 100,000 hard-core Greek communists live in various parts of the Eastern European communist world, including the thousands of young children abducted by the retreating Greek communist guerrilla forces in 1949. These children are now completely trained militarily and indoctrinated. Greece has very extended and rugged mountain frontiers with her northern communist neighbors. These facts may represent, at a given moment, an ace in the hands of Moscow and Peking.

D. Greece's unique geographical position places her athwart the crossroads of Europe,

Asia, the Middle East, and Africa. The Middle East and Africa are two areas where the Greeks for centuries have maintained the closest ties and interests. On the northern borders of Greece is a kaleidoscope of three different kinds of communism: the Peking style in Albania (where more than 2,000 Chinese advisors are stationed in this first Chinese beachhead in Europe), the Moscow style in Bulgaria, and the Tito style in Yugoslavia. This fact itself makes Greece a very good western "window," an ideal listening and influence post for the Southeastern European area. But it also makes Greece far more exposed to external communist and Slavic-chauvinistic pressures now greatly complicated by the current Sino-Soviet confrontation.

E. The U.S. record over the last decade clearly shows a very benign attitude toward right-wing military coups while registering great alarm over left-wing ones. The so-called Schwartz doctrine (former State Department policy planner and, at present, top Pentagon authority on international security affairs) makes clear the U.S. will not interfere with extra-constitutional, totalitarian rule by anti-communist governments. This double standard justified accusations all over the world and, naturally, Greece.

We were all dismayed at the ruthless crushing with Soviet military power of the modest liberal reforms which were taking place in Czechoslovakia. No satellite could be allowed to sway that far from orthodoxy and control in the minds of Warsaw Pact hard liners. Moscow paid a heavy price in terms of world condemnation and the discrediting of hard-core Czech communists. To many, the parallel of the U.S. position in Greece is disquieting. And Moscow's diplomats and propagandists are counterattacking criticism aimed at their Czechoslovakian action by pointing to the U.S. role in Greece since April 1967. For the coup against the prospect of a liberal but pro-NATO government was carried out by people closely connected with the U.S. military, intelligence and financial complex, with U.S. weapons and using a top-secret emergency NATO plan. All in the name of anti-communism, the preservation of the orthodoxy of Greece in the Western Alliance and protecting the Monarchy—which the Junta forced into exile eight months later. Moscow intervened with Soviet troops to crush what she considered dangerous Czechoslovak liberalization tendencies.

While I do not believe that the use of U.S. troops to protect the freedom of the Greek people was, or is, necessary, it is a tragedy that the Johnson Administration played the role of Pontius Pilatus while U.S.-supplied tanks were used to crush Greek democracy even though ample warnings about the impending coup existed. That the Johnson Administration, on many occasions, has given the impression of supporting the dictatorship of the Athens Colonels, is doubly disquieting, considering that the freedom of the Greek people was guaranteed by NATO which Greece freely joined as a free nation in 1952.

In the process the U.S.'s best friends were systematically destroyed. In the end the Greeks will force their oppressors out of power. The process could be bloody and might well involve the U.S. in another Vietnam-type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of an ephemeral appearance of security and stability and whether it is wise to continue along this road to disaster much longer.

[From the Wall Street Journal, Apr. 21, 1969]

A GREEK IN EXILE LOOKS AT THE COLONELS
(By Elias P. Demetraopoulos)

U.S. foreign policy in Greece has been based on the hypothesis that the present dictatorial regime provides sufficient sta-

bility—military, political and economic—to satisfy America's strategic interests in the area. In my opinion the premise that the junta has brought stability to Greece is false.

The Greek armed forces today are far less effective than they were before the coup. They are mainly an internal security force in which the junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the best officers is a very interesting indicator.

The junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers are trained at enormous U.S. expense. That is why the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves should be an agonizingly open question-mark for the NATO planners. In fact, such mobilization would lead to the speedy overthrow of the junta. This also explains why really the junta thought it wise to "defuse" the Cyprus crisis in November 1967.

A QUESTION OF STABILITY

The U.S. and NATO bases plus the American listening posts and propaganda machinery operating on Greek territory are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The junta alleges that it stepped in to save the country from the danger of communism—yet even Greek conservative leaders emphasize the fact that the danger of communism was non-existent in Greece. The junta overthrew a conservative government.

In this connection, it must always be remembered that Greece fought successfully a Communist aggression at the peak of the "Cold War" under a parliamentary government. The junta has persecuted the leaders of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union, the left and the extreme left. It has resorted to systematic torture of opponents and has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian Governments, among others.

Since 1947, America has played a decisive role in Greece. In this respect, it is significant to remember that in non-Communist Europe the widespread belief that Washington was involved, either by commission or omission, in the April 21, 1967, coup and that she is responsible for keeping the Athens colonels in power two years later, has done much to undermine basic U.S. positions and interests in this vital area. This point is supported by the publisher of the most influential conservative Greek newspapers (until the junta seized power and she bravely refused to publish them under censorship), Mrs. Helen Vlachou-Loundras, now in exile in London.

Last Oct. 17 she said of the Greek regime: "So the moment of truth is approaching, and the first brand-new European dictatorship since the war is about to emerge, born of the Pentagon by the CIA, reared by NATO, surrounded by dotting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but cannot do it, and those who can, and will not."

RIGGED REFERENDUM

In a futile attempt to improve its international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the junta carried out a referendum on a new constitution in September 1968, which makes the armed forces the guardian of the status quo in Greece. The referendum

gave a Soviet-style vote of 92.2% and was carried out under conditions of martial law. The really free sentiments of the Greeks became manifest a few weeks later when more than 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreu, the last elected prime minister.

On the eve of the NATO ministerial meeting in Washington earlier this month the junta, feeling the weakness of its domestic and international position, announced a series of "liberalization" measures under the new constitution. These measures, however, would be applied only after appropriate legislation is drafted and promulgated. The aims of such a move are quite transparent: To forestall several NATO countries' pressure for an early restoration of democracy in Greece.

Political stability can be said to exist as long as we recognize that it is achieved at the point of U.S.-supplied guns and in the face of the passive and growing opposition of the vast majority of the Greeks. Nevertheless, it is argued that the regime has been good for business and that on the economic front Greece can now move forward.

A privately circulated 12-page report prepared a year ago by a New York bank states:

"Since the coup, Greek economic activity has slowed down; GNP growth rate is officially estimated to have been 5% in 1967—and privately put nearer to 3%—compared with 7.4% in 1966. Much of this has been due to a slowdown in investment, especially of the private sector. However, in 1967 the trend toward more rapid growth of industrial than agricultural production was reversed—agricultural production grew faster than industrial, largely due to the rapid growth of the latter in 1966. Prices have been stable due to a price freeze. Wages, on the other hand, have been allowed to rise rather rapidly. The overall government budget deficit for 1968 will again be large—mostly due to the rising government investment budget."

At the end of last month, the junta tried in a series of speeches to undo the damage caused to the economy by crippling uncertainty over the regime's intentions. The government made numerous appeals to attract foreign capital.

The junta's most publicized achievement for political, propaganda and lobbying reasons was the signing of a lucrative contract with Litton Industries, a few weeks after coming to power. To date Litton has produced some studies and very small-sized investments coming exclusively from the Litton group companies. That's why both the junta and Litton, at this very moment, are mutually dissatisfied with each other's performance.

The political anomaly of a banana republic dictatorship in present day non-Communist Europe has led to a suspension of some \$55 million of European Bank loans to Greece under the Treaty of Association with the Common Market. The long run future of Greece's association with the Common Market is in doubt. The governor and deputy governor of the Greek central bank have resigned in protest over the junta's policies.

REVIEW THE U.S. POSITION?

My belief is that there are serious grounds for being disturbed by U.S. policy toward Greece—grounds that make mandatory a basic and urgent review of the U.S. position by the Nixon Administration, which is in the advantageous position of having no responsibility for the events and policies of the last few years. Time is running out on the Greek issue faster than most officials in Washington seem to realize.

In the present Greek process the U.S.'s best friends are systematically destroyed. The Johnson Administration, on many occasions, gave rise to the belief it was supporting the junta. In the end the Greeks will force their oppressors out of power. The process could be

bloody and might well involve the U.S. in another Vietnam-type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of an ephemeral security and stability and whether it is wise to continue along this road much longer.

SENATOR COTTON'S REASONS FOR SUPPORTING THE ABM

Mr. COTTON. Mr. President, recently I released for publication a report to the people of New Hampshire stating my position on the ABM and my reasons. My newsletters are limited to 1½ pages. Brevity results in some oversimplification. Rather than take the time of the Senate, after a long and repetitious debate, to amplify my views, I ask unanimous consent that my report be printed in the RECORD.

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

Prolonged debate over the antiballistic missile (ABM) has kept the Senate at a standstill. Now that every detail of this subject has been discussed and rediscussed and we are about to vote, I can review it with you.

My reasons for supporting ABM can be simply stated:

Already we have expended over three billion in research to develop this defense against nuclear attack. We can't know whether the ABM will work until we actually assemble it. At least two are required to permit the interplay of radar and other devices. It will take five years to install them, and it's time we started.

There may be no way to destroy every nuclear missile in a massive attack. However, I refuse to believe that a nation that can put two men on the moon can't devise some system capable of saving many lives and, by preserving our capacity to strike back, make the enemy think twice before he launches a nuclear offensive. Perhaps ABM won't work, but the Soviets think it will and have installed sixty, improving them as they go along. It's time we put ours to the test. A batch of blueprints is no defense.

Now for some of the doubts that are agitating so many people.

Will the ABM provoke the Soviets and dim the prospects for an arms agreement? This seems to worry everyone except the Soviets. Kossygin at his London press conference explicitly rejected the idea that the deployment of a defensive missile system heats up the arms race. The ABM is as purely defensive as a bomb shelter. It is not pointed at, nor can it hurt any other nation.

Are we launching a program that will sink billions in a system that may not work or may not be needed? It is proposed to devote two billion over the next five years to research and development. So far as I know, not a single Senator opposes this. The only question is whether we spend another two billion over the same period to install two ABMs. This means less than two dollars apiece a year for each inhabitant of the U.S.—a low price for insurance. And even this amount can be stopped at any point if ABM proves ineffective or if a nuclear arms agreement makes it unnecessary. This bill does not commit us to spend one additional cent toward the twelve ABMs contemplated for a complete Safeguard System.

Should the Senate adopt a compromise? The answer to that is that the President's proposal is emphatically a compromise. He refrains from starting a Fractional Orbital Bombardment System (FOBS), though the Soviets have one. He refrains from adding

new missiles, though the Soviets are producing the devastating 25-megaton SS-9. He refrains from increasing our Polaris-Poseidon submarine fleet, though the Soviets are adding to theirs and may have already passed us. He says, "I am recommending a minimum program essential for security."

Personally, I vote for this minimal protection because I do not want, at this time, to raise any roadblock against the President's cherished hope for arms limitation. I do so with misgivings. It is doubtful that the Soviets will limit their armaments while threatened by a huge and hostile China. We want no race in missiles and megatons, but I would build and deploy more Poseidon submarines to make a first-strike knockout more difficult.

After all, if a nuclear conflict is to be averted, it will be because both sides have all the horrible weapons in their arsenal so that neither dares resort to them. Even Hitler did not resort to gas or germ warfare because the Allies were equipped to respond. But we needn't look at Hitler or the Soviets or the Chinese to see why the hope of the world lies in a checkmate. We dropped the atom bomb on Hiroshima and Nagasaki killing 100,000 people, including women and children. Though it shortened the war, I believe most Americans now regret it. But have you ever stopped to think whether we would have dropped those bombs if the Japanese could have retaliated? I think not!

To sum up, I am voting for the ABM because I agree with Dr. McMillan, UCLA Professor of Chemistry, who said to the Senate Committee:

"I believe that the great majority of the American people with their down-to-earth common sense are having as great a difficulty as I am in swallowing the sophisticated arguments that conclude it is somehow bad to defend ourselves."

EQUAL EMPLOYMENT OPPORTUNITY

Mr. FANNIN. Mr. President, I have today received a letter from the Comptroller General of the United States, Elmer Staats, in which he responds to an inquiry I posed last month relative to the legality of the so-called revised Philadelphia plan affecting Government contractors.

Under the revised plan, contractors in order to qualify as bidders would have had to agree in advance to hire a certain specified "range" of minority employees.

Mr. President, I seriously questioned the legality of this under the 1964 Civil Rights Act. Section 703(j) specifically prohibits the setting up of any kind of preferential treatment because of race, color, national origin, and so forth. I have said all along that I am for equal employment opportunity, but equal treatment must be that—equal. Some may not be treated "more equally" than others under the law.

I am happy to see that the Comptroller General has ruled in favor of all workers' rights in holding the plan illegal. He has said, in his decision which I shall have placed in the RECORD, that in the absence of specific court rulings to the contrary, or additional statutes that the 1964 Civil Rights Act is in conflict with the OFCC regulations and the Philadelphia plan revised.

Undoubtedly there will be those who misinterpret this matter—just as some of my colleagues have said the law, the

1964 Civil Rights Act, does not apply—to them I must issue the reminder that if this is to be a nation of laws and not of men, we must abide by the law and this law was supposedly passed to protect the rights of every man, not just those of one color.

Mr. President, I ask unanimous consent that the letter from the Comptroller General, along with the full text of his decision, be printed in the RECORD at this point.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 5, 1969.

Hon. PAUL FANNIN,
U.S. Senate.

DEAR SENATOR FANNIN: With reference to your letter of July 1, 1969, concerning an order issued June 27, 1969, to the heads of all agencies by the Assistant Secretary for Wage and Labor Standards, Department of Labor, announcing a Revised Philadelphia Plan to implement the provisions of Executive Order 11246, there is enclosed a copy of our decision of today, B-163026, to the Secretary of Labor.

In the event the attached decision is not considered dispositive of your interest in the matter, we will be pleased to respond to any further questions you may have concerning the subject.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., August 5, 1969.

THE HONORABLE THE SECRETARY OF LABOR.

DEAR MR. SECRETARY: We refer to an order issued June 27, 1969, to the heads of all agencies by the Assistant Secretary for Wage and Labor Standards, Department of Labor. The order announced a revised Philadelphia Plan (effective July 18, 1969) to implement the provisions of Executive Order 11246 and the rules and regulations issued pursuant thereto which require a program of equal employment opportunity by contractors and subcontractors on both Federal and federally assisted construction projects.

Questions have been submitted to our Office by members of Congress, both as to the propriety of the revised Philadelphia Plan and the legal validity of Executive Order 11246 and of various implementing regulations issued thereunder both by your Department and by other agencies. In view of possible conflicts between the requirements of the Plan and the provisions of Titles VI and VII of the Civil Rights Act of 1964, Pub. L. 88-352, discussions have been held between representatives of our Office, your Department, and the Department of Justice, and your Solicitor has furnished to us a legal memorandum in support of the authority for issuance of the Executive Order as well as the revised Philadelphia Plan promulgated thereunder.

The memorandum presents the following points in support of the legal propriety of the Plan:

I. The Executive has the authority and the duty to require employers who do business with the Government to provide equal employment opportunity.

II. The passage of the Civil Rights Act of 1964 did not deprive the President of the authority to regulate, pursuant to Executive Orders, the employment practices of Government contractors.

III. The revised Philadelphia Plan is lawful under the Federal Government's procurement policies, is authorized under Executive

Order 11246 and the implementing regulations, and is lawful under Title VII of the Civil Rights Act of 1964.

Without conceding the validity of all of the arguments advanced under points I and II, we accept the authority of the President to issue Executive Order 11246, and the contention that the Congress in enacting the Civil Rights Act did not intend to deprive the President of all authority to regulate employment practices of Government contractors.

The essential questions presented to this Office by the revised Philadelphia Plan, however, are (1) whether the Plan is compatible with fundamentals of the competitive bidding process as it applies to the awarding of Federal and federally assisted construction contracts, and (2) whether imposition of the specific requirements set out therein can be regarded as a legally proper implementation of the public policy to prevent discrimination in employment, which is declared in the Civil Rights Act and is inherent in the Constitution, or whether those requirements so far transcend the policy of nondiscrimination, by making race or national origin a determinative factor in employment, as to conflict with the limitations expressly imposed by the act or with the basic constitutional concept of equality.

Our interest and authority in the matter exists by virtue of the duty imposed upon our Office by the Congress to audit all expenditures of appropriated funds, which necessarily involves the determination of the legality of such expenditures, including the legality of contracts obligating the Government to payment of such funds. Authority has been specifically conferred on this Office to render decisions to the heads of departments and agencies of the Government, prior to the incurring of any obligations, with respect to the legality of any action contemplated by them involving expenditures of appropriated funds, and this authority has been exercised continuously by our Office since its creation whenever any question as to the legality of a proposed action has been raised, whether by submission by an agency head, or by complaint of an interested party, or by information coming to our attention in the course of our other operations.

The incorporation into the terms of solicitations for Government contracts of conditions or requirements concerning wages and other employment conditions or practices has been a frequent subject of decisions by this Office, many of which will be found enumerated in our decision at 42 Comp. Gen. 1. The rule invariably applied in such cases has been that any contract conditions or stipulations which tend to restrict the full and free competition required by the procurement laws and regulations are unauthorized, unless they are reasonably requisite to the accomplishment of the legislative purposes of the appropriation involved or other law. Furthermore, where the Congress in enacting a statute covering the subject matter of such conditions has specifically prohibited certain actions, no administrative authority can lawfully impose any requirements the effect of which would be to contravene such prohibitions. It is within the framework of these principles that we consider the order promulgating the revised Philadelphia Plan.

The Assistant Secretary's order states the policy of the Office of Federal Contract Compliance (OFCC) that no contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Philadelphia, Pennsylvania, area (including the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia) on projects whose cost exceeds \$500,000 unless the bidder submits an acceptable affirmative action program which shall include specific goals of minority manpower utilization, meeting the standards

included in the invitation or other solicitations for bids, in trades utilizing the seven classifications of employees specified therein.

The order further relates that enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 has posed special problems in the construction trades; that contractors and subcontractors must hire a new employee complement for each construction job and out of necessity or convenience they rely on the construction craft unions as their prime or sole source of their labor; that collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, exclusive hiring halls; that even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working the specified classifications are referred to the jobs by the unions; and that because of these hiring arrangements, referral by a union is a virtual necessity for obtaining employment in union construction projects, which constitute the bulk of commercial construction.

It is also stated that because of the exclusionary practices of labor organizations, there traditionally have been only a small number of Negroes employed in the seven trades, and that unions in these trades in the Philadelphia area still have only about 1.6 percent minority group membership and they continue to engage in practices, including the granting of referral priorities to union members and to persons who have work experience under union contracts, which result in few Negroes being referred for employment. The OFCC found, therefore, that special measures requiring bidders to commit themselves to specific goals of minority manpower utilization were needed to provide equal employment opportunity in the seven trades.

Section 7 of the Assistant Secretary's order of June 27 indicates that the revised Plan is to be implemented by including in the solicitation for bids a notice substantially similar to one labeled "Appendix" which is attached to the order. Such notice would state the ranges of minority manpower utilization (as determined by the OFCC Area Coordinator in cooperation with the Federal contracting or administering agencies in the Philadelphia area) which would constitute an acceptable affirmative action program, and would require the bidder to submit his specific goals in the following form:

Identification of Trade	Estimated Total Employment for the Trade on the Contract	Number of Minority Group Employees
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Participation in a multi-employer program approved by OFCC would be acceptable in lieu of a goal for the trade involved in such program.

The notice also provides that the contractor will obtain similar goals from his subcontractors who will perform work in the involved trades, and that "Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 6 of the Order * * *." Since Section 6 of the order contains nothing relative to "failure," we assume the intended reference is to Section 8, which reads as follows:

"POST-AWARD COMPLIANCE

"a. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the goals set forth in the affirmative action program are being met, the contractor or subcontractor will be presumed to be in compliance with the requirements of Executive Order 11246, as amended, unless it comes to the agency's attention that such contractor or subcontractor is not providing equal em-

ployment opportunity. In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its affirmative action program, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a 'responsible prospective contractor' within the meaning of the Federal procurement regulations.

"b. It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders."

It is our opinion that the submission of goals by the successful bidder would operate to make the requirement for "every good faith effort" to attain such goals a part of his contractual obligation upon award of a contract. The provisions of Section 8 of the order would therefore become a part of the contract specifications against which the contractor's performance would be judged in the event he fails to attain his stated goals, just as much as his stated goals become a part of the contract specifications against which his performance will be judged in the event he does attain his stated goals.

As indicated at page 4 of the order, the original Philadelphia Plan was suspended because it contravened the principles of competitive bidding. Such contravention resulted from the imposition of requirements on bidders, after bid opening, which were not specifically set out in the solicitation. The present statement of a specific numerical range into which a bidder's affirmative action goals must fall is apparently designed to meet, and reasonably satisfies, the requirement for specificity.

However, we have serious doubts covering the main objective of the Plan, which is to require bidders to commit themselves to make every good faith effort to employ specified numbers of minority group tradesmen in the performance of Federal and federally assisted contracts and subcontracts.

The pertinent public policy with respect to employment practices of an employer which may be regarded as constituting unlawful discrimination is set out in Titles VI and VII of the Civil Rights Act. Title VI, concerning federally assisted programs, provides in section 601 (42 U.S.C. 2000d) that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under,

any program or activity receiving Federal financial assistance.

Section 703(a) (42 U.S.C. 2000e-2(a)) of Title VII states the public policy concerning employer employment practices by declaring it to be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. Section 705(a) (42 U.S.C. 2000e-4(a)) creates the Equal Employment Opportunity Commission, and section 713(a). Rules and Regulations (42 U.S.C. 2000e-12(a)), provides that the Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of that title.

The public policy regarding labor organization practices is delineated in section 703(c) (42 U.S.C. 2000e-2(c)) wherein it is stated that it shall be an unlawful employment practice for a labor organization (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; (2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or (3) to cause or attempt to cause an employer to discriminate against an individual in violation of that section.

Whether the provisions of the Plan requiring a bidder to commit himself to hire—or make every good faith effort to hire—at least the minimum number of minority group employees specified in the ranges established for the designated trades is, in fact, a "quota" system (and therefore admittedly contrary to the Civil Rights Act) or is a "goal" system, is in our view largely a matter of semantics, and tends to divert attention from the end result of the Plan—that contractors commit themselves to making race or national origin a factor for consideration in obtaining their employees.

We view the imposition of such a requirement on employers engaged in Federal or federally assisted construction to be in conflict with the intent as well as the letter of the above provisions of the act which make it an unlawful employment practice to use race or national origin as a basis for employment. Further, we believe that requiring an employer to abandon his customary practice of hiring through a local union because of a racial or national origin imbalance in the local unions and, under the threat of sanctions, to make "every good faith effort" to employ the number of minority group tradesmen specified in his bid from sources outside the union if the workers referred by the union do not include a sufficient number of minority group personnel, are in conflict with section 703(j) of the act (42 U.S.C. 2000e-2(j)) which provides as follows:

"Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such

individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area." (Italics added.)

While the legislative history of the Civil Rights Act is replete with statements by sponsors of the legislation that Title VII prohibits the use of race or national origin as a basis for hiring, we believe a reference to a few of such clarifying explanations will suffice to further show the specific intent of Congress in such respect when enacting that title. In the Congressional Record, volume 110, part 5, page 6549, the following explanation by Senator Humphrey is set out:

"* * * As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

"The able Senators in charge of title VII (Mr. Clark and Mr. Case) will comment at greater length on this matter.

"Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or to achieve a certain racial balance.

"That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect it says that race, religion, and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion." (Italics added.)

In an interpretative memorandum of Title VII submitted jointly by Senator Clark and Senator Case, floor managers of that legislation in the Senate, it is stated in the Congressional Record, volume 110, part 6, page 7218:

"With the exception noted above, therefore, section 704 prohibits discrimination in employment because of race, color, religion, sex, or national origin. It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited by section 704 are those which are based on any five of the forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title.

"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, *whatever such a balance may be*, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color,

etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.

"There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.

"Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes, or to prefer Negroes for future vacancies, or, once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier. (However, where waiting lists for employment or training are, prior to the effective date of the title, maintained on a discriminatory basis, the use of such lists after the title takes effect may be held an unlawful subterfuge to accomplish discrimination.)" (Italics added.)

In the Congressional Record, volume 110, part 6, page 110, the following objections, which had been raised during debate to the provisions of Title VII, and answers thereto by Senator Clark are printed:

"Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.

"Answer: Nothing in the bill will interfere with merit, hiring, or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.

"Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.

"Answer: Quotas are themselves discriminatory."

While, as indicated above, we believe that the provisions of the Plan affecting employers who hire through unions conflict with section 703(j) of Title VII, and that the above statement by Senator Humphrey further indicates that the act was not intended to affect valid collective bargaining agreements, we further believe that the appropriate direction of any administrative action to be taken where it is the policy of a union to refer only white workers to employers on Federal or federally assisted construction is indicated in the following question and answer set forth in the interpretative memorandum by Senator Clark and Senator Case (Congressional Record, vol. 110, pt. 6, p. 7217):

"Question. If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males is the employer guilty of discrimination within the meaning of this title? If he is not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

"Answer. An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be."

We believe it is especially pertinent to

note that the "Findings" stated in section 4 of the order of June 27 as the basis for issuance thereof, consist almost entirely of a recital of practices of unions, rather than of contractors or employers. Thus, in attempting to place upon the contractors the burden of overcoming the effects of union practices, the order appears to evince a policy in conflict with the interpretation of the legislation as stated by its sponsors.

In this connection your Solicitor's memorandum contends that the principle of imposing affirmative action programs on contractors for employment of administratively determined numbers of minority group tradesmen, when such programs are for the purpose of correcting the effects of discrimination by unions prior to the Civil Rights Act of 1964, is supported by the decisions in *Quarles v. Philip Morris*, 279 F. Supp. 505; *U.S. v. Local 189, U.P.P.*, and *Crown Zellerbach Corp.*, 282 F. Supp. 39; and *Local 53 of Heat and Frost Insulators v. Vogler*, 407 F. 2d 1047. We find, however, that decisions of the courts have differed materially in such respect; see *Griggs v. Duke Power*, 292 F. Supp. 243; *Dobbins v. Local 212*, 292 F. Supp. 413; and *U.S. v. Porter*, 296 F. Supp. 40.

Additionally, your Solicitor's memorandum cites cases involving affirmative desegregation of school faculties (*U.S. v. Jefferson County*, 372 F. 2d 836 (1966), and *U.S. v. Montgomery County*, 289 F. Supp. 647, affirmed 37 LW 4461 (1969) in particular). However, there is a clear distinction between the factual and legal situations involved in those cases and the matter at hand. The cited school decisions required reallocation of portions of existing school faculties in implementation of the requirement for desegregation of dual public school systems, which had been established on the basis of race, as such requirement was set out in the 1954 and 1955 decisions of the Supreme Court in the *Brown v. Board of Education* cases (347 U.S. 483 and 349 U.S. 294). In the *Brown* cases desegregation of faculties was regarded as one of the keys to desegregation of the schools, and in the *Jefferson County* case the court read Title VI of the Civil Rights Act as a congressional mandate for a change in pace and method of enforcing the desegregation of racially segregated school systems, as required by the *Brown* decisions.

The requirements of the revised Philadelphia Plan do not involve a comparable situation. Even if the present composition of an employer's work force or the membership of a union is the result of past discrimination, there is no requirement imposed by the Constitution, by a mandate of the Supreme Court, or by the Civil Rights Act for an employer or a union to affirmatively desegregate its personnel or membership. The distinction becomes more apparent when it is recognized that the order of June 27 pertains to hiring practices of an employer. Hiring was not at issue in the school cases, and those cases do not purport to hold that a school district must, or even may, correct a racial imbalance in its faculty by affirmatively requiring that a stated proportion of its teachers shall be hired on the basis of race. To the contrary, the court recognized in its decision in the *Jefferson County* case (page 884) that the "mandate of *Brown* . . . forbids the discriminatory consideration of race in faculty selection," and such consideration is expressly prohibited by section VIII of the court's decree in Appendix A of that case.

The recital in section 6b.2 of the order (and in the prescribed form of notice to be included in the invitation) that the contractor's commitment "is not intended and shall not be used to discriminate against any qualified applicant or employee" is in our opinion the statement of a practical impossibility. If, for example, a contractor requires 20 plumbers and is committed to a goal of employment of at least five from minority groups, every nonminority applicant

for employment in excess of 15 would, solely by reason of his race or national origin, be prejudiced in his opportunity for employment, because the contractor is committed to make every effort to employ five applicants from minority groups.

In your Solicitor's memorandum it is argued that the "straw man" sometimes used in opposition to the Plan is that it "would require a contractor to discriminate against a better qualified white craftsman in favor of a less qualified black." We believe this obscures the point involved, since it introduces the element of skill or competence, whereas the essential question is whether the Plan would require the contractor to select a black craftsman over an equally qualified white one. We see no room for doubt that the contractor in the situation posed above would believe he would be expected to employ the black applicant, at least until he had reached his goal of five nonminority group employees, and that if he failed to achieve that goal his employment of a white craftsman when an equally qualified black one was available could be considered a failure to use "every good faith effort." In our view such preferential status or treatment would constitute discrimination against the white worker solely on the basis of color, and therefore would be contrary to the express prohibition both of the Civil Rights Act and of the Executive order.

It is also contended in your Solicitor's memorandum that substantial judicial support for administrative affirmative action programs requiring commitments for contractors for employment of specified numbers of minority group tradesmen is contained in the decision of the Ohio Supreme Court in *Weiner v. Cuyahoga Community College District*, 19 Ohio St. 2d — (July 2, 1969). That decision upheld the award of a federally assisted construction contract to the second low bidder, as a proper action in implementation of the policies of the Civil Rights Act of 1964, after approval of award to the low bidder was withheld by the Federal agency involved for failure of the low bidder to submit an affirmative action program (including manning tables for minority group tradesmen) which was acceptable to that agency pursuant to an OFCC plan established for Cleveland, Ohio.

While the decision in *Weiner* case (which was a majority opinion by five of the justices with dissenting opinions by two) has some bearing on the issues here involved, since the decision appears to be based in substantial part on the conflicting opinions of Federal courts cited earlier we do not believe the decision can be considered as controlling precedent for the validity of the revised Philadelphia Plan.

In support of the required procedure, which is admitted at page 33 of the Solicitor's memorandum to require contractors to take actions which are based on race, the memorandum relies upon the acceptance by the courts, in school, housing and voting cases, of the use of race as a valid consideration in fashioning relief to overcome the effects of past discrimination. Aside from other distinctions, we believe there is a material difference between the situation in those cases, where enforcement of the rights of the minority individuals to vote or to have unsegregated educational or housing facilities does not deprive any member of a majority group of his rights, and the situation in the employment field, where the hiring of a minority worker, as one of a group whose number is limited by the employer's needs, in preference to one of the majority group precludes the employment of the latter. In other words, in those cases there is present no element of reverse discrimination, but only the correction of the illegal denial of minority rights, leaving the majority in the full exercise and enjoyment of their corresponding rights.

In addition it may be pointed out that in

those cases the judicial relief ordered is directed squarely at the parties responsible for the denial of rights, and we therefore do not consider them as supporting requirements to be complied with by contractors who, under the findings of the Plan, are themselves more the victims than the instigators of the past discriminatory practices of the labor unions. Moreover, in the court cases the remedies are applied after judicial determination that effective discrimination is in fact being practiced or fostered by the defendants, whereas the Plan is a blanket administrative mandate for remedial action to be taken by all contractors in an attempt to cure the evils resulting from union actions, without specific reference to any past or existing actions or practices by the contractors.

While it may be true, as stated in the Plan, "that special measures are required to provide equal employment opportunity in these seven trades," it is our opinion that imposition of a responsibility upon Government contractors to incur additional expenses in affirmative action programs which are directed to overcoming the present effects of past discrimination by labor unions, would require the expenditure of appropriated funds in a manner not contemplated by the Congress. If, as stated in the Plan, discrimination in referral is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, it is our opinion that the remedies provided by the Congress in those acts should be followed. See also in this connection section 207 of Executive Order 11246.

While, as indicated in the foregoing opinions and in your Solicitor's memorandum, the President is sworn to "preserve, protect and defend the Constitution of the United States," we question whether the executive departments are required, in the absence of a definitive and controlling opinion by the Supreme Court of the United States, to assess the relative merits of conflicting opinions of the lower courts, and embark upon a course of affirmative action, based upon the results of such assessment, which appears to be in conflict with the expressed intent of the Congress in duly enacted legislation on the same subject.

In this connection, it should be noted that, while the phrase "affirmative action" was included in the Executive order (10925) which was in effect at the time Congress was debating the bills which were subsequently enacted as the Civil Rights Act of 1964, no specific affirmative action requirements of the kind here involved had been imposed upon contractors under authority of that Executive order at that time, and we therefore do not think it can be successfully contended that Congress, in recognizing the existence of the Executive order and in failing to specifically legislate against it, was approving or ratifying the type or methods of affirmative action which your Department now proposes to impose upon contractors.

We recognize that both your Department and the Department of Justice have found the Plan to be legal and we have given most serious consideration to their positions. However, until the authority for any agency to impose or require conditions in invitations for bids on Federal or federally assisted construction which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees for such construction, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must conclude that conditions of the type proposed by the revised Philadelphia Plan are in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction projects.

In this connection it is observed that by section 705(d) of the act, Congress charges the Equal Employment Opportunity Commission with the specific responsibility of making reports to the Congress and to the President on the cause of and means of eliminating discrimination and making such recommendations for further legislation as may appear desirable. That provision, we believe, not only prescribes the procedure for correcting any deficiencies in the Civil Rights Act, but also shows the intent of Congress to reserve for its own judgment the establishment of any additional unlawful employment practice categories or nondiscrimination requirements, or the imposition upon employers of any additional requirements for assuring equal employment opportunities.

We realize that our conclusions as set out above may disrupt the programs and objectives of your Department, and may cause concern among members of minority groups who may believe that racial balance or equal representation on Federal and federally assisted construction projects is required under the 1964 act, the Executive order, or the Constitution. Desirable as these objectives may be, we cannot agree to their attainment by the imposition of requirements on contractors, in their performance of Federal or federally-assisted contracts, which the Congress has specifically indicated would be improper or prohibited in carrying out the objectives and purposes of the 1964 act.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

AMERICAN PRISONERS HELD CAPTIVE IN NORTH VIETNAM

Mr. GOLDWATER. Mr. President, the statistics are known, the despicable condition of their confinement has been confirmed, and the arrogant and uncooperative attitude of their captors has been broadcast throughout the world—yet little or nothing has been accomplished toward the release or more humane treatment of more than 1,300 of our servicemen held prisoner by the North Vietnamese. Dissatisfied with the lack of progress made by the State Department which coordinated the problem for the former administration, the Defense Department requested and received earlier this year, the authority as primary action agency on the prisoner problem.

Since then, the Department has made a vigorous effort to obtain maximum information on the prisoners from the meager sources available. Disgusted by the combination of poor and frequently inhumane treatment, Secretary Laird has issued two strongly worded statements requesting a list of prisoners' names, the immediate release of all prisoners, particularly the sick and wounded, and that the North Vietnamese honor the Geneva Convention rules which include: First, neutral inspection of confinement areas; second, proper treatment of prisoners; and, third, free flow of mail.

Speaking for the North Vietnamese Government at the Paris meeting, Xuan Thuy has rejected these requests stating that his government will never provide even a list of the names of those confined.

The administration of captured North Vietnamese soldiers has been the responsibility of the South Vietnamese Govern-

ment. Here great emphasis has been placed on proper treatment of enemy prisoners including adherence to the Geneva Convention rules and regular inspection of POW camps by the International Red Cross. Sick and wounded prisoners have been released and repatriated to North Vietnam. The North Vietnamese, however, have shown little or no interest in their own captured soldiers. All offers of exchanges have been rejected. In recent months the south unilaterally released 103 prisoners in the hope that the north would react favorably. The results were negative.

Of the more than 1,300 American prisoners, nearly 800 are airmen downed over North Vietnam. The first U.S. pilot who we believe is still a prisoner was captured in August 1964. As of June 1969, more than 200 American servicemen have been listed as either prisoners of war or missing in action for more than 3½ years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

It has been more than 6 months since the bombing of North Vietnam was halted. During this period which has included other peaceful initiatives such as the beginning of a combat troop withdrawal of 25,000 men, there have been no releases and almost no information on American prisoners. In the past 5 years, North Vietnam has released only six pilots and all six had been held for relatively short periods of time ranging from 3 to 7½ months.

The meager information on captured U.S. servicemen come primarily from a few propaganda photographs and films, leaks from Communist-bloc reporters, and from escaped American prisoners. Although inexact and sketchy, all indications are that the American prisoners are being physically mistreated. The great majority have been isolated from the outside world for long periods of time. There are strong evidences of malnutrition and improper medical care. Recent photographs show that some prisoners are continuing to suffer from injuries incurred at the time of capture. Other pictures show considerable and dangerous losses in weight.

In the past 5 years less than 100 prisoners have been allowed to write their families. For the most part these letters have been short, sterile, and obviously censored. Their frequency has averaged two per year—an unbelievably low number in view of their confinement. Conversely, in December of 1968, 714 Christmas packages were forwarded to prisoners by their relatives. We have no confirmation whether any were actually received. In two cases, propaganda films indicating that the prisoners were opening Christmas cards revealed under close study that the mail shown was Easter cards sent many months before.

Mr. President, almost all Senators have suffered some personal grief or anguish. What makes these trials bearable is the knowledge that these trials will eventually end. Think for a moment of the courageous families of these prisoners who have lived for months and years under the clouds of worry and uncertainty. Seventy-five of these families reside in Arizona. I can think of no trib-

ute worthy of their suffering. I can, however, think of some actions appropriate to today's situation.

First, we should not hasten into commitments in Paris or elsewhere with a government which is unwilling to honor even the humanitarian accords of the Geneva Convention. Second, we should support and encourage an extension of the determination recently stated by the Secretary of Defense:

We will not relax our efforts to ensure humanitarian treatment for all American servicemen while they are in captivity and to secure their release. These brave men and their families shall not be forgotten.

Mr. President, I urge that we support the Secretary of Defense in his new and vigorous efforts to resolve this complex and exceedingly difficult problem. It is apparent that determination, unity, and resolve are necessary to success. We in this body should provide these essentials.

ILLICIT NARCOTICS SALES

Mr. JAVITS. Mr. President, the illegal flow of drugs from foreign countries compounds the serious burgeoning problem of narcotics addiction in our country. Recent investigations to trace this traffic, have disclosed that about 80 percent of the illicit heroin entering the United States traces its origin to opiates grown in Turkey clandestinely manufactured in France. I have been deeply concerned about our need to effectively control the unlawful flow of narcotics into the United States and have written to Mr. John E. Ingersoll, Director of the U.S. Bureau of Narcotics, in order to determine what action has been taken by our Government to suppress this illicit traffic in narcotics from Turkey.

Mr. Ingersoll has advised me that an agreement has been reached with the Government of Turkey which provides for a phased reduction in the number of provinces currently growing opium. Moreover, the Agency for International Development initiated a \$3 million loan project designed to provide Turkey with scientific equipment and expertise for crop substitution and agricultural techniques. Also, funds have been allotted to strengthen and increase law enforcement by the Turkish Government for the prevention of illicit opium sales.

The Director is confident in the sincerity of the Turkish Government's intentions in this area, and by the propitious results of the loan program so far. He expresses the belief that opium production in Turkey will end entirely at least by the fall of 1972. The information herein illustrates important governmental action on the matter of the availability of narcotics; as well as a peaceful self-help relationship between the United States and Turkey.

ACHIEVING NATIONAL HOUSING GOALS

Mr. BAYH. Mr. President, few domestic programs are more essential to future national welfare than providing adequate housing for all Americans. Despite general recognition of this need, essential goals in this field cannot be achieved

without massive and concerted efforts by all agencies and organizations, both public and private. In meeting the ever-increasing demand for improved housing, a major role must continue to be played by traditional building contractors and craftsmen. However, because of the unprecedented, overwhelming needs throughout the country, architects, engineers, and designers have been turning to newer techniques which may prove feasible in producing livable homes on a quantity basis.

In this connection I was interested to note that Mr. James R. Price, president of the National Homes Corp., which is the Nation's largest manufacturer of housing, on July 22 suggested to the Senate Subcommittee on Housing and Urban Affairs ways of easing the critical shortage of decent housing in our large cities. Through innovative methods of mass production and by adapting industrial techniques, this firm in less than 30 years has produced attractive housing for more than a third of a million families, many in lower- and middle-income groups. Moreover, National Homes, which has its home office in Lafayette, Ind., since it was organized in 1940, has been an exemplary illustration of how Government and private enterprise can cooperate in the resolution of problems.

Under the leadership of Mr. Price and his associates this company has pioneered in developing and applying new processes which have earned an enviable reputation in the field. Late last year National Homes won a nationwide competition and contract awarded by a jury of outstanding experts to design and construct the Thomasville Urban Development Area at Atlanta, Ga. The five proposals submitted in the competition were evaluated on the basis of such criteria as the excellence of the site plan in relation to an optimum living environment, excellence of architectural design, quality of proposed construction, achievement of stipulated goals with respect to education, recreation, commerce, streets, utilities, rentals, and other factors, and the financial responsibility and demonstrated capability of the developer. It is a tribute to National Homes that the jury unanimously selected it as the company which best met the criteria established for this large and unique project.

Mr. President, it is important that careful consideration be given to all constructive suggestions which might help alleviate our critical housing shortage. In his testimony Mr. Price offered some thoughtful comments about housing with respect to such matters as the need to secure inner-city land, the advantages of industrialized module construction, the desirability of Federal insurance for large-scale projects, and the value of providing leadtime for builders through advance commitments of funds. Because his proposals should have widespread significance to all those who are concerned with our serious housing needs, I ask unanimous consent that Mr. Price's statement and an article written, describing National Homes project in a Chicago ghetto, by Jerry Reedy, and pub-

lished in the February 1969 issue of *Better Homes and Gardens*, be printed in the RECORD.

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

STATEMENT OF JAMES R. PRICE

Mr. Chairman and members of the committee, my name is James R. Price, Board Chairman and Chief Executive Officer of the National Homes Corporation. With me are Frank P. Flynn, Jr., President of our National Homes Acceptance Corporation, and Milton Semer, our Washington counsel.

I greatly appreciate this opportunity to testify on this year's legislative proposals.

National Homes is the largest home manufacturer in the United States. It was started in 1940 with the basic idea that homes can be built better and more economically on an industry assembly line than by conventional methods. An original investment of \$12,500 in that idea has grown into a current net worth of \$48 million.

Over 29 years, nearly 350,000 American families have purchased new National Homes. The first home was sold in 1940 for \$3,250—\$350 down and \$19.42 a month for principal, interest, taxes, and insurance. It was recently resold for \$14,000.

Our homes are priced below the average in the markets we serve. Last year, our average, including lot, was \$18,350, with a range of \$12,500 to \$70,000.

Our sales this year are running against the tide. While the industry is on the decline, we will manufacture 24,000 units this year, up from 16,000 last year. In the first five months this year, we gained 34 percent over the same period last year, compared with only a 6 percent increase in the industry. Our single-family home production was up 34.4 percent, while the industry was down 5.4 percent.

We have used Federal government programs, such as FHA and VA, all during our history. All of our homes, except mobiles, meet or exceed structural and design standards set by the FHA. In the past two years, we have also become users of federal subsidy programs, for two main reasons:

(1) An alarming proportion of prospective homebuyers are priced out of the market. For example, a worker earning \$10,000 a year, who would pay the statutory norm of 20 percent of his income for mortgage payments cannot afford to buy a \$20,000 FHA-insured house. He can afford monthly mortgage payments of \$166, but his payments on the \$20,000 house at 7½ percent interest would amount to approximately \$173. At 8½ percent interest, his payments would be approximately \$188 a month.

(2) National Homes has recently made a sizable investment in new technology and production capacity to serve low income families in our urban centers—families historically subsidized through public housing programs. Of course, in developing this capability, we shall also be able to serve this income level in rural areas and small towns. Attached are excerpts from *Time* magazine and *Better Homes and Gardens* which describe our first inner city project.

National Homes is tooled up to expand its operations. We work with 1,000 builders, in 37 states, and deliver homes from manufacturing plants in localities I have listed in an attachment.

Not only are sales up, but National Homes is profitable enough to undertake a substantial expansion in plant and equipment. But expansion will vary with product lines. Overall, 3-shift capacity will increase from 72,800 units this year to 98,000 next year. But as the following tabulation shows, the mix varies, for reasons the Committee may find interesting.

	1969	1970
Technology No. 1 (finished and unfinished panels).....	46,000	46,000
Technology No. 2 (3-dimensional modules, excluding mobile homes).....	10,800	28,800
Mobile homes.....	16,000	24,000
Total, annual 3-shift capacity.....	72,800	98,000

What I call our Technology No. 1—finished and unfinished panels—has increased capacity over the years—expanding in boom years, cutting back when housing starts dropped—and is now at the point where it can handle a steadily rising volume of sales.

For mobile homes, consumer demand is so strong that we are expanding plant capacity very substantially.

The largest expansion, however, and our greatest investment in the Nation's future, is in my Technology No. 2, industrialized housing in the form of 3-dimensional modules to serve low and middle income families in our urban centers.

MOBILE HOMES

The spectacular rise of the mobile homes industry reflects many of the problems confronting the Congress. Your very able Staff Director, Carl Coan, suggested that we explore this phenomenon with the Committee.

Two years ago, I resisted entering the mobile home market because I felt I could outcompete them with my regular line which meets traditional housing standards. The short version of my story is that when I couldn't lick them, I joined them—but with some misgivings about what it meant for future housing patterns in the country.

As building standards, space requirements, zoning regulations, labor cost, land costs and material costs have priced our low and moderate income families out of single family housing markets, the mobile home industry has provided housing for a substantial percentage of our population. Mobile homes are placed primarily in areas beyond code and zoning requirements. They use construction techniques and space far less than our accepted housing standards. They are amply financed by our banks and other lending institutions. This industry has been supplying housing to first-time homebuyers who had no other opportunity to procure shelter. Last year, one out of five new homes was a mobile home.

Mobile home production is up 39 percent this year over last year and will provide housing for 400,000 families this year. A great majority of the mobile homes are sold to young families, transient workers and senior citizens. Also, families earning as low as \$350 per month can qualify. This trend will continue for as long as the conditions I have described continue.

LAND

The scarcity of suitable housing sites for low and moderate income housing is the first important bottleneck to meeting National housing goals.

A total of 4.6 million units of housing for low and moderate income families called for over the next decade are to be newly constructed housing. Land for this volume of new housing is not now available in built-up central-city areas.

We welcome the urban renewal provisions of the 1968 Act that provide that at least 20 percent of the land acquired must be utilized for housing, and at least half of that must be for low and moderate income housing. This is a start back from the policies of the past that have aggravated, rather than solved, the housing needs of inner-city residents, and which have made many communities hostile to urban renewal programs.

As you go into many urban centers you see

a lot of vacant ground. I would have thought that this land would have been available for low-income housing. I learned differently. One of the objectives, at the time the 1949 act was enacted, was to take this ground and to improve the city's tax base. Values are assigned to the land for either commercial, or industrial, or high income multi-family. Thus, the value assigned would be too high for low-income housing.

As far as I am concerned, something has to be done to make this inner-city land available for low cost housing. Many people we are trying to house don't want to live out in the suburbs. They want to live in, yet we have a lot of ground not available to them because of zoning and high costs.

HUD should take the lead in converting a substantial portion of urban renewal land for low and middle income housing. Since land is going to have to be subsidized, in the inner city, it might as well be written down to zero with the Federal Government providing 100 percent of the subsidy cost, if used for low and middle income housing. Also, the Federal Government could directly help with land costs by adopting the provisions of Section 9 in S. 527, which provides for a write-down on surplus Federal land.

WORKABLE PROGRAM

An assumption of the 1968 Housing Act is that many of the 6 million units for low and middle income families will be in the nation's suburbs as relatively low-density housing—garden apartments, townhouses, or single family houses on small lots. Yet the plain political fact is that most suburbs resist the location of such housing within their boundaries.

This suburban resistance is buttressed, in the case of federally-assisted housing, by the "Workable Program" requirement (which requires approval by the local legislative body), and by other local approval provisions which attach to public housing and rent supplement programs. These local veto provisions should be eliminated, as recommended by the Kaiser Committee.

Another good reason for waiving workable programs, especially in rural areas and small towns, is that the trend toward area-wide housing efforts, such as multi-county housing, authorities, shows promise of helping thousands of low-income families never reached before. It seems unnecessary to me to impose this requirement which was originally designed to promote city planning.

TRANSPORTATION

Much stress has been placed on the need for the inner city dweller to get to the areas of new industry, usually on the outskirts of the city, but transportation also plays a vital role in determining where new government-assisted housing is to be located. If transportation is available, the land cost is too high; if there is no transportation, land cost is within reach, but is unsuitable to the needs of prospective tenants for shopping, schools and employment. Serious thought should be given to this problem because the expense must be met one way or another. Either the higher land cost must be paid or transportation facilities must be extended to the new housing area. The alternative is to abandon the project and leave the housing needs unmet. I would support virtually any program—including substantial subsidies—that could solve this problem.

ENCOURAGING LARGE VOLUME

In the last fiscal year, 48,000 units were started under the 221(d) (3) and Section 202 housing programs. The 221(d) (3) houses were constructed by 357 sponsors; the average project contained 125 units. They took up to 30 months to complete from start to finish.

Our national housing goals cannot be met unless large volume industrialized housing is brought into the picture.

The government has no program to cover large-scale projects. Most FHA offices are reluctant to insure project sections covering more than 250 units. The developer has no commitments that further sections will be approved, so he cannot plan volume production. The solution is to reserve funds for this purpose, assuring the developer that he can proceed to invest in large tracts. I know that Senator Proxmire is a leading advocate of experimenting with large-volume production. The Administration has stated it agrees. I hope that it will come about soon.

LIMITS ON CONSTRUCTION COSTS

The limits on construction costs are out of date. The construction cost-limits for both FHA moderate income and public housing programs should be amended to keep abreast of rising construction costs. These cost limitations are set by statute.

Limitations should be at least \$1,000 higher for the inner city because of greater density, fire requirements, and unusual site conditions left from wrecking for redevelopment. Special attention should be given to provide 5 and 6 bedroom homes, which are greatly needed in the inner-city.

FORWARD FUNDING

I realize that this Committee needs no urging to support forward funding. You have for as long as I can recall urged Congress to authorize and appropriate funds for housing programs to allow for lead-time. It is difficult for any entrepreneur with a long-term view to consider entering the housing field on a large scale in the face of the variation in the amounts of funds available for financing these programs from one year to the next.

We are going through a period in which newly authorized programs are funded below authorized levels, and even these limited amounts are late in coming.

With a minimum of five years or more advanced funding, to give the continuity needed to encourage large-scale industrialized housing, we have a fighting chance to meet some of our critical housing needs for low and moderate income families.

[From Better Homes and Gardens, February 1969]

A PROMISING STEP FORWARD IN ASSEMBLY-LINE HOUSING

(By Jerry Reedy)

Visit a house construction site today and you might find yourself doing a double take—if not scrambling for cover. Instead of seeing workmen banging away with hammers, you may well view giant boxes swaying beneath cranes. The boxes are "modules"—the building blocks of a small, but progressive and growing segment of the housing industry. Stacked on top of each other or inserted in huge frames, modular components create housing in a fraction of the time required by traditional methods of construction.

At San Antonio's Hemisfair, for example, cranes put together a 21-story modular hotel for Hilton in only nine months. Conventional construction time for such a project is about a year and a half.

The mobile-home industry also joined the trend by creating stronger mobile homes and stacking them up in what became known as "instant housing." In most cities, however, mobile homes have found this construction route tough, if not impossible, because of zoning ordinances, building codes, and loan restrictions.

Much new building technology has been employed only in large, multi-family public housing, or in experimental show-cases such as "Habitat" at the Montreal World's Fair. By contrast, single-family housing remains largely a board-by-board operation, with few innovators and even fewer innovations. At a time when housing is both scarce

and expensive, the situation cries out for a solution.

Fortunately, a few have heard the cry. One such man is Jim Price, chairman of the board and co-founder with his brother of National Homes Corporation, the nation's largest prefabricator. National has been manufacturing prefabricated houses since 1940; this month the Lafayette, Indiana, concern rolled out Number 335,000. Tough and hard-driving, Price has two primary goals: to make National Homes the General Motors of the housing industry, and to put decent housing within the reach of everyone. He may just succeed.

In 1967, after riots in Chicago, Detroit, and Newark, Price approached the mayors of the three cities with a plan to build single-family townhouses on vacant land in the ghettos. Chicago was the first to accept, and the initial eight structures were set in place last August.

A typical approach? Not quite. Each four-bedroom unit is completely furnished, fully landscaped, and air-conditioned. Interior and exterior building materials were purchased from major manufacturers on the basis of quality, durability, and low maintenance. The simple yet smart exterior styling gives little if any hint of "public housing." In back, each townhouse has a private patio, as well as access to a common recreation area with separate sections for adults and children. Grass, trees, and shrubs are included just as they would be in any good suburban development. Total price: \$14,500.

When asked how he manages to produce a quality home at this figure, Jim Price spurns such words as "technology," preferring to call it "know-how." Whatever it was, the Chicago project allowed National workmen to perform virtually the ultimate in prefabrication: *They completed each of the eight houses down to the last detail entirely within the factory and in compliance with FHA, VA, and Chicago's own stringent building code. And they did it in only ten days!*

When the houses were finished, they were simply loaded onto trucks in sections taken to Chicago, and lowered by crane onto previously poured foundations. Plumbing and wiring were connected, and the first family moved in the same day. Price says he will build a new factory for these townhouses wherever he can get a large enough commitment to make it worthwhile. National already has plants in the planning stage for Chicago, the Philadelphia area, and Winston-Salem, N.C.

National now produces townhouses at its sprawling main plant in Lafayette, in a completely separate building. The townhouses—or more appropriately, the first or second floors of the townhouses—move down an assembly line on giant dollies through 13 assembly stations. Several large sections—walls and floors, for example—are made ready at sub-assembly areas.

A bare floor arrives at station number one, where it is mounted on the dolly. Before it rolls to station number two, it receives an end wall, a sidewall and a vinyl floor. Workers at successive stations install interior partitions, the remaining exterior walls, plumbing, wiring, and appliances. At station 13, the finished product is wrapped in plastic and loaded onto a truck.

Though terminology has changed, most innovations are direct descendants of the prefabrication techniques of the forties and fifties. The idea remains the same: bigger building blocks produced off-site and assembled on-site.

Not many years ago, however, "prefabricated" was used to describe dreary, look-alike houses that sat in soulless subdivisions with little prospect of outlasting their mortgages—uninspiring, unimaginative, unappealing, uninviting, unsafe, and un-everything. Many prefabs deserved their bad reputations. Others were simply victims of the

general low esteem that—with much justification—characterized all American housing during and after the hectic post-war building boom.

Switch back to the present. Housing prices have soared. Land costs more, labor costs more, lumber costs more. Rigid zoning ordinances and inflexible building codes help perpetuate the spiral; higher taxes twist it still more. Many who elect to pay the price for a new home are stopped before they start: interest rates on mortgage loans have gone up, too. For some, mortgage money is hard to find at any price. The nation's builders lament their third straight year of depressed housing starts, and many smaller operators are out of business.

This housing crisis is all too familiar to builders and homeowners (see the August, 1968, *Better Homes and Gardens*). Yet we can scarcely begin to suggest the misery and despair that inadequate, substandard housing creates in the teeming urban slums.

Obviously, National Homes can't rehabilitate the ghettos single-handedly. But its efforts demonstrate that totally manufactured housing can go a long way toward lowering costs and reducing construction time. The implications are staggering. Widespread adoption of the technique could provide not only decent housing for the poor, but more reasonably priced housing for everyone. Not ten years from now. Not even five years from now. Right now.

THE PESTICIDE PERIL—XXXIX

Mr. NELSON. Mr. President, California, which produces more agricultural commodities and uses more pesticides than any other State in the Union, has been one of the prime arenas for the growing pesticide controversy. The State has already acted to ban the use of DDT in households and home gardens and in dust form in farm fields. Further comprehensive action is being urged. Recently, some 60 marine scientists, representing the major marine laboratories along the California coast, wrote an open letter to Gov. Ronald Reagan and the people of the State of California stating:

Scientific evidence now available shows beyond question that DDT and its residues have caused serious and irreparable damage to populations of beneficial birds and fishes.

The letter included a factual summary sheet explaining how DDT enters our oceans and into marine organisms, how it affects creatures, and what must be done to stop this dangerous threat to our environment.

The information included in both the letter and the fact sheet further testifies to the extent of the massive contamination caused by DDT and other persistent, toxic pesticides. I ask unanimous consent that the open letter and the fact sheet be printed in the *RECORD* at this point.

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

OPEN LETTER TO GOV. RONALD REAGAN AND THE PEOPLE OF THE STATE OF CALIFORNIA

As marine scientists we are deeply concerned by the accumulation of DDT in the oceans.

DDT is a "hard" pesticide, that is, it takes years to decompose to harmless products by weathering and biological processes. As a result it has been accumulating in the environment. Not only is it carried from land to sea by rivers and runoff, but it also evaporates from lakes and soil along with water and it's dispensed world wide by winds. DDT and its toxic residues are found in Antarctic

penguins and seals, and in fishes living thousands of miles out at sea. Though the sea is immense, the accumulation of DDT in it has reached a point where it presents a grave threat to marine food resources.

Defenders of DDT point out that concentrations in the sea are very low. This is true; DDT in the sea is measured in parts per trillion of seawater. Even at these low levels, however, DDT is quickly absorbed by the microscopic plants of the plankton. They, in turn, are eaten by planktonic animals which retain and store the DDT from their food. Animal plankton is consumed by small fishes and crustaceans, which are eaten by larger fishes, and so on.

As an individual animal feeds and grows it builds up a concentration of DDT from several times to nearly 100,000 times the concentration of DDT in its food. With every step in a food chain the concentration of DDT in body tissues gets higher. At the ends of some of these food chains are fish-eating birds like the brown pelican, or birds of prey like the peregrine falcon which feeds mainly on fish-eating birds. These carnivores build up the highest body concentrations of DDT and its toxic residues, and were among the first warm-blooded animals known to suffer widespread reproductive failure.

The scientific evidence now available shows beyond question that DDT and its residues have caused serious and irreparable damage to populations of beneficial birds and fishes. There are many reports of destructive effects of DDT on shellfish (shrimps, crabs, oysters) and on beneficial insects which help provide natural controls on insect pests. DDT residues in several edible fishes are approaching 5 parts per million, the maximum level considered safe for regular human consumption under Food and Drug regulations. In some commercially important fish populations this level has already been significantly exceeded, particularly in lakes and in enclosed seas like the Baltic, and there the fish are failing to reproduce successfully because of DDT. Other important fisheries in the open seas are threatened, and if use of DDT is continued there is real danger that man's food supply from the sea will decline drastically while world population continues to increase.

It is true that since World War II DDT has saved millions from death by malaria, typhus, and other insect-borne diseases, and saved billions of dollars in food crops from insect pests. However, DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides which are less destructive to man's environment and food supply are now available to take its place.

As marine scientists we are seriously concerned by the prospect of wholesale damage to important world fisheries, and by the possible loss of whole categories of animals which play important roles in preserving on the planet an environment favorable to man.

We strongly urge that the further use of DDT be banned.

Californians favoring such action should write their State Senators and Assemblymen, requesting support for Senate Bill 1430, which seeks to ban the use of DDT.

Signed:

Dr. Donald P. Abbott, Dr. Isabella A. Abbott, Dr. Lawrence R. Blinks, Dr. Rolf L. Bolin, Dr. David Epel, Dr. Malvern Gilmartin, Dr. Welton L. Lee, Dr. John H. Phillips, director, Dr. C. B. van Niel, Dr. Ellsworth H. Wheeler, Jr., Hopkins Marine Station of Stanford University.
Dr. Denis L. Fox, Dr. Francis P. Haxo, Dr. Martin W. Johnson, Dr. Ralph A. Lewin, Dr. Robert R. Hessler, Dr. William A. Newman, Dr. William A. Nierenberg, director, Dr. B. E. Volcani, Dr. Claude E. Zobell, Scripps Institution of Oceanography, University of California, San Diego.

Dr. Robert A. Arnal, Dr. Charles W. Bell, Dr. John P. Harville, director, Dr. G. Victor Morejohn, Dr. Jack T. Tomlinson, Dr. Edgar L. Yarberry, Moss Landing Marine Laboratory; Dr. Wheeler J. North, Dr. John S. Pearse, California Institute of Technology.

Dr. George S. Araki, Dr. Robert D. Beman, Dr. Margaret G. Bradbury, Dr. Claude G. Alexander, Dr. Joel F. Gustafson, Dr. John S. Hensill, Dr. Curtis L. Newcombe, Dr. George T. Oberlander, Dr. Albert Towle, Dr. Hideo Yonenaka, San Francisco State College.

Dr. Demorest Davenport, Dr. Alfred Ebling, Dr. R. W. Holmes, University of California, Santa Barbara; Dr. Burney LeBoeuf, Dr. A. Todd Newberry, Dr. Richard S. Peterson, University of California, Santa Cruz.

Dr. Cadet H. Hand, Jr., director, Dr. Michael T. Ghiselin, Dr. Lary V. Davis, Bodega Bay Marine Laboratory, University of California; Dr. William N. Eschmeyer, Dr. W. I. Follett, Dr. Earl F. Herald, director, aquarium, Dr. Victor A. Zullo, California Academy of Sciences, San Francisco.

Dr. Michael G. Hadfield, Pacific Biomedical Research Center, University of Hawaii; Dr. Edmund H. Smith, Pacific Marine Station, University of the Pacific; Dr. Joseph Arditti, Dr. Richard Campbell, Dr. Peter S. Dixon, Dr. H. Koopowitz, Dr. Stuart M. Krassner, Dr. Grover C. Stephens, University of California, Irvine.

Dr. Joe H. Brumbaugh, Sonoma State College; Dr. Howard M. Feder, Hartnell College, Salinas; Dr. Vicki M. Buchsbaum, University of California, Los Angeles.

A SUMMARY ON DDT

DDT—THE PROBLEM

DDT, chemically known as 1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane, was the first major synthetic insecticide. Developed by Swiss chemist Paul H. Mueller, who received a Nobel Prize in 1948 for his work, it was first used in massive amounts during World War II. Since that time it has probably saved millions of people from death by malaria, typhus, and other insect-borne diseases, and saved billions of dollars in crops from insect pests.

Praised for its beneficial effects, DDT has also been harshly criticized. Past controversy centered mainly on its acute toxic effects on a broad range of organisms. Amounts of DDT used to kill pests also kill many other animals including birds, fishes, and beneficial insects which help hold pests in check. Acute poisoning of non-target organisms still occurs, but present controversy centers mainly on a more subtle effect—the chronic poisoning of many species by the increasing levels of DDT in the environment. The main effect of chronic poisoning is reproductive failure. The visible signs of this are not as spectacular as those of acute poisoning, but the end results may be worse. Reproductive failure can lead to extinction of species, and we see this happening today.

Pollution of the environment by DDT is world wide. For years DDT has been accumulating in the oceans. The consequences are serious and soon may be disastrous. How has pollution of the oceans occurred? What is DDT doing to organisms there? And what can be done to prevent further damage?

HOW DDT GETS INTO THE OCEAN

Three properties of DDT concern us here: its stability, its ability to evaporate with water, and its tendency to cling to particles.

Stability. DDT is one of the chlorinated hydrocarbons. These are "hard" pesticides, that is, they are stable and not easily decomposed into harmless products by weath-

ering or the activities of living things. The half-life of DDT in the environment varies greatly with conditions; it may extend for several years or even several decades.

DDT does undergo slight changes into the residues DDD and DDE. These are toxic too, and may also cause reproductive failure.

Use of DDT in the U.S. has been declining in the past 10 years, but use abroad has increased. DDT is being applied to the world faster than it is breaking down to harmless products, so concentrations are building up.

Evaporation with water. Some of the DDT applied to soils and lakes drains into streams and rivers, and is carried to the sea this way. But DDT can also evaporate along with water from both soils and lakes, so some of it enters the air.

Adherence to particles. In air and water DDT tends to cling to other particles there. In the air DDT attaches readily to dust and is transported world wide by winds. Since the sea covers nearly three quarters of the globe, it receives a major share of the dust which settles.

By runoff, rivers, and airborne dust, much DDT applied on land eventually enters the oceans and accumulates here. DDT and its toxic residues are found in Antarctic penguins and seals, and in fishes living thousands of miles out at sea.

HOW DDT GETS INTO MARINE ORGANISMS

Characteristics of DDT involved here are: its low solubility in water, its high solubility in fatty materials, and its ability to undergo "biological magnification".

Solubility. Only about 1.2 parts of DDT will dissolve in a billion parts of water. Since DDT is almost insoluble in water, filtered water always contains very low concentrations. Much more DDT may be present attached to fine particles dispersed in the water.

DDT is highly soluble in fatty or oily materials, however. For this reason it is very readily taken up by the bodies of insects and a great many other kinds of organisms, even though it may be present in the environment in very small quantities. Once it enters a body it tends to stay there, thus in any environment DDT tends to accumulate in living organisms. It is also absorbed by fatty materials in dead and decomposing organisms.

The actual concentration of DDT in the sea is very low, and is measured in parts per trillion of sea water. Even at these low levels it is quickly absorbed by living organisms. Most marine animals and plants contain sizable amounts of fats or oils, and the DDT content of this material increases during life partly as a result of direct absorption.

Biological magnification. This is another factor important in the build-up of high DDT levels in animals. In the sea, as on land, the animals are ultimately dependent on plants for food. Nearly all plants of the open sea are microscopic in size; present in immense numbers they form the plant plankton. They contain considerable oil, and readily absorb and retain DDT.

The tiny plants are eaten by many different kinds of small animals. Each small animal eats a large number of plants, and most of the DDT in the plants become stored in its body. Since the animal contains the DDT absorbed by many plants, the concentration of DDT in its body becomes much higher than that in the plants which it eats.

This process of concentration of DDT is called "biological magnification". Some animals are not very efficient in concentrating and storing the DDT in their food, and their levels of DDT are not very much higher than those in the things they eat. Other organisms are highly efficient concentrators, and may eventually build up levels of DDT as much as 100,000 times greater than that in their food.

Small animals are eaten by larger ones,

and these in turn by still larger animals. At each successive step in such a "food chain" the DDT concentration increases. In the water it is present in a few parts per trillion; in marine plants it is many parts per trillion. In the smaller animals it is measured in parts per billion. In the larger animals levels are measured in parts per million.

At these levels we are in real trouble. Already the animals may be suffering a degree of reproductive failure from chronic poisoning. They may also be inedible by man. Food and Drug regulations prohibit marketing of fish which contain more than 5 parts per million of DDT and its residues.

The highest concentrations of DDT usually occur in the larger animals which feed on fishes, such as fish-eating birds like the pelicans and ospreys, and birds of prey like the peregrine falcon which feeds mainly on fish-eating birds. DDT levels in these birds may be between 5 and 100 times greater than the levels permitted in market fish.

Animals which die without being eaten by larger forms decompose. As this occurs, particles of organic matter and scraps of dead tissue containing DDT are eaten by a variety of small scavenging animals, which in turn are eaten by larger animals. Thus DDT in dead organisms on the bottoms of lakes and seas may enter the food chains again rather than being "lost" in bottom deposits. Since the sea is the ultimate receptacle for much of the DDT spread on land, many marine animals contain higher concentrations of DDT than do some land forms.

WHAT DDT IS DOING TO ORGANISMS

Marine plants. Laboratory experiments suggest that concentrations of DDT amounting to only a few parts per billion in water may reduce photosynthesis and growth in marine plant plankton. Such concentrations of DDT do not occur in the open sea, and are not anticipated there, but they may be approached in bays receiving agricultural drainage. No damage to plant plankton of the sea attributable to DDT has yet been reported, but we need to keep an eye on coastal waters where plant plankton supports some of man's richest fisheries.

Shellfish (shrimps, crabs, oysters, clams). For shellfish, too, man's major fisheries lie in coastal waters, often in bays which receive some runoff containing DDT as well as aerial fallout. Several cases of local damage to oysters and shrimps have been reported.

Commercial crab fisheries on both east and west coasts have declined in recent years. The causes are still unproven. However, studies carried out on DDT levels in adults, eggs, and larvae of the west coast market crab strongly suggest that DDT is an important factor. Adult crabs appear normal, with levels of DDT of less than 0.5 part per million, and are still highly edible. But the DDT transferred to the eggs apparently kills many of the larvae, and this may be causing the population decline.

Fishes. The worst damage to fishes has occurred in inland waters and in enclosed seas like the Baltic. Carnivorous fishes in some lakes in the U.S., Sweden, and other countries contain levels of DDT above those considered safe for regular human consumption (5 parts per million). The Lake Michigan coho salmon fishery, worth millions of dollars a year, was recently closed when the catch was found to contain up to 19 ppm of DDT.

DDT levels much lower than this have been linked with reproductive failure in some fresh water fishes. DDT from the females is transferred to the eggs as these are formed. As a young fish larva grows and uses up the yolk the DDT enters its blood. In New York State, all trout eggs with more than 2.9 ppm DDT died near the end of the larval stage. The level causing larval death was even lower for trout eggs in Wyoming. Some larval mortality due to DDT occurs in the echo salmon.

DDT levels are considerably lower for most Californian marine fishes. Anchovies are mostly below 1 ppm DDT, though individual fish are sometimes higher. One batch of 44 anchovies taken off Terminal Island measured above 12 ppm DDT, more than twice the allowable level in fish sold for food. Shiner perch in San Francisco Bay contained 1-1.4 ppm DDT; hake taken off the Channel Islands averaged 1.8 ppm. The flesh of English sole, mackerel, tuna, and striped bass usually measures well below 1 ppm, though three striped bass which had been feeding on carp in inland waters averaged 111 ppm, more than 22 times the allowable limit.

A few parts per billion of DDT causes an upset in the temperature selecting and acclimating mechanism in salmon, and in some fishes low concentrations of DDT result in abnormal behavior that makes them easy prey to predators. Much more needs to be known of the effects of low concentrations of DDT on the reproduction and behavior of marine fishes. Fish that are still safe to eat may be suffering reproductive damage.

Birds. Those suffering most from chronic DDT poisoning thus far are the fish-eating birds and the raptorial birds which prey on them. These birds occupy positions on food chains several steps removed from plants, and receive the greatest effects of biological magnification.

DDT and its toxic residues are stored up in the body fat of birds at concentrations which may reach several hundred or even over 1000 parts per million. The highest levels yet found have been in the body fat of birds found dead on California beaches.

During breeding, as fat is depleted the DDT residues stored there are released to the blood. They stimulate the liver to produce enzymes that break down sex hormones which are necessary for successful breeding behavior and the formation of proper egg shells.

Birds suffering chronic DDT poisoning lay thin-shelled eggs or eggs without any hard shell. Such eggs break during incubation.

The bald eagle, osprey, brown pelican, Bermuda petrel, peregrine falcon, and numerous similar birds are all suffering degrees of reproductive failure through production of thin-shelled eggs. The effects have been catastrophic in some cases. The peregrine falcon began to lay thin-shelled eggs during the first decade of DDT use. It is now extinct as a breeding population on the east coast of the U.S. On the west coast breeding is known only in a few small groups which do not prey on fish-eating birds but instead feed on pigeons which have a much lower DDT content.

The brown pelican appears to have suffered total or almost total reproductive failure all over North America. The last known breeding ground on the west coast north of Mexico was Anacapa Island. This year all eggs laid here were either thin-shelled or shell-less, and all were broken before hatching. A recent survey extending part way down Baja California showed no successful reproduction here either. The outlook for survival of numerous seabirds is gloomy.

Man. DDT affects man in relation to both his food supply and his health.

Food. DDT still plays an important role in preserving part of man's food supply from pests, but it is rendering other parts of that supply inedible or destroying the source itself.

Permissible limits of DDT residues in foods sold on the market are established in Food and Drug regulations. Limits are set at levels low enough so that, if properly enforced, there will be no cases of acute poisoning and no cases of chronic poisoning even with continued use of the food.

Maximum permissible levels are being approached in some foods today, despite increasing restrictions on the use of DDT. The high DDT content in milk caused Arizona to

place a temporary ban on the use of DDT. The Lake Michigan coho salmon fishery is closed because of high DDT levels in the fish. Pesticide levels in lake fishes and in some Baltic Sea fishes caused Sweden to ban virtually all use of DDT. DDD levels measured a decade ago in eight species of fishes inhabiting Clear Lake in California showed levels ranging from a low of 5 ppm (now the permissible limit) to 133 ppm. These levels are unusually high, for Clear Lake received large scale treatment with DDD to control gnats in 1949, 1954, and 1957; DDD was applied at the rate of 1 part to 50-70 million parts of water.

Reproductive failure in trout and other fishes at levels well below those occurring in Clear Lake show that the dangers to man lie not only in making fish inedible but in the destruction of the fishery itself. The prospect of a marked decline in reproduction of important food fishes in lakes and coastal seas at the same time that world population is increasing should be a matter of deep concern to all.

Health. People in the U.S. carry in their fatty tissues levels of DDT averaging about 12 ppm.

DDT is also present in human breast milk. In some parts of the world, and occasionally in the U.S., the DDT level in mothers' milk is so high that under FDA standards it could not be sold for human consumption.

Some industrial and agricultural workers long exposed to DDT have concentrations of over 600 ppm in their body fat without suffering from any gross functional disorders.

However, little work has been done on subtle, long-term effects of DDT in man. Recent clinical research shows a strong correlation between high DDT levels and encephalomalacia, cerebral hemorrhage, portal cirrhosis, and various carcinomas. DDT and its derivatives can also induce cancer in tumor-susceptible mice.

THE SOLUTION—BAN THE USE OF DDT

While DDT has been enormously beneficial in some respects in the past, it is now clear that it poses a very real threat to important human food resources and to other species indirectly beneficial to man.

DDT is less effective now than when it was first used, for nearly 150 species of insect pests have developed resistance to it.

Moreover, satisfactory alternatives are now available, and more are under development, for the more perceptive manufacturers of pesticides have taken note as DDT and other chlorinated hydrocarbons have been placed under increasing restrictions.

Alternative pesticides include such chemicals as the carbamates and organophosphates, which break down more easily and are not stored by living organisms. While these are more expensive than DDT at present, commercial pesticide distributors have predicted that prices will drop as sales increase, just as was the case with DDT. Meanwhile, there is hope for the development of both chemical and biological control measures which will be more selective for specific target organisms, and less destructive to beneficial species and innocent bystanders.

Even if we stopped using it today, DDT would remain with us in the environment for a long time. The number of years or decades is uncertain. Accumulation of DDT in the sea would surely continue as wind and water transferred the DDT now in soils, lakes, and the atmosphere into the ocean basins. Eventually concentrations here would reach a peak and begin to decline, but we cannot afford to wait until DDT comes close to destroying the great ocean fisheries before we call a halt to its use. If we do, the uncounted tons of DDT remaining on land and in the air could still raise the DDT concentration in the sea from a dangerous to a disastrous level. Action should be taken before there is wholesale damage to impor-

tant world fisheries, and before we experience the loss of whole categories of animals that play important roles in preserving an environment favorable to man.

DDT is already banned in some areas, and its use has been restricted in other states. A "DDT trial" has just been concluded in Wisconsin, and bills to ban DDT are under consideration.

CALIFORNIA SENATE BILL 1430—TO BAN USE OF DDT

Early in May, 1969, the California State Senate voted to consider legislation aimed at banning the use of DDT in the state. Senate Bill #1430, introduced by Senators John A. Nejedly (Contra Costa County, District 7) and Lewis F. Sherman (Alameda County, District 8) needs support if it is to pass during this session. Only a few weeks of the session remain.

Those wishing to support the bill should write to the Senator and Assemblyman from their own districts, asking support of the bill to ban DDT use in California.

Letters to your newspapers, perhaps including some information from this summary, should help awaken others to the problem and enlist their support.

While it is highly desirable that a ban on DDT should extend quickly to the nation and to other countries, control must start here at home. California manufacturers and users more DDT than any other state.

The time to ban its use is NOW.

DETERMINING THE CAUSES OF HIGHWAY ACCIDENTS

Mr. BAYH. Mr. President, the search for a solution to any problem should begin with a clear understanding of its nature and the possession of adequate factual and relevant information. Certainly no exception to this rule is the catastrophic motor vehicle accident situation which has plagued the United States for many years. If substantial progress is to be made in reducing the annual massive toll of life and limb in highway accidents, one of the essential elements will be the gathering of accurate, detailed data on all factors involved in their occurrence.

Because of this I am very much pleased to invite the attention of the Senate to the findings disclosed by a unique study which was conducted in Indiana during the years 1965, 1966, and 1967. The Indiana State Police during that period made an intensive and thorough analysis of 1,000 fatal highway accidents which cost over 1,200 lives, carefully investigating, recording, and classifying their every detail and aspect. From the tabulation and compilation of this data, some very significant conclusions emerged. For instance, it was revealed that the consumption of alcoholic beverages was the primary cause of traffic deaths in rural Indiana, with more than 50 percent of the fatalities being attributed to this factor.

The August 1969, issue of the FBI Law Enforcement Bulletin contains an article entitled "Analogue 1000," written by Robert K. Konkle, superintendent of the Indiana State Police Department, which describes this very comprehensive and valuable project. Because of its national significance, I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the FBI Law Enforcement Bulletin, August 1969]

ANALOGUE 1000

(By Robert K. Konkle, Superintendent, Indiana State Police Department, Indianapolis, Ind.)

Analogue 1000 is the history of 1,000 fatal traffic accidents that occurred on rural Indiana roads and highways between August 1965 and April 1967 and claimed a total of 1,238 lives. This study was an effort to determine exactly how those accidents happened through a probing, indepth examination of any incidents or factors that might have had some bearing on the causes of the tragedies.

The total motor vehicle accident situation is an enormous and complex problem. Efforts in engineering, public education, and traffic law enforcement to prevent accidents are virtually overwhelmed by the rapid and continuous growth of traffic volume. New roads cannot be built fast enough nor can older routes be repaired or redesigned quickly enough to absorb this growing mass of vehicles.

In the field of education, legislative action to tighten up licensing requirements and improve traffic court systems is painstakingly slow. Driver education programs in schools and among adult groups are generally insufficient. Law enforcement is hampered by lack of manpower. The greatest problem facing police in this regard is that the large number of accidents causes investigators to do little more than report their occurrence rather than conduct thorough investigations.

In July 1965 the Indiana State Police, without benefit of any special grants or financing, launched a study project in hopes that probing accident analyses would provide more and better information on the exact causes of traffic accidents.

The project encompassed 1,000 fatal smash-ups. The size of the sampling was limited in order to keep research within manageable proportions. State police investigators believed the circumstances surrounding these accidents would substantially reflect similar elements of all traffic accidents.

All investigations were conducted by Indiana State Police troopers who are trained accident investigators. At the time of the study, there were 570 troopers assigned to patrol duties in Indiana's 92 counties.

Troopers were given an outline showing only the minimum information which would be required. Beyond this, they were asked to use initiative and investigative judgment comparable to that required in homicide investigations. Their reports were submitted in narrative form and forwarded to State police headquarters in Indianapolis for tabulation and analysis by Lt. Richard A. Berger of the department's traffic division.

Information from these reports was encoded into an information retrieval system. Data from the system cards were then analyzed and compiled for this report.

Blood or breath specimens were obtained in most cases. Blood samples were checked for any trace of barbiturates, amphetamines, and alcohol. Breath samples were analyzed for blood-alcohol content.

FINDINGS

Analysis of the data compiled produced the following findings:

1. Human consumption of alcoholic beverages is the number one cause of rural traffic deaths in Indiana. In this study 746 persons died as a result of accidents in which a drinking driver was involved.

2. The educational level of a driver affects his chances of becoming involved in a fatal traffic accident.

3. Novice drivers, on the road to gain driving skill by means of experience, accounted for 263 deaths according to trooper investigators and in themselves present a critical problem.

4. Approximately 40 percent of traffic law violations in this study could be considered to have been willfully committed.

5. Drivers in certain vocations are more likely to make driving errors that result in traffic fatalities.

6. If groups of people may be categorized, we concluded that the group causing the greatest portion of our traffic accidents is not likely to be reached by safety campaigns.

7. A history of traffic arrests and minor traffic accidents has little to do with the probability of a particular driver's having a fatal accident. By and large, fatal accidents seem to be chance occurrences.

8. Two percent of highway deaths might possibly be suicides.

AT FAULT—ALCOHOL—BY AGE

Age	Total	Had been drinking	Percent of total who had been drinking	At fault	Percent at fault and alcohol
Under 16.....	22	2	9	2	100
16 to 21.....	311	82	26	68	83
21 to 30.....	339	132	39	112	85
30 to 45.....	376	141	37	115	82
45 to 60.....	263	84	32	63	75
60 to 75.....	144	26	18	23	88
75 and over.....	50	7	14	6	86

ALCOHOL

An analysis of figures showing drivers who were known to have consumed alcoholic beverages prior to their respective accidents revealed that 389 (82 percent) were at fault, 33 (7 percent) were partially at fault, and 52 (11 percent) were not at fault. In addition, 18 percent of all drivers who had been drinking were under Indiana's legal drinking age of 21. This portion of the study also showed that half the total number of drinking drivers had blood-alcohol levels of above 0.16 percent. Indiana's legal limit is 0.15 percent.

DANGEROUS DRUGS

Blood specimens only were analyzed for alcohol, amphetamines, and barbiturates and, for the most part, were obtained from deceased drivers.

Although we were unable to fully gage the extent drugs played in this study, we did find that nine drivers had consumed barbiturates and five persons were found to have consumed stimulants prior to being involved in fatal wrecks. Four of these persons had also consumed alcohol in addition to the drugs.

VOCATIONAL FACTORS

It was difficult to categorize groups of drivers by vocation because of the ambiguity of the terminology and the debatable nature of the categories selected.

One example of this is where to classify truckdrivers. We put some in the skilled group, some in the semiskilled, and some in the unskilled category depending on qualifications, type of operation, and previous experience.

Office administrators were considered skilled, while file clerks were generally considered to be semiskilled. The professional group contained those persons engaged in commonly recognized business and technological pursuits. The list below is based on tabulations of known vocational data:

Vocation:	Percent
Semiskilled	44
Skilled	16
Students	12
Unskilled labor	11
Housewives	5
Farmers	4
Professional	4
Armed Forces	3
Technological	1

Violation causes	Number	Percent
Deliberate.....	373	41
Carelessness.....	280	30
Inexperience or attention diverted.....	264	29
Total law violations.....	917	

WEATHER FACTOR

Weather conditions, according to the project study, were an important factor in the overall accident picture.

When a driver is unable to stop at an icy intersection and crashes into another vehicle, it may be construed that the accident was caused by weather conditions. Yet it may also be said that because of the driver's lack of skill in driving on icy pavement and his lack of experience and good judgment, he slid into the intersection and collided with other traffic.

This situation appears analogous to an ice skater who falls on the ice. Did he fall because it was slippery or did he fall because he was not sufficiently skilled at ice skating?

We concluded that the young, inexperienced driver is more likely to misjudge or exercise poor judgment than the older more experienced driver. For example, if a driver misjudges his speed approaching icy intersections several times without killing himself, he will probably develop reasonable judgment and skill in this particular weather-related situation.

MARGIN FOR ERROR

All of us have observed that driving is deceptively easy and that a margin for error does exist, particularly for those drivers who commit hazardous errors and still manage to avoid accidents. Arrests by our troopers for serious moving violations outnumber the fatal accidents we investigate by nearly 100 to 1. This ratio does not take into account the myriad dangerous driving acts that are not seen by officers on patrol.

How, then, can the less experienced person gain driving skills and good judgment without placing other motorists on the road in danger? We consider this a serious problem, substantiated by the study findings.

For example, drivers in the 16- to 21-year-old group accounted for 21 percent of all drivers in the 1,000 fatal smashups. They also accounted for one-third of all drivers in the "drove too fast for existing conditions" category which was primarily weather oriented. Finally, 60 percent of all those drivers shown "at fault" in this age group committed their driving errors as a result of inexperience.

NAMES CHECKED

All drivers' names were checked through Indiana Bureau of Motor Vehicle files, Indiana State Police accident records, and the National Driver Register (NDR). Out-of-State drivers were checked through the NDR only. The NDR, at the time of this report, contained only the names of those drivers who had been convicted of a serious traffic violation, such as leaving the scene, driving while suspended or intoxicated, or reckless homicide.

We were surprised at how few drivers had previous arrest and accident records. We had surmised that a fatal accident was the climax of a history of minor accidents and traffic arrests. The statistics from Analogue 1000 do not effectively substantiate this theory. Paradoxically, the study raises the question of whether or not a history of traffic accidents can be interpreted to mean that the builder of such a record has gained driving experience which has helped improve his driving skills.

TRAFFIC LAW VIOLATIONS

Traffic enforcement and education efforts imply that traffic accidents do not just happen—they are caused. The implication is that errors, or traffic violations, are willfully and flagrantly committed. If not committed

out of intent, then they are done out of ignorance of the law or carelessness.

The following chart reflects our findings in this area. Intoxicated persons were presumed to have been willful violators:

Vocations	Total	Percent of total	Mechanical defects	Had been drinking	Percent who had been drinking
Unemployed.....	44	3	4	22	50
Retired.....	81	5	2	15	19
Professional.....	45	3	3	4	9
Skilled technical.....	10	1	1	4	40
Skilled other.....	181	12	14	69	38
Semiskilled.....	477	32	58	150	31
Unskilled.....	123	8	43	70	57
Armed Forces.....	29	2	0	9	31
Farmer.....	44	3	0	6	14
Housewife.....	59	4	2	10	17
Student.....	141	9	22	21	15
Unknown.....	271	18	55	94	35

Deliberate violators, for purposes of this report, were defined as those who were speeding, passing on a hill or curve, or committing other acts of recklessness.

Violations committed out of carelessness are changing lanes without looking, failing to signal a turn, making a left turn into the path of oncoming vehicles, and others.

Violations in the last category represent those over which the driver has little or no control. For example, a driver crosses the centerline because, in the first instance, he ran off the roadway and, in trying to get back on the pavement, overcorrected and swerved to the opposite lane into an oncoming vehicle. Also inserted in this category were the drivers inexperienced in driving on icy roads.

Deliberate violations

- Excessive speed.
- Passed on hill.
- Passed at intersection.
- Passed on curve.
- Passed without sufficient clearance.
- Failed to observe automatic signal.
- Failed to observe stop sign.
- Followed too closely.
- Fled from police.
- Improper or no lights.

Unintentional violations

- Drove off roadway.
- Failed to signal.
- Ran into rear of another vehicle (but not following too closely).
- Speed too fast for conditions.
- Speed too slow.
- Failed to yield the right-of-way at a stop sign.
- Failed to yield at private drive.
- Failed to yield right-of-way (other).
- Drove left of centerline.
- Wrong way on one-way road.
- Routine accident statistics can be misleading. For example, compilations of accident data in Indiana for 1966 showing "driver errors" were published in part as follows:

	Percent
Failed to yield right-of-way.....	24.4
Drove left of center.....	6.5

The casual observer notes that a leading cause of accidents is failure to yield the right-of-way and might automatically conclude that all such violations are deliberate and committed out of impatience or other reasons. If failure to yield the right-of-way were generally a conscious and deliberate act, then 24.4 percent of Indiana's motor vehicle accidents in 1966 were either suicides or attempted suicides. This, however, is not the case.

ANALYSIS OF FIGURES

A breakdown of our study figures shows that 209 drivers failed to yield the right-of-way and that 93 of these violations were committed at stop signs, 35 as a result of making

a left turn in the path of oncoming traffic, 15 at the end of private driveways, and 66 fell under the category of "failed to yield right-of-way—other."

The analysis of these cases revealed that only 10 of the 93 violations committed at stop signs were deliberate, while eight committed in making left turns were deliberate. Two from a private driveway and six in the "other" category were also done deliberately. A close look at the analysis shows, therefore, that 26, or 12.4 percent, of the drivers in our study who failed to yield the right-of-way committed these violations deliberately. The foregoing example illustrates how routine accident statistics can be misinterpreted.

We note that "drove left of center" accounted for 6.5 percent of all the accidents in Indiana in 1966. Were these conscious acts?

Of those drivers in Analogue 1000 who were on the wrong side of the road at the moment of impact, 90 (27 percent) had no intention of being there. A total of 60 percent committed this violation because they were under the influence of alcohol.

Strict enforcement of traffic laws may prevent the rapid rise of accident rates because deliberate violators are probably deterred by seeing police on patrol and are motivated to pay strict attention to their driving to avoid arrest. It appears doubtful that strict enforcement has any measurable effect on unintentional violators.

SUICIDE

Suicide by way of a traffic "accident" may occur more frequently than we realize. This method of suicide can easily be used to defraud insurance companies if the victim exercises reasonable guile in his own execution.

Life insurance policies often have double indemnity clauses which make such an "accidental" death more appealing to the would-be suicide in that he or she might be able to leave a substantial amount of money to survivors. And when fraud is the intent, there is obviously no suicide note left behind.

The cases in this category were placed there because of the circumstances existing prior to the death and the fact that other evidence indicated a possibility or probability of suicide.

The number shown in the report therefore is, in reality, a sum of probables rather than proven facts—20 men and eight women, half of whom were under the influence of alcohol at the time of impact.

We believe it is important to recognize that some fatal accidents are suicides and that police investigators should never overlook this possibility.

None of the investigations in the study disclosed evidence of premeditated murder.

MECHANICAL DEFECTS

Mechanical defects, for purposes of this study, included only those defects which in most cases were not the primary cause of the accident. But, had the defect been absent, the accident might not have occurred. This segment of the study therefore is a tabulation of investigative judgments.

MECHANICAL DEFECTS

	Number	Percent
Faulty steering.....	11	5.3
Faulty brakes.....	25	12.2
Faulty suspension.....	5	2.4
Faulty lights.....	17	8.3
Faulty window glass.....	6	2.9
Faulty windshield wipers.....	2	1.0
Faulty exhaust system.....	6	2.9
Miscellaneous other.....	13	6.3
Faulty tires.....	121	58.7

In most cases the officer and a garage mechanic examined the wreckage. We have every reason to presume that all defects con-

tributing to the cause of accidents cannot be found. In some cases disintegration was such that the detection of preexisting defects was impossible.

In our opinion the "faulty tire" category may be misleading. Since 106 faults were termed "excessive tread wear," the question arises what might have been the outcome of the accident had the skidding vehicle been equipped with tires in good condition? We surmise that some accidents might have been less severe with increased braking traction and that perhaps some would have been avoided completely under the assumption that no uncontrollable slide would have occurred in the first place.

Fifteen of the tire faults were so listed because they blew out or lost air before the accident and, in the investigators' opinion, contributed directly to the cause of the accident.

In summary, we believe that mechanical defects pose a real hazard in the total traffic accident picture. Based on that belief, the department strongly endorses mandatory vehicle inspection programs.

CONCLUSION

We are aware that Analogue 1000 is not a scientifically perfect research program. But the findings of an indepth investigation of 1,000 fatal traffic accidents have provided us some valid facts.

We believe the information gained concerning alcohol-related accidents reflects the need for more effective controls on the drinking driver.

In the area of mechanical defects, the figures clearly reveal that the combination of safe drivers operating safe cars can help cut down the accident toll.

In still another area, this study points up the need for establishing some kind of controlled traffic training environment in which young drivers can gain driving experience under all kinds of road and weather conditions without endangering lives.

In the final analysis, traffic safety is not just a police problem. It is a "people problem" in which there are achievements still to be gained from responsibilities yet to be assumed by people who administrate, who enforce, who judge, who teach, and, finally, by people who drive.

We have learned how to project man into outer space and return him safely to earth. Now, we have got to find a way to keep him alive on our streets and highways.

STAATS RELATES PPB PROGRESS

Mr. PROXMIRE. Mr. President, since 1965, the executive branch has been developing a planning-programming-budgeting-PPB-system. Such a system holds out enormous potentials for improving the allocation of Government expenditures and encouraging efficiency in Government. In the last 5 years, the system has been initiated in 26 agencies in the Federal Government. It has aided decisionmakers in these agencies to allocate public resources more effectively, reduce the portion of the budget which is "uncontrollable," understand the actual impact of public programs, identify programs that no longer serve national objectives, and connect planning and budgeting with actual program performance.

Within Congress there has been substantial interest in the development of the PPB system. Both my Subcommittee on Economy in Government of the Joint Economic Committee and the Subcommittee on National Security and International Operations of the Senate Com-

mittee on Government Operations have held extensive hearings on the development of this innovative planning and budgeting system.

In the past few weeks, three important documents have been released with the evaluation of public expenditure programs. The first of these is a three-volume study entitled "The Analysis and Evaluation of Public Expenditures: The PPB System." This study contains 50 background papers by economic experts submitted to my Subcommittee on Economy in Government. Second is the record of 2 days of hearings entitled "Guidelines for Estimating the Benefits of Government Expenditures." These hearings before the Subcommittee on Economy in Government focused on the appropriate procedures for measuring the benefits and economic performance of public spending programs.

Finally, on July 29, 1969, Mr. Elmer Staats, the Comptroller General, released a report by the General Accounting Office on the PPB System. It is entitled "Survey of Progress in Implementing the Planning-Programming-Budgeting System in Executive Agencies." This survey was undertaken to "obtain information on the executive agencies' progress in implementing this system and on major problems being encountered and to summarize the results of this study for the use of interested congressional committees and all executive agencies." Because of the importance of the PPB system and the need for Members of Congress to become familiar with the progress which is being made in implementing it, I ask unanimous consent that a portion of the GAO report be printed in the RECORD.

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

INTRODUCTION

The General Accounting Office has made a survey of the Planning-Programming-Budgeting (PPB) system which was formally introduced in the executive branch of the Federal Government by the President in August 1965.

This system was initially required to be adopted by 22 agencies and encouraged for adoption by 17 other agencies (See page 11). Our survey was directed principally to the agencies in the first category. The 21 agencies included in our survey are listed on page 18.

In announcing the introduction of this system in August 1965, the President stated that once in operation, the system would enable us to:

Identify national goals with precision and on a continuing basis.

Choose among those goals the ones that are most urgent.

Search for alternative means of reaching those goals most effectively at the least cost.

Inform ourselves not merely on next year's cost—but on the second, and third, and subsequent year's costs—of Federal programs.

Measure the performance of programs to insure a dollars worth of service for each dollar spent.

The President also stated that:

"This system will improve our ability to control our programs and our budgets rather than having them control us. It will operate year round. Studies, goals, program proposals and reviews will be scheduled throughout the year instead of being crowded into 'budget time'.

"To establish this system and carry out the necessary studies, each of you will need a Central Staff for Program and Policy Planning accountable directly to you. To make this work will take good people, the best you now have and the best you can find."

The overall objective of the PPB system as initiated in 1965 was to correct certain shortcomings in the planning and budget systems in Federal agencies. These shortcomings were identified by the Bureau of the Budget:

Program review for decisionmaking, had frequently been concentrated within too short a period.

Objectives of agency programs and activities had too often not been specified with enough clarity and correctness.

Accomplishments had been insufficiently presented for consideration by top management.

Future year costs had not in all cases been laid out systematically enough.

Formalized planning and systems analysis had too little effect on budget decisions.

An expression of GAO opinion regarding the issues raised by the application of PPB in the executive branch and the related implications for the Congressional role in establishing national policies and budgets was contained in the Comptroller General's statement before the Subcommittee on National Security and International Operations of the Committee on Government Operations, United States Senate, on March 26, 1968. The planning-programming-budgeting system was described as an effort to establish on a Government-wide basis a common approach and procedure for:

1. Establishing longer range planning in terms of Federal objectives and goals as defined by the Congress or the President.

2. Identifying the most advantageous programs to fulfill these objectives on the basis of an analysis of costs and benefits of available alternatives.

3. Translating programs into budgetary and legislative proposals and longer term projections.

In his statement the Comptroller General favored the use of the simpler, more easily understood term "program budgeting" as embracing these three elements. In this report we have generally used the term "Planning-Programming-Budgeting system" or "PPB" in accordance with the practice of the Bureau of the Budget and the executive branch agencies.

It is apparent that the system has been useful to Federal agencies. For example, the Administrator of the Agency for International Development (AID) has testified as to the following benefits for his agency:

PPBS considerations have a pervasive and powerful influence on the allocation of funds within and among countries in which development is being emphasized.

PPBS has been helpful in clarifying some of the decisions made within AID and has become an important tool in arriving at executive judgments in the field of foreign aid.

The system forces AID decisionmakers to concentrate more than they perhaps otherwise would on alternatives, and on costs, and gives them a much better picture of where they are going in the long run.

PPBS assists in fixing priorities.

As another example, officials in the Department of Health, Education, and Welfare have noted benefits from the PPB system in locating low-priority programs, in planning for disease-control programs at Federal, State, and local levels, in allocating incremental funds among categorical disease programs, and in bringing together funding decisions on existing programs with decisions about requests for new legislation.

Some of the overall improvements that have been achieved as a result of PPBS, ac-

ording to Bureau of the Budget officials, are:

Agency officials have a better understanding of their programs, program objectives and the available alternatives.

The quantity and quality of information needed for planning and programming have been enhanced.

Analyses are more often used in the decisionmaking process.

The primary purpose of our survey of the PPB system was to obtain information on the progress of the executive agencies in implementing this system and on major problems being encountered. Largely because of the long-range nature of the development of a fully functioning PPB system, we did not undertake to make a comprehensive evaluation of the benefits of the system to the agencies. As more experience is gained in the Federal agencies in the application of PPB concepts and techniques, the General Accounting Office (GAO) will make evaluations of the benefits of the system as part of its ongoing examinations of agency management systems and of particular programs.

Our survey was made in Washington, D.C. during the second half of fiscal year 1968 and first half of fiscal year 1969. A draft of this report was reviewed by officials of the Bureau of the Budget, and their comments have been considered in preparing the final report.

EVOLUTION OF PPB

In August 1965 the President notified the heads of all Federal departments and agencies that a planning-programming-budgeting system was being introduced in the Federal Government. This system, commonly referred to as the PPB system, is one of the most recent innovations in Federal budgetary procedure.

In the sections which follow some of the principal budgetary innovations that preceded the PPB system and some of the principal features of the PPB system are described.

Budget history prior to 1965

The first comprehensive executive budget was a requirement of the Budget and Accounting Act, 1921. This legislation established the Bureau of the Budget as a staff agency to assist the President in formulating proposals to the Congress and in carrying out administrative details.

A budget preview process was begun by the Bureau of the Budget in 1946 as a preliminary step in the preparation of the 1948 budget. Its primary purpose was to develop and communicate to the major agencies general policy guidance concerning their fall budget requests.

The preview process is still in use although numerous changes have been made, and over time it has become more and more a systematic procedure for program planning and evaluation. In 1961 the preview became a two-stage (spring and fall) process with emphasis in the spring preview on major policies, goals, and objectives rather than on detailed budget figures. In 1964 agencies were asked to submit program plans to the Bureau of the Budget indicating program priorities and issues, matters which are also basic elements of the PPB system formally introduced in August 1965.

The first Commission on Organization of the Executive Branch of the Government (the Hoover Commission), created by Public Law 80-162 in July 1947, recommended the adoption of a budget based on functions, activities and projects, which the Commission referred to as a performance budget. The objective of the performance budgeting approach was to focus attention on the services to be rendered or work to be done rather than on resources required.

A comprehensive and functional classification of budget amounts, which cut across agency lines, was adopted in the 1948 budget

presented to the Congress. The Bureau of the Budget had previously used the same kind of classification in its internal projections of the budget. A functional classification is still used. For fiscal year 1970 *The Budget of the United States* still shows budget expenditures classified according to 12 major functions and numerous subfunctions.

In 1943 Executive Order 9384 required the preparation of 5-year programs of all public works by the agencies involved and the summarization of these plans by the Bureau of the Budget for the President's consideration. For many years the Bureau required departments and agencies to include cost information in their reports to congressional committees on proposed legislation. This requirement was enacted into law in 1956 (Public Law 84-801). One of the basic features of the PPB system that bears a resemblance to Executive Order 9384 and Public Law 84-801 is a multiyear planning and programming process.

In August 1956 Public Law 84-863 was enacted. This law directed the head of each agency to take action to achieve consistency in accounting and budget classifications and to achieve support of budget justification by information on performance and budget costs. The cost-based budgeting requirement was an attempt to depart from the obligations basis of budgeting and to emphasize during the budgetary process the resources that would be consumed. Analyses which underlie decisions made within the framework of the PPB system also emphasize resources consumed and, in addition, emphasize where possible the program benefits or program effectiveness which are achieved with these resources.

Department of Defense innovations

Since the establishment of the Department of Defense in 1947, several different schemes have been used to classify its budget amounts. Until 1949 the Department presented a budget for each of the three separate services. In 1949 "performance budget" classifications were made a requirement for all the military services. Since 1961 classification has been in terms of programs.

In 1961 a highly significant change was made in the Department of Defense budget system. In effect, the change resulted in presentation of the Department's budget on a program or mission-oriented basis. For fiscal year 1970 the Department's budget was classified in the following program categories: strategic forces, general purpose forces, intelligence and communications, airlift and sealift, guard and reserve forces, research and development, central supply and maintenance, training, medical, and other general personnel activities, administration and associated activities, support of other nations.

Department of Defense resources are and have been since 1961 summarized and reviewed for planning purposes in terms of major mission-oriented programs that cut across the three military services. However, for appropriation purposes, the Congress still acts in terms of organizational entities and categories of expenditure (such as military personnel, operations and maintenance, procurement, etc.).

History of PPB from 1965

While the Department of Defense had not called its system PPB, the major characteristics of the system established in 1965 are the same. For example, classification of budget amounts, which is an important part of the PPB system, is also designed to cut across organizational lines as appropriate, and is oriented to programs and objectives rather than to the usual object classes. Comparisons of these and other ways to classify Federal budget figures are discussed in subsequent sections of this report.

The PPB system introduced in 1965 requires that agencies:

1. Establish long-range planning for goals and objectives,
2. Analyze systematically and present for agency head and for presidential review and decision possible alternative objectives and alternative programs to meet these objectives,
3. Evaluate thoroughly and compare the benefits and costs of programs, and
4. Present the prospective costs and accomplishments of programs on a multiyear basis.

The initial instructions concerning PPB from the Bureau of the Budget to executive agencies were in Bureau of the Budget Bulletin No. 66-3, dated October 12, 1965. This bulletin required the following agencies to adopt the PPB system:

Departments: Department of Agriculture, Department of Commerce, Department of Defense (Including Corps of Engineers), Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Post Office Department, Department of State, Treasury Department.

Independent Agencies: Agency for International Development, Atomic Energy Commission, Central Intelligence Agency, Federal Aviation Agency (later became part of the Department of Transportation which was also required to adopt the PPB system. The Department of Transportation was included in our survey), General Services Administration, National Aeronautics and Space Administration, National Science Foundation, Office of Economic Opportunity, Peace Corps, United States Information Agency, Veterans Administration.

Bulletin No. 66-3 also encouraged 17 other, mostly smaller agencies, to adopt the PPB system.

Each agency was required to develop a series of output-oriented categories, commonly referred to as program structures, which covered operations of the agency and to develop (1) a comprehensive multiyear program and financial plan, and (2) analyses, including program memoranda and special studies. The program structures of agencies are discussed in more detail in a subsequent section of this report.

The multiyear program and financial plan, as approved or modified by the agency head in conformity with guidance received from the Bureau of the Budget and the President, was to form the basis for the agency's annual budget requests. Bulletin No. 66-3 also called for a program memorandum to be prepared annually on each of the agency's program categories. Each memorandum was to discuss for several years into the future the program objectives, effectiveness, costs, alternatives, and uncertainties. In effect, a program memorandum was to be a document which summarized the program and financial plan approved by the agency head for a program category and which contained a succinct evaluation and justification for the program. Special studies, which might involve either an intensive examination of a narrow subject or a broad review of a wide field, were to be ad hoc studies prepared in response to either Bureau of the Budget or agency management requests.

The Bureau issued revised PPB guidelines on July 18, 1967, in the form of Bulletin No. 68-2. A principal change was to require that the multiyear program and financial plan prepared by each agency would show the future implications of past and present decisions; it was not to reflect the effect of possible future decisions. Unlike the program and financial plan, the program memorandum document was to continue to outline the strategy for an agency's plans and programs for future years.

Bulletin No. 68-2 required the new Department of Transportation to adopt the PPB

system, and the following agencies were given until January 1, 1968 to adopt it: Civil Service Commission, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission, Securities and Exchange Commission, Small Business Administration, Tennessee Valley Authority.

Several other agencies were advised to develop and integrate their planning and programming with budgeting as fully as practicable, but specific time limits were not prescribed. Bureau staff were to be available for consultation on the nature, extent, and timing of their PPB system. These agencies were: Export-Import Bank of Washington, Federal Home Loan Bank Board, Federal Mediation and Conciliation Service, National Labor Relations Board, Railroad Retirement Board, Selective Service System.

The most recent instructions from the Bureau of the Budget to the executive agencies is contained in Bulletin No. 68-9 dated April 12, 1968. This bulletin is applicable to the 22 major agencies that had been required to adopt the PPB system at the time of Bulletin No. 68-2 (See page 11). Bulletin No. 68-9 notes in addition that the following, mostly smaller agencies, will be contacted by the Bureau with respect to the extent of required compliance to the guidance provided in the bulletin: Civil Service Commission, Federal Communications Commission, Federal Home Loan Bank Board, Federal Power Commission, Federal Trade Commission, Railroad Retirement Board, Securities and Exchange Commission, Small Business Administration, Tennessee Valley Authority.

As far as agency coverage is concerned, the effect of Bulletin No. 68-9 is to delete the earlier requirement that the following agencies either implement the PPB system or develop and integrate the system with their budgeting as fully as possible: Interstate Commerce Commission, Export-Import Bank of Washington, Federal Mediation and Conciliation Service, National Labor Relations Board, Selective Service System.

Bulletin No. 68-9, like the predecessor Bulletin No. 68-2, provides that the program and financial plan (PFP) is to be a comprehensive multiyear summary of all agency programs in terms of their outputs, costs, and financing needs over a planning period covering the budget year and at least four future years.

Bulletin No. 68-9 does not require agencies to prepare a program memorandum (PM) for each of their program categories. Instead, a PM is required only where the agency has a major program issue, which is defined as a question requiring decision in the current budget cycle, with major implications in terms of either present or future costs, the direction of a program or group of programs, or a policy choice. A PM is to be oriented to major program issues and thus may cover all or only part of a program category, or cut across several program categories. Where a program category is not involved in a major program issue, the category will not be covered by a PM.

Bulletin No. 68-9 further provides that the PM should (1) integrate the objectives of the agency program with specific decisions made on program issues for the budget year; (2) show why particular choices have been made; and (3) compare alternative programs in terms of their costs and who pays them, and their benefits and the group benefitted.

Under Bulletin No. 68-9 each agency receives from the Bureau an issue letter requesting special analytic studies and identifying the major program issues to be covered by PM's for the upcoming budget cycle. Final versions of each PM are to be submitted on September 30 with the agency's budget submission. The final PM's are supposed to indicate the recommendation of the agency head on all identified major program issues.

For the 1970 budget year, the Bureau outlined in Bulletin No. 68-9 special detailed guidance to be followed by a few selected agencies in the preparation of their PFP as a test to determine the feasibility of making this guidance applicable to all agencies. The financial information to be included in the PFP for these selected agencies is supposed to reflect the "program level" for each year in the respective program category and subcategory classifications.

In most cases, according to the Bureau, the best financial measure of program level will be the budget authority; however, in other cases other measures may be appropriate. For example, for construction and other projects financed on an incremental basis, the "program level" for the budget year should reflect the full amount to which the Government will in fact be committed for projects for which approval is requested in that year. As another example, budget outlays may be used instead of budget authority where, as in the case of many trust funds, budget authority represents appropriate receipts not all of which will be used under the planned program.

Since the "program level" shown in the PFP may not be the same as the budget authority levels, a reconciliation of total budget authority with total program levels in the selected agencies is to be made for each year shown in the PFP.

In addition to use of the "program level" concept, Bulletin No. 68-9 also calls for the selected agencies to use a "commitment" classification in which they will group financial data for programs according to the degree of control that can be exercised by the executive branch in the allocation of resources in the budget and future years. This classification scheme includes the following principal categories:

- Programs controlled by statutory formulae.
- Programs controlled by workload level.
- Market-oriented programs.
- New programs requiring legislation.
- Administration commitments.
- Programs controlled by the level of appropriations.

AGENCY PROGRAM STRUCTURES

Development of a program structure is prerequisite to implementation of the PPB system in any agency, and the development of a Government-wide PPB structure is believed by some observers to be prerequisite to the realization of the full utility of PPB. We found that 20 of 21 agencies included in our survey and directed by the Bureau of the Budget to adopt a PPB system had succeeded in developing a program structure of some description. There were differences among these structures, and during our survey it became evident that there were obstacles to the creation of a Government-wide structure.

The purpose of a program structure

The PPB system is intended to enable Government managers to focus their attention on major resource allocation problems. The purpose of a program structure is to provide the framework for such allocation, and the structure establishes the basic classification scheme for marshalling of information required for program analysis and policy decisions. It follows that a program structure should highlight the Government's fundamental objectives and the competing and complementary programs involved in carrying out such objectives. For example, the program structure of the Department of Agriculture includes the program category Communities of Tomorrow and the Department of Housing and Urban Development has a program category entitled Decent Housing. Both of these categories focus on objectives. The fundamental standard of highlighting objectives is discussed throughout the literature on PPB and in the guid-

ance of the Bureau of the Budget to the agencies developing program structures after October 1965.

All other considerations in the creation of a program structure derive from the fundamental purpose of the structure, as stated above. It can be said, for example, that all functions and activities of an agency should be encompassed by the program structure regardless of the organizational placement, a clear necessity if the resource allocation purpose is to be achieved. Beyond such elementary guidance, however, there is latitude for considerable disagreement as to what might be appropriate standards for an agency's program structure.

The Bureau of the Budget, while providing such elementary guidance, left to the various Federal agencies the basic discretion as to how their respective program structures would be developed. The initial instructions (October 12, 1965) of the Bureau of the agencies on their program structures were limited to such considerations as the following:

1. The program structures should be output-oriented and should present data on all the operations and activities of the agency in categories which reflect the agency's end purpose or objectives.

2. It may be desirable to have the basic program categories cut across bureau lines to facilitate comparisons and suggest possible trade-offs among elements which are close substitutes. It is desirable to develop program formats which facilitate comparisons across agency lines.

3. To facilitate top level review the number of program categories should be limited. For example, a cabinet department should normally have fewer than 15 program categories. Agencies were advised by the Bureau in April 1968 that an agency generally should have between five and ten categories.

4. Program categories and subcategories should not be restricted by the present appropriation pattern or budget activity structure.

As goals, objectives, and priorities of agencies shift with time and circumstances, it may be necessary that PPB program structures reflect these changes and adapt to them as required if the structures are to be an aid to making resource allocation decisions.

All of the agencies included in our survey except the new Department of Transportation were originally required by Bureau of the Budget Bulletin No. 66-3, dated October 12, 1965, to adopt a PPB system, and all of them except the Department of State had done so by the time of our survey.

According to the Bureau of the Budget, a program structure adopted by the Department of State in 1967 did not prove satisfactory and work on a new program structure was stopped pending development of an inter-agency foreign affairs programming system.

USE OF ANALYSIS

As part of the survey we obtained samples of analytical studies that had been made as part of the PPB process. The objectives of our examining into these matters were twofold. One was to enable us to draw conclusions as to what criteria had been observed for performing and reporting the results of analyses.

The criteria of greatest interest to us were concerned with disclosure of the sources of data used, the assumptions made and the sensitivity of the analytical results to those assumptions. These criteria and their significance to analyses are discussed below.

The second objective was to enable us to judge the extent to which agency program output measures have been related to benefits produced or capabilities attained through use of analysis. We sought also to ascertain

the extent to which agencies use output data to monitor and control their programs.

Analysis and its purpose

Analysis is a method of investigation by which a solution to a complex problem is sought by separating the problem into simpler, more understandable elements. Then, by study of the behavior and interaction of these elements, a better understanding is gained of the complex problem.

As a reasoned approach to highly complicated problems of choice, analysis can provide agency decisionmakers with a more rational basis for making such choices by making available:

1. More concrete and specific data.

2. Systematic consideration of possible alternative objectives and alternative programs to meet these objectives.

3. Evaluations and comparisons of benefits and costs for alternative programs.

4. Relationships between anticipated program outputs and resources to be expended.

In order to fulfill the purpose of making an analysis, documentation of the results should include a list of the assumptions made which are different from the assumptions that may be prescribed in an agency's written policies. Documentation should also include discussion and analysis (sensitivity analysis) of the extent to which the analytical conclusions depend on the range of possibilities regarding each significant assumption. Thus a range of conclusions should often be presented, corresponding with the ranges of particular assumptions that might be made.

The techniques applied in an analysis generally are based on assumptions that certain idealized mathematical relationships exist in the elements of the problem being analyzed. To the extent that these techniques are used, therefore, implicit assumptions are made that these ideal relationships fit the problem being analyzed. For example, some statistical techniques are based on the existence of certain mathematical relationships between numbers of individuals and the extent to which they do or do not partake of a given characteristic. Another example concerns a technique called linear programming. Use of this technique implies that there is a strict proportionality between the problem variables and the objective being optimized. The validity of implicit assumptions such as these and the extent to which they influence the results of analyses should be documented.

Finally, the sources of data used should be identified along with available information as to accuracy and completeness. As noted in the report section which follows, the extent of documentation needed may vary; however, we believe that agencies should give consideration to the potential advantages of having written instructions concerning documentary support for analytical reports. The lack of formal instructions does not of itself rule out the possibility that there will be full disclosure of uncertainties and their effects on the results of an analysis. In our opinion, however, without formal instructions the risks are increased that the accuracy and applicability of the analytical results may not be brought to the attention of a decisionmaker using such results and that there may be discrepant results from analyses of the same of similar problems made by different people or made at differing times.

Five analyses were selected for review by us of which two were made by the Department of Defense (DOD) and one each by HUD, HEW, and the Department of Transportation (DOT). Our objective was to ascertain the extent to which the criteria for documenting analyses had been met. The two Department of Defense examples cover the

strategic mobility force level recommendations and the short-range attack missile program. Both are complex in that they consist of a number of interrelated analyses all of which have been going on for a number of years and which are still continuing. The HEW example is an analysis pertaining to income and benefit programs; that from HUD concerns the low income housing program; and from DOT, we reviewed an analysis of airport user charges.

None of the analyses met our criteria for documentation. In only four of the analyses were the basic assumptions stated explicitly.

Four of the five analyses presented and discussed the sensitivity of the analytical results to ranges of values of the variables governing the results. None of the analyses discussed the assumptions implicit in the analytical techniques used, and estimates were not made (where statistical data were used) of the range of variance of the data. In three of the five studies the sources of data used were noted, but in only one case was there any discussion of the effects of data uncertainties on the analytical results.

Details of the five analyses are discussed in appendix III.

REQUIREMENTS FOR ANALYSIS IN MEASURING OUTPUT

Output measures are used by agencies to quantify program results in order to:

1. Monitor progress towards achievement of agency or program goals;

2. Plan current and future program benefits in terms of resource requirements using the relationship of benefits to output measures and of the latter to resource requirements.

Output measures typically represent the things for which agency personnel are held accountable and are expressed in workload units such as number of cases, grants, actions, or as agency end-product outputs such as number of miles (roads, streams, etc.), of people (assisted, in school, etc.), and in dollar value of output (grants, land purchased, etc.).

These work units do not directly measure the results of the programs in terms of benefits produced or capabilities attained, and they cannot be directly used as measures of program effectiveness. They may be of value, however, in evaluating the efficiency of organizational units. Without a link between output measures and measures of benefit or effectiveness, the use of output measures may be self-defeating in that the quality of results may be overlooked in attempts to meet or exceed stated quantitative goals.

Some efforts have been made to link work outputs to measures of the ultimate benefit desired. To the extent this can be accomplished, benefit-cost studies can focus directly on the choice of alternative program levels in terms of output measures. Some output measures used for programming are illustrated in appendix II.

Studies recently completed by the GAO of anti-poverty programs authorized by the Economic Opportunity¹ Act showed that much remains to be done in order to predict program benefits resulting from programmed outputs. Three main types of difficulties encountered were:

1. Determining what the program is really intended to accomplish in the way of benefits—*increase in income, participation, satisfaction, etc.*

¹ Report to the Congress by the Comptroller General of the United States on "Review of Economic Opportunity Programs—Made Pursuant to Title II of the 1967 Amendments to the Economic Opportunity Act of 1964" March 18, 1969, (B-130515) and supplementary reports.

2. Determining how these may be measured—dollars, level of health, level of happiness, etc.

3. Determining how disparate measures can be combined, for example, healthier and poorer but more involved in community affairs.

The Department of Defense has also recognized some of the difficulties in coordinating, measuring, and relating outputs to capabilities and to resources. Directive 7000.4 (April 13, 1968) established the policy for coordinating the department's output measurement systems.

Collection and use of output measurement data

In seven of the 21 agencies included in our survey we asked for more detailed information on the collection and use of output measurement data. The comparison of planned to actual output serves to give agency management a measure of organizational efficiency, aids in program scheduling and is a required input to future year planning. Thus these output measures may serve useful purposes even in the absence of a link to program effectiveness.

Two agencies, HUD and HEW, expend their funds to a large extent in the form of grants, and rather loose and intermittent control is exercised on program performance. Details of outcomes may be known only on the basis of samples of grantee performance. We were advised that HUD measures of program outputs are largely unobtainable. HEW officials describe the collection of such data as a problem, and it appears that such information might be obtainable if requirements for it were made a condition for grants.

One agency, OEO, has expended considerable effort in collecting program output measurements. Quarterly reports have been, and monthly reports are now being generated in which comparisons are made between planned and actual output measurements.

The Departments of Labor, Agriculture, and Interior receive output data for some but not all of their programs. Labor receives data on its manpower programs and conducts quarterly reviews of planned versus actual program outputs. In Interior we were informed during our survey that only the Bureau of Land Management systematically reports output data. In Agriculture the collection of output data is increasing but department analysts see the need for improvement in the commodity program areas. The available output data are used by both management and line organizations in Agriculture to monitor performance and for future planning. The Department of Commerce has not systematically started to collect program output data at the Secretarial level.

AGENCY POLICIES

During our survey we inquired as to whether the agencies had prepared written policies and procedures for internal guidance in implementing the PPB system and integrating the system into their existing management systems and organizations. Our objective was to evaluate whether the written policies appeared adequate to guide generation and use of their analytical work.

Our conclusions are based on our review of a relatively few studies (see appendix III) and discussions with agency officials. Although we reviewed the documents which were provided to us by the agencies, it is possible that some documents having a bearing on policies and procedures were not made available.

It is possible for agencies to have effective and efficient management systems, such as the PPB system, without written policies. However, in our opinion the relative formalism which is an essential ingredient of the

PPB system makes it desirable for agencies to have certain of their basic policies made explicit to provide greater assurance that policies and procedures followed are in accordance with Bureau of the Budget guidance on the subject and with the policies the executive decisionmakers wish to have implemented. In agencies where PPB responsibilities are decentralized and analyses are made at various organizational levels, we believe the case for written policies and procedures is stronger than in agencies where analytical staffs are small and centralized.

Bureau of the Budget policies

Bureau of the Budget instructions to agencies concerning the PPB system are included in BOB Bulletin 68-9, dated April 12, 1968. Bulletin 68-9 discusses program memoranda and special analytic studies, and it describes the scope and content of the program and financial plan. These three types of documents constitute the formal documentation peculiar to the PPB system. The Bulletin also outlines an illustrative annual cycle for PPB submissions to the Bureau of the Budget.

Bulletin 68-9 states that responsibility for the development and use of PPB systems rests with the head of each agency. Agency heads are requested to take such action as is necessary to ensure that line managers participate in the operation of the PPB system. The Bulletin also notes that to make PPB a fully effective system a general understanding of the methods and purposes of PPB must be generated throughout agencies.

The overall PPB guidance contained in BOB Bulletin 68-9 appears to be adequate to guide agencies in the basic elements of the system. It does not, nor was it intended to, provide detailed instructions needed by agencies to adopt the system and to tailor the system to their particular needs. Adaptation of the system to agency peculiarities is the responsibility of agency officials.

Written agency policies

The extent of the need for written guidance on PPB matters will vary from agency to agency. The necessary detail should include those matters considered important by the agency in order to insure the quality and uniformity of the analyses and in order to allow more direct comparability of analyses made by different analysts at different times. We are of the opinion that certain matters, which are discussed below, are so basic that all agencies should be expected to have written guidance on them.

The following matters should, in our opinion, normally be covered by agency instructions in writing:

1. Guidance on environmental assumptions.
2. Guidance on analytical matters related to sensitivity analyses, discounting of future costs and benefits, secondary and indirect costs and benefits which should be considered in analyses, and risk.
3. Provision for coordination of information sources with other agencies.
4. Documentation required for PPB studies.

Each of the 21 agencies were asked whether written policies had been prepared. These department level PPB staffs commented frequently to us that detailed written guidance covering these matters are unnecessary and undesirable because their department hires professional and experienced analysts, and these analysts would be offended by such detailed written guidance. Accordingly, there were a number of departments that had few or no written policies covering these matters.

This matter was pursued at greater length in discussions with the staffs in seven major civil agencies (Agriculture; Commerce; Housing and Urban Development; Health, Education and Welfare; Interior; Labor; and

OEO). Only one (Interior) had written policies that dealt with environmental matters. Six of the seven agencies had no written policies related to other analytical matters, coordination of analytical work with other agencies or documentation required for PPB studies.

We also reviewed in some depth the policies provided by the Department of Defense. The Department of Defense has provided various forms of specialized guidance for the performance of particular requirement studies such as studies covering strategic forces in which all three services are involved. This particular specialized guidance is intended to provide adequate consistency with regard to the considerations, the alternative counter-forces to be considered in meeting threats, and other important matters such as the time frame to be considered by the analysis and the cost segregation to be included. There are also a number of Department of Defense instructions setting forth the requirements for submitting PPB material. An instruction intended to formalize the analysis of alternatives in economic terms was revised and reissued in February, 1969.

The Department of the Interior has some general guidance on discounting of future costs and benefits, but the guidance permits the use of a variety of discount rates depending on the project type and the analyst concerned. This department also includes in its instructions checklists of various matters that analysts should consider, but its policies on these matters are not specifically stated.

In the pages which follow we discuss the basis for our belief that certain written agency policies are generally desirable.

STAFFING AND MANPOWER FOR PLANNING, PROGRAMING AND BUDGETING

During the survey we inquired into the organizational locations of PPB staffs, and we requested the agencies to furnish us information concerning their professional employees who had responsibilities in the PPB area.

Organizational location of PPB staffs

It is our understanding that some of the responsibilities being carried out by various PPB staffs, in many if not most cases, would have been carried out by other staffs in the absence of the more formal PPB system and/or specifically-designated staffs. The staffs that have been given PPB responsibilities thus cannot in all cases be considered as additional staff required solely because of the existence of the system. Presumably, much of the analytic efforts related to such matters as costs, program benefits and effectiveness, identification of meaningful alternatives, and planning estimates, which are some of the major problem areas in which PPB staffs have an interest, existed before 1965, and such analytic efforts would continue even without the formal system.

Instructions to agencies from the Bureau of the Budget provide that the responsibility for both the development and use of the PPB systems rests with the head of each agency. Agency heads have been requested to take such action as is necessary to insure that line managers participate in operation of the system and that they have sufficient resources to insure their participation in the development of program memoranda and other documents related to the system. In general, the agencies have responded to the Bureau instructions by setting up PPB staffs at two levels—one staff at the department level to report to a department-level official and other staffs at the bureau-level reporting to bureau-level officials.

In appendix IV we have identified the highest-level official who spends full-time

on PPB matters at the department level.² Many agencies have assigned department-level PPB responsibilities to persons that report to or would appear to have direct access to high-level decisionmakers in the agencies. Some agencies (for example, the Department of Labor, the National Aeronautics and Space Administration, and the National Science Foundation) do not have a department-level staff engaged specifically and primarily in PPB matters. In these agencies PPB responsibilities have been integrated into the existing agency structure.

In other agencies department-level PPB staffs report directly to the agency head or to an official equivalent to an under secretary (for example, the Department of Agriculture, the Department of Transportation, the Office of Economic Opportunity, the Atomic Energy Commission, the Peace Corps and the Department of Defense). In still other agencies (for example, the Department of the Interior, Treasury Department, Department of State, General Services Administration, Agency for International Development, and U.S. Information Agency), PPB staffs report to lower-level officials at the department level.

Size and composition of PPB staffs

Information obtained during our survey shows that as of April and May 1968 the 21 agencies included in our survey had assigned full-time PPB responsibilities to 1,594 employees, excluding secretarial and clerical assistance. Most of these persons are at the subdepartment level as shown below:

Grade level	Level		Total
	Department	Subdepartment	
GS-16 or higher.....	61	113	174
GS-13 through 15.....	218	807	1,025
GS-12 and below.....	71	324	395
Total.....	350	1,244	1,594

It should be noted that 920 (58 percent) of the 1,594 employees are in the Department of Defense.

There are an additional 251 department-level and 1,884 subdepartment-level employees who are considered to be part-time PPB employees (who spend less than 75 percent but 25 percent or more of their time on PPB matters). These part-time PPB employees in terms of equivalent full-time approximate 100 at the department level and 780 at the subdepartment level.

The sizes of departmental-level and subdepartmental-level PPB staffs, as might be expected, varied considerably from agency to agency, and therefore an average size is not presented.

For each agency the number of full-time and equivalent full-time PPB employees per 1,000 persons employed by the agency as of June 30, 1968, are shown in the schedule which follows. The schedule also shows the total number of PPB employees in each of the agencies as of April 1968 or May 1968. The number of PPB employees per 1,000 agency employees was calculated to determine whether the sizes of PPB staffs depend on the number of agency employees. Since the number of employees per 1,000 employees

² For preparation of appendix IV and the discussions which follow, concerning the number of persons assigned to PPB staffs, individuals who spend 75 percent or more of their time on PPB matters are considered to spend all their time on PPB. Those persons spending from 25 to 74 percent of their time are considered to be part-time PPB staff, and those persons that spend less than 25 percent of their time on PPB matters are not included in the figures.

varies considerably among the agencies, we conclude that at the time of our survey there was no such relationship.

FULL-TIME (AND FULL-TIME EQUIVALENT) PPB EMPLOYEES AND NUMBER OF SUCH EMPLOYEES PER 1,000 AGENCY EMPLOYEES

	PPB employees	
	Number	Number per 1,000 ¹
Agencies providing a service:		
Post Office Department.....	105.3	0.19
Department of Commerce.....	44.8	1.71
Treasury Department.....	35.0	.42
General Services Administration.....	27.3	.71
Veterans' Administration.....	30.2	.20
Scientifically oriented agencies:		
National Aeronautics and Space Administration.....	67.0	2.07
Department of Defense.....	1,442.0	1.18
Atomic Energy Commission.....	29.0	4.06
Department of Transportation.....	79.0	1.37
Corps of Engineers.....	6.5	.34
National Science Foundation.....	4.7	.42
Agencies concerned with social problems:		
Department of Health, Education, and Welfare.....	174.0	1.65
Department of Labor.....	23.1	2.38
Department of Housing and Urban Development.....	20.0	1.35
Office of Economic Opportunity.....	32.0	1.06
Natural resources agencies:		
Department of Agriculture.....	57.0	.66
Department of the Interior.....	70.0	1.15
Foreign affairs agencies:		
U.S. Information Agency.....	10.1	.87
Department of State.....	8.0	.30
Agency for International Development.....	179.0	(*)
Peace Corps ²	30.0	1.88
Total.....	2,474.0	

¹ Based on total agency personnel estimated for June 30, 1968.

² Documentation required by this agency for PPB is extensive because programing documents or memorandums are required (1) for about 44 countries in fiscal year 1969, (2) for each individual technical assistance project, (3) for each capital project, and (4) for Public Law 480 commodities. In effect, decision-makers rely heavily on various analytical and programing type documents that are considered to be within the PPB system although some such documents were required for decision-making before the introduction of PPB in 1965. PPB personnel include persons who prepare these documents, economic advisers on various countries and persons who prepare economic analyses related to both country and sector analyses. Persons spending part time on PPB include regional coordinators. The number of PPB employees per 1,000 agency personnel was 10.2.

³ Included in Peace Corps total personnel for this calculation were 14,570 volunteers who were estimated to be in training or overseas as of Aug. 31, 1968.

We also inquired into the types of PPB work undertaken by full-time and part-time PPB employees. It seems clear on the basis of the information provided that PPB staffs in both the Department of Defense and the civil agencies spend a significant amount of their PPB time on matters related to program outputs or effectiveness. The information provided also indicates that procedural matters have taken up about as much of these staffs' PPB time (30.2 percent), as has their analysis of program costs (29.6 percent). The following tabulation shows the percentage of total PPB time spent in several types of PPB work by PPB staffs at all levels in 20 agencies (the National Science Foundation did not provide this particular information).

	[In percent]		
	Department of Defense	20 civil agencies	Combined defense and civil agencies
PPB procedures (preparation of documents, preparation of instructions, systems design, etc.).....	38.5	18.6	30.2
Analysis of program outputs and effectiveness.....	37.5	40.3	38.7
Cost or resource estimating, analysis, and research.....	23.4	38.3	29.6
Other.....	.6	2.8	1.5
Total.....	100.0	100.0	100.0

THE NEED FOR ADEQUATE MASS TRANSPORTATION

Mr. WILLIAMS of New Jersey. Mr. President, recently the Banking and Currency Committee concluded hearings on S. 1032, a bill which would create a mass transit trust fund. This bill would provide on a regular basis the money so urgently needed to provide adequate transportation for our Nation's cities. As the Trenton Times in its excellent July 27, 1969, editorial stated:

If urban mass transit is ever going to function with the efficiency and reliability of, say, a rocket to the moon, it is going to need large-scale federal aid—and on some kind of assured annual basis, like that enjoyed by the highway program.

The Times went on to state that under the trust fund concept of assured funding:

States and cities would be able to push ahead with transit projects secure in the knowledge that a year or two down the track Congress wouldn't cut off the current.

Unfortunately, as this editorial so ably reports:

The Nixon administration hasn't yet come to that conclusion. James M. Beggs, under-secretary of transportation, told Senator Williams' subcommittee last week that his department, in drawing up its own program, is still wrestling with the "ticklish" problem of financing and that several options are still under consideration, including both the trust fund and general appropriations methods.

The Department of Transportation has now assured me that a comprehensive mass transit program will be presented to the Congress within the month. As the New York Daily News in its August 4 editorial calling for trust fund legislation states:

The money to feed the kitty would come from the present 7% federal tax on automobile sales—and that proviso could make the going very sticky indeed.

American auto makers and motorists can be expected to kick like so many maddened steers at the idea of having transit improvements extracted from their hides.

The argument for such aid is simple: our vast urban areas must have modern, efficient transit systems to function; our cities must work effectively if they are not to become a drag on the nation's economy.

Everyone from Secretary of Transportation John Volpe down agrees that urban transit problems have reached the stage where only a healthy transfusion of federal money can turn the tide.

Yet the fastest, cheapest and most efficient method of people-moving has received only crumbets of aid while billions have been poured into road and air travel facilities.

Now is the time for action. Secretary Volpe now at last has an opportunity to match the words of hope which he has so ably uttered over the last 6 months with the appropriate deeds.

So that all Members of this body may have the benefit of these two excellent editorials which so ably state the need for a mass transit trust fund, I 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.) Times,
July 27, 1969]

ASSURANCE FOR TRANSIT

If urban mass transit is ever going to function with the efficiency and reliability of, say, a rocket to the moon, it is going to need large-scale federal aid—and on some kind of assured annual basis, like that enjoyed by the highway program.

This is the rationale behind Senator Harrison Williams' bill to create an urban mass transit trust fund similar to the highway fund. Senator Williams would earmark portions of the auto excise tax to the fund, which would not be subject to the uncertainties of the annual congressional appropriations process. [States and cities would be able to push ahead with transit projects secure in the knowledge that a year or two down the track Congress wouldn't cut off the current.]

But the Nixon administration hasn't yet come to that conclusion. James M. Beggs, undersecretary of transportation, told Senator Williams' subcommittee last week that his department, in drawing up its own program, is still wrestling with the "ticklish" problem of financing and that several options are still under consideration, including both the trust-fund and general appropriations methods.

The fickleness of Congress in dealing with the needs of the cities, and their transit needs in particular, can be documented. At this moment a badly-needed subway system for the City of Washington, authorized by Congress four years ago, is stopped in its tracks because of the opposition of one man, the chairman of the D.C. appropriations subcommittee. With Senator Williams and New Jersey Transportation Commissioner David Goldberg, who testified Thursday, we believe the trust-fund arrangement to be by far the best approach.

[From the New York Daily News, Aug. 4,
1969]

FIRST AID FOR TRANSIT ILLS

Over the past decade or so, the federal government has laced the U.S. with a network of high-speed highways and exerted itself mightily to keep abreast of growing air traffic.

Congress now has before it a bill authored by Rep. Edward I. Koch (D.-N.Y.) that would commit Washington to the same sort of effort in a field too long neglected—urban mass transit.

The Koch bill calls for a \$10 billion trust fund to be set up over four years. Grants would be made from the fund on the basis of federal contributions of 90% for individual projects; state and local governments would ante up the remainder.

The money to feed the kitty would come from the present 7% federal tax on automobile sales—and that proviso could make the going very sticky indeed.

American auto makers and motorists can be expected to kick like so many maddened steers at the idea of having transit improvements extracted from their hides.

But Congress and the nation must face up—and quickly—to the need for putting new life into this most vital part of our transportation system.

The argument for such aid is simple; our vast urban areas must have modern, efficient transit systems to function; our cities must work effectively if they are not to become a drag on the nation's economy.

Everyone from Secretary of Transportation John Volpe down agrees that urban transit problems have reached the stage where only a healthy transfusion of federal money can turn the tide.

Yet this fastest, cheapest and most efficient method of people-moving has received

only crumbets of aid while billions have been poured into road and air travel facilities.

Rep. Koch's proposal provides, at the least, a jumping-off point for a campaign to remedy that oversight. So what say, strap-hangers and commuters; how about getting out and pushing, with vigah?

TAX REFORM

Mr. MOSS. Mr. President, last Thursday the Senate passed a 6-month extension of the surtax. I voted against the passage of the surtax extension bill because I found it unconscionable to add more tax burdens on the average taxpayer while there are still many wealthy Americans who are not paying their fair share. But the surtax has passed, and we were given assurances that tax reform would be reported by the Committee on Finance before the end of October.

These assurances, while not satisfactory to me, were at least encouraging. Also encouraging is the fact that the House is expected to vote this week on the tax reform package of the Ways and Means Committee. With these coming developments in mind, I would like to elaborate on some of the inequities I see in the present tax structure and then offer my own specific proposals for tax reform.

Fundamental to any system of taxation in a democracy is a common belief in its fairness. This is particularly true in this country where our entire tax system is based upon voluntary compliance. Today, however, public faith in our tax system is fast crumbling. There is good reason, as I shall itemize later, for what has aptly been called a "taxpayer's revolt." At long last the public is aware of what some of us have been saying for years—that our tax structure is shot through with loopholes.

One notorious example has been often cited, but bears repeating. In 1967 there were at least 155 Americans with adjusted gross incomes over \$200,000 who paid no Federal income tax at all. During that same year 21 persons with adjusted gross incomes of over \$1 million also avoided paying any Federal income tax. Note that these figures are for adjusted gross incomes—that is they do not even include, for instance, the untaxed half of capital gains and depletion allowances. Even so, the Treasury reports that 75 percent of those with adjusted gross incomes of over \$1 million pay only 20 to 30 percent of that income in Federal income taxes. With such statistics as these no one can claim that our tax structure is fair. No one can say that each American citizen is taxed according to his ability to pay and at a progressive rate. No one can deny the desperate need for tax reform.

It is an unfortunate, but accurate, generalization to say that the present Federal tax structure is rigged against the average taxpayer—against those whose income is primarily derived from wages or salaries. Federal income tax law has been described as operating on a triple standard. Wages, salaries, professional fees, and other so-called ordinary income are taxed according to a first or common standard, that is, at the

full progressive rates. Many individuals in this category are allowed only the inadequate "standard deductions," and some families are even below the poverty line but still pay taxes.

The second and more favored standard applies to income from capital gains. Only one-half of such income is taxed and even that half is limited to a 25-percent maximum rate. The privileged status of capital gains income is well dramatized by comparing the taxes paid by two individuals with the same total income but whose sources of income are different. A married wage earner with an income of \$8,000 will be burdened with a Federal income tax of \$1,000. Another individual with the same \$8,000 income, but whose income falls under the capital gains standard, escapes by paying only \$354. Some forms of income, it seems, are more equal than others.

But even if this special capital gains rate can be justified, the large amounts of capital gains that are allowed to escape the tax base completely cannot be. I am speaking of that fact that capital gains on assets transferred at death go tax free. If an individual holds an appreciated asset until his dies, the appreciation is not subject to the income tax.

But it is the third and most favored of our tax system's triple standard where the greatest loopholes are found. Under this third standard some forms of income are completely excluded from the tax base. Many of these special provisions in the Tax Code may originally have had, or if tightened may still have, some plausible justification, but in their present form they stand as a mockery to any notion of fairness.

The most costly of these loopholes is the \$2 billion in Treasury revenue that is lost through tax-free bonds. Because the interest from local government bonds is not taxed, local governments are able to sell their bonds at lower interest rates. Because we recognize the tremendous need of States and counties for funds to finance the galloping costs of local government, we have been loath to tamper with interest rates of the revenue bonds they sell. But I feel the time has arrived when we must make some adjustments, and, as I shall suggest later, there are much more efficient methods of reducing the borrowing costs. Of the \$2 billion in lost Treasury revenue only \$1.3 billion reaches the State and municipal governments in the form of lower interest costs. But even if there were not this \$700 million "leak," tax-free bonds would still be an insupportable loophole. Like so many other tax shelters, it is only the rich or the private financial institutions that can take advantage of this provision in the Tax Code. For those with low or moderate incomes, it does not "pay" taxwise to invest in the relatively low yields of municipal bonds. In terms of equity and efficiency then, we must find a way to aid local governments without at the same time creating a loophole for the financially sophisticated.

The most publicized of the increasingly well-known list of loopholes is the 27½-percent oil depletion allowance. Again, this provision, along with the lesser known "intangible drilling costs"

deduction, had a worthy rationale in the beginning, but clearly the intent of Congress has been perverted by the excessive advantage taken of it.

At the core of this dispute over such tax incentives as oil depletion is a philosophical dispute over what should be the objectives of tax policy. I agree with those who believe that the tax structure should be neutral; that is, the free market system, rather than the tax code should allocate investment resources. But obviously our tax structure is not neutral. Here Treasury figures are especially revealing in that they demonstrate the wide disparity in effective tax rates according to industry:

	Percent
Manufacturing	43.3
Lumber	29.5
Minerals	24.3
Petroleum	21.1

The extraction industries, however, are not the most favored among business enterprises. Private financial institutions fare even better:

	Percent
Commercial banks	24.5
Savings and loans	14.5
Mutual savings	5.3

If the market is not doing what is best for society or for the economy, then the Government should correct the imbalance directly—not by making exceptions in the tax code which distract business decisionmakers and which have consequences beyond the control or foresight of Congress. Like so many other indirect tinkering with the free market, the oil depletion allowance has been very inefficient in achieving its stated purpose. A Treasury-sponsored study by the Consad Research Corp. indicates that the \$1.5 billion tax incentive to the oil industry generated only \$150 million in additional mineral resources. But even if more efficient tax incentives can be devised, we must be careful not to regard the oil industry or any other industry as having some inalienable right to a tax break. The political influence of the oil industry is immense, and if Mr. Nixon listens to those who financed his campaign, the administration may give us no help, but we must do something about oil depletion before we can say this year's tax reform is truly "meaningful."

There are, of course, other loopholes a few of which I shall briefly mention. Perhaps most invidious is the "hobby farmer" loophole. Congress intended that farmers should have a simplified accounting method for tax purposes, but once again, some of our wealthy citizens have taken advantage of the rest of us. A few individuals and corporations with large nonfarm incomes have taken up farming in order to create a tax loss. The procedure is complicated, but the effect is a windfall for the scheming few and higher costs for the legitimate farmer.

Real estate also has managed to obtain various special provisions which can be classified as loopholes. For instance, under the accelerated depreciation deduction real estate speculators can write off at twice the normal or "straight line" depreciation rates. Since depreciation write-offs are considered a cost and are, therefore, subtracted from rental income, little, if any, tax is paid during the early

years of ownership. In fact, some wealthy individuals use accelerated depreciation to create a tax loss on paper. As the amount of depreciation decreases, Treasury studies show that these properties are often sold or refinanced, starting the whole cycle all over again.

The misuse of their tax exempt status by some foundations has been well documented in numerous congressional hearings. I will later suggest several measures to curb some of these abuses. While these reforms will not bring in any additional revenue, at least they will help insure that tax-exempt foundations will be used for the public good and not for the private advantage of a few.

Now that I have briefly described some of the worst of the many tax loopholes, I think it appropriate to offer a list of specific reforms:

First, although it cannot perhaps be fairly called a loophole, I believe the time has come to repeal the 7-percent investment tax credit. It has served its original purpose well in spurring the economy to its potential growth rate, but now the inflationary heat must be turned down. Repeal should bring in about \$3 billion in additional tax revenue.

Second, I propose taxing the appreciation in assets transferred at death at the capital gains rate. Such a tax would not apply on transfers between the decedent and spouse nor to estates valued less than \$60,000.

The Ways and Means bill does not even touch this enormous tax dodge by which some wealthy people are able to pass on vast estates. The present law also has the effect of inhibiting the natural market because the property holding of older people tend to be "locked in" instead of being sold when market conditions are right. It is estimated that at least \$15 billion in realized appreciation escapes income taxation every year through this loophole and that the revenue gains in plugging this loophole would be at least \$1.5 billion.

Third, once a satisfactory mechanism for assisting local government in meeting their local borrowing costs is created, I would remove completely the tax-exempt status of local government bonds. At least three methods have been suggested.

First. The most imaginative in terms of long-term potential would be the creation of an Urban Development Bank. Such a bank would raise the great majority of its capital by selling its own taxable bonds. The Urban Bank would then lend capital funds to local governments at rates comparable to present low rates of tax-free bonds.

Second. Or the Treasury could simply provide a subsidy to reimburse the local governments for the extra interest costs of selling taxable bonds.

A third possibility would have the Federal Reserve purchase local government bonds, but at a low-interest rate. Whatever solution the Congress adopts, it would close this \$2 billion loophole and still provide local government with the same, if not more, financial assistance. Revenue savings could be as much as \$700 million for the Treasury.

The Ways and Means on this subject goes only halfway in that it offers an interest subsidy but still permits the is-

suance of tax-free bonds. We can do better than that. As long as the local governments are receiving the same, if not more, financial assistance through one of these mechanisms, there is no reason to continue this costly tax shelter. This tax-free bond loophole can be closed and it should be closed completely.

Fourth, to discourage hobby farming, I have already joined in cosponsoring the bill introduced by the Senator from Montana (Mr. METCALF) to limit the amount of farm losses that can be deducted from nonfarm income. Revenue gains from ending this tax dodge have been estimated to be at least \$145 million and perhaps as much as \$400 million.

Fifth, I recommend repealing the accelerated depreciation provision on all real estate except moderate- and low-income housing. The Ways and Means proposal retains the present 200 percent depreciation on all housing whatever its cost, and only reduces to 150 percent the depreciation for commercial and industrial construction. Once again, the Ways and Means Committee has not gone far enough. Economists tell us that booming industrial construction has been a substantial cause of the present inflation. In addition to hindering the battle against inflation, the Ways and Means bill will still permit speculators to reap profits while the rest of us pay taxes. Only the desperately needed moderate- and low-income housing deserves an incentive at this time. Repealing the special treatment of industrial construction and luxury apartments will capture an additional \$700 to \$800 million in lost tax revenue.

Sixth, more study needs to be done on the economic impact of the capital gains provision, but to begin with I believe we should abolish the current 25-percent maximum alternative tax rate on capital gains and extend the required holding period from 6 months to 1 year. This reform alone will bring in at least \$500 million.

Seventh, I am willing to go at least as far as the Ways and Means Committee has gone in reducing the oil depletion allowance to 20 percent. I would deduct them as a current expense. Tax revenues would be increased by \$400 million if these changes are made.

Eighth, I favor the simple repeal of the special unlimited charitable deduction provision which has been abused by some individuals. At the same time I would support increasing the maximum percentage that the average taxpayer can deduct for charity from the present 30 percent to 50 percent. The estimated revenue gain in changing this loophole is \$50 million.

Ninth, in order to correct some of the abuses of the spirit of the tax-exempt foundation provision, I would support the following proposals: Financial transactions between a foundation and its founders, contributors, officers, or trustees should be prohibited; foundations should not be allowed to own more than 20 percent of any business unrelated to their charitable functions; and foundation borrowing to buy investment properties should be prohibited. Foundation lending should be limited to appropriate charitable functions.

I do not, however, support the Ways and Means proposed 7½-percent tax on foundation income. If we can prevent abuses of the tax-exempt privilege by some foundations, I see no reason to punish all foundations by taxing them. The revenue gain is minimal compared with the good works that will be left undone.

Tenth, finally, I reaffirm my support of the minimum income tax. This reform will serve as the last line of defense against those individuals who seek to avoid paying their fair share of taxes. Simply stated, the minimum income tax provision would not allow an individual to have more than 50 percent of his total income excluded from taxation. Unlike the weaker limited tax preference proposal of the Nixon administration, I would include the untaxed half of capital gains, interest from tax-free bonds, oil depletion allowance, the excess accelerated depreciation, and the appreciation in the value of property donated to charity as being subject to the 50-percent limit on tax preferences. Revenue gains from a minimum income tax are difficult to measure since the amounts that will escape regular taxation depend on how tightly other loopholes are closed.

Mr. President, I have offered 10 revenue-producing tax reforms. There are, of course, others that deserve support, but if we can enact just these 10, the increase in tax receipts will be substantial. It is difficult to be precise in making tax revenue predictions, but the estimates range from \$3.2 billion to \$3.5 billion.

But closing loopholes is not enough. The great majority of our taxpayers—those with moderate or low incomes—are in desperate need of tax relief. These are the people who are already being overtaxed by the cruelest tax of all—inflation. These are the people who are often forced to moonlight in order to make ends meet. These are the people who deserve a tax break.

With the revenue gains achieved by tax reform, I believe we can provide at least some relief. We must be careful, however, not to fuel inflation by granting too much of a tax cut too soon. Our first priority must be to provide tax relief to those who need it most. I am, therefore, offering these four proposals which can be instituted at once:

First. Under existing law a taxpayer may elect to claim a standard deduction equal to 10 percent of his adjusted gross income up to a maximum of \$1,000. There is, however, a separate minimum standard deduction which provides that a taxpayer is entitled to at least a minimum deduction of \$200 plus an additional \$100 for each exemption. I recommend raising this minimum standard deduction to \$600 plus \$100 for each exemption. This is the most equitable and efficient method I could find for directing tax relief to persons in the lowest income ranges. I ask unanimous consent that a table which shows the effect of this proposal be printed in the RECORD:

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

EFFECT OF CHANGES IN THE STANDARD DEDUCTION UNDER THE PROPOSAL ON PERSONS BELOW THE POVERTY LINE, CALENDAR YEAR 1969

Family size	Exemptions and minimum standard deduction allowed		Poverty income levels, 1969 ¹	Estimated number of poor persons (in thousands) ²			
	Present law	Proposal		Total	Number of poor now taxable	Number made nontaxable	Number helped, but still taxable
1.....	\$900	\$1,300	\$1,735	4,620	1,150	550	600
2.....	1,600	2,000	2,240	5,200	1,220	790	430
3.....	2,300	2,700	2,755	2,640	460	400	60
4.....	3,000	3,400	3,535	2,550	490	360	130
5.....	3,700	4,000	4,165	2,620	270	220	50
6.....	4,400	4,600	4,675	2,590	250	180	70
7 or more ³	5,800	5,800	5,755	7,600	450	50	400
Total.....				27,820	4,290	2,550	1,740
Total family units.....				10,630	2,180	1,250	940

¹ 1969 poverty levels are assumed to be 6 percent above the HEW nonfarm level for 1966. This conforms to the method by which the number of poor was projected.

² Includes both adults and children.

³ Averages about 8 persons per family.

Mr. MOSS. Mr. President, under the present law a single individual begins paying tax at an income level of \$900. With this new provision he would not incur any tax liability until his income exceeded \$1,300. A married couple with two children who now pays taxes on everything above \$3,000 will not begin to pay taxes under the new provision until their income exceeded \$3,400.

This proposal's most profound effect is on the 28 million individuals below the poverty line. I ask unanimous consent that a table which demonstrates this effect be printed in the RECORD.

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

EFFECT OF INCREASING THE PRESENT \$200 PLUS \$100 MINIMUM STANDARD DEDUCTION TO \$600 PLUS \$100 WITH \$1,000 CEILING

(Dollar amounts in millions; number of returns in thousands)

AGI (in thousands of dollars)	Percent law tax	Tax decrease	Tax decrease as percent of present law tax	Number of returns with tax decrease	Number of returns made nontaxable	Number of returns shifting to standard deduction
0 to 3.....	\$1,159	\$415	35.8	9,760	2,025	870
3 to 5.....	3,177	420	13.2	7,870	320	1,120
5 to 7.....	5,439	200	3.7	5,940	15	980
7 to 10.....	13,925	95	.7	4,330		400
10 to 15.....	18,916					
15 to 20.....	7,550					
20 to 50.....	12,795					
50 to 100.....	6,326					
100 and over.....	6,202					
Total.....	75,490	1,130	1.5	27,900	2,360	3,370

Note: Details may not add to totals because of rounding.

Mr. MOSS. Mr. President, of these 28 million poor, 4.3 million of them are now taxed, but with this change in the minimum standard deduction this number would be reduced to 1.7 million. Much more, of course, must be done for the impoverished in this country, but at least we can begin by nearly eliminating the tax burden on the poor. The revenue loss of this relief is only \$1.2 billion. The Ways and Means package contains essentially the same proposal. Congress should delay this relief no longer.

Second, I recommend increasing the maximum standard deduction from the present 10 percent and \$1,000 maximum to 14 percent and \$1,800 maximum. This form of relief is primarily directed at the middle income groups since individuals with higher incomes will continue to find it advantageous to itemize their deductions. I ask unanimous consent that a table showing the effects of this provision be printed in the RECORD:

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

14 PERCENT WITH AN \$1,800 CEILING

Adjusted gross income class (in thousands of dollars)	Revenue loss (in millions of dollars)	Number benefiting (in thousands)
0 to 3.....	21	2,264
3 to 5.....	161	6,380
5 to 7.....	259	6,316
7 to 10.....	436	7,551
10 to 15.....	664	6,489
15 to 20.....	179	1,263
20 to 50.....	89	474
50 to 100.....	6	19
100 and over.....	1	2

Mr. MOSS. Mr. President, besides providing the bulk of the benefit to those in the \$5,000 to \$15,000 income brackets, this revision also promotes the goal of tax simplicity. In 1944 when the 10 percent standard deduction was first offered, 82 percent of the Nation's taxpayers chose to use it. Since then that percentage has been eroded to only 57 percent in 1969. If this proposal is enacted, the Treasury estimates that over 80 percent of those filing returns will again use the standard deduction. Such simplicity, by the way, would save the Treasury \$100

million in collection costs. The net revenue loss to the Treasury is estimated at \$1.8 billion.

The Ways and Means bill proposes that the standard deduction be increased in steps over the next 3 years to 15 percent with a \$2,000 maximum. I am not wedded to any magic figures, I want only that the relief for the middle income taxpayer be substantial and that it be immediate.

Third. I plan to offer an amendment which would allow those individuals using the standard deduction to deduct in addition any donations to charity which exceeded 3 percent of their adjusted gross income. The present tax structure encourages those who itemize their deductions—usually the more affluent—to donate to charity, but our tax laws withhold this incentive from those who take the standard deduction. The 3 percent threshold would exclude the minor charitable contributions but would still act as a stimulus to meaningful private giving by the 80 percent of the Nation's taxpayers who are expected to use the standard deduction. The revenue loss of this measure is estimated at \$440 million.

Fourth. I am cosponsoring the bill introduced by the Senator from Minnesota (Mr. McCARTHY) which would extend the head of household benefits to unremarried widows and widowers, and individuals who have attained the age of 35 and who have never been married or who have been separated or divorced for at least 3 years, and who maintain their own households. This equitable reform will cost the Treasury about \$300 million.

These four tax relief measures can and should be enacted immediately. The cost is only about \$3.7 billion. Over a longer period, I believe the relief must be even greater. I propose, therefore, that for the next 4 years the amount allowed for each personal exemption will be at \$1,000.

The present \$600 exemption has been in effect since 1948 and no one can claim that it is still adequate. But because of the present budgetary restraints and because this reform is costly, I regret to say that I feel the increase must be gradually instituted. But at least we can begin.

Mr. President, I have offered 15 proposals. Some of them are complex and all of them will be resisted by a multitude of special interests who have escaped their share of taxation in the past. But the public is angry and the Congress is listening. We can have comprehensive tax reform this session if we keep the pressure on. I hope that the House will pass the Ways and Means package. As I noted, the Ways and Means bill is not completely satisfactory, but at least it is a real beginning on which the Senate can build when a tax bill arrives in this body.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON OPERATIONS OF THE INTERNATIONAL COFFEE AGREEMENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith the 1968 report on the operations of the International Coffee Agreement.

This treaty, in force since 1963, is vital to the economic well-being of many friendly developing countries in Latin America and Africa. It has provided them stable and predictable earnings from their principal export crop and thus has encouraged their economic development. The United States consumer in turn has benefited from stable prices considerably below the peaks reached before the Agreement entered into force. I hope to see the Agreement continued and strengthened. I reaffirm our support of the Coffee Diversification Fund, designed to encourage a shift of resources away from the production of surplus and unneeded coffee. Discussions with the Coffee Fund on the terms and conditions of a United States loan to the Fund are expected to begin fairly soon.

The report reviews the operations of the International Coffee Agreement in 1968. On April 30, 1969 agreement was reached with the Brazilian Government regarding Brazilian soluble coffee exports. This has obviated any immediate need for United States' action.

RICHARD NIXON.

THE WHITE HOUSE, August 5, 1969.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. YOUNG of Ohio in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1611) to amend Public Law 85-905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that

the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 1632. An act for the relief of Romeo da la Torre Sanano and his sister, Juleta de la Torre Sanano; and

H.R. 2336. An act for the relief of Adela Kaczmarzski.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; and

H.J. Res. 764. A joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred, as indicated:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Labor and Public Welfare.

H.J. Res. 764. A joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity; to the Committee on Government Operations.

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

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (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 PRESIDING OFFICER (Mr. ALLEN in the chair). Under the unanimous-consent agreement, there will be 4 hours of debate on the pending amendment, the time to be equally divided between the proponents of the amendment and the opponents.

Who yields time?

Mr. HART. Mr. President, on the time allocated for those in support of the amendment, I yield 25 minutes to the able Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the debate over deployment of an anti-ballistic-missile system has engaged the Senate intensely now for some 5 weeks. In general framework, however, this debate has been going on for more than a year—since June of last year, when Senators JOHN SHERMAN COOPER and PHILIP A. HART, in company with others, first moved to strike out the deployment funds.

Tomorrow, we arrive at a critical juncture in this year-long debate, when we vote on the Cooper-Hart ABM amendment to the Defense procurement authorization bill. In its simplest aspect, this vote will determine whether the Senate authorizes a \$350 million down payment on an \$11 billion military weapons system. But, in a larger context, the significance of the vote is much more broad, for the ABM may well prove to be the point at which a whole body of conventional wisdom was laid aside in favor of realism in defense planning and budgeting.

Because the realities of nuclear age defense planning have become so technical, it is highly significant that many in Congress and in the country at large are making a determined effort to remove the cloak of mystery which so long has shrouded national defense programs. It is simply irrelevant, in this climate of increasing sophistication, to fall back on the slogans and shibboleths which have traditionally passed as explanations in our consideration of multi-billion-dollar defense bills. Because so much is at stake, we must instead ask hard questions and demand full answers.

The ABM debate has taught us the value of looking closely at defense programs. As we approach tomorrow's vote, we do so prepared by weeks of hearings and months of discussion, both in committee and here on the floor. We also approach the vote with sharp and honest divisions of opinions and judgment. These divisions were apparent in the testimony of witnesses in the hearings conducted both by the Armed Services Committee and the Foreign Relations Committee. They were apparent in "ABM: An Evaluation," edited by Dr. Jerome Wiesner and Prof. Abram Chayes, and the books which appeared in rebuttal to it. Finally, they were apparent in the many public meetings and debates over the ABM which have been held through the spring and summer.

Here on the Senate floor in the past few weeks, the arguments for and against deployment have been many and detailed. We owe a debt of gratitude, I think, to those of our colleagues who have carried the burden of this enlightening debate. Senator STENNIS, particularly, should be singled out, because of the even-handed, open way he conducted the hearings on the ABM, and because of his continuing good grace in floor managing the bill and in bringing the matter to a vote. He has been joined by Senator JACKSON in presenting the bulk of the case for deployment, and together they have presented a careful

series of arguments. On the other side of the issue, Senators COOPER, HART, SYMINGTON, FULBRIGHT, GORE, and MANSFIELD have repeatedly sought to match the claims and statements of many of those not in Congress with logic, clarity, and reason. They have insisted that the debate should be kept on a high level, to the great benefit of the debate itself as well as of the Senate as an institution.

As we approach the conclusion of this discussion, it may be well to review where this complex issue now stands. With all respect to those who have so ably presented the case in favor of deployment, there remain three principal unanswered questions:

First, will the Safeguard ABM strengthen our national security?

Second, will the Safeguard ABM heat up the arms race?

Third, will the Safeguard ABM unnecessarily drain billions of dollars from other pressing needs?

The answers to these questions are not easily forthcoming. They were not easy for President Johnson nor for President Nixon. They are not easy for us. But they are so full of ramifications that we must exercise the greatest care in seeking a reasoned position on them.

I will not take the time of the Senate to review in detail all the arguments made so well in the past few weeks. Rather, I intend only to try to put some of them into perspective; for, as we vote, it is the long view of the implications of the vote itself which should concern us, and not the narrow arguments over one or two of the dozens of facets of the ABM debate.

If the Senate accepts the Cooper-Hart amendment, and if the amendment remains intact throughout the remainder of its legislative journey, then the Defense Department will be foreclosed from beginning deployment of phase I of the Safeguard ABM in fiscal year 1970. It will, however, have about half a billion dollars in fiscal 1970 to press research, development, testing, and evaluation of the whole variety of defenses to a hypothetical missile attack on this country.

It may prove useful to outline the implications of accepting the Cooper-Hart amendment, as one way of gaining a measure of perspective.

First, the amendment would put the United States on record against starting another lap in the arms race. It is self-evident that no one can really win the arms race, instead, we and our adversaries are forced to run around and around the track, spurring each other on by each new tactic, strategy, or weapon. One basic tenet of today's war planning is that the best defense is a good offense, because the attacker has so many advantages over the defender. We have no evidence that the Soviets can destroy or seriously damage our diverse and dispersed nuclear forces. Nor do we have any convincing evidence that they will have the ability to do so in the reasonably foreseeable future. Thus, acceptance of the Cooper-Hart "no deployment" amendment would be a clear signal that the United States, far and away the world's most powerful nation, was

seeking to slow and eventually stop the otherwise perpetual motion of the arms race.

Second, it would put the Pentagon on notice that it no longer had a blank check from Congress, for far too long, we have acted as if we believed the Pentagon had an exclusive license on knowledge and judgment in matters relating to national security. Our vast Pentagon budget; our overly large foreign commitments; our crazy-quilt draft laws—these are some of the legacies of our uncritical acceptance of Pentagon recommendations and practices. There is no reason in logic or procedure for us to treat the Department of Defense differently than we treat the Department of Labor or the Department of Health, Education, and Welfare when we review their budget requests. When the Pentagon seeks program funds, then we should examine the justifications for these programs with the same care we examine those for education, health, housing and all the others. The scrutiny to which we have put the ABM has indicated to roughly half the Senate that the justification for beginning deployment immediately is not a compelling one. This indication should have a salutary effect on our Pentagon planners, because in the future they may take increasing care to send to the Congress programs based more on the realities of the threat to our security and less on a desire for new weapons systems.

Third, it would indicate to those disenchanted with our present inattention to our domestic needs that the Congress both recognizes these needs and intends to do something about them. So long as we support marginal military projects, we will be woefully short of funds to help relieve the pressures here at home. And these pressures come not only from the poor among us; they come from our students, from our middle-income taxpayers, from our conservationists, and from many, many others. These pressures rise because the Government seems less to be governing than to be drifting, with no clear precepts or priorities. I see no reason whatever that we in Congress should avoid the very difficult question of priorities. If we do, inflation will take an even larger toll; cynicism and uneasiness will spread; and doubts that we can be masters of our own fate will be more widely held. Because the case for beginning ABM deployment is so marginal, this debate is an unequalled place to begin demonstrating that the Congress, at least, can develop and articulate a sense of national priorities and goals.

Fourth, it would put the Congress on record against premature deployment of complex electronic weapons systems. The cost overruns, overoptimism, and specification shortfalls in these systems are more and more shocking as more and more specific information becomes available. We all know that Apollo 11 was a stunning technological triumph, and we applaud those who contributed to it. But we must not forget the Mercury and Gemini flights which went before it, nor the previous Apollo flights themselves which taught lesson after lesson and gave us the confidence to proceed. Per-

haps we can make the ABM work as it is designed to, despite the reservations voiced by many of our most outstanding scientists. But we cannot make any reasonable judgment about whether it will or will not work so long as many of Safeguard's components remain unbuilt or untested, even in prototype, as Senator SYMINGTON pointed out on July 28. And because all the different components must work in complete concert, they should be tested as a complete unit. We should build prototypes of the system's components where the fullest evaluation and testing can be carried out. We should not build these prototypes on an operational site, because the tests can be neither as extensive nor as varied in the continental United States as they can be on a remote island. Once the prototypes are built and tested, we would then know whether the system worked or whether, like Apollo, we must refine and redesign before we rely upon it.

Fifth, it would put the Congress on record as seeking real value for its defense dollars. Even if Safeguard worked as designed, a number of studies—both classified and unclassified, both from within the Pentagon and from outside it—have demonstrated that the Soviets could easily neutralize it. When the evidence was made available, a few years back, that the Soviets were constructing a small and obsolescent ABM around Moscow, Defense Department officials assured a concerned Congress that it was a routine matter for us to overwhelm the Soviet ABM. Similarly, it is no less difficult for the Soviets to do the same thing to our ABM.

Thus, while Safeguard might work in a technical sense, it would not protect. This is one of the key points on which we must all be absolutely clear. If we spend the billions to construct phase I of Safeguard—placing defensive missiles around one-third of our Minuteman force—we have not bought an effective defense of those Minutemen because the Soviets can easily overwhelm it. I have previously, on July 10, read into the RECORD a table showing just how simply the Soviets can overcome Safeguard, using technology which exists today. Furthermore, if we spend those billions on Safeguard phase I, we have not added any protection to the rest of our deterrent—the remaining two-thirds of our Minuteman, our bombers, our submarines, or our tactical aircraft stationed around the world.

It has been argued here in the Senate that should the Soviets choose to counter our ABM by building more offensive missiles, then we could despond by adding more defensive missiles, thus nullifying their counter step. But if this is our intended response, then it seems to me we are deploying not a thin ABM, but the foundation of a much larger, thick ABM. If this is so, then we should be debating an ABM of far different dimensions and far larger cost than the one presented to us.

We might well ask what we would have bought if we deploy Safeguard phase I. We would have bought a number of radars, of computers, and of missiles. But they would be nothing more

than idle monuments to the ingenuity of our scientists and engineers; their relativity to the realities of weapons planning would be nil.

We might also ask what we would have bought if we deployed the full Safeguard ABM, as it was outlined in testimony by Defense Department officials. We would not have bought any meaningful protection as against the Soviets—nor against a determined Chinese attack. We may, though, have bought some degree of protection against accidental launches, if one makes certain assumptions about the state of readiness of our ABM and the level of crudeness of the attacking missiles. But neither the President nor the Secretary of Defense nor any of Safeguard's proponents have suggested that this alone is sufficient justification for proceeding with deployment of Safeguard.

Thus, in the absence of any convincing testament that Safeguard would add a solid element to our defense capabilities, we would be well advised to avoid spending our limited tax dollars on it.

Sixth, the Congress would indicate its concern over a continuing reliance for our strategic deterrent upon a land-based, fixed-site missile. As the ICBM's in both the Soviet's and our own inventories become more sophisticated, their accuracy increases. This in turn increases the vulnerability of the missile silos, and is presumably one reason behind the decision to deploy an ABM. If we assume that at some time in the future the Soviets—and we, too, of course—are able to refine ICBM guidance systems sufficiently, then the credibility of the fixed-site ICBM as a deterrent is gravely impaired because of the accuracy of the attacking warheads. This is so no matter how hard the silo is, because a detonation would throw dirt from the crater over the silo door, thus preventing it from opening to launch the retaliatory missile.

But this line of reasoning does not support deployment of Safeguard phase I, primarily because of the serious doubts about Safeguard's efficacy and the relative simplicity of neutralizing it. What it does support is intensive research and development into ballistic-missile defenses generally, to discover if there is some ABM system which offers a reasonable chance of success. Fixed-site ICBM's are not now obsolete, nor are guidance systems sufficiently refined. But it does appear folly to spend billions constructing an ineffective defense around missiles which may themselves soon be obsolete.

One of the most frustrating aspects of war planning in the nuclear age is the rapid rate of obsolescence of modern weapons systems. Thus, we are only now learning how to perfect MIRV's—which may be the most unsettling arms race development of the 1960's. We plan to install MIRV's on both Minuteman and Polaris missiles. Yet, as I have just outlined, the fixed-site Minuteman—to be fitted with MIRV's—may be obsolete. But we plunge steadily onward, spending billions, acting not so much rationally as reflexively. Every step we take requires a counterstep by the Soviets; every step the Soviets take re-

quires us to take a counterstep. We develop and deploy a weapons system; the Soviets render it obsolete. And, of course, vice versa. All this absorbs billions of dollars, postpones the arrival of better lives for men and women and children the world over, and throws cold water on our hopes for a stable and peaceful world.

Seventh, it would go far toward making the Department of Defense more candid in its dealings with the Congress. Traditionally, we are aware only of the tip of the iceberg in defense matters. Only grudgingly has the Pentagon filled out the record with the Congress on such items as the chemical and biological warfare program, the Cheyenne helicopter, the C-5A, the main battle tank, cost overruns, and of course the ABM. In each of these cases, the industry of an individual Senator or Congressman brought the facts out into the open, and serious abuses—actual or potential—were corrected.

In the case of the ABM, many of us have known for some time of the existence of studies or reports commissioned by the Defense Department which were critical of one or another aspect of the ABM. Yet, it has been the most difficult task to obtain these reports or studies, or even, in some cases, to get an official acknowledgement that they exist. It is my understanding that one such Defense Department classified study is similar to an unclassified study which I placed in the RECORD on July 17. Both studies examine various alternative ways of strengthening the credibility of our deterrent—as by deploying an ABM system, building more Polaris submarines, further hardening of our missile silos, or constructing more ICBM's. These alternatives are weighed, one against the other, in the studies—and the ABM is determined to be the worst of the four alternatives.

Now, it is reasonable to ask why we in the Congress, at some point during these past few months, were not told of this and of the other studies. There may be powerful and compelling reasons for choosing the ABM over the other alternatives, but we are not told what the reasons are. As a result, we must make assumptions as to the reasons, and this does not create an atmosphere of confidence in our dealings with the Pentagon.

I have listed seven possible implications of Senate acceptance of the Cooper-Hart amendment. There are of course more. But even the ones I have listed, it seems to me, argue in favor of postponing the deployment decision while pressing ahead with ballistic missile defense research and development, and while concurrently seeking to get the long-stalled arms control talks with the Soviet Union back on the track to consummation. We are just 3 weeks short of a year from the date once set for announcement of arms control talks. Yet there appears no urgency on our part to reopen those negotiations. Instead, we push MIRV testing and ABM deployment—all factors detrimental to the climate of cooperation so essential to successful talks.

We all seek a safer world and a better world. Yet we cannot have a safer world while we press forward toward a new and intensified lap in the arms race. Neither can we have a better world—either here at home or abroad—while we pour two-thirds of our controllable budget expenditures into military programs. We are learning that the assumptions upon which our defense postures and budgets are constructed may well be unrealistic and out of date. If they are, and if we continue to stock our arsenals of war while neglecting our tools of peace, then the world we pass on to our children will be far worse than it is today.

We must think, as we consider our vote on the ABM, what shape we want for the world our children inherit from us. We can begin now to shape a safer and better world for them, or we can continue on as we have in the past. I have chosen the former course, and my vote against deployment of the ABM reflects that decision.

Mr. HART. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I am glad to yield to my good friend from Michigan.

Mr. HART. Mr. President, I rise not only to thank the Senator from Massachusetts for a speech that is cogent, persuasive, thoughtful, and balanced in its presentation, but I rise also to thank him for the many hours he has given to developing a broader understanding of the proposed ABM, its doubtful effectiveness, its assured cost, and its threat to successful arms control negotiations.

For many months the Senator from Massachusetts has been perhaps the one most effective Senator in encouraging the scholarly community of this country, those who have the technical understanding which none of us can approach, to come here and counsel with us, both in private discussions and in open sessions. It has been his invitation to which many of those distinguished American scholars have responded. It is largely as a result of the patient willingness on the part of these distinguished American scientists that has enabled us this year to be more comfortable in our belief that we do more fully appreciate and evaluate all the elements involved than was the case when the Senate confronted the ABM issue last year.

Senator KENNEDY's reasoned speech and its balance are a hallmark of his entire distinguished career in this body. The publication of the scientific papers that were assembled at the request and under the counsel of the Senator from Massachusetts are now in paperback form. Encouraging such publication reflects the understanding of the Senator from Massachusetts that, indeed as he said, the decision we take tomorrow will affect enormously the kind of world our children will have.

It would have been a less promising world had we not, largely with the help of the public, rescued ourselves from the decision to deploy the ABM system labeled "Sentinel" last year.

With him, I believe that it will be a better world if we avoid deploying the ABM system labeled "Safeguard" this year.

If that decision is made, it will be in very large part a consequence of the thought, energy and counsel of the Senator from Massachusetts.

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

Mr. KENNEDY. It is always a pleasure to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I must apologize for being delayed, but there was some official business I had to attend to. I did, however, have a chance to read the speech of my distinguished colleague, the assistant majority leader, and I want him to know that I join the distinguished Senator from Michigan (Mr. HART) by adding my commendation to the Senator for the work he did initially, not only this year but also last, and for the impetus which he gave to this issue and for the breadth of knowledge which he made available to the Senate. I assure him that, as always, he is rendering a great public service which will redound to the benefit of this body and to the country as a whole.

His well thought out, closely reasoned, and wholly logical proposal, in conjunction with the remarks made today by the distinguished Senator from Alaska (Mr. GRAVEL), has resulted in two of the finest contributions which have been made in this Chamber during this most important debate on one of the most important subjects to have come before this body during this decade.

Again to the Senator, my thanks and appreciation for a job well done and a presentation well made.

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

Mr. KENNEDY. I yield to the Senator from Maine.

Mr. MUSKIE. I would like to express my regret that I was not on the floor to hear all the Senator's presentation. I have had an opportunity to examine it, and it is consistent with the high quality of leadership that the Senator has shown on this issue over the past month. I like especially his choice of the seven implications to analyze the meaning of this debate and the issues which it involves. I am sorry I was not on the floor to get the full impression of what the Senator had to say. I compliment him.

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

Mr. KENNEDY. I yield to the Senator from Kentucky.

Mr. COOPER. I wish to compliment the Senator on his statement. I agree with the Senator from Michigan that the debate on the ABM issue has been a process of education. All of us in the Senate have been required to educate ourselves on this question and to provide information to the country, and we have had to learn a great deal. The initiative taken by the Senator from Massachusetts in calling to our help and that of the public the knowledge of a great number of noted scientists, those without predisposition or bias, in my judgment, it was a service of incalculable value to the Congress and the country, for which we thank the Senator from Massachusetts, Senator KENNEDY.

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

Mr. KENNEDY. I yield to the Senator from Missouri.

Mr. SYMINGTON. I join my colleagues in congratulating the assistant majority leader for an excellent talk. The Senator points out that the Soviets could easily neutralize any addition in defense which came from Safeguard, and that is one of the more important aspects of the criticism of this system that has never been answered.

In recent hearings, when it was shown to my mind conclusively that a relatively slight addition in the production of the new Soviet SS-9 missile—a type we abandoned years ago as not being the right type or character of missile—would neutralize any effective defense provided by the deployment of Safeguard the Defense Department fell back into the question of cost.

It is very difficult for me to understand what, in dollars the SS-9 missile would cost the Soviet Union. More on that later. In any case I am glad the able Senator brought this out and congratulate him on his presentation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 2 additional minutes to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from Missouri for his comments. I believe one of the great contributions to this whole debate and discussion was the very important information the Senator from Missouri developed in demonstrating what would be necessary to overwhelm the implementation of phase I of the Safeguard system. I know there have been those who have argued that all we would have to really do is expand phase I into phase II, phase III, or phase IV. There were those who suggested this expansion in response to the arguments raised by the Senator from Missouri. What we were talking about then was not the thin system, which has been debated; but a thick system, which increases the magnitude dramatically and increases cost significantly, even above the cost that has been estimated here. The thick system is really a different kettle of fish. So I think the point the Senator from Missouri made in bringing that information into the debate was extremely important in helping resolve this issue in the minds of many Senators.

I think one of the other important contributions the Senator made was with reference to the status of the testing of the Safeguard components themselves, to which I referred in my statement.

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

Mr. KENNEDY. I yield to the distinguished chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. I want to join in commending the Senator for his statement, which I have just had a chance to read. I am sorry I was not able to be on the floor. There is one point I wanted to mention again, which is like the point made by the Senator from Missouri: I noted in the newspapers recently that Mr. Kissinger, one of the President's principal advisers, was reported to have said that even if the ABM did not work,

it would be worth it because the Russians would not know it did not work.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 2 minutes.

Mr. FULBRIGHT. Therefore the Russians would have to do all their planning on the assumption that it would work.

This may be a very good assumption in an academic atmosphere, but the Russians have experimented with the ABM. They started to install a system and then quit deploying it. They did so because they believed that, in the present state of the art, it would not work. So we are not kidding anybody. The Russians are not fools. They would know it did not work. So the idea of going ahead with it on the theory that, even though we knew it would not work, they would not know about it, and they would spend all their money trying to overcome it, does not make sense.

It seems to me that in considering the question of whether it will work, or whether it will not work, or the various difficulties it has, or will encounter, there has always been the assumption that it does not matter what it would cost. We seem to feel that in the realm of defense it would somehow be unpatriotic to raise the question of cost.

I do not agree with that, especially when we consider the fact that the President spent a great amount of time in promoting extension of the surtax. In other words, the importance of the financial condition of the country and approving the surtax indicate the administration's concern with inflation. We already have inflation. We have a very serious financial condition. Therefore, I do not think we should ignore the question of cost.

Does not the Senator agree that if we proceed to give the President authority tomorrow, if the vote is to authorize the ABM, the decision will be made and there will be no turning back on it?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 1 additional minute.

Mr. FULBRIGHT. It seems to me, having had such a serious debate about it, and having won the vote, we will be committed indefinitely and at incalculable cost, which would be anywhere from \$10 to \$50 or \$75 billion, to proceed. Does not the Senator agree with that?

Mr. KENNEDY. I agree with the comments made by the distinguished Senator from Arkansas. I would say that this is indeed a watershed in the decision made by the Senate in confronting this issue.

Second, I agree with the Senator completely about the openness of the whole deployment of the system, not only in the potential of the increased cost of the weapons system, as we have seen in recent times with respect to overruns and all the rest—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield 1 additional minute.

Mr. KENNEDY. But I think, as I mentioned to the distinguished Senator from Missouri, in response to the materials which he brought to this debate, it would take a relatively short period of time for

the Soviets to overcome phase I of the Safeguard system. The proponents of the system have said all we would have to do is build more—phase II, phase III, and phase IV. What we are getting into is an additional cost of tens of billions of dollars, if we follow that logic to its legitimate end. The Senator has stated it accurately. I am in agreement with that observation. I think it is a most important one.

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

Mr. KENNEDY. I yield.

Mr. YARBOROUGH. I would like to associate myself with the remarks of the majority leader and his comments on the work of the assistant majority leader in the months of the debate that has been going on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 1 minute.

Mr. YARBOROUGH. And the knowledgeable people he has brought to Washington and the meetings that have been held and all the important work he has done. In addition to being the assistant majority leader, he has done much work off the floor to see that that information was obtained and that discussions were had in order to enable Senators to make up their minds on this question.

I compliment the Senator not merely for what he has said, and not merely for his work as assistant majority leader, but for the months of dedicated work he has done on and off this floor in connection with this crucial issue.

Mr. KENNEDY. I thank the Senator for his kind remarks.

Mr. MAGNUSON. Mr. President, I have decided to vote for \$760,000,000 for continued research and development of the missile defense concept. I will not vote, however, to deploy the antiballistic missile at this time. I am even somewhat reluctant to support this huge sum for research, because the great mass of scientific opinion on the ABM casts grave doubt on the likelihood that it will ever become a workable defense system.

As one Member of this body, and as a member of the Defense Appropriations Subcommittee, I have conscientiously examined the testimony, the reports, and all the technical data available to me on the subject of the ABM.

On the basis of that evidence, it is obvious to me that public debate has tended to obscure the real issue with which the Senate is faced. That issue is not whether America should be protected: we all agree that it should. The real issue is whether or not the ABM system, as proposed, would in fact add to that protection; if so, at what cost, and with what advantages over alternative defense programs.

The testimony I have heard, in scores of open and closed sessions of the Senate, suggests that the ABM may never work. Further intelligence indicates that even if ABM can be perfected technologically, it may not provide true defense against the weapons of tomorrow. In addition, the very Minuteman ICBM's the proposed system is designed to protect may themselves be an obsolete part of our nuclear arsenal within a few years.

These factors make it necessary to question this particular proposal, but this is not to question the value of defense. The decision to commit the already overburdened taxpayer to a multi-billion-dollar weapons system is one we should not make hastily, particularly when that system may not provide defense at all. The cost of deployment, with its inevitable overruns amounting to billions, is too high a price for the illusion of defense without the substance.

We all want to provide America with the best defense system possible. To this end, I have voted for \$976 billion in defense spending since World War II—and there will be more to come. In that tradition, and in the desire to give America the benefit of every possible defense, I am willing to go the extra mile and approve this huge sum for research and development of the ABM concept. I hope this money will not be wasted, but if it is, it will still be a fraction of what we might have wasted on premature deployment of this proposal.

The alternative is to blindly buy an untested system, a weapon in search of a mission; to accept, from "A" to "Z," every proposal the Pentagon puts forth. But this alternative does not provide defense, nor is it my idea of how best to represent the people.

Deployment is a commitment that is sure to cost billions. It is a commitment to a weapon whose reliability is presently uncertain; a commitment to a weapon that might easily become the most expensive piece of ineffective military hardware in history. Let us face the facts: weapons system failure is a common occurrence in the history of the Pentagon.

What exactly is the system we are discussing? The very name—"Safeguard"—may prove to be the greatest misnomer in recent years. For there is neither the plan nor the expectation that this system, even if proven, could protect our cities. That was the task set last year for the Sentinel ABM system—a task the Pentagon finally abandoned, and a task that is presently impossible, for this year the military freely admits that there is no known method of defending a city from massive nuclear attack. Even before that fact was conceded, however, many people in the cities to be "protected"—and my hometown of Seattle was one—indicated they did not want an ABM for a neighbor.

Faced with the end of the Sentinel project, the military has retreated to the present alternative, whose alleged purpose is to protect a small number of Minuteman sites around the country. The theory behind this proposal is that if some of our Minutemen survive a nuclear attack, and can be fired in retaliation, the initial attack might never take place at all.

This might work—provided that the ABM's computer, its complex radars, and both its missile systems worked flawlessly. It is this last point—whether or not it has demonstrated the potential to perform reliably—that raises such persistent doubts in the minds of able Americans, in and out of Congress. The ABM may prove workable, after further research and development, but its pro-

jected performance simply does not justify its deployment now.

Some people have argued that even if the system doesn't work, the Senate must vote to deploy it in order not to undermine the President's prestige in the coming arms talks with the Soviet Union. This theory is based on assumptions that are tenuous at best.

The Soviets will negotiate on arms settlements when it serves their political interests to do so—regardless of whether we deploy the ABM. That is their style; that is the way they do business with the West.

If any weapons will affect the Soviet's willingness to talk, it is our offensive ones that will do so. These we have perfected; these alone present a threat to which the Soviets might respond. Minuteman missiles, Polaris, and Poseidon submarines, perhaps even new manned or nuclear-powered bombers—these are weapons over which the Soviets might wish to negotiate. There is nothing very compelling to negotiate over a defensive missile system that may not even work.

These are the realities of nuclear strategy—whether or not the Pentagon admits it—and these are the realities upon which the President does not appear to have been objectively advised.

These are my honest doubts about the system we are debating, yet even with these doubts, I am not abandoning the ABM. I have stated that I will vote to give it a reasonable chance, a chance to prove itself through the research and development process. This is a process that is continuing: just this week, the Senate Defense Appropriations Subcommittee, of which I am a member, approved an \$80,000,000 extension of a contract for the development of improved missile defense system technology.

By deferring a deployment decision on the ABM until it is better developed, we do not jeopardize our security. We simply acknowledge that the ABM does not appear to be proper at this time.

Although America has a great many capabilities, the overburdened taxpayer cannot afford poor investments. A "no think" policy toward military spending—the type of policy that produced the TFX, nerve gas, the main battle tank, the C-5A, and countless others—will prevent us from solving both our military and our domestic problems.

Much of what I have said had already been said by others. I have come to my conclusion as a result of long hearings, discussions, questions of and answers from all kinds of people in the military field and the scientific and technological field, Members of the Senate and the House of Representatives, and members of the committee; and from discussing at some great length with many able Americans both in and out of Congress the matter before us.

Just as we must reexamine our military spending, we must take a new look at the strategic considerations to which that spending should be geared. We must not lull the American people into thinking that this system can defend them against the terrible threat of nuclear war.

We must convince ourselves, as well as our adversaries, that the only way to

defend against a nuclear war is to prevent it: the only way to win a nuclear war is not to fight it.

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield 10 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, no one can deny that the issue confronting the Senate today is one of the most important of these Vietnam war years. For what faces us is not only a matter of preparation for war but also a matter of national priorities. This is another big war expense, piled on top of the Vietnam war which is now costing about \$36 billion a year.

The clear lesson of the past 5 years is that this Nation cannot afford to squander exorbitant sums for weaponry to be used helter-skelter all over this world, and at the same time address its attention to the rising needs of health, education, employment training, and other domestic needs. We cannot engage in this exorbitant squandering of our resources, and escape the highest interest rates in history, high taxes, and runaway inflation. Our economy cannot stand the reckless spending; our taxpayers are getting too wise to swallow it any longer. So we must choose now where we will place the greatest emphasis—on continued, wasteful, unrestricted, wild military adventures, or on the search for more effective solutions to our many problems here at home.

Of course, this is not an either/or matter; no rational man would advocate abandoning an adequate national defense. But as demands on our financial resources grow, so must the need carefully to examine each new request for military spending grow, in much the same way as we have been doing with domestic spending in the past. We must distinguish between essentials and non-essentials, between necessities and boondoggling.

The ABM proposal is one matter which should be examined with the greatest care before action is taken on it, because of the scores of billions of dollars it will ultimately cost. We must decide whether this is a billions of dollars boondoggle, or a valuable insurance policy.

From my study since the ABM proposal was made, and as the debate progressed, I have concluded that this is one project which is not necessary.

First, there are grave doubts about the technical feasibility of an antiballistic missile at this time. They have been debated too thoroughly on the floor to require further debate by me, and the Senate has heard of the tremendous technical problems which the ABM system must still surmount if it is to be a workable defensive device. Nothing has been said on the floor of the Senate to change my opinion on this score. This raises the economic question of why spend these billions, when money more wisely spent might obtain a more effective defense?

The ABM accelerates the arms race, without increasing the superiority to our arms. What we build, Russia will build. We now have complete arms superiority over the Russians. They are playing catch-up. If we build a new weapon sys-

tem, they copy. It is needless proliferation built upon proliferation.

But the matter of gravest concern to me, the one closest to my heart, is the matter of national priorities. The estimated cost of this system since the debate started has already increased from slightly more than \$6 billion to \$11 billion; informed persons estimate the ultimate cost to approximate \$60 billion. Before 1 cent has been approved by Congress or one site has been built, the projected cost has increased by almost \$5 billion. How much higher will these costs go before the system is completed? Furthermore, even the arguments of the ABM proponents give grounds for grave doubts about our future expansion of this system into a hardened, "thick" antimissile system at an ultimately fantastic cost.

What is being talked about, then is no moderate sum. We are talking about a beginning of at least \$11 billion in the next few years. Those who support this proposal should stop and ask themselves how hastily they would want to proceed were this sum being requested for domestic programs and domestic progress. How quickly would they vote for an \$11 billion domestic program to elevate the standard of living in this country? Not very fast, I think, I do not believe in waste. I do not believe in spending vast sums of money for a boondoggle. And I think we need to proceed with the greatest care on this proposal for that very reason.

Furthermore, we are told by this administration that we must cutback in almost every domestic program in the Federal Government—cutback in education, cutback in housing, cutback in economic development, cutback in medicare and medicaid, cutback in health. They have cut the Hill-Burton hospitalization request by 60 percent, or more than half—cutback in child care, cutback in rural programs—cutback, cutback, cutback—cutbacks are being made in all these domestic programs. The reductions in the fiscal year 1970 budget recommended by this administration in April total \$1,211.3 million. Every domestic program has been funded at a level far below its authorization. Why? Because we are told that the money is needed for military spending. The Congress has authorized \$9 billion for education this year, but the administration requests that only \$3.2 billion be appropriated, or about 35 percent of the moneys authorized.

This administration has requested that we spend \$5.2 billion for ammunition to be shot at the Vietnamese, for the fiscal year beginning July 1 of this year. There are an estimated 240,000 North Vietnamese and north Vietcong now in South Vietnam. If we take that 240,000 and divide it into the \$5.2 billion they want for ammunition alone, Mr. President, that is \$21,666.67 for ammunition to shoot at each Vietcong and North Vietnamese soldier, whether they hit him or not. But they ask only \$3.2 billion for elementary and secondary education for the 72 million schoolchildren in America, which is \$44 for each child. They are willing to spend \$44 for education on each American child, and \$21,666.67 to

shoot at each Vietcong or North Vietnamese.

It is time, Mr. President, that we stop to think about what this Nation is doing, what our objectives are, and what should be the course of reason, intelligence, and rationality.

The proposed authorization for the ABM for this fiscal year, they keep saying, is "only \$759.1 million" for this year.

Mr. President, if this sum were deleted and the money applied to other uses, it would be possible from this sum to restore all cuts made in the budgets of OEO, the Department of Agriculture, EDA, HUD, and the Veterans' Administration together, plus \$156.3 million of the cuts made in the HEW budget. And we could do this without raising the total budget 1 cent.

I realize that the Cooper-Hart amendment now under consideration deleted none of the funds authorized in fiscal year 1970. I think the proper place to do this is in the appropriations measure and I hope it will be done at that time. But what the Cooper-Hart amendment does is delay the initiation of this ABM project. It gives us more time—time to evaluate the need for such a system, time to find other means to protect our retaliatory capacity, and hopefully, time to reach a meaningful agreement on arms limitation so that no expenditure of this type will be necessary. My point in reciting these figures is merely to give a graphic example of what this type of expenditure means in terms of domestic programs.

Let us be perfectly clear about what we are talking about here. We are talking about human beings and their hopes, aspirations, and lives. We are talking about children who may not be able to get an education, people who may not be able to build a home or start a business or improve a small farm. We are talking about people who may not be getting adequate health care or enough food to eat.

The administration cut back the loan funds for college students. It cut the funds for work studies in all five programs. We had to enable students to work through college. They cut back last year on the 6,000 fellowships financed 2 years ago. They cut it back to 3,500 fellowships.

The quality of American life is being pulled down to pay for this type of adventure.

We are talking about people not getting adequate health care—about 35 million of them. We are talking about people not getting enough to eat—some 20 million.

That is what is involved. Human beings are involved. Tens of millions are hungry in our country. Tens of millions in our country are without medical care. This is what is involved, not just dollars and cents. And how can we do this to them in good conscience and tell them we are doing it all for a weapons system which is not needed this year, and which might be of dubious worth in the first place?

Furthermore, as many of the opponents of this proposal have pointed out, weapons systems, once deployed, seem to develop a self-sustaining momentum of their own, even when obsolete. Once initiated, they are extremely difficult to dis-

continue, even if they will not do the job. So, knowing this and knowing the demands we will have on our budget in the coming years, why should we start on something potentially as costly as this proposal when there are such grave scientific doubts that it will accomplish the purpose?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield an additional 5 minutes to the Senator from Texas.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The Senator from Texas is recognized for an additional 5 minutes.

Mr. YARBOROUGH. Mr. President, as an example of an area—just one—in which our Nation will face great challenges in the coming years, let me bring to the attention of the Senate what this administration's own U.S. Commissioner of Education, Dr. James E. Allen, Jr., was quoted as saying recently. The New York Times of July 9, 1969, reports that Dr. Allen predicted that by 1980, public spending on education would total \$100 billion annually, "with the Federal Government tripling its share of the cost for elementary and secondary schooling."

Using Dr. Allen's predictions, the Federal expenditure for elementary and secondary education alone will increase from the present \$4 billion per year to \$25 billion in 10 years. This is just an estimate of the Nixon administration. Many education experts say that Dr. Allen is too conservative in his estimate, and predict that the Federal share will increase to 50 percent of the total public outlay on education which would mean a \$50 billion annual Federal outlay by 1980.

We can thrash around in the quagmire of histrionics and rhetoric all we want, but there is no way that we can teeth out the bit placed in our mouth by the educational needs of our children and the other needs of all our people. We have a hard choice to make, and it is time that the chosen representatives of the American people face up to it. All of us would like to be able to tell our constituents that we took no chances at all with our military demands and that we met every military spending proposal presented to us, even proposals the value of which was questionable.

But, the realities of projected Federal revenues, of present inflation and Federal military spending, of the runaway interest rates and of the limits of the tax burdens that can be placed on our people, tell us with candor we cannot escape, that we cannot escape what we cannot continue to finance every demand that comes from the Pentagon and still meet the unyielding obligation we have to our children and their education and to our Nation and its inner welfare. We cannot continue to do both, Mr. President, and we all know it.

We know it from the inflation, high interest rates, the impaired living of the people of our Nation. Talk to them on any street in the country. Talk to them in the ghettos. Talk to the people who are rich in stocks. Talk to them all.

I think we would be wasting our money

were we to spend it on the ABM proposal. We would be spending to protect ourselves from imaginary demons beyond our borders and ignoring the very real enemies—hunger, poverty, ignorance, and physical suffering—here in this Nation that are boiling over in every class of our society. We should reexamine our priorities in this area and stop spending money on exorbitantly expensive unproven, doubtful projects such as the ABM. For this reason, I oppose without any hesitation the ABM deployment provisions of this bill this year.

The Military Establishment says that the ABM is necessary for our safety. But they say that about the War in Vietnam, when I know the war in Vietnam is doing more harm than benefit to this country. When the military leaders are so wrong about Vietnam that a blind man could see it these past years, why should we believe them to be infallible on the ABM? If the ABM is really necessary, let our military leaders close out the unnecessary \$35 billion a year war in Vietnam, and spend that money in a more sensible way.

I no longer believe, as I once did, that the military is wiser than the Congress about the necessity and the limits of military spending. My experience in 12 years in Congress convinces me that Congress is wiser and that Congress must reassert its constitutional power over the purse strings of our country before our economic system collapses from an overweight military burden.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a telegram under date of August 2, 1969, from a number of my constituents.

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

AUGUST 2, 1969.

Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

We support your opposition to deployment of the "Safeguard" ABM system. We urge you to speak out and vote for the Hart-Cooper amendment to the military procurement authorization bill S.R. 2546. We believe the "Safeguard" ABM system is unworkable and a waste of resources needed for vital domestic needs. We fear that deployment of the ABM will increase the arms race and will not give us any increased national security.

Mrs. Shirley Taylor, Mrs. R. T. Dutton, Groves, Tex.; Rose Durham Port, Neches, Tex.; Rev. Jim Jones, Rev. Robert C. Sneed, Groves, Tex.; Robert Chavey; Hector Ramirez, Port Arthur, Tex.; Frank Rojas, Philip Bordages, Brick Logan, Orange, Tex.; James Carter, Mr. and Mrs. George Cowart, Mr. and Mrs. Theo Kresser, Mr. and Mrs. Bobby C. Williams, Mr. and Mrs. C. A. Brink, Mr. and Mrs. W. L. Stertz, Sr., Tim Kidwell, Kurt and Kathleen Schroeder, James Blair, Wayne Sullivan, Larry Albright, Loretta Oliver, Gem Logan, Orange, Tex.; Mr. and Mrs. Jerry Hanks, Nederland, Tex.; Robert Briggs, Duane Force, Bob Held, Tobe Duhon, Tommy Fitts, Don Humphrey, Ron Platt, and Phil Ritchey.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 4 minutes.

Mr. MOSS. Mr. President, as we approach the historic vote set for tomorrow, I want to reaffirm my support of the Hart-Cooper amendment. I recognize the need for continued research and development of an ABM system, but I object to deployment at this time for the following reasons:

First. The technical difficulties involved in establishing an operative, reliable Safeguard system are at present insurmountable, in my opinion. Why should we burden the already overloaded middle-income taxpayer with a Presidential delusion?

The Hindenberg Zeppelin and the unsinkable *Titanic* demonstrated that even with man's best effort and most advanced technology, disaster can still follow. The difference of then and today is that today the disaster would not be localized; instead, the disaster would claim the world.

Second. The spiraling nuclear arms race will be escalated one step closer to holocaust and doom. The U.S. Senate must assume its position of leadership in the world's quest for peace. When our military superiority is as great as it is today, it seems utter folly to pour more taxpayer's money down the never-ending, always-increasing military appropriations drain—a drain, might I remind Senators, that is based on destruction of life and property, as opposed to constructive improvement of quality of life and environment.

Third. Last, and perhaps most important for the survival of the human race, is the false state of security that a questionable Safeguard system would create. In my remarks earlier to the Senate, I discussed the very real threat of defense planners becoming less reluctant to utilize nuclear weapons in their overall defense program. If this were to become the case, the chances of nuclear war occurring approach the absolute. The chances of maintaining the nuclear non-proliferation treaty, with smaller countries becoming more and more acutely aware of the increased dependence of the great powers on nuclear weapons, would become an impossible dream. The chances of a lasting peace based on trust would also be greatly diminished with passage of the ABM Safeguard system.

Mr. President, our country is facing a crisis in trust and confidence perhaps unparalleled in our Nation's history. People are beginning to ask why the Government spends \$85 billion plus a year on defense when the real threat to the common man is right within his own city or State. The threats of crime, poverty, unemployment, and disability—and of air and water pollution—are far more real to the average citizen of the United States than are his awareness and fears of the Russians or the Chinese.

In this new crisis situation we must come up with new answers to the old questions. We simply cannot go along with tradition because it is tradition; we simply cannot approve every military appropriation because it is a military request. We have to demonstrate to the

citizens of this great Nation, and indeed the world, that we are taking a new direction; that we, as U.S. Senators, are concerned about and are working on how to correct the local threats of crime, poverty, and unemployment.

If we do not begin to work to solve these domestic problems, I am afraid that we, as a nation, are going to become victims to what the 19th century historian McCall predicted would be the reason for the fall of the United States. He foresaw that the United States would not succumb to external invasion but would instead fall to internal subversion caused by discontent and extremism.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself 3 minutes.

Mr. President, there is a very excellent letter in the July issue of Science magazine from David C. Williams of the Space Power Research Division, Sandia Laboratories, Albuquerque, N. Mex.

It is a very devastating attack on the Chayes-Wiesner report, and I would like to read one of the points made, because it is a point we have tried to make over and over again in this debate:

According to the Chayes-Wiesner report, Secretary of Defense Laird's assertions (that the Soviets seek "superiority" or first-strike "counterforce" capability over the United States) are "not based on any intelligence about new weapons systems" but are, instead, merely his reinterpretations of older data that were not previously viewed with much alarm. Actually, of course, new intelligence has come in during the last year, but the key point—evidently overlooked by the report—is that earlier estimates of Soviet intentions optimistically assumed that their extremely rapid missile deployment was only aimed at achieving parity with the United States, not superiority. Unfortunately, in the past year the assumed leveling-off point has been passed, yet Soviet deployment continues unabated. Ergo, it is probable that they seek superiority after all.

Mr. President, I ask unanimous consent to have this letter in its entirety printed at this point in the RECORD.

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

CHAYES-WIESNER REPORT CHALLENGED

The Chayes-Wiesner report (16 May, p. 807) criticizing the Safeguard ABM system is of such questionable quality that some comments must be made. Many of the relevant data are (unfortunately) classified, and arguments based upon such data inevitably degenerate into exchanges of the "So I say—So you say" type. I therefore eschew refutations based upon classified information and restrict myself to some more general comments:

(1) According to the Chayes-Wiesner report, Secretary of Defense Laird's assertions (that the Soviets seek "superiority" or first-strike "counterforce" capability over the United States) are "not based on any intelligence about new weapons systems" but are, instead, merely his reinterpretations of older data that were not previously viewed with much alarm. Actually, of course, new intelligence has come in during the last year, but the key point—evidently overlooked by the report—is that earlier estimates of Soviet intentions optimistically assumed that their extremely rapid missile deployment was only aimed at achieving parity with the United States, not superiority. Unfortunately, in the past year the assumed leveling-off point has been passed, yet Soviet deployment con-

tinues unabated. Ergo, it is probable that they seek superiority after all.

(2) The report asserts that we can afford to delay Safeguard because the Soviets will face a long "lead-time" in developing and deploying any new systems. Actually, the Soviet systems of such concern to Secretary Laird are already developed and even deployed in large numbers. That lead-time is already gone.

(3) I was startled by the recommendation that Safeguard not be deployed because each of its components "is at the extreme of sophistication for its type." Does this mean that the authors would have been more favorably inclined if Safeguard were already obsolete? Its advanced technology undoubtedly will require much time for debugging, especially with respect to integration of its components, which is one more reason for avoiding unnecessary delay in deployment.

(4) It is almost embarrassing to find the F-111 (TFX) listed among alleged Pentagon bloopers. Military men mostly opposed that system; it was passed anyway by civilian "experts" under then Secretary of Defense McNamara, during the Kennedy Administration whose science adviser was—remember?—Jerome B. Wiesner.

(5) Many of the report's arguments conflict with each other. For example, it is asserted that: (i) Even China will be able to penetrate the Spartan-only defense of our cities with ease; (ii) Safeguard will escalate the arms race, implying that even the Soviets will so respect the Spartan-only defense that they will fear it represents an attempt to erode their second-strike capability; (iii) the Spartan-plus-Sprint defense of our missiles will not increase the credibility of our second-strike capability, which implies that the Soviets will be so contemptuous of the combined system that they will feel certain they can penetrate it with nearly 100 percent efficiency in a very brief time (anything less will not save them from U.S. retaliation, and Safeguard will have "worked"). Make up your minds, boys: Is Safeguard bad because the Spartan defense won't even work against China or because it might even work against the Soviets; because the U.S.S.R. won't respect the system or because they will?

Though I favor Safeguard deployment, there are unquestionably many technological points that may be legitimately debated. Unfortunately, this hastily compiled report contains enough flaws and inconsistencies, many obvious even to intelligent laymen, that it is apt to damage the credibility of the scientific community more than it will damage the credibility of Safeguard.

DAVID C. WILLIAMS,

Space Power Research Division, Sandia Laboratories, Albuquerque, N. Mex.

Mr. COOPER. I suggest the absence of a quorum.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed by the quorum call requested by the Senator from Kentucky be charged to neither side.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Who yields time?

Mr. COOPER. Mr. President, I yield 20 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 20 minutes.

SAFEGUARD: THE TONKIN GULF OF THE NUCLEAR ARMS RACE

Mr. JAVITS. Mr. President, in these closing hours of debate on the ABM, I wish to raise an issue which I believe goes deeply to the experience of the Senate and the Nation within the past few years. It relates to the significance of our vote on the ABM in terms of future of governmental policy.

One of the great adages in Washington is that it is not enough to say so; we have to prove it either by action or by vote. That goes for politics and policies as well. The significance of the vote on Safeguard is that it could restore or begin to restore the authority of Congress with respect to foreign policy and military policy. Such authority is vested in the Congress by the Constitution but—as was brought out in the debate on the national commitments resolution—it has not been exercised in a significant way in recent years.

The Gulf of Tonkin resolution is a dramatic example.

It is interesting, indeed ironic, that the man in whom it awoke the greatest feeling that Congress was surrendering its power was the manager on the floor of the Senate of the Gulf of Tonkin resolution; namely, our very distinguished chairman of the Committee on Foreign Relations himself, the Senator from Arkansas (Mr. FULBRIGHT).

Mr. President, I see in the ABM vote a watershed in this regard. In my judgment, if we do successfully oppose deployment of ABM, then we will have gone far toward reasserting our constitutional prerogatives and responsibilities in the national security field.

Mr. President, that is the thesis which I should like to lay before the Senate. It is uniquely a Senate issue which will be here decided, precisely because it is so close, precisely because the scientific evidence is so contradictory that we must consider the ultimate effect upon Government policy of what we will be here deciding.

Interestingly enough, Mr. President, I am coming to the conclusion that it may not make so much difference in terms of what actually happens, whether we win or lose, because I have a hunch much the same thing is likely to happen in the end. I doubt very much that this weapon can be deployed even within the period the administration is talking about. We may come out at exactly the same place so far as this weapon is concerned whether the vote is 51 to 59 or 49 to 51 the other way.

What is very important is that we should recapture our constitutional prerogatives.

The eyes of the Nation—indeed of the entire world—are focused on the Senate this week. Tomorrow's vote on the Cooper-Hart amendment will be the "moment of truth" which decides whether or not this Nation can make a concerted effort to freeze the nuclear arms race. I agree with President Nixon when he said:

The choice will affect far more than our foreign policy; it will determine the quality of our lives.

What we decide will indeed have far-reaching consequences.

In his Air Force Academy speech, the President characterized opponents of the ABM program as "new isolationists" and said our objective was "unilateral disarmament."

He said: "I hold a totally different view of the world," and he ruled out compromise in the following language:

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences or to try to pretend that they are mere matters of degree.

The attitude of the President, together with the testimony of Secretary Laird and others, suggest strongly that the Safeguard ABM proposal may well be to the nuclear arms race what the Tonkin Gulf resolution was to Vietnam. If the Senate acquiesces in the administration's decision to proceed with immediate ABM deployment, we must expect that the Nation and the world will accept Wednesday's vote as a determination that the nuclear arms world will be escalated—bid up—and that the likelihood, of at least, a freeze on strategic nuclear arms as a result of the SALT talks is considerably reduced. This is the way the then-President and the world took the import of the Tonkin Gulf resolution as to combat involvement of U.S. troops in Vietnam.

The President has stated his position very clearly. In his Air Force speech he said:

The question, I submit, in defense spending is a very simple one: "How much is necessary?" The President of the United States is the man charged with making that judgment.

Moreover, the President has made it clear how he sees it between competing domestic and military priorities:

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order . . .

In my judgment, the Senate cannot accept the exclusive authority of the President to decide on the Nation's priorities and its military budget. In fact, article I, section VIII of the Constitution gives exclusive authority to the Congress "to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the land and naval forces."

An important constitutional question thus has been posed. I do not believe the Senate can duck this question.

It would be well for us to remember Secretary Katzenbach's assertion in 1967 that the Tonkin Gulf resolution was a "functional declaration of war." I do not think any of us felt that way when we voted for the Tonkin Gulf resolution, but later we seem to have had no effective answer to Mr. Katzenbach's assertion on behalf of the Johnson administration.

President Johnson and Secretary Rusk felt just as strongly about the Vietnam war as President Nixon and Secretary Laird feel about the Safeguard ABM. But the attempt of the Johnson administration to subordinate urgent domestic civilian needs to the insatiable budgetary demands of the Vietnam war produced the gravest kind of domestic strains and

strife, and caused the political destruction of the Johnson administration.

The apparent determination of the administration to cross the Rubicon of ABM and MIRV would make an escalation of the nuclear arms race inevitable unless checked by the Senate. In my judgment, it is essential that we defer the crossing of that Rubicon until a thorough effort has been made to negotiate a strategic arms limitation agreement in the SALT talks. We have it in our power—the power of the purse—to do this. It is a power which, in all prudence, we must exercise.

The danger of heedless escalation of the nuclear arms race is a very real one despite the efforts of Safeguard proponents to minimize this aspect of the debate.

Already there is some claim that the reasons for immediate ABM deployment given by Secretary Laird are having a detrimental effect on the commencement of the SALT talks. According to an article in the Washington Post of August 3, the position in Senate testimony by Secretary Laird "may have been seized upon by the Moscow hawks to demand a new review and a delay in the talks."

As much as we all hope that this report proves to be wrong, it is ironic that this very possibility was foreshadowed in the recent pro-ABM study produced by the Hudson Institute. This book, entitled "Why ABM?" has been widely touted by administration supporters as the reply to the anti-ABM study edited by Wiesner and Chayes.

It states:

The testimony of Secretary Laird . . . contributed rather significantly to the crystallization of the critical attitudes of the Soviet commentators.

The author concluded:

Secretary Laird chose to invoke the imminent threat posed by alleged Soviet first strike intentions. . . . Hence the way the American Administration chose to argue its case for BMD tended to produce Soviet concerns lest the BMD decisions be used as a vehicle for expanding the strategic arms competition.

The alleged Soviet "first strike" threat, which Secretary Laird leaned on so heavily, was a red herring from the beginning. Even Secretary Laird has more or less backed away from that position now, after being confronted in the Foreign Relations Committee with the intelligence estimates of the CIA. But some damage may have already been done to the SALT negotiations.

The Pentagon's own testimony on "the Status of U.S. Strategic Power," just a year ago before Senator STENNIS' Preparedness Investigating Subcommittee, is sharply contrary to the Soviet "first strike" case which has been used by Secretary Laird.

The technological lead of the United States is unquestioned—and today should be even more so following the Apollo moon landing. Still, according to General Wheeler, the Chairman of the Joint Chiefs of Staff, an American "first strike" capability is not possible. His reasoning is significant:

It is literally impossible to buy sufficient forces at the present level of the art to destroy the enemy strike capability before it is launched . . .

During these same hearings on the status of U.S. strategic power, Dr. John Foster, Director of Defense Research and Engineering, presented a very confident picture of our strategic posture and described the so-called action/reaction cycle in a way which may be very pertinent to the decision before us. He said:

So, in each case it seems to me, the Soviet Union is following the U.S. lead and that the United States is not reacting to the Soviet actions. Our current efforts to get a MIRV capability on our missiles is not reacting to a Soviet capability so much as it is moving ahead again to make sure, that whatever they do of the possible things that we imagine they might do, we will be prepared! . . .

And, as I see no reason to doubt Dr. Foster's statements, then we must conclude that the United States is in a position of sufficiently comfortable security to enter the SALT negotiations before crossing the ABM and MIRV thresholds. These two weapons systems represent a next generation of weapons, so to speak, and if we cross that threshold even before we give the SALT talks a chance, we will automatically escalate the arms race because the Soviets will inevitably follow our lead.

Our military planners seem determined to get ABM and MIRV in under the wire before any moratoria can be worked out. Probably they view this as a prudent holding operation against possible failure of the SALT negotiations. But in terms of prudence it seems to me to be dubious and fallacious.

There has been a big effort in this debate to minimize the question of costs. In my judgment, it would be unwise for Senators to kid themselves in this way. The issue is not the \$759 million in this bill—it is the probably hundreds of billions of dollars which the next round of the nuclear arms race will cost if we do not succeed in heading it off through negotiations.

The administration's approach to the SALT talks must not be the routine approach of the past. Such an attitude would be inadequate to the security needs of our Nation and to the historic opportunity before us to achieve a breakthrough in the limitation and control of nuclear weapons.

The old proverb that an ounce of prevention is worth a pound of cure is especially true as it applies to the nuclear arms race. If we can achieve a stabilization of the strategic arms race at present levels we will certainly have achieved far more in terms of national security than if we challenge the Soviets to a staggering new round of nuclear weapons systems by deploying Safeguard. That race can only end in bankruptcy or nuclear holocaust.

Several theories on the relationship of ABM to the SALT talks have been put forward by the administration. One theory is that Safeguard would have no effect on the SALT negotiations. Another theory is that we need Safeguard as a "bargaining chip" in the negotiations. Now a new theory—the strangest of all—is beginning to emerge. According to this theory, it would help negotiations if both sides have an anti-Chinese ABM. Nobody has yet explained how an ABM sys-

tem can be programmed to work against only one nationality of missiles.

Implicit in this latest theory on ABM is an assumption that it is in the U.S. interest to side with the Soviet Union in its increasingly bitter dispute with Communist China. A recent article in the New York Times by Harrison Salisbury predicts an imminent possibility of large-scale war between Russia and China. I do not believe that the American people are convinced at this stage that the United States should be committed to the U.S.S.R. in some tacit defense arrangement nor have we the remotest notion of either the U.S.S.R. or the world's attitude on such a major move.

However, the worsening conflict between Russia and China does, in my judgment, have some direct bearing on the SALT negotiations. It indicates that the overall strategic balance is deteriorating from the Soviet viewpoint. The increased prospects for European unity, and the possibility of a joint European nuclear deterrent now under discussion among our NATO allies, are further indications that the Soviet Union will not be free—as Secretary Laird has postulated—to strive for a first-strike capability against the United States. The U.S.S.R. is going to have substantial strategic worries on both its immediate borders, east and west. To me, this contributes to the logic of making a determined effort now to a nuclear arms-control breakthrough.

In terms of U.S. security, Safeguard is clearly not required at this time. Its deferral, on the other hand, could be the catalyst which moves the search for an arms-control agreement to a new and historic plateau.

The alternative to a nuclear arms-control agreement is grim. At home we would not have the resources to deal in an adequate and human way with the exploding crises of our cities and our rural poor. We would not be able to relieve the anguish of black America—which is not prepared to wait any longer to achieve the benefits of equal citizenship. And, by sharpening the alienation of the younger people through the continued distortion of national priorities, we invite a massive repudiation of the whole system of life we have created when authority inevitably passes to the next generation.

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I am glad to yield.

Mr. FULBRIGHT. Mr. President, the Senator from New York made a few remarks which are of special interest to me. I agree with his analysis of the effect of the Gulf of Tonkin resolution and the hearings which the Committee on Foreign Relations held on that resolution. They certainly made a great impression upon me. I think his analysis as to the significance of that is exactly correct.

I disagree with him on the proposition that if the vote goes either way on the pending issue by one or two votes, there may not be very much difference as to its ultimate deployment. It may make a great deal of difference in terms of money. I would hate to see \$10 billion

thrown away on a gimmick, when there is no difference in the end. There should be a difference that will be worth our while.

Before the Senator from New York came into the Chamber, I alluded to a statement made by Mr. Kissinger, at least as reported in the newspapers, that it would not make much difference whether the ABM worked or not, the Russians would not know it and therefore they would have to plan on the basis that it will work. The Russians are not stupid. They have tried to develop an ABM. They cannot make it work. They quit deploying it.

We just passed a tax bill to get enough taxes to stem inflation, so that the question of money is important. I would, therefore, only disagree with the Senator in saying that there is no use throwing away \$10 billion.

Mr. JAVITS. I thoroughly agree with that.

Mr. FULBRIGHT. Now, the other point, as to the role of the Senate, is the important one. As a matter of fact, by coincidence, my own remarks will be devoted substantially to that, because I share the Senator's feeling.

Mr. JAVITS. I am highly honored.

Mr. FULBRIGHT. I think the Senate is in a position for the first time in 25 years, as a body, as the Senate—I am not talking about a committee—where it can make a serious challenge to a major weapons system or any major program involving the Defense Department. If we should lose this vote, I am afraid it will create the impression that the military establishment is simply too strong to be controlled by the Congress or the Senate. That would be unfortunate.

Mr. JAVITS. That is right. It would be unfortunate especially in the thinking of the Pentagon and in the way in which it swings its weight around. It would be the most salutary thing in the world if they were impressed by our power for a change.

Mr. FULBRIGHT. The Senator is correct. When we recall the role of the Senate on the C-5A and the new tank and the helicopter—which has been, fortunately, abandoned now—and when we remember the amounts of money that were spent on them and upon a number of other weapons systems, as described by Bernard Nossiter in the Washington Post a few weeks ago, a negative vote on this issue would have a salutary effect on the Pentagon. The Pentagon would be a little more careful about dispensing public funds.

Mr. JAVITS. And the Pentagon would know that somebody is really looking over their shoulder.

Mr. FULBRIGHT. And is interested.

I want to emphasize one point, because on several occasions serious consideration was given to how we could discourage continuation of the war by cutting appropriations. We always came to the conclusion that, because of the danger to the men in the field, because of the emotional factors associated with the conduct of the war, we simply could not take that route.

When we finally get down to it, this

is about the only really effective power Congress has—that is, the power of the purse. We can talk, we can give advice, we can do all of that sort of thing, but they do not have to abide by it. The only thing they can abide by is this power. That is why the point the Senator has made is a very important one.

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

Mr. JAVITS. I yield.

Mr. MILLER. In his statement the Senator referred to immediate deployment. Did he not?

Mr. JAVITS. Yes.

Mr. MILLER. It is my understanding there will not be immediate deployment and that it has been estimated officially that the earliest there could be any deployment would be about in 1973 or 1974. That does not seem to square with the immediate deployment concept the Senator has referred to.

Mr. JAVITS. The decision we are taking is the decision to deploy, and great nations do not bluff. If the Senate of the United States votes to deploy, then there is going to be deployment. We cannot assume there is not going to be, and we cannot be misled and put into that dead-end street or booby trap by the statement, "Well, we really may not deploy, though you are authorizing." That is precisely what the Senator from Arkansas (Mr. FULBRIGHT) argued on the Tonkin Gulf resolution. He answered question after question. He said, "This does not mean we will have extensive ground forces involved in Vietnam." He meant it in good faith. It is one of the reasons why he was so deeply hurt by the abuse of the good faith and trust he asked the Senate to put in it.

That would be precisely what we would face in this situation if we were ever taken in by the argument that "Well, fellows, don't worry about it, just give us the authority; we really may not do it."

Mr. MILLER. Would the Senator not recognize that if the Senate made the decision to authorize the President to proceed with long lead time procurement, which could not, before 1973 or 1974, result in deployment, that in 1970, 1971, and 1972, the Senate would have the power to say, "No further work on this, because we do not think it is necessary"? Does not the Senator realize that Congress has that power?

Mr. JAVITS. The Senator says quite properly that Congress would have the power, but it had the power to cut off appropriations for ground combat in Vietnam. The answer is that once a great nation, by a vote of its Senate, commits itself to a certain course, it is very difficult to change it. We may ourselves vote against it thereafter, just as we sought to stay our hand in cutting off appropriations for ground forces in Vietnam. Then, other forces come into play.

The point is that if we are right, we are right now, just as right as we will be after we have spent another \$1 billion, or \$2 or \$3 billion, or \$5 billion. We say we are right now. That is our argument before the Senate, the country, and the world.

I yield to the Senator from Michigan.

Mr. HART. Mr. President, I ask the acting manager of those in opposition to

the amendment if he would be willing to charge the time consumed in colloquy to the opponents of the amendment.

Mr. DOMINICK. Mr. President, I will take the time the Senator from Iowa uses from our time, but not that of the Senator from New York.

Mr. JAVITS. No; that is fine.

Mr. HART. That is all I ask.

Mr. DOMINICK. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator is advised that the time cannot be divided in that manner.

Mr. HART. Would it not be possible that an agreement, assuming the opponents of the amendment concur, could be arrived at that will charge 5 minutes to the opponents of the amendment, of the time consumed in the discussion?

The PRESIDING OFFICER. The Senator's question is answered in the affirmative.

Mr. HART. Then I ask unanimous consent that that occur, if that is agreeable to the Senator from Colorado.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MILLER. Mr. President, it seems to me that there are two answers to the argument of the Senator from New York. The first is that I do not believe there is any comparison between maintaining troops to conduct operations in Vietnam and the renewal of an authorization for continued development and deployment of an ABM system.

There are many people who are opposed to the Vietnam war. In fact, I think there may have been one or two Senators who were opposed to the Tonkin Gulf resolution originally, who continued to vote for the appropriations, because failure to appropriate money could have caused a considerable loss of American life in Vietnam.

You do not have that situation with an ABM system. It is merely another weapons system. It is about the same thing as authorizing the President to go ahead with long leadtime procurement for the purpose of deploying, for surface testing, a weapons system such as AMSA, an advanced manned strategic aircraft. I do not think this proposal is in the same ball park, at all, as maintaining troops in the field to fight a war.

I think the second answer to the argument of the Senator from New York is that the President of the United States has given Congress his solemn assurance, in his message on this subject, that the entire ABM system will be reviewed periodically, to determine whether we should go forward with it in the light of international developments. I do not think we ever had that assurance on the Tonkin Gulf resolution. So it seems to me that we have two very essential differences between the ABM deployment authorization now before us and support of troops in Vietnam.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I will reply to the Senator's statement, and then attempt to complete my remarks.

All the Senator has done, it seems to me, is nicely underline and emphasize my point, because precisely the same points were made in the Tonkin Gulf resolution debate. One point was that it was routine. We were assured that the President did not "need" a resolution to go after those who were attacking us, but it would be a good thing, and very constructive, if Congress backed him up. Congress did.

Then that piece of paper got warm in Lyndon Johnson's pocket as it was flashed on every time he deployed another 100,000 men.

I think in a business like this, we always get to the same point we have in Vietnam, because the enemy reacts. We are not going to deploy this ABM without the Russians reacting. We will never again be in the same strategic position or environment because a deployment decision will inevitably alter the strategic situation as it now exists and will activate the "action/reaction" cycle.

In addition, there is talk about this being an answer to a Chinese missile threat. The only way to make Safeguard meaningful against China is by deploying not two sites, but 12 sites. They admit that.

So, once embarked upon this course, the whole prestige, dignity, and credibility of the country is committed. We will have decided, we will have acted; and it is my judgment that this would lead us in directions, just as in the case of the Tonkin Gulf resolution, which we never anticipated when we passed it.

It seems so innocuous; as the Senator from Iowa stated, it is just a weapons system on which we are going to do a little more experimenting and a little procurement, and nothing is really going to happen.

But when that piece of paper gets into the hands of a President who is deeply convinced that this is what America needs for security, not only against the Soviet Union but against China, then the sky is the limit as far as the use of it is concerned. He will feel perfectly justified, because he says to Senators, "You voted for this. You are all over 21 years old, and should have known what it was you were voting for. If you did not know, Senator JAVITS told you what it meant."

Mr. President, will the Senator yield me 2 more minutes?

The PRESIDING OFFICER. He has no more time.

Mr. MILLER. Will the Senator yield to me for just 1 minute?

Mr. HART. One minute.

Mr. MILLER. Mr. President, I think the Senator is still getting this out of context, because we have involved the difference between a weapons system and fighting a war. I would invite his attention to the fact that just a little over a year ago, against the recommendations of President Johnson and the Defense Department, Congress scrapped the Navy version of the TFX. One could say, following the Senator's argument, that when the TFX was originally authorized by Congress, we committed ourselves to proceed until the very end, and procure all kinds of Navy versions of the TFX.

It was decided by the Senate unanimously, in the Armed Services Committee, that we would scrap it, and the same thing can be done in this case.

Mr. JAVITS. May I answer that argument by pointing out that the TFX was nothing the Russians had to react to, whereas this is. This goes to the heart of the strategic struggle between the Russians and ourselves.

Second, Congress scrapped the TFX, if my memory serves me, not less than \$3 to \$5 billion later. That is what we were discussing just before, as the Senator from Arkansas pointed out.

Mr. President, one of the central arguments against the decision to deploy the ABM is precisely because it can be interpreted as an attempt to regain a first strike capability for the United States. This only increases the likelihood of a Soviet reaction, and threatens to make impossible any real agreement to contain the nuclear arms race at roughly present levels and weapons systems in the impending SALT negotiations.

In short, let us take counsel of the portentousness of this decision. Let us not fail to learn from the bitter lesson of the Gulf of Tonkin resolution which should have taught us by now that these decisions do not involve merely routine resolutions. The repercussions could involve thousands upon thousands of lives and, indeed, the fate of mankind.

AMENDMENT NO. 122

Mrs. SMITH. Mr. President, I send to the desk an amendment in the nature of a substitute for the Hart-Cooper amendment No. 101, and ask that it be printed. I shall call this amendment up at the appropriate time tomorrow.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. HART. Mr. President, I yield 20 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 20 minutes.

Mr. FULBRIGHT. Mr. President, I am very sorry that the time was so short for the Senator from New York. I consider that the emphasis he is putting upon certain aspects of the case are extremely important. To me, they constitute the essentials of the case.

THE ABM IN POLITICAL CONTEXT

As with most of the great questions that come before the Senate, the issues in this ABM debate are broader than the subject officially at hand. Among the questions involved there is first of all the technical question—the workability and practicality of a proposed new weapons system. Then there is the foreign policy question—the probable effects of deployment of the ABM on our relations with the Soviet Union and the prospects for disarmament. Finally, there is the extremely important constitutional question—having to do with whether, how, and to what extent Congress is disposed to exercise its responsibilities under article I, section 8, of the Constitution, which requires Congress, among other things, to “provide for the common defense,” “raise and support armies,” “provide and maintain a navy,” and “make rules for the government and regulation of the land and naval forces.”

The technical questions have been thoroughly discussed by Senators more expert in these matters than I. The only point I would emphasize is that the purely technical questions—whether and how the Russians might acquire the capacity simultaneously to destroy most or all of our Minuteman missiles, strategic bombers, and Polaris-Poseidon submarines, and whether and how that capacity could be denied them by deployment of the Safeguard—are questions which cannot be separated from the largely nontechnical question of intent, that is, whether the Russians actually desire and are actively seeking to acquire the capacity to eliminate our nuclear retaliatory capacity in a preemptive first strike.

The Secretary of Defense has steadfastly asserted that the Soviet Union is going for a “first-strike capability,” although he has been less than steadfast in his adherence to any one definition of that term. Numerous experts, with whose testimony most Members of the Senate are now familiar, have contested the Secretary's prediction. Professor Rathjens for one told the Disarmament Subcommittee:

I would not claim that the development by the Soviet Union of such a first-strike capability is impossible, but it is at worst a distant prospect.¹

No one, of course, knows—or can know—for certain whether the Russians actually intend to try to acquire a “first-strike” capability, but we do know what our own capabilities are. On the basis of extensive testimony by leading experts in the field, there is virtually no doubt of our ability—without deployment of the ABM—to counter anything and everything the Soviets might do toward acquiring a first-strike capability. In order to acquire a first-strike capacity, the Soviet Union would have to be able to destroy all three components of our deterrent concurrently, and that, in the view of the experts, is beyond any foreseeable Soviet capability.

Perhaps even more important in this matter of intent is the ability of each side to influence the other by what it does and what it does not do. Even if the Soviets had no interest at all in acquiring a first-strike capability, we could easily arouse such an interest on their part by seeming to be going for a first-strike capacity ourselves. In matters of this kind, the two sides are bound to see a mirror image of each other. The Secretary of Defense cites the possibility that the Soviets may deploy their own extensive ABM system as one basis for his conjecture that they might acquire a first-strike capacity by the mid-1970's. Why would not our ABM arouse the same fears on their part that theirs would arouse on ours? Are they to be reassured by the knowledge that Americans, being good people, would never strike a preemptive blow, while they, being bad peo-

ple, must naturally expect us to guard against them by any and all means available?

Mr. President, in a recent exchange of letters the Secretary of Defense and I summarized our respective views on the ABM. I ask unanimous consent that Secretary Laird's letter to me of July 1 and my reply of July 8 be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., July 1, 1969.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In reviewing the transcript of my testimony before your committee on June 23, 1969, two matters appeared to me to be particularly troublesome from the standpoint of the publication of an unclassified version. The first concerns the wholesale deletion of Mr. Helms' testimony. While I completely agree with the necessity for this action, it does leave the public record incomplete. Since the major purpose of this hearing was to explore whether any differences existed between Mr. Helms and myself or between Department of Defense positions and those taken by the intelligence community, it should be obvious that the deletion of Mr. Helms' testimony from the public version creates certain grave obstacles to a balanced understanding of what transpired. Accordingly, the reader of this record, should be forewarned that no conclusions, one way or the other should be drawn from the printed testimony with regard to the position taken by Mr. Helms on any particular aspect of the intelligence estimates.

The second matter involves, essentially, a problem of semantics. The transcript reflects considerable confusion over such terms as “first-strike weapon,” “first-strike capability,” and “first-strike intentions.” Notwithstanding several hours of intense discussion of these terms before your committee, I fear that a mutual understanding of their meaning still eludes us. This is particularly unfortunate because it is essential that both the Congress and the public understand the character of the threat which led to the President's safeguard proposal. Therefore, I would like to restate the issue in terms that avoid the semantic difficulties which apparently trouble some of the members of your committee when first-strike terminology is used.

As you well know, the strategic nuclear war policy of the United States since the end of World War II has been firmly based on the concept of deterrence. To achieve deterrence we must have what my predecessor Robert McNamara called an assured destruction capability. He defined this term in his last posture statement as follows: “* * * an ability to inflict at all times and under all foreseeable conditions an unacceptable degree of damage upon any single aggressor, or combination of aggressors—even after absorbing a single attack.” He went on to say, “One can add many refinements to this basic concept, but the fundamental principle involved is simply this: it is the clear and present ability to destroy the attacker as a viable 20th-century nation and an unwavering will to use these forces in retaliation to a nuclear attack upon ourselves or our allies that provides the deterrent * * *”

Thus the question that presents itself is whether the Soviet Union could achieve by the mid-1970's a sufficient capability, in a surprise attack, to reduce our surviving strategic offensive forces below that critical minimum level required for assured destruction. This, Mr. Chairman, is the crucial issue, because if the Soviets should achieve such a capability, or believe they have achieved such

¹ *Strategic and Foreign Policy Implications of ABM Systems*, Hearings by Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations, U.S. Senate, 91st Cong., 1st sess., pt. I (Washington: U.S. Government Printing Office, 1969), p. 357.

a capability, our deterrent would be lost and the chances of a global nuclear war greatly increased.

It is my carefully considered judgment, in which all of my principal military and civilian advisors agree, that the Soviet Union could achieve such a capability, or reach a position where they believe they have achieved such a capability, by the mid-1970's—if we do nothing now to offset it. This judgment is based upon the following conclusions:

1. The Soviet Union could acquire a capability to destroy virtually all of our Minuteman missiles. To be able to do so they would need: (a) at least 420 SS-9's with three independently targeted re-entry vehicles which have a capability of separating from one another by some relatively small number of miles; (b) each of these re-entry vehicles would have to have a warhead of approximately 5 megatons and a reasonably good accuracy; (c) the SS-9's would have to be retargetable; and (d) the range would have to be sufficient to reach all of the Minuteman silos. It is my understanding that the technical community and the intelligence community agree that the Soviet Union could have that capability by the mid-1970's.

2. The Soviet Union could acquire a capability to threaten severely the survival of our alert bombers. To do so they would need: (a) a force of about 15 Y-class Polaris-type submarines on station off our shores; and (b) the ability to launch the missiles on a depressed trajectory. It is my understanding that there is not disagreement within the intelligence community that they could have this capability as well by the mid-1970's.

3. Although we confidently expect our Polaris/Poseidon submarines to remain highly survivable through the early to mid-1970's, we cannot preclude the possibility that the Soviet Union in the next few years may devise some weapon, technique or tactic which could critically increase the vulnerability of those submarines. Nor can we preclude the possibility that the Soviet Union might deploy a more extensive and effective ABM defense which could intercept a significant portion of the residual warheads. In any event, I believe it would be far too risky to rely upon only one of the three major elements of our strategic retaliatory forces for our deterrent.

In summary, Mr. Chairman, it is entirely possible that the Soviet Union could achieve by the mid-1970's a capability to reduce, in a surprise attack, our surviving strategic offensive forces below the minimum level required for "assured destruction," and thus gravely weaken our deterrent. In my judgment, the overall strategic balance between the United States and the Soviet Union is much too close to run that risk. Therefore, something more must be done now to insure a favorable strategic balance in the mid-1970's and beyond.

Short of achieving a workable agreement with the Soviet Union on the limitation of strategic armaments, which at best will take some time, we are convinced that the deployment of phase 1 of Safeguard would be the most prudent and economical course we could pursue at this particular juncture. This action would place us in a position to move forward promptly not only with the defense of our Minuteman and bomber forces should the Soviet threat develop as I have described, but also with the defense of our population against the Chinese ICBM threat should that emerge during the next few years.

Mr. Chairman, I believe you will agree that this letter should be made part of the public record and inserted before Director Helms' prepared statement, the text of which cannot, of course, be published.

Sincerely,

MELVIN R. LAIRD.

JULY 8, 1969.

HON. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of July 1 regarding the transcript of your testimony before the Committee on Foreign Relations on June 23, 1969. You ask that your letter be made part of the public record and inserted at the beginning of the transcript. I will, of course, accede to your request. I would not, however, want your letter to stand without comment, and so I am also having this response inserted.

In the first paragraph of your letter, you express concern at the possible inferences that could be drawn from the fact that the public record is left incomplete because of "the wholesale deletion of Mr. Helms' testimony." I am sure you remember that originally, you were invited to appear in open session before the Committee on Foreign Relations to discuss your statement of May 22 before a closed session of the Committee on Appropriations of the House of Representatives which was subsequently made public. You took the position that you preferred to come in executive session and that you wished to be accompanied by the Director of the Central Intelligence Agency, Mr. Helms. I acceded to your request.

At the conclusion of our June 23 meeting, when I expressed the hope that it would be possible to release a sanitized version of the transcript of the meeting, you were the first to say that everything Mr. Helms had said would have to be deleted. The deletion of all Mr. Helms' testimony, and of certain portions of your testimony were made by the executive branch and not by the committee. If this procedure has resulted in what you consider to be an "incomplete" record which "creates grave obstacles to a balanced understanding of what transpired," to quote your letter, the responsibility for having brought about this result is surely yours and not mine.

You also say in the first paragraph of your letter that since the major purpose of the hearing was to explore whether any differences existed within the intelligence community, or between the Department of Defense and the intelligence community, you feel that the reader of the record should be warned that no conclusions should be drawn from the printed testimony with regard to the position taken by Mr. Helms on any particular aspect of the intelligence estimates. I would agree that the deletion of Mr. Helms' testimony—and, I should add, of certain portions of your testimony—does create an obstacle to a balanced understanding of what transpired at the meeting on June 23. In fact, as the record now stands it leaves the impression that there have been no disagreements within the intelligence community as far as certain recent developments in Soviet weaponry are concerned. I felt that I had no choice but to agree to the deletions requested by the executive branch on the grounds of national security. But the fact of the matter is that there have been disagreements within the intelligence community on such recent developments, although all the testimony given at our June 23 meeting indicating such disagreements has been deleted from the public record.

As for the second matter you find troublesome, which you refer to as a "problem of semantics," I do not agree with the implication of the statement in your letter that these "semantic difficulties" apparently trouble some of the members of the committee when "first strike terminology" is used. The problem of semantics, as you call it, arose in the course of the June 23 hearing when you were questioned about your statement at a public hearing of the Subcommittee on International Organization and Disarmament Affairs on March 21, that "with the large tonnage the Soviets have they are going for

our missiles and they are going for a first-strike capability." When you were asked on June 23 whether this statement did not mean that you ascribed to the Soviets a desire to achieve a capability to deliver "a knockout blow" against the United States, you denied that you meant to imply that was the Soviet intention and you appeared to redefine "first-strike capability" as meaning, simply, the ability of a weapon to destroy a missile in a hardened site. I think that a reading of even the sanitized transcript shows that semantic difficulties seemed to trouble you at least as much as, if not more than, members of the committee and that the points at issue are far more serious than mere semantics.

Turning to the second and third pages of your letter, you say that you base your judgment that the Soviet Union could achieve a capability to reduce our surviving strategic offensive forces below that critical minimum level required for assured destruction on three conclusions. It strikes me as somewhat simplistic to imply, as you do, that if the Soviet Union continues to build up its strategic offensive forces to the point where they could threaten to reduce our strategic offensive forces below the critical minimum level required, we would not and could not increase our strategic offensive forces. You seem to argue in your letter that the only thing that can be done to offset an increasing Soviet capability to reduce our strategic offensive forces below a "critical minimum" level is to begin deployment of an ABM system to defend Minuteman. For the reasons I have given, I find that argument specious on its face. I also find it questionable on the ground that you seem to take it for granted that the Safeguard system would be able to operate effectively and could do so in the face of a Soviet attack. As you know, questions have been raised by many of the most eminent scientists in this country as to whether the system is far enough along in its development to be deployed or whether further research and development are necessary. Others have raised questions regarding the vulnerability of the radar components. Still other questions have been raised as to whether the system could not be overcome—even when fully deployed—by an increase in Soviet missile strength on the order of only 10 percent. Your letter ignores these questions completely.

The first of your three conclusions is that the Soviet Union could acquire a capability to destroy virtually all of our Minuteman missiles by the mid-1970's if they deployed at least 420 SS-9's with three independently targeted reentry vehicles and if certain other conditions were met with respect to warhead size, accuracy, range, and retargetability. Without recapitulating the technical objections that have been made by experts to this argument, I would simply point out again that your statement assumes that the United States would not deploy additional Minuteman missiles, or other appropriate weapons, if the SS-9 threat continues to develop. Your statement also assumes that the Soviets would not deploy more than 420 SS-9's, or additional smaller missiles to use against radar installations, if they wished to counter the Safeguard system.

The second conclusion is that the Soviet Union could acquire the capability to threaten the survival of our strategic bombers by the mid-1970's providing they have by that time a force of 15 Polaris-type submarines on station and the ability to launch missiles on depressed trajectory. There are, as you know, a number of ways to reduce the threat to our strategic bomber force. One is to disperse bombers, moving more bomber bases inland. A second is to renew the procedure of keeping a certain number of bombers on airborne alert. Finally, while you do not mention the fact, we all know that strategic bombers can be based abroad, so that Soviet submarines would have to be able to attack these bases as well.

Your third conclusion relates to the time period in which our Polaris/Poseidon submarines will remain effective. You state that "we confidently expect our Polaris/Poseidon submarines to remain highly survivable through the early to mid-1970's." Is it any wonder that the members of the Senate, not to mention the American people, find it difficult to take such a statement at face value when set against the statement made by Deputy Secretary of Defense Packard before the House Armed Services Committee, on April 15, at which time he said: "Based on the data we now have, we expect the Polaris to remain highly survivable until at least the late 1970's * * *." Secretary Chafee, in a recent letter to Senator Gore, said that his views were in accord with Mr. Packard's statement. Other authorities have made similar statements. I note, incidentally, that while you refer to the agreement of the intelligence community with your first two conclusions, you do not mention the views of the intelligence community regarding your third conclusion. You simply refer to what, in your opinion, "cannot be precluded."

You also refer, in your third conclusion, to "the possibility that the Soviet Union might deploy a more extensive and effective ABM defense. * * *." Yet you do not mention the steps the Administration is ready to take, whether wisely or unwisely, to counter just such a Soviet development—that is, the conversion to the Poseidon system on our submarines, which will provide us with some 5,000 warheads instead of the 656 we now have, and the plans to fit Minuteman missiles with multiple-independently guided warheads.

I will close with two general comments.

First, by stating separately each of your three conclusions—that is, that the Soviet Union could acquire a capability to destroy virtually all of our missiles, to threaten the survivability of our bombers and to negate the effectiveness of our nuclear submarines—you imply that the Soviet Union could also acquire the capability to destroy all three elements of our deterrent concurrently. Many expert witnesses have pointed out in public Senate hearings that this implication—or perhaps it is an assumption on your part—is unfounded. If all three elements of our deterrent—that is, missiles, bombers and submarines—were not destroyed simultaneously, an attack on one would provide sufficient warning to permit use of at least one of the other two elements. Thus, a Soviet missile attack against our missiles would provide ample time to permit our submarines and bombers to retaliate. Conversely, a Soviet submarine attack on our bombers or our submarines would provide ample warning to permit us to launch our missiles. I will not belabor the point but will add only that, while the intelligence community, or the U.S. Intelligence Board, may agree that the Soviet Union could acquire by some time in the 1970's two of the three capabilities you mention in your letter, they have not agreed that the Soviet Union could destroy all three elements of our nuclear deterrent force simultaneously. Indeed, they have as you know, and as the public record makes clear, never concluded that the Soviets are "going for a first-strike capability."

My second general comment has to do with the assumption, which runs throughout your letter, that the Soviets could achieve certain capabilities in the future and that, before these capabilities are achieved, they must be offset by our development of even greater capabilities. In making this assumption, you ignore the mirror image that the Soviets must see, for on what basis can we assume that the Soviets do not feel about our development of greater weapons capabilities just as we feel about theirs? Can they assume that we are not intent on being able to pose the same threat to them

that the Administration says they could pose to us? You have claimed in your public statements, for example, that Safeguard will be an effective ABM defense able to intercept a significant number of their warheads. Yet you state in your letter, as a justification for your judgment that the Soviet Union could achieve a first-strike capability by the mid-1970's: "Nor can we preclude the possibility that the Soviet Union might deploy a more extensive and effective ABM defense which could intercept a significant portion of the residual warheads." Why would our deployment of an ABM system, which you and your associates claim to be effective, not be interpreted by the Soviets in much the same way?

In sum, Mr. Secretary, I find to return to your phrase, that I too have a "problem of semantics." Mine arises in considering your contention that the deployment of the phase I of the Safeguard system would be "the most prudent and economical course we could pursue at this particular juncture." It strikes me, on the contrary, that the deployment of this dubious new weapons system, virtually certain as it would be to destabilize the present arms balance and to initiate a costly and futile intensification of the arms race, would be the antithesis of prudence, at best wasteful, more probably prodigal, and quite possibly disastrous.

Sincerely yours,

J. W. FULBRIGHT, Chairman.

Mr. FULBRIGHT. Mr. President, it is urged that the ABM will be a useful bargaining lever in disarmament negotiations with the Russians. All previous experience shows that, far from facilitating agreement, the introduction of a new weapons system by one side invariably provokes the other side into matching or exceeding it. It was indeed our own apprehension about Soviet antiballistic-missile capacity that gave us the idea of MIRV. Each side tends to assume the worst, planning for what has come to be known as the greater-than-expected threat. When you acquire a new weapons system, you must assume that it may not work as planned while your adversary must assume that it will. The result is the stepping up of the arms race, with mounting danger, skyrocketing costs, and rapidly diminishing security. As a bargaining lever for disarmament, the ABM is likely to be as effective as gasoline shot through a firehose.

A word also seems in order about the cost of deploying the ABM. Taking into account the unrealistically low estimates to which the Pentagon is addicted and the inevitable stepping up of the arms race to which the ABM would surely lead, the ultimate costs are beyond calculation. In addition, as we all know, every new weapons system soon acquires a constituency—a process which is aided and abetted by the perspicacity with which Pentagon officials award lucrative contracts and establish new plants in the districts of influential Members of Congress. I have not the slightest doubt that, if the antiballistic missile is deployed, it will soon acquire its own powerful constituency, and then we will be saddled with it—for reasons wholly independent of its ostensible military utility.

According to current intelligence calculations, made in terms of equivalent real purchasing power, the Russians are spending about three-fourths as much as we are on defense. Nonetheless, we are

told, they threaten to pull ahead of us in strategic weapons and we must be prepared to counter that threat. I do not understand why they should be getting so much more for their money than we are. Perhaps the fault lies in inferior American efficiency—a disconcerting thought. Perhaps it lies in the lack of legislative oversight of the defense budget comparable in rigor and thoroughness to that exercised over the much smaller budgets of the other departments.

Be that as it may, by any standard the amounts spent on defense have become staggeringly disproportionate to the rest of the economy. It fills me with dismay when Department of Defense officials suggest that, as part of a "grand design" for strategic policy, we may be forced to "win" an arms race with the Russians by relying on our superior resources to spend them into bankruptcy. Such a strategy puts me in mind of the practice among the Indians of the Pacific Northwest known as the "potlatch." Starting as a rivalry in gift-giving for the sake of prestige, the practice degenerated, as the tribes became wealthier, into competitive orgies of waste and destruction, in which the competing tribes tried to establish their superiority by spending the others—and themselves—into ruin. If nothing else comes of the debate on this military procurement bill, we will be doing a major service to the Nation by putting the Pentagon on notice that Congress no longer intends to sit by in benevolent passivity while the generals and their civilian bosses vie with the Russians in a suicidal "potlatch."

Possibly the most significant long-term issue in this debate is the question of Congress' will—or lack of will—to exercise its constitutional responsibilities for the general superintendence of the Armed Forces, or, as article I, section 8, of the Constitution specifies, for making "rules for the government and regulation of the land and naval forces." On June 25, by a vote of 70 to 16, the Senate expressed its judgment that a national commitment, to be valid, required the consent of Congress. The national commitments resolution was an assertion of the principle of congressional responsibility for foreign military operations; the issue now before us is a test of our determination to put that principle into practice.

Recent Presidents have claimed the authority not only to command the Armed Forces but to deploy them and commit them to hostilities on foreign territory. The current President has gone a step farther, claiming the authority to judge how much we spend on our Armed Forces. As President Nixon put it in his speech at the Air Force Academy on June 4:

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment.

Until recently many—perhaps most—of the Members of this body would have concurred passively in this sweeping assertion of Executive authority.

In practice we have concurred in this principle, repeatedly granting the Executive anything and everything he has requested in the field of defense, and doing so with little or no debate. We did so because we thought it a patriotic duty, momentarily forgetting that we have a prior patriotic duty to preserve and exercise the responsibilities entrusted to Congress by the Constitution. Vested with the responsibility both for appropriating funds and for regulating the Armed Forces, Congress—and not, as Mr. Nixon asserts, the President—is charged with the responsibility for judging “how much is necessary” in defense spending.

Soldiers, like nature, abhor a vacuum. In the absence of congressional “rules for the government and regulation of the land and naval forces”—to quote once again the language of the Constitution—the armed services have become vigorous and effective partisans for their own favored policies, for new weapons systems and, of course, for funds to finance them. Playing fast and loose in politics, the armed services exert great influence on the Executive, actively lobby in Congress, expend enormous sums on contract research in foreign policy, and, in the name of “public affairs,” assiduously cultivate public opinion.

Last fall, for example, a nationwide publicity campaign in support of the ABM was outlined in a memorandum prepared by Lt. Gen. Alfred D. Starbird, the Sentinel System Manager, and approved by the Army Chief of Staff.² Prudently canceled by the Nixon administration in March of this year, the Starbird plan is nonetheless instructive as an example of the kind of partisan political activity in which the armed services are at liberty to engage in the absence of diligent congressional oversight.

Noting the rise of congressional and public opposition to deployment of the Sentinel, the memorandum outlined a publicity campaign to “gain public understanding of the reasons” for the ABM, to “gain the understanding of the people of affected communities,” and generally to build public support for the ABM. To advance these purposes the memorandum outlined a program of press releases, magazine articles, interviews, and speeches. Press releases were to originate either with an Army official or a Sentinel contractor or subcontractor. Military personnel were themselves to write articles in favor of the ABM and also “to encourage and assist in the preparation of magazine articles on the Sentinel system by civilian scientific or technical writers of national stature.” As to the speakers’ program, the memorandum specified that senior Army personnel “will participate in this program to the maximum extent feasible.”

Far more astonishing than the ultimate cancellation of this military propaganda campaign is the fact that it was contemplated at all. It is totally incompatible with the principle of a nonpolitical military establishment and, in this respect, an unacceptable incursion upon our constitutional processes. One can

hardly blame the military itself for these transgressions. It is only human nature for vigorous and intelligent men such as our top ranking military leaders to do all that they can to advance their own stock in trade. The real fault lies not with the soldiers who have taken the opportunity to fill a political vacuum but with the civilian officials who created that vacuum by vacating the field.

In this respect the major fault probably lies with Congress. In the wise and perceptive words of the senior Senator from Louisiana:

For almost 20 years now, many of us in the Congress have more or less blindly followed our military spokesmen. Some have become captives of the military. We are on the verge of turning into a militaristic nation. . . . We have forgotten many of the traditions and values which made this country great, and we have flung men, arms, and material almost heedlessly about the world.³

The heart and core of the issue is congressional control of military spending. If this control were thorough and effective, there would be little or no threat of militarism in American society. Insofar as congressional restraints are perfunctory and formalistic, leaving the Pentagon to be in effect its own judge and jury in the choice and funding of its weapons systems, then the military might as well be regarded as a full-fledged fourth branch of Government, with the extra advantage of being free from the checks and balances which inhibit the other three.

No agency or individual in the executive can relieve the Congress of its responsibility for putting limits on military spending. Even the Bureau of the Budget, which effectively controls domestic spending, is a toothless lion in its dealings with the Pentagon. Out of the \$6 billion reduction made in President Johnson's last budget, for example, \$5 billion came from domestic spending. The Defense Department is the only Government agency which is not subject to independent review of its funding requests by the Bureau of the Budget. Instead the Defense Department is permitted to designate an official of its own to work with each Budget Bureau examiner under a system of joint policy review. One Budget Bureau examiner is reported to have said that, whenever a Budget Bureau examiner requests information and his Defense Department counterpart does not wish to produce it, the matter is closed. The Bureau of the Budget's National Security Programs Division has only 26 examiners to review the \$80 billion defense budget; of these only four are concerned with strategic weapons systems such as the Minuteman and the ABM. Once a new weapons system is initiated, according to former Budget Bureau Director Charles Schultze, it is not evaluated again, even though the presumed threat to which it was supposed to respond turns out to be exaggerated or nonexistent.

Secretary McNamara described the relations of his Department with the Bureau of the Budget quite candidly in a statement to the House Armed Services Committee in 1965. He said:

The Bureau of the Budget has absolutely no authority to determine in any way the budget of the Defense Department . . . I can't remember a single instance in which the Bureau of the Budget and I differed on a recommendation in which the President accepted the Bureau of the Budget view.⁴

Mr. President, my remarks on the Bureau of the Budget and the Pentagon are drawn from an excellent article by Barbara Newman called “Can the Budget Bureau Put the Lid on Pentagon Spending?” I ask unanimous consent that this article, which appeared in the *Washingtonian* for July 1969, be printed in the *Record* at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. FULBRIGHT. A great deal can be done, no doubt, to strengthen the Budget Bureau's ability to regulate military spending. The fact will remain, however, that both the Department of Defense and the Bureau of the Budget are agencies of the Executive, with as much or as little independent authority as the President wishes them to have. As long as the principal restraints on military spending are those within the executive branch, they are optional restraints, only slightly preferable than no restraints at all. Reflecting on the Pentagon's position in the funding process, I am reminded of a Damon Runyon character, a gangster from Detroit who forced his friends at gunpoint to shoot crap with blank dice, pointing out that he “remembered where the spots formerly were.”

Only Congress is in a position to put spots on the Pentagon's dice. Aside even from the competence and experience of many members of the Armed Services and Appropriations Committees of the two Houses, Senators and Representatives bring the one indispensable qualification to the task of controlling military spending which not one single agency or individual in the entire executive branch can match. That qualification is the fact that we do not work for the President and, because we do not, we are free—as no one who serves the Executive can ever be free—to make independent judgments about the Executive's policies.

We are free to make independent judgments and, under the Constitution, it is our duty to do so. The question now before the Senate is a test of our willingness to meet that responsibility. Whether and how we do so may well prove to be the most significant long-term issue involved in this debate on the ABM.

I am, for all these reasons, opposed to deployment of the ABM. I am also concerned with certain other provisions of the military procurement bill, most particularly with title IV, which states that funds authorized under this or any other act for the use of the Armed Forces of the United States are also to be available to support “Vietnamese and other free world forces in Vietnam” and “local forces in Laos and Thailand.”

⁴ Quoted by Barbara Newman, “Can the Budget Bureau Put the Lid on Pentagon Spending?” *Washingtonian*, July 1969, p. 62.

² Sentinel System Master Plan, Part No. 3.22, “Public Affairs Plan for the Sentinel System,” 12 November 1968.

³ *Congressional Record*, 91st Cong., 1st sess., April 1, 1969, Senate, p. 8304.

I am puzzled by these clauses and would welcome an explanation of their meaning by the distinguished chairman of the Committee on Armed Services.

First of all, I would like to know whether, under title IV, there is any limit, or any way of imposing a limit, on the funds which could be transferred to non-American forces in Vietnam, Laos, and Thailand. Could the Secretary of Defense, under this provision, use all of the proposed \$20 billion to support South Vietnamese, Laotian, and Thai forces? Or only some specified part of that amount? And if there is a limitation, where is it carried under the law?

I would also like to know whether the chairman of the Armed Services Committee regards title IV as a national commitment of the United States in the sense in which that term was defined by the Senate resolution of June 25. Will we, by approving title IV, be committing ourselves to the defense of the present regime of Laos and Thailand in any manner or degree exceeding the provisions of the SEATO Treaty? More specifically, are the funds authorized by title IV to be used to implement the secret military agreement with Thailand—secret military-Executive agreement, I should say—of which we have recently been made aware. Perhaps the answer will be clearer when the Foreign Relations Committee is provided with a copy of the official text, which it has repeatedly—and thus far unsuccessfully—requested.

I raise these questions for the consideration of the chairman of the Armed Services Committee. I know that, as one of the 70 Senators who voted for the national commitments resolution, he is as concerned as I am to restore Congress' constitutional authority over the disposition of the Armed Forces and the making of national commitments.

The central issue in this discussion of the ABM, of our military policies and expenditures, and of the responsibilities of Congress in these fields is, of course, our national security. The Senators who support deployment of the ABM are deeply concerned with our Nation's defense. They will readily acknowledge, I am sure, that those of us who oppose the ABM are no less concerned with the national security. Perhaps it can be said that the proponents of the ABM and of large military expenditures are primarily concerned with the means of our defense, while others of us lay emphasis on the ends to be protected and preserved.

I think we would all agree that the central, commanding goal of American foreign policy is the preservation of constitutional government in a free society. That being the case, we are not at liberty, as is a dictatorship, to devise a national security policy solely on the basis of the effectiveness and cost of weapons systems, or even on the basis of military plus political considerations, such as the effect of any new weapons system on international disarmament negotiations. Both of these are of critical importance but, as a constitutional democracy, we are also bound to weigh every step—every weapons system and every negotia-

tion—in terms of their compatibility with our constitutional processes. When a new weapons system such as MIRV or the ABM is contemplated, we must ask ourselves not only whether these will effectively counter the Soviet SS-9's and how they will affect disarmament negotiations. We must also ask ourselves whether, by placing still another powerful instrument in the hands of our military, by delegating still greater power to the Executive and accordingly reducing the authority of Congress, we are not weakening the very constitutional processes we are trying to defend.

To fail to make these evaluations, and to give unexceptional priority to purely military considerations, is to sacrifice the ends of security to its means. It is hardly helpful to say that we would rather "err on the side of security" in such matters as the ABM, because security is involved on both sides of the issue. The more pertinent question is whether the instrument is compatible with the objective.

EXHIBIT 1

[From the Washingtonian, July 1969]

CAN THE BUDGET BUREAU PUT THE LID ON PENTAGON SPENDING?

(By Barbara Newman)

Robert P. Mayo is the typical quiet, competent, Nixon-style civil servant. For twenty years, he tolled away at the Treasury Department, specializing in debt management. In 1961, he became vice president of a Chicago bank—the one headed by David M. Kennedy, now Secretary of the Treasury. Mayo now directs the Bureau of the Budget (BOB).

Melvin R. Laird is acid-tongued and supremely confident. In eight terms as a Congressman from Wisconsin, he rose to the top ranks of House Republican leadership through the force of his keen intellect and Machiavellian personality. Laird now heads the Department of Defense (DOD).

The two men, caught up by growing public sentiment that military spending is too high, are on a collision course.

Poor Bob Mayo.

The first round came when Mayo, in an effort to cut the 1969-70 Pentagon budget, gave Laird a list of suggested spending reductions. Laird ignored Mayo. Out of an \$80 billion Pentagon budget, Laird chopped \$600 million, by reducing the number of B-52 bombing runs in Vietnam from 1,800 to 1,600 a month. Laird, the politician, knew that key Congressmen would oppose "selling out our boys in Vietnam" in order to comply with a Budget Bureau request for a defense spending cut.

Mayo was out on a limb. Laird had cut his budget as requested. Congress didn't like it. President Nixon maintained a tight-lipped silence. Mayo lost round one.

There is no question that the Bureau of the Budget, which exercises such potent control over domestic spending, has not been able to get a handle on defense spending. Of the \$6 billion trimmed from the \$199 billion Johnson budget for 1969-70, \$5 billion came from domestic spending. This, despite the fact that Vietnam, urban unrest, and weapons system cost overruns have increased both public and Congressional demand for a review and reordering of our national priorities.

When the new Nixon team appeared before Senator William Proxmire's Joint Economic Committee, Mayo was candid. He said he wanted "a more separate, highly competent, highly skeptical look at the defense budget."

Proxmire (D-Wisconsin), and Congressman William Moorhead (D-Pennsylvania) are both certain that the Budget Bureau

does not exercise strong enough control over defense spending. They both think they have a hot issue—that 1969 is the year to probe Pentagon spending.

This is also the year to look at the Bureau of the Budget. An influential group of House members, led by Deputy Majority Leader John Moss of California, has introduced a resolution asking that a Select Committee be created to investigate Budget Bureau operations. Included in the group are six committee chairmen: Wilbur Mills, Ways and Means; Mendel Rivers, Armed Services; Chet Hollifield, Joint Atomic Energy; Thomas Morgan, Foreign Affairs; Wayne Aspinall, Interior; and Samuel Friedel, House Administration. House Majority Leader Carl Albert of Oklahoma says the BOB investigation "is long overdue."

The Bureau of the Budget was set up in 1921 in an effort to coordinate and rationalize Government programs. It started out in the Treasury Department, and in 1939 moved to the White House to become a direct arm of the President. The Budget Bureau director is not a Cabinet officer; he is a Presidential appointee, and he does not require Senate confirmation.

The Budget Bureau has stayed small. It has a staff of 500, of whom 325 are professional staff. The BOB annual budget is only \$10 million. It runs no programs itself. It stays out of politics. Only five positions were affected by the Johnson-Nixon transition—the BOB director and four assistant directors. Of the five, only two—Mayo and Richard Nathan, assistant BOB director for human resources—have a distinctly Republican coloration. Dwight Ink, now assistant BOB director in charge of executive department reorganization, is a career civil servant who worked at the Department of Housing and Urban Development under President Johnson. Deputy director is Philip S. Hughes. Maurice Mann is assistant director for economic affairs. James Schlesinger is assistant director with responsibilities in the national security area.

Despite its size and the quiet way in which it operates, the power of the Budget Bureau is formidable. All budget requests from Federal agencies must be cleared by the Budget Bureau. All legislation proposed by agencies is scanned by the Budget Bureau to make sure it conforms with the President's programs.

The Budget Bureau also conducts efficiency studies of agency operations. It was told by President Johnson to coordinate the conversion by all agencies to the Program-Planning-Budgeting System. Known as PPS, this system was developed by Robert McNamara for the Defense Department. It is an attempt to rationalize the budget process by outlining all options and costing each out.

The power of the Budget Bureau is cited by this statement of a former White House aide: "Without the bureau, the President would be operating in the dark, going by guess and by God. . . . The bureau tells the President the choices available to him, the pros and cons in each case, its own recommendations. How much more influence can you have?"

The Budget Bureau is now housed in two buildings. Director Mayo and half of his staff are in the Executive Office Building just west of the White House. The rest of the staff is in Federal Office Building Number 7, the red brick building near the northeast corner of Seventeenth and Pennsylvania.

As a result of a 1967 reorganization, the Budget Bureau is now divided into six divisions: Human Resources, headed by Richard Nathan; Natural Resources, headed by Carl H. Schwartz, Jr.; National Security Programs, headed by Ellis H. Veatch; International Programs, headed by James W. Clark; General Government Management, headed by William Pfleger; and Economics, Science, and Technology, headed by John D. Young.

These six divisions are the BOB linkage to all Government departments and agencies. Most of the staff members of the six divisions are budget examiners. They review all budget requests, and exert more influence per position than any other people in Government.

In addition to the six divisions, the BOB has four other offices: Budget Review, which puts the budget together after getting all the pieces from the six divisions; Executive Management, which oversees interagency, Federal-state, and Federal-local programs; Statistical Standards, which helps devise Government statistical measurements; and Legislative Reference, which coordinates legislation proposed by departments and agencies.

Of the BOB's 325 professional staff members, 177 are budget examiners in the six divisions. The remaining 148 are supervisory personnel or staffers in the four other offices. The average professional grade is GS-14 (annual salary of \$18,500 to \$24,000). Over half the professional staff has master's degrees. Thirty-two are women. Nine are black. Most are generalists rather than accountants.

Nathan and Schlesinger are two of the more interesting additions to the staff. A Harvard Ph. D. and former associate at the Brookings Institution, Nathan headed the welfare and intergovernmental relations task forces for candidate Nixon. He is both an assistant director and chief of the Human Resources Division; he has been told to tighten up social programs. Schlesinger is Mayo's ace in the hole in his poker game with Melvin Laird. A summa cum laude Harvard graduate, Schlesinger has a Ph. D. in economics and was Director of Strategic Services for the Rand Corporation, an influential think tank operation that does a lot of work for the Government. Schlesinger knows how the Pentagon operates; Mayo wants him to tighten up defense spending.

Schlesinger's operating arm at the Budget Bureau is the National Security Programs Division, which works out of plush carpeted offices on the tenth floor of Federal Office Building Number 7. Division Director Ellis Veatch is considered competent, but not tough or innovative. Schlesinger is clearly the man who will have to rock the boat.

The division, with a staff of twenty-six budget examiners and six supervisory personnel, keeps an eye on \$80 billion a year in defense spending. The division, according to a former examiner, has had a heavy staff turnover. He talked of "winds of discontent" brought about by the division's ineffectiveness. Another Budget Bureau official said he thought National Security Programs Division examiners "are more in bed with the people they work with than the other BOB examiners."

The Defense Department is treated differently. All other agencies and departments are subject to independent BOB review. The Defense Department, however, designates an official of its comptroller's office to work with each BOB examiner. This joint review was put into effect in 1950, as an expediency during the Korean War, and it has never been lifted. Top BOB officials say it is necessary because of the size and complexity of the defense budget. BOB Deputy Director Phillip S. Hughes says the Defense Department exerts more "muscle" and "power" than other departments, making for a different "climate" in the review of defense spending requests.

During the fall, which is budget season, BOB examiners move from their downtown offices to the Pentagon, where they share an office with their Defense Department counterpart. One examiner says the relationship is not one of equals; it is one of *primus inter pares*, and the Defense examiners are *primus*. He says if a BOB examiner requests information and his Defense counterpart doesn't want to produce it, the matter is closed. "The Budget Bureau doesn't back up its examiners in requests for information," he says. Another examiner says if the BOB examiner

cannot get the information he needs, the examiner is at fault, not the joint review policy. "The Pentagon budget process is highly individual. How effective one is depends on how resourceful he is and how much information he can amass to trade off with his Pentagon counterparts." Another examiner put it this way: "Your position doesn't give you a thing. You have to scratch like hell."

Senator Proxmire and Congressman Moorhead view the C5A matter as an example of weak BOB control of defense spending. At hearings of his House Military Operations Subcommittee, Moorhead—aided by his assistant, Peter Stockton, who had worked at the Budget Bureau—proved that the Air Force had doctored internal reports to cover up a \$2 billion cost overrun on Lockheed production of the \$5.3 billion C5A transport contract. Moorhead had to contend with the protestations of Subcommittee Chairman Chet Hollifield, who whispered to Moorhead that he was "a son of a bitch for bringing those documents in here." Hollifield told Moorhead, "Now your stooge Nossiter has a story." He was referring to *Washington Post* reporter Bernard D. Nossiter, who assiduously covered the hearings and wrote a series of hard-hitting stories.

The hearings produced evidence that the Defense Department knew that Lockheed's bid on the first fifty-eight C5A planes was low, and that Lockheed might lose heavily on the first run. The losses were to be recouped on the second run of fifty-seven planes. Colonel Kenneth N. Beckman, the Air Force C5A project director, said it was felt that disclosure of the huge C5A losses "might put Lockheed's position in the common (financial) market in jeopardy."

Pentagon sources say the Budget Bureau knew the C5A was over its contract ceiling by early 1967. Yet in March 1968, Air Force Assistant Secretary Alexander Flax told the House Appropriations Committee: "We believe C5A is within the range of target and ceiling at the moment."

The BOB examiner who knew about the C5A overrun in early 1967 was Richard A. Stubbing. His knowledge had zero impact. But in January of this year, Nossiter wrote a story about "The Stubbing Paper."

It turned out that Stubbing, a BOB examiner since 1962, had written the paper in 1968 while at Princeton University's Woodrow Wilson School. The paper exposed information on enormous cost overruns and faulty operation of many aircraft and missile electronic systems. The paper contended that the highest profits often went to the most inefficient firms. BOB press officer Joseph Latin ruled Stubbing inaccessible to the press. He derided the paper as a "schoolboy thesis" and said Stubbing was "very far down on the totem pole" and "not qualified to talk to the press." A BOB source says he is certain Stubbing gave Nossiter the paper because he was so frustrated at BOB's ineffectiveness.

Both Proxmire and Moorhead think the Budget Bureau needs more examiners looking at defense spending, though Moorhead sardonically says, "For the job it does in Defense, the bureau is overstaffed."

The National Security Programs Division has twenty-six examiners. Ten work on general purpose forces, which include spending for all conventional armed forces, considered the most difficult expenditures to control. Four work on strategic forces, such as the Safeguard ABM and Minuteman. Two work on intelligence and communications, three on research and development, three on training, medical, and other general personnel activities, one on guard and reserve forces, one on supply and maintenance, one on airlift and sealift, and one on administration and associated activities.

The case is made that not only does the BOB not have enough examiners working on

the defense budget, but that the BOB examiners work with the wrong people. Charles Schultze, a hard-nosed pragmatist who was Budget Bureau director from June 1965 to February 1968, says the BOB "tends to get involved too far down the spigot." BOB examiners work with the comptroller's office at the Pentagon. They should work with the Defense Department's systems analysis people. Says Schultze, "BOB should be involved in the formulation of the basic strategic contingencies on which the budget is built."

This lack of outside involvement in strategic decisions allows the Defense Department to justify weapons systems by what the BOB calls "shifting sands" of rationalization. Although the Defense Department insists that it has a "zero base" budget that starts from scratch each year, Schultze contends that once a weapons system gets the green light, it is not evaluated in subsequent years. Schultze points to the plan to convert thirty-one Polaris submarines to carry 496 Poseidon multiple warhead missiles at a cost of \$2.5 billion. The Poseidon was conceived as an answer to the Soviet "Tallinn" anti-missile system, which turned out to be an aircraft defense system rather than anti-missile system. When the threat on which the Poseidon was based turned out to be non-existent, the military developed other reasons for it. Secretary of Defense Laird now says Poseidon is needed as a deterrent against the Soviet SS-9 missile.

The timing of the Federal budget process puts the Budget Bureau at another disadvantage in controlling defense spending. All agencies and departments must have their budgets to BOB by September 15, except for the Defense Department. In December, the defense budget is sent to the President and the Budget Bureau at the same time. Thus the Budget Bureau must petition the President for changes in the defense budget instead of working them out with the Pentagon.

Because the Budget Bureau is an arm of the President, its effectiveness in controlling Government spending in general, and defense spending in particular, depends to a large extent on the attitude of the White House.

Under President Eisenhower, Budget Bureau directors were numbers men—Joseph Dodge, Roland Hughes, Percival Brundage, and Maurice Stans were more interested in bookkeeping than in drawing up options for the President. They were more interested in how many cars an agency had than in evaluating its programs. This narrow budget approach is referred to as "the green eyeshade approach" by BOB staffers.

Presidents Kennedy and Johnson changed all that. Their BOB directors were economists—David Bell, Kermit Gordon, Charles Schultze, and Charles Zwick were interested in evaluating programs and setting up options so that the President could choose between alternatives.

President Eisenhower had kept a relatively tight lid on defense spending. But President Kennedy, on taking office, decided to build up our conventional forces capability and he took the lid off. Ironically, a major influence on Kennedy was a book, *Nuclear Arms and Foreign Policy*, by Henry Kissinger, then a Harvard professor and now President Nixon's adviser on national security. Kissinger argued that the Dulles emphasis on massive nuclear retaliation should be replaced by a more flexible conventional force response. Thus, the military budget which was \$40 billion in 1959 had doubled eight years later.

Under Presidents Kennedy and Johnson, the Budget Bureau influence on defense spending was diminished by the forceful personality of Secretary of Defense Robert McNamara. In a 1965 statement before the House Armed Services Committee, McNamara made the point this way: "The Bureau of the Budget has absolutely no authority to determine in any way the budget of the Defense Depart-

ment . . . I can't remember a single instance in which the Bureau of the Budget and I differed on a recommendation in which the President accepted the Bureau of the Budget view."

This inability of the Budget Bureau to exert any influence on defense spending has motivated Congress to probe both defense spending and BOB operations. Defense Secretary Laird says he will cooperate with a General Accounting Office (GAO) study of defense procurement. Many Congressmen are not optimistic about the GAO study, however, because GAO is an agent of Congress and thus subject to pro-Pentagon Congressional pressure.

Again, take the C5A as an example, it is being built in Lockheed's Marietta, Georgia plant. One of the most powerful men in the United States Senate is Senator Richard Russell (D-Georgia), until this year chairman of the Senate Armed Services Committee. He now is head of the Senate Appropriations Committee. On the House side, Congressman Mendel Rivers (D-South Carolina), the chairman of the House Armed Services Committee, has so many military installations in his home city of Charleston, that the situation, once considered faintly amusing, is now viewed on Capitol Hill as a crude absurdity.

Congressional leadership thus would appear to have too much to lose if the full power of the GAO was let loose on the Pentagon. There are indications, however, that public reaction to examples of Pentagon carelessness is being felt on the Hill. In May, Congressman George Mahon (D-Texas), the hawkish chairman of the House Appropriations Committee, tangled publicly with Rivers over military spending after the accidental \$25 million sinking of a nuclear submarine under construction in California.

Budget Bureau officials still hope they will get increasingly more effective control over the Pentagon. More budget examiners with background in systems analysis and defense procurement would be needed. The amount of guts and leadership shown by such Budget Bureau officials as Director Mayo and Assistant Director Schlesinger will be important.

But the critical ingredient is Presidential leadership. The Budget Bureau must have strong White House backing if it is going to stand up to the Secretary of Defense and the Joint Chiefs. As former BOB Director Schultze points out, "Nobody wants the Joint Chiefs to be able to say that you refused to do things needed for the country on budgetary grounds. . . . Most Presidents are unwilling to take on the Joint Chiefs on budgetary grounds."

President Nixon's performance thus far indicates that he will be much tougher on social welfare than on Pentagon spending.

Furthermore, there are indications that President Nixon is pushing the Budget Bureau back toward the role it played under President Eisenhower. The Budget Bureau's Resource Planning Staff, set up in 1967 by Director Schultze in an effort to more effectively set up options and priorities for the President, has been quietly disbanded. According to BOB officials, its functions are being taken over by Presidential Counsellor Arthur Burns at the White House, and Burns is known as a man who tends to keep his hands off military spending. Control of defense spending thus would appear to rest in the hands of President Nixon and Secretary of Defense Laird.

So Bob Mayo may have lost more than round one. He may have already lost the battle for Budget Bureau control of the peace dividend that will come from the end of the Vietnam war.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. FULBRIGHT. Mr. President, does the Senator from Mississippi wish me to yield to him?

Mr. STENNIS. Just briefly, for 1 minute, to make a comment. I can get some time later.

Mr. FULBRIGHT. The question I addressed to the Senator was with regard to title IV of the bill now before us. It is in connection with this broad authority that I asked my questions. I assume that later on in his remarks the Senator will comment on it.

Mr. STENNIS. Very well.

Mr. FULBRIGHT. I had not observed that the Senator was in the Chamber.

Mr. STENNIS. I was listening but it was necessary that I leave the Chamber briefly.

Mr. FULBRIGHT. I thought it would be useful if the Senator would give us his comments on the significance of the final section in the bill.

Mr. STENNIS. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I revert to the earlier remarks made by the Senator from New York which interested me very much. Although I had not talked with him about his speech he emphasized very much the same theme I had emphasized.

It is true, of course, as the Senator from Iowa pointed out, that there always remains in the Congress the power to make changes in a program such as this. But I submit to him and the Senator from New York that actual deployment of the ABM has already commenced.

There was an article in the press the other day about the purchase of rights-of-way into sites in Montana. I wrote to the Department of Defense asking about the authority for this action because it seemed to be clearly part of the deployment of the program. It was. The Department said they were using transfer authority and they are already, in effect, proceeding to deploy in the sense of establishing the sites which are in phase I, contemplated by this program.

I think the answer to the questions raised by the Senator from Iowa were properly and effectively answered by the Senator from New York when he said the decision on this matter is to a very great extent a watershed decision. It is not final in the technical sense; Congress could theoretically undo it, but to approve deployment now would start a process that would be irreversible as a practical matter. There would be no coming back and undoing it. Of course, many other matters of equal or greater importance will come before the Congress, but I doubt there will be more hearings comparable to the hearings that have been held this year on this ABM. So as a practical matter, leaving out the technical authority of the Congress to change it, it will not be changed.

The PRESIDING OFFICER (Mr. Packwood in the chair). Who yields time?

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, to-

morrow we will make a decision which could be crucial to our national destiny and to the future peace of the world. The decision of the Senate to proceed or not to proceed with the first stages of deployment of the Safeguard anti-ballistic-missile system may well be of that import and gravity. Because of this, I feel compelled to state briefly for the record some of the reasons why I shall vote to proceed with further research and development and with the first stages of deployment of the Safeguard system.

Mr. President, I do not seek to influence any other Senator. Each of us, no doubt, by this time has already reached conclusions that have led us to an irrevocable decision. We have done that primarily upon the basis of how we view current international relations and world conditions and upon expert opinion that has been marshaled on both sides of this vital and highly controversial issue. It is not my purpose to attempt to, nor would I be so presumptuous as to think that I could, change anyone's vote. I do not know that I am right in my judgment, and I am equally sure that none of my colleagues—nor anyone else for that matter—can claim infallibility with respect to his judgment on this question. There are simply too many imponderables involved for either side to contend that the arguments they make—in support of or in opposition to deployment—are conclusive and irrefutable. We simply do not know. We can only make an educated guess and hope for the best.

There is sharp disagreement between the proponents and opponents of the ABM system and likewise among the many who are regarded as experts in this field as to whether this system will work—whether it will be effective once it is installed and becomes operational. In its present state of development, some doubts may be justified. But, on the question of whether it can be developed and made to work, I have no serious doubts. I am confident that it can be done. The astronomical technological advances that American ingenuity has achieved during the past few years and our recent successful journey to and safe return from the moon present overwhelming proof which reaffirms our warranted faith that it can be done.

There may be good reason to doubt that an effective operational system can be adequately researched and developed without deployment. I, therefore, think deployment is necessary to permit the testing this system will require to make certain of the efficient coordinated functioning and effectiveness of the various units of which the system is composed.

In a system of this magnitude and complexity, it is, of course, expected that problems—serious problems—will be encountered. I am confident, however, that they can and will be overcome by American genius, technology, and resolve.

It can be argued that there is a serious risk of failure, that the effort will be costly, and, if unsuccessful, the money and resources we expended in the effort will be wasted. But the overriding consideration is whether this weapon should be added to our defense arsenal. If it is essential to protect our offensive deter-

rent system and we fail to provide it, we may well have placed in jeopardy both our national security and the future peace of the world.

I believe it is needed, and the greater risk would be in our failure to reinforce and protect our existing deterrent force to the Communist threat of aggression and conquest.

I cannot agree with those who would pursue a course of weakening our defense potential, letting down our guard, and indulging in the vain hope that we can negotiate reliable and satisfactory agreements with Russia on a limitation of armaments and on all vital issues involving war and peace. I am unwilling to put all of our eggs into the negotiating basket or to assume the nonevident good faith of Communist leaders. Their avowed ambitions of expansion, their past record of treachery and deceit, and their invasion and subjugation of smaller and weaker nations by force of arms are forbidding and indefensible. Their record compels suspicion and continued distrust until there is a discernible and demonstrative change in their policy, tactics, and goals.

Since World War II, the United States has entered into bilateral and multilateral agreements for collective defense with 42 countries around the world in both hemispheres. These commitments were not lightly made. I do not necessarily approve of all of them. But, at the time they were made, our Government believed them to be compelling and necessary. Why; because of the threat of Communist aggression. The most noted of these agreements, of course, is NATO, which was established in August 1949, for the purpose of providing for the collective defense and protection of Western Europe.

Mr. President, we have spent hundreds of billions of dollars since World War II in trying to build a fortress against the would-be conquering forces of communism. We are today fighting a war in Vietnam at a cost of billions of dollars and thousands of lives each year. We fought a war in Korea that cost us 33,000 lives and many billions of dollars. We still maintain a military force in Korea of some 56,000 men. We have spent on NATO and the arming of Western Europe many billions of dollars and are still spending some \$8 to \$10 billion annually to maintain 320,000 troops in the NATO forces in Europe.

Mr. President, we have done all this, and more, because we felt compelled to do so in order to deter Russia and other aggressors of the Communist world. Has Russia changed? I see no hard evidence that she has. The Berlin wall still stands, and the recent invasion and occupation of Czechoslovakia is a most eloquent reminder of Communist goals of conquest and subjugation.

I submit that this most recent aggression by Russia continues an international trauma of faith-shattering dimensions.

This does not mean that we should be unwilling or refuse to negotiate. It would certainly be a blessing to all the world—to the entire human race—if the United States, Russia, and other world powers could and would enter into an arms limitation binding agreement—one

that could be enforced. Let us ever strive to make progress in that direction, but, in doing so, we must not lose sight of reality.

We must guard against any arms agreement that can be converted into a subterfuge and used to shield secret preparations for war. Such an agreement must permit inspection and supervision which will permit all parties to such agreement to get information at any time, to reassure that the treaty or the agreement is not being violated by any signatory thereto.

We must not be lulled into a sense of complacency by exaggerated expectations and false hopes. Our potential enemies are not relaxing their efforts and determinations to achieve that superiority and supremacy which would permit them to impose their will on all other nations by force of arms. There is very little enthusiasm that I observe, Mr. President, manifested by Russia, and certainly none by China, for an arms limitation agreement.

In my judgment, if Russia were ready, sincere, and in good faith about desiring an arms limitation agreement, we could proceed to the conference table on that issue within the next 60 days, and certainly within a few months thereafter have the finished product before us in the form of a treaty for ratification.

Why is that not being done?

Simply because they are not ready. They are unwilling. They do not wish such a treaty or such an agreement, unless it is one of a kind which will deny inspection, one that can be used as a subterfuge, one that can be used as a shield to deny those party to the agreement the opportunity to know what secret preparations in this field are being made behind that agreement.

This is why we do not have an agreement. That is why no progress has been made, or is being made satisfactorily, at least, toward obtaining such an agreement.

Are we to blame for that?

We hear so much today about our country's being to blame, that our country is to blame for this and for that.

Are we to blame for no arms limitation agreement?

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 additional minutes.

Mr. McCLELLAN. Mr. President, I do not believe that world conditions and the attitude of the two leading Communist powers—their international policies—permit us to let down our guard and cease to maintain a strong military deterrent to their expansion goals—goals which they seek to attain by use of force where necessary. The building and maintaining of such a deterrent has been costly, as I have already illustrated. It will continue to be costly, but its cost, however great, cannot compare with the cost and horrible consequences of the war that it is designed to prevent.

I think we must ask whether our armed might—our military posture—has been a major factor since World War II in preventing a global war and particularly in preventing the invasion and subjugation of Western Europe by the invading armies of communism. If there had been really no threat or danger to Western Europe when NATO was created, then we would be forced to concede that the billions of dollars in expenditures which we have made to provide an armed deterrent for the protection of the NATO countries were wasted and spent in vain. It was prudent and in our national interest for us to provide that deterrent at the time NATO was established. Have conditions then so changed that it is no longer advisable for us to maintain or strengthen it? I find that no such change is evident. Therefore, prudence and our national interest continue to dictate that we act accordingly.

A decision whether to deploy or not to deploy the ABM system involves risks, but consider how different are the risks involved. If we begin deployment and it should turn out that the system will not live up to expectations or that the Soviet and Chinese offensive threats fail to materialize, then we shall have lost money—some hundreds of millions of dollars. But, what is at stake, and what risks are involved if we fail to perfect this ABM system and begin its deployment? If we fail, we will simply be gambling with the needed protection and the continuing availability of our existing ICBM deterrent. This ICBM system, with its ability to deliver the bomb, is the backbone of our deterrent, both to the outbreak of nuclear war and to the use of the threat of nuclear war by Communist powers to bolster their aggressive ambitions. If we do not develop and deploy the ABM, we may well place in jeopardy much of our ICBM striking power.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 3 minutes more.

Mr. McCLELLAN. Mr. President, the contention made that our deployment of this strictly defensive weapons system will provoke Russia and thus cause her to escalate the arms race is a weak argument. It is of little persuasion, and it is unacceptable. The ABM system is a weapon of defense that will be used to prevent the destruction or immobilization of armaments already in place and ready for use. If we must make a choice between offending Russia and protecting and preserving the military armaments that we have already deployed, then I think we have no alternative except to choose the latter. That would be my choice. Russia has already installed an anti-ballistic-missile system which she thought necessary to strengthen her defense, and I am unwilling to sacrifice or compromise my country's right to deploy a like or even better system to protect our arsenal of striking power.

Safeguard is not a provocation, and the Soviet Union cannot legitimately read into Safeguard a turning point in our military strategy. This additional weapon of defense will simply continue to deny

to Russia a nuclear first strike, knockout capability against our ICBM system. However, there is a very strong probability that the Soviet Union would interpret a rejection of Safeguard by the Senate, and other current developments in the United States, as a major turning point in American strategy from one of growing strength to one of wishful thinking and weakness.

Defeat of this proposal would encourage both Russia and China to be bolder in their foreign relations and to worry less about the consequences of a military confrontation with the United States. I, therefore, regard it dangerous both to the United States and to the world for us to thus attempt to appease and feed the expansionist dreams of the Communist world conspiracy.

Let us remember that Russia has as much reason to be concerned about attacks from China and other nuclear powers as we. The argument that Safeguard deployment will interfere with arms control talks is untenable. If anything, its proposed deployment will provide us with a better basis and with an instrument of strength upon which to proceed in the important arms limitation negotiations.

That is why, in balancing the risk, I believe it is wiser and safer to proceed now than it is to delay the deployment of the ABM system for another 2 years.

If my judgment is in error, if my decision to support the present development and deployment of the Safeguard system is wrong—and I do not believe it is—then I will be comforted to know that I have erred on the side of national security and in a good-faith desire to protect our country from dangers posed to it by Communist enemies that cannot be trusted.

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

Mr. STENNIS. Mr. President, I yield the Senator from Arkansas 2 additional minutes.

Mr. McCLELLAN. I yield to the Senator from Washington.

Mr. JACKSON. I compliment the able and distinguished senior Senator from Arkansas for a well-reasoned speech. I must say it is loaded with commonsense. The able Senator from Arkansas has served a long time on the Defense Appropriations Subcommittee. His knowledge and background in that area have been extremely helpful to those of us who have served with him. Again, I compliment him most highly for his remarks.

Mr. McCLELLAN. I thank the Senator.

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

Mr. McCLELLAN. I yield.

Mr. ALLOTT. I also wish to join in complimenting the Senator on his speech. All of us who know him know of his dedication to the defense of this country. I am happy to hear him speak in this vein, and with such strength, about the defense of this country rather than indulge in a lot of beliefs which merely consist of words and which have no reason behind them. He is entirely right in everything he said, and I am

happy he said it in the way he said it today.

Mr. McCLELLAN. I thank the Senator.

Mr. STENNIS. Mr. President, I yield 1 additional minute.

I compliment the Senator on two points he made with such emphasis and clarity. The only issue here is our own national security for our own people. This is one weapon that is not going to help anyone else. It is not going to be shared with anyone else. We will pay for all of it, whatever its cost. It is solely for the defense of the American people.

Mr. McCLELLAN. It is strictly a defensive weapon.

Mr. STENNIS. And, of course, it is for our defense capacity through ICBM's.

Another point he makes is that, as a practical matter, the ABM system has just reached the place in its progressive life where putting it together for some deployment must be done now if we are going further.

I thank him very much for his contribution to the debate.

I yield 20 minutes to the Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, as we approach a vote on one proposal to deploy the ABM, let us face with forthrightness the perilous state of the world and the threat which it poses to America. Let us also ponder what America must do to surmount and overcome this threat and preserve her freedom.

Two powerful nations, Russia and Red China, whose people are numbered by the hundreds of millions and whose armies are the largest on earth, are ruled by communism, which is bent upon extinguishing the lights of liberty throughout the earth and enslaving mankind.

If there be those who doubt the validity of this statement, let them observe the liberty-loving peoples of Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Rumania, who are held captive behind the Iron Curtain.

One of the countries ruled by communism, Russia, already possesses nuclear weapons of devastating power, and the other, Red China, is on the verge of acquiring them.

For these reasons, America will have to live in a world beset by perils as long as Russia and China harbor the communistic dream of world conquest. This being so, the crucial question of our generation is how can America meet and surmount the perils which confront her. I submit she must do three things.

First. America must keep her heart in courage.

Second. America must keep her heart in patience.

Third. America must lift up her hand in strength.

I shall not elaborate upon the proposition that America must keep her heart in courage. A wise commentator, the late Elmer Davis, said all that needs to be said on this subject when he declared that America "will remain the land of the free only so long as it is the home of the brave."

The perils which confront our country will exist as long as communism

dreams of world conquest. Consequently, America must keep its heart in patience as well as in courage until communism relinquishes this dream.

It will not be easy for America to do this. We are an impatient people, who demand immediate solutions of our problems, no matter how difficult and enduring they may be. Besides, many of us are prone to ignore or rationalize unpleasant realities rather than to face them with forthrightness and fortitude. Moreover, the hunger for peace in our time, which sent Chamberlain to Munich and our world to its present unhappy state, still tempts multitudes to conjure up utopias and fantasies.

These weaknesses enhance the danger that our Nation may not heed the warning given it by Benjamin Franklin, the wisest of all Americans, when he said:

Let us beware of being lulled into a dangerous security.

If she is to avoid being lulled into a dangerous security and survive in freedom the perils which beset her, America must have the patient fortitude to face with forthrightness these unpleasant realities:

First. The day has not yet arrived when the nations of earth are willing to beat their swords into plowshares and their spears into pruning hooks.

Second. Even a peace-loving nation cannot live in peace unless it pleases its wicked neighbor.

Third. God grants freedom only to those who love it and have the hardihood to guard and defend it.

It is impossible to overmagnify the danger arising out of our proneness to rationalize rather than to face forthrightly unpleasant realities.

Nowadays some men in positions of authority rationalize in this fashion: War is irrational. Hence, it is not intelligent for us to think that the men in the Kremlin would precipitate a war in which Russia might be virtually destroyed.

It would be well for them to remember the rationalizations made by some Americans when Hitler was climbing to power in Germany. They rationalized then in this manner: It is not rational to think that the Germans would entrust an irrational man like Hitler with powers of leadership, or that an irrational man like Hitler would be so irrational as to provoke a world war even if the Germans were so irrational as to entrust him with powers of leadership.

Despite these rationalizations, history records in letters of blood that those irrationalities came to pass and that in consequence the corpses of untold millions of men, women, and children were prematurely buried in untimely graves.

After all, it is not what Americans think, but what the men in the Kremlin and the men in Peking think which makes our world so insecure.

Despite the irrationality of war, mankind has expended a major part of his energy, his time, his treasure, and his blood in waging war. And although our country is a peace-loving nation, every generation of Americans has been compelled to go to war. Indeed, America has spent 33 years of its relatively short existence fighting eight wars and 619,553

Americans have died in wars during the past 52 years. It is worthy of note that thousands of those who have died in Korea and South Vietnam have been slain by bullets donated by Russia for that purpose to our enemies.

At the present moment, many persons in authority clamor against the proposal that we deploy an ABM system to protect our retaliatory missiles from destruction by Russian SS-9 missiles. They say, in substance, that unless we leave our retaliatory missiles unprotected, Russia will escalate its production of destructive weapons and refuse to negotiate an enforceable arms-limitation agreement with us.

Like other rationalizations, this rationalization refrains from recognizing unpleasant realities. It ignores the unpleasant reality that Russia has already accelerated its production of destructive weapons to such an extent that it has achieved virtual parity with us. It also ignores the unpleasant reality that since the end of the Second World War, American negotiators have met with Russian negotiators hundreds of times, and that Russia has refused to negotiate an enforceable arms-limitation agreement with us.

I became intrigued with this unpleasant reality, and addressed a communication to the Arms Control and Disarmament Agency, putting to it this question: How many times since the end of the Second World War have representatives of the United States and representatives of Russia met together for the avowed purpose of negotiating a reasonable and enforceable arms limitation agreement?

I received from the U.S. Arms Control and Disarmament Agency a letter to the effect that 1,534 meetings of this nature have taken place between American negotiators and Russian negotiators, since the end of the Second World War.

It takes a more optimistic man than I to believe that we are on the verge of reaching any agreement with Russia on these subjects after these 1,534 fruitless meetings.

Mr. President, I favor peace. Let us pray for peace, let us work for peace, let us negotiate for peace; but let us beware of being lulled into a dangerous security either by the stratagems of our potential enemies or our own rationalizations.

America must keep its heart in courage and patience. It must also be prepared at all times to lift up its hand in strength.

By this I mean that America must maintain sufficient military might to deter any aggression or to defeat any aggressor in case aggression comes.

It will not be easy to keep America militarily strong. This is true because our people may weary of the tremendous expense which an adequate national defense entails, and those in charge of our foreign policy may be beguiled into making an unrealistic and unenforceable arms agreement with those bent upon enslaving the world.

It is to be noted that already some persons in positions of authority insist on the curtailment of defense expenditures in order that our country may be able to finance welfare programs, some of which, I regret to say, are so designed or administered as to reward the indolent for their indolence.

Those who decry the high cost of an adequate national defense should remember that freedom is not free. It was purchased for us with a great price. If we wish to preserve its blessings for ourselves and our posterity, we must pay the cost of so doing, no matter how great it may be. When all is said, General MacArthur was right when he declared:

The inescapable price of liberty is an ability to preserve it from destruction.

The statement of General MacArthur is peculiarly applicable to the question of the deployment of an ABM system, because such system is designed to protect from destruction weapons on which our liberty may ultimately depend.

I claim no originality in asserting that if she is to survive our perilous age in freedom, America must keep her heart in courage and patience and lift up her hand in strength.

All history proclaims that this is the only way in which free men can keep their freedom in a perilous world.

When the German armies drove the valiant, but ill-trained, British force known as Kitchener's Mob back to the English Channel in the early days of the First World War and despair settled upon Britain, Rudyard Kipling enshrined this truth in one of the great poems of history—the poem entitled "For All We Have and Are"—which inspired the British people to forget their despair and carry on. Let me quote this poem:

For all we have and are,
For all our children's fate,
Stand up and take the war.
The Hun is at the gate!
Our world has passed away.
In wantonness o'erthrown.
There is nothing left to-day
But steel and fire and stone!

Though all we knew depart,
The old Commandments stand:—
"In courage keep your heart,
In strength lift up your hand."

Once more we hear the word
That sickened earth of old:—
"No law except the Sword
Unsheathed and uncontrolled."
Once more it knits mankind,
Once more the nations go
To meet and break and bind
A crazed and driven foe.

Comfort, content, delight,
The ages' slow-bought gain,
They shrivelled in a night.
Only ourselves remain
To face the naked days
In silent fortitude,
Through perils and dismays
Renewed and re-renewed.

Though all we knew depart,
The old Commandments stand:—
"In courage keep your heart,
In strength lift up your hand."

No easy hope or lies
Shall bring us to our goal,
But iron sacrifice
Of body, will, and soul.
There is but one task for all—
One life for each to give.
What stands if Freedom fall?
Who dies if England live?

America must keep her heart in courage and patience and lift up her hand in strength.

And the best testimony that the Senate can give concerning the willingness of America to keep her heart in courage and patience and to lift up her hand

in strength is to vote in favor of the deployment of the ABM.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, how much time do the opponents of the pending amendment have?

The PRESIDING OFFICER. The opponents of the amendment have 67 minutes.

Mr. JAVITS. Mr. President, how much time do the proponents of the amendment have?

The PRESIDING OFFICER. The proponents of the amendment have 20 minutes remaining.

Mr. STENNIS. Mr. President, I had asked the Senator from Kansas (Mr. DOLE) to defer his speech earlier in the afternoon.

Mr. DOLE. Mr. President, I will defer to the Senator from New Jersey.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from New Jersey.

Mr. STENNIS. Mr. President, I yield another 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 15 minutes.

THE ABM AND THE CHANGED STRATEGIC MILITARY BALANCE

Mr. CASE. Mr. President, I have received a letter, dated July 15, from Malcolm E. Smith, Jr., of St. James, N.Y. Mr. Smith was shown as having paid for a full-page advertisement that recently appeared in newspapers all over the country. The ad was headlined "The Real Truth About How Many U.S. Senators Are Being Tricked by Russia."

Mr. Smith has attached to his letter of July 15 a brief digest of a recent American Security Council study entitled "The ABM and the Changed Strategic Military Balance."

I ask unanimous consent that the text of Mr. Smith's letter, of his digest of the American Security Council study, and of a list, also enclosed with his letter, of the 31 outstanding experts who prepared the study be printed in the RECORD.

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

ST. JAMES, N.Y.,
July 15, 1969.

DEAR SENATOR: I have made a short digest of the recent American Security Council study by 31 leading experts especially for your benefit. It gives you the essential facts of the 72 page study in a few minutes reading time. I urge you to read it before you vote on ABM. No responsible authority has disputed the facts this study presents.

Sincerely,

MALCOLM E. SMITH, JR.

THE ABM AND THE CHANGED STRATEGIC MILITARY BALANCE: A SHORT DIGEST OF THE AMERICAN SECURITY COUNCIL STUDY

(Prepared by Malcolm E. Smith, Jr.)

The most Important Facts and Statistics of Concern to Senators, Congressmen, News Writers and Citizens.

31 outstanding experts including Dr. Edward Teller, General Nathan F. Twining, Admiral Lewis L. Strauss, General Thomas Power and 27 more have jointly prepared a detailed study on exactly what the Soviet Union has done, is doing, and is continuing to do in the development of offensive missile capability. The study was completed in May,

1969. The facts in this study *must* be known because, as the American Security Council states, "Not a single political or military authority has been able to offer any reasonable explanation for the current Russian build-up of staggering destructive power except in terms of deliberate, coldly calculated aggressive intentions."

The Most Important Facts and Statistics From The 72 Page ASC Study:

1. The combined total of ICBMs, IR/MRBMs (Intermediate and Medium Range Ballistic Missiles) is now estimated at 2750 for the U.S.S.R. to 1,710 for the U.S.A. p. 10.

2. The U.S.S.R. now has whole families of military (and naval) weapons systems that the United States does not have in its inventory. p. 11.

3. The Soviets presently enjoy a clear lead in space orbital weapons . . . Properly deployed, a significant number, let us say 100, could be in a position to attack the United States in a matter of seconds after the button was pushed in the Kremlin. p. 11.

4. The Soviets have an estimated 1,000 Intermediate and Medium Range missiles which are primarily aimed at Europe and now completely pin Europe down. p. 11.

5. The Soviets have very large 50-100 megaton nuclear weapons which were tested in 1961-62 . . . adapted for missile delivery. p. 11.

6. The Soviets have the Bear Bomber. It is the world's longest range, highest endurance bomber . . . an effective anti-shipping and anti-submarine attack aircraft with air to surface attack missiles on board. p. 11.

7. Furthermore, the Soviet Union has been developing a sophisticated ABM defense system for ten years and now has anti-ballistic missiles deployed around Moscow and in a "Blue Belt" defense line described by Marshal Malinovsky as being "for the defense of the entire territory of the Soviet Union." p. 11.

8. In connection with their missile defense program, the Soviets are developing a comprehensive civil defense program . . . spending about ten times as much effort as the United States in providing the Soviet society an adequate civil defense. p. 11.

9. The U.S.S.R. may invest at least \$50 to \$100 billion more in strategic forces between now and 1975 than the United States, unless the relative trends change substantially. p. 24.

10. Whereas many voices in the U.S. call for cuts in the defense budgets and large new expenditures for social reconstruction programs, the Soviet Union is able to devote the lion's share of its economic resources to weapons systems while holding expenditures for the domestic sector to very low levels. p. 31.

11. The U.S. News and World Report (Feb. 6, 1967, p. 34) estimated as a result of their study, that almost 70 percent of the U.S.S.R. military budget was being devoted to strategic forces. p. 23.

12. Former Secretary of Defense Clark Clifford stated in his January 15, 1969 Posture Statement that the United States had 1,054 Intercontinental ballistic missiles (ICBMs) and the Soviets had 900 ICBMs on September 1, 1968. p. 36.

On March 19, Secretary of Defense Laird testified to the Senate Committee on Armed Services: "As of today, the Soviets have in being and under construction more ICBM launchers than the 1,048 possessed by the United States." p. 36.

On April 25, 1969, Secretary Laird reported the Soviet ICBM total as 1,140. This includes 1,000 ICBMs in hardened sites and 140 ICBMs on launching pads. (footnote: This was in New York Times, April 26, 1969, p. 1.) He also said that the Soviets could have 2,500 ICBMs by 1975. p. 36.

13. Of special concern is the Soviet development and deployment of a very heavy intercontinental ballistic missile, the SS-9,

which was unknown to the U.S. public until it was disclosed by Secretary Laird in his initial appearance this Spring before the Senate Armed Services Committee. This missile carries a warhead in the range of 20-25 megatons, far larger than anything in the U.S. inventory. Because of its size and its accuracy the SS-9 is regarded as a weapon designed to knock out American Minuteman ICBMs. p. 37.

14. The figures indicate that former Secretary of Defense McNamara's assessment in his defense posture statement in 1968 that "the Soviet ICBM force will continue to grow over the next years, but at a considerably smaller rate than in the recent past," was not correct. p. 37.

15. President Nixon emphasized our faulty intelligence estimates when he noted during his press conference on April 18, 1969 that production of SS-9 missiles and nuclear submarines has been 60 percent greater than was estimated in 1967 when the decision was first made to deploy the Sentinel ABM system. p. 40.

16. The present Soviet ICBM force now includes well over 200 SS-9s and this deployment is progressing at a fairly rapid rate—particularly since December, 1968. This is the missile which is projected by the Defense Department to reach possibly 500 by 1975. This missile booster can also be adapted to fire an orbital bombardment warhead. p. 40.

17. In addition to the SS-9, the Soviets are continuing to deploy the SS-11 and the newer SS-13 model ICBMs. These carry smaller warheads than the SS-9, but the SS-13 is the first solid-fueled Soviet ICBM and it can be developed in large numbers. p. 40.

18. The study notes the increasing confidence of Soviet leaders that they can build up their offensive capabilities with less fear of detection by U.S. space reconnaissance vehicles. p. 40.

19. "Mobile complexes for launching intercontinental hard-fuel missiles are the most important latest features. The complexes have high maneuverability, can be well camouflaged, and therefore, cannot be spotted by the enemy's aerial or space reconnaissance. Some of the latest Soviet rockets are suitable for orbital launching." (quote from TASS quoting Deputy Defense Minister Moskalenko on February 19, 1969) p. 40.

20. The U.S.S.R. has built some eight types of ICBMs in the last 10 years (SS-6 through SS-13). p. 40.

21. "They are also working hard on FOBS . . . also designed to reduce warning time to our bombers so that they will not have sufficient time to become Airborne" (quoting Secretary Laird's testimony of March 20) p. 41.

22. "We know that the Soviets have been moving ahead with a rather active program in producing Polaris-type submarines. They are now in production. They are not yet deployed as far as we know." (quoting Deputy Defense Secretary Packard in his testimony before the Senate Armed Services Committee on March 19). p. 41.

The submarine referred to here (above) is the "Y" class, which went into production in 1968. Seven were commissioned in that year and the Soviets have a production capability now estimated at one per month. The sub carries 16 underwater-launched, 1500 mile range missiles. p. 41.

23. The Georgetown Center for Strategic Studies, in a forthcoming study, estimates total Soviet submarine-launched ballistic missiles at 350. p. 42.

24. In his Congressional testimony, Deputy Secretary Packard indicated that if the Soviets employ their maximum production rate for "Y" class submarines then their Polaris-type missiles alone could exceed the U.S. total of 656 by the end of Fiscal Year 1971. p. 42.

25. The Soviet Navy has more than a 2 to 1 numerical advantage over the U.S. Navy in this area of sea warfare (attack submarines) and this is a matter of concern since the attack submarine is considered to be the most effective weapon against nuclear submarines. p. 42.

26. The U.S. needs to be able to deliver six times as many warheads as would the Russians to achieve destruction "parity" with them (referring to Secretary Laird's testimony to the Senate Foreign Relations Committee). p. 46.

27. The Soviet Union has built a belt (often referred to as the "Blue Belt" defense system) defense ranging from the Baltic Coast and named for one of the anchors in the line—the city of Tallinn, capital of Estonia. Marshal Malinovsky reported the completion of this belt defense system to the 23rd Congress of the Communist Party of the Soviet Union. At that time he described it as being "for the defense of the entire territory of the Soviet Union. p. 49.

28. Recent news accounts indicate there are some 67 P-R-O missile sites around the Russian capital. The Soviet Union officially describes P-R-O's mission as the " . . . interception and destruction of enemy missiles or rockets in space, preferably at distant approaches to their objectives and far from national territory." (This quote is from "Troops of National Air Defense (1968)", book by Marshall P. F. Batitsky). p. 49.

29. The U.S.S.R. is spending more than twice as much as the United States to build its strategic military strength. The U.S.S.R. is spending about \$18 billion yearly or about 4 to 5 percent of its gross national product on strategic military forces. The U.S. strategic military budget is only \$7.6 billion yearly, or less than 1 percent of its gross national product. p. 62.

30. The Soviet Union is developing its defensive strategic forces at a steady pace which gives every indication that the Soviets are, or soon will be in a position to limit a retaliatory blow which the United States might deliver after absorbing the weight of a Soviet first strike. p. 62.

THE 31 OUTSTANDING EXPERTS WHO PREPARED THE ASC STUDY

Members of this committee are outstanding experts in their fields. They were selected as being the best qualified in different aspects of this complex subject. Their combined qualifications make them the most outstanding independent committee to consider this subject. These men are busy in their professions but took time out and donated their efforts to this study. They include two Nobel prize winning scientists; the developer of the H-bomb; the developer of the over-the-horizon radar; a former chairman of the Joint Chiefs of Staff; the general who headed the development of our own ICBMs; the present head of the A.E.C.'s weapons division at Los Alamos; a former commander of the Strategic Air Command; a former chairman of the Atomic Energy Commission; a former Commander of the Polaris Submarine Fleet; a world renowned diplomat; senior strategists; senior editors of leading American newspapers; leading American businessmen, and other such authorities whose combined knowledge and experience make this study required reading for every concerned citizen.

In two previous studies prepared at the request of the House Armed Services Committee this group accurately predicted the present adverse strategic balance.

COCHAIRMAN

Dr. Willard F. Libby, Director, Institute of Geophysics and Planetary Physics, UCLA.

Dr. William J. Thaler, Chairman, Physics Department, Georgetown University.

Gen. Nathan F. Twining, U.S.A.F. (Ret.), Former Chairman, Joint Chiefs of Staff.

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Dr. James D. Atkinson, Professor of Government, Georgetown University.

G. Duncan Bauman, Publisher, St. Louis Globe Democrat.

Peter Bruce Clark, President, Publisher, The Detroit News.

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Dr. Kenneth Street, Jr., Professor of Chemistry, University of California (Berkeley).

Dr. A. D. Suttle, Research Scientist.

Dr. Edward Teller, Nuclear Scientist.

Rear Adm. Chester C. Ward, U.S.N. (Ret.), Former Judge Advocate General, U.S.N.

Dr. Kenneth Watson, Professor of Physics, University of California (Berkeley).

Gen. Albert C. Wedemeyer, U.S.A. (Ret.), Chief U.S. Strategist, World War II.

Dr. Eugene P. Wigner, Physicist, Princeton University.

Mr. CASE. Mr. President, I also ask unanimous consent that comments I had had prepared on each paragraph in Mr. Smith's letter be printed in the RECORD.

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

1. "The combined total of ICBM's, IR/MRBM's (Intermediate and Medium Range Ballistic Missiles) is now estimated as 2,750 for the U.S.S.R. to 1,710 for the U.S.A."

Comment: U.S. strategic forces defend against Soviet ICBM's and the small Soviet bomber force. Soviet strategic forces defend against NATO as a whole—that is, against U.S. ICBM's and intercontinental bombers as well as against U.S. medium-range bombers, including U.S. carrier-based bombers, and the tactical nuclear missiles we have in Europe. Yet Mr. Smith's digest reverses the situation. He combines Soviet ICBM's and IR/MRBM's and compares that combined total to U.S. ICBM's and Polaris missiles. He thus ignores our intercontinental bombers and our carrier-based aircraft, as well as the 7,000 or so tactical nuclear weapons in Europe, many of which can hit targets in Warsaw Pact countries. Furthermore, he ignores the program already under way to replace

Polaris with Poseidon missiles, which will increase the number of our submarine-launched separately-targetable warheads by a factor of almost ten. Were Mr. Smith to use the more accurate measure of nuclear weapon force loadings he would have had to admit an almost four-to-one superiority on the part of the United States.

2. "The U.S.S.R. now has whole families of military (and naval) weapons systems that the United States does not have in its inventory."

Comment: While the U.S.S.R. has some military and naval weapons systems that the U.S. does not have, the U.S. has some military and naval weapons systems that the Soviet Union does not have. In real terms the United States defense budget has been higher than the Soviet defense budget for at least 20 years. Does Mr. Smith mean to suggest that we should have an even higher defense budget, beyond the present \$80 billion level, or that the United States has not used its defense funds efficiently?

3. "The Soviets presently enjoy a clear lead in space orbital weapons . . . Properly deployed, a significant number, let us say 100, could be in a position to attack the United States in a matter of seconds after the button was pushed in the Kremlin."

Comment: The implication of this paragraph is that the Soviets are on the verge of deploying space orbital weapons. This "fact" is simply not true.

4. "The Soviets have an estimated 1000 Intermediate and Medium Range missiles which are primarily aimed at Europe and now completely pin Europe down."

Comment: While the Soviets have an estimated 1,000 IR/MRBM's aimed at Western Europe, we have about 7,000 tactical nuclear weapons aimed at Eastern Europe, as mentioned above. If their 1,000 weapons "completely pin Europe down," what effect do our 7,000 weapons have? Furthermore, our ICBM's are targeted on their IRBM's and MRBM's.

5. "The Soviets have very large 50-100 megaton nuclear weapons which were tested in 1961-62 . . . adapted for missile delivery."

Comment: There is no evidence that the Soviets have continued to develop, and certainly not to the point of deployment, the 50-100 megaton nuclear weapons that were tested in 1961-62. The view of U.S. defense authorities has been that it is preferable to have smaller and more accurate nuclear weapons than those of larger megatonnage. If a 50-100 megaton nuclear weapon made sense, it would be perfectly easy for the United States to have one.

6. "The Soviets have the Bear Bomber. It is the world's longest range, highest endurance bomber . . . an effective anti-shipping and anti-submarine attack aircraft with air to surface attack missiles on board."

Comment: The Soviets have a total of about 150 intercontinental bombers while we have 656. I do not believe that any informed expert would be willing to trade our bomber force for theirs.

7. "Furthermore, the Soviet Union has been developing a sophisticated ABM defense system for ten years and now has anti-ballistic missiles deployed around Moscow and in a 'Blue Belt' defense line described by Marshal Malinovsky as being 'for the defense of the entire territory of the Soviet Union.'"

Comment: The Soviet ABM defense system deployed around Moscow is not "sophisticated" by our standards. In the first place, its radar is far less advanced. In the second place, the Soviets are far behind the United States in computer development. And in the third place, the Soviets have deployed only 64 launchers and it would be possible for the United States to saturate this defense, even assuming 100% effectiveness of every interceptor, by targeting 65 warheads on Moscow. The Soviet system has been described as similar to our Nike-Zeus system which we did not

deploy because it was decided that the system could not be effective against a Soviet attack. Apparently the Soviets have reached the same conclusion, for originally the Galosh system was to have many more defensive missile launchers.

8. "In connection with their missile defense program, the Soviets are developing a comprehensive civil defense program . . . spending about ten times as much effort as the United States in providing the Soviet society an adequate civil defense."

Comment: The Soviets are far ahead in developing a civil defense program, as are many other European countries who have lived through World War II. Perhaps if we spent less on offensive weapons, and on ineffective defensive weapons, we would be able to devote additional resources to civil defense.

9. "The U.S.S.R. may invest at least \$50 to \$100 billion more in strategic forces between now and 1975 than the United States, unless the relative trends change substantially."

Comment: The ratio of spending on strategic weapons has shifted in favor of the Soviets only recently. The deployment of the major part of the U.S. ballistic missile force occurred much earlier than Soviet deployment. Furthermore, our bomber force was substantially completed in the 1950's and our ballistic missile force by the mid-1960's. In this earlier period, our expenditures were substantially higher than the Soviets and only in the late 1960's, when the Soviets attempted to catch up, has their total spending on strategic weapons begun to exceed ours. We have continued to outspend the Soviets, however, on strategic bombers and ballistic missile submarines. Furthermore, a considerable part of total Soviet spending on strategic weapons has gone for IR/MRBM's, a weapon we have not emphasized since the early 1960's. As far as strategic defense is concerned, the Soviets have customarily spent more than we have because of their traditional emphasis on defense and the fact that some of the potential threats to them are closer geographically than is true in our case. And with respect to spending on ABM's, if they continue to curtail work on the Galosh system and we increase our spending on Safeguard, the ratio will begin to swing in our favor.

10. "Whereas many voices in the U.S. call for cuts in the defense budgets and large new expenditures for social reconstruction programs, the Soviet Union is able to devote the lion's share of its economic resources to weapons systems while holding expenditures for the domestic sector to very low levels."

Comment: It is true that the Soviet Union holds expenditures for the domestic sector to very low levels and that many voices in the United States call for cuts in defense budgets and for greater expenditures in the domestic sector. This state of affairs argues for a limitation of weapons development and not for such a new development as the Safeguard system.

11. "The U.S. News and World Report (Feb. 6, 1967, p. 34) estimated as a result of their study, that almost 70 percent of the U.S.S.R. military budget was being devoted to strategic forces."

Comment: A large percentage of the Soviet military budget is being devoted to strategic forces because the Soviet inferiority and their wish to gain some sort of parity with the United States.

12. "Former Secretary of Defense Clark Clifford stated in his January 15, 1969 Posture Statement that the United States had 1054 intercontinental ballistic missiles (ICBM's) and the Soviets had 900 ICBM's on September 1, 1968."

"On March 19, Secretary of Defense Laird testified to the Senate Committee on Armed Services: 'As of today, the Soviets have in being and under construction more ICBM

launchers than the 1048 possessed by the United States."

"On April 25, 1969, Secretary Laird reported the Soviet ICBM total as 1140. This includes 1000 ICBMs in hardened sites and 140 ICBMs on launching pads. (footnote: This was in New York Times, April 26, 1969, p. 1). He also said that the Soviets could have 2500 ICBMs by 1975."

Comment: The fact that the United States and the Soviet Union are presently about equal in the number of ICBM launchers simply means that either country can now destroy the other using only land-based ICBMs. As noted above, the United States is far ahead of the Soviet Union in submarine-launched ballistic missiles, in intercontinental bombers and thus in total nuclear force loadings. We are also far ahead in the development of MIRVs and are on the verge of deploying them while the Soviets have not even tested this weapon. As for Secretary Laird's statement that the Soviets "could have 2,500 ICBMs by 1975" if they continue to deploy ICBMs at the rate at which they were deployed in 1967-68, the intelligence community has estimated that they will not continue to deploy at the same rate and that the number of ICBMs the Soviets will have is far less than 2,500. Furthermore, we will soon be in a position to deploy MIRVs if the Soviet ICBM level increases beyond our estimates and could also deploy additional land-based ICBMs.

13. "Of special concern is the Soviet development and deployment of a very heavy intercontinental ballistic missile, the SS-9, which was unknown to the U.S. public until it was disclosed by Secretary Laird in his initial appearance this Spring before the Senate Armed Services Committee. This missile carries a warhead in the range of 20-25 megatons, far larger than anything in the U.S. inventory. Because of its size and its accuracy the SS-9 (1s) regarded as a weapon designed to knock out American Minuteman ICBMs."

Comment: The SS-9 was unknown to the U.S. public until this spring but has been known to the intelligence community ever since it was first tested. We have also known about deployment since the beginning. It is true that the missile carries a larger warhead than any U.S. missile, but the United States made a conscious decision some years ago not to develop large megaton warhead missiles. Greater effectiveness even against hard targets can be achieved with smaller and more accurate weapons.

14. "The figures indicate that former Secretary of Defense McNamara's assessment in his defense posture statement in 1968 that 'the Soviet ICBM force will continue to grow over the next years, but at a considerably smaller rate than in the recent past,' was not correct."

Comment: Secretary McNamara's assessment in his defense posture statement in 1968 was correct. The peak rates of the Soviet ICBM deployment were several years ago and the Soviet ICBM force is growing at a smaller rate than in the recent past.

15. "President Nixon emphasized our faulty intelligence estimates when he noted during his press conference on April 18, 1969 that production of SS-9 missiles and nuclear submarines has been 60 percent greater than was estimated in 1967 when the decision was first made to deploy the Sentinel ABM system."

Comment: At the time of the President's press conference on April 18, the production and deployment of SS-9 missiles and nuclear submarines was within the range predicted by intelligence estimates in 1968.

16. "The present Soviet ICBM force now includes well over 200 SS-9s and this deployment is progressing at a fairly rapid rate—particularly since December, 1968. This is the missile which is projected by the Defense Department to reach possibly 500 by 1975. This missile booster can also be adapted to fire an orbital bombardment warhead."

Comment: As noted above, the peak years for deployment of the SS-9 have been in the past. The Defense Department keeps changing its estimate of the number of SS-9s which the Soviet Union will have by 1975 but the most recent estimate by the intelligence community, which Secretary Laird confirmed in a hearing before the Committee on June 23, was some 400 SS-9s by 1975, not 500. While it may be possible to adapt the SS-9 missile booster to fire an orbital bombardment warhead, the Soviets have not demonstrated this capability so far. As noted above, the United States is far ahead in the development of MIRVs which have the same effect as an orbital bombardment.

17. "In addition to the SS-9, the Soviets are continuing to deploy the SS-11 and the newer SS-13 model ICBMs. These carry smaller warheads than the SS-9, but the SS-13 is the first solid-fueled Soviet ICBM and it can be developed in large numbers."

Comment: It is true that the Soviets are continuing to deploy the smaller SS-11 and the SS-13 missiles which are similar to our Minuteman in size. The SS-13 is the first solid fuel Soviet ICBM. This fact simply shows that they are behind us in technology, for we gave up solid fueled missiles long ago in favor of the more efficient liquid fueled missiles.

18. "The study notes the increasing confidence of Soviet leaders that they can build up their offensive capabilities with less fear of detection by U.S. space reconnaissance vehicles."

Comment: There is no evidence that Soviet leaders are more confident that they are subject to less detection by U.S. space reconnaissance vehicles. And it is not true. We are ahead in space reconnaissance technology and getting better all the time. The CIA briefings given the Committee show convincingly that surveillance is more rather than less efficient with every passing year.

19. "Mobile complexes for launching intercontinental hard-fuel missiles are the most important latest features. The complexes have high maneuverability, can be well camouflaged, and therefore, cannot be spotted by the enemy's aerial or space reconnaissance. Some of the latest Soviet rockets are suitable for orbital launching." (quote from TASS quoting Deputy Defense Minister Moskalenko on February 19, 1969)

Comment: While the Soviets may be developing mobile complexes for launching ICBMs, there is no reason why the United States could not do likewise were we to decide that mobile missile launchers were desirable.

20. "The U.S.S.R. has built some eight types of ICBMs in the last 10 years (SS-6 through SS-13)."

Comment: That the Soviets have built eight types of ICBMs in the last ten years proves nothing except that they are still looking for a satisfactory model. No one would trade our missile force for theirs because ours is superior for any desired purpose.

21. "They are also working hard on FOBS . . . also designed to reduce warning time to our bombers so that they will not have sufficient time to become Airborne." (quoting Secretary Laird's testimony of March 20.)

Comment: There is no evidence that the Soviets have deployed FOBS. A FOBS capability against aircraft would have to be synchronized with the destruction of our ICBMs and submarine-launched ballistic missiles to be effective. Otherwise, an attack on the bombers would provide warning to permit the launching of ICBMs and Polaris/Poseidon missiles.

22. "We know that the Soviets have been moving ahead with a rather active program in producing Polaris-type submarines. They are now in production. They are not yet deployed as far as we know." (quoting Deputy Defense Secretary Packard in his testimony before the Senate Armed Services Committee on March 19.)"

"The submarine referred to here (above) is the 'Y' class, which went into production in 1968. Seven were commissioned in that year and the Soviets have a production capability now estimated at one per month. The sub carries 16 underwater-launched, 1500 mile range missiles."

Comment: We have 41 Polaris submarines, most of which are deployed on station at all times. The Soviets are producing such submarines but have not yet even deployed them. U.S. superiority is unquestioned. While the Secretary of Defense originally estimated Soviet production capability of "Y" class submarines at one per month he changed that estimate, in his statement on May 22, to eight per year.

23. "The Georgetown Center for Strategic Studies, in a forthcoming study, estimates total Soviet submarine-launched ballistic missiles at 350."

Comment: The Soviets have commissioned only seven to ten submarines to date and each carries 16 missiles. The estimate cited includes many submarine-launched missiles carried on nonnuclear submarines of lesser range. Our sea-based force of missiles is much superior to theirs.

24. "In his Congressional testimony, Deputy Secretary Packard indicated that if the Soviets employ their maximum production rate for 'Y' class submarines then their Polaris-type missiles alone could exceed the U.S. total of 656 by the end of Fiscal Year 1971."

Comment: The statement that the Soviets could exceed the U.S. total of Polaris-type missiles by the end of Fiscal Year 1971 completely ignores the fact that we are already converting Polaris submarines to Poseidon missiles so that by the end of Fiscal Year 1971, if the Soviets employ their maximum production rate but do not improve their missile system on these submarines, we will have almost ten times as many submarine-launched ballistic missiles as they.

25. "The Soviet Navy has more than a 2 to 1 numerical advantage over the U.S. Navy in this area of sea warfare (attack submarines) and this is a matter of concern since the attack submarine is considered to be the most effective weapon against nuclear submarines."

Comment: Attack submarines would have to be able to seek out, find and destroy all U.S. Polaris submarines on station simultaneously and, at the same time, the Soviets would have to be able to destroy our ICBM force and our strategic bombers were they to avoid an annihilating retaliatory strike. The Secretary of the Navy and Mr. Packard have expressed confidence that the Polaris submarines will remain "highly survivable until at least the late 1970's". The Secretary of the Navy has also stated that the Soviets have not been able to detect or track "any" of our Polaris submarines while on station.

26. "The U.S. needs to be able to deliver six times as many warheads as would the Russians to achieve destruction 'parity' with them (referring to Secretary Laird's testimony to the Senate Foreign Relations Committee)."

Comment: The Secretary of Defense's statement regarding the need to deliver six times as many U.S. warheads against the Soviet Union to achieve destruction "parity" has been challenged by many authorities. The fact is that we have more than enough ICBMs to destroy the 50 largest Soviet cities fifty times over. All talk of destruction "parity" is rather inconsequential in the light of such a fact.

27. "The Soviet Union has built a belt (often referred to as the 'Blue Belt' defense system) defense ranging from the Baltic Coast and named for one of the anchors in the line—the city of Tallinn, capital of Estonia. Marshal Malinovsky reported the completion of this belt defense system to the 23rd Congress of the Communist Party of the Soviet Union. At that time he de-

scribed it as being 'for the defense of the entire territory of the Soviet Union.'

Comment: The judgment of most intelligence authorities is that the "Blue Belt" defense system, or Tallinn line, is not an ABM system but a defense system against bombers.

28. "Recent news accounts indicate there are some 67 P-R-O missile sites around the Russian capital. The Soviet Union officially describes P-R-O's mission as the '... interception and destruction of enemy missiles or rockets in space, preferably at distant approaches to their objectives and far from national territory.' (This quote is from 'Troops of National Air Defense' (1968), book by Marshall P. F. Batitsky)"

Comment: No matter what news accounts indicate, there are 64, and not 67, Galosh missile sites around Moscow, according to the Secretary of Defense. As noted above, the Galosh is relatively primitive, its deployment has been stopped in mid-stream and it could easily be saturated by American offensive missiles, just as Safeguard could be saturated by Soviet missiles because of the limited number of Sprints and Spartans involved.

29. "The U.S.S.R. is spending more than twice as much as the United States to build its strategic military strength. The U.S.S.R. is spending about \$18 billion yearly or about 4 to 5 percent of its gross national product on strategic military forces. The U.S. strategic military budget is only \$7.6 billion yearly, or less than 1 percent of its gross national product."

Comment: As noted above, Soviet spending on strategic offensive-defensive weapons has recently been higher than that of the United States, but in previous years U.S. spending has been higher. And with new weapons systems presently being planned, U.S. spending could exceed Soviet spending in the next year.

30. "The Soviet Union is developing its defensive strategic forces at a steady pace which gives every indication that the Soviets are, or soon will be in a position to limit a retaliatory blow which the United States might deliver after absorbing the weight of a Soviet first strike."

Comment: There is no indication that the Soviet Galosh system, which is the only Soviet defensive strategic force, could limit a military blow which the United States might deliver. The system does not protect Soviet missiles or even the Soviet population but is designed to protect only Moscow. Furthermore, as noted above, it can easily be saturated.

THE WRONG SYSTEM IN THE WRONG PLACE
AT THE WRONG TIME

Mr. CASE, Mr. President, the Senate debate that is now drawing to a close reflects a profound—and, in my judgment, irreversible—change in our approach to the problem of assuring our survival as a nation.

The American people, I believe, are no longer willing to accept as inevitable the upward spiral of the arms race.

And the Senate clearly is no longer willing to accept as infallible the Pentagon's or even the President's judgment that a particular weapons system is essential to national survival.

This I believe to be true, whether or not a clear majority of the Senate votes to deny the President's request for authority to deploy the Safeguard anti-ballistic-missile system.

What has already happened, in short, may have much more to do with the shape of the future than the precise outcome of the vote we are approaching.

And because I am concerned about

the shape of the future, as are all of my colleagues and as is the President, I think it most important that we understand what has happened and why.

Three years ago the Congress authorized and appropriated more than \$150 million for advance procurement of the Nike X ABM system. The Joint Chiefs of Staff asked for the funds as a first step to deployment, although President Johnson opposed deployment and did not release the money.

Nevertheless, when the matter came before us on August 18, 1966, the Senate, by an overwhelming vote of 73 to 14, rejected an amendment to delete the funds offered by our recent colleague, Senator Clark of Pennsylvania.

I voted against the Clark amendment because I was not so certain that the Nike-X should not be deployed that I was prepared to withhold funds which the President might later decide to release.

A good many other Senators who are here today voted, as I did, for substantially the same reason, I suspect.

The next year, President Johnson took a different approach to the issue. In his budget message of January 24, 1967, he proposed that—

We continue intensive development of Nike-X but take no action now to deploy an antiballistic missile defense; initiate discussions with the Soviet Union on the limitation of ABM deployments; and in the event these discussions prove unsuccessful . . . reconsider our deployment decision.

"To provide for actions that may be required at that time," he asked for an additional \$377 million. And because those of us who shared his view that we must seek to limit the arms race through negotiations found this to be a reasonable approach, no effort was made to withhold the requested funds in 1967.

But only 5 days after these funds cleared Congress, a most remarkable decision was announced by Secretary of Defense McNamara. Speaking in San Francisco on September 18, he concluded a brilliant analysis of the dynamics of the nuclear arms race by finding "marginal grounds" for deploying a thin ABM system against a potential Chinese threat.

So incongruous was this conclusion in the light of all his preceding discussion of ABM systems that many of us recognized a compelling need to study much more thoroughly the underlying technology and assumptions that were involved.

In my own case, that study began in a long discussion with Dr. George Kistiakowsky, who had been science adviser to President Eisenhower and was generally acknowledged to be an eminent authority in the field of nuclear weaponry. Others went about the problem in similar fashion, I am sure.

As we continued into 1968 our study of the proposed Sentinel deployment, some of the major questions came into sharper focus.

The Sentinel system, it will be recalled, was purported to give assurance of protection for most of the country against the kind of attack we were told China might be capable of delivering in the mid-1970's—a "light" and "unsophisticated"

attack of from 50 to 100 intercontinental ballistic missiles.

Since the Chinese had just tested their first hydrogen weapon and had yet to deploy any ICBM's, what reason had we to count on them to build an offensive force so patently vulnerable to the claimed defensive capabilities of the Sentinel ABM system?

There was no reason, so far as I could determine, other than the need to make that assumption in order to justify the deployment of an allegedly Chinese-oriented ABM system.

The very thinness of the anti-Chinese rationale underscored the importance of another question.

What reason had we to suppose that the Soviets, from whom we were actively seeking agreement to begin negotiations on strategic arms limitations, would view Sentinel as directed against China and not against the Soviet Union, as the administration continued to assert?

Again, there was none, so far as I could determine. On the contrary, there was much to suggest that the Soviets would be driven to the worst assumptions about our purposes, since Sentinel was clearly an area-defense system and, once deployed, could be thickened rapidly.

Their reaction to our deployment of Sentinel, I concluded, would most likely duplicate our reaction to the discovery some years ago that the Soviets were deploying a primitive ABM system. The United States immediately gave highest priority to the development of multiple warheads for our offensive missiles, in order to insure penetration to their targets.

Thus, deployment of Sentinel seemed most likely to hasten Soviet development of larger and more sophisticated offensive missile forces, and further complicate thereby the task of bringing the nuclear arms race to a halt through negotiations.

It was largely for these reasons that I joined with others in opposing deployment of Sentinel in 1968. Our efforts in the Senate centered on an amendment by Senator COOPER and Senator HART to delay deployment for one year. And because some funds for Sentinel deployment were to be authorized or appropriated in four different bills, four votes were taken on the issue.

The first vote came on April 18 when, with more than one-third of the Senate absent, the Cooper-Hart amendment failed, 28 to 31. I then proposed to Senator GORE, as chairman of the Disarmament Subcommittee of the Committee on Foreign Relations, that he hold public hearings on the foreign policy implications of ABM deployment, so that we all might be better informed on the issue prior to further consideration on the floor.

Unfortunately, it was not possible to have those hearings at that time. Our further efforts to forestall Sentinel deployment were all rebuffed: on June 24, by a vote of 34 to 52; on August 1, by a vote of 27 to 46; and, finally, on October 2, by a vote of 25 to 45. At one time or another, 41 Senators had been recorded in opposition to deployment. But our case had yet to prevail.

The pertinent developments of the last 10 months can be summarized quickly.

On the diplomatic front, the Soviet invasion of Czechoslovakia, and the election of a new President properly determined to review national policy, contributed to continued delay in initiating arms talks. That a date has yet to be set is deeply disappointing to me and many others.

On the domestic front, localities selected to play host to Sentinel installations became arenas of great disputation. Upon taking office, the Nixon administration stopped deployment; and 8 weeks after taking office, the President set out a new rationale for deploying ABM around missile sites instead of cities, and a new label—Safeguard—for the same set of components.

On the legislative front, Senators who had questioned the need for Sentinel found themselves impelled to make a still more rigorous examination of Safeguard and, indeed, of the entire cycle of action and reaction that has perpetuated the nuclear arms race.

And this time the Senate went at the job in its most educational and responsible fashion—through open, public hearings before the Disarmament Subcommittee, the Committee on Foreign Relations and—most significantly—the Armed Services Committee.

Those hearings, in their collective impact upon the Senate and the Nation, epitomize the profound change of which I have spoken: We do not accept the inevitability of the arms race and we cannot abdicate to the Pentagon or even the President our responsibility to make our own decisions on the basic questions of national survival.

Thanks to the help of some of the finest scientific minds in the Nation, too many of us have been exposed to too much about Safeguard that is self-serving, contradictory, or irrational to ever again permit the security of this Nation to turn on a mere appeal for loyalty to serve, to party, or to country. And the sooner that fact is absorbed, the sooner we can get on with the business of taking sensible steps to solve real problems at home and abroad.

It is against this background that, tomorrow, I shall vote for the Cooper-Hart amendment to prohibit deployment of the Safeguard system. The Senate is familiar with the many arguments that have been made for and against deployment. I wish only to make clear my own understanding of the central issue.

It is not, in my judgment, the question of whether deployment will or will not strengthen the President's hand in negotiations or make more or less likely a viable arms control agreement with the Soviets. Those questions are imponderable, I believe.

Nor is the central issue a question as to whether there is something inherently right or wrong about seeking an active defense against ballistic missiles. We have spent \$3 billion on that search in this decade, and I fully expect that we will spend as much or more over the next decade on ABM research and development, for the need is as intractable as the problem is infinitely complex.

Nor is the central issue the question of

"national priorities." That concept has served and will continue to serve a useful purpose in focusing attention on the fact that we do not possess unlimited resources and must, therefore, give greater heed to how we use them. And if Safeguard offered any real assurance of adding to the Nation's security, I would give it as much support as I must now deny it.

The central issue is whether Safeguard would do the job the administration says it must and can do.

That job, as we all know, is to provide by the mid-1970's sufficient assurance that a significant portion of our Minuteman force would survive a Soviet attack so that no such attack would be tempting. Such assurance, we have been told, would serve the imperative of deterrence, and without such assurance the credibility of our capacity to respond in kind to a devastating attack would be seriously eroded some years hence.

The question before us is simply this: will Safeguard do the job of deterring an attack on those 350 Minuteman missiles in Montana and North Dakota?

The evidence is overwhelming that the answer must be "No."

It is undisputed that all of the components to be used—the radars to detect and track incoming warheads, the Spartan and Sprint missiles to be fired at them, and the computers to make all this possible within seconds—all were designed for the quite different purpose of meeting a missile attack on our cities.

This is understandable, for since the Army was first given responsibility for ballistic missile defense back in the 1950's, it has concentrated its research efforts on area defense of cities or "soft targets," not on point defense of such "hard targets" as underground Minuteman silos.

And it was to the protection of cities that Sentinel deployment was pointed. But when that was found to be undesirable by the new administration—and I agree with their decision—the very same components of Sentinel were repackaged as Safeguard and assigned the job of hard-point defense.

The trouble with this is that a system which may be well designed to intercept a few warheads directed at a city turns out to be very poorly designed to intercept many warheads directed against a hardened Minuteman field.

The critically important missile site radar turns out to be far more vulnerable to destruction than the Minuteman the system is asked to defend, and for that reason the most likely target of a first strike.

So the radar itself must be defended by Safeguard's own Spartan and Sprint missiles. But these could easily be exhausted in defending the radar against the Soviet version of our Minuteman—the SS-11.

The radar would then almost certainly be destroyed, leaving the Minuteman themselves defenseless against attack by that much larger Soviet SS-9 missiles.

Safeguard would be, quite simply, the wrong system in the wrong place at the wrong time.

Rather than engage in such needless waste, we should heed the advice of Dr.

Wolfgang Panofsky, the eminent physicist who now heads the Stanford Linear Accelerator Center. Here is the way he summarized the problem when he testified before the Armed Services Committee on April 22:

On reviewing the stated purposes of the modified Sentinel system I conclude that the mission of defending the Minuteman force is the only one which may become a valid and important motive in the future. However, the modified Sentinel system which is a simple reconfiguration of components designed for city defense is not a reasonable engineering solution for this problem. A good technical solution for this purpose should involve smaller and less expensive missiles and larger numbers of simpler hardened radars.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes, and that the time not be charged to either side.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, the Senator asked unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. CASE. Mr. President, Dr. Panofsky also testified:

Considering the enormous combined second-strike power of the Polaris and Poseidon fleet, the SAC bombers, Minuteman and Titan, and the tactical nuclear armed aircraft in Europe, it appears impossible that the Soviet Union can attain a first-strike power by the mid-1970's. For this reason we would well afford the time to develop a properly designed active defense for Minuteman, should it be required.

This strikes me to be so eminently sensible a course that I can only continue to hope the Nixon administration will come around to the same view.

The Cooper-Hart amendment points the way. The bill before us would authorize ample funds for continuing research and development on ballistic missile defense, and the amendment would in no way detract from that effort. And if additional funds were clearly needed to move in the direction proposed by Dr. Panofsky—and by many others—there is no question in my mind that the Senate would agree to supply them.

Tomorrow we shall have another opportunity to affirm our determination as a nation and as an institution to be the masters of our fate. As one who believes deeply in the rationality of man, I look forward to that opportunity with high confidence in the Senate's ability to lead our Nation.

I have one brief additional comment which I would like to make on a point which has been raised over and over again, and that is that the Senate and the Congress must not tie the hands of the President in dealing with this serious matter. I agree that the Senate should not tie the President's hands to any ineffective system of defense whatever and that nothing else should tie his hands. The hands of the President should not be tied specifically to an ineffective ABM which would not do the job he expects it to do.

If deployment of this proposed Safeguard system is once begun, the simple fact is that research and development on a new and effective design will stop and that by deployment of this ineffective system we will have destroyed the President's chance to get a system of ballistic missile defense that will do the job.

Mr. President, those of us who propose that the Cooper-Hart amendment be adopted are, in fact and in real substance, proposing to free the President's hand to do the job in the best way calculated to accomplish this purpose.

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

Mr. CASE. I yield.

Mr. MURPHY. Mr. President, I would like to ask if it has been the experience in the past, in fact the entire history of space advance, that once a program has started that all research and development has stopped.

Mr. CASE. The point is we have not deployed anything.

Mr. MURPHY. That is not the question. My question was: Is it not true that we started on the first missile? Let us go back to the little Vanguard. All research and development did not stop with that. It continued and we went on to the Titan. Does not research and development continue in any event?

Mr. CASE. If it were merely a matter of wasting the billions of dollars that Safeguard would cost, that would be bad enough.

But the point is that once we put it into the ground, this enormously soft and vulnerable system of radars and computers, we will have stopped attempting to design the kind of multiple and hardened radars which Dr. Panofsky and others have suggested to do the job that should be done.

If I were not convinced of this I would regard the matter before us as wasting billions of dollars. It is more than that. It is endangering the possibility of getting the kind of defense against ballistic missiles which this country may need.

Mr. STENNIS. I yield 15 minutes to the Senator from Kansas.

IN SUPPORT OF THE PRESIDENT ON THE ABM

Mr. DOLE. Mr. President, almost 50 years ago that great editor from my State, William Allen White, wrote:

This nation will survive, this state will prosper, the orderly business of life will go forward if only men can speak in whatever way given them to utter what their hearts hold . . .

The last few weeks I have heard in this Chamber such heartfelt convictions of men trying to do what they think is right to achieve world order and maintain the security of the United States. We have heard from both sides of the aisle. We have heard from men labeled liberals and those conservatives. We have heard from those who might be labeled "hawks" and those who might be labeled "doves." Throughout the Nation we have also heard opposing views on the subject of our defense system. Equally reputable statesmen, equally distinguished scientists and equally moral and patriotic men have presented differing views.

Spirited debate is inevitable when we are confronted with a problem of such technical magnitude and scientific complexity as our deterrent defense system. The issue does not lend itself to simplistic opinions and easy answers. But whatever position each Senator forms after much consideration and study, he must be guided first and foremost by the desire to bring peace, order, and security to the world. We know that although absolute viewpoints are impossible, absolute values are essential. As a Senator who believes that commitment to such values is his first responsibility I now utter what is in my heart.

PEACE OBJECTIVES

I believe we are on the threshold of achieving some meaningful peace settlements. I believe that we are ready to move from the "era of confrontation to the era of negotiation."

But peace is not going to be won by general statements of intentions; it is going to be won by limited accommodations and treaties. It is not going to be gained suddenly in one settlement, but rather in fragments, treaty by treaty. The nonproliferation treaty or an arms control pact may be the initial steps toward peace. Only by strenuous and often frustrating negotiations can we reach agreements on these sensitive subjects. But such negotiations, however, requires diplomatic and military credibility.

We will have no such credibility unless we maintain strategic force equilibrium. We will have no such credibility unless we can protect our nuclear deterrent power. We will have no such credibility unless we sustain a comparative sufficiency in defense deployment. And without such credibility an America—stripped of necessary bargaining power—would be bargaining uphill when negotiating with the Soviet Union.

NEED FOR DETERRENCE

Today there is no question of our ability to deter an attack from Soviet Russia. Even after an enemy first-strike—our surviving missiles and bombers would be able to inflict unacceptable damage.

Our Polaris missiles at sea would survive. Most of our Minuteman force would survive. Most of our alert bomber force would survive.

Then, if we have such nuclear sufficiency today, why is it necessary to begin developing the Safeguard defense system?

As former President Eisenhower said: Our real problem is not our strength today; it is the vital necessity of our action today to insure our strength tomorrow.

So it is that we should make the Safeguard deployment not because of any present threat to our national security but because of the possibility of a future threat. In 1969 and 1970, we can protect our nuclear striking power. But if we are to continue such protection in 1973, 1974, and 1975, we must make the necessary decisions now. If there can be projected an insufficiency of nuclear defenses at that time, we weaken our bargaining power at the conference table today.

Now why is there concern and doubt

about the protection of deterrent strike force in the next 5 or 6 years? Our most authoritative evidence indicates that the Soviet Union is substantially increasing the potential thrust of its missile attack.

SS-9 MISSILE

First, the U.S.S.R. is increasing deployment of the SS-9 missile—a missile larger than Titan II—with tremendous nuclear capacity and impressive accuracy. The more ICBM's Russia can put in the air, the smaller chance our Minuteman missiles and alert bombers will survive and be able to strike back.

Thus, the SS-9 becomes a counter force weapon as it is deployed in large numbers. If the Soviets installed about 50 SS-9's—a force equivalent to our Titan II force—we would simply assume that the Soviets need that number of large missiles to take out that number of large American cities.

Even an SS-9 force of 100 missiles could be viewed by us as an added insurance force with the same objective of destroying our big cities.

But a force of 200, however, requires us to consider the possibility that the SS-9 is not intended for cities but for the hardened Minuteman sites of our nuclear deterrent power.

Second, the Soviet Union is developing midair proliferation of nuclear warheads. By multiple reentry vehicles, Soviets possibly could increase the warheads from 300 to 900, any one of which would be capable of destroying the Minuteman.

Third, our intelligence tells us that the Soviet Union is building Polaris-type submarines at a rapid rate. If missile-bearing submarines came to within a few hundred miles of our shores, the quick flight time of their missiles can substantially shorten the time available for the takeoff of our alert bombers. Since few of our alert bombers could survive such an atomic submarine attack, all the more vital is the protection of our Minuteman striking power.

U.S. ACTION

In the light of these developments, what protective actions should the United States take?

First, we could install more Minuteman missiles. We rejected this because it would escalate the arms race and could push the Soviets to deploy even more weapons than they now plan.

Or we could design a new deterrent missile that could travel about the countryside, always hiding from enemy attack. We are reluctant to have mobile missiles. We believe this would be unacceptable to the American public. It, too, would be stimulation of the arms race.

Or we could build bigger missiles with larger warheads. But this also would accelerate the arms race.

Or we could increase the hardening of Minuteman. We do plan to add further hardening for some Minuteman missiles, but this approach has its limitations. Further hardening can be matched by further increases in Soviet accuracy and warhead size.

Finally, we could provide the protection of our nuclear deterrent striking power against ballistic missiles. Such a defensive deployment would not stimulate the arms race. In fact, since the Russians have already begun developing

their own ABM defense system, our defensive parity would help us reach a solid arms control agreement with the Soviet Union.

Safeguard by its selective defense of our Minuteman missile sites both strengthens our deterrent to nuclear aggression and increases our leverage for disarmament negotiations. Its protection of our retaliatory forces against direct attack stops any enemy from launching a first strike war. Yet its unprovocative defensive nature would not stimulate the arms race.

THE ISSUE

There are those who argue against Safeguard or any ABM system with allusions to the sinister influence of the military-industrial complex, are escalation and ultimately nuclear devastation. I am convinced that much of the intense emotion presently directed against the ABM is a result of the widespread disillusionment with the Vietnam war.

However, we all agree that the military should not set our Nation's priorities and goals. Congress must begin to more closely scrutinize both military policies and expenditures.

At the same time, there has been an awakening to the pressing domestic needs of our Nation. The problems of our disadvantaged citizens, our urban growth, and environmental decay require immediate attention. However, these problems must be solved within the context of a safe and secure society.

But these are not the issues presently before the Senate. All Americans dread a nuclear war and the risks of an escalating arms race. The real issue today is the strategic reality of our defense posture.

We may differ about the implications on the recent Soviet moves in missile deployment. We may differ on the effects of those moves on the future defense of our nuclear deterrent force.

But all of us can agree that if America should lack an effective nuclear deterrent defense, the stability of world order would be shaken, and the chances for a peace settlement broken.

The President has said:

The imperative that our nuclear deterrent remain secure beyond any possible doubt requires that the U.S. must take steps now to insure that our strategic retaliatory forces will not become vulnerable to a Soviet attack.

The time has come when the Senate of the United States either gives the President the tools to bring peace and security, or denies them. This is the issue after all the testimony, after all the debate, after all the speeches, after all the argument.

CONCLUSION

Sixteen years ago another Kansan, Dwight David Eisenhower, came to Washington and uttered what was in his heart:

In pleading our just cause before the bar of history and in pressing our labor for world peace . . . we hold it to be the first task of statesmanship to develop the strength that will deter the forces of aggression and promote the conditions of peace.

Let us in this spirit strengthen the shield of our defenses that deter war and strengthen the hands of those that can negotiate a peace.

Mr. DOMINICK. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I congratulate the Senator from Kansas on what I think is an excellently reasoned speech. He does not try to go into details of science. He lays it out in cold logic.

It seems to me that this is a productive effort, so far as we are concerned, in trying to preserve our security.

I was intrigued, because he refers to the problems that are being outlined here on the floor as to the rural areas of our cities, where the Senator from Kansas points out that we must have a secure country before we can fix those problems irrevocably. I noticed that the Senator from New York (Mr. JAVRS) talked about the necessity for reallocating resources. The Senator from Louisiana (Mr. ELLENDER) on yesterday said something to the same effect.

It is an interesting fact that as we go through phase 2 of the program on the estimate we now have, it would cost \$10.2 billion. This \$10.2 billion is approximately three and a half months of the Vietnamese war at present expenditures. The \$10.2 billion would be spent from now all the way through 1974. So when we are talking about reallocating resources, we are going to do far better once we get out of our involvement in that war than we would do by saying we are not going to go ahead with this proposal.

Another feature that I think is important with respect to the amendment that is before us is that it involves only \$345 million. When we look at it in terms of the over \$2 billion a month we are expending in Vietnam, we have another example of the fact that we are not dealing with much money. We are dealing here with a symbolism issue which has arisen, for some unknown reason, in the Senate.

I also listened to the Senator from Arkansas (Mr. FULBRIGHT) today, and I read the speech of the Senator from Louisiana (Mr. ELLENDER). They talk about mirror reaction. The Senator will know that the Soviet Union started deploying its system in 1963, and it is still building it, despite the fact that it is stated the Soviet Union has stopped. That is not a fact. So it seems to me there is no mirror reaction now, in view of the fact that the Soviet started its system in 1963, 6 years ago.

Would the Senator agree with that?

Mr. DOLE. Yes. As I have tried to say many times on the floor, as a junior Member of the Senate I do not question any Member's motives for being for or against anything. I think everyone has a reason for his belief. I think sometimes the public has a certain feeling about the Senate. Members of the public feel that 50 percent are for doing nothing and another 50 percent are for blowing up the world. That is not the issue. I think 95 Senators think we should do something about it, yes, perhaps have research and development, but some of us believe we cannot waste 1 year's or 2 years' time.

I think what the question boils down to is whether or not we want to give the President the tools he needs with which to negotiate. I had faith in President Johnson's request for the Sentinel sys-

tem and supported it in the House, and I have confidence in the Safeguard system and will support it in the Senate.

Mr. DOMINICK. Mr. President, I ask unanimous consent that a letter to the editor, which was published in the New York Times for today, Tuesday, August 5, 1969, signed by Sanford Aranoff, assistant professor of physics, Rutgers University, dealing with the need of an ABM for defense, be printed in the RECORD at this point.

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

ABM FOR DEFENSE

To the Editor:

A July 17 editorial criticizing Senator Winston L. Prouty's endorsement of the Safeguard antiballistic missile system, began by stating that the system is untested, and so should not be deployed. This is not an objection. Many of the components have been thoroughly tested, and further testing will continue after deployment.

Much time and money have already been invested in the testing. Let us not belittle American technology by saying the ABM will not work because it is complex. We can build successful complex systems—the Apollo program for example. Of course, it has not been tested under wartime conditions, but the same is true for the enemy's system.

In actual wartime, neither offense nor defense works as well as anticipated. It may be that our defense will work, while the enemy's offense will not. Even if our defense does not work, the fear that it may, while the offense will not, will deter the enemy.

As to cost, we have been spending far greater sums on air defenses up till now. The Soviets have been spending several times the amount of money that we have for their defenses. Until now, no one has suggested that we dismantle our defenses to save money for our cities. To stop spending for defense is to leave our country open for attack. Why, then, is the issue raised about missile defense? Either we must ignore the question of cost when discussing the ABM, or save money by dismantling our expensive air defenses.

FIRST STRIKE DESTRUCTION

The editorial comments that we can destroy every center in the Communist bloc. This is true if we strike first, or if they strike first, but leave our missiles intact. If you believe that our missile will remain after an attack, you should give your reasons.

You state that the Administration should not press for a vote that can bring marginal victory at best. What is wrong with a "marginal" victory? The Administration feels that it is in the best interests of this country to have a defense against nuclear attack. That many people disagree does not change the objective situation.

We are speaking about defense, not offense. It is sad that the concept of ABM has been distorted by its opponents to mean an offensive system. The missiles of the ABM have a range of less than one thousand miles, and cannot be construed as an offensive weapon against Russia. It is these cities about which we are so concerned that require proper defense.

SANFORD ARANOFF.

NEWARK, July 18, 1969.

Mr. STENNIS. Mr. President, may I commend the Senator from Kansas. I have noted the quality of the speech. As a Member of this body he has always impressed me with the forceful way in which he expresses his logical reasoning. I think in this he has a very sound, commonsense view.

I yield now to the Senator from Nevada.

Mr. BIBLE. Mr. President, I under-

stood the Senator from California wanted to direct an inquiry to the Senator from Kansas.

Mr. MURPHY. Mr. President, does the Senator from Kansas have the floor?

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Kansas.

Mr. MURPHY. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. MURPHY. I congratulate the Senator for his realistic approach and the use of figures that are actual figures, and not hypothetical figures.

I also wish to congratulate the Senator from Colorado for pointing out that the amount of money involved is less than \$400 million, which is less than the amount of cost as between deployment and no deployment.

Another feature is involved. I am sure my distinguished colleague knows that embodied in this proposal is the element of constant review, as suggested by the President. So this is no program that, once started, will never be stopped, as is true of so many programs. The President has asked for constant review. The minute it is not needed, it will be stopped. As long as it is needed, it will continue to be tested.

I congratulate my distinguished colleague for making this very realistic appraisal of an important question, on which may turn the entire future of this Nation.

Mr. DOLE. I thank the Senator from California. I also agree with his statement that this program will be reviewed on an annual basis by the Senate. I think that is one of the real strengths of the program.

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

Mr. DOLE. I yield.

Mr. TOWER. I also would like to commend the distinguished Senator from Kansas. I think he has performed a fine service in underscoring that what we are doing is projecting ourselves toward the mid-1970's. There has been much talk about the relative postures of the Soviet Union and the United States today, but we must project it into the future and think in terms of what might happen.

I have heard a great deal about the fact that those of us arguing for the system are basing our argument on the fear that the Soviet Union might develop a first-strike capability. That indeed is the reason why we want an ABM system. It is very possible that the Soviet Union will develop a first-strike capability. Certainly, we have no intelligence to the effect that they are not developing a first-strike capability. As a matter of fact, there is indication that they have been building toward it. That being so, I do not see how we can afford not to prepare to put ourselves in a position to defend this country.

It has been said that the Soviets are not going to attack us because they know it would invite certain retaliation. We want that risk to stay there. What we are trying to do is maintain a risk for

the Soviet Union so that they will find, in the mid-1970's or in the 1980's, that the odds are too great against their being able to launch a successful first strike with impunity.

Mr. DOLE. I agree with the Senator. I feel very strongly that this system is needed to stabilize the world position. I feel just as strongly about that as do those who take a different view.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. STENNIS. Mr. President, I now yield to the Senator from Nevada (Mr. BIBLE). How much time does he want?

Mr. BIBLE. I would think 5 or 10 minutes.

Mr. STENNIS. I yield 10 minutes to the Senator from Nevada.

Mr. BIBLE. I thank the Senator from Mississippi, our distinguished able chairman of the Armed Services Committee.

Mr. President, it occurs to me that practically everything pro and con has been said about this question in the 5 or 6 long weeks of vigorous discussion on the ABM. I do not believe there is anything new that I can contribute at this point. I have attempted, to the best of my ability, to follow the debate closely and to follow what was developed during the so-called closed and secret sessions.

After much study, I am convinced that the wisest course is to support the request by the administration, and the majority recommendation of the Armed Services Committee, for phase 1 of the Safeguard ballistic missile defense system.

It seems to me that deployment of the ABM is a prudent and reasonable response to the activity of the Soviet Union in the development of offensive and defensive weapons systems and the advance of Communist China toward a nuclear arsenal. The addition of new offensive Minutemen, without protection, is likely to be more destabilizing, in my view, than the start of an active defense of the Minuteman silos, since adding new offensive vehicles increases the capacity to strike first.

I am not particularly impressed by the divergent views of the scientific community on the practicality of the Safeguard system. Such differences have occurred with every complex weapons system ever considered by the Nation. They have occurred in our space program. They have occurred in our medical research and in other areas of our research and development activities.

Able scientists are found on both sides of the issue. Therefore, it is difficult to accept at face value some scientific claims that this defense system may not work. There were eminent scientists who said the hydrogen bomb would not work; that the ICBM would not work, that the Polaris would not work.

We have heard this issue discussed at length over the past weeks and months.

I have reviewed the record carefully. I am not persuaded that the ABM is unreasonable. I feel the performance of carefully designed and well-engineered defense systems such as Safeguard will be every bit as effective as the performance of our offensive missile systems.

One other argument is constantly

made—we have heard it day after day, and it has been met and counter-met and re-met again, on rebuttals and sur-rebuttals—I refer to the argument that approval of the Safeguard will make it harder for this Nation to reach reliable agreements with the Soviets on limitations of nuclear offensive and defensive weapons. It seems to me that in this regard, a telegram received July 17 by the Senator from Mississippi (Mr. STENNIS) and the Senator from Washington (Mr. JACKSON) from a group of distinguished Americans with long experience in negotiating with Moscow was a very useful contribution to our discussion. It read:

In our varied experiences of negotiating with the Soviet Union, nothing suggests that a Congressional decision to authorize President Nixon's Safeguard ABM proposal will in any way hinder the start of strategic arms limitation talks with Moscow or impede the negotiations once they are under way.

It was signed by a number of very distinguished Americans—One could say they comprise a Who's Who in the field of American-Soviet diplomacy. Among them were Dean Acheson, Charles Bohlen, Arthur Dean, Frederick Eaton, Foy Kohler, Robert Murphy, and Herman Phleger.

If my memory serves me well, in the discussion of the Sentinel program last year when it was before the Senate, the argument was made that we should not move forward because to do so would jeopardize our talks with the Soviet Union. I believe it was within a week after the Senate had acted—and had acted adversely to that particular argument—that new talks were started.

I was somewhat impressed with the argument made today by the distinguished Senator from North Carolina (Mr. ERVIN). If I recall correctly, I think he said that since 1946 we have had 1,542 meetings with the Soviets in the field of disarmament.

Taken in its entirety, I believe that record provides a meaningful answer to the constant argument that deployment will slow us and probably jeopardize us in our negotiations with the Soviet Union.

Mr. President, it has been our experience in negotiations with Russia that the Soviets bargain vigorously for relative advantage. With this in mind, let us observe that Moscow has deployed an ABM and we have not. Moreover, the Russians are working on an advanced version of the ABM. It is commonsense to me that if we hope to get an agreement with the Soviets on arms limitation, we must be able to deal with them from positions of strength—defensive strength as well as offensive strength. We are certainly not maintaining our overall strength if we unilaterally abandon ABM deployment at a time when the Russians are working to strengthen not only their offensive missile systems, but their already deployed antimissile defenses as well.

Reciprocal, mutually acceptable agreement on both offensive and defensive nuclear systems will be, at best, difficult to achieve. It could take a long time. Meanwhile, I think we must put America in the strongest possible position for the conduct of these crucial negotiations.

It is for that reason that I shall vote against the Cooper-Hart amendment, and I shall support the request for authorization of phase I of the Safeguard ABM system.

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

Mr. BIBLE. I yield.

Mr. STENNIS. I certainly appreciate the Senator's going to the trouble, here, to put his thoughts in writing in so concise a form.

I believe the entire argument can be boiled down to the point the Senator has made. That is the real issue before the Senate.

Mr. BIBLE. Mr. President, I appreciate the statement of the Senator from Mississippi. I have long considered the Senator from Mississippi, the chairman of the Committee on Armed Services, and his able colleague, the Senator from Washington (Mr. JACKSON), as two of the best informed men in America on this particular problem.

Mr. STENNIS. I thank the Senator. He has made great contributions in connection with the appropriations, but, more than that, I like his practical logic.

Mr. CHURCH. Mr. President, will the Senator from Michigan yield to me?

Mr. HART. Mr. President, may I inquire as to the time remaining to the proponents?

The PRESIDING OFFICER. The proponents have 10 minutes remaining.

Mr. STENNIS. Mr. President, I shall be happy to yield some time to the Senator.

Mr. CHURCH. I appreciate that. I shall not require more than 15 minutes.

Mr. STENNIS. May I inquire, Mr. President, how much time I have remaining?

The PRESIDING OFFICER. The Senator has 32 minutes.

Mr. STENNIS. I am happy to yield 5 additional minutes to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

Mr. President, at this late stage in the debate, there is little I can say that would add to the arguments already given, or to the voluminous data already gathered, or to the lengthy testimony already taken on the question soon to be decided, whether or not the Senate should give its consent to the immediate deployment of the Safeguard antiballistic missile system. Accordingly, my statement will be relatively brief.

It is undisputed that the price of an ABM system comes high. The initial phase, limited to the mission of defending two of our Minuteman bases, bears a price tag of at least \$9 billion. Allowing for the anticipated cost overrun for research, development, and procurement, however, the total is much more likely to exceed \$12 billion; and the future enlargement of the system, almost certain to follow once the deployment begins, could easily push the ultimate figure above \$100 billion.

Despite this mammoth cost, I was nonetheless prepared to vote for the immediate construction and deployment of an ABM system if it could be shown by the evidence that the Safeguard proposal could meet three tests: First, the

test of reliability in the event of a nuclear attack upon the United States; second, the test of shielding our people if such an attack should occur; and third, the test of lessening the chances of a nuclear exchange between the United States and the Soviet Union.

With these tests in mind, I have closely examined the evidence, weighed the testimony, and followed the debate. And I have been obliged to conclude that the Safeguard proposal appears to be deficient in all three categories.

As to whether the system would work in a showdown, the experts are sharply divided. Those components that give the ABM sight and direction—the radar and computer elements—are themselves the focal point of the doubt. The computer system would be the most complex ever attempted, and, given the present state of the art, there are serious reservations that it can be made operational. At the very least, further research and prior testing would seem to be required.

If the ABM is to successfully intercept incoming enemy missiles, its radar eyes must be at least as good as its computer brain. Few such eyes are contemplated for the Safeguard system, and these few could be readily blinded. Even the Pentagon's own planners concede that enemy nuclear warheads might be deliberately detonated above the atmosphere to create vast regions of ionized gas to black out the radar. Moreover, it must be expected that any attacker, mindful of the existence of our ABM system, would sow the skies with decoys and chaff, complicating beyond description the problem of swiftly identifying the real targets to be intercepted. Finally, the radar installations themselves, as presently planned, would be highly vulnerable to a concentrated missile attack, leaving our ABM's helpless without sight.

Questions like these concerning the reliability of the ABM under fire have simply not been satisfactorily answered. The experts cannot agree among themselves, with as many maintaining that the system will not work as contending that it will. Again, the prudent course would seem to call for further research and testing.

However, if one were to lean over in favor of the Safeguard proposal and dismiss all doubts about its being a sieve rather than a shield, the next question to be answered is this: Assuming it would work as planned, how many lives would Safeguard save in the event of a nuclear attack upon the United States? The answer to this question is none—or next to none—since the weapon is not to be deployed around population centers, but rather in the empty places which surround our Minuteman sites. Therefore, it just does not figure that the Safeguard ABM will save American lives, unless the very existence of the system itself will somehow lessen the chances of a nuclear war, to the consideration of which I now turn.

Proponents of the ABM argue that its installation will help keep our nuclear deterrent credible by increasing the number of Minuteman missiles which would

survive an enemy first strike, thus augmenting our retaliatory capability to inflict unacceptable damage on the attacker. The argument, however, overlooks the fact that, in order for the Soviet Union to achieve a first strike capability, she would have to launch enough accurate attack warheads to knock out all of our offensive forces at the same time. In considering such an improbable undertaking, it should be recalled that each of our separate offensive forces—Minuteman ICBM's, strategic bombers and Polaris submarines—has by itself the capacity to utterly destroy Russia. Even if, by some miracle, all these forces were to be suddenly destroyed—which is far beyond any known or imagined Soviet capability—we would still possess enough medium range missiles in Europe to inflict unacceptable damage on the Soviet Union.

Under these circumstances, I find it impossible to believe that an ABM weapon system needs now to be installed at two of our Minuteman bases, in order to enhance the credibility of our overall deterrent. When it comes to strategic intercontinental nuclear capability, we already have a preponderant lead. Figures supplied by the Department of Defense show the United States with a 2-to-1 advantage in delivery vehicles, that is, missiles and bombers—2,356 to 1,227—and a 3½-to-1 advantage in the number of warheads—4,200 to 1,200. Yet the astounding fact is that in an all-out nuclear war the delivery of only 400 one-megaton warheads by the Soviet Union and 500 by the United States would result in 150 million fatalities and the destruction of 75 percent of the industrial capacity of both nations. Considering the number of warheads now available, the United States maintains an overkill ratio of 8½ to 1, while the Russians have an overkill ratio of 2½ to 1.

Obviously, the critical need facing both great nuclear powers is to call a halt to this mad arms race, which merely increases the threshold of danger to each side. As I observed here in the Senate more than a year ago, long before the ABM became a major issue:

After 20 years of the nuclear arms race, the Russian and American people are not the most secure, but the most imperiled people in the world. If the funeral pyre each government has set for the other is ever ignited, both peoples will be laid out upon it.

How, then, will adding a new nuclear weapons system, the ABM, as another tier on the funeral pyre, possibly reduce the chances of its ignition? Since there is presently no need, as we have seen, to bolster the credibility of our overall deterrent, what effect can we expect from the deployment of the ABM at this time? First of all, we must expect such an action on our part to produce a predictable reaction on the part of the Russians. In strategic planning, the "greater than expected risk" is a principle used on both sides, and it leads planners constantly to anticipate action by the other side to compensate for an area of vulnerability or to seek temporary superiority.

As an example of the action-reaction cycle, we need only recall that several

years ago the Soviets built the Tallinn defense system near Leningrad in response to our decision to develop a B-70 supersonic long-range bomber. When we discovered Tallinn through our reconnaissance satellites, we assumed it was an anti-ballistic-missile system and proceeded to develop MIRV—multiple warheads with separate targets—as a counterweapon. We later dropped the B-70 program after huge expenditures, but by that time both sides had entered a new stage of strategic arms competition as a result of their mutual misjudgments.

In the same manner, our decision to deploy the ABM will inevitably touch off a Soviet response that can only mean another costly round in the nuclear arms race—on both sides—thus increasing the burden and danger to each country without giving us, in the end, one whit of added advantage over the Russians.

Still, the proponents of the ABM seek to reassure us that our deployment of this new weapon system would not provoke a counter-response from the Russians. They argue that since the ABM is purely defensive, and since the Russians themselves once commenced, though apparently now have halted, the construction of an ABM defense around Moscow, the Soviet Union would not regard as provocative our decision to go forward with the installation of an ABM system. Yet the very man, Defense Secretary Laird, who makes this argument in one breath, contradicts it in the next. For he cites the possibility that the Soviets may decide in the future to deploy an extensive ABM system as one basis for his conjecture that they might acquire a first strike capability by the mid-seventies. Why would not our ABM arouse the same fears on their part that theirs would arouse on ours?

To compound the error, administration spokesmen also rely on another assertion, which rests upon the very opposite assumption, namely, that the Russians will be so concerned about our ABM that we will be able to use it as a bargaining lever in our upcoming arms control negotiations with the Soviet Union. Now a person looking for a reason to support the ABM could accept the first argument or the second, but it simply is not logically possible to accept both.

However, it is not only possible but eminently reasonable to reject both. All previous experience shows that, far from facilitating agreement, the introduction of a new weapons system by one side invariably provokes the other side into matching or exceeding it.

This can be best perceived by putting the shoe on the other foot. How would we regard the actions of the Kremlin if the situation were reversed? Suppose that we, rather than the Soviet Union, had taken the most recent initiative in proposing arms-control talks. Suppose the Russians had reacted as, in effect, we did, with a "wait-up-a-bit" response. Then, as the talks were about to commence, suppose the Russians began to add a new nuclear weapons system to their already immense arsenal.

Can there be any doubt as to what our reaction would be? Why, we would at once conclude that Russian deeds be-

trayed their words, that the real Russian purpose was to gain the upper hand in the arms race, rather than to join hands in ending it.

No, though our deployment of an ABM might hamper, it could not enhance our chances for securing agreement on arms control; and, though it might enlarge, it could not diminish the risk of a nuclear war.

So I am forced to conclude that the construction of an ABM system at this time would be a grave mistake. While we still possess a commanding lead in nuclear weapons, let us explore the possibilities for ending this pointless, perilous arms race, thus ushering in a new era of hope for mankind. If this proves impossible, there will be time enough to add an ABM to our vast nuclear arsenal, after further research has perfected the weapon and made it more reliable.

For these reasons, Mr. President, I shall vote in favor of authorizing the money requested to continue the research and development work on the ABM, but I shall vote against the deployment of the weapon this year.

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

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

The PRESIDING OFFICER. All time for today of the proponents of the amendment has expired.

Mr. CHURCH. Mr. President, the distinguished Senator from Mississippi extended 5 minutes of his time to accommodate me, and if that time has not expired, I would like to recognize the Senator from Arkansas and then the Senator from Colorado.

The PRESIDING OFFICER. That time also has expired.

Mr. TOWER. I yield 5 minutes to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

I yield to the Senator from Arkansas. Mr. FULBRIGHT. I just wanted to say that I think the Senator has made the case extremely well. He has been very attentive in the hearings and has made a great contribution to the debate on this issue.

A moment ago, in the comments of one of the previous speakers, it was stated that, in the past, many people had said that the ABM would not work or that the Apollo would not work or that the hydrogen bomb would not work, and they have all proved that they could work.

I would ask the Senator if it is not a fact that in most of those cases it was not said that they would not work but it was said that they were of such low priority that they ought not be developed.

As to the allegation, for example, that certain great scientists had opposed the hydrogen bomb, I do not remember that they had opposed it—I do not believe they did—on the ground that it could not be made to work. They opposed it on the ground that we had no need for it and it ought not be developed because it would not contribute to the security of the country.

Is that the Senator's recollection?

Mr. CHURCH. I think the Senator states the case correctly, yes.

Mr. FULBRIGHT. In my opposition to

the space program, at the level we have been spending funds for it, it was never because I believed that Apollo could not be made to work. It was because, first, I thought it was a crash program that was unjustified, that it was not so important that we should defer fundamental domestic programs in order to give that money to the space program. I believe the total space program now amounts to approximately \$25 billion. It was simply that I thought it had a lower priority than a number of things such as our cities and education and others.

I think that is true with the ABM. We are not opposing it because we do not think it would not work. I think it is very dubious that it would work under wartime conditions. I think it is very likely the system can be made to work in the sense that it will shoot down a missile that we know is coming from Vandenberg Air Force Base to Kwajalein and we are all set for it. I think they can make a gadget that will shoot it down.

Mr. CHURCH. I agree that in a laboratory test it probably can be made to work, but the experts are in sharp disagreement that it would work under fire.

Mr. FULBRIGHT. Under fire—that is the grave question.

So when we say it will not work, we have to be precise about what is meant. I mean in that sense, even if it worked, I think it would not be worth the money, compared with other needs and alternatives we have.

Mr. CHURCH. I agree with the Senator.

I tried to emphasize in my address this afternoon that even if it were to work, even if one were to dismiss all doubts as to its reliability under fire, still, the best interests of the United States call for a postponement of its deployment until we can ascertain whether progress can be made in arms control talks; for it is in the success of these talks that the real security of the country lies, that the real safety of the American people rests.

For these reasons, I think it would be a grave mistake for us to proceed at this time with the deployment of an ABM system.

Mr. FULBRIGHT. I think the Senator is absolutely correct.

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

Mr. CHURCH. I yield.

Mr. DOMINICK. I was interested in listening to the speech, and, obviously, I do not draw the same conclusions that the Senator from Idaho does. But one thing really interested me, and that was the hypothetical question of what we would do if we had tried to get arms limitations, and so forth, and then all of a sudden they developed an ABM.

Actually, the Soviets developed their ABM system and started deploying it in 1963. As the Senator knows, we have not deployed anything on this side. We have authorized some funds. We have procured some leadtime parts. But we have not done any more than that over a period of 6 years. So we have not considered this as any kind of a massive threat, except in conjunction with the progressive growth of offensive weapons.

The PRESIDING OFFICER. The addi-

tional time allotted to the Senator from Idaho has expired.

Mr. DOMINICK. I yield 2 additional minutes to the Senator.

It seems to me that we should make this clear: An ABM, insofar as being any kind of threat to us, is not, unless it is combined with the capability to develop a first strike. We do not have that and have not made such an option available to ourselves. They have not yet done it, but they have the capability of doing it and are succeeding and are progressing in that direction. This is the only kind of situation I can see in which either side should be concerned about an ABM, which is purely defensive.

Mr. CHURCH. According to the best information I have, the Russians did commence the construction of an ABM system around Moscow, but it now appears that the construction has been stopped.

Mr. DOMINICK. No, it is still going on. Mr. CHURCH. Perhaps the Senator has better information on that point than I possess.

However, my argument relates to the history of this nuclear arms race, which has been characterized by action and counteraction over the years. I think it is very difficult to argue persuasively that the decision on our part to deploy a very expensive new ABM system would not produce a counter-reaction on the part of the Russians that would carry us into another round of this pointless, perilous arms race; and, in the end, we will find that we have not achieved one whit of added advantage over the Russians.

This history has already proved so discouraging that I think we should now try to see if we can bring a halt to it, on both sides; before we introduce another round.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. If the Senator desires, I can yield time.

Mr. DOMINICK. Will the Senator yield me 3 minutes?

Mr. STENNIS. I yield 3 minutes.

Mr. DOMINICK. I do not want to prolong this discussion unnecessarily, but we had four scientists before us, all of them knowledgeable in Soviet weaponry. Two were against the ABM and two were for it. In the process of doing that, we had a discussion with them on whether the Soviet Union's missile development had been a cyclical reaction; and even the ones who were against the ABM said that they did not see that any of the Russian weaponry had been a cyclical or mirror reaction to what the United States had done.

I could cite example after example. For example, we have not developed an FOBS, and they have. We have not developed an SS-9, and they have. We have not developed an ABM system, and they have. I could go on and on in this way.

The point I am making is that they do what they think is important from their own country's interests and not just in reaction to what we do.

Mr. CHURCH. With that interpretation I wholly disagree, because nobody has suggested that the action-reaction cycle consists of both sides duplicating

the exact weapons of the other. The argument is that when one side introduces a new weapons system, the other side finds a counter to that system which may not involve its exact duplication at all.

Mr. DOMINICK. A mirror reaction.

Mr. CHURCH. An action-reaction cycle. I believe it would be very difficult to demonstrate that there has not been this action-reaction cycle during the past 20 years, as both the United States and the Soviet Union have amassed these immense nuclear arsenals which, I might add, are now so large that, if they are ever detonated in anger, the destructive force released would be the equivalent of a thousand pounds of TNT against the temples of every living inhabitant on earth. Is this not enough?

The PRESIDING OFFICER (Mr. ALLEN in the chair). The time of the proponents of the amendment has expired. The opponents of the amendment have 17 minutes remaining.

Mr. STENNIS. I thank the Presiding Officer. Is there anyone who desires to speak?

Mr. HART. The Senator from Indiana has been extremely patient. I wonder if the Senator would yield to him.

Mr. STENNIS. Does anyone wish to speak in opposition to the amendment at this time?

The PRESIDING OFFICER. The opponents have 16 minutes remaining.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana for not to exceed 10 minutes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, after the time which each side has exhausted, if the Senate is still in session, the time will not be controlled. Is that correct?

The PRESIDING OFFICER. After the time under the unanimous-consent agreement has expired, the pending question will be before the Senate with no limitation.

Mr. HART. Mr. President, would it be in order at this point to propound a unanimous-consent request to permit the Senator from Indiana to conclude his speech even though the time yielded to him may have been exhausted prior thereto?

Mr. DOMINICK. Mr. President, reserving the right to object, it is my understanding that when we finish with controlled time, all remaining time is uncontrolled.

Mr. HART. That would be true unless the Chair permitted the Senator from Indiana to proceed.

Mr. BAYH. Mr. President, the distinguished Senator from Mississippi has been most gracious to me. I do not wish to intrude on the time of those who oppose the amendment. If it is more convenient, I will wait.

The PRESIDING OFFICER. If all time is yielded back by the opponents, the matter would be before the Senate.

Mr. STENNIS. Mr. President, I would like to yield back the time. I am trying

to protect someone who might come in late and desire time. I am glad to yield 10 minutes to the Senator from Indiana. At the end of that time, we can weigh the situation and perhaps permit the Senator to proceed.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana for not to exceed 10 minutes.

DERAILING THE DANGEROUS ARMS RACE

Mr. BAYH. Mr. President, I thank the Senator. It is very considerate of the Senator from Mississippi to delve into his limited reservoir of time so that I can express myself on this critical matter.

Mr. President, the matter presently before the Senate has consumed almost a month of debate. I have listened very carefully to the statements on both sides. The debate has raged back and forth on the question of whether we should authorize funds for the deployment of the Safeguard anti-ballistic-missile system. I think the high quality of the Senate debate reflects on the very critical nature of the decision we are about to make. I have reached a decision only after long and careful study of every bit and piece of information available to me, as I am certain all of my colleagues have done. As a result, it is my opinion that to authorize the deployment of the Safeguard anti-ballistic-missile system at this time would not be in the best interest of the United States.

It seems to me there are three critical areas of discussion that form the crux of any decision with regard to Safeguard.

First. Is there, in fact, a Soviet first-strike threat to our retaliatory ability?

Second. Is the Safeguard, as designed, technically competent to meet such a threat?

Third. What are the implications of Safeguard deployment for a meaningful arms limitation?

Are the Russians developing first-strike capability that threatens our missile arsenal? Mr. President, in order to fully appreciate Secretary Laird's assumptions about the Soviets, one must examine this concept of first-strike capability. According to the testimony of Dr. Foster, a first-strike capability would involve a decision to launch an all-out nuclear attack against another country with the assurance that 95 percent of the retaliatory power of the attacked nation would be destroyed simultaneously. In other words, the nation attacked would not have the ability to retaliate. Therefore, in any realistic assessment of first-strike capability one must consider not only the Soviet's missile arsenal, but we must weigh it against our own nuclear force.

Secretary Laird's categorical statement that the Soviet Union was, and I quote, "going for a first-strike capability—there is no question about that" has been challenged. In fact, Mr. Laird has since revised his estimate of the Soviet threat.

Mr. President, I ask unanimous consent to have printed in the Record at this point an article entitled "Laird Narrows Scope of Warning on Soviet Threat," written by John W. Finney, and published in the New York Times.

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

LAIRD NARROWS SCOPE OF WARNING ON SOVIET THREAT

(By John W. Finney)

WASHINGTON, June 23—Under critical cross-examination by the Senate Foreign Relations Committee, Defense Secretary Melvin R. Laird retreated today from his statement that the Soviet Union was seeking a missile first-strike capability against the United States.

Testifying three months ago before the committee, Mr. Laird stated that the Soviet Union was "going for a first-strike capability—there is no question about that."

Recalled before the committee at a closed hearing today, he offered a new definition of Soviet intentions that was much narrower than his earlier suggestion that the Soviet Union was seeking to knock out the retaliatory capability of the United States.

In a prolonged argument with committee members that often involved semantics Secretary Laird finally took the position that all he was suggesting was that the Soviet Union was developing a "first strike weapon" with its SS-9 intercontinental missile. This weapon, in turn, he acknowledged, was aimed at only one portion of the United States retaliatory force, the Minuteman Missile.

SEE SEMANTIC VICTORY

Senator J. W. Fulbright, the committee chairman, and Senator Albert Gore, chairman of the disarmament subcommittee, immediately seized upon the Laird modification as at least a semantic victory in their battle to block deployment of the Administration's Safeguard missile defense system.

From the start of the anti-ballistic missile debate, Senator Gore observed, a key issue has been whether the Safeguard system was necessary to preserve the integrity of the American nuclear deterrent.

If the Soviet Union was intent on knocking out the American deterrent, as suggested in the earlier Laird "first strike" statement, the Tennessee Democrat said, then a justification could be made for the Safeguard system. But if the Soviet Union is developing only a capability to strike at just one part of the deterrent force, he said, "then the whole justification is pulled out—like Samson pulled out the pillars of the temple."

MOST DIFFICULT SESSION

Mr. Laird testified for nearly five hours before the committee in what Senator Fulbright, an Arkansas Democrat, was to describe as the "most difficult session" in his 25 years in Congress. The purpose of the closed door confrontation was to resolve whether there were differences between the intelligence community and the Pentagon over the Soviet missile threat.

In an unusual move, Secretary Laird insisted that he be accompanied by Richard Helms, the Director of Central Intelligence, a condition reluctantly accepted by the committee.

It was the first time in the memory of Central Intelligence Agency officials that the director had been drawn directly into a policy dispute between a Cabinet official and a Congressional committee. The effect was to silence Mr. Helms, who is known to have reservations about the Laird assessments of the Soviet missile threat.

HAD LITTLE TO SAY

Mr. Helms, according to members, had little to say before the committee and not a word afterward to reporters as he emerged from the committee room with Mr. Laird.

But Secretary Laird was not so reticent. After a brief appearance before television cameras outside the committee room, he hastened back to the Pentagon to hold an impromptu news conference at which he emphasized a new Soviet missile threat.

Following up a point first made by President Nixon at his news conference last week, Mr. Laird said the Soviet Union was testing a multiple warhead for its SS-9 missile that was capable of knocking out three Minuteman missiles simultaneously.

He thus opened a new intelligence dispute with the safeguard opponents. During the hearing, according to both Senators Fulbright and Gore, no evidence was presented indicating that the Soviet Union was testing independently targetable multiple warheads known as MIRV's, for multiple independently targetable re-entry vehicles.

LESS SOPHISTICATED

The presumption, therefore, was that the intelligence community believed the Soviet Union was testing less sophisticated multiple re-entry vehicles, known as MRV's, which fall in a cluster and are not independently targeted.

At his Pentagon news conference, Mr. Laird declined to be drawn into a dispute over the multiple warheads being tested by the Soviet Union were independently guided. The important point, he said, is that the three-part multiple warhead is falling into a variable triangular pattern that coincides with the way Minuteman silos are deployed.

Another semantic difference developed between Mr. Laird and the committee over whether the Pentagon and the intelligence community disagreed over the Soviet missile threat.

Senator Gore emerged before the hearing was completed to assert before the television cameras that the United States Intelligence Board—the top-level, interagency body that coordinates intelligence estimates—had made no finding supporting Mr. Laird's statement that the Soviet Union was seeking a first-strike capability.

DISAGREEMENT DENIED

An hour later before the cameras, Mr. Laird asserted that there was "no disagreement" within the intelligence community on intelligence "facts" about the Soviet Union and that "there is no question about interpretation" of these facts.

While the Intelligence Board may have not made any findings supporting the Laird conclusions, committee members, when pressed by reporters, acknowledged that the board had not made any findings contradicting the Laird first-strike assessment.

The point was emphasized at the Pentagon by Mr. Laird, who said the board had "never even considered" whether the SS-9 missile was a first-strike weapon or whether the Soviet Union was striving for a first-strike capability.

"They don't get into evaluations such as that," he explained.

Probably the biggest haggle that developed between the committee and Mr. Laird—one that consumed nearly two hours—was over the definition of "first strike," particularly as it was used by the Secretary when he told the committee on March 21 that the Soviet Union was "going for a first-strike capability."

FINDS IT NARROWER

Senators Gore and Fulbright observed that the term "first strike" used to mean the ability to knock out or destroy the retaliatory capability of an opponent. But now, Senator Fulbright said, Mr. Laird is offering an interpretation of first strike that is "much narrower and more restricted than it was originally."

Mr. Laird's new definition, the Senator said, was somewhat confusing because the Secretary offered "variations from minute to minute that were incredible." But as now used by Mr. Laird, he said, the term "first strike" seems to have the relatively restricted meaning that the SS-9 is a weapon that has a capacity to destroy a missile in its silo.

This interpretation seemed to be supported by Mr. Laird after the meeting. Asked by reporters for his definition of first strike, he

said it was the difference between a first-strike weapon that can be used against "hardened" targets, such as missile silos, and second-strike weapons that can be used against "soft" targets, such as cities. He then noted that "first-strike weapons can also be used as second strike weapons."

Mr. BAYH. Mr. President, one must wonder whether the first-strike threat originally postulated by the Secretary was not manufactured simply to justify a political decision to deploy Safeguard; witness the periodic leaks of "new, secret information" about Russian missile developments which have, on investigation, turned out to be old information in a new suit of clothes.

First, there was the old bugaboo about Galosh. That bubble was pricked when it was discovered that the Russians had experienced enough difficulties to discontinue deployment with only about 70 missile launchers in place. Next came the "startling revelations" about the SS-9 and the Secretary's projections about Soviet production. Well, the SS-9, as we were later to learn, was known to our Pentagon planners for some time. Former Assistant Secretary of Defense Enthoven testified that it was always regarded as a second-strike weapon by our defense planners. In fact, the SS-9 was also known to New York Times reporter Andrew Hamilton. In an appropriately entitled article "The Arms Race: Too Much of a Bad Thing" in the New York Times magazine of October 6, 1968, Mr. Hamilton described the SS-9 as a very large missile with a payload comparable to that of the U.S. Titan II—it is appropriate to note that the United States is planning to phase out its 54 Titan II's—and it is believed to have good accuracy. But, nobody would have ever expected it to have the nearly perfect accuracy attributed to it by Secretary Laird in order to justify his "first strike" assertion; an accuracy, I might point out, that has steadily been improving as the administration is required to answer new questions about the unlikely prospect that the SS-9 force could serve as a "first strike" weapons system. From an original estimate of accuracy for SS-9 of a CEP—circular error probability—of one-half mile, the Secretary has, upon reflection, now attributed to the SS-9 the amazingly accurate CEP of one-quarter mile. This assessment, as far as I can determine, and given the likely state of guidance technology, is extremely unrealistic.

At the recent closed session we debated back and forth the important question of the SS-9's accuracy. Legitimate doubts were raised about the Secretary's assessment, and I want the record to show that. The intelligence community, having studied the SS-9, has offered us a less dangerous assessment of this weapon than the Defense Department.

So much for Russia's own offensive capabilities. Now let us analyze the Secretary's most inflated estimates of that capability in its relationship to the entire U.S. nuclear arsenal.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. STENNIS. Mr. President, may I inquire of the Senator from California (Mr. MURPHY), does he wish time?

Mr. MURPHY. Mr. President, I have been waiting here for some time now, waiting for the controlled time to expire.

The PRESIDING OFFICER. The Chair would advise the Senator from California that the time has not yet expired.

Mr. STENNIS. The Senator from California wishes to speak on another matter.

The PRESIDING OFFICER. The Chair would inform the Senator from Mississippi that he has 6 minutes remaining.

Mr. STENNIS. Mr. President, with the understanding, then, that the Senator from California will be recognized at the end of the remarks of the Senator from Indiana, I yield the remainder of my time to the Senator from Indiana.

Mr. MURPHY. I am perfectly happy to let the Senator from Indiana continue. May I inquire of the Senator from Indiana how much longer he expects to speak?

Mr. BAYH. Not longer than 10 or 15 minutes at the most.

Mr. MURPHY. Mr. President, I am glad to wait. I promise not to elongate the time by any questions.

Mr. BAYH. I will be glad to answer any questions the Senator from California may have.

Mr. President, if we assume that the Soviet first-strike capability is there, then I think we need to look at the targets toward which it would be directed. As I noted earlier, to be successful a Soviet first strike would involve the ability to mount, with the utmost assurance of success, a coordinated attack that would effectively cripple, first, 1,054 land-based ICBM's; second, 645 SAC long-range bombers; third, 41 Polaris/Poseidon submarines carrying a total arsenal of 656 missiles; and fourth, the more than 7,000 tactical nuclear weapons deployed in Europe and with the 7th Fleet. Numerically, such individual components of our nuclear arsenal as the Minuteman force, the Polaris fleet, and our SAC bombers alone are adequate second-strike systems.

If the Soviets are able to destroy all of our Minutemen, we would still have at least two other forces capable of a significant secondary response.

Considered in this light, Mr. President, the statement that Safeguard is needed as protection for our ICBM's against a Soviet first strike appears to be greatly inflated. On a numerical basis alone, as Dr. Panofsky noted, it is "implausible" that the Russians could launch a successful preemptive attack on our land-based ICBM's and strategic bombers. In addition, I think it is instructive to recall statements of Rear Adm. Levering Smith, director of Navy strategic projects. Admiral Smith was recently quoted as saying, in regard to the assured destructive capability of our sea-based missile force:

I am quite positive that Russian submarines cannot and are not following any of our Polaris submarines underwater. I am also quite positive that the new generation of Russian submarines that are getting close to operational status, that are now being tested, will also not be able to follow our Polaris submarines.

Mr. President, I simply do not believe that the Soviet threat is so precise or realistic that we must react by deploying Safeguard.

But, let us assume though, for the sake of argument, that Secretary Laird's dire predictions are accurate and as we move into the 1970's the Soviet threat to our ICBM's does grow at the projected rate. By January 1975, therefore, we may find that our Minuteman force is vulnerable. If, at the same time, the Safeguard system was operational and could be expected to function perfectly, it is my contention that our Minuteman would be as vulnerable with Safeguard as without it—but only a few months later.

What I mean is, if we build Safeguard, the Soviets would simply increase their offensive capability so as to overwhelm that system.

The precise estimate for overcoming phase I of Safeguard is 3 additional months of offensive missile production; and 1 year of such production for saturation of a fully completed phase II Safeguard system. That the Soviets would follow such a reasonable and inexpensive course to negate Safeguard is made more plausible by the fact that our own Department of Defense planners have programed a like response to the limited Soviet ABM system known as Galosh. Sheer exhaustion of a maginot line-like defense, therefore, would be the likely reaction to all ill-advised and premature decisions to deploy Safeguard.

Mr. President, having said all this, one must now turn to the question of whether this hybrid ABM system, whose rationale and mission has undergone frequent modifications, would be an appropriate response—appropriate in the sense that it offers us both greater security and at the same time does not escalate the arms race. From all of the scientific evidence available, the only conclusion that one can reach is that Safeguard is not really safe at all.

As the debate draws to a close, both the opponents and the supporters of Safeguard have relied increasingly on the expert testimony of scientists and engineers. For the past 2 weeks or so, we have been deluged by vast amounts of technical information on the workability of Safeguard. It appears to me, Mr. President, that the scientific community opposing Safeguard, including in its ranks, Dr. James Killan, Dr. George Kistiakowsky, Dr. Jerome Wiesner, and Dr. Donald Hornig—former science advisers to Presidents Eisenhower, Kennedy, and Johnson—have presented convincing evidence that Safeguard is not defense but delusion. The vulnerability of the missile site radar, the inadequate number of Sprint interceptor missiles, and the difficulties likely to be encountered in the operation of the still-to-be-built world's largest computer have been dismissed with a simple "we will work it out."

Let us look at these important questions that remain unanswered:

First. The vulnerability of missile site radar. The multidirectional faces added to the missile site radar does not alter the fact that the radar system incorporated into Safeguard is identical to the system designed for the Sentinel ABM—despite the fact that the two systems have radi-

cally different purposes. The vulnerability of MSR, as the distinguished senior Senator from Missouri has pointed out, results not simply from the softness of the site—it is much softer than an ICBM silo—but from the inadequate number of Sprint interceptors planned as MSR protection. In fact, it is not unlikely that the Soviets would target their SS-11's, not their SS-9's, at the radar sites and thus free the more effective and larger SS-9 for attack on our Minuteman silos. This does not even take into account the likelihood of radar blackout in the event of a nuclear explosion in the atmosphere and the use of penetration aids and decoys to render the radar useless.

Second. The number of Sprint interceptor missiles is inadequate for both MSR cover and interception of the large numbers of offensive weapons that would be involved in a first strike. This is a critical point because, as Secretary Laird himself has admitted, the long-range Spartan is not considered as a very reliable component of Safeguard. The Secretary has said that Safeguard is primarily based on the Sprint missile backup. Yet, the plan for phase I deployment calls for only 75 Sprints at each of the two Minuteman bases—bases that house approximately 350 ICBM's. It is not unlikely, therefore, that the small number of interceptors could be negated by sheer exhaustion. After all, that is what Dr. Foster has indicated is our own policy in regard to the Galosh.

Third. The functioning of the computer. The Safeguard system relies on a computer whose exact task would remain undefined until an actual attack occurred. The danger in relying on a software system that could never be tested under realistic conditions, and for which we would have no prior programming experience, is that the margin of time is so short that, in reality, the decisionmaking process would rest with the untested computer.

Yet, we have been assured by the administration that the Safeguard's antiballistic missiles would never be activated without the specific approval of very high authorities. At the same time, the administration has continually claimed for the Safeguard an ability to respond to any surprise attack. With total reliance on an untested computer, one must surely wonder how these two requirements can be met simultaneously with any reasonable degree of assurance.

Mr. President, to sum up, it seems to me that the reliability of Safeguard is questionable under the best of circumstances. In the event of a Soviet first strike, as the Senator from Arkansas and the Senator from Idaho have indicated, its effectiveness is more than just suspect.

If the protection of our deterrent is a valid objective, as both sides have claimed, then it is too important a task to be left to blind fate—and that is the promise of Safeguard.

Mr. President, I must confess that whether these technical problems can be solved or not is, to my mind, only one of the central points to be considered. The Safeguard, after all, is not an end in itself. At issue here is a much, much

larger question, the question of how to derail the dangerous and spiraling nuclear arms race that threatens to destroy mankind.

I do not think it is an exaggeration to say, Mr. President, that today we stand at a critical juncture in the brief but turbulent history of our nuclear rivalry with the Soviet Union. We are, in fact, on the eve of a new round in the seemingly uncontrollable arms race. Within the past year or so, both superpowers have begun to experiment with a new generation of nuclear weapons. If deployed, these weapons systems—and I count Safeguard among them—will only upset the already precarious strategic balance. Any action involving the deployment of an ABM system surely will produce a Russian reaction. Most likely, the Soviet Union will react by speeding up its MIRV program.

The immediate result will be the collapse of the planned SALT negotiations and continued buildups on both sides. Hopefully, a new strategic balance will be reestablished—but that will only come at a much higher level on the nuclear terror scale and, as Prof. George Rathjens pointed out, this “would simply make a nuclear exchange more probable, more damaging or both.” The end result, therefore, is less security for everyone, and that is the delusion of defense in the nuclear age. Less nuclear weapons, not more, is the key to the survival of mankind.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed in the RECORD an article by the highly respected columnist of the Washington Post, Mr. Marquis Childs, describing the classic action-reaction cycle that deployment of Safeguard will produce.

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

**CHANCE OF NUCLEAR RACE PAUSE NOW DIM
IF IT HASN'T VANISHED**
(By Marquis Childs)

The seventeenth multiple-warhead test shot will shortly be fired down the Pacific range. For a year now the MIRV (Multiple Independently Targeted Re-entry Vehicle) tests have averaged something more than one a month. The expectation in the Pentagon is that they will continue for at least another year. The average cost of each shot is \$5 million.

What this means is difficult to convey if only because of the extraordinary complexity of these weapons. The questioner comes away with one overpowering impression: The momentum of the technology itself is irresistible. Once put in motion it cannot be stopped.

Therefore, any effort to agree with the Soviets on a moratorium to arrest multiple-warhead development is almost certain to fail. This is the view of the Pentagon technicians directing the MIRV tests.

They may be wrong, these dedicated technicians. They may eventually be overruled. But if they are correct, then the arms limitation talks with the Soviet Union supposedly due to begin in mid-August will have relatively little meaning. They will be a charade which, for differing political reasons, the negotiators on each side of the table will be willing to act out.

The reason, of course, is that once you have locked from three to 10 separate, independently targeted warheads on the top of a Minuteman or a Poseidon missile in-

stead of one warhead, the hope of mutual inspection is gone. A crew of inspectors would have to take off the top of the missile to see how many nuclear shots it contained. The surveillance satellites that now can spot every Minuteman silo and every Russian ICBM would be of no avail.

That kind of on-site inspection the Soviets would never agree to, having in the past rejected any encroachment inside their borders. Nor would this country agree to a violation of secrecy that shrouds the nuclear arsenal from all but those with the highest security clearance.

How did it happen? How did this technology gain such momentum that, if the technicians are correct, there is no stopping it? They trace the start of MIRV and MRV (Multiple Re-entry Vehicles not independently targeted), the latter already deployed on Polaris missiles, back to 1963. It was then that the first substantial evidence of Soviet deployment of the antiballistic missile system around Moscow known as Galosh was verifiable. The multiple warhead was a move to counter ABM defenses.

Progress was rapid in the early stages, since targeting 10 warheads, each aimed at targets several hundred miles apart, was not essentially different from targeting one warhead. A year of actual testing on Pacific and Atlantic ranges has proved out MIRV. The word in the Pentagon is feasible. It works. The problems remaining in the year or more ahead are largely engineering problems.

This is a classic example of the escalation of the arms race. Galosh, which according to Central Intelligence Agency estimates has never been completed because of doubts that the Soviet ABM is workable, touched off MIRV. And there is reason to believe that rapid American advances on MIRV stimulated the Soviets to step up deployment of the SS-9, the blockbuster missile of up to 25 megatons.

Regardless, however, of what immediately touched off what, MIRV was inherent at the outset in the technology of missilery. This is the inevitability of the weapons revolution, the flow of technological change that seems to the men who work with it to be as unfeeling and relentless as the tides.

They talk in the same way of how impossible it would be to police an agreed moratorium on the development of MIRVs. You would have to, they say, ban all missile shots of whatever kind. For any shot could be a form of cheating. The Joint Chiefs of Staff, it is hardly necessary to add, oppose any effort to get an agreed moratorium on MIRV. And President Nixon has said that the United States will not stop testing unilaterally.

A year ago the broad principles of a negotiating agreement had been initiated by both sides. Secretary of Defense Clark Clifford and the others who worked out those principles expected in the first round of arms limitation talks to call for mutual disclosure of the progress made on multiple warheads. The invasion of Czechoslovakia put an end to that hope. In the year that has passed the United States has made rapid strides in nuclear armaments and so, one must assume, has the Soviet Union. The prospect of mid-August for at least a pause in the race is dim, if not vanishing.

Mr. BAYH. Mr. President, what troubles me in looking back over this scenario is the unlikely prospect of ever establishing a new strategic balance once a multiple independently targeted reentry vehicle is perfected. One must even doubt whether mutual deployment of MIRV equipped ICBM's would produce a stable strategic balance. In fact, with relatively equal MIRV deployments, neither nation would have an assured second strike capability and the arms race would soon be on as the two nuclear powers rushed

to develop a more mobile missile force. With this emphasis on mobility will come uncertainty, and that is the one factor a stable strategic plan cannot cope with. At present, the relatively stable nature of the arms balance is due, in part, to the relative ease with which missile arsenals can be accurately identified. In the event of MIRV and mobile missile deployments, however, accurate estimates would be extremely difficult and this mutual uncertainty is bound to lead to a continual offensive build-up.

The supporters of Safeguard have argued that, since it is a “defensive system,” it would not provoke the Russians; at least not to the extent that their reaction would destabilize the present strategic arms balance. I might add on this point, Mr. President, that the present strategic arms balance is favorable to the United States. It would be in our own best interest, therefore, and in the interest of all, to avoid escalating the arms race at this point. As former Secretary of Defense Clark Clifford recently explained:

The hard fact is that we may never again expect to be in as favorable a position as we now enjoy for entry into talks about a freeze in strategic nuclear armaments. Technological developments may well make any arms limitation agreement more difficult to develop and enforce a year from now, or six months from now, than it is today.

The action-reaction cycle likely to be inspired by the deployment of Safeguard, as I noted earlier, will have grave consequences for arms control. The dynamics of the arms race and the history of the action-reaction cycle both point to the inescapable conclusion that the Soviets will feel compelled to increase their offensive capabilities to the full extent of offsetting a Safeguard system that they must judge to work perfectly—whether it will or not. As history shows, it was precisely this type of action-reaction cycle that led the Soviets to proceed with the Tallinn air defense system after it appeared that the U.S. would launch a full-scale B-70 bomber program. And as our own experience shows, the development of penetration aids, the decision to proceed with Minuteman III and Poseidon and, most importantly, the development of a MIRV capability were all responses to the Soviet's partial deployment of an ABM system, the Galosh, around Moscow.

This brings me to the most questionable argument of all being advanced to support the Safeguard; namely, that we must have an ABM system because the Russians have one. The so-called Galosh ABM system that partially rings Moscow, according to all accounts, and that includes the testimony of Secretary Laird and Dr. Foster, is inadequate as a damage-limiting defense. In fact, the evidence we have is rather compelling that the Russians have discontinued deployment of this obsolete Nike-Zeus-like ABM system. A similar Nike ABM system for the United States, it will be recalled, had been vetoed by President Eisenhower and President Kennedy.

This misguided notion that what they have, we must have has now been carried one step further, to the point that the pro-Safeguard forces have claimed that

the President must have an ABM system to strengthen his hand during the SALT negotiations. But, as I pointed out, at present arms levels we already will be entering these talks from a position of strength. And, in view of the complications surrounding Safeguard, it seems apparent that we would be buying, at a great cost, a false card that would have significantly limited value and would severely complicate the negotiations.

CONCLUSION

Mr. President, those of us who are supporting the Cooper-Hart amendment to defer deployment repeatedly have said that protection of our Minutemen is a necessary objective of our second-strike policy. We believe that the present state of the art is such that deployment of Safeguard, as designed, is premature. We have urged continued research and development on the problems involved in developing an effective anti-ballistic-missile system. We have urged delay in deployment because we believe the specific nature of the Soviet threat is still undefined and the ability of the proposed defense so questionable that we may well lock ourselves into a system that is obsolete by the time it is operational. Finally, we feel very strongly that any decision to deploy new weapons systems will seriously undermine the prospects for a meaningful arms limitation.

I think it is important for us to recognize the dangers of the age in which we live and the type of confrontation we are talking about when we casually discuss nuclear offense, nuclear defense. We simply must get away from the idea that in the nuclear age there is safety in numbers. The notion that there is a technically sound defense against nuclear attack is a delusion that the American people must not accept. To hold out this false hope, as Safeguard does, will divert us from the necessary task of deescalation of the arms race.

The only truly safe defense against the destruction of civilization by nuclear holocaust is to take the steps necessary to see that the nuclear genie never leaves its silo. For once it does, mankind will not survive to recapture it.

As E. B. White remarked:

The bomb has given us some years of truce and now promises us a millennium of oblivion.

To deploy the Safeguard and escalate the arms race will only move us closer to that millennium of oblivion we have worked so hard to avoid.

The PRESIDING OFFICER. All time under the unanimous-consent agreement has expired. The pending question continues to be on agreeing to the Cooper-Hart amendment to S. 2546. Debate will now be without limitation.

S. 2780, S. 2781, AND S. 2782—INTRODUCTION OF BILLS TO PROVIDE ADDITIONAL COMPENSATION FOR AMERICAN PRISONERS OF WAR IN VIETNAM AND NEXT OF KIN AND FAMILIES IN THE UNITED STATES

Mr. MURPHY. Mr. President, I am sure that all Americans are highly elated today at the news that, at long last, the North Vietnamese Government has re-

leased three American prisoners of war. Many of us are quite concerned at the manner and method in which it was accomplished and are not too pleased about the personalities that were used in bringing about this joyous event.

However, in our exuberance, let us not forget the other 1,325 Americans who are still missing or being held captive under conditions that cause great concern and anxiety to families throughout this Nation.

Mr. President, 5 years ago this day the North Vietnamese captured their first American prisoner of war. Because of the secretive policies and covertness of the former administration, the name of this Navy airman, and many others, was never revealed, and it is only now that his identity finally can be made public. I have never understood the reason for the secrecy that had been imposed in this area. It is hard for me to fathom the curious and singular reasoning behind the past policy of our Government. However, that is behind us. And today marks the fifth anniversary of the imprisonment by Hanoi of Lt. Everett Alvarez, Jr., of California, and I feel it is time that all Americans not only know of his tragic plight but also that of 1,325 additional Americans who are still presumed to be missing or prisoners of war in North Vietnam.

I would wish to give credit to Defense Secretary Laird for his efforts not only to bring this full story before the public, but also his actions in making contact with the next of kin of these American servicemen, families and loved ones to whom he has tried to bring some comfort in their lonely vigil.

Now, I learn from the press seven American so-called pacifists have served as our envoys to Hanoi to effect the release of the three prisoners coming home today. They were led by Renard C. Davis, coordinator of the National Mobilization Committee to End the War in Vietnam—MOBE. Mr. Davis is currently under indictment in Chicago on charges of having conspired to incite disorders at the Democratic National Convention last August.

The man who negotiated with the North Vietnamese in Paris for Davis' trip to Hanoi is David Dellinger, also under indictment for his leading role in the Chicago riots. He is chairman of MOBE. Both Davis and Dellinger led demonstrations here in Washington against President Nixon's inauguration last January.

It took a fast series of court actions to permit these two to make their travels to Hanoi and Paris, Mr. President. Federal Judge Julius Hoffman, in whose court they were scheduled for trial, refused to let Mr. Davis make the trip, saying it would put his court "in the position of entering into foreign relations."

But the Justice Department, Defense Department, and Department of State intervened and Judge Otto Kerner of the U.S. court of appeals overruled Judge Hoffman and Mr. Davis led his strange group to Hanoi. I am informed by these Government agencies that their action came in the name of "humanitarianism," and that in effect they did not want to do anything to interfere with the possible release of prisoners of war.

I would also like to make another point

clear which is of extreme concern to the next of kin families I have talked to. Again, it regards the mission to Hanoi of Rennie Davis and his group. Among them were members of the so-called underground press as well as a novelist and a documentary film producer. It is perfectly apparent from past experience that any photography done in North Vietnam by foreigners is controlled by and designed to strengthen Hanoi's worldwide propaganda crusade. Mr. President, before he left, Mr. Davis said:

We will take advantage of our trip to bring back to the United States photographs and documents on Vietnam at war and to reaffirm our solidarity with the Vietnamese people.

Let me point out that the Geneva Convention of 1949, to which North Vietnam is a signatory, flatly prohibits exposing prisoners to "public curiosity," including cameramen.

But agreements and conventions, pacts and treaties, have never been taken seriously by Communist nations. North Vietnam has sold or made available to various news sources throughout the world propaganda films and photographs, and it is highly regrettable that we must rely on such distorted information to determine the status of these prisoners. North Korea used the same ploy when it released photographs of the *Pueblo* crew, saying those prisoners were well fed, permitted to exercise frequently, and that they could correspond with each other and their families. We now know that all of this was a lie. Those photos were staged. They raise hopes which later are so cruelly dashed when we learned the truth.

Mr. President, the release of the latest prisoners, brings to nine the total number of our captured fighting men to date set free by Hanoi.

My question today is, Can we again not turn our attention to the remaining 1,325 Americans who are prisoners or missing in action in Vietnam. What is their fate? In California we have the greatest number of the next-of-kin families of these men in the United States, 375 in all. This is the question they ask, the question that has haunted their sleep and waking hours for years. What is the fate of their husbands, brothers, or sons? Mrs. Pat Mearns of Los Angeles visited me the other day. Her husband, Air Force Maj. Arthur S. Mearns, has been missing in action since he bailed out of his aircraft over North Vietnam on November 11, 1966. Mrs. Mearns and her daughters, Mary Ann, 10, and Frances, 9, write to Major Mearns, who was on his 73d mission over North Vietnam, every week. But they do not know if he has received any of their letters. They do not know if he is dead, alive, sick, or well. She says:

That is the worst thing, the not knowing.

Such poignant anguish is felt by thousands of wives and families of captured and missing American military men throughout this country. I would like to introduce legislation which I fully realize cannot ease the suffering of the prisoners of war in Southeast Asia. But I would hope it could be of some comfort and solace to their grief-stricken families.

I send to the desk three measures and

ask that they be appropriately referred, which would make all the pay of these war prisoners tax-free as long as they remain missing or in prison. Under present law, all enlisted pay in combat zones is tax free, but officers can exclude only the first \$500 a month. Most of the pilots who are in prison are officers. A second bill would pay the \$30-per-month family separation allowance to the families of prisoners. It would cover all prisoners, including those living in government housing or with relatives. The third would permit prisoners to accumulate more than the \$10,000 limit on the overseas 10-percent savings program. Similar legislation has been introduced in the House by my good friend, Congressman Bob Wilson of San Diego, one of that body's leading authorities on military affairs.

These measures may seem of small import when the full significance of these prisoners' plight is concerned. I would hope, however, that they will represent a first step in future measures which we will consider to help these deserving patriots.

Mr. President, we must remember that the Geneva Convention is being flagrantly violated by the North Vietnamese. If the number of letters and cards authorized under the Geneva Convention had been permitted, the prisoners' next of kin would have received 18,000 pieces of correspondence. Actually, less than 600 have been received.

Besides calling for adherence to the Geneva Convention regarding a regular flow of mail, our government has asked for a release of the names of the prisoners being held. We have requested impartial Red Cross inspections of prisoners of war facilities and called for proper treatment of these prisoners. And we have asked for the immediate release of sick and wounded prisoners.

Mr. President, the South Vietnamese recently identified under the Geneva convention, 60 sick and injured North Vietnamese and Vietcong prisoners. They have offered to return these prisoners. What is the response from Hanoi? Silence. Hanoi refuses to recognize its own, and North Vietnam endorsed the Geneva Convention in 1957.

Even a first step, releasing the sick and wounded, would be a sign, however small, of a willingness to negotiate. If North Vietnam wants to convince us that it is treating captured pilots humanely, there is a simple route available. It is not through Rennie Davis and his friends who clearly hold no love or respect for their own government and its democratic institutions. No, the route is to cooperate with Washington's efforts to promote mutual observance of the Geneva Convention. I am shocked, but not surprised, by Hanoi's many cruel and inhuman responses to repeated pleas for humanitarian action.

Secretary of State Rogers told the House Foreign Affairs Committee on July 17 that he is at a loss to understand how North Vietnam can take a position "so lacking in humanity." And he said:

We tend to accept the position of the other side without any comment. I don't understand why we have not become more excited about the prisoners question. By any hu-

manitarian standards it is totally inexcusable. I would hope that Congress and the public would focus more on their intransigence and their unreasonable tactics.

Or, as my constituent Mrs. Mearns says:

Many of us feel that public opinion is quite important to the North Vietnamese and that if enough people in the United States take an interest in our cause it might effect a change in attitude which pleas of relatives and our government have been unable to accomplish.

Mr. President, 4 days after the U.S. Ranger Spacecraft 7 sent us back pictures of the moon before crashing on the lunar surface on July 31, 1964, Lieutenant Alvarez was taken prisoner by the North Vietnamese. We know the dramatic advancement of our space efforts since then. Tragically, our efforts to obtain the release of our prisoners of war from Hanoi during the same period of time have only become more frustrating, fruitless and exasperating, despite the nine of our men who have come home. There are about 225 U.S. servicemen who have been confined or missing in action longer than any American prisoner during World War II.

And of equal import, Mr. President, is the real and continuing nightmare which plagues the next-of-kin families of all these prisoners and missing in action servicemen. Let us put ourselves in their places for a moment and wonder what hopes, what prayers, what suspense and anticipation we would have gone through during the month following Hanoi's announcement, on July 3, that three prisoners of war were about to be released. Each of those days and nights of anxiety dominated the lives of all the families of the 1,325 servicemen still missing or in prison.

Lieutenant Frishman, who was one of the three prisoners released today, gave eloquent testimony to the horrors of his existence in an April 17, 1969, interview with Rome's L'Europeo magazine. He told Correspondent Oriana Fallachi:

It has been almost a year and a half since I last spoke to someone, Madam.

Well, it was a lot longer than that until our Government spoke out on this subject. And I would hope many of my colleagues would endorse Secretary Laird's efforts to now give it maximum exposure.

The plight of these prisoners, as well as their families, should be a story known around the world.

I now introduce the bills for appropriate reference.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills, introduced by Mr. MURPHY, were received, read twice by their titles, and referred, as follows:

To the Committee on Armed Services:
S. 2780. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

S. 2781. A bill to remove the \$10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

To the Committee on Finance:

S. 2782. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

Mr. MURPHY. Mr. President, not nearly enough has been told about this terrible situation that exists. I intend from now on to speak on it very often. I hope that many of my colleagues will join with me.

Mr. President, I ask unanimous consent that an article entitled "Enemy Agents as American Envoys," published in the Chicago Tribune on July 16, 1969, and an article entitled "Radicals Use U.S. POW's as Pawns in 'Peace' Game," written by Edward J. Mowery, and published in the San Diego Tribune on July 24, 1969, be printed at this point in the RECORD.

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

[From the Chicago Tribune, July 16, 1969]

ENEMY AGENTS AS AMERICAN ENVOYS

David Dellinger and Rennie Davis, both under indictment for conspiracy to incite rioting during the Democratic national convention in Chicago last August, and both leaders of the pro-Hanoi National Mobilization to End the War in Viet Nam [MOBE], have been released from the jurisdiction of the federal District court here to "negotiate" with the North Vietnamese Communists for the release of three American war prisoners.

Federal Judge Julius J. Hoffman, in whose court Dellinger, Davis, and six others are scheduled for trial, released Dellinger last week to go to Paris for a meeting with Hanoi's delegation. Dellinger returned from Paris with word that agreement had been reached for Davis and three other anti-war agitators to go to Hanoi and complete arrangements for the release of the prisoners. Judge Hoffman, however, refused to release Davis, saying it would put the court in "the position of entering into foreign relations." Judge Otto Kerner of the United States Court of Appeals promptly overruled Judge Hoffman, and Davis left Tuesday night for Hanoi.

We think Judge Hoffman made a mistake when he permitted Dellinger to go to Paris, that he was right in refusing to release Davis to go to Hanoi, and that Judge Kerner was wrong in overruling Judge Hoffman. Dellinger and Davis not only were leaders of the Chicago convention riots but were organizers of a MOBE demonstration against President Nixon's inauguration in Washington last January. Both made anti-American speeches at a MOBE rally, and MOBE leaflets distributed at the rally served the enemy's cause as faithfully as if they had been printed in Hanoi.

Dellinger and Davis are enemy agents. Adhering to the enemies of the United States, giving them aid and comfort is treason, as defined by the Constitution, and in this sense Dellinger and Davis are traitors. Yet they have been released by federal judges, without objection from the justice department, and, according to their attorneys, with the approval of the state department, to act in effect as special envoys of the United States.

This is disgraceful. Undoubtedly the Communists contrived the shameful enterprise to embarrass and humiliate the United States. Compassion for the prisoners does not justify such dishonorable conduct. The United States and its South Vietnamese ally have enough North Vietnamese prisoners in custody to interest Hanoi in exchange ne-

gotiations at a proper governmental level, and the services of enemy agents are not needed.

[From the San Diego Tribune, July 24, 1969]
RADICALS USE U.S. POW'S AS PAWNS IN
"PEACE GAME"

(By Edward J. Mowery)

WASHINGTON.—For the second time in two years, the government has permitted radicals to maneuver the release of GIs captured by the North Vietnamese Communists. Veterans groups and members of Congress are burned. They're also experiencing a sense of frustration. Ho Chi Minh, Hanoi's Communist ruler, has bypassed our normal diplomatic channels and has even chosen a sympathetic emissary to "represent" this nation in the release of three POWs.

In '67, a character named Thomas E. Hayden was one of seven Americans who collaborated with the Reds in effecting release of three U.S. soldiers imprisoned by the Viet Cong. And currently, David Tyre Dellinger, 53-year-old ex-jailbird and self-styled "pacifist," has been chosen by Ho Chi Minh to expedite the return of two Air Force pilots and a Navy man taken prisoner by the Communists.

Using GIs as pawns, the North Vietnam Red leader has dignified the anti-war rantings of Dellinger and given his National Mobilization Committee to End the Vietnam War an undeserved plug. There can be little doubt that government officials would even consort with the devil to aid the release of American POWs. But the Hanoi Communists have set up a pattern that ridicules our established diplomatic methods of handling POW cases under international treaties.

We have opened the door for the Communists to return our men in dribbles at their convenience under the supervision of U.S. radicals on intimate footing with the Red enemy. The North Vietnamese and Viet Cong have captured 345 American service men (known POWs), and may hold an undetermined number of 980 others officially listed as missing.

The United States, South Vietnam and allies hold 25,000 Communist prisoners, well treated under terms of the Geneva POW conventions.

A peek into the backgrounds of Hayden and Dellinger doesn't enhance their qualifications to act as American emissaries in freeing gallant GIs. Hayden, 30, was born in Detroit, graduating from the University of Michigan and took part in the "rights" movement in Georgia and Mississippi. In '62, he became a prime organizer of the Students for a Democratic Society (later its president) and the principal author of the SDS "Port Huron Statement."

Hayden's affinity for Red-tinged radicals and his tirades against the "sinking and decaying" American social structure landed him in Moscow, Prague, Peking and Hanoi in the mid-'60s. With Dellinger, he was with 40 other Americans who held a week-long conference with Viet Communists in September 1967. He met with his Red buddies in Havana and Paris. The theme: Condemnation of the U.S.—"the worldwide imperialist aggressor."

Hayden was arrested during the disgraceful Columbia University riot and was grabbed (like Dellinger) by Chicago cops at the Democratic National Convention last August.

It took a fast series of court actions and State Department encouragement to permit Dellinger to travel to Paris on his "Good Samaritan" mission to help our POWs. Dellinger is under federal indictment for his part in the Democratic convention melee, which normally bars a defendant from leaving his home district.

And like Hayden, he's a veteran rabble-

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rouser on the "peace" and radical circuits. A native of Massachusetts, Dellinger graduated from Yale in '36, tried a year in the divinity school and then took off on more exciting trends. In 1940, his refusal to register for the draft led to his conviction and prison sentence. In '43, he was denied conscientious objector status, and drew another prison term upon conviction of a draft violation. In quick sequence, he visited Hanoi, Moscow, Bratislava, Paris, Prague and Havana in the '60s for conferences with the Communist enemy.

And in July, 1968, Dellinger urged listeners at San Diego State College:

"Burn your draft cards, resist the draft, violate the law, go to jail, disrupt the U.S. government in any way you can to stop this insane war."

Richard Homan, national commander of Veterans of Foreign Wars, blasted Ho Chi Minh's "meddling and peddling" in U.S. affairs and our government's "regrettable" nod to Dellinger as our envoy in the POW matter. Most Americans agree with his vehement protest. Our heroes deserve better "representation."

Mr. MURPHY, Mr. President, it would seem without doubt that Hanoi once again has demonstrated a complete disregard for all humanitarian rules with regard to the treatment of prisoners and is now using the releases for propaganda purposes again.

Mr. COOPER, Mr. President, I commend my friend, the Senator from California, for his remarks about the prisoners of war and their families. The Senator is correct in saying that we become so concerned about all of the aspects of the war in Vietnam that we tend to forget those men who have been captured and are prisoners of war. We tend to forget their families.

I know the efforts that have been made by our Government and by the International Red Cross to reach these prisoners of war. I know that they have been rebuffed.

I noted a few days ago in one of the newspapers—I believe it was in the New York Times—a story concerning an organization composed of wives of prisoners of war in Vietnam. The organization tried to secure information about their husbands and to have better treatment and better sustenance provided for them.

I compliment the Senator on the very humane purpose expressed in his speech today.

Mr. MURPHY, I thank my distinguished friend, the Senator from Kentucky, for his complimentary remarks.

CERTAIN ASSISTANCE TO THE STATE OF CALIFORNIA

Mr. BYRD of West Virginia, Mr. President, at the request of the senior Senator from West Virginia (Mr. RANDOLPH), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6508.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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,

and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia, On behalf of the Senator from West Virginia (Mr. RANDOLPH), I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAYH, Mr. YOUNG of Ohio, Mr. EAGLETON, Mr. GRAVEL, Mr. BAKER, Mr. DOLE, and Mr. GURNEY conferees on the part of the Senate.

CHANGE OF CONFEREES

Mr. BYRD of West Virginia, Mr. President, on behalf of the senior Senator from West Virginia (Mr. RANDOLPH) I wish to state that the Senate conferees on S. 1072 were named on July 17, 1969.

I ask unanimous consent that the Senator from Kansas (Mr. DOLE) be designated as a Senate conferee in lieu of the Senator from Oregon (Mr. PACKWOOD).

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

DESIGNATION OF VENTANA WILDERNESS, LOS PADRES NATIONAL FOREST, CALIF.

Mr. BYRD of West Virginia, Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 714.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California which was to strike out all after the enacting clause, and insert:

That, in accordance with subsections 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Ventana Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Ventana Wilderness—Proposed," dated March 14, 1969, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Ventana Wilderness within and as a part of Los Padres National Forest, comprising an area of approximately ninety-eight thousand acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of the Agriculture shall file a map and a legal description of the Ventana Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Ventana Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Ventana Primitive Area is hereby abolished.

Mr. BYRD of West Virginia. Mr. President, I have been asked to move that the Senate concur in the amendments of the House, and I so move.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, in accordance with the order entered yester-

day, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 2 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, August 6, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate August 5, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Robert Strausz-Hupé of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Charles T. Cross, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

U.S. MARSHAL

James T. Lunsford, of Alabama, to be U.S. Marshal for the middle district of Alabama for the term of 4 years, vice William M. Parker, Jr.

Marvin G. Washington, of Michigan, to be U.S. marshal for the western district of Michigan for the term of 4 years, vice Floyd Stevens.

Marshall F. Rousseau, of Texas, to be U.S. marshal for the southern district of Texas for the term of 4 years, vice Marion M. Hale. Charles S. Guy, of Pennsylvania, to be U.S. marshal for the eastern district of Pennsylvania for the term of 4 years, vice James F. Delaney.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for the temporary appointment to the grade of brigadier general:

Charles S. Robertson.

Duane L. Faw.

Mauro J. Padalino.

Edward S. Fris.

Frank C. Lang.

Victor A. Armstrong.

Thomas H. Miller, Jr.

Robert H. Barrow.

Herbert L. Beckington.

Leonard E. Fribourg.

Robert D. Bohn.

William F. Doehler.

EXTENSIONS OF REMARKS

FRIENDSHIP PIPELINE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. LEGGETT. Mr. Speaker, perhaps at no other time since the close of World War II have the barriers dividing the United States and the Soviet Union been so permeable. Indeed, the underpinnings of mutual mistrust and suspicion that spawned and perpetuated the cold war seem to be crumbling at an unprecedented rate, as the era of hazardous confrontation gives way to the period of enlightened negotiation and reconciliation. It is important that we keep clear these emerging channels of communication between the peoples of the Soviet Union and the United States.

I rise today to bring to the attention of Congress the endeavors of Prof. Donald M. "Monti" Reynolds, a bacteriologist at the University of California at Davis, who is actively engaged in the slow but worthwhile efforts to establish viable communicative links with the Soviet Union, pushing back the curtain of ignorance which divide the two great powers.

For several weeks now, Professor Reynolds has operated what he calls the "Friendship Pipeline," sending scores of books relating to science, classical literature, and American political and cultural life to scientific colleagues in Science City, U.S.S.R. He hopes to expand his operations to include tape recordings of contemporary American music later in the year. I think that Congress should encourage this type of activity.

For the information of my colleagues in Congress, I insert into the RECORD at this point, an excerpt from the Sacra-

mento Bee describing Professor Reynolds' project "Friendship Pipeline" in more detail:

GESTURE OF FRIENDSHIP: UNIVERSITY OF CALIFORNIA DAVIS PROFESSOR SENDS BOOKS TO SOVIET UNION

(By William Holden)

DAVIS.—Prof. Donald M. "Monti" Reynolds, a bacteriologist at the University of California campus here, was packaging some books destined for scientists he had met in central Siberia's Akademgorodok—Science City.

Thumbing through a recent American high school biology text, he commented: "Books like this will help them catch up with all the years they lost in biology because of Lysenko."

"He threw Russian biology off the track with his erroneous ideas on the hereditary transmission of acquired characteristics."

"In other words," Reynolds explains, "Lysenko believed a weight lifter, for instance, could pass on his acquired big muscles to his son by inheritance. American biologists have always known this is false."

"Russian biologists finally came around after many years of wandering down Lysenko's scientific blind alley; and are eager to catch up with the rest of the world."

Reynolds has mailed a score of packages of books to scientific colleagues in Science City, which he visited as the U.S. member of UNESCO's International Union of Biological Sciences. They contained many volumes of science, classical literature and American political and cultural life.

FRIENDSHIP PIPELINE

Reynolds is housemaster of Hammarskjöld House, a campus residence hall and headquarters for his "Friendship Pipeline," which sends books from UC Davis to Akademgorodok.

To reach this Science City, Reynolds says he "flew all night from Moscow in a jet and landed at dawn in the middle of snow-covered Siberia."

"We drove on roads lined with high banks of snow, through the beautiful birches and conifers of the taiga—the forest that cloaks a vast portion of Siberia."

"I caught glimpses of Old Russia in the form of beautiful log cabins with the patina

of many, many decades on the wood. They are structures which in California would be preserved as historical monuments, but to my Soviet friends they are merely symbols of an old regime they are not proud of."

SCIENCE CITY

Then Reynolds discovered their pride—Science City, with its avant garde architecture rising at the edge of a frozen lake.

It was founded 10 years ago by scientist-colonists who had arrived with only tents to shelter them from the Siberian cold.

Reynolds is impressed by the "tremendous drive and incredible speed" with which the Russians created the science mecca in the bleak emptiness.

Today it comprises a concentration of scientific brains rivaling the technological centers of Moscow and Leningrad. Its paramount goal is to exploit Siberia's immense resources.

EXCITEMENT FELT

Reynolds was struck by the seemingly universal enthusiasm for developing the hinterlands:

"The excited way the people talked made me feel I was back in the time of my grandfather, who helped build the first railroad from California to Tacoma and Seattle. He later communicated to me the thrill of carving something out of nothing."

"It was a shock to come back to California's affluent society and find so many little lost navel-watchers who don't know what they want."

Lest he be misunderstood, Reynolds hastens to add he has a "passionate love for America."

Competition among students for admission to Science City's physics and mathematics school, he continues, is arduous.

"Each year, a math contest is conducted all over Russia," he says. "About 10,000 original competitors bright enough to submit answers to sophisticated problems are screened down to an entering class of only 100."

"I don't know any other school in the world where the selection is so rigorous."

Since it is the only Russian school administered by the Soviet Academy of Sciences, its students profit by "becoming understudies to great scientific figures early in their college life."