SENATE—*Friday, September 5, 1969*

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

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

Our God, our help in ages past, our hope for years to come, with Thee is deliverance from sin and despair, from fear and anxiety. With Thee is grace for all our need, and in Thy will is our peace.

O Thou who dost illumine the shadowy places, put to shame those who would make darkness to be light and light to be darkness. Confound those in whom lust for wealth or power threatens new disasters. Open the eyes of those who are blinded by ignorance, superstition, or prejudice. In Thy great mercy bring good tidings to the poor, heal the broken hearted, set at liberty the oppressed, and fill with rejoicing all workers for good. Fit us to be makers of peace and builders of Thy kingdom.

And unto Thee, O Father of our spirits, be glory and majesty, dominion and power, both now and forever. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Rear Adm. Walter L. Curtis, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving, which was referred to the Committee on Armed Services.

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 following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1689. An act to amend the Federal Hazardous Substance Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes;

S. 2276. An act to extend for one year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act; and

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week".

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 7206) to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

The message further announced that the House had passed the following joint resolutions in which it requested the concurrence of the Senate:

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of General Friedrich Wilhelm von Steuben; and

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11235) to amend the Older Americans Act of 1965, and for other purposes, and it was signed by the President pro tempore.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions were each read twice by their titles and referred to the Committee on the Judiciary:

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of General Friedrich Wilhelm von Steuben; and

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

LIMITATION ON 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 be limited to 3 minutes.

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.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969—INDIVIDUAL VIEWS (S. REPT. NO. 91-392)—AUTHORIZATION FOR COMMITTEE ON BANKING AND CURRENCY UNTIL MIDNIGHT TONIGHT TO FILE A REPORT

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report an original bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes. I ask unanimous consent that the Committee on Banking and Currency have until midnight tonight to file a report on the bill, together with individual views.

The PRESIDENT pro tempore. The bill will be received and will be placed on the calendar; and, without objection, the request of the Senator from Alabama relating to filing of the report is granted.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 384 and 385.

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

MINING AND MINERALS POLICY ACT OF 1969

The Senate proceeded to consider the bill (S. 719) to establish a national mining and minerals policy which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 9, after the word "orderly" insert "and economic"; in line 10, after the word "reserves" strike out "necessary"; in the same line after the word "to" insert "help"; and on page 2, at the beginning of line 5, strike out "in" and insert "when exercising his authority under"; so as to make the bill read:

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 "Mining and Minerals Policy Act of 1969".

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage (1) the development of an economically sound and stable domestic mining and minerals industry, (2) the orderly and economic development of domestic mineral resources and reserves to help assure satisfaction of industrial and security needs, and (3) mining, mineral, and metallurgical research to promote the wise and efficient use of our mineral resources. It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining and minerals industry, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

Mr. ALLOTT. Mr. President, the Committee on Interior and Insular Affairs acted unanimously in reporting favorably to the Senate S. 719, a bill to establish a national mining and minerals policy. This was very gratifying to me, personally, because I am firmly convinced of the need for this legislation. When I introduced the bill on January 28 of this year, it was the sixth successive Congress in which I had introduced a similar measure.

Hearings were held on S. 719 before the Minerals, Materials, and Fuels Subcommittee on July 9, 1969. More than 30 witnesses either appeared in person or filed written statements, all of which were favorable. In addition, many communications were received supporting or endorsing the measure, a large number of which came from colleges and universities.

Mr. President, in my opinion, these were some of the finest hearings that I have ever attended before a Senate committee. The testimony was pertinent in all cases; it was well reasoned, and nonrepetitive. I wish to congratulate the witnesses for their excellent work. I, also, wish to thank the chairman of the subcommittee, the Senator from Utah (Mr. Moss), who is a cosponsor of the measure, for his many courtesies and thoughtful comments while presiding.

The presentations contained in the printed hearings are of such high quality that I recommend them to anyone interested in the problems of providing our economy and industry with the necessary raw materials.

Mr. President, this bill and similar previous bills have enjoyed broad bipartisan support and cosponsorship. The administration supports the bill as did the former Director of the Bureau of Mines, Dr. Walter Hibbard. I hope it will receive similar bipartisan support in the House of Representatives.

PURPOSE

The purpose of S. 719 is to concisely enunciate and declare an overall national minerals policy, as a matter of law. Under the provisions of S. 719, a national policy would be established to guide the Federal Government in fostering and encouraging: First, development of an economically sound and stable domestic mining and minerals industry; second, the orderly and economic development of domestic mineral resources and reserves to help to assure satisfaction of industrial and security needs, and third, mining, mineral, and metallurgical research to promote the wise and efficient use of domestic mineral resources. The responsibility for carrying out the provisions of S. 719 is assigned to the Secretary of the Interior, thus placing primary, overall responsibility on a single Cabinet officer and assuring Congress of a direct source of advice and counsel as to attainment of the objectives of the bill. The Secretary of the Interior would submit an annual report to Congress on the state of the domestic mining and minerals industry, including an analysis of trends and his recommendations.

It should be made clear, as it was during the hearings on this measure, that coal, oil, gas, oil shale, and uranium are excluded from the definition of minerals as the term is used in S. 719. These commodities more properly fit into the energy picture along with hydroelectric power and solar energy. There are many common factors to the energy field that are peculiar to energy and simply do not apply to minerals in general, and therefore, should be treated separately.

NEED

The United States is an enormous consumer of minerals. Population growth and increasing per capita mineral demands are placing unprecedented pressures upon the Nation's minerals base. The Congress cannot avoid its responsibility to establish policies designed to insure that an adequate supply of mineral commodities are available to our manufacturing industry. As the former Director of the Bureau of Mines pointed out in hearings before our committee last year:

> Major tonnages of our key basic materials are coming from foreign operations: 85 percent of our bauxite for aluminum; almost 20 percent of copper (and probably much more in 1967 and 1968); 40 percent of our iron ore; nearly 40 percent of our zinc and more than 25 percent of our lead; all of our manganese and chromium needed for steel, our gold and silver production is about one-fourth of our industrial consumption.

As we permit our Nation to become more and more dependent upon foreign sources for minerals important to our industry and security, we tend to lose the ability to find and produce these minerals domestically. Our dependence tends to encumber our foreign policy and limit our freedom of movement within the family of nations. In my opinion, it is in the long-term national interest that our ability to domestically produce important mineral commodities be improved and maintained.

The best hope for achieving this objective is through technological advancement in methods of finding, mining, and processing available resources. Radically new approaches may be necessary to achieve this, and research is the logical path to new technology. Our continued progress depends upon it. As Dr. Lee A. DuBridge, Director of the Office of Science and Technology, pointed out in his report to the committee on this legislation:

> Increased productivity through adaptation of new technology has been the established road to progress in this country in industry generally and has resulted in a standard of living for the U.S. worker second to none. I believe that the minerals industries can also expect to participate in an improved standard of living, but we must devote a great effort to the need for better technology in order to meet our future needs. Certainly a Congressional declaration of policy to that effect—as is contemplated by S. 719—would be a useful step in that direction.

The declaration of a national minerals policy would not be a panacea to all our minerals problems. It would be, however, an important first step. Such a declaration of policy can serve as a springboard from which solutions to the myriad of minerals problems could unfold. It would serve as a beacon for both legislative and administrative efforts to deal with these problems, and it would put the world on notice as to what our intentions are.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-390), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of Senate bill 719 is to concisely enunciate and declare an overall national minerals policy. The bill further declares that "it shall be the duty of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this act" and directs the Secretary of Interior to include in his annual report to the Congress "a report on the state of the domestic mining and minerals industry, including a statement of the trend of utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this act."

These two directives of the bill clearly place upon the Secretary of Interior the responsibility of carrying out the national minerals and mining policy established by the bill.

NATIONAL MINERALS POLICY

Under the provisions of S. 719, a national policy would be established to guide the Federal Government in fostering and encouraging: (1) development of an economically sound and stable domestic mining and minerals industry, (2) the orderly and economic development of domestic mineral resources and reserves to help assure satisfaction of industrial and security needs, and (3) mining, mineral, and metallurgical research to promote the wise and efficient use of domestic mineral resources. The responsibility for carrying out the provisions of S. 719 is assigned to the Secretary of the Interior thus placing primary, overall responsibility on a single Cabinet Officer and assuring Congress of a direct source of advice and counsel as to attainment of the bill's objectives.

The Secretary of the Interior would submit an annual report to Congress on the state of the domestic mining and minerals industry, including a statement of the trend in utilization and depletion of these resources, together with recommendations for legislative action necessary to make effective the policy of the act. Such a report would provide an assessment and objective evaluation of national progress in providing for a strong domestic mining and minerals industry.

The functions of a number of agencies of the Federal Government affect minerals and mining directly or indirectly, including international relations, foreign trade, taxation, and air and water pollution, to name a few. Yet there is no stated policy or overall set of guidelines by which their actions can be coordinated. S. 719 would provide such coordination of Federal planning and action with respect to the domestic mining industry. While such a policy is concerned with principle rather than detail, and is an expression of broad goals, it would give direction to Federal Government procedures and policy through its basic statement of principle.

There are myriad Federal laws that affect the mining and minerals industry, but each was passed to meet a particular problem or purpose, and usually, the overview of the direction of the minerals industry was not considered. As a result, some of the actions taken have been counter-productive of the objectives of this measure. S. 719 would give clear direction to the executive branch of Government in its implementation and coordination of these laws. The same would apply to development of future legislation.

A national mining and minerals policy would serve as a statement of fundamental principles or objectives against which the executive branch can measure proposed action and against which the Congress can

measure legislation. This includes such areas of critical importance to the mining industry as manpower training and recruitment, research in mineral recovery, mining methods and health and safety, environmental quality, public lands, stockpiling, tax policy, mine finance, and foreign trade. Overall, it has profound implications to the economic future of the United States, which is based so heavily on a continuing supply of minerals, both domestic and foreign.

As we permit our Nation to become more and more dependent upon foreign sources for minerals important to our industry, we tend to lose the ability to find and produce these minerals domestically. Our dependence tends to encumber our foreign policy and limit our freedom of movement within the family of nations. It is, therefore, in the national interest both in terms of foreign policy and national defense, that our ability to domestically produce important mineral commodities be improved and maintained.

The wise and efficient use of mineral resources is necessary for the advancement of technological knowledge in the minerals field, on which, in turn, the future of the Nation is dependent.

S. 719 would serve to give impetus to the alleviation of the severe shortage of trained mineral specialists and engineers by encouraging young people to favorably consider a career in the minerals industry. Today enrollments in mineral technology courses are at an all-time low and the number of mining schools declines each year.

Ultimately, we are going to be required to turn to the lower grade ore deposits and deposits at very great depths to satisfy our mineral requirements. Such endeavors will require research, both basic and applied. The bill establishes the policy of fostering research, both Government sponsored and private, to deal with the technological problems of locating and extracting such mineral deposits.

The Nation has become painfully aware of our deteriorating environment. The mining industry is also aware of the problem and has developed practical solutions for many of the problems. But, as further environmental quality improvement is sought, the technical difficulties and the cost of gaining each new increment of quality, greatly increases the costs of operation and may make the difference between feasibility and infeasibility in the mine's economic picture. A national mining and minerals policy will help to prevent the promulgation of inconsistent regulations and the adoption of counter-productive policies that tend to thwart these national objectives.

Research can be particularly beneficial in assisting the mining industry to cope with the many new requirements that our increased concern over environmental quality places upon mine operators. The Federal Government should engage in long-range research programs which will provide the technology necessary for private industry to implement practices designed to improve the quality of our environment. It should establish and maintain policies and programs which supply the needed trained specialists, and publish and disseminate data and technical information relevant to environmental quality matters.

Before the mining industry can be expected to deal effectively with the new demands of environmental quality concerns and remain economically viable, the industry must have the necessary tools. These tools include trained specialists, the results of successful research in improved mining, beneficiation, and waste disposal practices, and governmental policies which take into account the increased costs involved.

While private enterprise must supply the national demand for minerals, the Federal Government has the obligation to encourage a healthy domestic mining industry for the sake of the Nation's overall security and economic well-being. Minerals are recognized as being critical and essential to the Nation's economy and security, and as such a dependable and adequate supply would be encouraged by the development of a coordinated national mining and minerals policy. The Federal Government can contribute to mineral development through policies that permit and encourage exploration and mining and through activities carried out in close cooperation with private industry.

A national minerals policy would foster the improvement of the Nation's capability to use mineral supplies more efficiently and encourage the reuse of minerals.

Encouragement of research as envisioned in S. 719 would help develop practical methods for supplementing resources found in land with those found under the sea.

While it is recognized that all of our mineral requirements cannot be met by domestic sources, improvement of our ability to produce important minerals, domestically, is in the national interest, and a national mining and minerals policy would provide goals toward which the mining industry and the Federal Government can work together in close cooperation.

Finally, this policy is designed deliberately in general terms, recognizing the need for flexibility. The policy will require continual scrutiny and review and must be flexible to respond to changes in demand, economics, security, and environmental requirements.

NEED

The United States is an enormous consumer of minerals and fuels. The startling truth is that we have consumed more of these resources in the past 10 years than the entire peoples of the world consumed in all previous history. Population growth and increasing per capita mineral demands are placing unprecedented pressures upon the Nation's minerals base. The Congress cannot avoid its responsibility to establish policies designed to insure that an adequate supply of mineral commodities are available to our manufacturing industry. A minerals policy that encourages a strong domestic mining industry will assist in developing the capability of supplying these projected needs.

There is a great need for increased domestic mineral exploration and development. Factors which now serve to encourage foreign operations by American companies are growing less attractive and many domestic producers, lacking a broad financial base, find themselves captive to a declining resource base and a static technology.

A mineral policy must recognize the need for domestic industry to enter upon and explore the public lands. These lands are a major source of domestic minerals and should not be closed to mineral development unless there is a compelling national interest.

The development of a sound and enlightened minerals policy can only come about when the general public has an awareness of the importance of minerals in its everyday life. Passage of legislation by itself will not insure that the public realizes that its future depends on minerals. There is a great need for increased education and awareness in this area and a minerals policy would improve the opportunities for such communication.

There is a continuing decline in the number of students studying earth sciences. The colleges and universities are not producing enough graduates in mineral technology to meet the expanding needs. The number of schools with accredited curricula in mining engineering has dropped seriously.

The Assistant Secretary of the Interior, Hollis Dole, made this point graphically in his excellent presentation to the committee:

In the professional areas of mining and earth sciences, we are facing a crisis. Our colleges and universities are not producing enough graduates in the mineral sciences to meet our expanding needs. In fact, we are losing ground. This year, for example, American universities are graduating a total of only 110 mining engineers, and many of these are foreign students who are returning to their own countries.

Equally alarming is the fact that in 1967 only 17 educational institutions had an accredited curriculum in mining engineering. The median number of seniors was approximately six. There were at the same time 19 graduate programs in mining with a median participation of eight graduate students, and half of these were foreign nationals.

Encouragement and assistance are needed if mining and mineral technology is to be improved. Should the Nation continue on its present course, with a relatively static technology, its economic growth and standard of living will be severely limited by resource constraints in a few years. There is a need for the country's long-term mineral supplies to come from sources not now technically or economically feasible to obtain. The encouragement of improved technology is essential to fully develop these resources.

In summary, as the United States seeks to maintain and improve its high standard of living, it must insure that essential mineral needs are met at reasonable cost. S. 719 would encourage new discoveries, technologies, and capabilities thus assuring the Nation's continued economic strength.

The committee believes it is important that this policy be enacted in the form of a law, with full and binding effect. As a law, enacted under constitutional procedure, it will not only bind all agencies of the Government, but it will, more importantly, serve as a beacon, giving guidance to all agencies in carrying out their missions. As a result, contradictory and counterproductive regulations and programs are less likely to be adopted and effected.

MINERALS POLICY

Hearings

Hearings were held on S. 719 before the Minerals, Materials, and Fuels Subcommittee on July 9, 1969. These hearings extended until late in the afternoon. More than 30 witnesses either appeared in person or filed written statements, all of which were favorable. In addition, many communications were received supporting or endorsing the measure, a large number of which came from colleges and universities. The present administration favors the bill as did Dr. Walter Hibbard, former Director of the Bureau of Mines, and he so indicated at the March 21, 1968, hearings before the subcommittee.

Commenting upon the testimony during the hearings, Senator Allott, principal sponsor of the measure, observed:

* * * that this is without doubt the finest coordinated set of papers I have seen in any committee before Congress.

It was evident, by the high quality of the various presentations that considerable thought had gone into their preparation.

Amendments

The Department of Interior recommended three minor clarifying amendments, which were adopted in substance by the committee with minor changes to conform the grammar.

1. On page 1, line 9, after the word "orderly" the words "and economic" were inserted.

2. On page 1, line 10, the committee struck out "necessary" and inserted in lieu thereof the words "to help".

These amendments reflect the fact that some necessary minerals may not be available domestically or that domestic production may not be economic.

3. On page 2, line 4, the committee struck out the word "in" and inserted in lieu thereof the words "when exercising his authority under".

The Department of the Interior requested this amendment in order to bring the language of the bill in accord with the mineral

policy and program responsibilities of the Secretary.

The committee accepted these amendments since they did not, in any way, change nor modify the purpose and intent of the bill.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHOUTEAU LOCK AND DAM, OKLAHOMA

The bill (S. 1499) to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma for the Chouteau family, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 17 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Chouteau lock and dam. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam is referred to shall be held to refer to such lock and dam as the Chouteau lock and dam.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–391), explaining the purposes of the measure.

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

PURPOSE OF BILL

The purpose of S. 1499 is to designate the authorized lock and dam No. 17, on the Verdigris River in Oklahoma and the lake created thereby for the Chouteau family.

GENERAL STATEMENT

Lock and dam No. 17 is a feature of the Arkansas River and tributaries navigation project, authorized by the River and Harbor Act of July 24, 1946, as amended. The overall project will provide a 9-foot navigation channel from the Mississippi River at the mouth of the White River, to Catoosa, Okla.

Col. Auguste P. Chouteau, in 1823, constructed a shipyard at the falls of the Verdigris River, near the site of lock and dam No. 17, for the construction of large keel boats to transport hides and produce down the Verdigris, Arkansas, and Mississippi Rivers to New Orleans. The bill will honor not only Colonel Chouteau, who was the first to envision the feasibility of navigation over the route being improved, but also all of the Chouteaus who were involved in the earliest settlement of Oklahoma and navigation of its streams.

COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the Federal Government.

COMMITTEE VIEWS

The committee believes it fitting and proper to name lock and dam No. 17 on the Verdigris River, Okla., and the lake to be created by such structure, in honor of the Chouteau family, whose early efforts at developing commerce on the Verdigris and Arkansas Rivers contributed much to promoting navigation on those rivers. Accordingly, enactment of S. 1499 is recommended.

U.S. COMMITMENTS TO FOREIGN POWERS

Mr. GOLDWATER. Mr. President, during the course of the debate on the bill which is the pending business of the Senate, I have on a few occasions tried to make the point that until we know the extent to which our country will follow the commitments made in treaties with other countries around the world, we cannot intelligently debate cuts in the military. At one time, I mentioned that we have 15 or 17 treaties which commit us to war, without any question.

I said the other day that I have asked our President to speak to the American people on these commitments, and several Members of the Senate have asked me my sources. To satisfy their inquiries, I ask unanimous consent to have printed at this point in the RECORD the hearings before the Committee on Foreign Relations, held Thursday, August 17, 1967, entitled "U.S. Commitments to Foreign Powers." This includes a letter from William B. Macomber, Jr., and a paper entitled "U.S. Defense Commitments and Assurances, Department of State, August, 1967."

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

[U.S. Senate, Committee on Foreign Relations, Washington, D.C., Aug. 17, 1967]

U.S. COMMITMENTS TO FOREIGN POWERS

The committee met, pursuant to recess, at 10:05 a.m., in room 4221, New Senate Office Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Gore, Lausche, Symington, Clark, Pell, McCarthy, Aiken Carlson, Mundt, Case and Cooper.

The CHAIRMAN. The committee will come to order.

The committee today continues its inquiry into the nature, extent, and source of our country's foreign commitments as well as the broader question of congressional responsibility in the making of foreign policy.

In preparation for these hearings the committee directed an inquiry to the Department of State as to what it regards to be the outstanding foreign commitments of the United States deriving both from treaties and from statements and agreements entered into by the Executive. I wish to insert in the record the reply of the Department of State dated August 15, 1967, under the title "U.S. Defense Commitments and Assurances."

DEPARTMENT OF STATE,
Washington, D.C., August 15, 1967.

Hon. J. W. FULBRIGHT,
Chairman,
Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter to Secretary Rusk of August 1, 1967 concerning Senate Resolution 151 "Relative to United States Commitments to Foreign Powers".

You have asked in your letter for the Department's comments on the general subject of Resolution 151 and for answers to four specific questions. We believe the Department's general views on the subject of the resolution can best be presented in testimony before the Committee when hearings are held next week. In this letter the Department undertakes to answer the four specific questions.

Last year at approximately this time, Secretary Rusk appeared before the Preparedness Investigating Subcommittee of the Senate Committee on Armed Services to discuss some matters relevant to the specific questions posed in your letter of August 1, 1967. Prior to his appearance, the Department provided that Subcommittee with a compilation of United States commitments and assurances consisting of provisions of formal treaties and agreements, and official declarations by the Congress, the President, the Vice President, and the Secretary of State concerning actions the United States would take if another country were the victim of aggression. For the convenience of the Committee on Foreign Relations, and to provide a context for the answers to specific questions posed in your letter of August 1, 1967, which appear below, I have attached an updated version of the compilation earlier supplied to the Preparedness Investigating Subcommittee.

Question 1: Of the 42 countries with which the United States has bilateral treaties or multilateral agreements for collective defense, in how many instances would the Executive Branch view as automatic the American commitment as one upon which the United States would act unilaterally—meaning that we view the obligations not only as collective but individual, as the Department has interpreted the SEATO Treaty? For example, should *one* of the members of the 1947 Inter-American treaty of reciprocal assistance be attacked by subversion or from an external source, to what extent, if any, would there be a commitment for the United States on its own to supply men or materiel to respond to such attack? We would like to have such nations listed, not only in the American Republics, but elsewhere.

This question raises the issue whether the United States obligation to assist another party to one of these treaties is an individual obligation or an obligation that arises only when there has been a multilateral determination by the treaty parties. The question is asked with regard to responses in the case of armed attack and in the case of subversion.

Under each of our multilateral treaties, the commitment to extend assistance in the event of an armed attack is individual and requires no collective finding or decision by a multilateral organization. The Rio Treaty provides that in the event of an armed attack against an American state *"each* one of the said Contracting Parties undertakes to assist in meeting the attack" (Art. 3(1), emphasis added). The Treaty goes on to provide that *"each one* of the Contracting Parties may determine the immediate measures which it may *individually* take" (Art. 3(2), emphasis added). In the North Atlantic Treaty, *"each"* of the signatories "in the exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the party or parties attacked by taking forthwith, *individually* and in concert with the other parties, such action . . ." (Art. 5, emphasis added). In the Southeast Asia Collective Defense Treaty and in the Anzus Security Treaty "each party" agrees that "it" will act to meet the common danger (Art. IV in both). The same is true of the bilateral treaties with the Philippines, Korea, Republic of China and Japan. Thus, under each of these treaties there is an individual obligation independent of any collective action.

The question posed in your letter of August 1 is asked also in regard to actions taken in response to attack by subversion. All of our defense treaties call for consultation in the event of a threat other than armed attack—such as externally supported subversion. Article 6 of the Rio Treaty provides for a meeting of the Organ of Consultation "if the inviolability or integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack . . . or by any other fact, or

situation that might endanger the peace of America". The Organ of Consultation can determine "the measures which must be taken . . . to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent". Article 4 of the NATO Treaty provides that "[t]he Parties will consult together whenever in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened". Substantially similar language exists in the Anzus and SEATO Treaties (Arts. III and IV(2), respectively). Thus, when the threat takes the form of subversion rather than armed attack, each multilateral treaty calls for consultation. No individual obligation of unilateral action is imposed. The same is true by virtue of similar language under the bilateral treaties with the Philippines and Korea. Under the Japanese treaty consultation is called for "whenever the security of Japan or international peace and security in the Far East is threatened."

Question 2: Specifically, does the United States (United Nations obligations aside) have a national commitment in the event of attack from an external source or from internal subversion to come either to the military or economic aid of Israel or any of the Arab States? In short, is the United States as a nation committed to supply American military or economic resources to protect the territorial integrity of these states?

President Johnson and his three predecessors have stated the United States interest and concern in supporting the political independence and territorial integrity of the countries of the Near East. This is a statement of policy and not a commitment to take particular actions in particular circumstances. Unrest and conflict in the Middle East have been of serious concern to the United States for a long time. The use of armed force in the Middle East can have especially serious consequences for international peace extending far beyond that area. We have bent our efforts to avoid a renewal of conflict there. Thus, we have stated our position in an effort to use our influence in the cause of peace.

Question 3: Bearing in mind recent situations in the Congo and Nigeria, is there any United States national commitment to supply American military or economic resources in the event of aggression or threats to the integrity of those states or any states in Africa?

With regard to the Congo, the United States has supported policies and actions of the United Nations in preserving the territorial integrity, political independence and economic unity of that country. We have no specific commitment to supply military or economic resources to the Congo in the event of aggression or a threat to its integrity. We have extended military and economic assistance to the Congo as a part of the implementation of our foreign assistance legislation. Recently, at the request of the Government of the Congo, we made available to it three C–130 aircraft. The decision to furnish this assistance was not based on any prior commitment of the United States to defend or assist in the defense of the Congo.

The United States has no commitment to come to the defense of Nigeria in the event of an armed attack or subversion. We hope that the current fighting in that country will be brought to an early end, but we have maintained that the crisis is an internal matter and we have refrained from any action that could be interpreted as interference in Nigeria's affairs such as the sale of arms from the United States to that country.

There are two other countries in Africa that should be mentioned in this context. The United States has an agreement of Cooperation with the Government of Liberia (TIAS 4303). Article 1 of that agreement provides: "In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia."

That language does not create a commitment by the United States to supply military or economic resources in defense of Liberia.

The United States has an agreement with the Kingdom of Libya relating to Wheelus Air Base. The Preamble to that agreement provides in part that the two Governments confirm their determination "to cooperate to the maintenance of peace and security within the framework of the Charter of the United Nations" and are "of the opinion that cooperation within the territory of Libya will assist in achieving these objectives." The presence of United States Air Force personnel in Libya makes the security of that country of special interest to the United States. We have recently undertaken discussions with the Government of Libya concerning the phasing out of United States use of the Wheelus airfield.

Question 4: Finally, could the Administration at this time provide the Committee with a full list of all nations which upon the basis of past official statements, communiques, or other public or private understandings, as well as formal treaties, reasonably assume that they have a United States commitment under some set of circumstances involving either an economic or military threat to their existence, to receive either economic or military assistance from the United States?

The attached compilations set forth the provisions of formal treaties and agreements, and official declarations by the Congress, the President, the Vice President, and the Secretary of State concerning actions the United States would take if another country were the victim of aggression. We have, with the countries covered by these lists and with others, military and economic assistance agreements entered into pursuant to existing legislation. Some of these agreements are present commitments of the United States to provide specified assistance. They are not conditioned on the occurrence of a threat to the peace or security of the recipient country and they involve no commitments of the United States apart from their specific terms.

If the Department can be of any further assistance, please let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

U.S. DEFENSE COMMITMENTS AND ASSURANCES, DEPARTMENT OF STATE, AUGUST 1967

I. PROVISIONS IN TREATIES AND OTHER FORMAL AGREEMENTS

A. Charter of the United Nations, June, 26, 1945 [1]

Parties

United States
116 other countries [as of June 20, 1966].

Relevant provisions

Art. 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Art. 43: All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

* * * * *

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. . . .

Art. 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

* * * * *

B. Western hemisphere

1. Inter-American Treaty of Reciprocal Assistance (Rio Pact), September 2, 1947 [2]

Parties

United States, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba,[3] Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

Relevant provisions

Art. 3:

(i) The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

(ii) On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

(iii) The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

(iv) * * *

Art. 6: If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intracontinental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Art. 8: For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: . . . and use of armed force.

Footnotes at end of article.

Art. 20: Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

2. Applicability of North Atlantic Treaty, April 4, 1949

[Canada and Iceland, as signatories to the North Atlantic Treaty, are covered by the commitments embodied in that Treaty. Greenland, as part of the Kingdom of Denmark, and the Bahamas and Bermuda as "islands under the Jurisdiction of any of the parties in the North Atlantic area north of the Tropic of Cancer" are likewise covered by that Treaty. For the NATO commitments, see C. 1., below.]

3. Bilateral Agreements

a. Agreement Between the Government of the United States and the Government of the Kingdom of Denmark, Pursuant to the North Atlantic Treaty, Concerning the Defense of Greenland, April 27, 1951.[4]

Relevant provisions

Art. 1: The Government of the United States of America and the Government of the Kingdom of Denmark, in order to promote stability and well-being in the North Atlantic Treaty area [5] by uniting their efforts for collective defense and for the preservation of peace and security and for the development of their collective capacity to resist armed attack, will each take such measures as are necessary or appropriate to carry out expeditiously their respective and joint responsibilities in Greenland, in accordance with NATO plans.

Art. 2: In order that the Government of the United States of America as a party to the North Atlantic Treaty may assist the Government of the Kingdom of Denmark by establishing and/or operating such defense areas as the two Governments, on the basis of NATO defense plans, may from time to time agree to be necessary for the development of the defense of Greenland and the rest of the North Atlantic Treaty Area, and which the Government of the Kingdom of Denmark is unable to establish and operate single-handed, the two Governments in respect of the defense areas thus selected, agree to the following:

* * *

(3) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the United States of America, the following provisions shall apply:

* * *

(b) * * * the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

* * *

(iii) to station and house personnel and to provide for their health, recreation and welfare.

* * *

(4) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the Kingdom of Denmark, the following provisions shall apply:

(a) The Government of the United States of America may attach United States military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the Danish commanding officer shall consult of all important local matters affecting United States interest pursuant to the North Atlantic Treaty.

(b) The Government of the United States of America * * * may use such defense area in cooperation with the Government of the Kingdom of Denmark for the defense of Greenland and the rest of the North Atlantic Treaty area * * *

* * *

Art. 4: In connection with activities for the defense of Greenland and the rest of the North Atlantic Treaty area, the defense area will so far as practicable, be made available to vessels and aircraft belonging to other Governments parties to the North Atlantic Treaty and to the armed forces of such Governments.

* * *

b. Defense Agreement Pursuant to the North Atlantic Treaty Between the United States and the Republic of Iceland, May 5, 1951.[6]

Relevant provisions

Having regard to the fact that the people of Iceland cannot themselves adequately secure their own defenses, * * * [the North Atlantic Treaty Organization has requested the U.S. and Iceland to] make arrangements for the use of facilities in Iceland in defense of Iceland. * * *

Art. 1: The United States on behalf of the North Atlantic Treaty Organization and in accordance with its responsibilities under the North Atlantic Treaty will make arrangements regarding the defense of Iceland subject to the conditions set forth in this agreement. For this purpose and in view of the defense of the North Atlantic Treaty area, Iceland will provide such facilities in Iceland as are mutually agreed to be necessary.

[Arts. 2–8 relate to the use of facilities, the composition of forces, the status of Keflavik Airport, etc.]

c. North American Air Defense Command Agreement Effected by Exchange of Notes, United States-Canada, May 12, 1958.[7]

Relevant provisions

Studies made by representatives of our two Governments led to the conclusion that the problem of the air defence of our two countries could best be met by delegating to an integrated headquarters the task of exercising operational control over combat units of the national forces made available for the air defence of the two countries. * * * The agreed integration is intended to assist the two Governments to develop and maintain their individual and collective capacity to resist air attack on their territories in North America in mutual self-defence.

* * * My Government proposes that the following principles should govern the future organization and operations of the North American Air Defence Command.

1. * * *

2. The North American Air Defence Command will include such combat units and individuals as are specifically allocated to it by the two Governments. The jurisdiction of the Commander-in-Chief, NORAD, over those units and individuals is limited to operational control as hereinafter defined.

3. "Operational Control" is the power to direct, co-ordinate, and control the operational activities of forces assigned, attached or otherwise made available. * * *

4–11. * * *

d. General Treaty Between the United States and Panama, March 2, 1936.[8]

Article X

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

C. Europe

1. North Atlantic Treaty, April 4, 1949 [9]

Parties

United States, Belgium, Canada, Demark, France, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, United Kingdom, Greece,[10] Turkey,[10] Federal Republic of Germany.[11]

Relevant provisions

Art. 3: * * * The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid. will maintain and develop their individual and collective capacity to resist armed attack.

Art. 4: The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Art. 5: The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them. * * * [on the basis of Art. 51 of the UN Charter] will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. [Provides also for "immediately" reporting to the UN Security Council any armed attacks and all consequent measures, and for terminating such measures when the Security Council has acted to restore and maintain peace and security.]

Art. 6: [As modified by the Protocol on the Accession of Greece and Turkey] For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack—

(i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France,[12] on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

(ii) on the forces, vessels, or aircraft of any of the Parties when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Art. 11: This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes.

2. Joint Declaration Concerning the Renewal of the Defense Agreement of September 26, 1953, United States-Spain, September 26, 1963.[13]

Relevant provisions

* * * In affirming the importance of their bilateral Defense Agreement [signed Sept. 26, 1953. TIAS 2850] which will be applied in the new five year period of its validity in the spirit of this Declaration, they [the Governments of the United States of America and of Spain] consider it to be necessary and appropriate that the Agreement form a part of the security arrangements for the Atlantic and Mediterranean areas.

The United States Government reaffirms its recognition of the importance of Spain to the security, well-being and development of the Atlantic and Mediterranean areas. The two governments recognize that the security and integrity of both the United States and Spain are necessary for the common security. A threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of common concern to both countries, and each country would take such action as it may consider

Footnotes at end of article.

appropriate within the frame work of its constitutional processes.

* * * * *

[Signed by Secretary of State Dean Rusk for the United States]

D. Near East-Middle East

1. Applicability of North Atlantic Treaty Since 1952

[On February 18, 1952, Greece and Turkey acceded to the North Atlantic Treaty. Since that date they have been covered by the commitments of that Treaty. (See C.1., above).]

2. United States Membership in CENTO Committees

The Pact of Mutual Cooperation (Baghdad Pact) between Iraq, Turkey, the United Kingdom, Pakistan, and Iran was signed at Baghdad, February 24, 1955. (Text in *American Foreign Policy, 1950–1955: Basic Documents,* pp. 1257–1259.) It was redesignated the Central Treaty Organization (CENTO) by a resolution of the Council of the Treaty Organization adopted August 21, 1959 following the announcement by Iraq of its decision to withdraw. The United States is a member of the Military, Economic, and Anti-Subversion Committees of CENTO and an observer at the Council meetings.

3. Bilateral Agreements

a. Agreement of Cooperation Between the Government of the United States and the Imperial Government of Iran, March 5, 1959 [14]

Relevant provisions

Art. 1: The Imperial Government of Iran is determined to resist aggression. In case of aggression against Iran, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Iran at its request.

b. Agreement of Cooperation Between the Government of the United States and the Government of the Republic of Turkey, March 5, 1959.[15]

Relevant provisions

1. The Government of Turkey is determined to resist aggression. In case of aggression against Turkey, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Turkey at its request.

e. Africa

a. Agreement of Cooperation Between the Government of the United States and the Government of Liberia, July 8, 1959.[16]

Relevant provisions

Art. 1: In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia.

f. South Asia

1. United States Membership in CENTO Committees

[Pakistan is a member of CENTO, in certain activities of which the United States participates. (See Sect. I.D. 2., above).]

2. Membership of the United States and Pakistan in SEATO

[See Section G.1., "Southeast Asia-Southwest Pacific.]

3. Agreement of Cooperation Between the Government of the United States and the Government of Pakistan, March 5, 1959.[17]

Relevant provisions

Art. 1.: The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.

g. Southeast Asia-Southwest Pacific

1. Southeast Asia Collective Defense Treaty, September 8, 1954: [18]

United States, Australia, France, New Zealand, Pakistan, Philippines, Thailand, United Kingdom, Cambodia,[19] Laos,[19] Free territory under the jurisdiction of the State of Vietnam.[19]

Relevant provisions

Art. 2. In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

Art. 4:

(i) Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

(ii) If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

(iii) It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Understanding of the United States of America

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

2. Security Treaty Between Australia, New Zealand, and the United States (ANZUS Pact) September 1, 1951 [20]

Relevant provisions

Art. 4: Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

3. Mutual Defense Treaty Between the United States and the Republic of the Philippines, August 30, 1951 [21]

Revelant provisions

Art. 4: Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Art. 5: * * * an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

4. Memorandum of Agreement, Ambassador Bohlen and Foreign Secretary Serrano of the Philippines, October 12, 1959 [22]

Relevant passages

1. In accordance with the understandings reached during our discussions in August, September and October 1959, the following is agreed:

* * * * *

(c) *Mutual Defense:* The policy of the United States with regard to armed attack on the Philippines is contained in the Mutual Defense Treaty. Further the United States reaffirms the policy set forth in the statement of September 7, 1954 of then Secretary of State Dulles which reads as follows:

"Under our Mutual Defense Treaty and related actions, there have resulted air and naval dispositions of the United States in the Philippines, such that an armed attack on the Philippines could not but be also an attack upon the military forces of the United States. As between our nations, it is no legal fiction to say that an attack on one is an attack on both. It is a reality that an attack on the Philippines is an attack also on the United States."

and in the joint communique issued on June 20, 1958 by President Eisenhower and President Garcia the pertinent part of which reads as follows:

"President Eisenhower made clear that, in accordance with these existing alliances and the deployments and dispositions thereunder, any armed attack against the Philippines would involve an attack against United States forces stationed there and against the United States and would instantly be repelled."

5. Exchange of Notes Between Secretary Rusk and Foreign Secretary Ramos of the Philippines, September 16, 1966 [23]

Relevant provision

[Referring to the Memorandum of Agreement of Foreign Secretary Serrano and Ambassador Bohlen of October 12, 1959:] . . . I have the honor on behalf of my government to reaffirm the policy of the United States regarding mutual defense expressed in the 1959 Memorandum. * * *

H. East Asia

1. Treaty of Mutual Cooperation from Security Between the United States and Japan, January 19, 1960 [24]

Relevant provisions

Art. 5: Each Party recognizes that an armed attack against either Party in the

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Footnotes at end of article.

territory under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

2. Mutual Defense Treaty Between the United States and the Republic of China, December 2, 1954 [25]

Relevant provisions

Art. 2: In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

Art. 5: Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

[In its report on the Treaty, the Senate Committee on Foreign Relations included the following: "It is the understanding of the Senate that the obligations of the parties under Article V apply only in the event of external armed attack; and that military operations by either party from the territories held by the Republic of China shall not be undertaken except by joint agreement."]

3. Mutual Defense Treaty Between the United States and Republic of Korea, October 1, 1953 [26]

Relevant provisions

Art. 2: The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separate and jointly, by self-help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

Art. 3: Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

[In advising and consenting to the ratification of the treaty the Senate added the following understanding: "It is the understanding of the United States that neither party is obligated, under Article III of the above Treaty, to come to the aid of the other except in case of an external attack against such party; nor shall anything in the present Treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."]

Footnotes at end of article.

II. PROVISIONS OF OFFICIAL DECLARATIONS

A. Western Hemisphere

1. Seventh Annual Message of President Monroe to Congress ("The Monroe Doctrine"), December 2, 1823 [27]

Relevant passages

* * * The occasion has been judged proper for asserting, as a principle in which the rights and interest of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. * * * The political system of the allied powers [the "Holy Alliance"] is essentially different * * * from that of America. * * * We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * With the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any Europen power in any other light than as the manifestation of an unfriendly disposition toward the United States. * * *

2. Statement by the Department of State on the Monroe Doctrine July 14, 1960 [28]

Relevant passage

* * * * *

The principles [of the Monroe Doctrine] which the United States Government enunciated in the face of the attempts of the old imperialism to intervene in the affairs of this hemisphere are as valid today for the attempts of the new imperialism. * * * Today, nearly a century and a half later, the United States is gratified that these principles are not professed by itself alone but represent through solemn agreements the views of the American community as a whole.

3. The Ogdensburg Agreement: Joint Statement by President Roosevelt and Prime Minister Mackenzie King of Canada, August 18, 1940 [29]

Relevant passages

The Prime Minister and the President have discussed the mutual problems of defense in relation to the safety of Canada and the United States.

It has been agreed that a Permanent Joint Board on Defense shall be set up at once by the two countries.

This Permanent Joint Board on Defense shall commence immediate studies relating to sea, land, and air problems including personnel and matériel.

It will consider in the broad sense the defense of the north half of the Western Hemisphere.

* * * * *

4. Joint Announcement on Defense, United States-Canada, February 12, 1947 [30]

Relevant passages

In the interest of efficiency and economy, each Government has decided that its national defense establishment shall, to the extent authorized by law, continue to collaborate for peacetime joint security purposes. * * *

[Citing the "identity, of view and interest between the two countries", and noting that "no treaty, executive agreement, or contractual obligation has been entered into," [31] the announcement quoted the Ogdensburg Agreement of August 1940 which established the Permanent Joint Board on Defense.]

In discharging this continuing responsibility [for the defense of the north half of the Western Hemisphere] the Board's work led to the building up of a pattern of close defense cooperation. The principles announced on February 12 are in continuance of this cooperation. * * *

5. Joint Resolution Expressing the Determination of the United States With Respect to the Situation in Cuba (Cuban Resolution) October 3, 1962

5. Cuban Resolution—Text of Public Law 87–733 [S.J. Res. 230], 76 Stat. 697, approved October 3, 1962: Joint Resolution expressing the determination of the United States with respect to the situation in Cuba:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cub has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in American on part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

6. Joint statement at Washington by President Kennedy and President Betancourt of Venezuela, February 20, 1963 [32]

Relevant passage

* * * * *

The President of the United States pledged the full support of his country to the Republic of Venezuela in resisting the all-out campaign of the international Communists, aided especially by their Cuban allies, to overthrow the constitutional Government of President Betancourt.

* * * * *

[When asked at a news conference on March 6, 1963 about the nature of the "full support" in case of a serious or successful revolution against Betancourt, President Kennedy replied: "Well, it would depend a good deal on the conditions and what our obligations might be under the Rio treaty. We strongly support President Betancourt's efforts in Venezuela in a good number of ways. But if you are asking me, I would have to see what the conditions were, what the responsibilities were under the Rio treaty,

the OAS, if we knew we were going into a more substantial situation. If you are talking about aggression from the outside, the answer is very clear. If you are talking about internal acts, we would have to judge those acts, and depend a good deal on what the Government of Venezuela decided as the appropriate response."] [33]

B. Europe

1. Statement by President Eisenhower on United States Policy Towards the Western European Union, March 10, 1955 [34]

[In a message of the Prime Ministers of the signatories to the Western European Union protocols—Belgium, France, Federal Republic of Germany, Italy, Luxembourg, the Netherlands, and the United Kingdom—President Eisenhower referred to a similar statement of principles he had made on April 15, 1954, in anticipation of the European Defense Community, and to the fact that the latter evolved into the Western European Union plan.]

Relevant passages

I am glad to affirm that when the Paris Agreements [establishing the Western European Union arrangements] have been ratified and have come into force, it will be the policy of the United States:

* * * * *

(3) To continue to maintain in Europe, including Germany, such units of its armed forces as may be necessary and appropriate to contribute its fair share of the forces needed for the joint defense of the North Atlantic area while a threat to that area exists, and will continue [sic] to deploy such forces in accordance with agreed North Atlantic strategy for the defense of this area;

* * * * *

(6) * * * to regard any action from whatever quarter which threatens the integrity and unity of the Western European Union as a threat to the security of the parties to the North Atlantic Treaty calling for consultation in accordance with Article 4 of that Treaty.

2. Communique, North Atlantic Council Ministerial Session, Athens, May 6, 1962 [35]

Relevant passage

* * * the Ministers welcomed the confirmation by the United States that it will continue to make available for the Alliance the nuclear weapons necessary for NATO defense, concerting with its allies on basic plans and arrangements in regard to these weapons. In addition, both the United Kingdom and the United States Governments have given firm assurances that their strategic forces will continue to provide defense against threats to the Alliance beyond the capability of NATO-committed forces to deal with.

3. Final Act, London Nine-Power Conference, Declaration by the Governments of the United States, the United Kingdom, and France, October 3, 1954 [36]

Relevant passages

5. The security and welfare of Berlin and the maintenance of the position of the Three Powers there are regarded by the Three Powers as essential elements of the peace of the free world in the present international situation. Accordingly they will maintain armed forces within the territory of Berlin as long as their responsibilities require it. They therefore reaffirm that they will treat any attack against Berlin from any quarter as an attack upon their forces and themselves.

6. They will regard as a threat to their own peace and safety any recourse to force which in violation of the principles of the United Nations Charter threatens the integrity and unity of the Atlantic alliance or its defensive purposes. In the event any such action the three Governments, * * * will act in accordance with Article 4 of the North Atlantic Treaty [which calls for consultation] with a view to taking other measures which may be appropriate.

4. Statement by President Kennedy Regarding Berlin, in Address to the Nation, July 25, 1961 [37]

Relevant passage

We are there [Berlin] as a result of our victory over Nazi Germany and our basic rights to be there deriving from that victory include both our presence in West Berlin and the enjoyment of access across East Germany. * * * But in addition to those rights is our commitment to sustain—and defend, if need be—the opportunity for more than 2 million people to determine their own future and choose their own way of life. * * * The NATO shield was long ago extended to cover West Berlin, and we have given our word that an attack in that city will be regarded as an attack upon us all.

5. Address by Vice-President Johnson before the West Berlin House of Representatives, August 19, 1961 [38]

Relevant passage

I have come to Berlin by direction of President Kennedy. He wants you to know—and I want you to know—that the pledge he has given to the freedom of West Berlin and to the rights of Western access to Berlin is firm. To the survival and to the creative future of this city we Americans have pledged in effect, what our ancestors pledged in forming the United States: "* * * our Lives, our Fortunes and our Sacred Honor". * * *

6. Statement by Secretary of State Rusk Regarding Berlin, in Address at Davidson College, February 22, 1962 [39]

Relevant passage

The Western allies, backed by all the NATO powers have the most solemn obligation to protect the freedom of the West Berliners. * * * To protect this freedom requires the continued presence of Allied troops and free rights of access. * * *

7. Concurrent Resolution 570 (Berlin Resolution), October 10, 1962

Concurrent resolution

Whereas the primary purpose of the United States in its relations with all other nations is and has been to develop and sustain a just and enduring peace for all; and

Whereas it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany; and

Whereas in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany; and

Whereas no such final settlement has been concluded by the four powers and the aforementioned agreements continue in force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress;

(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for Freedom.

8. Joint Communique, President Kennedy and Chancellor Adenauer of Germany, November 15, 1962 [40]

Relevant passage

It is agreed * * * that the freedom and viability of Berlin will be preserved in all circumstances and with all means.

9. Joint Communique, President Johnson and Chancellor Erhard of Germany, June 12, 1964 [41]

Relevant passage

The President restated the determination of the United States to carry out fully its commitments with respect to Berlin, including the maintenance of the right of free access to West Berlin and the continued freedom and viability of the city.

C. Near East-Middle East

1. Message of President Truman to Congress ("The Truman Doctrine"), March 12, 1947 [42]

Relevant passages

* * * * *

I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

I believe that we must assist free peoples to work out their own destinies in their own way.

I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly processes.

* * * * *

2. Joint Resolution to Promote Peace and Stability in the Middle East ("The Eisenhower Doctrine"), March 9, 1957 [43]

Relevant passage

SEC. 2. The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or groups of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

3. Tripartite Declaration (United States-United Kingdom-France) Regarding Security in the Near East, May 25, 1950 [44]

Relevant passage

3. The three Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The three Governments, should they find that any of these states [i.e. the Arab States and Israel] was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immdiately take action, both within and outside the United Nations, to prevent such violation.

4. Multilateral Declaration Respecting the Baghdad Pact, July 28, 1958 [45]

Parties

United States, Pakistan, Iran, Turkey, United Kingdom.

Relevant passages

1. The members of the Baghdad Pact attending the Ministerial meeting in London [46]

Footnotes at end of article.

* * * declare their determination to maintain their collective security and to resist aggression, direct or indirect.

4. Article 1 of the Pact of Mutual Co-operation signed at Baghdad on February 24, 1955, provides that the parties will co-operate for their security and defense and that such measures as they agree to take to give effect to this co-operation may form the subject of special agreements. Similarly, the United States in the interest of world peace, and pursuant to existing Congressional authorization, agrees to co-operate with the nations making this Declaration for their security and defense and will promptly enter into agreements designed to give effect to this cooperation.

5. Joint Communique, President Kennedy and the Shah of Iran (Mohammed Reza Pahlavi), Washington, April 13, 1962 [47]

Relevant passages

* * * * *

Their talks included a review of political and military situations in the world; a discussion of the progress which Iran is making in economic and social advancement; a review of defense arrangements in which the two countries are associated; and aspects of United States economic and military aid programs in Iran.

* * * * *

They discussed and were in complete agreement on the subject of the nature of the threat to the Middle East and to all free peoples. They reaffirmed the provisions of the bilateral agreement of 1959 concerning the maintenance of the independence and territorial integrity of Iran, and agreed on the necessity of collective security arrangements to achieve this end.

* * * * *

6. Letter from President Kennedy to Crown Prince Faisal of Saudi Arabia, October 25, 1962 [48]

Relevant passage

* * * * *

* * * Under your firm and enlightened leadership I am confident Saudi Arabia will move ahead successfully on the path of modernization and reform which it has already charted for itself. In pursuing this course you may be assured of full United States support for the maintenance of Saudi Arabia's integrity.

* * * * *

7. Statement on Jordan and Saudi Arabia by Secretary of State Rusk, in a News Conference, March 8, 1963 [49]

Relevant passages

[In response to a question on political stability in Saudi Arabia and Jordan, Secretary Rusk stated:]

* * * * *

We of course are concerned about the independence of these Arab states and their freedom from external penetration. * * * We are very much interested in the independence and the security of our friends in Jordan and Arabia and will be very much alert to any threats against them.

8. Reply by President Kennedy to a News Conference Question concerning the Middle East, May 8, 1963 [50]

Relevant passage

* * * * *

We strongly oppose the use of force or the threat of force in the Near East, and we also seek to limit the spread of communism in the Middle East which would, of course destroy the independence of the people. This government has been and remains strongly opposed to the use of force or the threat of force in the Near East. In the event of aggression or preparations for aggression, whether direct or indirect, we would support appropriate measures in the United Nations, adopt other courses of action on our own to prevent or to put a stop to such aggression, which, of course, has been the policy which the United States has followed for some time.

9. Remarks of President Johnson during Exchange of Toasts with President Shazar of Israel, August 2, 1966 [51]

Relevant passage

* * * * *

[Reaffirming President Kennedy's statement of May 8, 1963 which expressed American support for the security of both Israel and her neighbors,[52] President Johnson said:]

We subscribe to that policy.

10. Statement by President Johnson on the Near East Situation, at the White House, May 23, 1967 [53]

Relevant passage

* * * * *

To the leaders of all the nations of the Near East, I wish to say what three American Presidents have said before me—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of that area. The United States strongly opposes aggression by anyone in the area, in any form, overt or clandestine.

* * * * *

11. Address by President Johnson at a Foreign Policy Conference of Educators Sponsored by the Department of State, June 19, 1967 [54]

Relevant passages

* * * * *

Our country is committed—and we here reiterate that commitment today—to a peace [in the Middle East] that is based on five principles:

First, the recognized right of national life;

Second, justice for the refugees;

Third, innocent maritime passage;

Fourth, limits on the wasteful and destructive arms race; and

Fifth, political independence and territorial integrity for all.

* * * * *

D. Africa

The Department is not aware of any published official statements by the Congress, the President, the Vice President, or the Secretary of State containing United States defense assurances to African countries.

E. South Asia

1. Letter from President Eisenhower to Prime Minister Nehru of India, February 24, 1954 [55]

Relevant passage

* * * * *

* * * I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression I will undertake immediately, in accordance with my constitutional authority, appropriate action both within and without the U.N. to thwart such aggression. * * *

* * * * *

2. Assurances to Pakistan Respecting the Extension of Military Assistance to India: Statement by the Department of State, November 17, 1962 [56]

Relevant passages

[Referring to an exchange of notes between the United States Government and the Government of India released the same day (November 17), which concerned the provision of military aid to India, and citing the assurances given to India in 1954 when similar aid was extended to Pakistan,[57] the statement continued:]

* * * * *

The Government of the United States of America has similarly assured the Government of Pakistan that, if our assistance to India should be misused and directed against another in aggression, the United States would undertake immediately, in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression.

Needless to say, in giving these assurances the United States is confident that neither of the countries which it is aiding harbors aggressive designs.

F. Southeast Asia

1. Joint Resolution To Promote the Maintenance of International Peace and Security in Southeast Asia (Tonkin Gulf Resolution), August 10, 1964 [58]

Relevant passages

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

2. Statement of Congressional Policy, March 16, 1967 [59]

The Congress hereby declares—

(1) its firm intentions to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam:

(2) its support of efforts being made by the President of the United States and other men of good will throughout the world to prevent an expansion of the war in Vietnam and to bring that conflict to an end through a negotiated settlement which will preserve the honor of the United States, protect the vital interests of this country, and allow the people of South Vietnam to determine the affairs of that nation in their own way; and

(3) its support for the convening of the nations that participated in the Geneva Conferences or any other meeting of nations similarly involved and interested as soon as possible for the purpose of pursuing the general principles of the Geneva accords of 1954 and 1962 and for formulating plans for bringing the conflict to an honorable conclusion.

3. Joint Statement, Secretary of State Rusk and Foreign Minister Thanat Khoman of Thailand, March 6, 1962 [60]

Relevant passages

* * * * *

The Secretary of State reaffirmed that the United States regards the preservation of the independence and integrity of Thailand as vital to the national interest of the United States and to world peace. He expressed the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion.

The Foreign Minister and the Secretary of State * * * agreed that the Treaty [Southeast Asia Collective Defense Treaty] provides the basis for the signatories collectively to assist Thailand in case of [direct] Communist armed attack against that country. The Secretary of State assured the Foreign Minister that in the event of such aggression,

Footnotes at end of article.

the United States intends to give full effect to its obligations under the Treaty to act to meet the common danger in accordance with its constitutional processes. The Secretary of State reaffirmed that this obligation of the United States does not depend upon the prior agreement of all other parties to the treaty, since this treaty obligation is individual as well as collective.

In reviewing measures to meet indirect aggression, the Secretary of State stated that the United States regards its commitments to Thailand under the Southeast Asia Collective Treaty and under its bilateral economic and military assistance agreements with Thailand as providing an important basis for United States actions to help Thailand meet indirect aggression. In this connection the Secretary reviewed with the Foreign Minister the actions being taken by the United States to assist the Republic of Viet-Nam to meet the threat of indirect aggression.

* * * * *

4. Declaration of Honolulu, President Johnson, Chairman Nguyen Van Thieu and Prime Minister Nguyen Cooky, February 8, 1966 [61]

Relevant passage

The President of the United States and the Chief of State and Prime Minister of the Republic of Vietnam are thus pledged again—

To defense against aggression;

To the work of social revolution;

To the goal of free self-government;

To the attack on hunger, ignorance, and disease; and

To the unending quest for peace.

5. Communique of Seven Nations, Manila Conference, October 25, 1966 (Australia, Korea, New Zealand, Philippines, Thailand, United States, Republic of Vietnam) [62]

"We are united in our determination that the South Vietnamese people shall not be conquered by aggressive force and shall enjoy the inherent right to choose their own way of life and their own form of government. We shall continue our military and all other efforts, as firmly and as long as may be necessary, in close consultation among ourselves until the aggression is ended."

6. Remarks of President Johnson in Offering a Toast to the King of Thailand, Bangkok, October 28, 1966 [63]

Relevant passages

* * * * *

Tonight we stand as allies in a common cause. * * * We know the risks that we both run to meet the common dangers. But we know, also, that we act from a joint conviction of common interest.

Let me assure you in this regard that Thailand can count on the United States to meet its obligations under the SEATO treaty. The commitment of the United States under the SEATO treaty is not of a particular political party or administration in my country but is a commitment of the American people.

I repeat to you: America keeps its commitments. [64]

G. East Asia

1. Joint Resolution Authorizing the President To Employ the Armed Forces of the United States for Protecting the Security of Formosa, the Pescadores and Related Positions and Territories of That Area (Formosa Straits Resolution), January 29, 1955 [65]

Relevant passage

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores. * * *

2. Statement on Formosa and the Offshore Islands by President Kennedy in a Press Conference, June 27, 1962 [66]

Our basic position has always been that we are opposed to the use of force in this area. * * * [In the event of] aggressive action against the offshore islands of Matsu and Quemoy * * * the United States will take the action necessary to assure the defense of Formosa and the Pescadores. * * * In my own discussion of this issue in the campaign of 1960, * * * I stated this position very plainly, for example, on October 16, 1960: "The position of the administration has been that we would defend Quemoy and Matsu if there were an attack which was part of an attack on Formosa and the Pescadores. * * *" Under this policy sustained continuously by the United States Government since 1954, it is clear that any threat to the offshore islands must be judged in relation to its wider meaning for the safety of Formosa and the peace of the area. Exactly what action would be necessary in the event of any such act of force would depend on the situation as it developed. * * *

3. Reply to Question at Press Conference in Korea by Vice President Humphrey, February 23, 1966 [67]

Relevant passage

The United States Government and the people of the United States have a firm commitment to the defense of Korea. As long as there is one American soldier on the line of the border, the demarkation line, the whole and the entire power of the United States of America is committed to the security and defense of Korea. Korea today is as strong as the United States and Korea put together. America today is as strong as the United States and Korea put together. We are allies, we are friends, you should have no questions, no doubts.

H. Southwest Pacific

1. Joint Communique, President Johnson and President Macapagal, October 6, 1964

Relevant passage

The two Presidents recognized that the aggressive intentions and activities of Communist China continue to present an imminent threat in the Far East and in Southeast Asia. They reviewed, in this connection, the importance of the Mutual Defense Treaty between the Philippines and the United States in maintaining the security of both countries and reaffirmed their commitment to meet any threat that might arise against their security. President Johnson made it clear that, in accordance with these existing alliances and the deployment and dispositions thereunder, any armed attack against the Philippines would be regarded as an attack against United States forces stationed there and against the United States and would instantly be repelled.

2. Joint Communique, President Johnson and President Marcos of the Philippines, September 15, 1966

Relevant passages

* * * * *

14. Mutual Security. Both Presidents recognized the strategic role which the Philippines plays in the network of allied defenses and agreed to strengthen their mutual defense capabilities.

* * * * *

16. The two Presidents pledged themselves to strengthen the unity of the two countries in meeting any threat to their security. In this regard, they noted the continuing importance of the Mutual Defense Treaty between the Philippines and the United States in maintaining the security of both countries. President Johnson reiterated to President Marcos the policy of the United States regarding mutual defense as stated by him and by past U.S. Administrations to the Philippine Government since 1954.

FOOTNOTES

[1] 59 Stat. 1031. Signed at San Francisco June 26, 1945; entered into force for the United States October 24, 1945.

[2] TIAS 1838. Opened for signature at Rio de Janeiro September 2, 1947; entered into force for the United States December 3, 1948.

[3] Resolution VI, of the Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics, Punta del Este; signed January 31, 1962, excluded "the present Government of Cuba, which has officially identified itself as a Marxist-Leninist government" from participation in the inter-American system.

[4] TIAS 2292. Signed at Copenhagen April 27, 1951; entered into force June 8, 1951.

[5] Both the United States and Denmark are members of NATO. See *ante*, p. 10.

[6] TIAS 2266. Signed at Reykjavik May 5, 1951; entered into force May 5, 1951.

[7] TIAS 4031. Signed at Washington May 12, 1958; entered into force May 12, 1958.

[8] Treaty Series No. 945. Signed March 2, 1936; ratification advised by Senate, July 25, 1939; ratified by President, July 26, 1939; proclaimed by President, July 27, 1939.

[9] TIAS 1964. Signed April 4, 1949; ratification advised by Senate, July 21, 1949; ratified by President, July 25, 1949; proclaimed by President, August 24, 1949; entered into force August 29, 1949.

[10] Acceded by Protocol, February 18, 1952. TIAS 2390. October 17, 1951.

[11] Acceded by Protocol, May 5, 1955, TIAS 3428, October 23, 1954.

[12] Considering the independence of Algeria, the North Atlantic Council on January 16, 1963, noted that insofar as the former Algerian Departments of France were concerned the relevant clauses of this treaty had become inapplicable as from July 3, 1962.

[13] TIAS 5437. Signed at New York, September 26, 1953.

[14] TIAS 4189. Signed at Ankara March 5, 1959; entered into force March 5, 1959.

[15] TIAS 4191. Signed at Ankara March 5, 1959; entered into force March 5, 1959.

[16] TIAS 4303. Signed July 8, 1959; entered into force July 8, 1959.

[17] TIAS 4190. Signed March 5, 1959; entered into force March 5, 1959. This bilateral agreement of cooperation was entered into pursuant to the Declaration Relating to the Baghdad Pact signed at London July 28, 1958 (see Section D, "Near East-Middle East").

[18] TIAS 3170. Signed September 8, 1954; ratification advised by the Senate, February 1, 1955; ratified by the President, February 4, 1955; proclaimed by the President, February 19, 1955; entered into force, February 19, 1955.

[19] Included (for the purposes of Article IV) by the Protocol to the Southeast Asia Collective Defense Treaty, TIAS 3170, signed September 8, 1954; entered into force, February 19, 1955. Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. In the Geneva Declaration on the Neutrality of Laos, the Royal Government of Laos declared that it will not "recognize the protection of any alliance or military coalition including SEATO," and the United States and other nations agreed to "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

[20] TIAS 2493. Signed September 1, 1951; ratification advised by the Senate, March 20, 1952;ratified by the President, April 15, 1952; proclaimed by the President, May 9, 1952; entered into force April 29, 1952.

[21] TIAS 2529. Signed August 30, 1951; ratification advised by the Senate, March 20, 1952; ratified by the President, April 15, 1952; proclaimed by the President, September 15, 1952; entered into force, August 27, 1952.

[22] File 711.56396/10–1659.

[23] TIAS 6084. Signed at Washington, September 16, 1966.

[24] TIAS 4509. Signed January 19, 1960; ratification advised by the Senate, June 22, 1960; entered into force, June 23, 1960.

[25] TIAS 3178. Signed December 2, 1954; ratification advised by the Senate, February 9, 1955; ratified by the President, February 11, 1955; proclaimed by the President, April 1, 1955; entered into force, March 3, 1955.

[26] TIAS 3097. Signed October 1, 1953; ratification advised by the Senate, with an understanding, January 26, 1954; ratified by the President, subject to the said understanding, February 5, 1954; proclaimed by the President, December 1, 1954; entered into force, November 17, 1954.

[27] J. D. Richardson, *Messages and Papers of the Presidents, 1789–1897*, volume 11, pp. 207–220.

[28] *American Foreign Policy: Current Documents*, 1960, pp. 210–212.

[29] Made at Ogdensburg, New York; text in *Department of State Bulletin*, August 24, 1940, p. 154.

[30] *Department of State Bulletin*, volume XVI, No. 399, February 23, 1947, p. 361.

[31] Subsequently both Canada and the United States becomes parties to the North Atlantic Treaty.

[32] *Public Papers of the Presidents of the United States: John F. Kennedy*, 1963, p. 188.

[33] *Ibid.*, p. 243.

[34] *American Foreign Policy, 1950–1955; Basic Documents*, volume I, pp. 989–991.

[35] *American Foreign Policy: Current documents, 1962*, pp. 541–543.

[36] *American Foreign Policy, 1950–1955: Basic Documents*, volume I, pp. 1481–1483.

[37] *American Foreign Policy: Current Documents, 1961*, pp. 604–612.

[38] *American Foreign Policy: Current Documents, 1962*, pp. 634–635.

[39] *American Foreign Policy: Current Documents, 1962*, pp. 689–690.

[40] *American Foreign Policy: Current Documents, 1962*, pp. 626–627.

[41] *Department of State Bulletin*, volume L, No. 1305, June 29, 1964, pp. 992–994.

[42] *Department of State Bulletin* Supplement of May 4, 1947, pp. 829–832. The message was delivered by the President before a joint session of Congress.

[43] House Joint Resolution 117, 85th Cong., 1st sess.; approved by the President, March 9, 1957.

[44] *Department of State Bulletin*, June 5, 1950, p. 886.

[45] TIAS 4084. Signed at London July 28, 1958; entered into force for the United States July 28, 1958.

[46] Iraq was not present.

[47] *American Foreign Policy: Current Documents, 1962*, pp. 778–779.

[48] White House press release dated January 8, 1963 (text in *American Foreign Policy: Current Documents, 1962*, p. 783).

[49] Department of State Press Release 121, Mar. 8, 1963, text in *Department of State Bulletin* XLVIII, No. 1239, Mar. 25, 1963, p. 435.

[50] *Public Papers of the Presidents of the United States: John F. Kennedy*, 1963, p. 373.

[51] Weekly Compilation of Presidential Documents, Aug. 8, 1966, Vol. 2, No. 31, p. 1019.

[52] See Item II, C.7., p. 48.

[53] White House press release dated May 23, 1967.

[54] *Weekly Compilation of Presidential Documents*, June 26, 1967, pages 889–920.

[55] Text as printed in *Dept. of State Bulletin*, XXX, No. 768, Mar. 15, 1954, pp. 300–401.

[56] Dept. of State press release 683, No. 17, 1962, text as printed in *Dept. of State Bulletin*, XLVII, No. 1223, Dec. 3, 1962, pp. 837–838.

[57] See item E.1., p. 50.

[58] House Joint Resolution 1145, 88th Cong., 2d sess., August 10, 1964; 78 Stats. 384.

[59] Supplemental Appropriation Act, Title IV, 81 Stat. 5–6.

[60] Department of State Press Release, No. 145, March 6, 1962.

[61] Text in LIV Department of State Bulletin 305–307.

[62] Press release 252, Oct. 25, 1966.

[63] Text in *The Department of State Bulletin*, LV, No. 1430, Nov. 21, 1966, pp. 767–768.

[64] The President's statement was reiterated by Secretary Rusk in a press release on March 22, 1967, published in *The Department of State Bulletin*, LVI, No. 1450, Apr. 10, 1967, pp. 597–598.

[65] House Joint Resolution 159, 84th Cong., 1st sess., Jan. 29, 1955 (Text in *American Foreign Policy, 1950–1955:* Basic Documents (2 volumes, Washington: U.S. Government Printing Office, 1957), Volume II, pp. 2486–2487).

[66] *Public Papers of the Presidents: John F. Kennedy, 1962*, pp. 509–517.

[67] Korea Times, February 24, 1966.

YET WE NEGLECT OUR OWN

Mr. YOUNG of Ohio. Mr. President, American citizens should know that in the last 18 years nearly $40 billion worth of armaments and ammunition have been given away to other nations in the form of military assistance. Incidentally, this includes many billions of American taxpayers' money we have given to the Saigon militarist regime of Thieu and Ky and those other generals born in North Vietnam who overthrew by force the civilian government of Saigon in 1965. Very definitely, this regime has the support of fewer than 20 percent of South Vietnamese men and women. In 4 years Ky and Thieu, who have been kept in power by our Armed Forces who week after week have suffered more men killed and wounded than have the friendly forces of South Vietnam, have done nothing whatever for land reform for their own nationals.

Incidentally, during the period August 3 through August 30, 5,587 men of our Armed Forces were killed and wounded in Vietnam. During that same time, the ARVN, the so-called friendly forces of South Vietnam—too friendly to fight very hard—sustained fewer casualties. Their total was 5,305 killed and wounded, compared with 5,587 Americans killed and wounded. In addition, some GI's died of wounds and others of malaria fever, bubonic plague, and other jungle diseases.

Nor does that tell the entire story. During that period, 133 GI's were killed in what the Pentagon terms accidents and incidents. Speaking as one who served in World War II, I recall that when trucks would collide at night or run off the road and men were killed or injured, they were termed combat casualities. But when that occurs in Vietnam, the Pentagon terms them accidents or incidents.

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired. Does the Senator desire to take additional time?

Mr. YOUNG of Ohio. Yes. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Ohio is recognized for an additional 5 minutes.

Mr. YOUNG of Ohio. Mr. President, we Americans have given away as foreign aid military assistance during the past 18 years nearly 4,500 F–84 fighter planes, 2,900 F–86 fighter planes, 350 F–100 fighter planes, 390 F–104 fighter planes, 3,200 trainer planes, 700 helicopters, 835 cargo planes, and 4,200 other planes of various types to be used in combat. During this same period we have given 350,000 trucks, 20,000 tanks, 2,500 personnel carriers, 3,200 armored vehicles of various types. Also, we have enlarged the navies of other nations with 36 destroyers, 25 submarines, 1,400 land craft of various types, and 820 other ships.

When it comes to missiles, rifles, cannons and machineguns the total is tremendous—3,500,000 rifles and carbines, 152,500 machineguns, 29,000 mortars, 23,000 cannon and large guns of various sizes. In addition, 27,500 Nike, Hawk, and other missiles capable of firing nuclear warheads.

No sane American citizen, even the ardent warhawks, can claim that the United States has a mandate from Almighty God to police the entire world. Yet, we have more than 400 major air, naval, Army and Marine Corps bases in some 24 nations including 146 in West Germany, 55 in Korea, 48 in Japan, and 16 in South Vietnam. These are all mammoth U.S. bases abroad. I have seen our huge installations in Vietnam, Thailand, and in various European countries apparently built to last a hundred years or more. When we count the 2,687 minor installations in countries such as Turkey and Pakistan, the total exceeds 3,000. This, in countries ranging from South Vietnam with more than 535,000 U.S. Armed Forces to Tunisia with a group of only four.

Why do we now need 320,000 men in Western Europe and 23,000 in Latin America? How long will we continue to station 60,000 men in South Korea, 40,000 in Japan, 30,000 in the Philippine Republic, and some 50,000 in Thailand? Why is it necessary for 643,000 seaborne forces to remain outside of the United States?

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Ohio is recognized for an additional 5 minutes.

Mr. YOUNG of Ohio. Mr. President, why do we maintain 230,000 servicemen and their dependents in West Germany? Not because they are essential to the defense of Europe but because the West Germans do not want to give up the fat payrolls that nourish their economy. This, despite the fact that the West German economy is stronger than that of any nation in the world except the United States. These forces did not prevent the seizure of Czechoslovakia and they would not prevent an attack on Western Europe. The deterrent against

any such remote threat is our nuclear power rather than our manpower.

How long will we continue to support worldwide military commitments that soak up $80 billion a year of taxpayers' money and drain resources badly needed at home?

Unfortunately, more than 40 percent of our tremendous Air Force is committed to combat in South Vietnam, Thailand and Laos and more than 35 percent of our Army, Navy and Marines are now fighting in this far-distant area due to our involvement from 1963 on in a civil insurrection in South Vietnam.

President Nixon was elected on the pledge that he had a secret plan to end the war in Vietnam. He made this statement in New Hampshire and elsewhere. Many citizens believed him. He became our President. Yet, last month more Americans were killed and wounded in combat than were the friendly forces of South Vietnam. Yet, Americans have every reason to fear that we shall still be fighting this long and most unpopular war—and an undeclared war at that—beyond 1972. Only the most optimistic in Washington feel that our combat planes flying from bases in Thailand and in South Vietnam and from U.S. naval carriers in the South China Sea will not still be fighting well into 1973.

TAX REFORM

Mr. YOUNG of Ohio. Mr. President, the Internal Revenue Service records for 1967 show that 766,751 individual American taxpayers claimed—and got away with their claim—that they suffered $1,194,000,000 as farm losses. It has been the practice for more than 10 years for ultrawealthy executives and businessmen to buy farms.

What does each of these so-called gentleman farmers care if the operation of the farm, so called, shows a deficit of $50,000 a year? One reason for the purchase is to claim and receive tax deductions for these losses.

The Internal Revenue Service officials' term for this tax loophole is "Gettysburg farms," referring to the action of three wealthy friends of President Eisenhower who purchased his farm retreat in Pennsylvania.

Of course, as a rule, the value of farm acreage keeps going up so that in the end these gentleman farmers benefit greatly by increased land values. The annual operating losses mean nothing but tax credits for the affluent holders.

The Committee on Finance is considering and will be considering throughout this month, and perhaps throughout October and November a tax reform bill rewriting the tax reform bill which came to us from the other body. Let us hope that we in the Senate, before the end of this year, will be able to put an end to this tax loophole which has unduly benefited so many of these gentlemen farmers, so called. At the same time, the average family man in this country bears an extremely heavy burden in the payment of income taxes. In addition, he has had placed on top of that burden the surtax. I am happy to report that I voted against the 10-percent surtax when President Johnson proposed it, and I voted against it when President Nixon requested its extension.

Mr. President, as you know, and as all of us know, the 10-percent surtax, that atrocious tax on top of a tax, lays the heaviest burden on those families least able to pay it. Let us hope, and I do believe, the Senate will enact a good tax reform bill which will uphold that sound principle of just taxation that taxes should be levied according to ability to pay.

THE C–5A CARGO PLANE

Mr. TALMADGE. Mr. President, I am compelled to rise in opposition to the amendment of the Senator from Wisconsin to cut off the second production run of the giant C–5A cargo plane.

Such action would be drastic and precipitant.

We all regret the cost growth of the C–5 aircraft, as does Lockheed. We also regret abnormal inflation in the Nation's economy, which to a large degree has been responsible for the estimated cost overrun—not just in the C–5 project, but in other major defense programs as well.

There are other considerations besides inflation. This procurement was made under a new type and very complicated contractual arrangement. There have been a multitude of technical and engineering problems directly and indirectly associated with building the largest aircraft in the world. All of this must be taken into account.

I have carefully examined the hearings before the Armed Services Committee of the Senate and the House of Representatives. I know there is great concern, on the part of the Government and on the part of Lockheed. The company itself estimates a contract loss of some $13 million.

But all the facts are not in yet. We are still dealing in estimates and will be until the program is completed in 1973. A punitive approach to the C–5 problem can in no way be justified.

A meat-ax attack against the C–5 aircraft not only is unwarranted, it is ill-advised and contrary to the national interest.

Putting aside the emotional and controversial aspects of the C–5 program, there is one vitally important factor we cannot afford to overlook. It must not be obscured by the current rage in some quarters about the so-called industrial complex.

The Air Force and the Nation need the C–5 aircraft. Its mission is vital to the U.S. defense posture.

The United States is engaged in a mighty struggle to keep the peace and maintain freedom in this and other lands throughout the world, at a time when there are forces that threaten the peace and that would enslave free men.

The C–5 is no small part of this global effort.

The threat of Communist expansion, the real menace of outright aggression, and "brush-fire" conflicts that can explode into major confrontations demand the rapid deployment of U.S. troops and materiel, wherever they are needed and whenever they are needed.

The C–5 is not a personnel carrier. But fighting men need weapons and equipment. This then is the mission of the C–5 transport. This giant aircraft will give the United States air mobility unmatched by any other nation. It will provide for the emergency movement of weapons and equipment for an entire division, plus the men directly associated with the equipment.

Thus will the United States achieve airlift superiority and strengthen the Defense Establishment, for the security of the people of this country and for all the free world.

No other aircraft in the planning stages or in the air can accomplish this mission. This was the mission requested by the Air Force. This was the mission approved by the Armed Services Committee and the Congress.

To halt production of the second run of the C–5, resulting in the loss of three squadrons, would virtually negate this mission. The capabilities of the aircraft could not be performed as desired and needed.

I ask the Senate to reject the Proxmire amendment and to permit construction of the C–5 aircraft as planned to meet criteria established by the Joint Chiefs of Staff.

I say, let us get on with the business of giving this Nation a strategic airlift capability that will further strengthen our national security. This, to my mind, is the overriding issue at hand.

Mr. President, the lessons of history are replete with the successful strategy of the swift mobility of armed forces. One can study the campaigns of Julius Caesar and of Hannibal, as well as Napoleon Bonaparte, and find that the most effective thing about the success of those campaigns was the speed and mobility with which they could place men and arms at a particular site at a given time.

I think perhaps the greatest cavalry officer of the Civil War that the world has ever known was Gen. Nathan Bedford Forrest, whose famous slogan was "I git thar fustest with the mostest men."

That is the essence of victory in warfare. We learned the same lesson in World War II, the lesson that Rommel taught us in North Africa, the lessons learned from General Patton's fast and mobile troops in Europe, and the lesson that we learned from our vast strategic carrier forces in the South Pacific.

Mr. President, let us not kiss away so lightly those lessons of history. If we strike down the capability that the C–5A aircraft will give this country to deploy men and weapons with vast speed to any part of the world, it will strike a vital blow at the security of this country.

I trust that the Senate will take no such foolish action.

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 bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Gila River Indian Reservation and Pinal County, Ariz., Department of Labor, dated September 4, 1969 (with an accompanying report); to the Committee on Government Operations.

LOAN APPLICATION BY THE CENTRAL OREGON IRRIGATION DISTRICT OF REDMOND, OREG.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a loan application by the Central Oregon Irrigation District of Redmond, Oreg. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF AN AUDIT FOR THE AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from a certified public accountant, transmitting, pursuant to law, a report of an audit for the American Symphony Orchestra League, Inc., for the fiscal year ended May 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

PRINTING OF REPORT ON FRENCHBORO HARBOR, MAINE (S. DOC. NO. 91-32)

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague, the senior Senator from West Virginia (Mr. RANDOLPH), I present a letter from the Acting Secretary of the Army, transmitting a report dated April 30, 1969, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on Frenchboro Harbor, Maine, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted January 17, 1963. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

BILL REPORTED

A bill was reported, read the first time, and, by unanimous consent, the second time, and placed on the calendar, as follows:

By Mr. SPARKMAN:

S. 2864. A bill to amend and extend laws relating to housing and urban development, and for other purposes; placed on the calendar.

(The remarks of Mr. SPARKMAN when he reported the bill appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 1185

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART) and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of S. 1185, a bill to protect the public from certain fraudulent practices in used cars.

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

S. 2677

Mr. STENNIS. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 2677, to prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes.

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

S. 2847

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that, at the next printing, the name of the junior Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of the bill (S. 2847) to amend the Foreign Assistance Act, as amended, to authorize the Secretary of State to participate in the development of a large prototype desalting plant in Israel, and for other purposes.

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

NOTICE OF HEARINGS ON REPORT OF THE COMMISSION ON MORTGAGE INTEREST RATES

Mr. SPARKMAN. Mr. President, I wish to announce that the Senate Committee on Banking and Currency will hold hearings on September 25, 26, 29, 30, and October 1, 1969, to receive testimony on the report of the Commission on Mortgage Interest Rates. This report was made to the President and to the Congress on August 13, 1969.

The hearings will be held in room 5302, New Senate Office Building, and will commence at 10 a.m. each day.

NOTICE OF HEARING ON NOMINATION OF A. SYDNEY HERLONG

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Thursday, September 18, 1969, on the nomination of A. Sydney Herlong, of Florida, to be a member of the Securities and Exchange Commission.

The hearing will commence at 10 a.m. in room 5302, New Senate Office Building.

NOTICE OF HEARING ON CITIZEN INVOLVEMENT IN AGENCY DECISIONMAKING AND AGENCY RESPONSIVENESS TO PUBLIC NEEDS

Mr. KENNEDY. Mr. President, I wish to announce that on Wednesday and Thursday, September 10 and 11 at 9 a.m. in room 5202, New Senate Office Building, the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee will hold the first in a series of hearings on citizen involvement in agency decisionmaking and agency responsiveness to public needs. The hearings will be based on responses to a questionnaire sent by the subcommittee to many Federal agencies and bureaus last February. The first set of hearings will cover the questionnaire responses of the Federal Trade Commission, and the witnesses will be the members of that Commission.

WHERE THE WAY UP BEGINS

Mr. BYRD of West Virginia. Mr. President, recently the Dominion-News, of Morgantown, W. Va., published an excellent series of articles on juvenile delinquency. While most of the articles covered juvenile delinquency in Monongalia County, the sixth part of the series dealt with the Robert F. Kennedy Youth Center—a Federal institution of national importance, and one in which I am especially interested.

In August 1962, President John F. Kennedy approved my request to move what was then the National Training School from its inadequate, century-old facilities in Washington to a site in Morgantown. There, the most modern facilities were constructed to house and rehabilitate juvenile offenders of Federal laws.

I am pleased that I was able to be instrumental in gaining the $11 million of funds necessary to build the Center; and I am gratified at the work that has been conducted there since its opening last year.

I have made visits to the Center, including a recent trip, during which I was honored by the Morgantown Chamber of Commerce for helping to obtain the Center for that community.

During each of these visits, which have included talks with the officials and the youths at the Center, I have become more impressed with the rehabilitation work being done there.

Mr. President, the article in the Morgantown Dominion-News, written by Mike Connell, is entitled "Kennedy Youth Center, Where the Way Up Begins." It reports on the activities at the Center and describes the educational and recreational opportunities available to the youths there.

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:

KENNEDY YOUTH CENTER, WHERE THE WAY UP BEGINS

(By Mike Connell)

Birds wheel freely about the top of Dorsey's Knob, the highest point in Monongalia County.

And far below, several dozen juvenile lawbreakers are detained in the Robert F. Kennedy Youth Center, at the nadir of their young lives.

It is unfortunate that they have broken the law and must be punished. It is fortunate that they are at Kennedy Youth Center, which is setting the example in treatment of juvenile delinquents. The way up begins here.

The KYC itself is an $11 million complex that includes vocational and academic schools, an Olympic-size swimming pool, gymnasium, dining hall, modern cottages, chapel and an administration building. Other facilities range from softball fields to an

ice-skating pond. All in all, the complex completed only last winter is an impressive sight.

The individual student at the KYC becomes part of the center's society. A society without bars or fences, that asks rather than tells him to stay, and attempts to teach and prepare him for the outside society, which has rejected him, and in turn he has rejected.

The student is placed in a cottage at the center after completing an orientation period where he is shown the workings of the institute, and is tested so that his place at the KYC can be better established.

After the orientation period he is housed by personality categories. The groupings include immature, neurotic, psychopathic and sub-cultural. Thus the boy is placed with youths similar to his own personality, and with counselors that fit especially well with his category. For example an immature boy would be taught by the more fatherly counselor.

Once settled in the cottage, the boy is taken into the KYC's own miniature society. At first the youth wears uniforms and lives in a large room with other youths.

If he works with the society, however, he amasses points, or money, whereby he can purchase civilian clothes, can rent a private room, buy toilet articles, candy and other such small luxuries. If he fails to work with the society of course, he cannot receive these extras.

The cottage itself is a small community. There are various wings, or suburbs, each distinctly different from the other. One wing would become the "elite neighborhood", and another similar to the "crowded slum."

In the center of the cottage is the "downtown section", with facilities for television, billiards and other recreational facilities. Outside the cottage is more of the city, including the schools, dining hall and more recreational facilities.

The center attempts, according to Assistant Director Herbert Beall, to ready the youth for society and teach him a variety of skills as well as the basics in such areas as English social studies, and mathematics.

The teacher ratio at the center is one for every 10 students, and in the small classes, two new concepts are being taught.

The first is the "cluster" concept, where the student is taught in a variety of skills areas. In other institutes, the youth was taught in one, concentrated area. At the youth center, the teaching is diversified, giving the youth a chance to learn more types of skills, and thus have a better chance of finding employment after his release from the institution.

The second new concept is the "integrated curriculum" program, explained by Jack Torrence, supervisor of education at the center.

"Rather than use the old academic approach," he explained, "we try a two or three prong attack to increase academic prowess."

An example of the "attack" is making other fields of study relevant to the student's main program of interest. A KYC English teacher, for example, will teach a youth the phoenetics and grammar or shop talk, if the youth's interest is in say auto mechanics. "It is more important," Mr. Torrence said, "for an auto mechanics student to be able to spell and pronounce carburetor than a word of less importance to his future."

Likewise in mathematics the problems are designed to be applicable to the students jobs later.

Mr. Torrence noted that the institute has just begun to work at full capacity. "We've been open less than a year," he said, "and only now have we received many of the things we asked for. We're just getting fully tooled up."

The program seems to have brought forward some brightening results. Mr. Torrence said of 25 of the first boys who took tests for a high school diploma, 22 passed.

ROCKY MARCIANO

Mr. PASTORE. Mr. President, when, on Sunday, August 31, 1969, on the eve of his 46th birthday, a plane crash took the life of Rocky Marciano, there was, first, unbelieving silence and a crushing sadness in all the world that loved this great fighter and good man.

Then, out of the hearts of all who knew this fighting champion came the sincerest and sweetest sentiments of sorrow and adulation. Gifted pens wrote their honest praise and humble hearts offered their prayers—eulogies that the highest of humans would prize.

They were for a humble youth, the gentlest of persons in private, but in the prize ring the conqueror of fistic's mightiest in our time.

It was a privilege to possess Rocky's friendship. I found inspiration in our every meeting—his visits to my office and the Senate through the years.

It is a tonic to our times that the news media have recorded the affectionate elegies from every fighter, every writer, every lover of clean sportsmanship.

May they one day be compiled in an appropriate volume, not only for the consolation of Rocky's loved ones, to whom he was so deeply devoted, but as an exemplar to the restless youth of America.

For the RECORD, I would select just one observant writer and friend, Barney Madden, sports editor of the Providence Journal-Bulletin.

It was truly in Providence that the "Brockton Strongboy," in some 29 fights, climbed the rungs toward world championship and along the way won the affection of everybody for "the nice guy" that Rocky was.

I ask unanimous consent that the article written by Barney Madden be printed in the RECORD.

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

CHARACTER HIS GREATEST STRENGTH

(By Barney Madden)

Rocky Marciano, retired undefeated heavyweight boxing champion who lost his life Sunday night in an airplane crash, was one of boxing's paradoxes.

Once the bell rang he became a fearless tiger, but outside the ring he was a veritable kitten, one of the gentlest fellows you could expect to meet.

Referred to variously as the Brockton Strongboy, Blockbuster and Hard Rock, he was hailed far and wide as "a nice guy." He had to "build up" to his fighting fury, but his deferential manner in private life, came naturally. Truly, Rocky was a nice guy.

If ever there was a dedicated boxer it was Marciano. He trained diligently, he didn't drink or smoke. He didn't like parties. In fact the "victory celebrations" held after his bouts, never got more than a token visit from him.

Providence was virtually his home away from home since he got his fistic start here, acquired countless friends here—and never forgot either.

Manny Almeida, who promoted all the boxing shows at which Marciano appeared in Providence, was badly shaken by his death.

"I was so close to the boy I can't believe it yet" he said yesterday. Theirs was a close relationship, Almeida advising, helping direct his climb to the title. In fact Rocky fought 29 times in Providence on Almeida cards.

Another close friend and adviser, Tony Petronella, boxing commissioner in Rhode Island during Rocky's heyday, said, "I know the sad news. Rocky was a very dear friend, a grand guy."

In the ring Rocky was tough, almost indestructible. His courage never was questioned and if anyone had doubts about it they vanished after his bouts with Johnny Shkor, who cut him severely over the eye; Red Applegate, with whom he fought a veritable war at the Auditorium; Keene Simmons, the first to buckle his knees, or Ezzard Charles, who split his nose with a punch. Each of them learned that Rocky wouldn't fold and every one of them became his victims as Rocky won 49 straight fights.

Rocky, incidentally, was christened "Marciano" in Providence after the late Harold Warman, Auditorium announcer, struggled vainly with his proper name, Marchegiano, before his first two bouts.

Almeida, who had much to do with Marciano's eventual financial security as well as his fistic rise, maintains "Nobody had his one-punch power." The great former champion, Jack Dempsey, concurs. "I took them out with an accumulation of punches," Dempsey said, "but Rocky could do it with one."

His big punch felled Joe Walcott and dethroned him in the 13th round when Walcott was well ahead on points. Joe Louis suffered the same fate as did Phil Muscato, on Dec. 19, 1948, when Rocky met his first "name" opponent. That bout he regarded as the turning point in his career, lifting him from the "local fighter" category to national recognition.

In addition to his ability to end a bout with a single crushing blow, he also was a "hurting" puncher. Opponents found it hard to lift their arms after blocking punches for a few rounds. Walcott, in fact, after Marciano had beaten him for the world title, said: "I saw the punch coming, but couldn't lift my arms to defend myself."

Charles, also a former champion, was asked if it was true that Rocky hurt you wherever he hit you. He replied: "If he hits you on the seat of the pants, it hurts."

Marciano's purses aggregated more than a million and a half dollars but time was when affluence was a total stranger to him. For his early bouts in Providence he would arrive with steaks carefully wrapped in wax paper by his mother. Eddie Beck, then a diner operator as well as fight fan, broiled them for a time. Later on, the Marciano steaks—one for him, one for his pal and trainer, the late Allie Columbo—were prepared at the home of Mike Thomas, Journal-Bulletin boxing writer, who was to become one of Rocky's closest friends and favorite companions during the nerve-wracking hours prior to his bouts.

Rocky wanted Mike in his dressing room before the fights he wanted him with him when he motored or flew to the fight scene from his training camps. Whenever any of us encountered Rocky in later years, his first query was: "How's Mike. Say hello for me, please."

Early in his career Rocky was a guest of a radio show some of us Journal-Bulletin sports writers had on WEAN, and he came back again when things were going well for him. Then we invited him to join us four weeks hence, little knowing that in the meantime he would sign for an important bout. He accepted.

Four weeks passed and he was in strict training at Grossinger's so we were sure he wouldn't appear. We didn't know Rocky, evidently. An hour before air time he walked in and, observing that we were flabbergasted—he wasn't one to interrupt his training program—he asked:

"Why are you guys so surprised? I told you I'd be here, and here I am. I'm flying back as soon as we finish."

His "fee" was precisely nothing, but, to him, a promise was something to be kept.

ABUSE OF TAX PRIVILEGED STATUS BY FOUNDATIONS

Mr. MONDALE. Mr. President, abuse of their tax privileged status by some foundations has placed that status in jeopardy for all foundations, both good and bad. Congress has heard a great deal about flagrant abuses of tax-exemption privileges by a few foundations. In considering tax reform, I believe we need to hear also of the good foundations have done and can do.

I recently received a letter from the mayor of St. Cloud, Minn., detailing the creative role of foundations in assisting small cities.

I ask unanimous consent that the letter from Dr. Edward L. Henry be printed in the RECORD.

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

CITY OF ST. CLOUD,
St. Cloud, Minn., August 21, 1969.

Hon. WALTER MONDALE,
Senator from Minnesota,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: May I urge caution in circumscribing the educational and research grant policies of American Foundations as incorporated in current bills before the Senate.

I am aware of some of the more flagrant abuses and social wastage involved in the conduct of some few of the many hundreds of foundations in this country.

On the other hand, America owes much to the pioneering efforts of the major foundations in unleashing creativity in our society and as an offset to the frequently pragmatic and even pedestrian research that is supported under governmental categorical aid programs. This is particularly true in the social sciences where except for the major foundations social science research for many years threatened to founder while natural science research, heavily funded by the government, was clearly skewing the resources of the nation away from humanistic studies.

As a member of the "establishment" (past president of the Minnesota League of Municipalities; past president of the Minnesota Mayors' Association; current mayor of a Minnesota municipality, 40,000 citizens), perhaps I should be suspicious of foundations. On the other hand, in my twenty years as a college professor I have had a first-hand opportunity to observe their operations, and I have been impressed.

Recently, Ford Foundation, for example, spearheaded attention to the plight of small cities in the United States with a research grant to my college, St. John's University of Collegeville, Minnesota. There was a lacuna here in terms of social need to which the Ford Foundation responded.

This was in fall of 1967. Subsequently the seed planted by Ford has contributed significantly in stimulating attention to the smaller cities on the part of both public and private agencies, including the Federal government which set up an Office of Small Towns Services in January of 1968.

In a pluralistic society, private and public agencies may respond to quite different needs and pressures. Occasionally there is an aberration. This social wastage is a necessary cost of freedom in our society. However, in my judgment, the major foundations have been one of the great idea-generating forces in our culture; a force that rather than promoting revolution has been urging society to reflect on its own institutions and adapt to changing needs.

The alternative to adaptation is ossification and ultimate collapse. In this respect the foundations have been radically conservative, and they have contributed significantly in terms of retaining the vitality that hitherto has characterized our socio-economic system.

In my humble opinion as both an elective public official for thirteen years and as an educator for twenty, the foundations have made an immense contribution to a viable society and to a healthier governmental system. I would urge you to reflect very seriously on the significance of taking what I would regard as unfortunate action against foundations—action that could seriously hamper the creative role they have played in the recent history of this nation.

Yours very sincerely,

DR. EDWARD L. HENRY,
Mayor.

BOISE CASCADE CORP.

Mr. JORDAN of Idaho. Mr. President, Idaho has many reasons to be a proud State. Newsweek magazine for September 1, 1969, touched upon one of the most recent reasons for this pride—the tremendous growth of one of the largest U.S. corporations, Boise Cascade.

The success story of Boise Cascade, and of its president, Bob Hansberger, is a heartening example of what can be accomplished through private enterprise in our State. It is a story that Members of Congress and the numerous other readers of the CONGRESSIONAL RECORD will, I am sure, find of great interest. I, therefore, 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:

COMPANIES: A STATE OF MIND

Boise, Idaho, where the tallest structure is the twelve-story Bank of Idaho and a major event is still the Western Idaho Fair, is an unlikely—if picturesque—headquarters city for major corporations. But bustling Boise (population: 72,000, up 38,000 since 1950) has more than its share. Albertson's, Inc., a supermarket chain with 214 stores in nine Western states, is based there, as is Morrison-Knudsen Co., the giant worldwide construction firm. But the busiest of Boise's corporations is Boise Cascade, a company that is growing like a forest fire. Formed in 1957 of three sick lumber firms limping along on combined annual sales of $34 million, Boise Cascade last year earned $45.4 million on $1 billion in sales of products ranging from writing paper to cruise-ship tickets. On the Fortune list of the 500 largest U.S. corporations, it ranks 100th.

Informality: Robert V. Hansberger is the man who put Boise Cascade together and now has it branching out to all points of the business and geographical compass. A balding, energetic Harvard MBA, Hansberger, 49, has staffed the firm's front office with bright, young (William M. Agee, BCC's vice president for finance, is only 31) graduates of top-flight Ivy League and West Coast business schools. Around the Boise headquarters there is a studied air of informality. "I don't know any of the secretaries who call us Mister," says the relaxed Bill Agee. "I don't hear it very often and it bothers me when I do."

To hear Hansberger tell it, Boise Cascade has grown in a deliberately related fashion. "We started out in the tree business," he points out, "and that led us into pulp and paper in order to get more value from the trees we were harvesting, buying and raising. We then went into paper products in order to be a more effective marketer of pulp and paper production. We found ourselves entering the housing field because we thought this was a very big, exciting market, and it also provides an opportunity to use some of our lumber, plywood and other wood products. That led us into land development, because land is a very important part of the housing package. And because the highest value of some land is as recreational land, we went into recreation—the building of golf courses, lakes, ski resorts and so on."

Cruises, too: Over the past few years, Boise Cascade has bought a southern California home builder (R. A. Watt Co., Inc.), two land-development firms (United States Land, Inc., and Lake Arrowhead Development Co.) and merged with Divco-Wayne Corp., a manufacturer of mobile homes, travel trailers, trucks and buses. This year, BCC, still known primarily as a lumber and paper producer, will build about 18,000 mobile homes, some 6,000 factory-built homes and about 3,000 on-site units. It also is developing 23 second-home developments, among them Incline Village at Lake Tahoe, Nev., which will include a golf course, ski runs and club houses. Just for diversity, the firm this year is offering Pacific Ocean and Caribbean cruises on two chartered liners, the Princess Italia and Princess Carla. And it plans urban renewal projects in rundown areas of Boise, Boston, Indianapolis, Pittsburgh and Harlem.

For all that bustle, company executives think Boise Cascade is just getting into stride. Last month, the company broke ground on a new six-story, $14 million headquarters building in downtown Boise, and this week it will celebrate an event of far richer significance: completion of its merger with Ebasco Industries, one of the world's largest ($680 million in assets) closed-end management investment companies. When NEWSWEEK's William J. Cook asked Bill Agee last week what the Ebasco merger would mean, Agee responded with one happy word: "Money." As he explained: "We've always had two or three opportunities for every dollar we've had to spend. With Ebasco, we have cash and liquidity—more cash than we've ever had at any point." Some of the money is certain to go for developing new recreational facilities in Europe and South America and perhaps for other Boise Cascade projects in the planning stage: fiber-glass pleasure boats, resort hotels, camping equipment, hospital supplies. As Bob Hansberger says, Boise Cascade "is a kind of state of mind," and its state of mind is growth.

PROPOSED CUTBACK IN PUBLIC WORKS SPENDING

Mr. PROXMIRE. Mr. President, the President of the United States has indicated that he favors a cutback in public works spending. In making this announcement, he has been received by some of the Governors very unfavorably and has been criticized widely around the country. I intend to support the President. I think he is doing the right thing. I think this is the right kind of medicine with which to fight inflation, but I do not think it is nearly enough of it.

President Nixon's public works cutback is good news in the fight against inflation, but just like the administration's military spending cutback, it is too little.

The public works budget is now in excess of $10 billion. It is higher than it has ever been in the history of this country. And it is highly inflationary.

In the depths of the depression in the thirties public works was a necessary and desirable method of putting some of the enormous legions of unemployed to work. It was timely and wise, but it totaled only a billion dollars a year.

Now it is 10 times as large. Much of it should be canceled. Some of it should be postponed or stretched out. The President should aim at $3 to $4 billion cut in public works. The $1.6 billion Nixon cut is a timid step in the right direction.

The highway building program is

barely touched in the President's program. The President fortunately has indicated that he would impose definite highway spending cuts if the States failed to make voluntary reductions. Substantial voluntary reductions by the States in a highway building program in which the Federal Government pays 90 percent of the cost is about as likely as big oil asking for further reductions in depletion allowances. This is simply postponing the inevitable if we are to see a substantial slash in highway spending.

President Nixon should follow President Johnson's action of December 1966 when highway spending at an annual rate of $3 billion was held up for several months.

The effect on inflationary forces at that time was swift and decisive.

A further cutback by the President will be even more unpopular with the Nation's Governors and many others, but it is the kind of stiff anti-inflationary medicine this Nation needs.

If the President would act in a big and decisive way to cut back military and space spending along with public works spending, there is no question that we can both curb inflation and provide moderate tax relief.

Unless major reductions are achieved in these areas, any tax relief will be irresponsible and inflation will be in danger of getting out of control.

TESTIMONY IN SUPPORT OF S. 2004

Mr. PEARSON. Mr. President, the Communications Subcommittee of the Committee on Commerce has been holding hearings on S. 2004, a bill introduced by the distinguished Senator from Rhode Island (Mr. PASTORE) in April of this year. I consider this a most important and necessary proposal and have joined as a cosponsor.

Mr. President, I have submitted a statement before the Subcommittee on Communications, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY SENATOR JAMES B. PEARSON

Mr. Chairman, I wish to express complete support for S. 2004.

The bill provides that a broadcaster who has been operating under the Communications Act is entitled to a renewal of his license if the FCC finds, on the basis of his record, that he has served the public interest. This proposal, in my opinion, is fair and reasonable. It establishes an orderly procedure for the consideration of applications for renewal of broadcast licenses.

Many of our current broadcast franchises have been built up over a number of years and after considerable personal effort. A great majority of these existing station owners were willing and able to risk financial hardship in hopes of building sound production broadcast stations. There were times when television looked like a practical impossibility; there were times when the profitability of television franchises, especially in rather moderately populated areas such as my home state of Kansas, were seriously questioned. But with hard work, many stations survived.

Today, however, this spirit of enterprise in broadcasting is endangered by industry-wide instability. Our stature as the most advanced and far reaching communications system in the world is challenged by recent decisions of the Federal Communications Commission which have given strength to the so-called "strike application."

Any analysis of this overall problem must begin with the premise that the Communications Act intended that paramount consideration in broadcasting services must be the public interest. Secondly, our nation is dependent upon regulating private enterprise to encourage the expanded role which broadcasting plays in our society. And thirdly, that Congress intended the FCC to have no authority to censor broadcasters. All of these basic ideas are culminated in a statement by our new Chief Justice Warren Burger who, in a recent case said: "by whatever name or classification, broadcasters are temporary permittees-fiduciaries of a great public resource and they must meet the highest standards which are embraced in the public interest concept." I think this statement by an eminent jurist to be indeed a wise pronouncement.

Thus, a broadcast licensee must apply for the renewal of his license every three years. He must stand on his record. If the FCC finds on the basis of their investigation, their inquiry of his record of public service that he has discharged the obligation which he, as a professional broadcaster bears, then I think it only fair that he be granted the opportunity to continue with his work.

Recently, the FCC began the practice of so-called "comparative hearings" wherein an existing licensee and a rival applicant are placed on equal grounds in applying for a license. Furthermore, in a recent case in Boston involving station WHDH, the FCC actually granted the license to a rival applicant—in the absence of any showing that the existing licensee had not performed in the public interest. Following that decision a rash of "strike applications" have been filed in numerous cities across the country. This frenzy of activity with its potentially damaging effects on our national broadcast system has prompted Senator Pastore and the many other distinguished members of this body who co-sponsor S. 2004 to take appropriate action. I have joined this group as a co-sponsor.

My reason for this is simple. Television is a very costly and expanding enterprise. Broadcasters must maintain the best possible equipment and the most qualified professional personnel in order to serve the public in this electronic age. To carry out this responsibility, I think it only fair that the broadcaster have reasonable assurance that if he does his job, that if he performs according to the high ideals of the broadcasting profession—in short, that if he serves in the public interest—then his license will not be revoked and his investment will not go down the drain.

This procedure, as provided for in S. 2004 does not by any means grant a broadcast license in perpetuity. It does not give a broadcaster any special protected status. Rather, it forces him to defend his record.

I realize that there have been instances over the years in which a broadcast licensee has not performed in the public interest but maintained his license. I do not overlook nor condone such instances. However, I do not believe that the procedure whereby the licensee and the rival applicant are placed on equal grounds is a reasonable way to prevent the abuses of a broadcast franchise.

I believe the proper way to fairly allocate the use of our nation's airways is through the vigorous scrutiny by the FCC, by placing the burden of proof for continued operation upon the existing licensees as proposed by S. 2004.

For these reasons, Mr. Chairman, I support this legislation.

POLLUTION ATTENTION

Mr. NELSON. Mr. President, it is indeed a welcome sign to see attention given by more and more publications to the perils of air pollution. It is especially encouraging to see the medical profession offer its services by contributing medical facts concerning the relationship between air pollution and diseases and death.

As an example, an article appearing in the August 22, 1969, edition of the Medical World News points out the need for more medical research in this area, the initial steps and findings that are available, and the need for physicians to use these facts in combating air pollution on local, regional, and national levels.

Because the effort to clean up our Nation's air needs the help and information that physicians can give, and because this article appeals for such aid in addition to pointing out some of the dangerous relationships between pollution and health, I commend Medical World News for such a fine article and ask unanimous consent that it be printed in the RECORD.

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

DEATH, DISEASE AND DIRTY AIR

Some 500 Chicagoans go to a wall calendar each day to make physiologic notations. They are not following the rhythm method of birth control. Rather, they are recording bronchopulmonary symptoms to aid a study of the relationship of respiratory illness to their city's air pollution levels.

The instructions: "Check 'chest illness' if you were bothered much more than usual by your chest for most of the day: for example, by having coughed more than usual, by having more shortness of breath than usual, if you were less active than usual because of your chest, or if you had a chest cold. Check 'no chest illness' if you were not bothered much more than usual." At the end of each month, the subjects mail the calendars to Dr. Bertram W. Carnow at the Chicago Chronic Bronchopulmonary Registry. Dr. Carnow, associate professor of preventive medicine and community health at the University of Illinois, compares them with the daily sulfur dioxide readings collected from monitoring stations scattered throughout the city.

Dr. Carnow and his associates are among the too-small number of physicians linking the "hyper-reactive" patient to local pollution control officials hungry for information about the effects of pollutants on health.

Their conclusion: Among elderly persons with advanced bronchitis, high levels of sulfur dioxide exacerbate symptoms and precipitate acute respiratory illness. Persons over 55 suffer twice as many episodes of acute bronchitis on days of high pollution. If the humidity is high, too, bronchopulmonary disease is aggravated even more. Dr. Carnow has been able to assign each subject his own "personal pollution index" based on the pollution levels in the square mile of his residence and occupation.

Sometimes patients must move or change their job locations. For example, a middle-aged, nonsmoking businessman lived near the University of Chicago in the midst of the city's highest sulfur dioxide and particulate pollution. He had progressive deteriorating asthma and bronchitis, and his recrurring episodes, which seemed to be related to "changes in the weather," interfered with his daily work routine and sometimes

kept him off the job entirely. Dr. Carnow finally advised him to move to a less-polluted suburb north of Chicago. The man has shown "marked improvement," reports Dr. Carnow—fewer acute attacks, less infection, and decreased frequency of cough.

Such data and clinical impressions are not rare. Clinical, epidemiologic, and laboratory studies throughout the world strongly suggest, if they do not yet quite prove, that pollutants in the air are causing substantial amounts of illness, debility, and death.

The National Air Pollution Control Administration reports that "adverse health effects" become evident when the 24-hour-average levels of sulfur dioxide exceed 0.11 parts per million for more than three days in a row. Above 0.52 ppm, an increased death rate can be expected. Through its National Air Surveillance Network, NAPCA takes 24-hour samples of sulfur dioxide from about 100 sites 26 times per year. The sampling shows average concentrations ranging from 0.002 ppm in Kansas City, Mo., to 0.17 ppm in New York City, where the sulfur dioxide, much of it from Consolidated Edison's smokestacks, has gone as high as 0.86 ppm.

Dr. Carnow finds that acute morbidity in bronchitic persons over 55 years seems to follow an exposure of 0.25 ppm for one day. But the real problem, he says, is determining the "long-term effects on health of pollution at lower than catastrophic levels, acting on humans for 24 hours a day over a period of many years."

Pollutants aggravate bronchial asthma, chronic bronchitis, and chronic obstructive emphysema. When the pulmonary system is compromised, the heart is likely to become involved.

At the recent meeting of the Air Pollution Control Association, Dr. John R. Goldsmith of the Department of Public Health in Berkeley, Calif., reported evidence from several sources suggesting that ambient community exposure to carbon monoxide may increase the death rate of patients hospitalized with myocardial infarction. Substantiating this impression, he said, will require a study of "the prognosis of myocardial infarction patients in relationship to carboxyhemoglobin levels" measured on admission to the hospital.

In a study reported by Dr. Stephen M. Ayres of St. Vincent's Hospital and Medical Center of New York, brief exposure to carbon monoxide levels high enough to raise carboxyhemoglobin to an average of 8.96% saturation also decreased oxygen extraction and increased cardiac output. What was once thought to be a harmless level of carboxyhemoglobin turns out to pose "an adaptive challenge to the coronary circulation," he told the Ninth AMA Air Pollution Medical Research Conference.

The conference also heard Dr. Warren Winkelstein of the University of California, Berkeley, report that mortality rates for gastric cancer are nearly twice as high for adult men and women in areas of high suspended particulate pollution as in areas of low pollution. His study, made in the Buffalo, N.Y., area, was bolstered by similar findings from three other localities. Dr. Winkelstein has also found among nonsmokers 45 and older a "positive association" between a productive cough and suspended particulates. Among groups of men aged 50 to 69 and of comparable socioeconomic status, his earlier studies had found rates of death from all causes and of death due to chronic respiratory disease running as much as 50% higher in the most-polluted areas of Buffalo than in the least.

Dr. Mary O. Amdur of the Harvard School of Public Health has reported that sulfuric acid and irritant particulate sulfates have a greater irritant potency at a given concentration than does sulfur dioxide alone. Dr. Ayres, who has observed that sulfur dioxide increases airway resistance at concentrations as low as 0.2 ppm (a level frequently recorded in New York City air), reports that combinations of sulfuric acid and its salts are "many times as potent."

In Japan and Great Britain, school children living in highly polluted areas show more evidence of expiratory obstructive airway disease than those in nonpolluted areas. Other British data suggest a link between pollutants and atherogenesis. And by most cardiopulmonary criteria, country folk are better off than their city cousins—though nowadays there is dirty air even in the wide open spaces, and when MWN looked for a pink adult country lung to put on the cover, the specimens from rural nonsmokers turned out to be largely black.

Air pollution's most dramatic effects have been the "killer smogs" produced by a combination of hot weather, moisture, pollutants, and atmospheric inversion. These have occurred in the Meuse Valley of Belgium in 1930, in Donora, Pa., in 1948, in London in 1952 and 1962, and in New York City in 1953, 1962, and 1966. In London, where 4,000 "excess deaths" were recorded in the 1952 episode, widespread acute illness was noted within 12 hours after the fog began. Hospital admissions for acute respiratory diseases were higher than normal, as were admissions for heart disease. Mortality rates increased in all age groups, with the highest increments among infants under one year old and adults above age 45.

Donora reported 17 deaths. Normally, two deaths would have been expected in an equivalent period. What's more, 5,910 persons—nearly half the population—took ill with cardiorespiratory and gastrointestinal symptoms. In the "Thanksgiving smog" of 1966, New York reported 168 deaths related to the three-day temperature inversion and high concentration of pollutants.

The degree to which air pollution was involved in these "excess deaths" is still being debated. Many of the victims had pre-existing respiratory or cardiovascular disease and faced limited longevity at best. "But we cannot toss off the problem by saying that these people would have died anyway," replies Dr. Carnow. "We at least owe such chronically ill the right to be comfortable. Remember, too, that a significant number of these deaths were children."

How pollutants cause these reactions is only partially known. Various types of particulates, liquid droplets, and gases cause bronchoconstriction with immediate discomfort to the subject. Pollutants can overcome the protective mucociliary lining of the tracheobronchial tree and form deposits in the lung, paralyzing cilia and increasing mucus production. They may combine adversely with the surfactant of the alveoli. Some investigators also suspect that at the molecular level, pollutants may block enzyme processes and alter the normal metabolism of substrates.

And in addition to their adverse effects on people, pollutants in the air damage vegetation, crops, livestock, clothing, home furnishings, metals, masonry, and paint. Recently headstones in the cemetery of Trinity Church in New York City were treated with a substance to prevent corrosion by sulfur dioxide. "Air pollution gets you even after you're dead," one onlooker remarked. To families living in the city, the average annual cost of air pollution is estimated at $850, including time lost from work.

Can physicians cope with this health-impairing aspect of mankind's twentieth-century environment? So far, not many are trying. "We shouldn't wait until we know every last effect of pollution on health before acting," insists Dr. Carnow. "I tell the technologists: This is the problem—solve it. If they tell me they can't, I instruct some of my patients to move out of Chicago. We can't be practical about health or people dying."

"We know what pollution levels are harmful," adds Berkeley's Dr. Goldsmith. "We know enough to begin."

Indicting air pollutants as causative agents in human disease is only part of the problem. Another part is communicating the already-known medical information to engineers, industrialists, politicians, and the public. This is a job for physicians.

Asked if medical societies have been behind antipollution efforts in the Chicago area, Dr. Carnow replied quickly, "They haven't been active at all." In this and other matters of environmental hazards, medicine has been delinquent, he claims.

He is not alone in his complaint. James T. Reilly, a New York consultant to municipalities in the financing of pollution control programs, says: "Sure, I see a few physicians involved locally, but none of them are carrying banners. So far, the problem is being handled by politicians and engineers, and they need the doctors' help."

"Too damn few doctors are available to tell us what pollutants do to people," adds William J. Stanley, director of Chicago's Air Pollution Control Department. Physicians like Dr. Carnow feel they would have more chance of success with public agencies if they had more muscle from organized medicine.

The AMA's record has been mixed. Through its Council on Environmental Health, headed by Dr. John S. Chapman of Dallas, it has created a prestigious forum for intra- and interprofessional exchange of information. Berkeley's Dr. Goldsmith believes the AMA has shown "excellent responsiveness, scientifically and legislatively," to the threat of pollution. Its House of Delegates has given formal support to control of pollutants. But the AMA's lobbying and public relations forces, marshaled noisily and expensively for other wars, have whipped up no public campaign to counteract the exploitation and soiling of the environment.

"The AMA can only recommend that component societies take an active role," says Frank W. Barton, director of the AMA's Department of Environmental Health, which does the staff work for the council. Brandishing a packet of printed material, he declared that the department tries to help by keeping the medical societies informed. Among the items forwarded to every state and county society is the *Physician's Guide to Air Pollution*, which urges medical societies to become active in community and regional control programs, to collect epidemiologic data, and to "rally constructive support from all interested publics involved."

Consultant Reilly puts it this way: "People will listen to their community doctors. These men have a lot of respect and their opinions carry a lot of weight. I don't think we'll really get moving on pollution control until medical groups become outraged at what is happening."

A few have, of course. In California, the State Medical Society, the Los Angeles County Medical Society, the Santa Clara County Medical Society, and others have long been involved in pushing state and local programs to control LA's infamous air pollution. Through their efforts, legislation has been passed regulating fuel oil composition, controlling automobile exhaust, and establishing air quality standards. Physicians have been behind similar legislative efforts in Michigan, New York, Alabama, Tennessee, and Maryland. Still, less than half the states in the Union have instituted even the most rudimentary pollution control programs.

Air pollution is at once local, regional, and universal. Raking leaves in your yard doesn't do much good unless your neighbors rake, too. Likewise, local pollution control is apt to have limited effect. But efforts to initiate regional control can become a brier patch of conflicting political jurisdictions, jealousies, disputes of authority, and plain inertia. The anachronistic structure of town, township, county, and state government cannot handle regional pollution.

Physicians are likely to be put off by the time-consuming wrangling. "I tried to take part in a local committee on air pollution," reports one allergist in Springfield, Ill. "I

attended planning sessions, public hearings, county board meetings. All I found were plant owners and politicians blaming one another for the pollution. It was appalling and a waste of time."

In view of the need for regional control and the improbability of voluntary regional action ever being taken, the federal government's Air Quality Act of 1967 appears to make some sense, though it leaves much room for delay. The spirit is one of assistance to the states, with the provisions for federal enforcement underplayed. The government provides financial aid in return for the states' cleaning their own air. "We see very little reason why the states would not comply," says Charles C. Johnson Jr., administrator of the Consumer Protection and Environmental Health Service of HEW.

The law calls on HEW to designate "air quality regions." Thus far, there are 13—the metropolitan areas of Washington, D.C.; New York, Philadelphia, Boston, Chicago, Cincinnati, St. Louis, Cleveland, Denver, Buffalo, San Francisco, Pittsburgh, and Los Angeles. By next summer, the department expects to have specified a total of 57 such regions, encompassing at least a portion of all 50 states. All states thus far designated have registered their intent to comply, Johnson is pleased to point out. But even in those states, according to one HEW spokesman, "implementation is a long way off yet."

At the same time, HEW is required to publish air quality criteria, stating the known effects of a pollutant or group of pollutants, and it is on these criteria that states are required to base their air quality standards. Two such documents—on sulfuroxides and particulate matter—have been published to date. Others will cover carbon monoxide, nitrogen oxides, photoreactive compounds, and lead and fluorides.

For their part, the designated states have three months to file notice of intent to establish standards, six months to hold public hearings and complete the setting of standards, and another six months to develop implementation plans. The final plans, along with a timetable for implementation and a plan for meeting an air pollution emergency, must be submitted to HEW for review.

If a state fails in its obligation, the federal government is required, "not just permitted, required," stresses Johnson, "to move in and set standards—to do what the state should have done."

The "crucial phase of the act's implementation," according to Dr. John T. Middleton, commissioner of the National Air Pollution Control Administration, is the public hearings required of each state as part of its standard-setting process. Dr. Middleton has insisted repeatedly that states publicize their hearings so that "all segments of the community can be heard." No federal official would put it this way, but without large-scale publicity the air quality hearings could become mutual back-scratching sessions between government, industry, and utilities. The AMA and HEW are urging medical organizations to use the public hearings to see that the health of the community is the prime consideration in the setting of standards.

"Presenting a united medical front to local officials can be very effective," says internist Goldsmith. But speaking before the AMA Air Pollution Medical Research Conference, he questioned whether "most medical societies know which are the priority goals for their local control programs," and whether "most of the air pollution control programs know what are the major air quality-related complaints of patients to their physicians."

Once a society is involved, the physicians may properly seek regulations that go beyond rigorous scientific proof, Dr. Goldsmith believes. As an example, he cites an ordinance which requires that schoolchildren skip periods of outdoor recreation when pollution is high. "One may not be able to support such a restriction scientifically, but you have to admit it's a sound idea," he says.

And the physician may well be a polluter himself. According to an editorial in *Massachusetts Physician:* "The time has come when even you as a single individual must give second thought to the air pollution problem. If you contribute toward it through a poorly burning home heating system or by driving a car which unnecessarily discharges fumes, by burning leaves, garden debris, household trash, you must realize that your actions are causing pollution. Remember that every bit of contamination pitched up into the atmosphere will surely return—often to our sorrow."

All physicians—concerned and unconcerned alike—breathe the same air. Annually, the nation's air contains an estimated 143 million tons of pollutants.

In the atmosphere the substances, listed in the box on page 22, mix and react, influenced by solar radiation, conduction, convection, wind, temperature, and moisture, to form a confounding array of pollutants. In combination, they have a far greater potential for causing bronchopulmonary morbidity than any single substance acting alone. And some investigators fear the atmosphere incest may be creating combinations that are not even known.

The omnipresence and diversity of pollutants caused Dr. Barry Commoner, Washington University's eminent cell physiologist turned environmental biologist, to remark: "The new technological man carries strontium-90 in his bones, iodine-131 in his thyroid, DDT in his fat, and asbestos in his lungs." To the latter, of course, he could have added several score of substances which are largely the result of energy conversion processes—for transportation, electrical generation, manufacturing, and space heating. The by-products of these processes are part of the whole issue of the terrestrial ecology now unbalanced by a single species currently widespread on the planet—the perhaps misnamed *Homo sapiens*.

Two factors—increasing population and increasing urbanization—are widening the imbalance. In the U.S. alone, the population is expected to reach 338 million by the turn of the millennium, just over three decades from now.

Even assuming that Earth's resources (natural and recycled) can meet the demands of increasing population, planners are asking if the by-products can be managed so that people can enjoy a livable environment. Dr. Middleton points to the "very real danger that the progress we make through application of control technology will be outstripped by the sheer growth of the air pollution problem." Numbers alone could cancel out any technologic gains in the control of pollutants.

The technology for control of air pollution exists right now. Generally it can be invoked by (1) altering the composition of fuel, (2) altering the mechanics of combustion, (3) removing the by-products by mechanical or biochemical means before emission, or (4) stopping the process temporarily or permanently.

But control agencies, short of personnel and punch, are finding it difficult to enforce those antipollution regulations that are already on the books. Besides, combating pollution means running head-on into public utilities, large industries, and even the municipal agencies themselves—something that elected officials and job holders don't relish. The vested interests, on the other hand, can frequently secure "extensions" of compliance deadlines or "deferred enforcement" of pollution reduction programs. And for a corporation of any size, the small fines levied so far seldom make a dent in one day's profit.

Consultant Reilly claims that "any problem can be solved with money invested in the proper way. If you don't believe that," he adds, "look at the moon landing. Fantastic!" So far, at least, Americans believe that continuing the war in Vietnam, the space program, and producing excessive military weapons are more important than preservation of the natural environment and of human health. This may change, but it probably won't unless physicians play a leading role in changing public opinion.

Meanwhile, someone has to treat the illnesses of the "new technological man" in his new environment. Speaking as an engineer, Pollution Control Director Stanley says: "We need a new kind of doctor, an environmentalist or super general practitioner who can evaluate the total environment and its effect on human beings. As an ideal example, look at the space program in which a total environment has to be designed, manufactured, lived in, and evalulated. The doctors did a beautiful job. More than that, they were part of a group effort with engineers, physicists, chemists, meteorologists—everybody." He foresees "a doctor who can interpret the effects of human beings living in the microecology of the city—an environment of high-people density and high-energy usage. I'm no medic," he adds, "but this seems to be a tremendous challenge for the young doctor." He has sensed a change in emphasis that is currently being debated in medicine itself.

Dr. Carnow puts it another way: "Medicine has been preoccupied with biologic factors. We're just now beginning to realize that physical, chemical, nutritional, and other environmental factors have a major involvement in disease. After all, the major causes of death today are not biologic in origin. Medicine has to tell politicians, engineers, and scientists the consequences of their actions."

Implications of this shift are cropping up throughout the profession. The University of Texas Medical School at San Antonio has a "human ecology" program which requires that each first-year student spend about 60 hours working with various community social agencies. A Ph.D.-level program for the "environmentalist" is being carried on at the University of California in Berkeley. "Environtology" will help fill the void "which traditional public health has not filled satisfactorily," according to the school. At the University of Illinois, Dr. Carnow has medical students working on noise, air, and industrial pollution and hopes to set up an environmental medicine division within the department of preventive medicine.

A new emphasis is also being sought in medical societies. At the recent American College of Cardiology meeting, the "new breed of doctor" was also called for by William B. Kannel, medical director of the Framingham, Mass., study (MWN, April 11). "He will know that he must learn how to work with environmental specialists—the men who legislate mandatory smallpox vaccinations, build good sewers, and add vitamins to their milk—not just with other doctors."

Whether physicians can cope with dirty air and the other health-reducing features of mankind's new environment is only part of the problem. The larger question is whether people can cope with the new environment, which has come far too explosively for the generations to adjust. The physician may understand the interrelationship of environment and health thoroughly, but his judgment and caution may often run counter to the desires of formidable organizations of technologists, archaic political institutions, entrenched vested interests, and public apathy. Maybe the new environment is not made for people.

THE POISONS WE BREATHE EVERY DAY

Sulfur oxides. Produced mainly by combustion of fuels. Form sulfurous acid, which joins easily with oxygen to become sulfuric

acid. By another route, sulfur dioxide cohabits with oxygen to become sulfur trioxide, which can build up, react with water vapor, and become sulfuric acid.

Carbon. Also emitted from fuel combustion, soot is one of the few pollutants that calls the eye's attention to the air pollution problem as it covers a snowfall, forms deposits on windowsills, and eats into porcelain. Besides being unsightly, soot can carry carcinogenic hydrocarbons beyond the lung's mucociliary lining.

Carbon monoxide. Reaches the highest relative concentrations of any gaseous pollutant in the urban atmosphere. Carbon monoxide levels in the blood of drivers involved in accidents are being studied.

Carbon dioxide. Admits radiant heat from the sun and keeps convection heat close to the surface—the so-called greenhouse effect. At the present rate of increase of natural carbon in the earth's atmosphere (estimated at six billion tons per year), Lord Ritchie-Calder suggests that the mean annual temperature of the earth "might increase by 5.8°F in the next 40 to 50 years.

Hydrocarbons. Found in petroleum, natural gas, and coal. Two groups, olefins and aromatics, are important contributors to air pollution. One aromatic, benzo(a)pyrene, is a carcinogen in lab animals.

Nitrogen oxides. Free nitrogen comprises 78% of the natural atmosphere, but two "unnatural" compounds of nitrogen, the oxides—nitric oxide and nitrogen dioxide—are considered pollutants. Among the hazards: pollution of surface waters, with disruption of their self-purification mechanism, and potential toxicity to human beings through ingestion of nitrates, their conversion to nitrites by intestinal bacteria, and the consequent methemoglobinemia.

Miscellaneous pollutants. Fluorides, oxidants, ozone, peroxyacetylnitrate, aldehydes, lead, beryllium, arsenic, asbestos, plus pesticides, fungicides, and herbicides containing varying amounts of kerosene, sulfur, copper sulfate, cyanide.

THE PETROLEUM SITUATION

Mr. HANSEN. Mr. President, I call the attention of the Senate to an article published in the July issue of the Chase Manhattan Bank publication entitled the Petroleum Situation.

The article calls attention to the fact that the United States is gradually losing its ability to meet the petroleum needs of this Nation. The loss of our self-sufficiency over the past decade is reflected in the fact that the United States now relies upon imports for nearly one-fourth of its needs. At the same time the situation in areas of the world traditionally relied upon by the United States to supply its foreign oil has deteriorated to the point where the United States cannot realistically rely on these areas to supply a large percentage of our oil needs.

The points raised in the article should seriously be considered by the Members of this body before we take action to eliminate provisions of the law which have been used to provide the incentive and ability to spend the capital necessary to maintain a healthy domestic petroleum industry and meet the needs of the American public for this vital energy resource.

Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "Can't We Ever Learn?" published in the Petroleum Situation.

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

CAN'T WE EVER LEARN?

Last year the United States consumed 50 percent more oil than the domestic petroleum industry added to its proved reserves. It was not the first time the industry has been unable to keep pace with the nation's growing needs. Indeed, 1968 was the ninth consecutive year in which reserve additions of crude oil and other petroleum liquids were below the level of consumption. For the entire nine year period, the new reserves represented little more than four-fifths of the accumulated consumption in that time.

Ideally, the new reserves added each year should not only match consumption but should exceed it. Proved reserves are in the nature of underground inventories. And, as such, they should expand in reasonable proportion to the growth of market demand—if the market's needs are to be fully and continuously accommodated. If that goal had been achieved over the past nine years, the petroleum industry would have had to find 1.4 barrels of proved reserves for each barrel consumed instead of the 0.8 barrel it actually did find. In other words, it should have discovered a total of 51 billion barrels in the nine year period—two-thirds more than the 30 billion actually found.

It is not absolutely essential, of course, that the ideal situation be achieved. To a degree, the nation's domestic reserves can be supplemented with oil imported from foreign sources. And the United States now relies upon imports for nearly one-fourth of its needs. But the nation would incur a very grave risk indeed if it became heavily dependent upon outside sources. As the record forcefully demonstrates, reason does not prevail throughout the world. And there is no real assurance that oil from abroad would be continuously and fully available. The economy of the United States is much too dependent upon oil to tolerate an inadequate supply. And in the unfortunate event of another international war the nation's position would be perilous if it had to rely upon a high proportion of imported oil. Prudence and common sense, therefore, require that the nation remain largely self-sufficient.

But it won't be for much longer, if the trend of the past nine years continues. By 1980, the annual consumption of oil products in the United States is expected to reach 19 million barrels per day—nearly 50 percent more than 13 million a day consumed in 1968. Between 1968 and 1980, the accumulated consumption is expected to amount to 70 billion barrels. If the United States is to maintain a minimum safe inventory of proved reserves and not become more dependent upon outside sources than it now is—obviously a desirable goal from the standpoint of the nation's well-being—the domestic petroleum industry will need to find and develop a total of 87 billion barrels between 1968 and 1980. Against that requirement, the recently reported discoveries in Alaska do not loom large—and we should be mindful that they are not yet in the category of proved reserves.

To find such a tremendous amount of oil will require an equally enormous capital expenditure. For the past two decades there has been a consistent relationship between the amount of money spent in the search for oil and natural gas and the proved reserves actually found. And if this relationship continues, the petroleum industry will need to spend approximately 116 billion dollars to find and develop 87 billion barrels of oil. That would necessitate an average outlay of 9.7 billion dollars a year between 1968 and 1980—well over twice as much as the industry has been spending in recent years.

In the past nine years—the period during which domestic reserve additions were less than consumption—the petroleum industry spent as much as 40 billion dollars trying to find and develop new sources of petroleum in the United States. By any standard, that was a huge financial effort. But, obviously, it was not enough. To have found sufficient oil to match market needs and maintain a satisfactory level of proved reserves, a capital expenditure of about 68 billion dollars would have been required—70 percent more than was actually spent. Why—if there was a need—did the industry fail to spend that much? The answer hinges primarily upon two factors: (1) the incentive to spend, and (2) the ability to spend.

Insofar as the search for oil and natural gas in the United States is concerned, the petroleum industry may be divided into two basic groups—the major companies and the independent producers. For a decade following World War II, both groups spent nearly identical amounts of money. And they both increased their levels of spending year after year, keeping pace with market expansion. By the mid-fifties, each group was spending approximately 2.5 billion dollars a year—more than three times as much as they were a decade earlier. But since that time, their pattern of capital spending has changed to a marked degree. The major companies have sharply curtailed the rate of growth of their expenditures. And the independent producers have progressively reduced their annual outlay. Currently, the independents are spending only half as much as they were a dozen years ago.

These developments provide clear evidence of damage to the incentive to spend. Obviously, if the rate of return on their investment had been more attractive relative to other investment opportunities both groups would have spent more than they did in their search for additional domestic reserves of oil and natural gas.

But neither group had financial resources sufficient to support a fully adequate expenditure. The petroleum industry is far more capital intensive than most others. And the scope of its activities creates vast capital needs. It is also an industry whose operations involve a substantially higher degree of risk than most others. And, for that reason, it has had to generate most of the funds for its capital and other financial requirements from its operations. Historically, about 45 percent of the money needed has been derived from net earnings, another 45 percent from the various provisions for capital recovery, and only 10 percent from the capital markets. But in recent years the industry has been unable to generate enough from operations and has had to depend much more heavily upon borrowed capital. Currently, its use of borrowed funds is well over twice as large as the historical proportion. Had the industry chosen to spend all the money required to maintain a satisfactory level of proved reserves over the past nine years, it would have been forced to borrow far more than it actually did. And we must be mindful, of course, that all borrowed capital eventually must be repaid with funds generated from operations.

Clearly, the availability of sufficient petroleum from domestic sources is vital to the welfare of the United States. And, obviously, if the petroleum industry is to satisfy the nation's needs and also maintain a safe margin of proved reserves, it must have enough capital to perform that function. It must also have sufficient incentive to use its capital for that purpose. In the face of these demonstrated needs, it would be logical to think that nothing would be done to prevent the industry from accomplishing its essential purpose. Yet, incredible as it may seem, obstacles are indeed placed in the industry's way.

For the last decade and a half, the industry's generation of capital funds has been severely limited by governmental regulation of the price of natural gas. Carried on without sufficient regard for economic and competitive circumstances, the regulation forces the industry to accept a price for gas that is much too low. Since various oil products must compete in the market with the low priced gas, their prices are indirectly affected

also by the regulation. These circumstances limited both the generation of capital and the incentive to invest the funds that actually were available. Significantly, the cutback of capital spending devoted to the search for new oil and gas reserves was initated shortly after the imposition of the price control. And, as a result, the nation is now faced with a shortage of both oil and natural gas. How, we might wonder, could anyone ever have believed the United States could continue to have adequate supplies of oil and natural gas, if the petroleum industry were denied sufficient funds to search for them? Yet, that denial has persisted, despite repeated warnings of the consequences.

And there exists today a situation that demonstrates further how poorly the lesson has been learned. As noted earlier, the petroleum industry derives a large proportion of its capital funds from the various provisions for capital recovery. Together, amortization, depreciation, depletion, etc. rank equally with net income as a source of capital. Until recently, they satisfied as much as 45 percent of the industry's over-all financial needs. All private industries, of course, have provisions for capital recovery—otherwise, they could not survive. But they all do not have the same provisions. A factory or a piece of machinery can be depreciated over its lifetime. And when they are worn out, they can be replaced. But when oil and natural gas have been extracted from the earth and consumed they cannot be replaced—new sources must be found instead. And that can be an exceedingly costly and risky undertaking. The record abundantly demonstrates that vast sums of money can be spent without any oil or gas being found. Since, in fact, the production of oil and gas represents a depletion of its capital assets, the petroleum industry is permitted by law to recover a portion of this capital by means of a depletion allowance.

This procedure, however, has been subjected to increasing attack. And there are mounting demands that the allowance be reduced or eliminated. Some of the attacks obviously are politically motivated. But there is also criticism that reflects a lack of understanding of the true role played by the depletion allowance. There is a failure to recognize that the allowance applies only to revenue generated by the industry's successful producing properties—and the benefits derived do not offset the large sums spent on the search for petroleum that proves unsuccessful. Most often, the allowance is labeled by its critics as a tax loophole—conveying the impression that the money thus obtained is utilized for some nonessential purpose. But regardless of what its detractors choose to call it, the depletion allowance is today what it always has been—a source of capital. And if that source is reduced or eliminated, it must be replaced by another.

There is only one practical alternate source. If, for example, the industry's generation of capital funds were reduced 10 percent by a change in the depletion allowance, net income would have to be increased by an equal amount. And that could be achieved only with an increase in gross revenue—which, of course, would necessitate higher prices for petroleum products. Thus, a cut in the depletion allowance would, for all practical purposes, be the equivalent of a tax increase to consumers. And, as such, it would carry all the inflationary force of any other rise in their costs.

Clearly, a reduction in the depletion allowance—or any of the other provisions for capital recovery—would not be in the best interests of the United States. The nation's dependence upon petroleum, its tremendous needs, the vast amount of capital required by the petroleum industry to satisfy those needs, the industry's decreasing ability to generate enough capital and mounting dependence upon borrowed funds, and the developing shortage of both oil and natural gas are all reasons why such an action would be ill advised. Rather than inhibit the generation of capital and thereby discourage its use, the interests of the United States would be far better served by positive actions designed to achieve the opposite results. If we are to have enough oil and gas, we have to pay enough for them—and there simply is no other way. Why is that elementary fact so difficult to understand?

RECREATIONAL OPPORTUNITIES AROUND THE AMISTAD RESERVOIR

Mr. YARBOROUGH. Mr. President, I recently introduced a bill, S. 2627, to create a national recreation area on the lake now filling behind the Amistad Dam on the Rio Grande near Del Rio, Tex.

As I said when I introduced the bill, it is estimated that more than 2 million people would visit such a recreation area by 1972. Within a 250 mile radius of this site over 2⅓ million people make their homes. On December 3, 1966, President Johnson said at the dam construction site:

Looking into the future—we will see millions of farmers and townspeople on both sides of this great river enjoying the protection which this great dam will afford and the resources and recreatiton which this great lake will provide.

On September 8, 1969, President Nixon and President Diaz Ordaz of Mexico will dedicate the Amistad Dam. I am honored by the President's invitation to accompany him to this ceremony.

Although the lake behind the Amistad Dam has been filling for only a year now, it already covers some 40 square miles. It will grow even larger and will eventually be more extensive than even the Falcon Reservoir, located further down the Rio Grande.

I have been seeking the approval of an Amistad national recreation area since June 21, 1965, when I introduced S. 2168 in the 89th Congress. In August 1966, the Department of the Interior issued a formal report endorsing the project. I hope that this year Congress will see fit to enact it into law.

The San Antonio Light recently published an excellent article about the outstanding recreational opportunities which this lake will afford. The article makes clear the need for passage of my bill.

Mr. President, I ask unanimous consent that the article entitled "Area To Be One of Most Spectacular Recreation Sites in State," published in the San Antonio Light of August 11, 1969, be printed in the RECORD.

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

AREA TO BE ONE OF MOST SPECTACULAR RECREATION SITES IN STATE

(By Susan Bauernfeind)

If you got it (a boat), float it!

Or, to put it another way, "Go West, young man."

West is Del Rio. West also is Amistad Dam. And reservoir. And lake.

In the West, Del Rio area, is rising one of the most spectacular recreation sites ever to hit the shores of Texas.

Prior to the building of the Amistad Dam, the banks of the muddy Rio Grande that divide Del Rio from its sister Mexican city, Ciudad Acuna, could hardly have been called shores.

Today, with the lake approximately one-third full and gentle cactus-covered hills quickly disappearing under cool, clear water, the reservoir has all the dignity of a full-fledged lake—with shores.

The fact that gentle hills are still in the process of being submerged doesn't mean the lake is shallow, or small or, muddy.

At the dam site, the water currently measures 164 feet. In other places, it may be 70, 80, or 50 feet deep.

Waters, impounded for just a little over a year, already cover about 40-square miles. Near the dam is the confluence of the Rio Grande and the Devil's River, now running tributaries under the lake.

Further upstream are the Pecos and Conchos Rivers being the principal source of the water now in the lake.

It is rare in this country of water pollution that man is given a new chance with a brand new body of water. This is the case with Amistad. Its water is pure and an enlightened nation and determined National Park Service are going to keep it that way.

Currently, the National Park Service, under an interim agreement with the International Boundary and Water Commission, has responsibility for the reservoir and its surrounding areas.

Bills have been introduced by Sen. Ralph W. Yarborough and Congressman O. C. Fisher to make the arrangement permanent. "Chances are favorable," it will pass, Fisher said.

BEING STUDIED

The House bill is being studied by the Department of the Interior and the Bureau of the Budget. The State Department already has given its stamp of approval.

"Amistad," said Fisher, "is going to be one of the most attractive recreation areas in the United States."

Those who have been there know the potential of the area. They also know that even with only a fraction of the planned development completed, it is the place to be now.

Vacationers, who in the past hauled their boats to other parts of Texas, are heading West this summer and sliding their crafts into Amistad off one of the two completed 1,600-foot ramps.

It's a strange sight to many Del Rioans who remember the days when a boat hitch on a car was a rarity in that area.

What is really strange, though, is standing on a cactus-covered hill, surrounded by more rocky, desert hills, and gazing onto a sun-glittered lake, there for the taking.

It nearly approaches sensations of a mirage.

But, mirage it is not. Amistad and Del Rio have, right now all that it takes to make a vacation fun and full.

TWO PUMPS

At this lake itself, there are the two immense boat ramps where several hundred craft are being launched each weekend.

One is located at Diablo East, adjacent to the new U.S. Highway 90 bridge over Devil's River, and about 10 miles west of Del Rio.

The second is at Rough Canyon, up the Devil's River arm and about 22 miles from Del Rio.

While the road to Diablo East is paved right to the water's edge, the one at Rough Canyon is not. Still, numerous visitors make the trip over the 7.2 miles of dirt road to get to the ramp.

At both sites there are primitive camping grounds with picnic tables, water, and garbage and waste disposal units. A few hundred feet down, there is a concession-operated shop selling fishing equipment, marina gas and oil, snacks and drinks and anything else needed for a day's outing on the lake.

(Non-out-doorsmen will find plenty of sleeping and eating accommodations in the town of Del Rio and on the road leading out to the dam.)

RENTS BOATS

The concession also rents outboard motor boats at a cost of $17 per 24-hour period, and sailboats for a lesser amount.

For those who plan to stay a long time, boat slips at a per-foot rate are available in the harbors.

Just recently added at Diablo East was a 40' by 60' floating fuel dock. Another will be installed later at Rough Canyon.

No swimming beaches as such have been set aside by the park service. However, as the rangers explain, there is plenty of good swimming off boats and many of the small islands (actually the tops of submerged hills) will provide quite good, though somewhat rocky, beaches.

Fishing has been average with promise of excellent catches to come.

The Texas Parks and Wildlife Service, in coordination with federal entries, has stocked the lake with close to four million channel cat and large mouth bass with 100 croppies, North American sunfish, thrown in for good measure.

Some of the hottest summer weather in the country comes out of West Texas. Temperatures in the 100-degree-plus range are not unusual. However, the heat is dry and breezes off the lake will cool those visiting boaters and fishermen not used to it.

MANY BELIEVE

Many believe the ever-expanding lake eventually will bring the climate to a more moderate level.

Here is a picture of what Amistad will be a few years from now. The National Park Service has a five-year development program at a projected cost of $14 million.

"The park service will be developing the sites as fast as they can," Frederick V. Vest, a chief ranger, said. Superintendent of parks for the National Parks Board at the lake is Coleman Newman.

A total of six sites are in the plans, encompassing some 3,600 acres. The remaining 61,400 acres, including the water surface acreage, of the national park land will remain undeveloped, public and unspoiled.

Planned for Diablo East, specifically, are an 18-hole golf course, a 550-unit campground, an olympic-size pool, dry storage for 400 boats, a 150-unit motel, a 40-site walk-in campground, picnic shelters and the headquarters buildings of the park service.

Other sites will be developed according to location and size, and with any luck at all, much of the development should be well on its way by 1972.

SAFETY FIRST

One special program the park service has in mind is "environmental education," trips to some of the ancient Indian pictographs located in caves that will be accessible by boat, campfire sessions devoted to the area's flora and fauna, and historical and nature trail trips.

Above all, special emphasis will be put on safety. Since the reservoir is considered "navigable," U.S. Coast Guard boating regulations apply.

Park service rangers patrolling on the lake spot check boats for safety equipment and keep a close watch for boaters who might be in trouble.

Not a single life has been lost in a boating accident.

At the moment, and likely to continue, a "no fee" system exists for usage of all national park facilities. Controlled prices are and will be in effect at concession-operated facilities.

"In other words," said Vest, "if you live in San Antonio or anywhere, and you want to come down for a weekend camping trip on the lake, and if you have your own boat and facilities, you can come in, launch your boat, park your trailer, go up the lake, camp on shore, load your boat and leave, and it won't cost you a cent."

DEATH OF HO CHI MINH AND A CEASE-FIRE IN VIETNAM

Mr. NELSON. Mr. President, the death of President Ho Chi Minh has signaled the call by the North Vietnamese for a 3-day truce in the Vietnam war while the North Vietnamese mourn their leader.

It seems to me that this is an excellent opportunity for the President of the United States to call for a total cease-fire to stop the senseless waste of human lives in a war that measures victories on the basis of body counts. It has been a war of no strategic victories with troops fighting up and down hills and in and out of swamps and rice paddies with a continuous loss of lives—and no end is in sight.

Americans, South Vietnamese, and North Vietnamese men are being killed in staggering totals. From January 1, 1961, to August 30, 1969, some 38,313 Americans were killed and 244,592 wounded. On the other side, it has been estimated that more than 500,000 men have died with countless others wounded. In the last week alone, 185 American boys died in combat and more than 1,000 were wounded.

There is no rational reason to perpetuate this senseless loss of human lives for some vague goals yet to be spelled out to the American people. We should take steps immediately to take advantage of this new opportunity for peace during the 3-day truce and call for an indefinite cease-fire to give both sides the opportunity to seriously talk peace.

It should be made clear to our commanders in the field that we will observe the truce and that American troops will not provoke incidents and will not fire unless fired upon.

Concerned Americans have been calling for an end to this senseless war. We have missed countless opportunities for peace in the past. We cannot afford to allow this new opportunity to pass.

In addition to all the human tragedy this war has brought to everyone involved, it has also threatened the economic stability of this country and twisted the national priorities. A war that is costing nearly $30 billion this year has raised taxes and decreased the value of the purchasing dollar. Solution of our economic crisis is not to be found in the cutting back of our public works programs, halting of spending for new schools and highways, continuing the surtax and limiting such vital domestic programs as those that deal with the urban crisis, pollution, poverty, hunger, and education. The answer is in stopping the war.

In 1965, I opposed increasing our military commitment in South Vietnam and voted against the appropriations bill. Early last year I proposed a three-point plan to end the war. It included total ceasefire free elections, and withdrawal of troops.

I said then that we should propose that there be no further troop movements and that neither would seek strategic advantage through the occupation of additional territory. There should be international supervision of the cease-fire, both on the ground and in the air.

This would stop the fighting and the killing and prevent any further escalation of the war. It would create a climate for constructive negotiations.

Second, we should propose self-determination for the South Vietnamese through the ballot box.

Elections should be held over a period of time, province by province. We should agree on the first province, and then propose that our troops withdraw from that province and the Vietcong stop its insurgency there. The elections should be supervised by the United Nations or other acceptable international authority.

Whoever wins the election should govern that province. Over a period of a year or so, we could have elections in each province. Then there should be a national election.

Finally, North Vietnam and the United States should agree upon a date for complete withdrawal of all their combat troops, with the peace indefinitely supervised by international authority.

This is a fair proposal that no country in the world could legitimately quarrel about.

It makes it clear that we favor self-determination, and it ultimately turns the control of the country over to the Vietnamese where it belongs.

THE SCHWEIKER AMENDMENT ADVANCES CONGRESSIONAL OVERSIGHT OF DEFENSE CONTRACTS

Mr. MATHIAS. Mr. President, I was pleased to join the junior Senator from Pennsylvania (Mr. SCHWEIKER), as a cosponsor of his amendment to require periodic GAO audits of major defense contracts. As the Baltimore Sun noted, Senate adoption of this amendment expressed the conviction that—

> Congress must assert its own authority—indeed, its responsibility—in the making of defense policy and in the supervision of defense spending.

More effective oversight of defense spending, as the Schweiker amendment would provide, is essential to any broad review of our budgetary commitments and national priorities. The sense of congressional initiative and self-assertion so evident in our debates this year is, in my judgment, very healthy and constructve.

I believe the Senator from Pennsylvania merits our congratulations for the hard work which secured approval of this important amendment. His efforts on this project, on reform of the draft, and on other fronts show that he has the perception and energy to make great contributions to the Senate and the Nation.

I ask unanimous consent that the editorial published in the Baltimore Sun on August 9, 1969, be printed in the RECORD.

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

DEFENSE CONTROLS

The approval by the Senate of a defense bill amendment which would make major military contracts subject to audit by the General Accounting Office, an agency of Congress, must be considered as part of the ABM

debate. It adds up to a declaration by a substantial number of senators—drawn from both political parties—that from now on a tighter congressional control will be applied to military spending. In the case of the ABM, 50 senators voted against the Safeguard deployment plan of the Nixon administration. The administration was upheld in the Safeguard case, but it should be noted that the President had himself modified the ABM plan of the Johnson administration and that the administration victory in the Senate was by the narrowest possible margin.

The long debate and the close vote on the ABM were significant moves in the relationship between the President and Congress; for the first time since the end of World War II a branch of Congress had thoroughly debated and only narrowly approved an important new military program. Up until now, speedy congressional approval of comparable programs had been taken for granted.

The amendment calling for GAO audits of big military contracts was sponsored by Senator Schweiker (R., Pa.), one of the group of new Republicans who had voted against Mr. Nixon on the ABM. Mr. Schweiker's amendment was approved by a vote of 47–46. It indicated the feeling, expressed by opponents of the ABM, that Congress must assert its own authority—indeed, its responsibility—in the making of defense policy and in the supervision of defense spending. This is as it should be.

EDUCATION—THE PRIME NEED OF SPANISH-SPEAKING AMERICANS

Mr. YARBOROUGH. Mr. President, as Congress reconvenes, one of its legislative priorities is Senate action on appropriations for education. This makes it an appropriate time to make available to Senators a thought-provoking article entitled "Education Called Biggest Problem of Poor Chicano" written by Richard Beene of the Associated Press and published in the Houston Chronicle of August 17, 1969.

For the American child of Spanish-speaking heritage, the language difference that prevents him from absorbing the education of which he is capable is the least justified of all the differences that have held back this group of Americans from their rightful gains in American society. There is no justification for the figures showing that nationally, Mexican-Americans have an average school education of 8 years, compared to 12 years for Anglo-Americans. The figure compiled in Texas by the Texas Education Agency shows that children of Mexican-American background in Texas stay in school only 4.6 years, compared to 11.5 years for children of Anglo background. By every measure, the language barrier is the largest single factor in this high dropout rate.

Congress took the first step to attack this education deficiency when it adopted my Bilingual Education Act in 1967. Under that act, we authorized $40 million to be spent in fiscal year 1970 so local school districts can teach these children in a language they already understand, as well as in English. The budget before us asks for only $10 million for the program.

This ably written article describing the problems of this group of Americans, is an eloquent case for full funding of bilingual education. I ask unanimous consent that it be printed in the RECORD.

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

EDUCATION CALLED BIGGEST PROBLEM OF POOR CHICANO

(By Richard Beene)

Lupe Chavez squinted in the New Mexico sun at the dirt road, stagnant drainage ditch and ramshackle homes that she and her children know so well.

A breeze came to life. Puffs of dust and the stench of sewage drifted toward her.

She shook her head in disgust and a black strand of hair fell across her face. "I know one thing," she said, "I don't want to live this way all my life."

Lupe, 26, had voiced softly the complaint by a growing number of her fellow Mexican-Americans throughout the Southwest, who shout they are fed up with being second class citizens and demand Brown Power.

FIVE MILLION IN UNITED STATES

An estimated five million Mexican-Americans live in the vast Southwest. Poverty war officials, researchers and Mexican-American leaders say Lupe's plight is a way of life for most of her race. They are the second largest minority in the nation.

Lupe lives in one of Albuquerque's poorest "barrios" neighborhoods. Outdoor toilets and wood stoves are common. Houses are a slapped-together jumble of boards, tin and cement.

For Lupe and her three dust-streaked little boys, virtually every meal is the same: beans, rice, "meat when you can afford it," surplus peanut butter, flour tortillas.

MOST LIVE IN CITIES

Like Lupe, about 80 percent of the "Chicanos," as they often call themselves, live in the cities, with the heaviest concentrations in Los Angeles and San Antonio, "The Mexican-American capitals."

Their problems are countless, but the biggest is lack of education. The average Mexican-American has just eight years of schooling, compared to 12 for Anglo-Americans.

Only the American Indian is said to be lower in education.

Witnesses told a U.S. Civil Rights Commission hearing that most Chicanos automatically assume they won't be able to attend college. "From the beginning," said one high school senior, tears in her eyes, "we're taught that this is an impossible dream."

SURVEY MADE

Dr. Leo Grebler of the University of California at Los Angeles, who directed a lengthy survey of Mexican-Americans, blames their high dropout rate on school systems that he claims alienate the Chicano while concentrating on white pupils.

A common complaint is that Mexican-Americans are forced into vocational classes and that school systems promote shop courses for Chicanos rather than upgrade the curriculum.

Texas State Rep. Joe Bernal, a former teacher, charges that vocational classes for Mexican-Americans in his state are grossly inferior. "They graduate from high school making bookends," he says, "but they don't have a saleable skill."

WINNING ACCEPTANCE

The root of Mexican-American problems, however, goes deeper than poverty or lack of education. It's a matter of the Chicano winning acceptance, more than mere token recognition, from his fellow Americans—whom he calls Anglos—while still maintaining his own identity as a Mexican-American.

Chicanos want to erase the stereotyped image of the lazy Mexican taking an endless siesta.

For many years, persons who bore Spanish surnames were subject to discrimination and lack of acceptance in areas of the Southwest. While this has diminished considerably, less than six years ago in Crystal City, Texas, 70 percent of the residents were Mexican-Americans but had no representation at a city hall.

TABLES TURNED

Anglo political machinery had controlled the town for 20 years. An intensive voter organization campaign turned the tables.

Until a few months ago Chicanos weren't allowed in Tahoka, Texas, barber shops and in a Marlin, Texas, swimming pool. In both cases, the recently formed Mexican-American Legal Defense Fund of San Antonio applied pressure and won desegregation.

From early childhood, the Mexican-American is faced with trying to strike a happy medium between two cultures.

Fellow Chicanos tell him that if he rejects Mexican American culture and identifies with the Anglo, "he may be considered a traitor to his own ethnic group," says Dr. Manuel Ramirez, a Rice University psychology professor.

ANOTHER MESSAGE

Still another message, Ramirez says, comes from teachers, employers or Anglo friends "who tell him that if he doesn't reject the Mexican-American culture, then he will be unable to reap the educational and economic benefits of the Anglo society."

While many think the Brown Power push was sparked by the Negro upheaval, the majority of the Mexican-Americans contacted in an Associated Press survey of the five-state Southwest say they want no part of the violence that has permeated the Negro cause.

Mexican-American leaders say their problems, culture and even their grievances are different from that of the blacks.

BROWN BERETS

California leaders of the Brown Berets, an activist Chicano youth organization, say they have not aligned themselves with the Negroes—but that they have signed "nonaggression pacts" with militant black factions to avoid clashes between the two groups.

Notably in Texas and California, the young adult Mexican-Americans are more impatient than any other age group.

Some of the younger people warn of violence if the "gringo" white racist establishment doesn't change its views toward the Chicano.

DEMONSTRATIONS STAGED

Within the past two years, Mexican-American youngsters have staged unprecedented high school demonstrations in Los Angeles, Denver, San Antonio and deep South Texas to protest "Anglo-oriented" school systems and to focus national attention on the Brown movement—what they call "La Revolucion."

A look at Mexican-American conditions in the Southwest indicates why a prominent Mexican-American minister, the Rev. Roger Granados, told a San Antonio audience that "as a people, we have come a long way to nowhere."

Deep inside the Texas Gulf Coast city of Corpus Christi, in the barrios that tourists seldom see, there is a saying among Chicanos: "The only way a family can get out of debt here is for their son to get killed in Vietnam, so they can collect on his insurance policy."

ALL SEEK BETTERMENT

Almost without fail, wherever there is a large concentration of Spanish-surnamed people there is an organization dedicated to the betterment of the Chicano.

Among the best known are the American GI Forum and League of United Latin-American Citizens (LULAC).

But young Mexican-Americans say such groups have worked too quietly, too patiently, far too slow.

Popping into public view in the past two years have been young Chicano groups such as the Brown Berets in California and the Mexican-American Youth Organization (MAYO) in Texas. David Sanchez, a handsome, clean-cut young man of 20, is the

founder and "prime minister" of the Berets, headquartered in predominantly Mexican-American East Los Angeles.

HAS 26 CHAPTERS

Sanchez says the Berets have 26 chapters in California, Texas and other states as far east as Michigan. Their aim he says, is to achieve unity among the Chicanos in the arrios and "restore the dignity in our people."

The Texas counterpart to the Brown Berets is MAYO, whose trademarks have become serape jackets and clenched brown fists raised in defiance of the Anglo "establishment."

Like the Brown Berets, MAYO spokesmen say they would resort to violence only in self-defense.

MAYO leaders talk of plans to fight the Chicano problem nonviolently through politics, education and the establishment of Chicano-owned businesses.

FARM WORKERS ORGANIZED

Perhaps the central symbol to thousands in the Brown Power movement is the United Farm Workers Organizing Committee, headed by soft-spoken, sad-faced Cesar Chavez—who once fasted 25 days to dramatize his dedication to nonviolence. Mexican-Americans state flatly there will be no widespread violence from this ethnic group. The younger Chicanos aren't so sure.

"To deny myself the use of violence would be like forming a union without being able to strike," said one young Mexican-American at UCLA. "I'll tell you one thing. If it does come to violence, we won't be destroying our own homes."

A BIG BARRIER

Educators say one big barrier the Mexican-American faces is the English language, particularly in Texas, which has thousands of first and second generation immigrants from Mexico.

Generally, a Chicano child starts the first grade knowing no English at all.

In the past, teachers punished youngsters for speaking Spanish in the classroom and even on the playground. It was officially barred from school in some areas, except in language courses. Texas repealed state public school laws to this effect this year.

Five years ago the San Antonio school district, like others in the Southwest, launched a bilingual education project in elementary schools.

BILINGUAL EDUCATION

"Years ago you couldn't utter one word of Spanish in the schools and you got to thinking your language is no good so you yourself are no good," recalled high school principal Nick Garza, former principal at one of the bilingual project schools in San Antonio.

But with bilingual education, which encourages pupils to become fluent in both languages, "you should see the confidence they have gained," Garza said.

As Garza sees it, the key to solving the Chicano dilemma is educating the young. "I have been of the opinion that whatever good I will be able to do will be through the youngsters rather than the parents and the older people," he said.

Near Garza's desk hangs a poster bearing a photograph of a Mexican-American child. Its caption reads: "He will get ahead, given time—your time."

THE TIME IS NOT NOW—THE TIME WAS LONG AGO

Mr. PROXMIRE. Mr. President, I quote from the preamble of the Charter of the United Nations:

We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal right of men and women and of nations large and small . . .

And for these ends to practice tolerance and live together in peace with one another as good neighbors . . .

Have resolved to combine these efforts to accomplish our aims.

Mr. President, this preamble was codified in June of 1945. To update this statement, the words and the intentions hopefully remain the same, but tragically the numbers change. The scourge of war has hit us as a nation twice since then. It is both practical and easy for us to say—now we must commit ourselves to no more wars and no more strife. More truthfully, the time is not now—the time was long ago. Let us not fall into the fate of entangling ourselves in so many complexities that we leave ourselves paths of escape everywhere and not one path to anywhere.

Again, I repeat, "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal right of men and women and of nations large and small."

Let us take a step, simple as it is, toward this goal by ratifying the Human Rights Convention on Genocide, Political Rights of Women, and Forced Labor.

VICTIM COMPENSATION ENDORSED BY POLICE MAGAZINE

Mr. YARBOROUGH. Mr. President, the concept of compensating victims of crime has long interested me. From my days as a State judge in Texas, I have been puzzled by our legal tradition which provides help only for the criminals after the commission of a crime. Victims are completely ignored and given no help.

My bill S. 9, which is now before the Judiciary Committee, would create a commission to compensate innocent victims of crime in the District of Columbia and certain other federally administered areas.

Recently, Police magazine published a thorough article, ably written by Mr. Gilbert Geis, on victim compensations, to which I invite the attention of the Senate.

I ask unanimous consent that the article, entitled "Compensation for Crime Victims and the Police" published in Police magazine for May–June 1969, be printed in the RECORD.

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

COMPENSATION FOR CRIME VICTIMS AND THE POLICE

(By Gilbert Geis)

Five states of the United States now operate programs to provide money to victims of violent crime or their survivors, and at least a dozen others are contemplating similar programs. For the police, this growing concern with the plight of the victim of crime can be regarded as one of the most encouraging developments in recent years. For one thing, compensation of a victim is invariably tied closely by legislation to the victim's cooperation in reporting the criminal offense promptly and contributing to the fullest possible extent in arriving at a solution. Compensation programs also serve to relieve law enforcement officers of the burden of explaining to crime victims that however much they have suffered, and however extensive have been their financial losses due to an inability to work, or because of medical expenses, there is little or nothing that can be done to assist them. Another encouraging note is that the presently operative victim compensation programs have proven to be particularly helpful to law enforcement officers and their families in providing extra financial benefits to police officers victimized by crimes of violence.

Additional benefits of compensation plans include the fact that they make more obvious to the public the financial cost of criminal activity, and for this reason may lead to greater support for programs of prevention and enforcement. In addition, victim compensation legislation has often been accompanied by or led to the passing of "Good Samaritan" laws which provide financial assistance to persons injured while attempting to prevent a criminal act, or while aiding law enforcement officers in the performance of their duties.[1]

Considerations such as the foregoing have prompted almost universal support of the idea of victim compensation. Some opposition has been based on the possibility of compensation inviting carelessness on the part of potential victims, in the same way that property insurance appears to lead some persons to protect their possessions less well than they might since they know that they will be reimbursed for any loss.[2] While money can be an adequate replacement for most property, however, it rarely soothes altogether the kinds of pain and suffering resulting from crimes of violence, and the idea that possible victims of homicide, rape, and assault will be more negligent when compensation is available seems somewhat far-fetched. Much more common is the view that victim compensation represents a gesture by the state which is worthy of enthusiastic support, since it not only assuages the loss of innocent victims, but is also responsive to some degree to public concern regarding the alleged breakdown in law and order.

Among supporters of the idea of compensation has been the National Association of Chiefs of Police, which at its annual conference in 1966 adopted the following resolution:

In view of the considerable concern for the rights of the criminal defendant expressed in recent rulings of the Supreme Court of the United States and the little concern expressed for the victims of violent crime and their families, the NACP goes on record as advocating that suitable legislation be enacted either in the states or on the federal level to provide for reasonable indemnification to the victims of violent crime and/or their survivors.[3]

In the same vein, the President's Commission on Law Enforcement and Administration of Justice noted in their 1967 report that several victim-compensation bills had been filed in Congress and called for public hearings to "provide a national forum for much needed debate over the philosophy, assumptions, and potential advantages and disadvantages of such programs generally, and the relative merits and design of a program on the Federal level in particular."[4] The report also put on record the following endorsement:

The Commission has been impressed by the consensus among legislators and law enforcement officials that some kind of State compensation for victims of violent crime is desirable. Recent public opinion polls indicate that a considerable majority of the public is in favor of victim compensation. The Commission believes that the general principle of

Footnotes at end of article.

victim compensation, especially to persons who suffer injury in violent crime, is sound and that the experiments now being conducted with different types of compensation programs are valuable.

STATE COMPENSATION PROGRAMS

The first victim compensation program in the United States was inaugurated in California at the beginning of 1966, but its impact was severely limited by a scanty appropriation of $100,000 a year and the locating of the program within the State Department of Social Welfare. Under provisions of the California compensation program, persons could qualify for assistance only if they met the criteria for welfare aid. They were dealt with by social caseworkers and, in general, were treated as if they were charity cases rather than unfortunate and innocent victims of criminal violence.[6] In 1967, because of complaints concerning its welfare focus, the California compensation program was relocated under the Board of Control—the agency charged with adjudicating claims against the state. The program, however, remained fiscally undernourished and patently inadequate.

The New York victim compensation program begun in 1967 was the second such program in the United States, and comes much nearer than the California system to helping the innocent person who suffers a loss as a consequence of a crime of violence. Impetus for passage of the New York act was provided by widespread public agitation following the fatal stabbing of Arthur Collins in New York City during October of 1965. Collins was killed while attempting to eject from a subway a disorderly man who was annoying several women. Collins' demise left his wife and child without any insurance or source of income.

Among persons testifying during public hearings on the New York bill was Arthur Cornelius, Jr., superintendent of the state police, who supported the measure and indicated that "redress should not be left to accidental circumstances stimulating the generous impulses of the public but rather should be a matter of public policy, a matter of equity."[7] Al Scaglione, president of the Police Conference of New York, told the legislative committee that his group favored the state providing free training and rehabilitation for victims of crimes of violence who were unable to continue their usual type of work due to their injuries.

The measure passed by the New York legislature requires that victims must show "serious financial hardship" before they can receive money from the state, but this provision is interpreted as benignly as possible, so that deserving victims will not be denied the help they need. A team of seven investigators examines claims and presents findings to members of the Crime Victims Compensation Board. The New York law provides that no compensation can be given an accomplice of a criminal nor a member of the offender's family. Claims must be filed within ninety days of the crime, and the crime must be reported to the police within 48 hours of its occurrence, though both of these provisions may be waived for sufficient cause. One member of the Board hears the claim, and the victim may appeal to the full Board if he is dissatisfied with the original decision. In addition, the state may appeal to the courts if the Attorney General believes that an award was unreasonably high. To receive compensation the claimant must have suffered an out-of-pocket expense of at least one hundred dollars which is not reimbursed from other sources. Maximum payment is limited to $15,000.

During its first year of operation the New York victim compensation program, operating with a budget of 1.1 million dollars, was bedevilled primarily by its inability to broadcast its existence adequately so that all possible claimants might receive assistance. Leaflets were sent to all hospitals and distributed to every police precinct in the state. Radio and television interviews with successful claimants were also used to spread word of the existence of the compensation program. Of the 149 claims during the year, eighty awards were made with an average of $750 per award. Typical of the awards granted in New York during this period were the following cases:[8]

(1) Female, aged 26, unmarried, school teacher—assaulted by unknown youth in her apartment building. Sustained severe laceration palm of right hand requiring extensive surgery. Confined to two hospitals for eleven days—covered under hospital insurance. Unreimbursed medical $840, and maximum allowable unreimbursed loss of earnings $1,144. Total financial resources $500. Serious financial hardship determined. Awarded $2,280.

(2) Male, aged 47, cab driver, married with two teenage children—assaulted by passenger who refused to pay fare. Received dislocated left shoulder, fracture of left humerus, and body bruises and contusions. Emergency hospital treatment; loss of earnings for forty-five days. Assailant arrested for third degree assault. Compensation for loss of earnings $582.04; out of pocket expenses for medical bills of $30 not covered by insurance. No provocation or serious financial hardship found. Awarded $612.04.

(3) Claimant was assaulted and robbed in apartment house where he lives. Sustained a fractured skull and other serious injuries. Hospitalized for 18 days and disabled for seven weeks and one day. Self-employed and carried no insurance to cover loss of earnings or hospital and dental expenses in the sum of $1,628.85. Operates a grocery store which was closed during the period of disability. Savings of $5,924 held in trust for his daughter to cover the cost of her education. Besides his wife and daughter he has a grown son who is an inmate of a mental institution. Sustained serious financial hardship. Award made in the sum of $2,343.15, covering $714.30 for loss of earnings, and $1,628.85 for hospital and dental expenses. Of this sum, the attorney was awarded $220 for his services.

Stanley L. Van Rensselaer, Chairman of the New York Board and a former Federal Bureau of Investigation agent as well as a onetime member of the State legislature, has indicated his response to the first year of the compensation program:

The need in our society for this Board to compensate innocent victims of crimes of violence has been well shown during the first year. It is true that many of the applications submitted relate to comparatively minor injuries and the compensation award is correspondingly small. However, when one sees the claims filed on behalf of a deceased victim or by a claimant who has been severely and permanently injured as a result of a violent and vicious crime, as well as those claims of the elderly and infirm, no one can fail to feel deeply that a worthwhile program has been established to complete the full administration of justice through the power of this Board to award compensation.[9]

In addition to California and New York, victim compensation schemes have begun recently in three other American states—Maryland, Hawaii, and Massachusetts. Each state has a somewhat different focus. Hawaii, for instance, is the only American jurisdiction that does not require a showing of "hardship" or "need" in order to qualify for an award, thought the legislation, administered by a three-member Criminal Injuries Compensation Commission, declares that the Commission "may consider any circumstances it deems to be relevant" in reaching its decisions. The Hawaii law indicates fifteen crimes which qualify their victims for assistance, whereas most states merely designate the victim of "any" crime of violence as eligible for aid. Hawaii's law further stimulates that a private citizen who incurs injury or property loss in preventing the commission of one of the specified crimes of violence, or in apprehending a person who has committed such a crime, or in materially assisting a peace officer, is eligible for compensation.

The Massachusetts program is unique in that it places the administration of the compensation plan within the judiciary. Victims bring their claim to the district court in the territorial jurisdiction where they reside. The first Massachusetts grant was made on December 9, 1968 to a 17-year-old boy who received $548.60 for expenses incurred from a fractured jaw suffered during a gang attack upon him. His assailants had not been apprehended.

Finally, the Maryland program, signed into law in May, 1968 by the then Governor, Spiro T. Agnew, is modeled on the state's workmen's compensation program. It provides a ceiling of $30,000 for victim compensation, the highest figure in the United States.

Compensation legislation is also pending before the Federal Congress, where a measure authored by Senator Ralph W. Yarborough is in the Senate Judiciary Committee, and nine bills are pending before the Judiciary Committee of the House of Representatives. These measures are restricted to the federal territories and the District of Columbia. At least a dozen states are also considering compensation programs at present. Typical of the law enforcement response to such measures is the testimony of Detective Hugh Langcaskey of the Trenton Police, before the State Senate Committee on Law and Public Safety. "This bill, if it becomes law," said Langcaskey, who is also Vice President of the New Jersey Policeman's Benevolent Association, "will greatly aid law enforcement," and went on to indicate some ways in which he felt the measure might help:

As a police officer myself, I know that quite often I went to the scene of a crime and people were reluctant to tell you anything. They know it means loss of pay while they are at a hearing or at a trial in the county courts. And I also know that many victims of muggings are a little reluctant to tell you. They feel they've only lost a few dollars and they may as well lose that few dollars as get involved in court and lose time off from work.[10]

FOREIGN JURISDICTIONS

With its roots deep in antiquity, public and private compensation of crime victims was abandoned in the Middle Ages when the state took over complete responsibility for criminal prosecutions and state leaders used such prosecutions as a means of replenishing government coffers at the expense of criminal offenders and to the total neglect of their victims.[11] State compensation of crime victims was first reinstituted in New Zealand in 1963. Since that time Great Britain, the Australian state of New South Wales, and the Canadian provinces of Saskatchewan and Newfoundland have also inaugurated compensation systems.

The program in Great Britain, the most comprehensive and far reaching in the world, might be looked at briefly to indicate further characteristics of victim compensation as it bears upon police work. During its first four and one-half years of operation, the British Board made some 10,000 awards, and now operates under a budget of approximately three million dollars per year. Some thirty-three persons have received awards in Britain for injuries sustained while assisting the police, while law enforcement cases involving awards to police officers represent 16 percent of the British Board's total caseload. During the year ending April 1968, the Board received 505 applications from police officers, most of which resulted in cash awards, and

Footnotes at end of article.

supplemented amounts available under regular police assistance programs. It was a law enforcement case, in fact, which resulted in the world's first appellate court decision on victim compensation. The case involved a constable who had suffered blindness in his left eye after being shot in the face by a suspect he was about to question. A few days later, the constable committed suicide. The Compensation Board, charged with subtracting from its awards other monies derived by the claimant from public funds, reduced the widow's benefit by the amount of her police pension. The court upheld this decision,[12] but subsequently a new rule was promulgated for the Compensation Board providing a formula for such cases so that civil servants would not be unduly disadvantaged vis-a-vis other persons who had received monies from other than public sources.

In Britain, the cooperation of the victim with the police is taken into account and is illustrated in the following case where a failure to provide adequate assistance resulted in a denial of compensation:

An applicant, lured from a public house by a woman whom he recognized, was shot in the legs by a gunman he did not see in a dark alleyway, but whose identity he had reason to suspect. When interviewed by a police officer, he said: "You don't expect me to tell you, Guy—you know who it was—I will settle this my own way." The shooting was not the subject of a prosecution, but sometime later, when the woman and the man he suspected had been arrested on other charges, the shooting victim then made a statement to the police. The board decided that the circumstances of the shooting injuries should have been reported to the police without delay—it was *not* the board's concern to consider to what extent, if at all, the applicant's information would have assisted the police.[13]

CONCLUSION

The question of victim compensation, currently under debate in foreign and domestic legislative bodies, is also being considered by the National Commission on the Causes and Prevention of Violence, the group appointed by President Johnson in the wake of the assassination of Senator Robert F. Kennedy. The Commission co-sponsored with the University of Southern California the First International Conference on Compensation to Innocent Victims of Violent Crime, held in Los Angeles in December, 1968. The meeting brought together representatives of the world's compensation systems and offered a range of suggestions for consideration by the Violence Commission, including the following items:

(1) Victim compensation must be regarded as a right for all citizens, and therefore financial hardship or need should be eliminated from all existing and future programs.

(2) The Federal government should adopt a plan for compensating victims of violent crime which will cover all the territories and the District of Columbia. Bills presently before the respective Judiciary Committees should be given open public hearings to determine which proposal will most successfully accomplish this goal.

(3) The Congress and the Department of Justice should give serious and immediate consideration to the matter of providing compensation to all persons physically injured by violators of any Federal Civil Rights legislation.

(4) All future programs adopted to compensate victims of violent crime should be administered by a separate Board which deals exclusively with victim compensation.

(5) Maximum or minimum awards should be left within the discretion of the Board and should not be regulated by statute.

Delegates to the International Conference also heard personal testimony regarding the importance of victim compensation presented by Mrs. Myrlie Evers (widow of Medgar Evers, a slain civil rights leader) who spoke of the circumstances which surrounded her life following the death of her husband.

"We lived with a constant knowledge that this might happen," Mrs. Evers said. "But when the time comes you are totally unprepared for the shock, for the emptiness afterwards. We were fortunate; we had help. We had people who cared." Mrs. Evers told the conference delegates. She spoke on behalf of other victims of violent crime, more anonymous than herself: "My concern," she said in an endorsement of compensation programs, "is with that man, that woman, those children—the ordinary people—who need help in a moment of crisis." She also stressed the value of compensation for young people in a victimized family: "I cannot overemphasize the impact of a crime of violence upon the young people who survive the victim," she noted. "Financial help can save such youngsters for the country, which needs all the talent it can get. Otherwise, the kids grow bitter, grow cruel, drop out, and see no need for doing their best, for no one seems to care."

It is in these terms, then, that victim compensation may be evaluated. It combines social self-interest with impulses of compassion, decency, and justice. It assists the deserving, and it aids law enforcement in reasonably balancing the scales against the depredator and in favor of his innocent victim.

FOOTNOTES

[1] See Ratcliffe James M. ed.: *The Good Samaritan and the Bad,* Garden City, Anchor Books, 1966.

[2] Mueller, Gerhard O. W.: Compensation for victims of crime: Thought before action, *Minnesota Law Review, 50*:213–221, December, 1965.

[3] Commission on the Compensation of Victims of Crimes of Violence: *Report,* 74th General Assembly, Springfield, 1966, Illinois, p. 3.

[4] President's Commission on Law Enforcement and Administration of Justice: *The Challenge of Crime in a Free Society,* Washington, Government Printing Office, 1967, p. 41.

[5] *Ibid.* Also see for a review of the history and philosophy of victim compensation and legislative developments prior to 1967, Geis, Gilbert: State Compensation to Victims of Violent Crime, in President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Assessment of Crime,* Washington, Government Printing Office, 1967, Appendix B, pp. 157–177.

[6] Geis, Gilbert, and Zietz, Dorothy: California's program of compensation to crime victims. *Legal Aid Briefcase, 25*:66–69, December 1966.

[7] *In the Matter of the Public Hearing Conducted by the Committee Appointed by Governor Rockefeller to Prepare a Plan for Compensating the Victims of Crime,* Albany, New York, January 24, 1966, p. 20.

[8] Crime Victims Compensation Board: *First Report,* Legislative Document (1968) No. 16, Cases 12–67, 28–67, 44–67, Albany, New York.

[9] *Ibid.* pp. 9–10.

[10] Senate Committee on Law and Public Safety, *Public Hearing on Senate Bill No. 284,* Trenton, New Jersey, November 30, 1966, p. 48.

[11] Pucknett T. F. T.: *Edward I and Criminal Law,* Cambridge University Press, 1960.

[12] R. v. Criminal Injuries Compensation Board, *Ex parte* Lain, (1967), 2 ALL. E. R. 770.

[13] Harrison, D. H.: Compensation for criminal injuries, *Solicitors' Journal, 110*:99–101, February 11, 1966.

COMMENCEMENT ADDRESS BY AL CAPP

Mr. ALLEN. Mr. President, Mr. Al Capp, one of America's most renowned political satirists and cartoonists, has delivered a series of social and political commentaries on college campuses throughout the Nation for which he has been widely acclaimed.

One such address was delivered on August 15, 1969, at Troy State University—one of Alabama's newest universities and one of which all Alabamians are justifiably proud.

Mr. Capp's remarks on this occasion are of a nature which will appeal to the commonsense and good judgment of a vast majority of American people and I believe that Members of the Senate and the public will profit by reading his remarks in the RECORD.

Mr. President, I ask unanimous consent that the remarks Mr. Capp delivered on this occasion at Troy State University be printed in the RECORD.

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

COMMENCEMENT ADDRESS, TROY STATE UNIVERSITY, TROY, ALA., AUGUST 15, 1969

Last night a student here asked me what the difference was between Troy State and an Ivy League college, and I said, "A thousand dollars in my lecture fee."

I charge Ivy League colleges a thousand dollars more—Combat pay. You here at Troy State haven't had the advantage of an Ivy League education. When you dissent with a speaker, you simply sit there and dissent. At Ivy League Colleges they get up and punch the speaker in the nose. That's why I charge them a thousand dollars more. Medicare doesn't cover everything.

I don't know how many of you saw the movie "Planet of the Apes" but I'm sure you all know the story. It's the one where the monkeys make the men do tricks. And that's the story on so many of our campuses today. The monkeys are making the men do tricks at Harvard, Cornell, Columbia, N.Y.U., Berkeley—We have areas of glorious desolation on this planet too, areas where they accept, as the natural order of things, the theory that the half-educated are the only group capable of re-structuring our educational institutions. After the brutal and obscene takeover at Princeton this Spring, one of the Student leaders of the mob was appointed to its Board of Trustees. If the world was run as Princeton is, Richard Speck would have been appointed night watchman at the nurses' dormitory, and Adolf Eichmann, Chief Rabbi of Berlin.

The new Ivy League (or Planet of the Apes) educational theory is that those who need instruction so desperately they are unfit to go out into the real world until they get four years of it are fit, however, from the moment they arrive on campus to instruct their instructors; that those who look, act, and smell like subhumans are the only true voices of humanity; that the only clear thinkers among us are the half-stoned, and that everyone else has rocks in his head; that our totally non-productive is the only class worth producing for, and that only our untoilet-trained can clean up the mess society is in.

Yes—on so many of our campuses today, the apes are laffing their furry li'l heads off at the antics of the men.

Now, our campus apes weren't smart enough to learn that trick themselves. They had to be taught.

They had to be taught that accomplishing puberty, and the skill to endorse their fathers' allowance checks, gave them the right to shout down a man like say, Arthur Goldberg, who earned his education—an experience those who bludgeoned him to silence had avoided. They had to be taught they

had the right to fling filth at Richard Nixon, who served his country . . . an experience those who were howling obscenities at him were avoiding at that very moment; thanks to a draft law which deems a student who shouts obscenities at a President more valuable to his country than a G.I. who shoots back at Communists. They had to be taught what fun it was to fill a hall in which Hubert Humphrey was to speak for the sole purpose of walking out when he began to. They had to be taught to jeer at Edmund Muskie who was defending his country instead of defaming it when he was their age. They had to be taught that they were truer representatives of the Democratic process than those who approached it with work and wisdom instead of rocks and Molotov cocktails.

Yes, our campus apes had to be taught how to make the rest of us do tricks, because creative thinking doesn't develop much compulsively masturbatory.

Who taught them to hate America's past, and welsh on America's future? Who taught them to detest their nation, and defend their nation's enemies? Who taught them to loathe their fathers, and love only themselves? Who taught the student ape at Columbia, Harvard, Princeton, Berkeley—to sneer at the system that feeds him, shelters him, teaches him skills, and which protects his life with the lives of the less fortunate? Who taught them to befoul an America which, for all its faults, has created, by unarguable immigration figures, the most desirable place on earth for men to live?

They are taught by a new breed of academic Fagin—In "Oliver Twist", Dickens' Fagin waited in the gutters of London to corrupt the innocent. The new Fagins wait for our innocents on the campuses of Harvard, Princeton, Columbia, but not at Notre Dame or San Francisco State or here. And it is on the campus, not in the home, not in the neighborhood, and not in the high school, that they're corrupted.

Not long ago, I spoke at Penn State. There were nearly six thousand students in the auditorium, about 5,900 humans and 100 apes. At the question period, the apes rushed to the microphones—as they always do. No one else had a chance to speak, as the apes make sure they always don't. They dominated, and would have, eventually demolished that lecture for the thousands of others, if the lecturer hadn't happened to be a pretty good demolisher himself.

I quieted the animals with the gallantry that has made me a legend, finished the lecture, and the next day I flew to another town in Pennsylvania where I spoke to an audience of high school seniors. I spoke about many of the same things I spoke about at Penn. State—expressed the same ideas. My audience may change, but I don't change my ideas for them, and when the question period came, those high school kids asked the same sort of questions the college kids had the day before—the difference was: they genuinely wanted answers. They didn't agree with all of my answers, but they listened with the courtesy I gave their questions. And those who disagreed expressed their disagreement—not by screaming obscenities as the college students had but in reasoned rational discourse.

When I left the high schoolers, I'd had a civilized dialogue. When I'd left the college students I had to bury my clothes. One of the high schoolers parents said to me, "Nice kids, aren't they? But it frightens me to think that next year, they'll be in college."

How many parents of nice kids today are frightened at the thought that next year those kids will be in colleges—where the Fagins are waiting for them. Once American parents were proud to send their children away to college—today they're afraid to. It isn't because today's young generation is different. They are as decent as any generation before them. It's because colleges are different.

Once there were, waiting at our colleges, men who taught our young how to enrich their country, intellectually, spiritually, and materially by service, skill, and sacrifice.

Those men are still at our colleges, but among them lurks the new breed, the faculty Fagins, undetectable in the protective credentials of Nobel laureates like the ignoble Professor Wald who called Senator Russell "criminally insane" to a cheering student audience last year at M.I.T. for having made a patriotic speech in the U.S. Senate; ex-Presidential Advisors whose advice nearly blew up the planet, such as Professor Schlesinger of the New school in N.Y.; authors of best sellers on economics based on the fiscal theories of Edna St. Vincent Millay, such as Professor Galbraith at Harvard; experts on Urban problems based on the self-help theories of the Brinks Bandits, such as the faculty Fagins who supported the students who stole a million dollars worth of property from the University of California; poets with programs for the American future based on visions that came to them in the psychopathic ward—lifelong authorities on diaper rash who have become overnight authorities on military strategy, like Dr. Spock, and rampaging, rioting, civil rights militants who want civil rights for militants, but for nobody else; like Professor Hare—formerly, I'm delighted to say—of San Francisco State. The hysterics and the haters, the frauds, the fascists and the Fagins, are waiting on our campuses to teach your kid brothers and sisters, and one day—your kids . . . not how to enrich our country with skill, service and sacrifice, but how to impoverish it, by downgrading the acquisition of useful skills as the slavery of squares, by disdaining service, by demanding sacrifice; by reviling our past, instead of revering it, by spitting on those the democratic process has chosen to govern us, instead of defending the democratic process as their one chance to govern themselves; by laughing at the law and order that protects society and by whining for law and order to protect them.

What do we do about the Fagins on our facilities? Do we silence them? Do we toss them bodily off our campuses? Let us pause for a moment and think of how satisfying that would be. And then lets forget it. Repression and violence—the methods of the lynch mob—are the methods the Fagins teach. A couple of years ago, at Dartmouth, a major Presidential candidate, a former—and possibly—future Governor of this state—had been invited to state his case. He'd hardly begun when a mob of roaring students rampaged toward the stage, led by a young instructor screaming "kill him, kill him!". As far as I know, that young instructor is still at Dartmouth teaching Humanities.

Last Spring a herd of girl apes, registered as students at Harvard's sister school, Radcliffe, thundered into the office of President Mary Bunting, accusing and reviling her. When she attempted to answer they screamed her down with a storm of filth a Bourbon Street prostitute wouldn't use to a madame who'd short-changed her. When there was some talk of rebuking them, they were defended as idealists by several Fagins on the Radcliffe faculty.

When a mob of male apes, registered as students at Harvard invaded University Hall last spring and bodily tossed several administrators down the stairs and out of the building, they were led by as high command of faculty Fagins. The lynch mob has disappeared from the South, but not from American life. It has reappeared on the campuses of Harvard, Radcliffe, Berkeley, Antioch, organized by the faculty Fagins, led by the Faculty Fagins—and, if you're not vigilant . . . they're coming here. That isn't an opinion. It is their stated aim in all their literature to radicalise—to make planets of the apes—of Universities like yours next year . . . and the faculty Fagins, will be cheering them on with extra fervor.

We must prepare the kids we send to them—for them. We must teach young Americans to love America as artfully, and as ardently as the Fagins teach them to hate it.

I suggest that every institution of learning in America add one more course. A course in love.

The sort of love the professional love people—those who wear love beads, carry love flowers and flourish love signs—have never shown much affection for—Love of Country.

It should be a course that doesn't overlook America's foolishness, but that will also look at America's greatness.

A Course that doesn't overlook America's history of callousness to some of its own but that will also look long, and with reverence at our history of generosity and Christian welcome to the humble and hopeless of the world, a history no other nation, ever, has matched.

Basic Love of Country won't be an easy course to teach. And it will be all but impossible to get any big academic names to teach it. Becoming known for Love of Country isn't the way you become a big name in academic circles—not lately.

Once I spoke at Yale. A student came up to me, shook my hand and said "Mr. Capp, it took courage to stand up on that platform and tell an audience of Ivy League students you love America." I have never been paid a compliment that made me sadder. The Fagins have made our Ivy League campuses places where it now takes courage for an American to tell other Americans he loves America.

It is time then, for all of us to have the courage, if that's what it takes, to say this—on our campuses, in our homes, in our churches, in our press, on TV and say it with pride and resolution: America is, with all its faults the loveliest and most liveable of all nations. And what makes it that, isn't anything we found here—its something we created here—it is the freedom we have to repair and sense America's faults—not in the way of the Fagins—the way of hate and hysteria, the way of maddened apes, but the way of patience and persuasion, the way of thinking men.

THE POWER OF OIL

Mr. PROXMIRE. Mr. President, the Senator from Michigan (Mr. HART) has been holding the most thorough hearings into the mandatory oil import program that have been held in Congress.

Of necessity, the testimony has been extensive and complex. The natural tendency when faced with such a mass of complex data is to either ignore it or find someone whom you trust and who has taken the time to analyze it.

Fortunately, Spencer Rich who covered part of the hearings for the Washington Post has taken the time to analyze some of the data developed by Senator HART and has written an article about it.

Because of the importance of this issue I ask unanimous consent that Mr. Rich's article from the Progressive be printed in the RECORD.

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

THE POWER OF OIL

(By Spencer Rich)

(NOTE.—Spencer Rich is a staff writer for The Washington Post who covered the hearings of the Hart Antitrust and Monopoly Subcommittee.)

In the movies oilmen are usually pictured as tough, independent operators, fiercely in-

dividualistic, dependent on no one and accepting no interference—or handout—from the Government. The John Wayne image immediately comes to mind.

But that is not the picture emerging from a series of hearings on the petroleum industry held by Senator Philip A. Hart's Senate Antitrust and Monopoly Subcommittee. There, a battery of oil industry spokesmen has pleaded that the vast system of Government subsidies—the extent of which has never before been detailed so completely to the public—must be maintained or domestic oil production will be unable to meet foreign price competition and will shrivel to a trickle.

The result, as pictured by men like Humble Oil's M. A. Wright, Sun Oil's Robert Dunlop, and the Independent Petroleum Association's Harold McClure, will be U.S. dependence on foreign suppliers. This nation would be forced to grovel, trembling, before petty Middle Eastern satraps, lest they cut off supplies of the vital juice.

That the industry profits handsomely from the 27.5 per cent depletion allowance has long been known. What has not previously been etched so sharply is the extent to which domestic oil companies reap subsidies from an additional system of economic aids generously provided by the U.S. Government and the states. As a series of professional economists suggested to the Senate subcommittee, the industry may actually take in three to five times as much each year from the workings of the oil import quota system as it does from the far more publicized depletion allowance. The foreign tax credit adds still more money to the pot.

The oil import quota system was put into effect on a mandatory basis by President Eisenhower in 1959, under pressure from the Independent Petroleum Association of America, spokesman for the smaller, independent oil and gas operators whose holdings are concentrated on U.S. soil and whose production costs are frequently far higher than those of the big international companies.

The quota limits crude oil imports in the eastern United States to 12.2 per cent of domestic production, with restrictions on imports to the western states also. Since the West is a "crude-deficit" area, with insufficient production to meet its needs, there is no percentage limit on imports. Instead, oil imports are simply limited to the difference between available domestic supply and anticipated need.

There are no limits on imports of residual fuel oil, provided it is not brought in for reprocessing. Residual is the heavy, thick product left after all other derivatives are taken out. It is used for heating large buildings and for electric power production. Overall, about one-fifth of the nearly five billion barrels of petroleum consumed annually in the United States comes from abroad. The rest is supplied from domestic production.

The professed purpose of the import limitations is to keep the domestic industry healthy, so that in case of a national emergency or cutoff of foreign supplies, the nation will have enough domestically produced oil to carry on. But many of the noted economists who testified at the Hart Subcommittee hearings—such as the waspish M. A. Adelman of the Massachusetts Institute of Technology—who clashed with Republican Senators, telling them all the Government's previous studies had simply been a justification for aiding the industry, and the cigar-chomping Walter Adams, acting president of Michigan State University, who looked like an oilman but talked like a populist—suggested that the import control system may simply be a handout to the industry which costs the public billions of dollars a year.

The import controls, along with ceilings imposed on domestic production by "market demand pro-rationing" systems in Louisiana and Texas, the states which together produce three-quarters of U.S. oil, limit oil supplies in this country and keep the domestic price far higher than the world market price.

The domestic price at the well is now about three dollars a barrel for crude oil. Transportation costs by tanker to the East Coast from Gulf of Mexico depots bring the price to wholesalers in the Northeast to about $3.50 a barrel or more. But witness after witness testified—and oil industry spokesmen conceded—that oil imported from the Middle East could be purchased on the East Coast of the United States for only $2 a barrel, *including* shipping charges from the Persian Gulf, provided the oil comes in under a quota. That is a differential of about $1.50 a barrel.

One ironic result of the import barriers is that foreign nations are able to buy oil far more cheaply than American consumers, and sometimes from the same U.S. companies. Thus, in the first half of 1968, when domestic oil prices—not including shipping costs to market—were around $3 a barrel for crude oil, the Japanese government was able to buy 2.3 million barrels a day of largely Middle East crude at prices averaging $1.42 a barrel. Standard Oil of New Jersey—an enormous worldwide company, two-thirds of whose 1968 sales were *outside* the United States—and other well known U.S. firms sell oil in Japan as well as in the United States.

How much could U.S. consumers save if low-cost foreign oil were allowed to enter freely? No one knows exactly, but the added cost to domestic purchasers under this system of artificially high prices was estimated *at a minimum* of $4 billion a year by M.I.T.'s Adelman, one of the nation's most respected economists in this field. Dr. John Blair, the subcommittee's able chief economist, came up with a calculation of about $7.2 billion a year. Even John Lichtblau, a private economist whose work is financed by several major oil companies, estimated the figure at $2.7 billion a year, and Wright of Humble Oil, which is Standard of New Jersey's chief domestic subsidiary, put it at $3.4 billion. Wright claimed offsetting domestic benefits such as domestic wages and taxes paid by the oil industry. He failed to mention that if these billions were invested in other needed enterprises, they would presumably create jobs and generate taxes there too.

What all this means, the shrewd Dr. Blair was quick to point out, is that the oil import program coupled with pro-rationing has, by inflating domestic prices, cost the nation *40 to 70 billion dollars in overcharges*, at wholesale, over the ten years since the quota system was made mandatory. These added costs were multiplied when passed along in retail sales of heating oil, gasoline, motor oil, electricity generated with oil, and oil-based chemical products.

Dr. Blair translated these overall figures into terms meaningful to the average consumer. He estimated that the average price of gasoline to consumers *would drop five cents a gallon if oil import quotas were abolished*. For the average car owner buying 700 gallons of gas a year, this would mean an annual saving of $35. Blair calculated that abolition of quotas could also bring a *3.9-cent reduction in the cost of home heating oil—an annual saving of about $58.50 for the homeowner with oil heat*.

In addition to the huge import quota bonanza, the 27.5 per cent depletion allowance, and the right to "expense" intangible drilling costs—charge off certain expenses as annual operating costs for Federal tax purposes rather than depreciating them over a long period—save the industry about $1.6 billion in Federal taxes yearly, according to a recent Treasury Department study.

Under the gentle but highly effective leadership of Hart, the Subcommittee chairman who was the only Senator present at every hearing, witnesses brought out some curious points about the privileged position of the oil industry. For example, oilmen claim that the depletion allowance is needed to stimulate domestic exploration for new oil reserves, so that an assured supply will always be available on this continent. But Treasury studies show that oil firms are allowed to claim the depletion allowance not only on domestic but on foreign operations as well. In fact, at least a quarter of the depletion claimed involves foreign holdings of U.S. companies. Thus, oil companies have a strong tax incentive to explore overseas as well as in the United States, and capital that might be invested here to give the nation its needed national security reserve is spent looking for oil on other continents.

The foreign tax credit enjoyed by the industry works much the same way. Witnesses testified that oil from the huge Middle Eastern pools costs only twelve to twenty cents a barrel to produce, including return on investment, and a big portion of the ultimate two dollars delivered cost in the United States consists of a "tax" of perhaps eighty-five cents a barrel levied by the host Mideast government.

Under present U.S. tax policies, the oil firm is entitled to deduct this entire eighty-five cent "tax," which many economists defined as simply a royalty under another name, not from taxable income but taxes payable to the United States on their overall profits. This tax credit gives oil firms another incentive to explore and operate overseas, rather than in this country.

These and other forms of favored treatment add up to a tremendous special system of public subsidies for the oil and gas industry which likes to portray itself as fiercely devoted to "free enterprise" and as fiercely opposed to "Government intervention." One result, is that oil companies pay exceptionally low Federal taxes, though the industry is one of the nation's largest, with $60 billion in worldwide sales. Senator William Proxmire, Wisconsin Democrat, has cited Internal Revenue Service figures disclosing that only about half the industry's net income is subject to Federal tax, while the average figure for all other manufacturing concerns is ninety-seven per cent. Proxmire said reports filed with the Securities and Exchange Commission revealed that in 1968 oil refineries averaged only eleven per cent Federal tax on their actual earnings while other manufacturing firms averaged nearly forty-one per cent.

"The oil industry makes the Mafia look like a pushcart operation," Representative Bertram Podell, New York Democrat, charged recently in a letter to Chairman Wilbur Mills of the House Ways and Means Committee requesting abolition of the special tax benefits for oil companies. Podell released figures which he said showed that thirteen major oil companies, whose net incomes ranged as high as $2.3 billion last year, have been paying Federal taxes *at a rate lower than a taxpayer earning $4,000*. A man with that income is taxed at a twenty-two per cent rate on the average, Podell said; the thirteen oil firms had effective tax rates on net income of no more than twenty per cent in 1968 and twenty-one per cent in 1967.

Among these thirteen super-prosperous oil companies cited by the Congressman, Sinclair paid no Federal taxes at all last year—in fact it received a $2.7 million tax credit toward future taxes; Atlantic-Richfield paid no taxes for 1967; Gulf paid less than one per cent of its 1968 net income in Federal taxes; Standard Oil of New Jersey had a $2.3 billion net income last year and paid $224 million or 9.7 per cent in Federal income taxes. The oil industry's "passionate devotion to old fashioned virtues such as greed," said Podell, "is amazing."

When the hearings opened, Senator Hart said one of his chief concerns was whether the higher cost of oil in the United States because of import barriers was hurting other

industries which depend on oil, petrochemicals being the chief example. Chewing on his cigar, the free-speaking economist, Walter Adams, said high oil prices here were "hopelessly disadvantaging" the U.S. petrochemical industry competing in world markets against producers in Japan and Germany, for example, who paid far less for their petroleum feedstocks.

In March, the chemical industry itself—which contributes $1.1 billion in overseas sales to reduce the balance of payments deficit—put out a handsome glossy booklet complaining that oil import controls threaten its competitive position. It was sponsored by DuPont, Celanese, Monsanto, Union Carbide, and other chemical giants. There are those who relish the picture of the chemical corporate giants clashing head-on with Standard Oil, Gulf, and other oil industry mammonths.

Adams told the Hart Subcommittee that the political power of the oil industry, rather than national security needs, had brought the system of oil industry props into being. The power of the oil lobby is legendary. The industry has immense financial resources. It supports some highly effective trade organizations to represent it in the nation's capital.

Oilmen are generally numbered among the prime contributors to the two national parties, though precise statistics are hard to come by. To give a few examples, Shell and Union Oil each bought $15,000 advertisements in the 1964 Democratic National Convention program book. Gulf bought a similar one in a 1965 Democratic program book, and Humble, Shell, American, and Union Oil all bought advertisements in the 1964 Republican convention book. At a recent $500 a plate Democratic dinner in Washington, I spotted lobbyists representing three of the top seven oil firms in the country.

Texas is the biggest oil-producing state, which helps explain why Lyndon B. Johnson, while he was in the Senate (and on the House side Speaker Sam Rayburn), helped defeat all attempts to reduce the oil depletion allowance. The oil industry's benefits still have a powerful and effective defender: Senator Russell B. Long of Louisiana, another large oil producing state, who is chairman of the tax-writing Senate Finance Committee and who has repeatedly defended the industry in floor speeches this year. Long undoubtedly will work to block any substantial reduction in the depletion allowance. The depletion allowance has another friend in high places: President Nixon. During the campaign, he asserted outright that he supports the allowance.

In spite of this powerful support for the current depletion allowance, which was enacted forty-three years ago, the chances that Congress will reduce it are brighter this term than ever. There is a strong movement in both houses for tax reform, and the House of Representatives has even voted a reduction of the oil depletion allowance from 27.5 per cent to twenty per cent and to prohibit its application to foreign production. The reduction faces rough sailing in the Senate, whose Finance Committee is dominated by men who like the present allowance.

The oil industry's response to all the cries of "subsidy" levelled against it is that the whole system is justified by national security needs. Unless the United States is capable of producing some three-quarters or four-fifths of its annual needs, the argument runs, the nation will be at the mercy of foreign suppliers and subject to diplomatic blackmail and manipulation. If import barriers were removed and $2 foreign oil allowed to enter, the industry claims there would be a massive drop in U.S. production as less efficient operations failed to meet the competition and went out of business.

Worse still, the oil men argue, incentives to discover new oil here, at high cost, would disappear. Reserves, already known to an eight-year supply, would drop still further. Wright of Humble Oil estimated that with import barriers removed, growing consumption coupled with declining discovery would leave the United States capable, at best, of producing only forty-six per cent of its needs by 1985, and therefore heavily dependent on imports.

The economists who testified at the first round of Senator Hart's hearings expressed considerable doubt about these assertions. To begin with, why national security requires that the United States must maintain domestic capacity at four-fifths of annual consumption is not clear. The figures, when originally set, were based more or less on the existing import levels; the computation smelled suspiciously like a simple hold-the-line device dressed up in national security clothing. The economists suggested that careful economic studies—none has ever been made, several claimed—might establish some lower figure as quite adequate.

In addition, it was pointed out that it is not necessary to maintain such a huge price differential to protect most U.S. oil production. Several witnesses argued that only a small proportion of U.S. oil production—perhaps as little as ten to fifteen per cent, or even less—needed the massive price protection established by the import quota system. The rest, it was emphasized, could compete quite well at a much lower price if inducements to waste and inefficiency which are built into the system were ended.

Senator Hart repeatedly advanced the position that if new U.S. deposits of oil are getting harder to find, while at the same time domestic needs are rising, the current system of limiting low-price imports not only raises the cost to consumers but also uses up our scarce domestic supplies faster and thereby undermines our national security position.

Would it not be cheaper, as well as more conducive to national security, Hart kept asking, to import more foreign oil now while it is available and save our liquid reserves for a crisis? Oilmen responded that for technical reasons it is difficult to save oil underground once a well has been opened. If the inefficient wells were put on a standby basis, many would never be able to produce again and the oil would be lost forever.

Hart also advanced the proposal that it might be possible, and much cheaper than the current expensive system, to develop new ways to tap oil-reserves that would permit low-cost imports while maintaining a strong national security position. For example, referring to the 600 billion barrels of good-grade potentially recoverable oil to be found in shale deposits in Colorado (that would be 100 years' supply at current consumption rates), Hart asked whether an all-out research effort to reduce the cost of getting oil from shale would not be worthwhile. At present, shale oil is too costly for commercial use, and the industry says it would be economically impossible to count on it as an oil reserve. But the Government is spending only $13 million a year for all research on the development of oil from shale and from our immense reserves of coal. Even if it ultimately cost a billion dollars—or even two or three billion—to crack the problem of producing low-cost oil from shale, coal, and tar sands, that would still be less than a single year's added costs to buyers which results from the oil import quota system. In addition, the new sources would provide an enormous reserve of oil for national security purposes.

One Senator notably unimpressed by the national security argument was Edward M. Kennedy. He challenged industry witnesses to say what proportion of U.S. oil was helping to fuel our forces in Vietnam. They did not supply the answer. Former Assistant Secretary of Interior J. Cordell Moore, who was in the audience waiting to be called as an expert witness, told me that only a fifth, or a quarter, of Vietnam petroleum supplies comes from the United States.

Kennedy—arguing that oil from Canada, Venezuela, and other Western Hemisphere sources could be depended on in a crisis—also brought out that two-thirds of current U.S. oil imports do not come from the Middle East but from Canada and Venezuela. So the oft-cited threat that Middle Eastern nations could endanger the United States by cutting off supplies was pretty much a bogeyman, he implied.

The industry's national security argument is not entirely implausible. But it is not at all convincing without detailed economic studies to back up assertions of disaster. The President's Cabinet Committee Task Force on Oil Imports, which is headed by Secretary of Labor George Schultz, is to report in the fall or winter. It should take a really hard look at the security argument rather than swallow it whole as an excuse for handing more subsidies to an already enormously rich industry.

In the meanwhile, Senator Hart and his staff have done the public a great service in making clear, as Adams of Michigan State put it in quoting the conservative economist Milton Friedman, that: "Few industries sing the praises of the free enterprise system more loudly than the oil industry. Yet few industries rely so heavily on Government favors." These are favors that cost the U.S. Treasury billions in taxes which the oil industry does not pay and billions in higher prices paid for gas and oil by American consumers.

THE BIG THICKET IS VANISHING

Mr. YARBOROUGH. Mr. President, in a penetrating and thoughtful article published in the Texas Observer of August 29, 1969, Mr. Pete Gunter states that the Big Thicket area is in danger of being destroyed.

This unique and beautiful wilderness, which is widely known for its rich and diversified plant and animal life, is vanishing at the rate of 50 acres a day. Unless action is taken immediately, the bulldozer and chainsaw will deprive future generations of the wonders of the Big Thicket.

To save the Big Thicket, I have introduced S. 4, which would create a 100,000-acre Big Thicket National Park. The bill is being supported by civil and conservation groups throughout the Nation. If America's last great wilderness is to be preserved, we must act now.

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:

A CERTAIN TREASURE

BEAUMONT.—We pulled over to the side of the road, under the shadow of the pine trees. Ahead of us a hawk circled through the calm afternoon. Beside us stood a billboard.

"But, Lance, I thought this was supposed to be part of the Big Thicket Park."

Lance Rosier nodded sadly.

"It was. Right in the middle of it."

"You mean the Department of the Interior decided it wasn't good enough to be part of the park?"

"Oh, it's plenty good enough. It's a beautiful woods. But they're cutting it up for vacation homes, weekend places," he grimaced. "The U.S. government won't do anything about it."

The billboard (ten feet high, twenty feet long) proclaimed that this was Hoop 'n'

Holler Estates, and listed financial arrangements through which the urban tourist could participate in "life in a real wilderness." I had hoped that the announcement of plans for a Big Thicket National Park would put an end to the needless bulldozing. So much for hope.

"Drive on in," Lance grinned. "Take some snapshots. Take all you want."

A quarter-mile from the entrance sign was an air conditioned frame shack, decked out in fluttering orange plastic streamers. A sign on its roof stated, once more, the attractions of life in a "real wilderness." Behind the shack, roads had been cut, subdivision-style, through what biologists have specified as a uniquely rich botanical area. Massive brush-heaps, two to three times the height of the car, rotted beside the road. Gum trees, magnolias, yaupon trees were piled up like matchsticks.

"The man who did this is from Livingston," Lance offered. "He says he's helping the Big Thicket by bringing in jobs and people here. A month ago a man from the Audubon Society came out here and begged them not to wreck this part of the woods. The man who owns this got on a bulldozer and knocked down some more trees, just to show us. He said it was his land, bought and paid for. He even let us take a picture of him next to the bulldozer."

"Did he smile?"

"And there's another thing," Lance pointed. "Those signs all around here say No Hunting. And they hunt in here all the time."

Sure enough, a man carrying a shotgun walked across the road ahead of us. He disappeared into the brush on the other side of the road, passing under a No Hunting sign. Behind him the foundations of a new house rose incongruously.

"If the law was halfway straight, they'd all be in jail," Lance snapped.

Lance had grown up in the Big Thicket, exploring its sloughs and remote backwoods, collecting and calssifying its plants and animals at a time when few realized the area's unique value. The people of Saratoga classed him as a harmless sort of eccentric. ("Why he don't do nothin' but prowl the woods around here," one of them told me, in consternation.) Now that politicians and conservationists had come to know the frail, self-educated naturalist, and his name had appeared in countless books and articles, the folks around Saratoga were nonplussed. How do you classify a man like Lance? Why do all those folks pay him so much attention?

"There was nine units that was going to be in the park. This one—you can see what they did to it. Cuts the middle right out of the Profile Unit. Cuts it right in two. And that's the heart of the park."

Beginning in the rolling piney hills near the Alabama-Coushatta Indian Reservation, sloping southward towards sluggish Pine Island Bayou, the Profile Unit takes in every kind of topography and plant life in the Thicket. It is certainly the most inclusive, and to my mind, the most interesting, component of the proposed park.

"They timbered the Beech Creek Unit. Soon as we set it aside for the park. And they want to cut the Loblolly Unit. You know, that's the last big stand of virgin pine in Texas. Four hundred years old. Here: you want to take a picture?"

He climbed onto a toppled tree trunk and started glumly around. The Thicket was getting its publicity now. People were getting to know about it. But it was getting destroyed even faster than it was getting known.

We spent an hour taking pictures, then headed back to Saratoga. On a table on Lance's front porch lay a copy of the *Pineywoods Press* (Promoting Recreational and Industrial Growth in East Texas), which Lance was glad to loan out. Headlines in the six-sheet tabloid enthusiastically proclaimed the opening of the Hoop 'n' Holler Estates. I said goodbye to Lance and headed back to the urban sprawl of Houston. Only later was there time and inclination to read the *Pineywoods Press*. Towards the end of the article on the opening of the Estates was one lone passage which struck the imagination:

"This was a camping site of the early Spaniards. . . . They camped on the banks of Menard Creek and it was rumored that they buried treasure there near the creek which has been sought after for the last hundred years. . . . Botanists and people seeking nature in the raw, where semitropical plants grow, have long wanted to reserve some of this land for a park. There is a book on the Big Thicket which we hope to get several copies of and leave at the office."

The book referred is to Dempsie Henley's *The Big Thicket Story*, which condemns irresponsible land, oil, and lumber interests in the region. Henley's book is, temporarily, out of print, but, just for the record, I am willing to lend my copy to the Hoop 'n' Holler Estates. I am even willing to add a detailed explanation of just what priceless treasure once existed along the banks of Menard Creek, and what has recently become of it. P.G.

PENTAGON ASSISTS ITS HILL ALLIES

Mr. HATFIELD. Mr. President, an article which appeared in the Friday, September 5 edition of the Washington Post brings to mind the problem confronting the current debate on the position of the military-industrial complex in our society. Indeed, as some have suggested, perhaps the question at hand should include the military-congressional-academic-industrial complex. I commend this article to my colleagues' attention, and ask unanimous consent that it be included in the RECORD.

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

PENTAGON ASSISTS ITS HILL ALLIES

(By Bernard D. Nossiter and George C. Wilson)

The Pentagon has created a special task force headed by a key aide of Defense Secretary Melvin R. Laird to assist Sen. John Stennis (D-Miss.) and other Congressional allies in their battle against military budget cutters.

The lobbying unit is led by William Baroody, special assistant to Laird. A brief description of its work and other Defense Department plans to ward off spending reductions is given in an Aug. 26 Air Force memorandum.

The paper is signed by Joseph J. F. Clark, Air Force Deputy Director for Legislation and Investigation, Legislative Liaison.

ACTIONS UNDERWAY

The memo begins by saying that "several actions are under way" in the Pentagon to meet requests from the House and Senate Armed Services Committees "for additional materials to be utilized during floor debates" on the bill authorizing procurement of weapons systems. This $20-billion measure is now on the Senate floor under the stewardship of Stennis.

The Clark memo, directed to Air Force Secretary Robert Seamans, says that Baroody "heads up one task force to provide material to Chairman Stennis to refute statements and arguments being made by various senators in their efforts to reduce or eliminate (Defense Department) programs. The C–5, AMSA, and F–15 Air Force programs are all involved in this effort."

The C–5A is the controversial cargo plane, AMSA is the newly proposed manned bomber and the F–15 is a new fighter.

The memo continues:

"In addition, we have been asked to submit a point-by-point analysis of the statements made by Sen. (William) Proxmire (D-Wis.) in support of his amendment to eliminate money in (Fiscal Year) 1970 for the fourth squadron of C–5 aircraft. This analysis will serve as a basis for response by Chairman Stennis or other Armed Services Committee members during the floor debate which will resume next week."

Baroody and an Air Force colonel visited Proxmire on Wednesday in an effort to explain two Pentagon studies suggesting that more C–5As would waste money.

The Clark report then notes that T. Edward Braswell, chief of staff of Stennis' Armed Services Committee, has asked for a "detailed breakout" of the finances involved in the A–7D program. This is an attack plane made by Ling-Temco-Vought that is costing more than expected.

The memo reports that Lt. Gen. George S. Boylan, Jr., Air Force deputy chief of staff for programs and resources, is preparing this material and it "will be utilized by the Committee in determining its future course of action on the issue."

Clark also describes requests for rebuttal material from the House Armed Services Committee. A staff member, Earl Morgan, "has asked for a detailed analysis and rebuttal" to several documents, including the report on military spending prepared by Members of Congress for Peace Through Law, a bipartisan group led by Sen. Mark Hatfield (R-Ore.), and the "Fact Book" of the Democratic Study Group, a caucus of House liberals, the memo says.

Clark concludes that this rebuttal material "is to be provided to the House Armed Services Committee for use during floor discussion of the procurement bill in that body."

FUEL FOR REBELLION

The hard evidence of such a close link between Stennis and the Pentagon, which his committee is supposed to ride herd on, is expected to freshen the Senate rebellion on military issues.

Stennis, recognizing the military money bill was in for trouble this year, tried to preempt the opposition by making cuts in the Armed Service Committee. But neither this move nor the recent cuts made by Laird knocked out the Senators trying to revamp the Pentagon Fiscal 1971 budget.

Often during the military debates this year, Stennis has been taking on the opposition alone. Seldom has the ailing Sen. Richard B. Russell (D-Ga.), former chairman of the Senate Armed Services Committee, taken the floor to help.

STENNIS' WEAKNESS

Also, Stennis this year is without the services of the long time director of the Armed Services Committee, William H. Darden, appointed as a judge in the military appeals court. His departure, according to the Senate insiders, has contributed to Stennis' weakened condition as committee chairman.

Baroody, who worked with Laird in the House on military matters, said last night he does not consider his help to Stennis as a task force operation.

Baroody said Stennis had asked Laird for his views on the questions posed by the Senate amendments. As a special assistant, Baroody said the job of supplying the information came to him.

"It's perfectly legitimate," Baroody said, for a Senator to ask the views of the defense secretary on military questions, adding that he had briefed critics like Proxmire as well as supplied information to Stennis.

To respond to the requests for military information, Baroody said he has added an Air Force colonel and a Navy commander to

his original staff of one Army colonel special assistant, a civilian aide and two secretaries.

Baroody said he has not written any speeches for senators to give the Pentagon's side of the story.

Outside the Pentagon itself, military contractors are helping their allies in Congress with speeches. At least one contractor has helped answer the questions one senator posed to the Air Force on the AMSA bomber, for example.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 281, S. 2546, the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The 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. Is there objection to the request of the Senator from West Virginia?

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

Mr. BYRD of West Virginia. Mr. President, under the order of yesterday, the able senior Senator from Indiana (Mr. HARTKE) was to be recognized for a period not to exceed 30 minutes immediately upon the laying down of the unfinished business. I ask unanimous consent that, notwithstanding that order, we have a brief quorum call.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE F-14, THE EDSEL OF THE SKY

Mr. HARTKE. Mr. President, more than 2 weeks ago, on August 13, I asked the Secretary of Defense to release a study which challenges some of the assumptions behind the Navy's request for a new fighter plane, the $25 billion F-14. That study, a cost comparison between land- and sea-based airpower, has not yet been released: I have been advised only that the matter is "receiving attention."

The fact is, of course, that doubts and questions surrounding the F-14 have been receiving a considerable amount of attention lately, especially inside the Pentagon. Despite the efforts of top Navy officials to stifle dissent, objections to the F-14 continue to be heard from the Office of the Secretary of Defense and from inside the Navy itself. As the Senate prepares to pass judgment on a new authorization request for the F-14, we should not be misled by official statements which try to hide or obscure these internal objections. In keeping with my promise to continue discussion of the F-14 until all relevant information has been made available, I will list some of these internal objections, and renew my request that they be made a part of the public debate.

First, I believe that the Senate should be given free access to a development concept paper, known as DCP 19, which clarifies the limitations of the F-14 as an air superiority fighter. This document, a study of the options for improving our air combat strength, apparently makes the candid judgment that the early models of the F-14 will be generally comparable in air combat performance to the F-4, a much older and much cheaper plane which the Navy is using today.

Former Secretary of the Navy Paul Ignatius also used the word "comparable" in judging the fighter capabilities of these two aircraft, in his testimony before the Mahon committee last year. Before we accept the claim that the F-14 will be, as alleged, a superior fighter, I believe that this revealing development concept paper should be made availabe to the Senate.

Second, I am requesting release of cost estimates on the F-14 which were recently made in the Office of Systems Analysis in the Department of Defense, and which were contained in a recent letter from that Office to the Secretary of Defense. These estimates, as I understand, range high above official Navy estimates, and even exceed some of the highest unofficial estimates which we have seen. Steadily rising costs, of course, have characterized the F-14 program since its inception. When the F-111B was canceled in favor of the F-14 in 1968, because of rising costs, Secretary of the Navy Ignatius said that the costs of the new plane "are expected to be essentially the same as those required to complete the F-111B program." Since that time the Navy has admitted to unit costs for the F-14 that range from $4 to $6 million higher than those for the F-111B. More recently, two of my Senate colleagues, the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS) and the Senator from Nevada (Mr. CANNON), have judged that the unit cost of the F-14 will go as high as $15 million per copy. The Office of Systems Analysis letter to which I have referred puts the total cost per plane even higher—closer to the $19 million range. In light of the fact that the F-4 costs us only about $3 million per copy, I find it incredible that the Navy plans to replace the F-4 with a "comparable" fighter which will cost at least five times as much.

Third, I feel that the Senate should be told about a major programs memorandum, dated June 4, 1969, from the Secretary of Defense to the Navy and the Air Force. This internal document, known as the MPM on Tactical Air, directs the Air Force and the Navy to assume a constant budget for tactical air and within that constraint, to develop aircraft force mixes which will emphasize the capability to perform two missions: Air-to-air close combat under visual conditions and air-to-ground close support against armor. Since the F-14 is designed for none of these purposes, but instead to counter a dubious Soviet bomber threat with radar missiles, it is not surprising that top Navy officials have objected to the MPM and have tried to exclude it from the public debate over the F-14. Since I believe that both economy and mission requirements are important aspects of our debate, I ask that the MPM on Tactical Air be made available to the Members of the U.S. Senate.

Fourth, and along the same lines, I feel that the Senate should know more about another aircraft design which would be better suited to perform these important tactical airpower missions. Accordingly, I am asking that a study conducted in the Office of the Secretary of Defense, known as the FX-X study, be made available to the Senate. The title of this study, "Feasibility Study of Alternative High-Performance/Low-Cost Fighter Designs—FX-X and VFX-X," tells us something about its content. It suggests building a genuine air superiority fighter—cheaper with high performance, and better suited to the needs of the Navy than the high cost, lower performance, hybrid design F-14. The unit cost of the proposed FX-X, according to this study, would be a mere $3.2 million. Since this study presents important options and discusses serious alternatives to the F-14 program, and since those options and alternatives have not been adequately discussed in public until now, I ask that this feasibility study be released to the U.S. Senate.

Fifth, and again with reference to the need for alternative design to the F-14, I believe that the Senate debate on tactical airpower should not ignore the expressed desires of the fighter pilots themselves, who are uniquely qualified to evaluate aircraft capabilities from a practical perspective. Accordingly, I am requesting that the proceedings of the Navy Fighter Pilot's Symposium, held for the last three summers in Coronado, Calif., be released to the Senate. At these meetings, dissatisfaction among Navy pilots with the F-14 became such an embarrassment to the top Navy brass that tight restrictions were placed on all public comment with regard to the substance of the discussions that took place. But such widespread dissatisfaction at the operational level cannot be completely suppressed, and strong evidence of internal dissent continues to be heard. An unsigned letter from a Navy

combat pilot in a recent issue of Aviation Week magazine typifies this dissent. This concerned Navy pilot likens the F–14 to the disastrous F–111B, as "another obese aircraft with a multimillion-dollar price tag, flapping wings, and a back seat driver." The same letter goes on to list all of the qualities of a superior fighter plane and finds them to be incompatible with those of a fleet air defense interceptor, concluding that "the defensive role of the interceptor is almost completely disassociated from the offensive role of a tactical fighter."

Sixth, I am asking that the Department of Defense make available an internal study of one compromise alternative to blanket approval of the F–14 program.

Press reports indicate that the Office of Systems Analysis in the Office of the Secretary of Defense has recommended that the early "A" version of the F–14 be scrapped and that the remainder of the program be stretched out approximately 18 months. These recommendations apparently have the partial backing of the Deputy Secretary of Defense, Mr. David Packard. This alternative is of particular interest to the Senate because it represents a compromise position between scrapping the F–14 concept altogether and blank-check approval. In my remarks on August 13, I mentioned that such a restriction on the procurement of "A" model F–14's might be a balanced approach for the Senate to take. And these Office of Systems Analysis recommendations will be invaluable to our consideration of the matter. Accordingly, I request release of the terms of this compromise proposal to the Members of the U.S. Senate.

Seventh, and last, I would like made available to the Senate the "Air-to-Air Combat Simulation Computer Analysis" performed by work unit three of the Anti-Air Warfare Branch of the Naval Air Development Center at Johnsville. That is document No. FO 180203.

Some of these documents which I have listed have been seen by Members of the Senate. Indeed, most of them are familiar to the small community of Senators who have taken an interest in the problems surrounding the F–14. But I feel that the Senate at large deserves free access to all of this information, as a supplement to the incomplete and somewhat misleading testimony which we have heard so far. For this reason, I have written a letter to the Secretary of Defense, Melvin Laird, requesting that all of this material be made available, upon request, to Members of the Senate.

My own doubts about the F–14 have only been intensified by the heavy secrecy which surrounds most of these internal documents. What is the Navy trying to hide? Perhaps the Pentagon will be more forthcoming if it can be persuaded that my purpose is not hostile to naval airpower as such.

I fully recognize the Navy's need for a new fighter plane: The F–4 is now 15 years old. In addition, I fully recognize the disadvantages of commonality: The special requirements of naval airpower cannot be met through simple modifications of Air Force designs. Furthermore, I recognize the significance of large numbers of aircraft—the combat situation affords the opportunity to overwhelm as well as to outdesign the enemy. But I feel that none of these requirements are adequately met by the proposed F–14, or at least not by the heavy-engine "A" model of the F–14. The Navy needs a new fighter—not another cumbersome platform for an ill-conceived missile system. The F–14 was designed primarily to carry six 1,000-pound Phoenix missiles—and the resulting size, weight, and configuration of the aircraft have clearly compromised its capabilities as a fighter plane. The problem of numbers, of course, is related to size and cost. If the Navy wants to build and fly a large number of carrier-based fighters, it should be thinking more seriously about smaller planes with lower unit costs. At $15 million a plane, the cost of simply replacing all of our Navy and Marine F–4's with F–14's will be about $12 billion, and if the cost of weapons, maintenance, and operations are added in, the program will go to an astonishing $25 billion mark in the next 10 years. The Soviets have been able to produce large numbers of fighters because they have managed to keep unit costs down—it has been estimated that the Mig–23, the new hot Soviet fighter, will cost little more than $3 million a copy. The Mirage–III, the French fighter which performed so well in the 6-day war in the Mideast, costs under $2 million. Only because we insist upon loading expensive missile and avionics systems onto our planes—"gold plating" them, as it is called—do we find it hard to afford a superior tactical air capability.

Goldplating is hard on performance as well as on budgets. A secret Pentagon study—one which I did not list above because it has already been well publicized—has indicated that our country has wasted billions of dollars on complicated electronic gadgets which actually impair the combat effectiveness of our aircraft. The original cost of these gadgets is exorbitant, and operating costs can run more than 12 times as high as procurement costs over a 10-year period. Overall, the costs for modern fighter avionics can generally be estimated at an incredible $7,600 per pound.

Actual performance, as well as economy, is sacrificed on this altar of technological sophistication. The Pentagon report to which I refer indicates that air-to-air missiles costing as much as $50,000 apiece are actually less effective than 100 rounds of ammunition, costing a mere $56, fired from the fixed-sight guns of an old Korean-war vintage F–86. Airborne radar systems have been notoriously overrated, as well as overpriced. Experience in Vietnam has confirmed the limited value of radar detection. There has not been, to date, a single nonvisual kill in all the years of air-to-air combat over Vietnam. And ironically, these radar detection systems which have trouble locating enemy planes send out powerful signals which often give away the location of the plane using the radar.

The Phoenix, a radar missile originally developed to counter a nonvisual bomber threat, suffers from all of these ills and more. It is five times as complicated as any radar missile in operation today, much heavier, far more difficult to accommodate on a high performance aircraft, and preposterously expensive—$400,000 per missile. The Navy tells us that these missiles can easily be jettisoned from an F–14 in flight if high combat performance is desired in an emergency but the thought of casually dropping six $400,000 missiles into the sea offers me very little comfort.

In fact, most of the shortcomings of the F–14 can be traced to its primary armament—the Phoenix missile. Carrying these heavy missiles, the F–14 is an ugly hybrid weapon—the speckled progeny of a marriage between two incompatible ideas. As a multimillion dollar aircraft, the F–14 will be capable of doing many things, but none of them very well.

The seeds of this mismatch between fighter and missile were sown in the mid-1950's when our Defense Department sought to develop aircraft capable of intercepting enemy nuclear bombers intent upon the destruction of our continental bases and our carrier task forces at sea. To meet this projected Soviet bomber threat we designed a very large, radar-equipped, missile-armed airplane. This plane was designed to hover above the ocean and protect the fleet by sending a long-range missile over the horizon to kill the intruders before visual contact had been made. This system was named the Eagle-Missileer.

A fresh look at the problem by a new administration in 1960 brought a reorientation of our strategic thinking, and a change in the primary mission of naval airpower. The vulnerability of the carrier task force to the submarine threat and a new emphasis on nonnuclear warfare capabilities led to abandonment of the premise that the carrier task force against the mainland of Europe in a nuclear war. These changing circumstances, plus a cost-effectiveness examination, were more than enough to kill the Eagle-Missileer program in 1960.

But advocates of this missile system inside the Navy waited in the wings for an opportunity to hang a modification of the Eagle missile on another airplane, and their opportunity came with the TFX. A fleet air defense missile system was quickly built onto the Navy version of the TFX, the F–111B. When this new weapon system arose from the ashes of the Eagle-Missileer, it was only appropriate that it should be named "Phoenix."

With the demise of the F–111B, the already outdated advocates of nuclear war fleet air defense again needed a new plane on which to hang their Phoenix missile. By overdrawing the Soviet bomber threat that has never really materialized, these people were able to launch their new missile platform in the guise of the F–14.

The primary role of tactical airpower in the 1960's and the 1970's bears little relation to the vision of nuclear bomber war which grew out of the 1950's. Vietnam and the new realities of the balance of terror have combined to demonstrate the importance of conventional close-

combat fighter capabilities, and such capabilities are compromised when an airplane is forced to carry heavy radar missiles such as Phoenix. To the degree that the F–14 can perform both the fighter and the Missileer role, it will experience all of the difficulties and the confusions which plagued the multipurpose F–111B.

Perhaps the most eloquent critique of this confused F–14 concept comes from a Navy man who spoke his mind before the plane became a sensitive political issue. Writing in the Naval Review, Capt. C. O. Holmquist, of the Naval Air Systems Command, addressed himself to the problem of building a multipurpose aircraft:

Modern technology and the wonders of avionics will certainly allow us to combine all of the functions and weapons of an all-weather attack aircraft, a fighter, and an interceptor into one aircraft. However, such an airplane would be expensive, complicated, difficult to maintain, and training pilot and crew would present formidable problems. More important, if we allow the enemy the same technology, he can build single-purpose aircraft which would be superior to our multi-purpose aircraft in each of the missions it performs.

Captain Holmquist concludes his article by listing some of the things he would like to see in the Navy's future aircraft fighter plane; and he hints at the reason why we might not get them:

Our experience tells us that simplicity, reliability, maintain-ability, light weight, small size, and low cost are the guide-lines we should follow in the future. Our expanding technology is a strong force to drive us away from most of these objectives.

In conclusion, the F–14 may deserve our consideration as a flying laboratory. A $15 million plaything for the R. & D. men in the Pentagon and the technical dilettantes in private industry. But as a weapon, it deserves more critical review.

Our critical review of the F–14 will be aided by release of the seven documents which I have listed above. I am glad that responsible officials and officers inside the Pentagon are objecting to the folly of the F–14. And I hope that their objections will be heard and heeded by the U.S. Senate.

THE C–5A

Mr. GOLDWATER. Mr. President, during the debate on the provisions of this bill for the funding of the C–5A airplanes, I have several times raised the question of the leakage of important and classified information to unauthorized persons outside of the Department of Defense.

A major instance of this appeared in print on August 31 of this year in an article entitled "C–5A Limitations Data Withheld by Pentagon" in the Washington Post. This newsstory charged that the Pentagon was withholding from Congress two internal memorandums that suggested the Government would waste money buying any more C–5A airplanes.

This newsstory, written by Mr. Bernard D. Nossiter, said the documents in question were prepared by the Defense Department Systems Analysis Division. The article goes on to say:

Both, prepared by the Systems Analysis for the Secretary of Defense, *are classified*. However, their principal finding, stripped of any security matters, have become available to the Washington Post.

Now, Mr. President, I find this a very disturbing state of affairs. I want to make it clear that while I am not accusing the Washington Post nor Mr. Nossiter of any kind of a security breach, I am directing the attention of the Senate to the fact that there is a systematic leakage of classified documents from persons inside the Department of Defense.

I am willing to acknowledge the Washton Post's assertion that the reports referred to in this August 31 newsstory were "stripped" of any security matters; however, I must also acknowledge the fact that we have only the writer's word for the state of affairs. Even so, this does not alter in my mind the gravity of a situation in which a city newspaper is provided with Defense documents of a classified nature. The Washington Post states flatly that both reports were classified. This being the case, I would have hoped that the newspaper would have confided in its readers who, either in the newspaper office or in the Pentagon, decided what parts of those documents were or were not of a security nature. I, for one, am not willing to accept any such casual published assurances that no serious breach of security has been committed. It stands to reason that if classified material can be leaked to the Washington Post, it can also be leaked to other persons. I submit that any Defense Department official who would leak a document marked classified, or any part thereof, for purposes of publication certainly would not hesitate to leak the same information for other purposes.

Mr. President, I have outlined here my concern over this situation, and I now wish to formally urge the proper authorities in the Department of Defense to ferret out the person or persons responsible for leaking classified documents and dismiss him from Government service immediately. And, I might say, I do not believe that any prolonged investigation will be required to find the fountainhead of this classified material. I believe the source of it is perhaps fairly well known to the Department officials, and I further believe that action could and should be taken immediately

Now, Mr. President, I should like to return to the substance of the Washington Post article and the contention that the Government would waste money buying more C–5A airplanes. I ask unanimous consent to have printed in the RECORD the full text of the Washington Post article, together with a point-by-point commentary of my own.

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

C–5A LIMITATIONS DATA WITHHELD BY PENTAGON

(By Bernard D. Nossiter)

The Pentagon is withholding from Congress two internal memoranda that suggest the government would waste money buying any more C–5A airplanes.

The documents, prepared by the Defense Department's Systems Analysis Division, could, if released, have a major impact on this week's Senate debate on the big cargo planes.

When senators return from their vacation on Wednesday, the pending order of business is an amendment by Sen. William Proxmire (D-Wis.) to the bill authorizing funds for the military in the budget year that began on July 1. The Proxmire amendment would knock out $533 million that the Pentagon wants to begin purchasing another squadron of 23 C–5A's.

It would also require the General Accounting Office to determine whether additional purchases are the cheapest way of obtaining the airlift capability that the Pentagon seeks.

A vote could come at the end of the week, climaxing a strong challenge by Proxmire and others to the ballooning costs of the big Lockheed craft.

The two documents that Proxmire has been requesting to no avail since Aug. 22 are the "Major Program Memorandum for Strategic Mobility Forces, June, 1969" and another memo dealing exclusively with the C–5A that is dated Nov. 7, 1968.

Both, prepared by Systems Analysis for the Secretary of Defense, are classified. However, their principal findings, stripped of any security matter, have become available to The Washington Post.

BROAD STUDY

The June paper discusses a wide array of transport along with the C-5A. It was prepared as part of an annual survey, a procedure inaugurated by former Defense Secretary Robert S. McNamara, over the Pentagon's force levels for the next five years.

The document's central conclusion is that the most efficient, least costly transportation network to support the two major and one brushfire wars for which the military wants to be prepared consists of the existing three squadrons (58) C-5As plus smaller carriers like the C-141 and modern freighters.

The conclusion rests on this argument: The C-5A is so costly to build and operate that it can be justified only if it is used in the first 10 days of a conflict. Thereafter, the smaller C-141s and sea transport can do the job far more cheaply. However, the Army's ability to mobilize divisions and their equipment is so limited that it probably could not fill more than the 58 existing C-5As and the C-141s inside of 10 days.

CHEAPER BY SEA

In other words, by the time additional C-5As were loaded, more than 10 days would most likely have elapsed, and by then ships could do the job as effectively and for much less.

A parallel finding holds that the C-5A is no longer an economic replacement for the C-141, despite its larger size. The paper contends that if costs had been held to the level originally estimated, this would not be true. But the escalation in costs has wiped out the bigger carrier's advantage.

Finally, the document argues that four squadrons of C-5As would give the United States a lifting capability over and above the Pentagon's requirements.

The paper, written last June, does not directly attack the fourth squadron, the issue before the Congress, although its logic indicates that this extra force is unneeded as are the fifth and sixth squadrons the military ultimately wants.

PART OF INVENTORY

According to those in a position to know, Systems Analysis was directed this spring to assume that the fourth squadron was already part of the Pentagon's inventory.

A contract to buy the fourth squadron was signed last January, a few days before the Nixon administration took office and seven months before the Senate debate on the money for this agreement began.

Last fall, however, Systems Analysis was not under such an inhibition and prepared a paper dealing directly with the wisdom of procuring a fourth squadron. The Nov. 7 document observed that costs had risen far

above original estimates and questioned whether it was wise to go forward.

The paper concluded that the military could get the same airlift ability—and save vast amounts—by employing its existing three C–5A squadrons more intensively.

USE LIMITED

The memo observed that the Air Force intends to fly its planes only a limited number of hours each day, but if extra crews were called up from the Air National Guard or the Air Force Reserve, the carriers could be used more productively.

Over 10 years, the cost of extra crews was calculated at one-seventh the cost of building and operating a fourth squadron.

Moreover, if the military wanted the capability of six squadrons, it could achieve this with extra crews to operate both C–141s and the existing three squadrons of C–5As more intensively. Over 10 years, this technique would be more than $2 billion cheaper than buying and running three more C–5A squadrons.

The June document also brought out some limitations on the C–5A. It calculated that one squadron of the big carriers could deploy and support half an Army division for from 10 to 25 days, depending on the distance the squadron must travel. After that, the food, equipment and other supporting requirements would limit a squadron to less than half a division.

TWICE THE CAPACITY

The paper pointed out that over a period of 20 days, and for the same capital and operating expense, ships could carry twice as much to Europe as C–5As. Over 50 days, at equal cost, the ship advantage is five times as much.

To Asia, at equal cost, ships could carry 1.5 times as much as the planes in 30 days and four times as much in 40 days.

On the Europe run, the point at which ship transport becomes cheaper than planes is 14 days; for Asia, 28 days.

If Congress cuts off the C–5A program at 58 planes, the outcome would severely hurt Lockheed profits. Costs have risen so fast that the Air Force estimates the company would lose $671 million on the deal. Thanks to the repricing or "golden handshake" clause, Lockheed would appear to recover most if not all of this sum only if the three additional squadrons are purchased and the Pentagon generously prices the needed spare parts.

Testimony before Congress indicates that the cost of six C–5A squadrons totaling 120 planes and their spare parts has risen more than $1.9 billion, from an original estimate of $3.4 billion to $5.3 billion. The Pentagon, however, acknowledges only an overrun of $1.5 billion.

COMMENTS ON A WASHINGTON POST ARTICLE OF AUGUST 31, 1969, ENTITLED "C–5A LIMITATIONS DATA WITHHELD BY PENTAGON"

Point: "The June paper discusses a wide array of transport along with the C–5A. It was prepared as part of an annual survey, a procedure inaugurated by former Defense Secretary Robert S. McNamara, over the Pentagon's force levels for the next five years.

"The document's central conclusion is that the most efficient, least costly transportation network to support the two major and one brushfire wars for which the military wants to be prepared consists of the existing three squadrons (58) C–5As plus smaller carriers like the C–141 and modern freighters."

Comment: The June paper referenced is the Major Program Memorandum (MPM) on Mobility Forces, June 11, 1969. The MPM does not discuss supporting two major wars and a contingency simultaneously and does not conclude that the least cost mobility force to meet our deployment objectives is three C–5A squadrons plus the C–141s and modern freighters.

The mobility forces are designed to support reinforcement of Europe and the Pacific. A minor contingency is not considered during this deployment period. This is not even a two *major* war strategy. The European reinforcement is a response to a crisis created by Warsaw Pact forces. In this scenario the 4⅓ divisions in Europe would be reinforced by (a) flying in troops to marry up with the 2⅔ division sets of prepositioned equipment, (b) deploying additional ground forces and their equipment from the U.S. and (c) filling out the support units and opening the resupply pipeline. Additional tactical fighter/attack squadrons would also be deployed. If we had to deploy these additional ground forces to Europe in a reasonably short time, this would require the use of 4 C–5A squadrons.

For the Pacific we plan to be able to deploy a significant ground force and fighter/attack squadrons.

By designing and sizing the mobility force to support these deployments we build in the ability to react to larger than expected threats in either area singly. The MPM concluded that the military airlift force needed to support these deployment objectives was 4 C–5A and 14 S–141 squadrons.

Unrelated to detailed plans which involve many different force options and assumptions, the airlift capability produced by the MPM recommended force of 4 C–5A and 14 C–141 squadrons can be illustrated by the fact that we will be able to rapidly deploy from the U.S. ground forces to Europe and to Korea.

Point: ". . . the Army's ability to mobilize divisions and their equipment is so limited that it probably could not fill more than the 58 existing C–5As and the C–141s inside of 10 days."

Comment: At the outbreak of hostilities in Korea, we began deploying Army forces within 10 to 15 days from Japan and the U.S. These units were deployed even though they were understrength and underequipped. Further, we plan to maintain General Purpose Forces in a readiness condition to use the improved deployment capabilities which we have been building.

To date, all of our deployments of General Purpose Forces have been constrained by our airlift capability, even though the only ground forces eligible for airlift were the "light" divisions, i.e., the airborne and infantry divisions. With the C–5A in the airlift force, *all* Army divisions can be airlifted. Therefore, we expect that future deployments will also be constrained by our airlift capability.

Point: ". . . the C–5A is no longer an economic replacement for the C–141, despite its larger size."

Comment: In providing the recommended airlift force of 4 C–5A and 14 C–141 squadrons, the C–5As are not being procured as a replacement for the C–141 but to provide an outsize capability and other special characteristics now lacking in our strategic airlift force. With the current projected costs of the C–5A, it would not be economically attractive to replace *existing* C–141 squadrons with additional C–5As on an equal ton-mile basis.

If we wanted to *increase* the airlift capability beyond 4 C–5A and 14 C–141 squadrons by either buying C–5As or C–141s, the least cost way of getting this increase would be by adding C–5As. This is true because one C–5A squadron is about 4 times as productive as one C–141 squadron and is less than 2 times as expensive to operate.

Point: "According to those in a position to know, Systems Analysis was directed this spring to assume that the fourth squadron was already a part of the Pentagon's inventory."

Comment: This is simply not true. The Secretary of Defense directed Systems Analysis to make a complete review of the C–5A program. The conclusion from this critical review, was that 4 C–5A squadrons were adequate to meet our deployment objectives but raised doubts about the need for the 5th and 6th Squadrons.

Point: "Last fall, however, Systems Analysis was not under such an inhibition and prepared a paper dealing directly with the wisdom of procuring a fourth squadron. The Nov. 7 document observed that costs had risen far above original estimates and questioned whether it was wise to go forward.

"The paper concluded that the military could get the same airlift ability—and save vast amounts—by employing its existing three C–5A squadrons more intensively.

"USE LIMITED

"The memo observed that the Air Force intends to fly its planes only a limited number of hours each day, but if extra crews were called up from the Air National Guard or the Air Force Reserve, the carriers could be used more productively.

"Over 10 years, the cost of extra crews was calculated at one-seventh the cost of building and operating a fourth squadron.

"Moreover, if the military wanted the capability of six squadrons, it could achieve this with extra crews to operate both C–141s and the existing three squadrons of C–5As more intensively. Over 10 years, this technique would be more than $2 billion cheaper than buying and running three more C–5A squadrons."

Comment: Last fall a review of the C–5A procurement level was made after it became quite clear that the costs were increasing well above the programmed ceiling costs. The central conclusion of that review was that by using the air crews and maintenance personnel of Reserve C–5A associate units we could increase the daily utilization rate from 10 flying hours per aircraft per day to 15. Obviously if this were possible we could accomplish a given deployment task with significantly fewer aircraft.

However, we recognized at that time that attainable utilization rates depended on factors other than the number of available aircrews and maintenance crews. Such factors as weather, the ability of enroute bases to support massive deployments, and the loading and unloading of the aircraft also impact attainable utilization rates but are difficult to analyze. Because of the uncertainty of the impact of the other factors on attainable utilization rates and required C–5A force size the Deputy Secretary of Defense decided not to change the program at that time. The Tentative Record of Decision DPM, issued in January 1969 kept the C–5A force at six squadrons.

To help in understanding the impact of these more complex factors, we asked in November 1968, the Special Assistant to the Chairman of JCS for Strategic Mobility (JCS–SASM) to work with us analyzing the problem. Specifically we asked that a computer simulation model (SOAR—Simulation of Airlift Resources) developed jointly by the JCS and the Air Forec to study the use of airlift aircraft in large scale deployments be used to study C–5A utilization roles. These studies have been in progress since January 1969 with active participation by OSD(SA), JCS(SASM) and the Air Staff.

The studies are not complete but preliminary results indicate that between 10 and 12 productive flying hours per day can be expected with the present enroute base structure. Even this utilization rate assumes a very efficient level of management which may be possible in a computer simulation but unattainable in actual practice. As a result of these studies the C–5A and C–141 utilization rate used in the overall analysis for the Mobility Forces MPM was 10 productive flying hours per aircraft per day. Using

this utilization rate our analysis showed that to meet our objectives in Asia and Europe we should have an airlift force of 14 C–141 and 4 C–5A squadrons.

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

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

THE C–5A

Mr. PROXMIRE. Mr. President, today, I want to clear up some of the misconceptions about my amendment to the military authorization bill on the C–5A.

FIRST 58 PLANES WILL BE BUILT

My amendment does not affect the first 58 C–5A planes to be built. They are authorized. They are funded. These 58 planes form the first three squadrons.

My amendment reaches only planes numbered 59 through 81, or the fourth squadron. My amendment would delete the $533 million in the bill—this year's downpayment for the fourth squadron—until a GAO study answered crucial questions of fact about its costs and its need. Armed with the facts, I believe that the Senate itself could then make a far better judgment than it now can with so many facts in dispute or unclear.

TIME NO PROBLEM

There is no reason to be rushed into authorizing the fourth squadron. Time is no great problem.

Only six planes have been built. All of these are research or test planes. Two more research and test planes are scheduled for delivery in the next 60 days.

But the first production planes are not due until December 1969. They are already 6 months late. Provided there is no further slippage, the remaining planes in the first 58 will be delivered at the rate of two to three per month over the next 2 years.

That is one reason to support my amendment to delete the funds and postpone authorization until the GAO has had 90 days to complete its findings of fact about the airplane.

NOT A TROOP-CARRYING PLANE

The C–5A is not a troop-carrying plane. Its purpose is to carry the "outsized" cargo for an armored division—the tanks, cannons, and helicopters which other planes cannot carry.

The idea that we need this plane to get troops to Europe or from Europe is just not true. They can and should be carried by existing or additional troop-carrying planes such as the C–141 or the 747.

For carrying troops, the 747 wins hands down. I hope no Senator intends to oppose this amendment on grounds that the C–5A is needed to carry troops. That is false. That is untrue.

ONLY 40 PLANES NEEDED FOR OUTSIZED EQUIPMENT

The single unique purpose for the plane is to carry the outsized equipment for an armored division, or approximately 35 percent of an armored division's equipment. The Pentagon planners have specific missions which these planes are to perform.

The facts are that only 40 C–5A's are needed to carry the outsized equipment for the various contingencies and missions for which this plane was authorized and developed.

That is not classified. It is a public fact. It is contained in the Whittaker report—page 3. That report makes clear that the outsize requirements necessitates the procurement of only 40 C–5A aircraft.

We have authorized 58. They will be built. Why do we need to rush into authorizing $533 million as a down payment on the $941 million these additional 23 planes will cost? I wish to make clear that these planes will not cost $533 million but almost a billion dollars. Why do we need 81 outsized planes when the Air Force study indicates that only 40 of the total number of C–5A the Air Force wants are needed to meet the "outsize" cargo requirements?

STUDIES OPPOSE FOURTH SQUADRON

Two major studies have been made by the Pentagon on the need for this plane. Each of them clearly questioned the need for the fourth squadron.

The first study, a November 1968 study on the economics of the plane, concluded that a more intensive use of the first 58 planes would make the additional planes unnecessary.

The second study, made in June 1969 concluded that the fourth and subsequent squadrons of the plane were cost ineffective. When the funds for the plane were discounted, it was found that the job could be done better and cheaper by other combinations of planes and ships than the additional capability the fourth squadron of the C–5A would provide.

These two studies aimed at the question of whether we need the fourth squadron were both "negative."

And, of course, the first planes of the fourth squadron are not scheduled for delivery until almost 2 years from now. Those are the facts.

FOURTH SQUADRON TRIGGERS REPRICING FORMULA

Apart from not needing the fourth squadron of the plane for the mission the planes were developed to perform, the purchase of the fourth squadron also triggers the unconscionable provisions of the C–5A contract. When the 59th plane is authorized, the scandalous "repricing formula" and "escalation clauses" and "reverse incentive" provisions of the contract go into effect.

They make it possible for the contractor to recoup the huge excess in costs we thought other provisions of the contract required the company to absorb.

The effects of the repricing provisions are that the unit costs of the additional planes will be almost precisely the same as the first 58 planes. That is an unheard of situation.

For Lockheed Aircraft's part of the production—General Electric provides the engines—the unit costs of the second run of 62 planes will actually cost more than the first production run of 53 planes.

That is a result unknown in industrial history. If these provisions take effect, all the textbooks on the theory of contracts or on industrial production will have to have a new chapter entitled "The C–5A Phenomenum."

This contract is a fiscal disaster.

When the fourth squadron is authorized, all the provisions which make it a fiscal disaster are triggered. Senators should know that.

GAO STUDY

I have asked for a GAO study and investigation of the facts because of these matters.

We will have 58 planes. At stake are only planes Nos. 59 to 81.

Provided there is no further slippage, plane No. 58 will not be delivered until the middle of 1971, or almost 2 years from now.

We will have the 40 planes needed to carry all the outsized equipment this plane was uniquely designed to move.

Troops can be carried more efficiently by other planes. No one denies that. Not even the Air Force denies that. The idea that we will need this plane if we withdraw troops from Europe or elsewhere is irrelevant.

The C–5A is not a troop-carrying plane. If we need fast deployment of troops, buy the 747. With respect to the question of carrying troops the C–5A is like the flowers that bloom in the spring. It has nothing to do with the case.

If we buy the fourth squadron, it triggers the scandalous clauses of the C–5A contract. Buying the fourth unneeded squadron triggers those clauses of the contract which make it a fiscal disaster.

The two studies of the Office of Systems Analysis both conclude that the fourth squadron is not needed.

In view of all of this, we should at least delay until the GAO can report to us on the detailed factual matters which my amendments call upon them to provide.

Then we can decide whether we really need the fourth squadron. Then we can determine whether we need more than the 58 C–5A airplanes now authorized and funded.

COST OF TRANSPORTING CARGO

One further matter in need of clarification concerns the relative costs of transporting cargo by airlift and sealift, or more specifically the costs of transporting cargo with the C–5A versus other carriers.

On Wednesday my distinguished friend, the Senator from Arizona (Mr. GOLDWATER) placed some figures in the CONGRESSIONAL RECORD purporting to show the costs of transporting cargo in a C–5A versus other means including ocean shipping. He stated that the cost per ton-mile for the C–5A is 2.9 cents. This figure was compared with the costs per ton-mile of railroad transportation, 1.31 cents; trucks, 6.6 cents; and ocean freight. The cost per ton-mile of ocean freight was divided into two categories, dry bulk, .07 cent, and the average for all international water carriers, 1.10 cents. The Senator from Arizona then compared the costs of cargo via the C–5A with the costs of water carriers and concluded:

I think the cost factors will more than balance the difference between 2.9 cents and 1.10 cents.

In an earlier statement on the same day the Senator from Arizona asserted that he intended "to introduce some rather startling figures into the RECORD to show that it can beat some shipping, beat trucking, and beat some railroading."

I could not disagree more with the Senator from Arizona on this point. It would indeed be startling to learn that the cost of shipping cargo by the C–5A compares favorably with ocean shipping. Even the figures used by the Senator from Arizona do not support such a contention. The startling fact, in my opinion, is that the figures themselves represent an inaccurate comparison, and I regret to say that the effect is to mislead the Congress and the public.

In this connection, it was of some interest to me that only yesterday, September 4, the senior Senator from California (Mr. MURPHY) also discussed the cost of transporting cargo with the C–5A. According to the Senator from California the costs would be 12 cents per ton-mile. This figure, of course, is vastly different from the figure put forth by the Senator from Arizona. The difference between 12 cents per ton-mile and 2.9 cents per ton-mile is a 400 percent difference. The Senator from California and the Senator from Arizona seem to have their wires crossed.

The fact is that the costs of transporting cargo by the C–5A is enormously higher than by ocean shipping, and is probably higher than the costs of utilizing commercial cargo carriers. Gen. Duward L. Crow, testifying before the Senate Armed Services Committee in June of this year, stated that the cost of shipping cargo on the C–5A is now estimated to be 12 cents per ton-mile. This apparently is the source of the figures used by the Senator from California. It is interesting, however, to note that earlier estimates by the Air Force for shipping cargo with the C–5A were 10 cents per ton-mile. How is it that the estimate increased from 10 cents per ton-mile to 12 cents per ton-mile, a very substantial increase? The reason for the increase is the procurement cost increase of the C–5A.

Of course, the transportation costs of any vehicle should include the costs of developing and procuring that vehicle. That is to say it is highly misleading to use only the operating costs of a vehicle while neglecting the capital investment costs of the vehicle in attempting to determine whether it is economical. General Crow himself testified that—

> The increased costs of the aircraft have escalated that per ton-mile figure that we have calculated here from 10 cents roughly to 12 cents roughly.

In other words, the huge multibillion-dollar cost overruns will have a long-term impact on its operations, specifically the costs of shipping cargo. As these overruns increase, as the C–5A continues to escalate, the cost of shipping cargo will also increase. And I should remind my colleagues here today that we have it on the authority of Secretary Whittaker of the Air Force that the cost of the C–5A will continue to escalate. We have not seen the end of the cost overruns and the cost escalation of the C–5A by any means.

More to the point, is the fact that the figures being used by the Air Force, 12 cents per ton-mile, are serious understatements of the true costs. As far as I am able to determine, the Air Force estimates include the cost of procurement but do not include the R. & D. costs or costs for the initial spare parts. The R. & D. costs for the C–5A are roughly $1 billion. The initial spare parts and other support items are roughly $660 million. If we use these two cost items as well as the procurement costs of $3.3 billion, the costs of transporting cargo on the C–5A turn out to be 14 cents per ton-mile. This figure assumes the use by the Air Force of 120 C–5A planes over a 10-year period. But, if we assume that the Air Force will use only 81 planes, that is, the first 58 which already have been authorized plus the 23 now in question, then the cost of transporting cargo will increase to 14.78 cents per ton-mile.

Now what happens to these figures if the procurement costs of the C–5A continue to escalate? Congress has already been put on notice that they will escalate. We have seen how the cost overruns so far have already increased the costs of transporting cargo from 10 cents to 12 cents per ton-mile. Obviously, the cargo costs will go up just as the procurement costs are going up.

The Senator from Arizona in comparing the C–5A cargo costs with ocean shipping costs asserted, as I have already stated, that the water carrier costs are 1.10 cents per ton-mile. It will be seen that this figure is considerably less than the 14 cents per ton-mile costs for the C–5A, or even the 12-cent figure used by General Crow and the Senator from California. However, I also take issue with the water carrier figures.

The figures being used by the Navy in estimating its costs of shipping cargo are vastly different and the figures used by the Senator from Arizona. The fact is that the costs in fiscal year 1969 for transporting dry cargo in water carriers was one-half cent per ton-mile. This figure includes the average of all types of shipping, both Government and privately owned.

Thus when we compare the costs of shipping cargo on a C–5A with the costs of ocean shipping, we ought to be aware that there is no economy involved in using the C–5A. It is far, far more expensive, many times more expensive.

The C–5A will be a most uneconomical way of transporting cargo compared to shipping. It will also be an uneconomical form of transportation compared to the costs of using commercial cargo carriers, in my opinion. The cost to the Government of transporting its cargo on commercial air carriers is 13.67 cents, according to General Crow. But as I have already demonstrated the C–5A will cost in excess of 14 cents and probably as high as 15 cents per ton-mile, even if there are no further overruns.

Mr. President, in connection with the first part of my remarks, I ask unanimous consent to have printed in the RECORD a table which shows the precise delivery schedule of the C–5A's, and the fact that the first run of C–5A's will not be completed until June of 1971.

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

DELIVERY SCHEDULE FOR THE FIRST 58 C–5A PLANES

The first 58 planes have been authorized and funded. Eight of them are research or test planes. Five of the eight are Category 1 test planes provided to the contractor. Three are Category 2 test planes to be delivered to the Air Force for testing at places such as Edwards Air Force Base. The remaining 50 are the Production Run of the first three squadrons of the plane. This schedule is already six months behind. Provided there are no further slippages, the delivery schedule for the 58 planes is as follows:

1969:	
Category 1 test planes delivered	5
Category 2 test planes:	
August	1
September	1
October	1
Total test planes	8
PRODUCTION RUN	
1969:	
November	0
December	2
Subtotal	2
1970:	
January	2
February	2
March	2
April	3
May	3
June	3
July	3
August	3
September	3
October	2
November	3
December	3
Subtotal	32
1971:	
January	3
February	3
March	3
April	3
May	3
June	1
Subtotal	16
Total, run A	58

Mr. PROXMIRE. Mr. President, the point of the table is that there will be no slowdown in production if my amendment is adopted and there is no authorization of the fourth squadron until next year. This follows because present production, as I say, will take until the middle of 1971. The long-lead items are already forthcoming in part, and funds are available for the upcoming long-lead items for the fourth squadron.

So that my amendment would be an opportunity for us to get the information we should have, and which we have a duty to have, before we attempt to authorize the additional $530 million.

Mr. President, I yield the floor.

THE NEED FOR THE WORLD'S LARGEST PLANE

Mr. STEVENS. Mr. President, in the time since I came to the Senate, I have read as much as I could about the subject the Senator from Wisconsin (Mr. PROXMIRE) has just addressed himself to;

namely, the subject of the world's largest airplane, the C–5A.

I have been quite amazed that most of these words were about the contract and its procedure and very few words have been addressed to the airplane itself.

The evidence I have seen from the Armed Services Committee seems to indicate that the airplane is being procured at a fair price, in spite of inflationary pressures which have occurred in the aerospace industry. But all the outcries have certainly left one impression in the minds of many people—that is a "controversial" airplane. We cannot see a picture of the C–5 without a caption under it, describing it as that "controversial" airplane.

Mr. President, I do not speak often on this floor, but I do speak today with some personal feeling, as a former Air Force pilot, when I say that I am sure there will be nothing "controversial" about this airplane among the men who will fly it. It will be welcomed with open arms by Air Force pilots, and by the men on the ground who are so dependent on the supplies it will bring.

From all the evidence I find, the C–5A is a good airplane. So far as I can determine, the contract is a good deal so far as the American taxpayers are concerned.

The C–5A will respond to stringent requirements and will do an extremely important job for our military forces.

If we buy enough of them, the C–5A's will replace all the wornout C–133's and the C–124's at less than one quarter of the cost per ton-mile.

In addition to doing it much cheaper, the C–5A can carry many oversized military equipment items that none of the others can carry at all. It will fly almost anywhere, nonstop, quickly and with certainty—and when it gets there, it will land on short, unimproved fields, close to the men who need the items being carried on board.

This means a great deal in my State where we have a tremendous defense installation deployed around it, with very short fields. The C–5A will make rapid transportation, deployment and mobilization available to these remote sites in the State of Alaska.

I am unable to understand what is "controversial" about an airplane like that. It might bring envy, and even some second thoughts in some parts of the world, but to label it "controversial," as far as I am concerned, as a former Air Force pilot, is just plain bad caption writing.

There are some Air Force pilots I know, and some fighting men on the ground who receive its supplies, who will label it differently and very favorably. And well they might, for it is an awesome thing—its size so enormous you wonder that it can fly at all, it is so large.

It can carry over 130 tons of supplies; with lighter loads it can fly 5,500 nautical miles nonstop; its landing distance can be less than 3,600 feet on a wet, grass-covered runway. That means a great deal to areas such as mine.

And if you consider its usefulness, I asked my staff to get me a list of one typical load that can be carried in just one C–5: One M–48 bridge launcher, weighing more than 128,000 pounds; four M–151 quarter-ton trucks with trailers, weighing a total of more than 16,000 pounds; two M–170 ambulances, weighing more than 7,500 pounds; two UH–1D helicopters, with a combined weight of 9,000 pounds; two M–54 5-ton trucks with trailers, weighing over 70,000 pounds; two M–37 ¾-ton trucks with trailers, with a total weight of more than 20,000 pounds; plus 52 drivers, and support personnel, who with their equipment weigh more than 12,000 pounds.

This airplane really will put the Air Force in competition with the Navy. For the first time in air transportation, the Air Force will be able to carry its own helicopters along with it. This is a massive airplane and one which is designed to do a massive job for the Air Force.

The total for this typical load in one C–5 is 264,768 pounds. And that airplane, with that load, can fly 2,500 nautical miles nonstop and land on a wet, grass field in less than 5,000 feet.

Or, if you want another statistic, the C–5 can carry 16—yes, 16—¾-ton trucks at the same time.

It will truly be an astounding performer—this C–5A. not only in the sheer size of its capabilities, but also at a ton-mile rate lower by far than any other airplane in existence in the world today.

The statements I have just made about the C–5 cannot be made about any other aircraft in the world, and I am glad our Nation has it. Just imagine what a plane like this would have meant during the Berlin airlift.

In that connection, I was interested to read the comments of our colleague the Senator from Mississippi (Mr. STENNIS) which were made after I had departed for Alaska just prior to the recess. He told the Senate:

> With the C–5A's we will reduce the number of airlift aircraft in the force by one-half while providing more than three times the transport capability.

Commenting upon the remarks the Senator from Wisconsin just made, I think it is important to note what the Senator from Mississippi said in regard to operating costs. He said the C–5A operating costs per ton-mile will be lower than the entire airlift, which will be 2.9 cents for the C–5A, against 5.3 cents.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. STEVENS. I yield.

Mr. PROXMIRE. There is not any question about the operating cost of the C–5A being low. The point I made was that when we compare the costs of transportation, we have to include the capital cost that is the procurement cost. That is what the vote is all about on this point—whether we should build this plane. In any kind of fair comparison, we have to consider how much the vehicle will cost to construct and build. When that is done, the officials in the Air Force initially testified that the cost of the C–5A per ton-mile would be about 10 cents. Because the overrun is so great they now estimate the per ton-mile cost at 12 cents on the basis of the full cost. I calculate that with full additional costs it will be very close to 15 cents per ton-mile. The average cost of airlift cargo is 13½ cents. So on the basis of the present full cost, the C–5A will cost more than the average cost of airlift cargo, and infinitely more than ocean shipping will cost.

I will concede to the Senator from Alaska that this plane performs a unique mission and that it carries much larger equipment, but only 40 planes are required for this unique purpose. The Air Force has said it will need only 40 to carry the outsized cargo. So the additional planes, the fourth squadron now under debate would have to be compared not as a uniquely necessary vehicle, but on a competitive basis with other air cargo carriers, and I submit that on a competitive basis the C–5A does not compare favorably.

As the Senator knows, we are going to get 58 C–5A's. They are already authorized and funded. The only question is whether we should get the fourth squadron.

Mr. STEVENS. I cannot help but reminisce, because I remember, when flying the C–47's over China, their operating cost or cost per ton-mile was considerably less than that of the C–46's. But when we got the C–46's, they moved twice as many people and twice as much equipment in the same amount of time as the C–47's, and we had a greater range.

I view this question from the standpoint of modernization. The C–46 in time of war was better for that purpose than the C–47, although the C–46's and C–47's are still being used.

Every man flying it and every man on the ground servicing it recognized that the C–46 was better than the C–47. It was faster, carried more people, and did a better job. That is how I look at the question of the C–5A.

The thought of dropping that much equipment in that time, landing in less than 5,000 feet, without an improved runway, astounds pilots.

The C–5A is a good airplane. It is a plane that will do the job that needs to be done. I do not see why we should oppose modernization. Modernization of aircraft is something that we should face, along with modernization of our aircraft carriers and our tanks. Total modernization of our military is something that we should face up to now, before we find ourselves, as a Senator said the other day, a fifth-rate power. I cannot see participating in any decision which would leave the military of this country, or leave this country, even as a second-rate power in the world.

Mr. PROXMIRE. May I say that the C–5A, except for its responsibility to carry outsized cargo, provides no advantage over the C–141 and other planes. The original Air Force intention was to get 20 squadrons of the C–141 and no C–5A's. Then the Air Force officials testified they wanted to have 13 squadrons of the C–141 and six squadrons of the C–5A. Now the question is whether we should go ahead with the additional fourth squadron of the C–5A. Here it

seems to me that the amendment has special strength because, as I said, we are not going to be in a position actually to produce the fourth squadron until the middle of 1971. That gives us ample time to get reports and to get information on whether the C–5A is the most efficient, the most effective, and the wisest and best military response to our problem.

The Defense Department's only studies of this plane have raised serious questions about it. Their November 7 study of last year and their June 11 study of this year both concluded that the fourth squadron of the C–5A is not cost effective; and it seems to me that, under these circumstances, the responsible position the Senate should take is that we should delay our decision, as long as that delay will not slow down the production of the C–5A, until we can get information from the GAO to determine whether this conclusion is correct or not correct.

Mr. STEVENS. I will say to my friend from Wisconsin again, it does not seem to me that we should compare the C–5A to the C–141, which I have flown in, and know it. It comes through our State quite often, as the Senator knows, on the Vietnam airlift. I think it is a wonderful airplane. But we should not compare the C–5A with it, because it is not going to replace the C–141; it is designed to replace the C–133 and the C–124.

Mr. PROXMIRE. I agree that it certainly is not going to replace the C–141. The question, however, is whether it is necessary to procure additional planes beyond the 58th plane. That is the question. I agree with the Senator wholeheartedly that we should have the three squadrons of C–5A's, and we are going to get them. The issue is whether or not we need more of them.

Mr. STEVENS. I disagree with my colleague. The issue is whether we are going to be able to retire as many of the C–133's and C–124's as contemplated. We can only do that if we buy the number of C–5A's contemplated by this bill.

The C–133 and the C–124, in their day, were good airplanes. Today, however, they are airplanes that operate at excessive cost, both in terms of cost of operation and cost per ton-mile. I think the Senator from Wisconsin will agree that they are not as efficient as the 141.

The issue to be decided has to be, what do we replace them with? I think we should replace them with the C–5A, because of its tremendous capability in terms of use of equipment, and particularly, I emphasize again as a pilot, the short field landing of which it is capable, with its tremendous load.

Mr. PROXMIRE. Of course, I think the Senator, as a former pilot, can speak with real authority, and there is a lot of sense in what he says.

But my argument is that we should make this decision with our eyes open. Our eyes are not open. We do not have the information. The fact that this matter has been considered by the Office of Systems Analysis twice, and both times they have concluded that the C–5A is not cost effective should, it seems to me, be a signal to the Senate that we should get more information. We have time to to do it; why not? What is the rush?

Mr. STEVENS. I have been informed by the staff that the Secretary of Defense has indicated that they require these funds in fiscal 1970 in order to have these planes into the inventory in fiscal 1972; and if the three C–133 squadrons are going to be retired, as they are programed to retire, we must have the C–5A's on the line at that time. The indication is, from the staff memorandums given to me here, that the operations of these C–133 squadrons are limited, and will continue to be limited, in terms of flying hours, because analysis indicates a life of 19,000 hours, and these squadrons are scheduled to reach this analysis limit by 1972. Modifications of this aircraft, at a cost of over a million dollars per aircraft, would be required to extend the life of the aircraft for an additional 1,500 hours, or a period of 10 months.

This goes back to what I was saying before: Modernization now, to me, is really a conservative approach, because we need to modify these aircraft or replace them now with more efficient aircraft; and to put more modifications into these old aircraft—while they were good airplanes in their day, this is no longer their day—would be like trying to equip the Air Force now with the C–47, which was a wonderful plane in its day, but would not make much sense in terms of present-day loads.

I am relying on information given to me. As the Senator knows, I am not on the committee. I am trying to address myself to this plane from the point of view of a pilot, and from the point of view of someone who knows the problems in country like Alaska.

If we can get this plane available and in production, and eventually the L–500 will come to my State, it will make a great deal of difference. If one wishes to talk about 15 cents per ton-mile, as compared with what industry is paying in my State now to move supplies from Fairbanks to the north slope, I venture to say the latter is more nearly $15 a ton-mile.

Mr. PROXMIRE. Mr. President, I know there are special problems with regard to Alaska, and I am sure that the Senator would be completely correct if it were a question of whether we were going to have any C–5A's. But research and development has been completed; five or six planes have been built, two more are going to be produced within the next 30 days, and a total of 58 before the middle of 1971. So it is not a question of getting the plane into production, so that similar planes can be developed for Alaskan use. That will happen anyway, whether we proceed with the fourth squadron or not.

But speaking of timing, what kind of systems analysis do we have in the Office of the Secretary of Defense? Certainly, when they put these problems to their experts, and when they make this kind of study, if they come up with a conclusion that the C–5A is not cost effective, it seems to me it is unbelievable that they would ignore the presence and availability of other aircraft.

As I say, the plan of modernization began with having 40 squadrons of the C–141. That plan was amended and changed so they could bring in greater firepower with larger equipment, which the C–5A makes possible. I believe that was a wise decision.

Mr. STEVENS. That is not my point. My point, based upon the staff analysis, is that the fourth squadron, which the Senator disputes and seeks to delete from the bill, will replace three C–133 squadrons that are scheduled to retire. If the Senator's amendment carries, and we delete these C–5A's, what is going to replace the three squadrons of C–133's? Or does the Senator think we should go into the business of putting a million dollars per unit into an obsolete aircraft, to keep our defense capability up? I say that if we are to maintain our defense capability, those three squadrons which are scheduled to retire must be replaced by this fourth squadron of C–5A's the Senator seeks to delete.

Mr. PROXMIRE. There is nothing in my amendment that would prevent the replacement of these other planes with the C–5A. My amendment would merely hold up the authorization until we can get more information. As I point out, they are not scheduled to finish the first run of 58 planes until mid-1971.

The Senator has stated that the Secretary has argued that they have to have authorization in the 1970 bill so that they can fund the 1972 requirements. That is very hard for me to accept. I have not heard that argument before; it has just arisen on the floor now. It is hard for me to understand why this kind of a long lead is needed. They already have the funds for the long lead items, why would they have to fund something 2 years in advance of production?

Mr. STEVENS. My information is that delay in the fourth squadron will resule in either the loss of the three C–133 squadrons or the necessity, between now and 1972, to modernize those three C–133 squadrons at an excessive cost.

Again I say I do not disagree with the Senator in terms of the fact that this airplane costs more. I think, as I have stated, there is no question but that, as aircraft get bigger, the cost is greater; and, also, the inflationary spiral hits military procurement the same as it does our automobiles. I am no longer able to drive an $800 Model B Ford. When you start to get into these costs, they are going to keep going up and up, until we beat the inflationary spiral, and I hope we can do that. I hope we can find some way to stop that spiral, for I think it is doing everybody a great deal of harm; and again, it does my State more harm than anyone else, because we pay 25 percent more for everything.

Mr. PROXMIRE. I say to the Senator from Alaska that as far as stopping the inflationary spiral is concerned, the one place we can do it more effectively than anywhere else is by cutting military spending. That is the most inflationary kind of spending, and it does not meet any economic need. When we appropriate funds to build houses, the money we spend tends to inflate the economy, but the houses we build increases the housing supply and tends to bring down the cost of housing.

There is some counterbalancing. But when we spend money on planes or tanks or ammunition, that money is strictly

inflationary. There is no counterbalancing increase in the supply or goods that affect our cost of living.

I agree that we should not cut military budgets with a meat ax. We should not make any cuts in weapons systems which are absolutely essential to our defense. But if we are going to slow down inflation, we have to cut military spending, space spending, public works spending, and spending in all areas.

This is in my mind by far the most incisive and effective way to slow down inflation. We do not do it by going ahead with the authorization and spending of money for planes and other weapons that we do not need. And when the Defense Department says that we do not need it, certainly it would be very wise for us to take a much harder look at the matter.

Mr. STEVENS. Mr. President, I can only disagree with the Senator from Wisconsin. We have to look down the road and see what the military costs will be in 1972, 1975, and 1980 and what we can do now to modernize the force and program it so that we will have a more efficient operation.

If an investment is required today to carry out this purpose, we should approach it from that light, go home, and tell our constituents that modernization is required, and we should cut back in other areas where that is required.

I am not concerned about that at all. We should look at modernization from the total concept. I can only say to my friend, the Senator from Wisconsin, that there is no question when we get into the total concept of the military today that I must join the Senator from Mississippi in being disturbed at the general overall attack being made on the defense posture of our country through the attempts to delete in the bill items looking toward the modernization of our defense capability. And if we are afraid to go ahead with the modernization—and I think that we must not be afraid to go ahead with it—if we start to cut out the fourth squadron and cut out a carrier here and a fighter plane here, we will be in the same position in 5 or 10 years that Britain was before World War II. And I have a deep feeling that is the case. We will find ourselves cutting back on the military and making the Defense Department the scapegoat in each case.

I think we are inclined to forget how much money the President cut out of the budget before we received it. More than $4 billion was cut from the budget submitted by the last administration. And we are sitting here attempting to cut each item.

I have only been here for a short time, but I am impressed with the fact that, from the security briefings I have had, we should not hesitate at all about replacing some of these items with modern equipment and scheduling the replacement soon rather than waiting for 18 months.

It is my understanding that 18 months' delay now would cause a renegotiation of the contract. And there is no question that if the Senator's amendment is agreed to, the three C–133 squadrons will be retired and we will lose that capability and be required to expend $1 billion to restore obsolete aircraft.

Mr. PROXMIRE. If ever there was a contract that needed renegotiation, this is it. This is the worst contract that the military has had in a long time.

Mr. STEVENS. I defend the aircraft and not the contract. I do not know anything about the contract. I do know something about the airplane.

Mr. PROXMIRE. Both sides in this debate have agreed that a number of these elements in the contract have to be renegotiated. If my amendment passes, we will then be in a far stronger position to renegotiate the contract. If my amendment is agreed to, it will lend some muscle to the Government in renegotiation.

In the second place, I think that the Senator from Alaska has made a very strong argument in favor of modernization, which I approve.

I do not know how the Senator can say that those who are for my amendment are against modernization. We should expend the money with our eyes open and know the facts.

I favor a more vigorous program to develop nuclear submarines. In many areas we can do a more vigorous and better job from the military standpoint. However, when we are convinced that a program is wasteful, not justified, and not cost effective, and that there is a more economical way to do it, we should vote against such an expenditure. That does not mean that we do not favor modernization.

We have to modernize the military force, of course, and that will cost money.

Mr. STEVENS. Mr. President, I close by saying that it is inconceivable to me that we would fail to recognize that the Air Force does have obsolete equipment that should be retired and that these costly old airplanes, costly, in terms of operation today, were airplanes that did a good job in their day, but that their day is past. We must modernize our equipment and the time to make the decision about modernization is now and not 2 years from now.

I am pleased that the Air Force will have a new working tool available to it in the form of the C–5A.

I feel that it should have a fourth squadron as contemplated by the bill.

The C–5A is not only a giant in size, but it is also a gigantic step forward in the state of the art. And it will serve an equally great need in the mobility and flexibility of our military forces in the perilous times we face ahead.

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

Mr. STEVENS. I yield.

Mr. THURMOND. Mr. President, I take this opportunity to congratulate the able Senator from Alaska upon the excellent remarks he has made today in defense of the military procurement authorization bill. Although the Senator from Alaska has been here for only 1 year, his keen mind has been able to perceive the great dangers facing our Nation and the hazards with which we are confronted. Because of his knowledge of defense matters, he is able to give us the benefit of his experience. It should be very beneficial to us.

There has been an effort made here to eliminate one weapon after another from the military.

There was a move made to eliminate the ABM, which is a very vital weapon and purely a defensive missile which is not calculated to cross the ocean or to strike people in other lands. It is merely intended as a weapon against enemy missiles if the enemy should attempt to send them here.

There was a move made to eliminate the Army tank, the MBT–70, which is vitally needed. As long as we have armies fighting conventional wars, we will need the most modern tanks.

There is a move being made to delay the C–5A. I say this with no criticism of anyone's motives. However, I must question the judgment of some on these matters. We cannot just go out here now and stand up against the Soviet threat, and that threat involves a threat today to the freedom of the world, unless we are prepared.

There will be moves made, I understand, to eliminate and delay the F–14 and the F–15 planes.

Time is of the essence. In World War II, the oceans protected us. That war began in December 1941. We had time to build up our armies. We had time to build planes, tanks, and other equipment. That will not be the case if we have another war.

We now have supersonic planes, planes that fly faster than sound. These planes can cross oceans and endanger the people of this Nation.

We have the intercontinental ballistic missiles that can travel thousands of miles and can be sent here by enemy countries.

We must be prepared. Time is of the essense. We must be ready if an attack comes.

The research and development that we do today will determine what weapons we have 8, 10, or 12 years from now. Our weapons today are a result of the research undertaken that far back.

If we follow the plans of some of the people in this country today and some of the suggestions that have been made in the Senate, it will not be very long until our country will be disarmed. We will be unilaterally disarmed.

I think that in the face of the threat facing us today it would be incomprehensible if we were to pursue such a course.

I compliment the Senator from Alaska upon his wisdom and good judgment displayed in the remarks he has made today.

I hope that the Senate will heed the advice of a freshman Senator.

Mr. STEVENS. Mr. President, I thank the Senator.

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

Mr. STEVENS. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I join in complimenting the Senator from Alaska for the remarks he has made in defense of the C–5A. I have known for a long time of his great interest in aviation, the fact that he has long been a pilot, the fact that he understands the operations of aircraft and fleets of air-

craft. So, coming from him, these words come from the mouth of an expert, a man who has had practical experience with what we are talking about.

I am glad to hear this, because we have had a great deal of theory expressed on the floor of the Senate from people who really do not know what they are talking about. I am happy that the Senator has made these remarks, and I wonder whether he would yield one moment longer.

Mr. STEVENS. I yield.

Mr. GOLDWATER. Mr. President, I invite the attention of the Senator from Wisconsin to this. I said yesterday that we had inquired of the Army as to their needs for the C–5A, and the question was asked, "Can the Army load four squadrons of C–5A's plus existing C–141's within 10 days?"

This is the answer:

In the post-Vietnam environment (when C–5A aircraft became available) present Army mobilization objectives will make forces available at a rate which will utilize fully all available C–5A and C–141 aircraft within a ten-day period. Realistically one should recognize that the Army would not expect to be allotted all of these aircraft because of requirements of the other Services.

In a situation where there was some advance notice prior to initiation of an airlift, availability of Army forces for a major deployment would exceed airlift availability. For example, if called upon to reinforce Europe (in a post VN environment) the Air Force, with 4 squadrons of C–5A's and 14 squadrons of C–141's could make available to the Army above essential Air Force requirements an estimated capability to airlift 115,000 troops and 23,000 S/T of cargo to Europe from CONUS in a ten-day period.

Within a ten-day period the Army would have available for loading an estimated 124,000 troops and 36,000 S/T of cargo. Therefore, the Army could generate a total lift requirement which exceeds—

I repeat—

which exceeds Air Force capability with four squadrons of C–5A's and 14 squadrons of C–141's. This example does not include concurrent requirements of the Navy or Marine Corps.

I thank the Senator from Alaska for yielding.

Mr. STEVENS. I am indebted to the Senator from Arizona.

Mr. STENNIS. Mr. President, has the Senator from Alaska completed his speech?

Mr. STEVENS. Yes, I have.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. STEVENS. If there is no objection, Mr. President, I will yield the floor.

Mr. STENNIS. Mr. President, not only do I wish to thank the Senator from Alaska for coming here and taking part in this debate, but also, I want to say that he has made a splendid statement. He holds himself well in debate. I think he has made a very fine contribution to the problem of this amendment. He is a pilot in his own right, too, which gives a feel to his opinions and his beliefs, and that gives them an extra practical value.

I encourage the Senator from Alaska to take part in other phases of the debate on this bill—not only on this bill but also on other military bills. Of course, I hope that he and I will always be on the same side. But even if we are not, he is capable of making a fine contribution to this subject matter. I am most grateful to him.

Mr. PROXMIRE. I wish to add my commendation to the Senator from Alaska. I do not know whether or not he wants my commendation. I disagreed with him in the debate, but he is an able, astute, and effective debater, and I think this is useful and valuable in the Senate. As the Senator from Arizona, Mr. GOLDWATER, has said, one of the things we do not do enough in this body is to debate. He has called for it, properly.

I think the Senator from Alaska, on the basis of his speech today and previously, has indicated that he is the kind of man who will be most helpful to us in coming to reasonable conclusions based on the give-and-take of debate. I commend him, and join the other Senators in commending him, on his speech, although, again, I think he knows that I do not agree with the conclusions in the speech.

Mr. STEVENS. I am grateful to the Senator from Wisconsin, the Senator from Arizona, and the Senator from Mississippi.

I do think that those of us who are not on these committees at times do not get involved as much as we should. With due respect to the Senator from Wisconsin, I think we probably have more Air Force squadrons stationed in our State than any other State, and we look forward to many of them returning from Vietnam. I think we will be the supply center for the Air Force in future years. We are not a hostile environment for the Air Force in Alaska. We enjoy having them there. We have a great deal of space in which to roam around and train. I would like to see them have this kind of aircraft and the full capability envisioned by the bill. That is why I disagree with the Senator from Wisconsin.

Mr. PROXMIRE. The Senator from Arizona pointed out, as I understand it, that the Army would need the capability of the fourth squadron of the C–5A's. This may very well be the case. I am sure that if the Army said so, it is the case.

However, first, my amendment would not prevent our providing the C–5A on schedule and on the same production basis, because it is going to take until mid-1971 for the present run to be completed; and if, on the basis of the information we get from them, which my amendment calls for, the Senate next year decides to act and ask for more C–5A's, ask for the fourth squadron, Lockheed can continue right along on the same production basis, without losing time.

The second point I make to the Senator is that he stressed—and I thought he stressed with great force—the necessity for having this plane available for a 10-day period. Again and again in his remarks, he pointed out that this was for rapid mobilization, this 10-day period. This is why it seems to me that there might be some force behind the study that was made by the Office of Systems Analysis when they pointed out that the plane might be utilized for 15 hours a day. It, of course, would be inconceivable to use a plane for 15 hours a day over a long period. For 10 days, in an emergency situation, it is possible.

So perhaps the conclusion they reached, that the fourth squadron was unnecessary because you can use these planes intensively, might have had some logic behind it, although I think the Senator pointed out very well on the floor that you cannot do this for any prolonged period of time.

Mr. GOLDWATER. Mr. President, I should like to put this 10-day emergency matter in the proper perspective.

If you are going to hold three squadrons on the ground, waiting for a 10-day period, I will guarantee that you will not get them off the ground. Airplanes are no good unless they fly.

One of the big mistakes we in Congress make is that we think we can ground airplanes and pilots and save money.

These airplanes might be on training missions or on other airlift missions, when, all of a sudden, without any warning, the President might call a state of emergency and we would have to start deploying troops to Europe or South America or Korea or some other place, and then we would have to depend upon the normal operations of a fleet.

I dispute very violently the contention of Systems Analysis that you can fly airplanes 15 hours a day. You could not do it even if you had them in readiness. It cannot be done.

I invite the attention of the Senator from Wisconsin to the fact that Systems Analysis did come to the conclusion that four squadrons are needed.

Mr. PROXMIRE. And the Assistant Secretary did, because he rejected the study. But the study itself indicated that you would not need the fourth squadron if you could more intensively use the plane, and they made that assumption in the November 7 study. In the second study, in June, they made different assumptions, and still came back with the conclusion that you would not need the fourth squadron.

I say this is what the study showed.

Mr. GOLDWATER. The systems analysts themselves, in their language, concluded that the fourth squadron was needed. We have made this point time and time again. In fact, it is in the literature that the Senator from Wisconsin received from the Pentagon. That is where I got my information.

THE NATIONAL STUDENT ASSOCIATION

Mr. THURMOND. A striking editorial in the State newspaper last Wednesday calls attention to the result of the recent convention of the National Student Association. NSA, it will be recalled, is the left-wing radical group that was secretly financed by the CIA. It was the forerunner of the militant groups now disrupting college campuses across the Nation. As the State says:

No group was more zealous than NSA in promoting black militancy. With the CIA paying up to 80 percent of the tab, it financed much of the mischief in the field of civil rights, including the formation of the radical Student Nonviolent Coordinating Committee, headed by Stokely Carmichael and H. Rap Brown. By its own estimates, NSA diverted at least $1 million to such "civil rights" work.

Mr. President, the folly of Government support of such projects is now apparent, although it would seem to me that it should have been apparent to anyone with commonsense at the time the organization was secretly funded. I do not know who sold our leaders at that time on the theory that the best way to combat subversion is by encouraging and supporting radicals.

The State points out that the result, even for the NSA, is a continuing revolutionary situation, where last year's crop of revolutionaries is too mild for the new crop. At the NSA Convention, the black militants walked out. The State calls it "another case of the parent being devoured by its children."

Mr. President, I ask unanimous consent that this editorial from the State, September 3, 1969, entitled "Student Association Suffers Split in Ranks" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, I would also like to call attention to an article on the same page of the State, by the State's able associate editor, William P. Cheshire. Mr. Cheshire's article is entitled "Churchmen Finance Black Revolution," and he describes a situation that is analogous to the CIA's financing of NSA. Here we find that a coalition of churches, called Inter-religious Foundation for Community Organization—IFCO—has financed the outrageous blackmail program of James Forman. Most recently, the delegates to the Episcopal Church's general convention has agreed to recognize the self-appointed Forman as the bargaining agent for all black people. This is a completely irresponsible action, although it is not surprising, since Mr. Cheshire points out that the Episcopal Church took the lead in organizing IFCO.

Mr. President, I do not single out any particular church for criticism, especially since IFCO is a coalition of many churches. However, this action of the churchmen is as ill-advised as the CIA's action in financing the militants, and I have no doubt that the fault will be the same. Mr. Cheshire's article also proposes a remedy: He points out that many laymen "are cutting their pledges and turning to alternatives." One alternative that he mentions is the "Foundation for Christian Theology" which is working within the church to prevent politically oriented programs.

Mr. President, I also ask unanimous consent that the article by William E. Cheshire, "Churchmen Finance Black Revolution" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT 1

[From the Columbia (S.C.) State, Sept. 3, 1969]

STUDENT ASSOCIATION SUFFERS SPLIT IN RANKS

The left-wing National Student Association, short of funds since losing its government subsidy in the aftermath of the Central Intelligence Agency scandal two years ago, may be short of members next. Black students stormed out of NSA's El Paso convention last week, charging that the student group had been using the race issue "for egotrips and to get foundation money."

The revolt began when Muhammed Kenyatta, a leader in the drive to extort $500 million in "reparations" from white churches, sought to take a voice vote of NSA delegates on the proposition that NSA is a "racist institution." NSA officials, unwilling to have the convention sentiment recorded, grabbed the microphone away from Kenyatta and hustled him off the platform.

A mass walkout followed. Negro students announced plans to form the 20 Negro colleges associated with NSA into a new National Association of Black Students, and black candidates were urged to take no part in NSA's election of officers. All obliged except Clinton Deveaux, running for president on a platform opposed to campus violence.

NSA delegates thus faced the necessity of choosing between two unpleasant alternatives. They could vote for Deveaux, thereby repudiating the organization's wishy-washy stand on college riots. Or they could repudiate Deveaux, thereby widening the breach between blacks and whites. (They voted against him.)

NSA's difficulties are another case of the parent being devoured by its children. In its flusher days, no group was more zealous than NSA in promoting black militancy. With the CIA paying up to 80 per cent of the tab, it financed much of the initial mischief in the field of civil rights, including the formation of the radical Student Nonviolent Coordinating Committee, headed by Stokely Carmichael and H. Rap Brown.

By its own estimates, NSA diverted at least $1 million to such "civil rights" work.

Then the cover blew. Revelations in *Ramparts*, a New Left scandal sheet out to discredit the CIA, ended by unmasking a whole network of undercover operations involving government subsidies to leftist foundations and political action groups, including NSA. To head off a full-scale congressional inquiry, the CIA had to repudiate these connections and promise to sin no more.

NSA had to shift for itself. With only 430 members out of 1,700 eligible schools and no Big Daddy in Washington, NSA's debts began to climb. It now owes an estimated $100,000, which helps explain why the NSA militants are losing interest in Whitey's help. Whitey needs theirs.

One surveys NSA's record over the past few years: repudiation of U.S. action in the Dominican Republic, the Panama Canal Zone, Vietnam; advocacy of a seat in the United Nations for Red China and a Communist-dominated coalition government in Saigon; endorsement of Fidel Castro's "educational reforms." It is a sad record indeed; and if the black militants can assist in bringing down this troublesome group, they will deserve to have at least one public service chalked up to their credit.

EXHIBIT 2

CHURCHMEN FINANCE BLACK REVOLUTION

(By William P. Cheshire)

No sooner had Episcopal delegates settled in their seats for the church's general convention in South Bend than the presiding Bishop gave them some unsettling news. The church's executive council, the Rt. Rev. John E. Hines announced last Saturday, had agreed to recognize as the bargaining agent for all black people James Forman's Black Economic Development Conference.

This is the group, it will be recalled, that met last April in Detroit and demanded $500 million from white churchmen as "reparations" for slavery. At least one Episcopal bishop, the Rt. Rev. C. Kilmer Myers of San Francisco, thought the figure "too low." Forman obliged him by raising the demand to $3 billion, where it stands at the moment.

Endorsement of Forman's blackmail-for-blacks by the executive council of the Episcopal church came as no surprise. Three years ago, at the urging of Bishop Hines, the executive council took the lead in establishing what is known as the Inter-religious Foundation for Community Organization. Though initial funding came from the Episcopal Church treasury, IFCO is now an interfaith agency* that finances a variety of black community projects.

One of these was last April's Black Economic Development Conference, whose chairman (the Rev. Lucius Walker Jr.) is likewise IFCO's executive director. IFCO paid out $50,000 to the Walker-Forman group, all of it originating, in the form of donations, at the very churches the militants intend to shake down for $3 billion more.

This was not the first time IFCO had bankrolled black militants. In Chicago, IFCO gave $20,000 to the Garfield organization, several of whose officiers were arrested and charged with conspiracy to commit arson and burglary during race riots in Chicago last year. Another $5,800 went to the Los Angeles Black Congress, a Negro extremist group. The United Black Community Organization in Cincinnati received $44,000. Of $885,800 dispersed so far, IFCO has spent $774,500 on these and similar incendiary groups.

Apart from IFCO, the executive council of the Episcopal Church (one of the more radical church councils) has several special projects of its own that are being financed through a $9 million "urban crisis" program. Examples of its work: $15,000 to support boycotting Chicago high school students in their demands for an expanded Afro-American history course, $7,000 to produce 60 new copies of the Black Panther film "Huey" for nationwide distribution, and $30,000 for the "Drum and Spear Book Store" in Washington, D.C.

These efforts and others like them tend to confirm the opinion of Gus Hall, general secretary of the U.S. Communist Party. In an interview last year with editors of the Presbyterian magazine "Approach," Hall said: "Communist goals are almost identical to those espoused by the liberal church. We can—we should—work together for the same things."

Some will be disposed to think that Hall's plan for Christian-Communist cooperation has already been put into effect, intentionally or not. But a counter-force has come into being as well: the Foundation for Christian Theology (1501 North Glass St., Victoria, Tex., 77901), an Episcopal-oriented group headed by the Rev. Paul H. Kratzig, D.D.

"We oppose the National Council of Churches of Christ in the U.S.A. when it declares positions on political issues, presuming to speak for 40 million Christians," Dr. Kratzig says. "We oppose church support of politically oriented groups and their programs . . . The division in the church was not created by us. The Foundation is here to prevent this division from developing into a schism, if possible."

Many laymen, unwilling to go on financing IFCO and similar groups, are cutting their pledges and turning to alternatives like Dr.

* In addition to the executive council of the Episcopal Church, these groups also contribute to IFCO's financial support: the American Baptist Home Missions Society, the Board of Homeland Ministries of the Church of Christ, the Board of Missions of the United Methodist Church, the General Board of Christian Social Concern of the Methodist Church, the Board of National Missions of the United Presbyterian Church, the American Jewish Committee, the Catholic Committee for Urban Ministry, the National Catholic Conference for inter-racial Justice, and the Foundation for Voluntary Service.

Kratzig's foundation, which supports missions, seminary students and the other traditional work of the church. If the trend continues, who knows what may happen? The radicals of the cloth may promote James Forman's extortion plan only to discover, too late, that a rebellious laity has balked at paying tribute even if the clergy hasn't.

THE KIDNAPING OF U.S. AMBASSADOR CHARLES BURKE ELBRICK

Mr. COOPER. Mr. President, I am very much concerned and I am sure the people of our country are very much concerned about the kidnaping of Ambassador Charles Burke Elbrick in Rio de Janeiro.

A condition for the release of Ambassador Elbrick imposed by his kidnapers is that the Government of Brazil release 15 political prisoners with the assurance that they will be able to seek asylum.

I have talked with officials of the State Department and I have been assured that the Department is in constant communication with the Government of Brazil and is urging that Government to take every step to secure his safe release.

I have just heard that the Government of Brazil has acceded to the efforts of the Department of State and has announced that it will agree to the release of the political prisoners which are held by the Government of Brazil.

Mr. President, I know that it may be argued by some that the release of the political prisoners under such conditions will establish a precedent which may be used by dissident groups in other countries to secure the release of political prisoners and perhaps to impose other conditions which are unfavorable to those countries.

This may be true, but it does not meet the problem that confronts our own country when our diplomatic representatives are kidnaped, as occurred to Ambassador Burke Elbrick or in the case, not long ago, when our ambassador to Guatemala, Gordon Mein, was kidnaped and killed.

It is the duty of the Government of Brazil, under international agreements, to provide protection to Ambassador Elbrick. Failing to do so, it is its duty to take every step, including the release of political prisoners, if necessary, to secure the prompt release of Ambassador Elbrick. I am sure that this is the position of the people of our country.

If, as has been reported, the Government of Brazil has taken this step to insure Ambassador Elbrick's safety and will release the men held as political prisoners, I am glad. But in the future, our country must require adequate assurance that our diplomats in other countries will be protected. Also, our country on its part must provide more effective protection for its representatives.

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

Mr. COOPER. I am glad to yield.

Mr. STENNIS. I deeply appreciate the Senator's remarks. I do not think any Senator is in a better position to make them and give them added meaning. I am pleased that the Senator from Kentucky has spoken out at this particular time.

We do not mean to be belligerent, but we are being pushed around in many ways, as our ships are captured, our planes shot down, and our ambassadors kidnaped. Many incidents such as this have happened. We must draw the line rigidly and let our position be known in advance.

I thank the Senator from Kentucky for his excellent speech.

Mr. COOPER. I appreciate the statement of the Senator from Mississippi.

I feel rather strongly about this, because Ambassador Elbrick, who was kidnaped—and we hope he is safe—is a native of my State, as was our ambassador to Guatemala, who was killed. That is a personal concern, but it is not so important as the reason which the Senator from Mississippi has just stated; that is, that we must be firm with other countries concerning the protection of our people, to make certain that they are given adequate protection as required by international law.

I believe these incidents call for stronger efforts on our part to secure greater protection for our diplomatic representatives and to provide more effective means of protection for ourselves.

Mr. YARBOROUGH. Mr. President, I, too, wish to associate myself with the remarks of the distinguished Senator from Kentucky (Mr. COOPER). I share his concern over Ambassador Elbrick's fate.

Last year, as a member of the Interparliamentary Union delegation from this body, I visited Yugoslavia. Ambassador Elbrick did a fantastic job for this country there. Today, we see the Yugoslavs are striving to obtain independence from Russian domination. Much of the credit for this must go to Ambassador Elbrick who is one of our most able diplomats.

The kidnaping and holding for ransom of Ambassador Elbrick requires us to consider whether the contingents of marines which guard our embassies in foreign countries should be strengthened so as to protect the residences of our ambassadors and insure their safety as they travel to and from the embassies.

The murder of Ambassador Gordon Mein in Guatemala is another tragic case. Another such incident, which fortunately did not end so tragically, occurred in Japan during Secretary of State Rogers' visit when Ambassador Meyer was attacked and injured.

I know Ambassador Meyer. I visited with him when he was in Lebanon, again when I was a member of the Interparliamentary Union delegation which went to Iran during the time he was our Ambassador there.

Ambassador Meyer was in the OSS during World War II, serving in the northwest corner of Iran, in Azerbaijan, where he helped prevent the Russians from tearing that province away from Iran, as they tried to do after World War II.

Ambassador Meyer is a brilliant man. He is an intellectually gifted man and is also an agile man physically. Those qualities combined to prevent the attack from being more serious than it was.

Mr. President, this all points up that our people in the Foreign Service, who are often criticized and frequently denounced, encounter great risks of physical violence when our embassies are attacked, bricks thrown through the windows, and information centers burned. It is very risky for those who serve in our diplomatic service, because our diplomatic service is essentially nonmilitary. They are not supposed to be armed as are our military personnel.

Regardless of what kind of protection we ultimately provide our civilian representatives abroad, it will call for very serious thought and attention on the part of our Government to provide protection to our able ambassadors and those who serve with him.

We have many able men serving this country abroad. I think that Ambassador Elbrick certainly has proved he is a man of great ability. So has Ambassador Meyer and many others.

THE NIXON TAX PROPOSAL FAILS THE AVERAGE TAXPAYER

Mr. YARBOROUGH. Mr. President, I was shocked by the testimony of Secretary of the Treasury, David Kennedy, before the Finance Committee in which he outlined the Nixon administration's so-called tax reform program. Instead of presenting to the Senate and the American people a tax program which would provide meaningful relief to the "forgotten American"—the overtaxed lower- and middle-income citizens—as was repeatedly promised during the 1968 presidential campaign, Secretary Kennedy proposed a tax program that could well have been devised in a big business boardroom.

One of the most amazing features of the Nixon tax program is its treatment of the standard deduction. The House of Representatives recognized that the present standard deduction of 10 percent with a ceiling of $1,000 is totally out of line with today's cost of living; therefore, the House sought to remedy this unjust situation by raising the standard deduction to 15 percent with a ceiling of $2,000. By doing so, the House was responding in an effective manner to urgent need for tax relief. The Nixon administration, however, did not endorse this significant change in the tax law, but rather proposed that the standard deduction be cut to 14 percent with a ceiling of $1,400—a loss to the average taxpayer of $600 of deductions.

To further compound this situation, Secretary Kennedy asks for a 1-percent reduction in corporate taxes. What this all boils down to, in the final analysis, is that the President's tax program gives relief to big business and does so by reducing tax benefits for individuals. In other words "the forgotten American," according to the Nixon administration, is not the overburdened taxpayer, but really the large business powers.

The average taxpayer of America is tired of being shortchanged. He is tired of bearing a disproportionate share of the cost of the Vietnam war, while war

contractors reap excessive profits from this cruel conflict, with no tax or excess war profits. He is tired of inflation and high interest rates which rob him of his hard earned wages. Most of all, he is tired of coming out second best to big business in tax matters. The average taxpayer is crying out for tax relief and has challenged the Congress to provide it. He is in no mood to accept a watered-down program.

Mr. President, during the recent recess of Congress, I had the opportunity to make about 55 public appearances in my State during a 3-week period, and also several appearances in two or three other States during the same period. Approximately 35 of those public appearances were the town hall-type meetings, held in many towns of large and small populations. Many people express their views as to the inequities and discrimination in the tax structure as it affects them, the individual taxpayers. They think that the present tax structure favors big business interests. This is burning itself into the minds, consciences, and thoughts of the American people to the point that I think that if there is no tax relief for them, they are going to change things at the next election so that they will get such relief. There is no doubt about that.

In the past in Texas we had only one major medium of news. Now there are three, and they are educating the American taxpayer as to what is happening to him. The public has learned that 40 percent of the total support of our Government by means of all kinds of taxes, especially on income, is being paid by the individual taxpayer alone, and only 19 percent is being paid by corporations. In addition, they have learned that the individual pays a share of 23 percent of the funds contributed to social security. Thus, the individual taxpayers, those in the lower and middle income brackets, are bearing the brunt of this heavy burden.

Mr. President, there are 21 individuals in this country with an income of over $1 million per year who pay no income taxes at all. There are approximately 30 individuals with income of half a million dollars to one million dollars who also pay no taxes. There are approximately 150 people with a net income of over $200,000 a year who pay no income taxes.

The people of this country know this, Mr. President.

There are several methods of providing this much needed tax relief. One is to raise the personal exemption from the pitifully low figure of $600 to a figure that is more in step with today's cost of living. I have introduced a bill which would raise the personal exemption to $1,200 which certainly is more realistic than the $600 figure that was adopted nearly a quarter of a century ago. I am very disappointed that the Nixon administration did not see fit to incorporate this idea in its tax program.

Another way of raising the revenue needed to meet the high cost of the Vietnam war and still give our people relief from high taxes would be to tax the excessive profits that are being made by war contractors. This country had an excess war profits tax in World War I, World War II, and the Korean conflict, and it proved to be a just and effective means of financing those wars. That is why I am proud to be a cosponsor of a bill to establish such an excess war profits tax bill.

Mr. President, a tax on excess war profits raised 31 percent of all the revenue necessary to finance World War I. This tax provided 30 percent of the funds to finance World War II. A very substantial part of the cost of financing the Korean conflict also came from the excess war profits tax.

Yet, we have no tax today on excess war profits.

I am cosponsor of a bill to levy a tax on excess war profits which it is estimated would raise $9½ to $10 billion. The present surtax also raises $9½ to $10 billion. That is the reason why I voted against an extension of the surtax when it came before the Senate just before the recess.

I think it is rather symbolic that the surtax, which falls heaviest on the lower and middle income taxpayers, raises the same amount of money that a tax on excess war profits would. Where is the conscience of a Congress that would lay such taxes on the backs of the people and to say to the profiteers, "You go ahead," even though we taxed them in World War I, World War II, and the Korean conflict? It worked well in three wars. The Vietnam war is going to cost the taxpayers more than any other war, except World War II, and yet we will not put the burden of the cost on the backs of the war contractors where it belongs, but will put it on the backs of the oridnary taxpayers, especially those with low income.

I submit that increasing the personal exemption and enacting an excess war profits tax is a much more effective means of helping the forgotten Americans than raising taxes for individuals by cutting the standard deduction, while lowering big business taxes at the same time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

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 Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, 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.

Mr. STENNIS. Mr. President, it appears that we are nearing the end of the session for today. I know it is not necessary to remind any Senator, or even for the record to state, that we have a unanimous-consent agreement to vote Monday on the C–5A amendment and that that vote will come in the neighborhood of 3 o'clock.

Mr. President, looking forward to the rest of next week, subject to the disposition of some other amendments by the Senator from Wisconsin which do not relate directly to weapons, but are, more or less, regulations with reference to certain matters, after disposition of the amendment on the C–5A—and I hope that will not take a great deal of time—I believe the next amendment to be taken up will be the one with reference to the Navy aircraft carrier, an amendment sponsored by the Senator from Minnesota (Mr. MONDALE) and the Senator from New Jersey (Mr. CASE).

They have authorized me to say that they hope to get their amendment up next, after the C–5A and whatever may happen toward giving consideration to the amendments of the Senator from Wisconsin that I have already mentioned.

I make that announcement for the benefit of the membership and also with the hope that once the wheels start turning here on Monday in disposing of those amendments, we will continue, without slackening pace, for the rest of the week, or at least until we get through with the bill. I believe if we stay here and work hard, we can finish action on this bill next week. There has been no agreement or understanding about a time limitation with reference to the carrier amendment, but I do not think the authors will be disposed to prolong the matter, and we understand that, after some reasonable debate, they will be interested in a limitation of time.

I thank the Chair, and I yield the floor.

ADJOURNMENT TO 11 A.M. MONDAY, SEPTEMBER 8, 1969

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that, in accordance with the order of yesterday, the Senate stand in adjournment until 11 a.m. Monday.

The motion was agreed to; and (at 2 o'clock and 38 minutes p.m.), the Senate adjourned until Monday, September 8, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1969:

IN THE NAVY

Having designated Rear Adm. Walter L. Curtis, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.