UNITED STATES IS SEEKING ASSURANCES IT CAN USE OKINAWA AS BASE

(By A. D. Horne)

Negotiations over the return of Okinawa to Japan will reach a critical phase on Friday when Japanese Foreign Minister Kiichi Aichi visits Washington for a third round of talks with Secretary of State William P. Rogers.

The United States, diplomatic sources said in interviews last week, has offered to meet Japan's 1972 target date for reversion of Okinawa and the other Ryukyu Islands provided it can win detailed advance assurances that Okinawa's giant base complex, valued by the Pentagon at $3 billion, can continue to be used as Washington requires to meet threats to security in an arc ranging from South Korea to South Vietnam.

Japan, these sources indicated, still resists giving explicit advance assurances as part of a reversion agreement. Instead, the Japanese negotiators reportedly are stressing that Tokyo will cooperate with Washington in any emergency after reversion in applying to Okinawa the rules that now govern U.S. bases in Japan.

These rules bar the bases' use for combat unless there is "prior consultation" with Tokyo, and in effect bar the introduction of nuclear weapons.

The nuclear issue, informants said, has not yet been resolved in three months of negotiations, despite initial reports that the United States had decided to remove the weapons from Okinawa as part of reversion. One version has it that the United States now seeks Japan's advance agreement to return the nuclear weapons to the island in emergency situations after reversion, but other sources dispute this.

Officially, the United States has never acknowledged storing nuclear weapons on Okinawa. But their presence is an open secret; leftist politicians on the island reportedly even have counted 3000 warheads in a nuclear census conducted through collaborators among the 30,000 or more Okinawans employed at the U.S. bases.

Another open secret figuring in the negotiations is use of the island's Kadena Air Force Base for B–52 bombing missions against suspected enemy concentrations in South Vietnam. U.S. negotiators, according to informed sources, are asking for language in the reversion agreement that could allow the B–52 raids from the island to continue if the Vietnam war is still being fought in 1972.

The form that the reversion agreement would take is still to be decided, the sources said. With America's foreign commitments the subject of continuing controversy on Capitol Hill, the administration is said to be considering a form of agreement that would be submitted to Congress, at least for informal clearance.

Critics of U.S. military involvement overseas, such as Senate Foreign Relations Committee chairman J. W. Fulbright (D-Ark.), have been demanding a voice for the Senate in such nontreaty matters as the renewal of the 1952 bases agreement with Spain and the status of the 1965 military contingency arrangement with Thailand.

In recognition of the Thai and other commitments controversies here, informants said, both governments are ruling out any secret agreement or "contingency plan" as part of the reversion arrangements.

But the domestic opposition to Okinawa reversion is likely to come from more hawkish quarters. Sen. Harry F. Byrd Jr. (D-Va.) attacked reversion in a Senate speech just before Aichi's arrival for the opening round of negotiations at the start of June. And Senate Minority Leader Everett M. Dirksen (R.-Ill.) used his syndicated newspaper column in mid-August to argue that the island "is now owned by the U.S. by right of conquest" and that "to dilute our control of Okinawa in any way whatsoever might be very inimical to American security."

Japan, informants said, has promised to expand its "self-defense forces"—a euphemism used because the postwar constitution bars Japan's rearmament—to protect Okinawa after reversion. Japanese negotiators, these sources said, have suggested that the United States then could send home that portion of its 40,000-man force assigned to the island's defense. The Pentagon, however, is said to reject this, arguing that all troops on the island are there for regional, not local, defense.

Since the second round of talks between Rogers and Aichi in Tokyo at the end of July, discussions have continued there between Japanese Foreign Ministry officials and the U.S. team whose key member is National Security Council staffer Richard L. Sneider, technically a temporary "senior adviser" to U.S. Ambassador Armin H. Meyer.

These talks, the sources said, have focused on details of the reversion arrangements. One of the issues raised by Sneider, for instance, is the future of a Voice of America transmitter on the island that broadcasts to the Chinese mainland less than 400 miles away.

Most of the other details now under discussion in Tokyo involve money—primarily, the balance of payments effects of reversion, and the financial arrangements for transferring to Japanese ownership the public facilities built for Okinawa by the United States since 1945.

The Treasury has sent experts to the island to survey the balance of payments problem. These include conversion of the Ryukyuan currency from dollars to Japanese yen—the Japanese estimate of money in circulation on Okinawa is $500 million.

The United States seeks, and probably will get, a guarantee that reversion will not add to the U.S. balance of payments deficit. As part of the bargain, the American negotiators want Japan to assume the debts of the waterworks, sewage system and other U.S.-built utilities on the island.

Before World War II, Okinawa was among the poorest prefectures of Japan. Its economic prospects for reversion are not bright, even if the U.S. bases continue to pour an estimated $260 million a year into the economy. The main crops—sugar and pineapples—are heavily subsidized by Japan.

Now, however, there are plans to make economic use of the island's strategic location and of the harbors and air strips built by the United States. One idea advanced by Japanese businessmen is for an Okinawa free trade zone, where travelers could purchase goods duty-free as they now do in Hong Kong.

The separate proposal, made this summer by a Tokyo consulting firm under contract to the Japanese government, is for development of Okinawa as an oil refining center for all Japan. Standard Oil of New Jersey already plans to build a $55 million, 80,000-barrel-a-day refinery on the island, and Gulf Oil is building a $39 million crude oil terminal on a nearby islet as a central storage and shipping point for East Asia markets. At least two other U.S. firms seek licenses to build refineries.

All this crude oil would come to Okinawa from Middle East sources. Last week, however, Japanese geologists reported discovery of a huge underwater oil field in the East China Sea near the southernmost Ryukyus group, the Senkaku Islands, about 100 miles from Taiwan. Development of these oil deposits, with reversion of the Ryukyus, could dramatically alter Japan's present role as a $1 billion-a-year importer of oil.

SENATE—*Friday, September 12, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Reverend George R. Davis, D.D., minister, the National City Christian Church, Washington, D.C., offered the following prayer:

Eternal Father, strong to save, we would not cross over the threshold of any human experience, without the recognition of Your existence, power, and presence. You are invisible but real, quiet but powerful, humble but in command of the universe and of history. In our prayers especially now we would remember those who labor in these historic Chambers for the welfare of our Nation, and the world. Grant them strength for their labors, inspiration for their souls, comfort in times of stress, and freedom from a sense of futility. We still believe with all our hearts in the glorious origin, purposes, and dreams of this Nation. Grant us not to falter, and not to fail, as we press onward toward a shining goal, in the name of Him who is the Wonderful Counselor, the Mighty God, the Everlasting Father, the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 10, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON SPECIAL PROJECT GRANTS FOR THE HEALTH OF SCHOOL AND PRESCHOOL CHILDREN—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith the report on the Special Project Grants for the Health of School and Preschool Children, as provided for in P.L. 89–97, Title II, Sec. 206. This report concerns Sec. 532 of the Social Security Act (subsequently redesignated as Sec. 509) which authorizes a program of project grants to assist communities in providing comprehensive

care for children living in areas with concentrations of low income families.

RICHARD NIXON.

THE WHITE HOUSE, *September 12, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 614) authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week," and it was signed by the President pro tempore.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the consideration of the nominations on the Executive Calendar, there be a period for the transaction of routine morning business, with statements therein 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.

PROVISION FOR LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 387, S. 227.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 227) to provide for loans to Indian tribes and tribal corporations, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 2, after the word "loans", strike out "will be subject to the interest rate provisions of section 307(a) of said Act as now or hereafter amended, and"; and on page 3, after line 2, strike out:

SEC. 5. The Secretary of Agriculture is authorized to make such rules and regulations, prescribe the terms and conditions for making loans and for taking security instruments and agreements, and to make such delegations of authority as he deems necessary to carry out this Act.

And, in lieu thereof, insert:

SEC. 5. Loans made pursuant to this Act will be subject to the interest rate provisions of section 307(a) of the Consolidated Farmers Home Administration Act of 1961, as amended, and to the provisions of subtitle D of that Act except sections 340, 341, 342, and 343 thereof: *Provided,* That section 334 thereof shall not be construed to subject to taxation any lands or interests therein while they are held by an Indian tribe or tribal corporation or by the United States in trust for such tribe or tribal corporation pursuant to this Act.

So as to make the bill read:

S. 227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make loans from the Farmers Home Administration Direct Loan Account created by section 338(c) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(c)), to any Indian tribe recognized by the Secretary of the Interior or tribal corporation established pursuant to the Indian Reorganization Act (25 U.S.C. 477), which does not have adequate uncommitted funds, to acquire lands or interests therein within the tribe's reservation as determined by the Secretary of the Interior for use of the tribe or its members. Such loans shall be limited to such Indian tribes or tribal corporations as have reasonable prospects of success in their proposed operations and as are unable to obtain sufficient credit elsewhere at reasonable rates and terms to finance the purposes authorized in this Act.

SEC. 2. Title to land acquired by a tribe or tribal corporation with a loan made pursuant to this Act may, with the approval of the Secretary of the Interior, be taken by the United States in trust for the tribe or tribal corporation.

SEC. 3. A tribe or tribal corporation to which a loan is made pursuant to this Act (1) may waive in writing any immunity from suit or liability which it may possess, (2) may mortgage or otherwise hypothecate trust or restricted property if (a) authorized by its constitution or charter or by a tribal referendum, and (b) approved by the Secretary of the Interior, and (3) shall comply with rules and regulations prescribed by the Secretary of Agriculture in connection with such loans.

SEC. 4. Trust or restricted tribal or tribal corporation property mortgaged pusuant to this Act shall be subject to foreclosure and sale or conveyance in lieu of foreclosure, free of such trust or restrictions, in accordance with the laws of the State in which the property is located.

SEC. 5. Loans made pursuant to this Act will be subject to the interest rate provisions of section 307(a) of the Consolidated Farmers Home Administration Act of 1961, as amended, and to the provisions of subtitle D of that Act except sections 340, 341, 342, and 343 thereof: *Provided,* That section 334 thereof shall not be construed to subject to taxation any lands or interests therein while they are held by an Indian tribe or tribal corporation or by the United States in trust for such tribe or tribal corporation pursuant to this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-393), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 227 is to authorize the Secretary of Agriculture, through the Farmers Home Administration, to make loans to any Indian tribe or tribal corporation for the purpose of acquiring lands within the tribe's reservation.

NEED

The provisions of the bill will be of assistance to tribes and to individual Indians in three main ways. First, it will provide authority for the Farmers Home Administration to make loans to tribes to enable them to purchase some lands which are in multiple ownership status, and thus to help solve the Indian heirship land problem. There are now over 11 million acres of trust or restricted land in individual ownership. It is estimated that between 60 and 70 percent of this land is owned by more than one person as tenants in common. Although the availability of loans is not the complete answer to the Indian heirship land problem, loans will be of assistance in some instances.

Second, individually owned trust or restricted land is passing out of Indian ownership at a rapid rate. Tribes are becoming increasingly concerned with the erosion of the Indian land base. Loans will enable tribes that are without funds to purchase such lands when offered for sale.

Third, tribes sometimes need to purchase non-Indian owned land and block it out for Indian use. The availability of loans will enable them to do so.

The scope of the need of financing for land purchases is indicated by the fact that as of June 1, 1969, tribes had indicated that they need nearly $121 million for tribal land purchases. Tribes are using their own funds to the extent available for this purpose, but in most instances they do have adequate available funds. The revolving fund of the Bureau of Indian Affairs from which loans for tribal land purchases may be made is presently overcommitted. Loans from banks or other customary lenders are generally unavailable because of the inability of most tribes to mortgage or otherwise encumber tribally owned land as security. Even the land purchased with a loan cannot be given as security if title thereto is taken in the name of the United States in trust for the tribe, in most instances. The inability of tribes to sue or to be sued also is a deterrent. The proposed bill will eliminate these constraints insofar as loans by the Farmers Home Administration are concerned.

The committee believes the enactment of S. 227 will provide Indian tribes with an added source of credit, and help them to meet some of their present needs for land financing.

AMENDMENTS

The Departments of the Interior and Agriculture have suggested several clarifying amendments which have been incorporated into the bill.

The Department of Agriculture states in its report that—

With a loan program in the neighborhood of $25 million for purposes contained in this bill, it is estimated that an additional expenditure of $250,000 annually will be required for Farmers Home Administration salaries and administrative expenses.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDENT pro tempore. With-

out objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

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

UNITED STATES MADE ERROR IN SIDING WITH FRANCE IN VIETNAM

Mr. SYMINGTON. Mr. President, one of the more thoughtful summaries of this Vietnam involvement is contained in a signed editorial by John S. Knight of the Knight newspapers in his Editor's Notebook of September 7. It is entitled "United States Made Error in Siding With France in Vietnam," and I believe it would be of interest to other Members of the Senate. Therefore, I ask unanimous consent that this editorial be printed at this point in the RECORD.

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

UNITED STATES MADE ERROR IN SIDING WITH FRANCE IN VIETNAM

The death of Ho Chi Minh, 79-year-old president of North Vietnam, marks a milestone in the history of the Indochina peninsula which once comprised all of Vietnam, Laos and Cambodia.

It was Ho's dream of a united Vietnam which inspired his followers to crush French colonialism at Dienbienphu in 1954. It was Ho's bitterness, following United States support of the hated French after World War II, that led him to persist in the struggle for total unification.

Lest there be any misunderstanding Ho Chi Minh was a dedicated communist trained in Moscow. But he was likewise a confirmed nationalist who roused his people with the cry for independence of his homeland.

In his youth, this ruthless, intelligent and resourceful man was impressed by President Woordow Wilson's 14 Points as enunciated at Versailles. He sought unsuccessfully to petition the Versailles conference for similar guarantees of these freedoms in Vietnam.

When spurned, Ho turned to communism as the only effective way to gain his objectives.

Ho Chi Minh's further frustration came in 1946 when the French reneged on an agreement to permit the Democratic Republic of Vietnam to become part of the French Union as a free state within the Indochina federation.

Ho had been recognized by the French as chief of state and was promised a plebiscite in the south on the question of a unified Vietnam under his leadership.

France's repudiation of this agreement brought on a seven-year war with Ho's guerillas controlling the jungles and villages as the French held the cities.

Ho Chi Minh's forces, under the leadership of Gen. Giap, finally brought down the French in 1954 following the long siege of Dienbienphu. Until this victory, Ho had received no official diplomatic recognition from either Communist China or the Soviet Union.

When the war officially ended in July of 1954, the French had suffered 172,000 casualties and Ho's Vietminh an estimated 500,000.

The cease-fire accord signed at Geneva on July 20 divided Vietnam at the 17th Parallel, creating a North and South Vietnam. French administration was removed from the peninsula and elections were promised for all Vietnam as a means of unifying the country.

Although a party to the Geneva Accord, the United States declined to sign it. South Vietnam, also a non-signatory, refused to hold the elections. It was Gen. Eisenhower's opinion at the time that if elections had been held Ho Chi Minh would have received about 80 percent of the vote.

It was for this reason that Ho Chi Minh has been accurately described as the "only authentic national hero in Vietnam."

In my judgment, the United States made a lamentable mistake in appraising the Vietnam situation following World War II.

Ho Chi Minh had been a collaborator with American O.S.S. agents during the Japanese occupation of Vietnam. He hoped, and with some cause, that the Americans might support the cause of Vietnamese independence after the Japanese defeat.

Before his death in early 1945, Franklin D. Roosevelt had declared his distaste of colonialism and remarked that Vietnam must never be returned to the French.

Yet the United States sided with the French and supported return of their colonial power to Indochina. At that time, popular opinion in this country was imbued by the fear of a monolithic communism which might one day dominate the world.

So we cast aside all Vietnam's nationalistic aspirations for independence and fostered French colonialism in the misguided belief that support of France provided the best insurance policy against the spread of communism.

We had learned nothing from the French fiasco, and even less about the impossibility of shooting down either nationalism or communism with superior firepower.

And that, ladies and gentlemen, is why we are today in Vietnam—uncertain, bewildered, boastfully reciting the huge enemy casualties one day and pleading in Paris with North Vietnam for peace on the next.

At this time, no one can be sure whether the passing of Ho Chi Minh will raise or diminish our hopes for an end to the fighting.

This will largely depend upon Ho's successors, all tough and seasoned disciples of their fallen leader's philosophy. Will they become even more truculent, or perhaps see some merit in a cease-fire arrangement which would provide more time for regrouping and long range decisions?

Or, as columnist Joseph Kraft suggests, is Hanoi's timetable in the war now subject to change and its relations with Peking and Moscow open to adjustment?

As Kraft mentions, "The unification of Vietnam was a supreme personal mission with Ho—a fixed and unchangeable goal. He bowed neither to China nor Russia . . . but exploited tension between them to his own advantage."

With Ho gone, the impression persists that North Vietnam's new leadership may lack the old man's tenacity of purpose and even find it to their advantage to become less dogmatic at the Paris peace table.

After a proper interval, President Nixon should take the initiative.

To use his phrase, the President must make it "quite clear" that the United States will settle for a cease-fire, continue to make modest troop withdrawals as an indication of peaceful intent but under no circumstances agree to the dismemberment of its military power or appear to be ignominiously suing for peace.

This is not the hour to make threats, belabor the past and snarl over trivia.

Rather we should be generous in our proposals and seek a workable compromise which may not satisfy the hard liners on either side.

Of prime importance is to devise a way to bring the fighting to an end as we, together with other nations, strive for solutions which can alleviate world tensions and bring to all of Vietnam the democratic processes so essential to the welfare and progress of the beleaguered land.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "Department of State."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, as requested by the Senator from Montana.

DEPARTMENT OF STATE

The bill clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. REPRESENTATIVES

The bill clerk proceeded to read sundry nominations of Representatives of the United States to the 24th session of the General Assembly of the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. MARSHAL

The bill clerk read the nomination of Leonard E. Alderson, of Wisconsin, to be U.S. marshal for the western district of Wisconsin.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. CIRCUIT JUDGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nominations of U.S. circuit judges.

The PRESIDENT pro tempore. The clerk will report the nominations of U.S. circuit judges on the calendar.

The bill clerk proceeded to read the nominations of U.S. circuit judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. The nominations will be considered en bloc.

Mr. SCOTT. Mr. President, the Senator from Hawaii wishes to be heard on the nominations.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Hawaii.

Mr. FONG. Mr. President, I rise to speak on the confirmation of the nomination of three persons nominated by the President to serve on the Ninth Circuit Court of Appeals: John F. Kilkenny of Oregon; Ozell M. Trask of Arizona; and Eugene A. Wright of Washington.

The Senate Judiciary Committee, on which I serve, has examined their back-

ground, experience, and qualifications and has concluded all three merit confirmation by the Senate.

On the question of recommending approval of the three nominees en bloc, the committee vote was a 6-to-6 tie until after absent members were polled, at which time the vote was 9 to 7 to send the nominations to the Senate for confirmation.

While I voted against sending the nominations to the Senate at this time, my vote should not be construed as a vote against the nominees. This was the only way available to me to protest the failure to name someone from the State of Hawaii to fill one of the three vacancies.

Neither should the statement I am about to make be construed as criticism of any one of the three nominees. While I do not know them personally, they come highly recommended.

Nevertheless, I would be remiss in my duty to my State of Hawaii if I did not use this occasion to enter my protest at the bypassing of Hawaii in filling the three existing vacancies on the Ninth Circuit Court of Appeals.

There are nine States plus the territory of Guam within the ninth circuit. Of the nine States, California is represented on the bench by five judges and Arizona, Idaho, Montana, Nevada, and Washington by one judge each. Of the nine States, only Alaska, Hawaii, and Oregon are not represented on the Ninth Circuit Court. The territory of Guam is also not represented.

The pending nominations would give Oregon one judge; Arizona and Washington would each receive a second judge.

Hawaii would still not be represented. Neither would Alaska nor the territory of Guam.

To understand Hawaii's equitable claim to a seat on the Ninth Circuit Court, it is necessary to review a bit of history. Hawaii had been a territory of the United States for 60 years before attaining statehood. As a territory, there were many Federal laws and many Federal programs that did not apply to Hawaii. Once Hawaii became a State, there was a lot of "catching up" to be done so that Hawaii could approach parity with her sister States.

In the case of the Ninth Circuit Court, Hawaii had never been represented on that bench, although we were covered by that circuit. In order to give Hawaii an opportunity for representation and to help cope with the mushrooming caseload of the ninth circuit, 2 years ago, on August 2, 1967, I introduced a bill—S. 2201—to increase the Ninth Circuit Court judgeships by four members, to a total of 13.

My proposal, cosponsored by 17 other Senators was later incorporated as part of S. 2349, which increased the number of judgeships in various circuits and which became Public Law 90–347 on June 18, 1968.

One of the four new judgeships for the ninth circuit was filled by President Johnson, leaving three vacancies to be filled by the new administration taking office January 20, 1969.

On January 29, just 9 days after the new administration came into office, the Committee on the Judiciary held hearings on a number of nominations, including that of Mr. Richard G. Kleindienst to be Deputy Attorney General of the United States. As a member of the Judiciary Committee, I attended the hearings and questioned witnesses. I referred to Mr. Kleindienst's forthcoming duty of recommending candidates for Federal judgeships. I asked Mr. Kleindienst the following question with reference to the three vacancies on the Ninth Circuit Court:

Do you feel, as a recommending authority, that geographic diversity should be one of the factors in your recommendation for nominees to the Ninth Circuit Court?

Mr. Kleindienst replied as follows:

Senator, I think it should be one of the factors. There are several others that you have to take into consideration, it seems. That is the number of cases that on a percentage basis or a proportionate basis go to the court; also, the population.

Then he went on to say;

But certainly, to the extent possible, giving every State within the circuit, regardless of the circuit, a voice in that court should be one of the considerations, yes, sir.

Then I said:

I am very grateful for your answer, because I feel that Hawaii should have some representation on the Ninth Circuit, there being 13 judges and nine States represented.

To which Mr. Kleindienst replied:

It should.

The fact that Hawaii has never been represented on the Ninth Circuit Court and the testimony of Mr. Kleindienst that Hawaii should be represented on this court are compelling reasons why I believe that Hawaii is entitled to one of the three vacancies.

In addition, Mr. Kleindienst agreed that geographic diversity is one of the factors to be considered. Hawaii is America's only mid-Pacific State, with a history far different from any of the other States in the ninth circuit. On the basis of geography, I believe Hawaii is entitled to a ninth circuit judgeship.

Mr. Kleindienst noted two other factors to be considered, population and the number of cases a State generates for consideration by the Ninth Circuit Court.

In regard to population, according to U.S. Census estimates as of January 1 this year, Hawaii has a population greater than three other States which already have judges on the Ninth Circuit Court. Hawaii's population of 775,000 is greater than Idaho's population of 702,000. It is greater than Montana's population of 700,000. It is greater than Nevada's population of 465,000. These three States have one judge each now sitting on the Ninth Circuit Court.

In addition to the three States in the ninth circuit which already have judges on the court, there are four other States smaller than Hawaii which are represented on their respective circuit courts: North Dakota with 633,000 population; Delaware with 538,000; Vermont with 417,000; and Wyoming with 314,000.

Nationwide, of the nine States with smaller populations than Hawaii, seven already are represented on their respective circuit courts.

Of the 10 smallest States, only Hawaii with its 775,000 people; South Dakota with its 670,000 people; and Alaska with its 281,000 people will not have representation in their respective circuit court of appeals.

In terms of cases generated for the Ninth Circuit Court, in fiscal year 1968, the latest year for which I was able to obtain figures, Hawaii generated 17 cases, 1.43 percent of the total number. This was the identical number—17—generated by Idaho which already has a judge on the Ninth Circuit Court. Montana, which also has a ninth circuit judge, generated only two more cases than Hawaii, representing 1.60 percent of the entire ninth circuit caseload. Nevada generated 4.14 percent of the caseload.

To sum up, in terms of population, Hawaii ranks above three States which already have representation on the Ninth Circuit Court. In terms of caseload, Hawaii is on a par with one State which already has a ninth circuit judge and is only two cases behind a second State already represented on the court.

Based on the facts I have already mentioned, based on the testimony of Mr. Kleindienst, based upon my activity in in initiating the measure increasing the ninth circuit judgeships by four, as senior Senator from Hawaii I believe I was amply justified in pressing Hawaii's entitlement to a seat on the Ninth Circuit Court. Therefore, I suggested the name of an eminently qualified Federal district court judge in Hawaii, C. Nils Tavores, for a seat on the ninth circuit appellate bench.

Hawaii has a strong entitlement to representation on the Ninth Circuit Court so as to bring about geographical balance, so as to conform with the principle of minimal representation to give each State a voice in its circuit court, and so as to recognize population, caseload, and the unique cultural and historical traditions of Hawaii.

On the ground of equity, fairness, justice, consistency with America's democratic principles, and comity among sovereign States, I have labored in behalf of a Ninth Circuit Court judgeship for Hawaii. As none of the pending nominees is from Hawaii, I shall continue to press Hawaii's just claim whenever the next vacancy in the ninth circuit occurs.

In the meantime, I have no desire to delay Senate action on these nominations. Nor shall I call for a rollcall vote.

I extend every good wish to Judge Kilkenny, Mr. Trask, and Judge Wright as they embark on their new duties, and I congratulate them on the high honor the President bestowed on them by naming them to these judicial posts. I am confident the Senate will similarly honor them by confirming their nominations today.

I simply want the RECORD to show that Hawaii has an excellent claim to a seat on the Ninth Circuit Court. I hope and

trust one of Hawaii's qualified jurists, of which we have many, will be named to the next vacancy that occurs in the Ninth Circuit Court of Appeals.

The PRESIDENT pro tempore. The question is on agreeing to the confirmation of the nominations en bloc (putting the question).

The nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, the President will be notifield on the confirmation of the nominations today.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

RESTORATION OF THE GOLDEN EAGLE PROGRAM TO THE LAND AND WATER CONSERVATION FUND ACT

Mr. HARRIS. Mr. President, I enter a motion to reconsider the vote by which S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act, was passed.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act.

The ACTING PRESIDENT pro tempore. The motion will be entered.

Mr. HARRIS. Mr. President, I move that the Secretary of the Senate be authorized to request the House to return to the Senate the papers on S. 2315.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

ADMINISTRATION SHOULD INVESTIGATE BIG GM AUTO PRICE HIKE

Mr. PROXMIRE. Mr. President, General Motors has just announced the biggest automobile price increase in many, many years. It is clearly inflationary.

It is imperative that the administration act and act at once to investigate whether or not it is justified. If the increase is not justified, the administration ought to use its full power to persuade General Motors to rescind this increase.

I call this matter to the attention of the Senate today because the administration should not turn its back, shut its eyes, and allow this one to pass as it did when the steel industry increased its prices a few months ago.

At that time the staff of the Joint Economic Committee tried repeatedly to determine what the administration and specifically the Council of Economic Advisers would find in determining the justification of that price increase.

The Council was as silent as a sphinx. I tried but I was unable to secure information from any administrative agency as to the justification of that inflationary steel increase.

Let me make my position clear, Mr. President, I do not at the present time call for a rollback in the General Motors price increase. I will certainly call for a rollback if an investigation shows that the price increase cannot be justified by cost increases.

What the American consumer is clearly entitled to from its Government is a prompt and thorough investigation to determine whether this price increase is necessary.

If the price increase cannot be justified, then by all means the administration should fight to roll it back.

It is no secret that the automobile industry is dominated by three giants who altogether can determine the price level of the industry. The biggest by far, with about half of all the Nation's auto production, is General Motors.

As the New York Times reported this morning, General Motors sets the industry price pattern. The notion that there is competition and that competition can be relied upon is as naive as believing in Santa Claus and Rudolph the red-nosed reindeer. If the administration means what it says in its opposition to inflation, it will act and act fast.

It is very revealing that at a press conference yesterday Mr. James Roche, chairman of General Motors, said:

> A year ago when G.M. increased its prices half as much, G.M. officials flew to Washington and explained to the Johnson Administration why they had to make the increase. This year, Nixon Administration officials neither asked for not received any prior information.

If we are to be able to battle inflation it is not enough to have monetary and fiscal policies to accomplish this. We live in a period in which we have imperfect competition, and it is necessary when we have gigantic corporations for the administration at least to give us the information so that we can make a public judgment on it.

THE NEW YORK TIMES AND FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, on Friday morning, August 29, 1969, there appeared on the editorial pages of the New York Times a most extraordinary statement of the future position of that newspaper on cigarette advertising.

The lack of logic, the selfishness, and the economic effect of the Times proposal on less opulent newspapers throughout the land raise important policy and serious constitutional questions.

To bring them into sharp focus, let us review the present situation. At this time, a committee of the Senate is intensively engaged in considering what should be congressional policy with respect to the controversial and complicated questions about smoking and health.

Those questions are of major importance not only to tobacco-growing States but also to the public at large, to every State and municipality dependent in part on tobacco taxes, to the Federal Government, and as to advertising of concern to every newspaper and periodical throughout the Nation.

So far as I know, there is almost complete unanimity in both Houses of Congress that the resolution of those national questions must rest with Congress and not be parceled out for different, piecemeal, and, in many instances wholly unauthorized, control by Federal administrative agencies. With so many national and local interests concerned, Congress, and Congress alone, must deal with those issues.

After weeks of committee hearings and deliberation, the House last July passed a bill, H.R. 6543, reflecting its views as to how those important questions should be resolved by Congress.

In that measure, the House Committee on Interstate and Foreign Commerce, after hearing both sides of the scientific arguments and after distilling hard facts from much overzealous propaganda and exaggeration, concluded that "nothing new has been determined with respect to the relationship between cigarette smoking and human health" since the hearings in 1964 and 1965, and the congressional action at that time. Accordingly, it determined that the continuation of a caution notice on each package of cigarettes would be appropriate.

To prevent obvious chaos and confusion through a multiplicity of differing State and local regulations, the House bill continued the preemption of additional State or local government labeling or advertising requirements relating to smoking and health.

It plainly forbade both the Federal Communications Commission and the Federal Trade Commission from pursuing their across-the-board and broadax proposed rulemaking controls.

As further evidence of the congressional desire to retain its overall authority in these areas, the House further provided that certain Federal agencies should file annual reports to keep the Congress informed.

Everyone is by now also aware that following that action by the House, the broadcasting industry announced through the National Association of Broadcasters that it would, over a 4-year period, curtail and then eliminate all broadcast advertising of cigarettes.

On its part, the cigarette industry on July 22 undertook before the Senate committee to discontinue all radio and television advertising of cigarettes by September 1970, when existing contracts expire, and even earlier by December 31 of this year if the broadcasting industry would uniformly relieve them of their continuing contracts.

Not unnaturally, the cigarette industry asked, and no objection could reasonably be made, for an exemption from antitrust prosecution or lawsuits for their intended agreement to discontinue TV and radio broadcasting.

There also appears to be little disa-

greement with the House bill position that these national issues should be resolved by Congress and that different or conflicting State or local regulations should be foreclosed.

What remains is the insistence by some that, with all radio and television advertising of cigarettes discontinued, there should nevertheless be required in every cigarette advertisement in any newspaper or periodical, a caution notice about the use of the product being advertised.

On that question the Federal Trade Commission, which had been insisting that it be permitted to promulgate an across-the-board requirement for a caution notice in all advertising, announced to the Senate Committee that under these new conditions it would not proceed with its proposed regulation until July 1971.

In this state of affairs the New York Times, one of the wealthiest, and, in some respects monopolistic, newspapers, editorially advances its own ideas.

Because the positions the Times urges are unfounded in fact, would, if pursued, measurably affect the financial position if not in many cases the economic survival, of other newspapers—and would indeed raise substantial questions under the first amendment protecting the freedom of the press—I feel impelled to call to the attention of the Senate both these factual fallacies and legal questions.

To begin with, the Times suggests that whatever is appropriate policy for broadcasting should be equally appropriate for newspapers and periodicals. Strangely, for a newspaper that has been in the forefront of the battle to maintain complete freedom of an independent press, the Times attempts to throw doubt on the existence of any distinction between federally licensed broadcasting and the constitutionally protected prohibition of any prior restraint upon the unlicensed press.

As the Times puts it, the well-recognized differences are merely "contentions" that—

> The immediacy of TV in its impact on youth, plus its status as a regulated industry operating under Federal license, makes special treatment appropriate.

A more disingenuous position can hardly be imagined. It should suffice for me to quote an outstanding opinion of the then Judge, now Chief Justice, Warren Burger 2 years ago in the United Church of Christ case, in which he observed:

> A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations. A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot.

Television engages both the eye and the ear. Its attraction for youth, its appeal to those who elect not to read but merely to look and listen, requires no elaboration. It is as different from newspaper reading or periodical perusal as night and day.

On the other hand, the New York Times asserts that—

> So long as cigarette sales remain legal, however, it would be contradictory to impose a ban on all sales promotion.

Recalling the Nation's dismal experience with prohibition, it opposes a total ban on the manufacture or sale of cigarettes.

Nevertheless, the Times announces that it will accept cigarette advertisements only if they contain the caution notice now required on the cigarette package, and in addition include a disclosure of the tar and nicotine in cigarette smoke.

It suggests to the Congress that it require by law like action by every other newspaper, periodical, and print media.

Mr. President, whatever the New York Times decides as a matter of policy it wishes to do about advertising does not concern me. A newspaper is neither a common carrier nor a public utility. It may do whatever it can afford to do and continue publication. That is the essence of a free press which is vital in a democracy.

But what a financially strong, metropolitan newspaper may find is possible to do may not be available to every other newspaper and periodical in this country.

As J. Russell Wiggins, the former distinguished editor of the Washington Post, has pointed out, the demise of newspapers in this country during the past few decades has been striking and alarming. Many American cities have become one-newspaper towns. In the few decades between 1910 and 1954, the number of daily newspapers in the United States decreased by over a quarter. The number of cities with competing daily newspapers declined from 689 to only 87. Many States are now without any locally competing daily newspapers.

Nor need anyone be forgetful of the number of famous and long-established national periodicals which have perished because of increasing costs and diminishing advertising revenues.

Anyone desiring the continuance of a healthy and courageous free press must, therefore, understand the implications of what is here in question.

No manufacturer selling any legal produce will continue to advertise if he is required by law to disparage his own produce in every advertisement. Though the New York Times professes to abhor any ban on the sales promotion or advertising of a lawful product, it necessarily must be aware of those facts of commercial life.

And despite its pious expressions of interest in the questions about smoking and health, the Times is plainly aware that no advertisement it accepts expresses, or is intended to express, the views of its editors. In its brief in the famous Sullivan case, the New York Times itself asserted:

> The publication of an advertisement does not constitute a factual news report by the Times nor does it reflect the judgment or the opinion of the editors of the Times.

Even more, in that famous litigation, the Times confirmed the rule that the free speech and free press protections of the first and 14th amendments extends to advertising. *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964). Other key discussions are found in *Smith* v. *California*, 361 U.S. 147 (1959) and *Time, Inc.* v. *Hill*, 385 U.S. 374 (1967).

We are not here concerned with the scope of the first amendment's applicability to radio and television, a question recently discussed by the Supreme Court in another context in the case of *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969, where the Court recognized that in some instances it would protect even that federally licensed activity.

We are concerned here with the printed media, the metropolitan and rural newspapers, the farm journals, and all other magazines. In other words, with the "press" in its traditional and clearest form.

Nor is there involved the existing and clear statutes prohibiting any false or misleading advertisements, whether in the form of health claims which cigarette advertisements do not make, or with the advertising of illegal or contraband products such as narcotics or illicit drugs.

What we are dealing with are proposals that each and every advertisement of a legal product, no matter what it says or to whom it is addressed, should be required by an across-the-board law or regulation to carry a caution notice.

Plainly, that would be nothing less than an effort by the Government to impose a condition on the right of the manufacturer truthfully to communicate with the buying public by means of a public press. That is not a minor or insignificant restriction. It is a requirement that a person must say something that he does not want to say.

As the Supreme Court made clear in the "flag salute" decision a quarter of a century ago, the first amendment protects not only against any effort by the Government to ban "speech" but also against governmental dictation of what must be said.

We cannot blind ourselves to the practical and constitutional problems that emerge. The curtailment of cigarette advertising would have a substantial impact on the revenues of all newspapers or periodicals that are not in the happy fiscal position of the New York Times. That these are substantial first amendment problems was indicated by the Supreme Court in *Grosjean* v. *American Press Company*, 297 U.S. 233 (1936) more than 3 decades ago. There the Court invalidated, under the first amendment, a State tax on newspaper advertising revenue. In doing so, it stated that "to curtail the amount of revenue realized from advertising" would destroy what was essential to the survival of the newspaper.

Whether applied directly or indirectly, anything that affects the sustenance of the press thus raises an issue of constitutional importance.

Despite what the New York Times finds that it can do, I am hopeful that the Congress will make clear its concern in these areas by once again foreclosing any effort, State or Federal, to restrict or qualify, and thus to ban, the truthful advertising of any lawful product.

In my own view, the Federal Trade Commission had never been given, indeed had been denied, the authority to issue across-the-board rules or regulations dealing with advertising in general. It does not have power to legislate.

The Commission of course has the authority under its statute, and the specific authority delegated to it by Congress, to proceed against any particular advertisements which it charges make a false or deceptive claim about any product characteristic or any unfounded health claim. It is authorized to issue a complaint, to hold a trial, and if the charges are proved to issue a cease-and-desist order against such false or deceptive advertising.

I recognize that last July the Federal Trade Commission announced that if cigarette advertising should be removed from the broadcast media, the Commission would be disposed to suspend until July 1971 its present across-the-board proposed regulation, to include a caution notice in all print advertising.

But in view of the national importance of these issues, Congress should not leave the Commission at large to act or not to act as it may elect in the future, with or without congressional sanction, in an area so vital to all newspapers and periodicals and inescapably involving these substantial constitutional questions.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times editorial to which I have referred.

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

CIGARETTES AND ADVERTISING

The major television and radio networks, under heavy pressure from a Senate Commerce subcommittee to stop broadcasting cigarette advertising by the end of this year, have rightly raised the question of why any Government-fostered policy in this field should not apply equally to all communications media.

We share the belief that public policy in this field ought to be uniform, even though some might contend that the immediacy of TV in its impact on youth, plus its status as a regulated industry operating under Federal license, makes special treatment appropriate.

This newspaper has repeatedly set forth its conviction that the medical case on the perils of cigarette smoking has been proved. We favor a legal requirement that every package of cigarettes and every cigarette advertisement carry a strong, explicit and clearly visible warning of the health hazards found in exhaustive studies by the Public Health Service and other impartial research bodies—a much stronger warning than the inadequate one now required only on packs.

So long as cigarette sales remain legal, however, it would be contradictory to impose a ban on all sales promotion. We at The New York Times have always felt an obligation to keep our advertising columns open to all comers, refusing ads only on the grounds of fraud or deception, vulgarity or obscenity and incitement to lawbreaking or to racial or religious hatred. In pursuit of that policy, The Times has printed many advertisements setting forth ideas we abhor but feel no right to censor.

We recognize that, on purely health grounds, an argument can be made for outlawing cigarette sales altogether, in which event any advertising would be out of order. However, the nation's dismal experience four decades ago with the Volstead Act prohibiting the sale of alcoholic beverages rules out optimism that a constructive purpose would be served by a comparable statutory prohibition on cigarettes. On the contrary, the probability is that it would merely spawn more law-defiance and a host of tributary evils.

Until Congress decides a total ban is both necessary and enforceable, adults who have been thoroughly informed on the dangers in smoking are entitled to decide for themselves whether they want to accept those risks. The important thing is that, in making that decision, they should know that the price may be disease or early death.

In line with these beliefs and in advance of the steps we hope Congress will take to establish tighter health safeguards by law, The Times is taking voluntary action to insure that a health warning accompanies any cigarette advertisements it carries. Effective Jan. 1, 1970, this newspaper will accept cigarette ads only if they contain, in plainly legible form, the statement the statutes now require on cigarette packages, "Caution: Cigarette smoking may be hazardous to your health." In addition, every ad must include a disclosure of the tar and nicotine content in the cigarette smoke.

NEGLIGENCE OF ARMY GENERALS CAUSES NEEDLESS DEAFNESS TO THOUSANDS OF GI'S

Mr. YOUNG of Ohio. Mr. President, it is shocking that thousands of young Americans undergoing basic training in the Army each year suffer hearing losses because Army officials do not supply proper protection against the noise of tanks, artillery, firing ranges, and helicopters. It is inexcusable that annually more than 250,000 young men suffer hearing losses so serious that they are unfit for combat duty.

In an article in the Washington Evening Star of August 21, 1969, Frank Murray, an Associated Press staff writer, reported that Dr. Jerry L. Northern, chief audiologist at the hearing center at Walter Reed Army Hospital, based this estimate on a study made at Fort Jackson, S.C. There, investigators discovered that many GI's suffered hearing losses that forced their removal from the jobs for which they were trained. Dr. Northern's superior, Dr. Thomas C. Nilges, recently reported:

> The chances that a soldier would need a hearing aid after 20 years is 10 times greater than a civilian.

Despite these facts, officials of the Department of the Army have no standard policy for providing adequate devices to prevent hearing damage to GI's.

Furthermore, in 1963 the Surgeon General's office recommended that each Army recruit receive a pair of earplugs "individually fitted to each ear." It is inexcusable that this recommendation was never implemented. Some recruits and draftees are given earplugs, but they are not individually fitted, as recommended by the Surgeon General.

Even more appalling, Frank Murray reported that Army hearing specialists this spring discovered that the wearing of the standard-issue earplugs has not been enforced on the rifle ranges in the basic training camp at Fort Dix, N.J. Despite the fact that the sound of four shots from an M–16 rifle is enough to cause serious hearing loss to an unprotected ear, these specialists reported that firing range officials at Fort Dix actively discouraged the use of earplugs during some exercises.

The Associated Press article further states that at the Army tank training school at Fort Knox, Ky., partial deafness is accepted matter-of-factly by GI's attending the school. These trainees are given the standard issue earplugs. However, soldiers interviewed commonly stated that they did not fit or that they caused physical pain. Experts report that protection against ear damage would be possible for these men if sound-reducing earmuffs were issued similar to those worn by civilian airport crews.

The fact is that the only men eligible for these earmuffs at Fort Knox are basic trainees who already have suffered hearing losses and require them to finish their training. One Army doctor interviewed said that the $6 per pair cost was too high. Think of that. To save $6 it appears that the Department of the Army is willing to risk causing a GI to suffer a serious hearing loss or even deafness. Can any reasonable person reconcile the spending of hundreds of millions of dollars—in fact, billions of dollars—on wasteful Pentagon projects and on boondoggles to add to the comfort of officers while GI's are threatened with deafness because of the refusal of the Army to spend $6 per man for adequate sound protecting devices?

Mr. President, this situation is beyond comprehension. It is hard to find words to describe the neglect of officials of the Department of the Army to protect servicemen from suffering deafness or serious hearing impairment that will afflict them for the rest of their lives.

It is bad enough that we must involuntarily induct young Americans to serve in the Armed Forces of our country. It is unconscionable and, in fact, criminal to subject them to possible deafness in the name of economy.

Mr. President, I am sure I speak for all Americans in demanding that the responsible officials of the Department of the Army immediately provide adequate sound protection equipment for all GI's. If this is not accomplished within the earliest possible time, I shall urge the chairman of the Armed Services Committee to conduct an immediate investigation to determine those responsible for this inexcusable negligence.

At this time it is impossible to estimate the total cost to American taxpayers in dollars, due to carelessness of generals, from so many thousands of draftees and enlisted personnel sustaining permanent injuries to their hearing. Their claims of permanent disability have every justification. Throughout the next 50 years following their discharge from our Armed Forces, disability payments will be paid as they should be paid to those who were injured through no fault on their part while they were young men in the service of their country.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE CAPITOL MUST NOT BE DEFACED

Mr. YOUNG of Ohio. Mr. President, it is shocking that the Appropriations Committee of the House of Representatives has voted to appropriate $2 million as a first step for J. George Stewart's grandiose plan to expand the west front of the Capitol.

Most of us assumed this boondoggle, which was first unveiled in 1966, had been abandoned. Now, at a time when the President has ordered a major cutback in Federal construction, when Congress is trying to hold down appropriations, when the budgetary and inflationary situation are even more critical than in 1966, when there are innumerable domestic crises for which adequate funds are not available, the bumbling nonarchitect of the Capitol urges that taxpayers' money be spent for this unconscionable boondoggle. He says that it will cost $45 million, but if his earlier pet projects are any guide, this should eventually wind up costing closer to $90 million.

I have carefully watched the manner in which the so-called Architect of the Capitol has managed his office throughout the years I have been in the Senate. I have witnessed an unbroken process of stumbling and fumbling and an unbelievable waste of taxpayers' money. Now, J. George Stewart proposes to deface the Capitol.

His proposed scheme would add 4½ acres of floor space to the Capitol. It would provide additional offices for Members of the Congress, two auditoriums, two cateterias, and four dining rooms. It would virtually convert the Capitol of the United States into a gigantic king-sized Howard Johnson's. There is no pressing need for these additional facilities which cannot be readily met without desecrating the Capitol.

The Capitol is a national shrine. Each day as I drive to my office I am no less thrilled with a sense of national pride and with a sense of the beauty and grandeur of this building than I was many, many years ago when I first viewed it. I am sure that the same is true for all Members of Congress, for all those who work and live in Washington, D.C., and for the millions of Americans who make the pilgrimage to Washington to visit this revered building, this symbol of our Nation.

Qualified engineers and architects have reported that the walls of the west front can be braced and strengthened without doing damage to the historic building. The Fine Arts Commission has charged that Stewart's proposal would be a national tragedy, and stated that the old walls can be repaired in their present location. It would be virtual sacrilege to destroy the noble west front of the Capitol with its classic walls and its cascading staircases without the most compelling reasons for doing so. Americans can be thankful that to date this proposed senseless vandalism on a national monument has been rejected.

What are the qualifications of J. George Stewart for the position in which he has supervised the spending of more than $200 million of taxpayers' money? He served in the House of Representatives from 1935 to 1937. This certainly does not qualify him as an architect. He attended the University of Delaware, class of 1911, and received his bachelor of science degree in civil engineering 47 years later. He served as a member of the staff of the Senate District of Columbia Committee from 1947 to 1951. Immediately prior to his appointment in 1954 by President Eisenhower as Architect of the Capitol, he was head of the Speaker's Bureau of the Republican National Committee. None of this experience qualifies him for the important post which he had held for the past 15 years.

The Architect of the Capitol serves at the pleasure of the President. I am hopeful that President Nixon will soon take pleasure in requesting J. George Stewart's resignation from this important post in which he has wasted millions of taxpayers' dollars.

Tampering in any way with the Capitol is serious business, and we must not allow it to be undertaken by amateurs. It is incredible that Stewart, appointed by President Eisenhower 15 years ago, should remain almost unchallenged in a position which requires both knowledge of the science of architecture as well as an appreciation for the traditional role of the Capitol.

Everywhere I look on Capitol Hill I can see actions perpetrated by J. George Stewart that are not in accord with good architectural principles. Moreover, they all involved an unconscionable waste of taxpayers' money.

The most notable of these monstrosities is the ugly Rayburn House Office Building—quite possibly the worst building, costing the most money in the history of the construction of public buildings. This monstrosity has been termed the ugliest and poorest planned public building in the United States. Its Mussolini-style pomp and embellishment and its vulgarization of classical architecture makes it the outstanding example of the "corrupt classic" school of architecture.

It took more than 7 years to build, costing at least $22 million more to complete than originally estimated, largely because of expensive miscalculations. This functional monstrosity is nothing more than sheer mass and boring bulk. It is a monument to the unbridled edifice complex of J. George Stewart, the Architect of the Capitol.

It may be that something must be done to the west wall to keep it from crumbling away. It is incredible but the fact is that to date no study has been made to determine how much it would cost to repair it rather than to expand it. I suggest that a commission of the Nation's finest architects and engineers be appointed to study this problem and to make recommendations to the Congress as to what should be done. It would be a sacrilege, in fact, well-nigh criminal, to permit J. George Stewart to perpetrate what he has in mind without the most searching investigation by qualified architects and engineers.

Mr. President, I express the earnest hope that we shall not permit him to proceed with his plans to deface the west front of the Capitol. The $2 million requested to prepare plans for the project would be not only an economic extravagance but senseless vandalism on a national monument.

This whole mess constitutes a national outrage.

EXECUTIVE COMMUNICATIONS, ETC.

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

ADJUSTMENT OF STATUTORY LIMITATION

A communication from the President of the United States, informing the Senate of the adjustment of the statutory limitation by increasing it to a new total of $193,352,000,000 under title IV of the Second Supplemental Appropriations Act, 1969 (with accompanying papers); to the Committee on Appropriations.

REPORT OF LOAN TO MOUNT WHEELER POWER, INC., BAKER, NEV.

A letter from the Administrator, Rural Electrification Administration, transmitting, pursuant to law, a report of a loan to Mount Wheeler Power, Inc. of Baker, Nev., for the financing of new transmission facilities (with an accompanying report); to the Committee on Appropriations.

REPORT OF THE OFFICE OF EMERGENCY PREPAREDNESS

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the Statistical Supplement, Stockpile Report to the Congress, for the period ended June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 83th Quarterly Report on Export Control covering the second quarter of 1969 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED LEGISLATION PROVIDING FOR THE REMOVAL OF SNOW AND ICE FROM THE PAVED SIDEWALKS OF THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED LEGISLATION AMENDING THE DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

A letter from the Assistant to the Commissioner, transmitting a draft of proposed legislation to amend section 13 of the District of Columbia Redevelopment Act of 1945, as amended (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED LEGISLATION AUTHORIZING THE COMMISSIONER OF THE DISTRICT OF COLUMBIA TO ENTER INTO CONTRACTS FOR PAYMENT OF DISTRICT'S EQUITABLE PORTIONS OF COSTS OF RESERVOIRS

A letter from the Assistant to the Commissioner, Executive Office, government of the District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting, pursuant to law, a report of the Agency for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on the District of Columbia.

PROPOSED DISTRICT OF COLUMBIA MOTOR VEHICLE UNSATISFIED JUDGMENT FUND ACT

A letter from the Assistant to the Commissioner, Executive Office, government of the District of Columbia, transmitting a draft of proposed legislation to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles if financially irresponsible persons, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Agency for International Development Loan Program financial activities status as of June 30, 1968, dated September 11, 1969 (with an accompanying report); to the Committee on Government Operations.

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, Maricopa County, with emphasis on the city of Phoenix, Ariz., Department of Labor, dated September 11, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF AMERICAN REVOLUTION

A letter from the Secretary, Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1969 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

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

"ASSEMBLY JOINT RESOLUTION NO. 41 RELATIVE TO COOPERATIVE FEDERALISM

"Whereas, Under existing federal law, tax incentives granted by a state to encourage businesses to participate in certain activities are diluted, if not made meaningless, by the fact that funds expended by such businesses for such activities result in higher federal taxes because of the lower state tax paid; and

"Whereas, In the spirit of cooperative federalism, the federal government could permit deductions for business expenditures made to obtain state tax incentives of this nature, which would make state tax incentives meaningful and would benefit both the state and the nation in long-term growth; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation permitting a business the same federal tax deductions it would have received for payment of state taxes had it not participated in a program of this nature; and be it further

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

Two joint resolutions of the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 55 RELATIVE TO IMMIGRATION

"Whereas, On July 1, 1968, the new United States Immigration and Nationality Act, enacted in 1965, went into effect, drastically cutting down on the number of Irish admitted to the United States; and

"Whereas, From July 1, 1968, to December 31, 1968, only 72 preference and nonpreference visas were issued in Dublin to Irish nationals and for the first eight months of the fiscal year 1969 (beginning July 1, 1968) there was a total of 118 preference and nonpreference visas issued, and if the categories of 'immediate relative' and 'special immigrant' are added, only 303 total visas were issued from Dublin for the first eight months of the fiscal year 1969; and

"Whereas, The commendable purpose of the new immigration law was to eliminate the discriminatory features of the old, unwieldy, outdated, unfair law, which had been established on the basis of a 40-year-old national origins quota system; and

"Whereas, The new immigration policy justly erased many inequities and unfair treatment to certain countries under the old law; however, no one realized at the time the new law was being drafted that it would saddle other countries with serious immigration problems; and

"Whereas, The new law, in attempting to cure the discrimination of the old law, has now set up impossible barriers to Ireland and other countries; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation which would provide a 'floor' to be established for every nation, based on its average level of immigration to the United States during the decade prior to the enactment of the 1965 act; and which would provide a floor equivalent to 75 percent of the annual average level of immigration during the 1956–65 base period, or 10,000 individuals, whichever is less, and be it further

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

"ASSEMBLY JOINT RESOLUTION NO. 62 RELATIVE TO ALIEN PUPILS

"Whereas, There has been an impact of nonimmigrant alien pupils receiving an education from local school districts in California; and

"Whereas, There are pupils who are illegal entrants to the United States who live and reside in school districts in California; and

"Whereas, These pupils attend the public school and the county pays for the total cost of educating these pupils; and

"Whereas, This fact creates a tax burden on the local taxpayers in each county; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Conrgess of the United States to provide the cost for the education of such alien pupils, less state reimbursement, for those impacted areas, thereby reducing the financial hardship to school districts and counties, and that the United States Department of Immigration be provided more assistance in controlling illegal entrance of alien pupils across international borders of the United States; and be it further

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

Resolutions adopted by the State Council of Kentucky, Junior Order United American Mechanics, relating to civil rights, and so forth; to the Committee on the Judiciary.

A letter from The Milan G. Weber Associates, of Deerfield, Ill., transmitting a proposed amendment to the Constitution of the United States (with an accompanying paper); to the Committee on the Judiciary.

A petition, signed by Kathryn E. Worden, and sundry other citizens of the State of Washington, relating to licensed pornography, and so forth; to the Committee on the Judiciary.

A letter from the commander, Veterans Allegiance League, Inc., of West Palm Beach, Fla., expressing condolences on the death of Senator Everett McKinley Dirksen; ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MONDALE:

S. 2888. A bill for the relief of Helen Dress; and

S. 2889. A bill for the relief of Douglas Chan; to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 2890. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Labor and Public Welfare.

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

By Mr. DODD:

S. 2891. A bill for the relief of Cheuk Hing Yung; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 2892. A bill to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat glass market; to the Committee on Finance.

By Mr. MOSS (for himself, Mr. ALLEN, Mr. BIBLE, Mr. CRANSTON, Mr. EAGLETON, Mr. FANNIN, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HARTKE, Mr. HATFIELD, Mr. KENNEDY, Mr. MCCARTHY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. SCOTT, Mr. THURMOND, and Mr. YOUNG of Ohio):

S. 2893. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

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

By Mr. MCINTYRE (for himself and Mr. PERCY):

S. 2894. A bill to authorize the purchase by the Government of securities held by a person nominated by the President to an office of the United States in certain cases where the forced sale of such securities would be unduly disruptive of the market and their

retention would create conflict-of-interest problems; to the Committee on Banking and Currency.

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

By Mr. MOSS:

S. 2895. A bill to provide for the conveyance of the Weber River project to the Weber River Water Users' Association, Ogden, Utah; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT (for himself, Mr. SCHWEIKER, Mr. BENNETT, Mr. BOGGS, Mr. COOPER, Mr. GOODELL, Mr. HANSEN, Mr. JAVITS, Mr. MILLER, Mr. NELSON, Mr. PACKWOOD, Mr. PROUTY, Mr. RANDOLPH, Mr. THURMOND, and Mr. WILLIAMS of New Jersey):

S.J. Res. 150. A joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week"; to the Committee on the Judiciary.

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

S. 2890—INTRODUCTION OF A BILL TO PROVIDE EQUAL TREATMENT FOR RESERVISTS UNDER THE GI BILL

Mr. CHURCH. Mr. President, on my own behalf, and that of my distinguished colleague (Mr. JORDAN), I introduce for appropriate reference an amendment designed to change the computation criteria for educational benefits under the GI bill.

One of the results of the manpower demands of the Vietnam war has been the calling up of National Guard and Reserve units from more than three-quarters of our States. The majority of these men have been faced with serious financial hardships as a result of these callups. They are now beginning to complete their tours of duty and have discovered that, even though many of them have served in combat zones, present requirements governing the computation of educational benefits under the GI bill deny them the same treatment granted to other veterans whose tours of duty have been of equal duration.

Under the present law, regular Armed Forces personnel may count all time, including time spent in basic training, in the computation of educational benefits. But for reservists and guardsmen, the period of active duty for training prior to the activation of the unit may not be counted.

It would seem to me, Mr. President, that it is only a matter of equity to treat all who serve our country in the armed services during time of war equally. To provide such equality of treatment, Senator JORDAN and I propose the enactment of this legislation.

The bill provides that reservists and guardsmen who are called to active duty and serve at least 6 months during the period of the war in Vietnam, may include their prior active duty for training in the determination of their eligibility for educational benefits under the GI bill. This will be of special importance to units activated for more than 12 months. They will be able to count their active duty for training, as regulars presently do, as part of the 18 months required to qualify for the full 36 months of GI educational benefits.

Mr. President, for the information of my colleagues, I ask unanimous consent that a copy of this proposed amendment, together with a list of the Reserve and Guard units called up during the Vietnam war, be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and list will be printed in the RECORD.

The bill (S. 2890) to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title, introduced by Mr. CHURCH (for himself and Mr. JORDAN of Idaho), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a)(3) of section 1652 of title 38, United States Code, is amended by striking out "and section 1661(a)" and inserting in lieu thereof "of this subsection and subsection (a) of section 1661 (except as provided in the last sentence thereof)".

SEC. 2. Subsection (a) of section 1661 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "For the purposes of this chapter and subject to the limitation in subsection (c), if a veteran serves for a period of active duty pursuant to a call or order thereto issued to him after August 4, 1964, as a Reserve or a member of the National Guard or Air National Guard of any State, and is an eligible veteran as a result of such duty, any period of not more than 6 consecutive months of full-time duty performed by him after January 31, 1955, for the purpose of obtaining initial military training pursuant to his Reserve, National Guard, or Air National Guard obligation shall be deemed to be active duty."

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

NATIONAL GUARD AND RESERVE UNITS ACTIVATED DURING THE VIETNAM WAR

UNIT AND HOME STATION

Alabama: 650th Medical Detachment, Birmingham.

Alaska: None.

Arizona: 277th Military Intelligence Detachment, Phoenix.

Arkansas: 978th Army Postal Unit, Fort Smith; 336th Ordnance Battalion, Little Rock; 189th Tactical Reconnaissance Group, Little Rock.

California: 1st Squadron, 18th Armored Cavalry, Burbank; 40th Aviation Company, Long Beach; 82nd Aerial Port Squadron, Travis Air Force Base; 776 Attack Squadron, Los Alamitos; 873rd Attack Squadron, Alameda.

Colorado: 140th Tactical Fighter Wing, Buckley Air National Guard Base.

Connecticut: None.

Delaware: None.

Florida: 35th Surgical Hospital, North Miami; 231st Transportation Company, St. Petersburg.

Georgia: 319th Transportation Company, Augusta; 413th Finance Disbursing Section, Atlanta; 445th Military Airlift Wing, Dobbins Air Force Base.

Hawaii: 29th Infantry Brigade, Honolulu; 2nd Battalion, 299th Infantry, Hilo; 100th Battalion, 442nd Infantry, Fort DeRussey.

Idaho: 116th Engineer Battalion, Idaho Falls.

Illinois: 126th Supply and Service Company, Quincy; 482nd Medical Detachment, Aurora; 724th Transportation Company, Forest Park; 52nd Medical Service Squadron, Scott Air Force Base.

Indiana: Company D, 151st Infantry, Greenfield; 890th Transportation Company, Fort Wayne; 930th Tactical Airlift Group, Bakalar Air Force Base.

Iowa: 2nd Battalion, 133d Infantry, Sioux City; 185th Tactical Fighter Group, Sioux City.

Kansas: 69th Infantry Brigade, Topeka; 169th Aviation Company, Kansas City; Troop E, 114th Cavalry, McPherson; 169th Engineer Company, Emporia; 169th Support Battalion, Kansas City; 2nd Battalion, 130th Artillery, Hiawatha; 1st Battalion, 137th Infantry, Wichita; 2nd Battalion, 137th Infantry, Kansas City; 995th Maintenance Company, Hays; 1011th Supply and Service Company, Independence; 842nd Quartermaster Company, Kansas City; 184th Tactical Fighter Group, McConnell Air Force Base.

Kentucky: 2nd Battalion, 138th Artillery, Louisville; 950th Army Postal Unit, Lexington; 123rd Tactical Recon Wing, Staudiford.

Louisiana: None.

Maine: None.

Maryland: 472nd Medical Detachment, Rockville; 113 Tactical Fighter Wing, Andrews AFB; 175th Tactical Fighter Group, Martin Airport; 661st Fighter Squadron, Andrews AFB.

Massachusetts: 1st Battalion, 211th Artillery, New Bedford; 513th Maintenance Battalion, Boston; 241st Military Intelligence Detachment, Boston; 12th Reserve Mobile Construction Battalion, Boston.

Michigan: 424th Personnel Service Co., Livonia; 305th Aerospace Rescue and Recovery Squadron, Selfridge AFB.

Minnesota: 452nd General Supply Company, Worthington.

Mississippi: 173rd Quartermaster Co., Greenwood.

Missouri: 208th Engineer Co., Festus.

Montana: None.

Nebraska: 172nd Transportation Co., Omaha; 295th Ordinance Company, Hastings.

Nevada: 152nd Tactical Recon Group, Reno Municipal Airport.

New Hampshire: 3rd Battalion, 197th Artillery, Portsmouth.

New Jersey: 141st Transportation Co., Orange; 177th Tactical Fighter Group, Atlantic City Airport.

New Mexico: 150th Tactical Fighter Group, Kirtland AFB.

New York: 1018th Supply and Service Co., Schenectady; 448th Army Postal Unit, Garden City; 237th Maintenance Company, Fort Hamilton; 316th Medical Detachment, New York City; 74th Field Hospital, New York City; 203rd Transportation Company, Garden City; 174th Tactical Fighter Group, Hancock Field; 107th Tactical Fighter Group, Niagara Falls Municipal Airport; 904th Military Airlift Group, 831st Attack Squadron, Stewart AFB.

North Carolina: 312th Evacuation Hospital, Winston-Salem.

North Dakota: None.

Ohio: 1002nd Supply and Service Co., Cleveland; 311th Field Hospital, Sharonville; 121st Tactical Fighter Gp, Lockbourne AFB.

Oklahoma: None.

Oregon: None.

Pennsylvania: 630th Transportation Co., Washington; 357th Transportation Co., Greencastle; 305th Medical Detachment; Philadelphia; 931st Fighter Squadron, Willow Grove.

Rhode Island: 107th Signal Company, East Greenwich; 115th Military Police Company, Pawtucket.

South Carolina: None.

South Dakota: None.
Tennessee: 378th Medical Detachment, Memphis.
Texas: 113th Light Maintenance Co., Gatesville; 238th Maintenance Company, San Antonio; 921st Military Airlift Gp, Kelly AFB; 34th Aeromedical Evacuation Sqd, Kelly AFB; 703rd Fighter Squadron, Dallas; 22nd Reserve Mobile Construction Battalion.
Utah: 259th Quartermaster Battalion, Pleasant Grove.
Vermont: 131st Engineer Company, Burlington.
Virginia: 304th Medical Detachment, Richmond; 313th Medical Detachment Richmond; 889th Medical Detachment, Richmond.
Washington: 737th Transportation Co., Yakima; 941st Military Airlift Gp, McChord AFB.
West Virginia: None.
Wisconsin: 377th Maintenance Co., Manitowoc; 826th Ordnance Co., Madison.
Wyoming: None.

S. 2893—INTRODUCTION OF A BILL RELATING TO THE PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

Mr. MOSS. Mr. President, I introduce, for myself and Senators ALLEN, BIBLE, CRANSTON, EAGLETON, FANNIN, FULBRIGHT, GOLDWATER, HARTKE, HATFIELD, KENNEDY, MCCARTHY, MAGNUSON, MANSFIELD, METCALF, MONDALE, MUSKIE, NELSON, PACKWOOD, PELL, SCOTT, THURMOND, and YOUNG of Ohio, a bill to amend the 1960 act which provides for the preservation of historical and archeological data. The 1960 act, you will remember, provides for the salvage of historical and archeological remains being flooded or destroyed by dams constructed by or with the assistance of the Federal Government. The proposed bill would broaden the act, as follows:

First. Coverage is extended to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of scientific, prehistorical, historical, or archeological data.

Second. Federal agencies are directed to notify the Secretary of the Interior if in their operations archeological or other scientific data are revealed or threatened.

Third. The Secretary of the Interior upon notification by any responsible authority that a Federal program is threatening, damaging, or destroying such data shall evaluate the situation and cause a survey or other investigation to be made to the extent necessary to protect the public interest.

Fourth. Federal agencies whose programs are causing damage or destruction of scientific, prehistorical, historical or archeological data are authorized to transfer to the Secretary of the Interior a small portion of the program funds to protect or recover such data prior to its loss.

This bill will make it possible for some additional Federal funding and activities to recover data on our archeological program affected by any Federal activity, rather than limiting it to dams. Of even greater importance, it will enable the archeologists to select which sites on which to concentrate their efforts upon the basis of scientific need rather than being restricted in their selection solely to those sites being destroyed by dam construction.

The passage of this bill assures protection and recovery of one of America's great nonrenewable resources—the evidence of the past. If no action is taken many of our archeological sites will be severely affected or destroyed within the next 25 years.

I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of this statement.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2893) to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data, introduced by Mr. Moss (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam", approved June 27, 1960 (74 Stat. 220), is amended to read as follows:

"That it is the purpose of this Act to further the policy set forth in the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461–467), and the Act entitled "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes", approved October 15, 1966 (80 Stat. 915), by specifically providing for the preservation of scientific, prehistorical, historical, and archeological data (including relics and specimens) which might be adversely affected as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of any Federal, federally assisted, or federally licensed activity or program.

"SEC. 2. Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence that scientific, prehistorical, historical, or archeological materials exist or may be present in the proposed reservoir area.

"SEC. 3. (a) Whenever any Federal agency becomes aware that its operations in connection with any Federal, federally assisted, or federally licensed activity or program affects or may affect adversely scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary of the Interior, in writing, of that fact. The Secretary, upon notification by any such agency or by any other Federal or State agency or responsible private organization or individual that scientific, prehistorical, historical, or archeological data is or may be adversely affected by any such Federal, federally assisted, or federally licensed activity or program, shall, if he determines that such data is or may be adversely affected, notify in writing the instigating agency. Following such notification, the Secretary shall immediately conduct a survey or other investigation of the areas which are or may be affected and recover and preserve such data (including its analysis and publication) which, in his opinion, should be recovered and preserved in the public interest. Upon receipt of such notification from the Secretary, the instigating agency is authorized to transfer to the Secretary such funds as may be necessary, in an amount not to exceed one-tenth of 1 per centum of the total amount appropriated in connection with such activity or program, to enable the Secretary to conduct such survey or other investigation and to recover and preserve such data.

"(b) The Secretary shall keep the instigating agency notified at all times of the progress of any survey or other investigation made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

"(c) A survey or other investigation similar to that provided for by subsection (a) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam, activity, or program which has been heretofore authorized by any agency of the United States, by any private person or corporation holding a license issued by any such agency, or by Federal law.

"(d) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this sestion.

"SEC. 4. In the administration of this Act, the Secretary may—

"(1) accept and utilize funds transferred to him by any Federal agency pursuant to this Act;

"(2) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual;

"(3) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code; and

"(4) accept and utilize funds made available for salvage archeological purposes by any private person or corporation.

"SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

S. 2894—INTRODUCTION OF A BILL AUTHORIZING THE PURCHASE BY THE GOVERNMENT OF SECURITIES HELD BY A PERSON NOMINATED BY THE PRESIDENT TO AN OFFICE OF THE UNITED STATES

Mr. MCINTYRE. Mr. President, on behalf of the senior Senator from Illinois (Mr. PERCY) and myself, I introduce for

appropriate reference a bill to authorize the purchase by the Government of securities held by a person nominated by the President to an office of the United States in certain cases where the forced sale of such securities would be unduly disruptive of the market and their retention would create conflict-of-interest problems.

The specific stimulus for this legislation was the series of hearings which I attended as a member of the Committee on Armed Services earlier this year regarding the confirmation of the Deputy Secretary of Defense. This nomination presented a not atypical problem to the Senate, a problem posed by the nomination of a man of unquestioned integrity whose personal stockholdings would undoubtedly give rise to conflicts of interest, but whose holdings were, in this case because of their extent, unmarketable without serious loss.

There have been other such situations before the Senate, in both Democratic and Republican administrations. These are not partisan problems, but simply the inevitable results of the bipartisan policy of trying to find the best possible men to conduct the public's business. Under such a policy, which has been followed by all administrations, it is inevitable in a society like ours that occasionally men will be appointed to office with great personal wealth. Sometimes that wealth creates conflicts of interest. Sometimes those conflicts cannot fairly be resolved by sale of the offending securities. It is for such situations that Senator PERCY and I are offering this bill with the hope that it may offer the public, the Senate, and the nominees a fair way of resolving the situation.

Under the procedure which would be established by this bill a nominee whose securities holdings created conflicts of interest, and who was unable to sell such securities because of the lack of a market or the adverse impact on an existing market, could dispose of his securities to the Government.

The procedure is hedged with safeguards.

To begin with, the initial determination that a conflict of interest existed would be made right here in the Senate, by the Senate Committee having jurisdiction over the nominee's confirmation. This finding, of course, is identical to the present functioning of our committees, which make such determinations routinely in their considerations of nominees.

The determination that conflict-of-interest securities could not be reasonably expected to be sold in the private market would be made by a Securities Marketing Committee established by this bill, and composed of the Secretary of the Treasury, the Attorney General, and the Chairman of the Securities and Exchange Commission, or their designees. Such a committee would have available to it the appropriate expertise to make accurate and reliable determinations of the existence and breath of the appropriate markets for the securities in question.

The Securities Marketing Committee would also determine the fair market value for the securities which would be paid to the nominee. Such payments would be reported in detail, and would be subject to the annual appropriations process.

Finally, the Securities Marketing Committee would be required to dispose of the securities which it has acquired at the earliest practicable time, with due regard for the interests of the Government, which might even make a profit on the sales, and for the need to create a minimal disruption in the relevant markets.

Mr. President, this bill represents, to my knowledge, the first legislative attempt to deal with the many well publicized problems in this area. It may not be the final answer, and I am certainly open to constructive suggestions for its improvement. I do believe that it is important for the Senate to give this proposal careful consideration, and to take whatever action is appropriate, so that we may finally move to put an end to the annual dilemma posed by highly qualified nominees for high office whose personal financial success stands in the way of their service to the public.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2894) to authorize the purchase by the Government of securities held by a person nominated by the President to an office of the United States in certain cases where the forced sale of such securities would be unduly disruptive of the market and their retention would create conflict-of-interest problems, introduced by Mr. MCINTYRE, for himself and Mr. PERCY, was received, read twice by its title, and referred to the Committee on Banking and Currency.

SENATE JOINT RESOLUTION 150— INTRODUCTION OF JOINT RESOLUTION TO DESIGNATE "NATIONAL INDUSTRIAL HYGIENE WEEK"

Mr. SCOTT. Mr. President, I introduce for appropriate reference a joint resolution authorizing the President to designate the week of October 12 to 18 of this year as "National Industrial Hygiene Week." I am pleased to have the following distinguished Senators joining me as cosponsors in this effort: RICHARD S. SCHWEIKER, Republican, Pennsylvania; WALLACE F. BENNETT, Republican, Utah; J. CALEB BOGGS, Republican, Delaware; JOHN SHERMAN COOPER, Republican, Kentucky; CHARLES E. GOODELL, Republican, New York; CLIFFORD P. HANSEN, Republican, Wyoming; JACOB K. JAVITS, Republican, New York; JACK MILLER, Republican, Iowa; GAYLORD NELSON, Democrat, Wisconsin; ROBERT W. PACKWOOD, Republican, Oregon; WINSTON L. PROUTY, Republican, Vermont; JENNINGS RANDOLPH, Democrat, West Virginia; STROM THURMOND, Republican South Carolina; and HARRISON A. WILLIAMS, Jr., Democrat, New Jersey.

Industrial hygiene is, of course, that part of occupational health concerned with the anticipation, evaluation, solution, and prevention of health problems arising out of industrial operations. It reflects the attempt of industry to work in concert with scientists and engineers from related fields to develop sound scientific knowledge and to aid in the application of this knowledge to the protection and conservation of the health of workers in all types of industry.

The designation, which my joint resolution proposes, would coincide with this year's 34th annual meeting of the Industrial Hygiene Foundation of America, an organization, unique in all the world, composed of several hundred nationally known U.S. companies and organizations which have voluntarily joined together to coordinate the efforts of industrial management with those of labor, the educational community, and government, in helping to further genuine health progress within industry.

I am proud to note that IHF has its headquarters in my Commonwealth of Pennsylvania, in Pittsburgh, which will again be the scene of the foundation's annual meeting, on October 14 and 15. Some 400 participants, representing not only the foundations corporate members, but leading experts from universities and government as well, will attend the 2-day session. Organized originally in 1935 because of a concern over the silicosis problem in industry, the Industrial Hygiene Foundation this year will be considering a greatly broadened agenda that addresses itself to the ever-expanding list of recognized industrial health problems, including air quality, noise abatement, mental health and other matters related to the total industrial and community environment.

The purpose of the proclamation, which my joint resolution would establish, is to call the focus of public attention to the field of industrial hygiene so that the average citizen can better understand and appreciate the past and present benefits he and his family may be receiving. Such knowledge will provide the basis for improved public confidence in the willingness and ability of American industry to solve not only current health problems, but such new problems as may be expected to arise out of future industrial technological progress.

Mr. President, I believe the purposes of this joint resolution are fully meritorious. I urge immediate and favorable consideration.

I also ask, Mr. President, that the full text of this proposed legislation be printed at this point in the RECORD:

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 150

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That, in recognition of the need to preserve the Nation's primary natural resource—its employed population—and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 2004

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 2004, an act to amend the Communications Act of 1964 to establish orderly procedures for the consideration of applications for the renewal of broadcast licenses.

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

S. 2461

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at the next printing of S. 2461, to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes, the name of the Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor.

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

S. 2847

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON) I ask unanimous consent that, at the next printing of 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 names of the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCHWEIKER and Mr. SCOTT), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MCCARTHY), I ask unanimous consent at the next printing of Senate Joint Resolution 61 the name of the Senator from Mississippi (Mr. EASTLAND) be added as an additional cosponsor.

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

REPRINTING OF AMENDMENTS NOS. 147, 149, AND 151

Mr. MONDALE. Mr. President, I ask unanimous consent that amendments Nos. 147, 149, and 151, intended to be proposed by me, to Senate bill 1809, be reprinted; and that the amendments, as they will appear when reprinted, be printed in the RECORD.

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

The amendments are as follows:

AMENDMENT NO. 147

At the end of the bill add the following new section:

"SEC. 10. Section 242 of the Economic Opportunity Act of 1964 is amended by deleting the last period of said section, and adding the following additional language to the present section: 'or to any program funded under section 222(a)(3) of this title.'"

AMENDMENT NO. 149

At the end of the bill add the following new section:

"SEC. 10. Section 225(c) of the Economic Opportunity Act of 1964 is amended by changing the period at the end of the first sentence to a semi-colon and thereafter adding the following: 'except that financial assistance extended to a legal services program pursuant to section 222(a)(3) shall not exceed 90 per centum of the approved cost of the assisted programs or activities.'"

AMENDMENT NO. 151

At the end of the bill add the following new section:

"SEC. 10. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the legal services program authorized under section 222(a)(3) of such Act. The Director shall not delegate the program authorized under section 222(a)(3) to any other existing Federal agency."

EXTENSION, CONSOLIDATION, AND IMPROVEMENT OF PROGRAMS FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENTS

AMENDMENTS NOS. 154 AND 155

Mr. GOLDWATER. Mr. President, for myself and my colleague, the senior senator from Arizona (Mr. FANNIN) I submit two amendments, intended to be proposed by us, jointly, one to the bill (S. 2451) to extend, consolidate, and improve programs for elementary and secondary education, and for other purposes, and the other to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes. These amendments would permit the all-Navajo Indian school board of the Rough Rock Demonstration School in Arizona to be eligible to participate in the bilingual education program.

By now I am sure that almost all Members of this body have heard of the distinctive and creative educational project which the Navajo Indian Tribe has established at Rough Rock, located in the heart of the vast territory of the Navajo Reservation. This school is an extremely promising venture which was launched in 1966 and is operated by an all-Indian school board elected by the Navajo people. The school was established by the Navajo Indians themselves who decided they wanted their children to receive the best education for both Navajo and Anglo life—a both/and choice rather than an either/or choice. It is an inspiring and courageous undertaking which reflects many of the aspirations of a very proud and great segment of our national people.

Not only is Rough Rock Demonstration School totally controlled by Indian parents, but the school has been successful in recruiting almost one-half of its faculty from among the Navajo population.

Although the school is entirely run by Navajo parents, it is important to note that the Indians have chosen to offer a bilingual, bicultural education. The school provides subjects found in any school of excellence with the added feature of subjects especially created for Navajos. Of course, English reading and writing is taught together with oral English. Science, mathematics, social studies, health, home economics, industrial arts, and all the regular parts of a well-designed curriculum are taught. But in addition the school has courses in Navajo reading and writing, oral Navajo, Navajo culture and history, and Navajo arts and crafts. Indeed Rough Rock may be the only school with Indian children where the history of the American Indian is taught.

Mr. President, in my opinion Rough Rock has made a fine beginning and stands as a constructive effort by the Navajo people to determine their own destinies. To my mind, Rough Rock points the way to a future in which all Navajos can learn and be proud of their heritage while at the same time they can successfully cope with the surrounding world.

However, Mr. President, it must be understood that the Navajo Tribe cannot, and should not be expected to, meet this heavy financial obligation itself. It should be remembered that the tribe is continuing to provide for the Navajo Reservation to the same extent that our local and State governments handle many varied responsibilities.

It is for this reason that I am submitting today amendments on behalf of Senator FANNIN and myself to the existing bilingual education program under title VII of the Elementary and Secondary Education Act of 1965. Our amendments would waive the discriminatory limitations of the present law and allow the Navajo school board to participate in the program fully as much as if it were the school board of an Anglo community.

The all-Navajo school board clearly performs for members of the tribe the same functions as the educational agencies of town or city governments do for citizens of their communities. The Navajo board is the true local educational agency of the Navajo people and it may legitimately expect to be considered as eligible for the same benefits as are granted to municipal school authorities. Anything short of this would surely be considered by members of the tribe as rank discrimination against the American Indian.

The amendments we propose are not complicated. They are narrowly drawn and will not open the door to the payment of Federal bilingual assistance to privately operated schools. The Navajo experiment is unique and the amendments are worded accordingly.

First, our amendments apply only to schools located on Indian reservations for Indian children.

Second, the schools must be operated only under the control of an Indian school board of the tribe concerned.

Third, the agency operating such school must be a nonprofit organization.

Mr. President, with these strict requirements included in our amendments there is no possibility that it can lead to unintended applications. Furthermore, we can promise the Senate that our amendments do not in any way affect the proposals already incorporated into the bills pending in this body relative to the etxension of the bilingual program to schools operated or funded by the Department of Interior. The amendments definitely would not change any provision of those new sections, directly or indirectly.

In closing, Mr. President, I would like to suggest for the consideration of Members that the Rough Rock school is an exciting example of initiative and leadership taken by an American Indian tribe seeking to shape its own future in a changing world. I strongly believe the passage of this amendment would be an important step in demonstrating by deed that this Nation understands and is willing to respond to the needs of the American Indian.

I ask unanimous consent that the amendments be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 154 and 155) were referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 154

On page 40, after line 23, insert a new section as follows:

"APPLICATION TO INDIAN CONTROLLED SCHOOLS ON RESERVATIONS"

SEC. 333. Title VII of such Act is further amended by inserting at the end thereof the following new subsection:

"INDIAN CONTROLLED SCHOOLS ON RESERVATIONS

"SEC. 709. For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian Tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency."

AMENDMENT NO. 155

On page 14, between lines 6 and 7, insert a new subsection as follows:

"(c) Title VII of such Act is further amended by inserting at the end thereof the following new subsection:

" 'INDIAN CONTROLLED SCHOOLS ON RESERVATIONS

" 'SEC. 709. For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian Tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency.' "

REFORM OF INCOME TAX LAWS—AMENDMENT

AMENDMENT NO. 156

Mr. JAVITS. Mr. President, I submit an amendment intended to be proposed by me, to the pending tax reform bill, which would provide a 2-year phaseout in the investment tax credit, and authorize the President to substitute revised depreciation schedules for the tax credit during the 2-year period.

Mr. President, we are within reach this year of the most significant reform of our revenue code since the beginnings of the income tax early in this century. While there may be honest differences with regard to individual sections of the bill, all will agree, I am sure, that a basic tax reform bill is long overdue.

Now, as you know, Senators LONG and WILLIAMS of the Finance Committee have proposed, and the administration has accepted, their idea that the provision providing for repeal of the investment tax credit be separated from the tax reform bill and considered separately. This is proper, and I welcome this development for two reasons. First, a vote on the tax credit, one way or another, will remove some of the uncertainty which currently faces business planners and even economic policy makers in the Government. In this respect, it is worth noting that the proposed repeal of the investment credit is one of the few retroactive provisions in H.R. 13270. Second, and more important in my mind, separation of the tax credit from the reform bill helps make that bill exactly what it was intended to be—a reform bill.

Originally, as you remember, the investment tax credit was characterized as an incentive to business for capital investment and modernization: an incentive powerful enough to stimulate higher productivity and to maintain the competitiveness of export industries. Interestingly enough, the business community opposed the proposal, notwithstanding the reduced tax liabilities and increased cash flow which implementation of the credit would bring. Business' chief concern—then as now—was that the credit would be used as an anticyclical device as the needs of the economy dictated. Certainty is something all planners need, be they in Government, in business, or even in a family. Since investment decisions are generally long range and take into account a variety of factors businessmen feared that short-range manipulation of the tax credit would serve chiefly to throw corporate accounting into chaos and only tangentially act as a regulator of investment activity.

Over the years, Treasury's hopes have been amply proven. The investment tax credit has indeed stimulated capital investment, and this has been one of the factors in the sustained prosperity and trade surplus which we have enjoyed 'n this decade. Increased capital equipment investment activity has modernized our industry, helped manufacture an increasing supply of concumer goods for our citizens, and given employment and increased purchasing power to millions.

On the other hand—and justifying the fears of the business community—the credit was used in 1966 in an attempt to counter a predicted inflationary situation. That attempt to play around with the tax credit ended in disaster. Certain segments of industry—notably makers of railroad rolling stock—suddenly found themselves with sharply reduced orders. Other segments were apparently unaffected. Uncertainty in the investment sector and forebodings of an economic slowdown from other indicators forced the President in early 1967 to reinstate the tax credit.

Mr. President, this discussion shows two things:

First, an investment incentive is an inadequate short-range economic device. Too much time elapses between imposition, or repeal, of the incentive and its actual effect for it to be a useful countercyclical device to be turned on or off when needed. Too many factors other than the incentive enter into an investment decision for the credit alone vastly to influence business planning. For example, investment in the present quarter is actually expected to gain by $2 billion over the previous quarter, which was before the retroactive tax credit repeal was proposed. Planned investment outlays for 1970, however, have begun to decline.

Nevertheless, and this is the second matter, I believe that the history of the tax credit has shown the advisability and long-range effectiveness of a meaningful capital equipment investment incentive. While it is difficult to quantify what was the effect of the tax credit during its time, economists generally agree that the credit was a definite contributing factor in our recent unprecedented growth of investment. There is no doubt that the credit has also been an important source of internally generated corporate funds.

Therefore, Mr. President, I do not believe we should act on the investment tax credit without considering the effects of repeal and without considering the long-run need for a high level of investment activity.

Because the tax credit has been an important source of liquid, internally generated capital, repeal of this credit without substituting comparable investment incentives to increase and improve productivity is likely to increase corporate demand for borrowed funds, with resultant upward pressure on interest rates and with increased risk of inflation. Of course, in the near future, any sharp reduction in investment activity caused by repeal of the credit would serve to reinforce the present monetary and fiscal policies which are presently moving to curb the severe inflationary spiral in our economy. While this phenomenon may be welcome in the initial stages of a planned slowdown, we must also look forward to the time when we may suddenly find that the brakes have been slammed on too hard. In other words, I do not believe we should strike this device from the books entirely, and my bill therefore provides for a 2-year phaseout of the credit, together will an opportunity for the admin-

istration to put permanent revised depreciation schedules into effect.

Looking again at the long run, I also do not believe that we can afford to operate our economy without some sort of major equipment investment incentive to increase and improve productivity; and the soundest is modernized depreciation schedules. Let us face it, Mr. President, the facts show that economic expansion not only benefits corporate enterprise, but is also closely associated with the reduction of poverty. In other words, the level of business investment is closely tied with those social and national goals which we—liberals and conservatives alike—can agree upon: economic prosperity, reduction of unemployment, increased production, increased purchasing power. I could merely recite the facts—admirably marshaled, incidentally, by the outgoing administration's Council of Economic Advisers—to the effect that in households headed by a workingman, in elderly households, and among the near poor, the number of poverty-stricken persons declined during this and other periods of economic prosperity. On the other hand, the Council pointed out, the number of poor persons has increased considerably during periods of recession. The Council attributes much of the progress in reducing poverty during the 1960's to the lowering of the unemployment rate.

As indicated, my amendment, therefore, also allows for the introduction of revised, accelerated depreciation schedules by the Treasury Department as a substitute for the phased-out investment tax credit. In my judgment, such schedules would be a more permanent and efficient incentive than the credit. I also believe that now is not too soon to begin rewriting these schedules. Studies show that, because of the intricacies of corporate planning and accounting, rather little of this new incentive could be used during the first 1 or 2 years under the new schedule. In 1955, for example, the second year in which the accelerated depreciation methods drawn up in 1954 were allowed, only 50 percent of new investment in manufacturing was depreciated at the accelerated rates.

My amendment, therefore, is neither inflationary nor unduly remunerative to the corporate sector. It merely plans ahead for the decade of the 1970's when we shall continue to count upon private enterprise to maintain our high level of employment and keep our economy on th_ move. It provides an incentive no greater than that which is accorded business investment in most industrial countries—countries with which we compete in international trade.

Economic analysts now predict that the sharp reduction which has already occurred in the real growth of our economy will soon be felt in the area of price inflation. Some analysts even predict a "recession" for 1970, with all that this entails in terms of reduced employment and a drawnout stagnation in the economy. Now is surely the time to provide for a means to maintain our economic strength during the coming difficult and very crucial months economically.

Mr. President, I ask unanimous consent that my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD as requested by the Senator from New York.

AMENDMENT 156

On page 325, strike out lines 21 et. seq.; continuing strike pages 326 through 338 inclusive; continuing further on page 339 strike out lines 1 through 12 inclusive; and insert in lieu thereof the following:

"SEC. 703. REDUCTION AND TERMINATION OF INVESTMENT CREDIT.

"(a) SEC. 46(a)(1) of Subpart B of part IV of subchapter A of chapter 1 (relating to the amount of credit) is hereby amended as follows:

"'GENERAL RULE.—The amount of credit allowed by section 38 shall be equal to:

"'(i) for the period ending on or before April 17, 1969, 7 percent.

"'(ii) for the period commencing on or after April 18, 1969, and ending on April 17, 1970, 5 percent;

"'(iii) for the period commencing on or after April 18, 1970, and ending on April 17, 1971, 3 percent; and

"'(iv) for any period commencing on or after April 18, 1971, 0 percent of the qualified investment (as defined in subsection (c) and in accordance with section 49.).'

"(b) Subpart B of part IV of subchapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new section:

"'SEC. 49. RULES FOR REDUCTION PERIOD PROPERTY.

"'(a) GENERAL RULE.—For the purposes of this subpart, the term "reduction period property" does not include property—

"'(1) the physical construction, reconstruction, or erection of which is begun, or

"'(2) which is acquired by the taxpayer on or before April 17, 1969. All dates with respect hereto shall be determined with reference to paragraph (b) (Rules for Reduction Period Property) hereof.

"'(b) RULES FOR REDUCTION PERIOD PROPERTY.—For the purposes of this section the date on which physical construction, reconstruction, or erection is begun or on which property is acquired is—

"'(1) BINDING CONTRACTS RULE.—The date of a contract at all times thereafter binding on the taxpayer for such construction, reconstruction, erection, or acquisition.

"'(2) EQUIPPED BUILDING RULE.—

"'(A) The date of the existence of a plan of the taxpayer (which plan was not substantially modified at any time after such date and before the taxpayer placed the equipped building in service) pursuant to which the taxpayer has constructed, reconstructed, erected, or acquired a building and equipment necessary to the planned use of such building by the taxpayer; *Provided, however,* That more than 50 per centum of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such buildings as so equipped is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer within one year of such date, or property the acquisition of which by the taxpayer occurred within one year of such date.

"'(B) All property comprising such building as so equipped (and any incidental property adjacent to such building which is necessary to the planned use of the building) shall be deemed to be constructed, reconstructed, erected, or acquired as of the date determined hereby. For purposes of subparagraph (A) hereof, the rules of paragraphs (1) and (4) shall be applied. For purposes of this paragraph, a special purpose structure shall be treated as a building.

"'(3) PLANT FACILITY RULE.—

"'(A) The date of the existence of a plan of the taxpayer (which plan was not substantially modified at any time after such date and before the taxpayer placed the plant facility in service) pursuant to which the taxpayer has constructed, reconstructed, or erected a plant facility; *Provided however,* That either (i) the construction, reconstruction, or erection of such plant facility was commenced by the taxpayer within one year of such date; or (ii) more than 50 percent of the aggregate adjusted basis for all the property of a character subject to the allowance for depreciation making up such plant facility is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer within one year of such date, or property the acquisition of which by the taxpayer occurred within one year of such date.

"'(B) All property comprising such plant facility shall be deemed to be constructed, reconstructed, erected, or acquired as of the date determined hereby. For purposes of subparagraph (A) hereof, the rules of paragraphs (1) and (4) shall be applied.

"'(C) PLANT FACILITY DEFINED.—For purposes of this paragraph, the term "plant facility" means a facility which does not include any building (or of which buildings constitute an insignificant portion) and which is—

"'(i) a self-contained, single operating unit or processing operation.

"'(ii) located on a single site, and

"'(iii) identified as of the date determined hereby in the purchasing and internal financial plans of the taxpayer as a single unitary project.

"'(4) MACHINERY OR EQUIPMENT RULE.—

"'(A) The date on which more than 50 percent of the parts and components of any piece of machinery or equipment (determined on the basis of cost) were held by the taxpayer pursuant to a binding contract which was in effect on such date, for inclusion or use in such piece of machinery or equipment.

"'(B) The cost of the parts and components of such machinery or equipment (which parts and components are necessary for the proper functioning and utilization of such machinery and equipment) which is not an insignificant portion of the total cost, shall be deemed to be property held as of the date determined hereby.

"'(5) CERTAIN LEASE-BACK TRANSACTIONS, ETC.—Where a person who is a party to a binding contract described in paragraph (1) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (1), succeed to the position of the transferor with respect to such binding contract and such property. In any case in which the lessor does not make an election under section 48(d)—

"'(A) the preceding sentence shall apply only if a party to the contract retains the right to use the property under a lease for a term of at least one year; and

"'(B) if such use is retained, the lessor shall be deemed for the purposes of section 47 as having made a disposition of the property at such time at the lessee loses the right to use the property.

For purposes of subparagraph (B) if the lessee transfers the lease in a transfer described in paragraph (7), the lessee shall be considered as having the right to use of the property so long as the transferee has such use.

"'(6) CERTAIN LEASE AND CONTRACT OBLIGATIONS.—The date of a binding lease or contract to lease pursuant to which a lessor or lessee is obligated to construct, reconstruct, erect, or acquire property specified in such lease or contract, any property so constructed, reconstructed, erected, or acquired by the lessor or lessee; *Provided, however*, That the same shall be accomplished within one year of such date. In the case of any project which includes property other than the property to be leased to such lessee, the preceding sentence shall be applied, in the case of the lessor, to such other property only if the binding leases and contracts with all lessees in effect on such date cover real property constituting 25 percent or more of the project (determined on the basis of rental value). For purposes of the preceding sentences of this paragraph, in the case of any project where one or more vendor-vendee relationships exist, such vendors and vendees shall be treated as lessors and lessees.

"'(7) CERTAIN TRANSFERS TO BE DISREGARDED.—

"'(A) If property or rights under a contract are transferred in—

"'(i) a transfer by reason of death, or

"'(ii) a transaction as a result of which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371 (a), 374(a), 721, or 731,

then such property (or the property acquired under such contract) shall be treated in the hands of the transferee in the same manner as such property would be treated in the hands of the decedent or the transferor.

"'(B) If—

"'(i) property or rights under a contract are acquired in a transaction to which section 334(b)(2) applies,

"'(ii) the stock of the distributing corporation was acquired before April 18, 1971, or pursuant to a binding contract in effect before April 18, 1971, and

"'(iii) such property (or the property acquired under such contract) would be treated as reduction period property in the hands of the distributing corporation,

such property shall be treated as reduction period property in the hands of the distributee.

"'(8) PROPERTY ACQUIRED FROM AFFILIATED CORPORATIONS.—For purposes of this subsection, in the case of property acquired by a corporation which is a member of an affiliated group from another member of the same group—

"'(A) such corporation shall be treated as having acquired such property on the date on which it was acquired by such other member,

"'(B) such corporation shall be treated as having entered into a binding contract for the construction, reconstruction, erection, or acquisition of such property on the date on which such other member entered into a contract for the construction, reconstruction, erection, or acquisition of such property, and

"'(C) such corporation shall be treated as having commenced the construction, reconstruction, or erection of such property on the date on which such other member commenced such construction, reconstruction, or erection.

For purposes of this subsection and subsection (c), a contract between two members of an affiliated group shall not be treated as a binding contract as between such members. For the purposes of the preceding sentences, the term 'affiliated group' has the meaning assigned to it by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).'

"(c) LIMITATIONS ON USE OF CARRYOVERS AND CARRYBACKS.—Section 46(b) (relating to carryback and carryover of unused credits) is amended by adding at the end thereof the following new paragraph:

"'(5) TAXABLE YEARS BEGINNING AFTER APRIL 17, 1969, AND ENDING AFTER APRIL 17, 1971.—The amount which may be added under this subsection for any taxable year beginning after April 17, 1969 and ending after April 17, 1971 shall not exceed 20 percent of the higher of—

"'(A) the aggregate of the investment credit carrybacks and investment credit carryovers to the taxable year, or

"'(B) the highest amount computed under subparagraph (A) for any preceding taxable year which began after December 31, 1968, and ended after April 17, 1971.'

"(d) RULES RELATING TO CERTAIN CASUALTIES AND THEFTS.—Section 47(a)(4) (relating to rules with respect to section 38 property destroyed by casualty, etc.) is amended by adding at the end thereof the following: 'subparagraphs (B) and (C) shall not apply with respect to any casualty or theft occurring on or after April 18, 1969. In the case of any casualty or theft occurring before April 18, 1969, to the extent of any replacement after such date (with property which would be section 38 property but for section 49) this part shall be applied without regard to section 49.'

"(e) Subpart B of part IV of subchapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof and immediately following the new section, section 49, the following new section:

"'SEC. 50. PRESIDENTIAL TERMINATION OF CREDIT.

"'(a) The President, by Executive order duly published in the Federal Register, may at any time terminate the credit allowed by section 38; *Provided, however*, That in terminating such credit the President shall so modify the schedules of allowable depreciation as to provide investment incentives to increase and improve productivity comparable within a reasonable period of time to the credit allowed by this subchapter on April 17, 1969.

"'(b) Such order may provide such provisions as the President shall deem necessary or desirable so as to provide an orderly transition upon the termination of such credit.'

"(f) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new items:

"'Sec. 49. Termination of credit.
"'Sec. 50. Presidential termination of credit.'"

The amendment (No. 156) was referred to the Committee on Finance.

REFORM OF INCOME TAX LAWS—AMENDMENTS

AMENDMENT NO. 157

Mr. MOSS. Mr. President, I am today submitting an amendment intended to be proposed by me to the Tax Reform Act of 1969 (H.R. 13270) which would grant to oil shale the same percentage depletion allowance as is granted to oil and gas.

In the House-passed bill the depletion allowance for oil is set at a rate of 20 percent. If this rate is accepted by the Senate, then under the terms of my amendment the percentage of depletion allowance for oil shale would be set at the 20 percent level in the bill which the Senate passes. If another rate is established for oil, oil from shale would take that same rate.

The House-passed bill provides that the rate of depletion pertain to oil shale at a time when the product is retorted and in liquid form, rather than when the shale is in the crushed rock stage. This is the only way the oil shale depletion allowance can be made fully equal to the oil depletion allowance, since at the time the depletion allowance is granted to oil it is in its liquid form. Any rate of adjustment made by the Senate should include the same provision.

The passage of this amendment would greatly encourage the development of a truly tremendous potential source of energy within our country that the Nation will need for its security and economic growth during the next few years.

This source of energy is the high grade oil shale deposits in the Green River Formation, which stretches through Utah, Colorado, and Wyoming. It has been aptly called the "world's largest known resource of hydrocarbons."

Those deposits have been computed at 600 billion barrels. The known free world recoverable reserve of petroleum from conventional sources is about 402 billion barrels. Much of these latter sources are beyond our borders, available to us only upon agreement with other nations, and then over often perilous land or water routes.

Yet we are doing very little to encourage the development of the reserves we have in one area in an inland and relatively well protected part of our own country. These reserves represent considerably more than the known conventional petroleum reserves in the entire world.

The program offered by the Department of the Interior for the development of our oil shale resources is an attempt to resolve some of the legal, technical and political difficulties facing us in developing oil shale. Passage of my amendment would help make such development financially feasible.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 157) was referred to the Committee on Finance.

AMENDMENT NO. 158

Mr. MOSS submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270), to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

EDUCATIONAL ASSISTANCE TO CERTAIN CHILDREN LIVING IN FEDERALLY IMPACTED AREAS—AMENDMENT

AMENDMENT NO. 159

Mr. CRANSTON. Mr. President, on May 13, 1969, Senator THOMAS F. EAGLETON, of Missouri, introduced a bill, S. 2147, which has been referred to the Committee on Labor and Public Welfare. In his bill, Senator EAGLETON proposes that children living in federally assisted housing be considered as federally connected children for purposes of educational assistance to federally impacted area. His bill would amend section 303(1) of the act of September 30, 1950—Public Law 81-874—to provide Federal payments to school districts which serve

children living in public housing under the U.S. Housing Act of 1937.

I commend Senator EAGLETON on his bill, for it recognizes that federally assisted public housing often works a double burden on school districts in the same manner as the Federal activities recognized under Public Law 81–874. In both instances, Federal funds create entities which diminish the tax base of an affected school district while simultaneously increasing the number of school children to be served by that district.

Recently, my attention was directed to two other acts which also provide for federally assisted public housing. These are part B of title III of the Economic Opportunity Act of 1964—Public Law 88–452—and section 516 of the National Housing Act of 1949—Public Law 81–171—as amended by the Housing Act of 1964—Public Law 88–560. Both acts are designed to improve housing for domestic farm labor. In California alone, over 1,700 housing units have been built under the OEO Act, while in fiscal 1969 over $2 million in loans and grants were allocated to local public housing authorities under section 516 of the National Housing Act of 1949, as amended by the Housing Act of 1964.

Inasmuch as both of these acts provide for federally assisted public housing, school districts serving children living in such housing should be entitled to the same relief as those districts serving children living in public housing assisted under the U.S. Housing Act of 1937. I thus intend to offer an amendment to S. 2147 to include these two housing acts.

Mr. President, I submit the amendment for printing at this time and ask unanimous consent that it be appropriately referred and printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 159) was referred to the Committee on Labor and Public Welfare, as follows:

On the first page, line 7, after "Housing Act of 1937," insert "section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964,".

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENT NO. 160

Mr. MONDALE. Mr. President, the unique and severe problems facing our Nation's migrant and seasonal farmworkers present the best reasons for maintaining and expanding special antipoverty programs designed to serve particular groups of citizens. Because they are a highly mobile group, and because many of our laws and programs require permanent residence as a condition for eligibility or participation, in practice migrant farmworkers have little or no opportunity to participate in local antipoverty programs, or most other Federal programs designed to serve the poor. Furthermore, farmworkers are excluded, or at best only minimally included, from almost every major Federal and State legislative program designed to protect workers or improve living and working conditions for farmworkers in this country. Fortunately, special programs focused on migrant workers such as the Migrant Health Act, and the migrant education program under title I of ESEA have been established, as well as the title III–B program in the Equal Opportunity Act.

I am today submitting an amendment to S. 1809, a bill to improve and extend the authorizing legislation for the Office of Economic Opportunity, that would increase the appropriation authorization for title III–B programs for migrant and seasonal farmworkers under the Economic Opportunity Act to $54 million for each of the next 3 years. This represents an increase of 100 percent over the grants allocated in fiscal year 1969, and a 60-percent increase over the level proposed in S. 1809.

I ask unanimous consent that a copy of this amendment be printed in the RECORD at the close of my remarks.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and without objection, the amendment will be printed in the RECORD, as requested by the Senator from Minnesota.

Mr. MONDALE. Mr. President, there are several very important aspects of title III–B programs that clearly distinguish them from other antipoverty programs and other Federal programs. Specifically, title III–B programs concern an occupational group, rather than an age group or geographic community, and this occupational group of farmworkers is one whose skills are rapidly being mechanized out of existence. Recent Federal Government reports indicate that by 1980 nonfarm jobs must be found for 40 percent of the current farm-labor work force. Title III–B programs have, and quite appropriately I think, addressed themselves not only to the immediate needs of migrant and seasonal farmworkers but to the problems of massive job displacement that are plaguing in this work force.

To accomplish the antipoverty goals with this occupational group, programs have taken into account seasons of farm labor employment and unemployment as well as the movement pattern of migrants. Programs have often been statewide or interstate in order to reach the target population.

Presently there are four major types of programs operated under title III–B. First, to meet the problems of increasing job displacement, OEO is making an effort to establish reemployment and adjustment assistance programs to capitalize on the expertise of public agencies and private industries in the effort to find permanent employment for displaced farmworkers.

Second, to provide community stability for farmworkers through improved employment opportunities, there are migrant education and training programs such as the high school equivalency program, basic education and training programs, and part-time education. Third, housing needs of migrant and seasonal farmworkers are addressed by OEO-funded programs such as self-help housing, and services that assist farmworkers in gaining maximum participation in other Federal housing programs.

Fourth, there are in-stream migrant assistance programs which are intended to serve the dual function of providing immediate services to migrants while they are within the migrant stream, and of promoting quality and interstate cooperation among OEO-funded migrant programs. Day-care centers, service centers, temporary housing, and supportive services such as training and technical assistance are included in these categories.

In proposing this increased authorization for these important programs, it is my hope that a substantial portion of any increased funds would be devoted to those programs that aid the migrant farmworker in settling out of the migrant stream. Specifically, programs for migrant reemployment and adjustment assistance through training, placement, and resettlement assistance, as well as private incentives for manpower development, offer real hope to migrant and seasonal farmworkers facing the threat of further mechanization and unemployment. This approach in particular would go far toward helping migrant workers establish themselves in a community and removes themselves and their families from the grips of poverty.

Migrant workers have been ignored or excluded by too many Government programs for too long. An important beginning toward repsonsiveness to migratory labor programs has occurred under title III–B of EOA. But only about 212,000 of the estimated 1,000,000 migrant farmworks and their families—barely 20 percent—are presently served by title III–B programs. Most disturbingly, only 33,600, or less than 4 percent, are served by programs designed to assist the migrant farmworker and his family settle out of the stream. This is not enough. I believe it is time to substantially increase the funding of this program. My amendment is designed to do just that.

The amendment (No. 160) was referred to the Committee on Labor and Public Welfare, as follows:

On page 2, line 14, strike out "$2,180,000,000" and insert in lieu thereof "$2,200,000,000."

On page 2, line 23, strike out "$1,032,700,000" and insert in lieu thereof $1,052,700,000."

On page 3, line 12, strike out "$34,000,000" and insert in lieu thereof "$54,000,000."

NOTICE OF HEARING ON AMENDMENT TO FEDERAL CREDIT UNION ACT

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on H.R. 2 and S. 2298, to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

The hearing will be held on Tuesday, September 23, 1969, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit

written statements in connection with this hearing should notify Mr. Hugh H. Smith, Jr., room 5300 New Senate Office Building, Washington, D.C., 20510; telephone 225–7291.

THE MERCHANT MARINE AND MRS. BENTLEY

Mr. TYDINGS. Mr. President, to be the new Chairman of the Federal Maritime Commission the President has nominated Helen Delich Bentley. I can think of no one more qualified.

Mrs. Bentley, the maritime editor of the Baltimore Sun, is one of the premier writers on maritime affairs in the country. She has covered the waterfront for many years and has gained through hard knocks experience a vast knowledge of maritime affairs.

It should serve her well for the FMC is charged with the important task of regulating services and practices in our waterborne commerce and, equally important, passing on the rates and fares of such traffic. Together with the Maritime Administration, the Commission bears the responsibility of insuring the vitality and prosperity of our maritime position.

Currently this position is not what it should be. Our merchant marine is in a state of alarming decline. The average age of a U.S. ship is 23 years. Our country ranks a poor 11th in world merchant ship construction. Finally, the United States today is carrying only about 5 percent of its foreign commerce on American-flag bottoms.

In her articles and through informal contacts Mrs. Bentley has pointed to this decline and forcefully urged that it be reversed. Knowing full well the significance of a strong merchant marine to the commercial and military posture of the United States, Helen Bentley has called for the national commitment—in terms of money, effort, and desire—necessary for the restoration of our once preeminent maritime position.

I support her call and feel such a commitment has top priority for this country and the present administration. I have written Secretary Stans urging him to submit the new maritime proposals to Congress and pointing out that the delay already experienced has set back the time when the required new ships will hit the waves.

Throughout her career Mrs. Bentley has warned of the threat posed by the buildup of the Soviet merchant fleet. The Russians have embarked on a major ship building program and the Soviet flag is now seen in most ports of call around the world.

I believe Helen Delich Bentley is most qualified and I support her nomination as Chairman of the Federal Maritime Commission.

Mr. President, Mrs. Bentley's reputation as a maritime expert is matched only by her affinity for colorful hats. They have often drawn comments. I know Helen Bentley; I have seen many of her chapeaux. I am willing to state publicly and for the record within the very Chamber of this U.S. Senate that they are, in a word, charming.

In order to give other Senators the favor of Mrs. Bentley's writing, I ask unanimous consent that four of her Sun "Around the Waterfront" columns now be reprinted in the RECORD. I ask also that the text of my letter to Secretary Stans concerning the delay in submission of the new maritime legislation be reprinted following those articles.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, May 22, 1969]

NEGLECT IS SINKING NATION'S FLEET

(By Helen Delich Bentley)

As National Maritime Day, 1969, is observed today throughout the United States, all facets of the sadly divided, bitterly segmented industry agree on one point—namely, that the U.S. must determine whether its merchant marine is to become an instrument of national policy.

If it is, a course of rehabilitation and revitalization should be followed.

COLD WAR WEAPON

If it is not, then no one should worry any longer whether there are merchant ships on the high seas flying the American flag.

Among the leading nations who use their merchant marines as instruments of their national policy are: the Soviet Union, Japan, Norway and the United Kingdom.

There are many others, but these are the nations one can place at a level with the U.S., nations whose merchant fleets are important to the U.S. in one way or another—either from the standpoint of friendly competition, or as weapons in the cold war.

RUSSIAN POLICY

The Russians have been very blunt in telling the world that they expect to double their present 12,000,000 deadweight tons of merchant shipping by 1980. As they have built up their present tonnage—80 per cent of which is less than ten years old—they have clearly used their merchant ships as instruments in a drive to win over as many nations as they can and to carry out their national policy.

Their small passenger ships are used to transport students from developing countries to Russia to learn, and to bring to them experts and soldiers offering first-hand aid. Their tankers are still built on a small scale so that they can transport Soviet petroleum products directly into the shallow ports of these nations.

The Soviets want more freighters and other cargo carrying vessels so they can increase their own trade, and also to enter more third-flag trade routes in order to earn dollars.

Viktor Bakayev, Minister of Merchantile Marine in the Soviet Union, has stated that his country has taken into consideration the growth of population and the development of world industrial and agricultural production, along with the expansion of trade among the countries of the world. It has reached the conclusion that the scope of international shipping by water will reach 3 to 3½ billion tons by 1980, up from the 2 billion tons in 1968.

JAPANESE POLICY

The Russians intend to have enough ships on hand to more than carry their share of that cargo.

The Japanese have prescribed that their merchant marine should carry 60 per cent of the Japanese exports and 70 per cent of the Japanese imports by 1975. To meet this target, it is planned that 2,050 ships of 29 million gross tons will be built in Japanese shipyards between now and 1975.

The Japanese reached that determination after the Ministry of Transport and the Shipping and Shipbuilding Rationalization Council called upon a specially created industry advisory group, the Shipping Policy Division, to "conduct studies on a policy from the National economic viewpoint for the growth of the Japanese shipping industry."

Among the conclusions reached, according to a Tokyo publication, were the following:

1. It is essential to expand the Japanese merchant marine for improvement of the shipping payments position.

2. It is necessary to work out measures for having access to funds needed for expansion of the Japanese fleet of ocean going ships, and for the training of more seamen.

3. Government subsidies are needed to strengthen the Japanese shipping industry's business standing, and to augment its international competitiveness.

The entire existing Japanese merchant marine is less than 15 years old.

On this Maritime Day, 1969, this is the position of the U.S.:

1. The U.S. today is carrying only about 5 per cent of its foreign commerce on American-flag bottoms. This percentage has been dropping sharply every year—from a high of 57.6 per cent in 1960.

2. The U.S. ranks a weak 11th in merchant ship construction in the world.

3. The average age of the U.S. fleet is 23 years; in another 2 years, more than 2 out of 3 ships in the American fleet will be over 25 years in age and totally uneconomical.

4. The U.S. fleet is plagued with critical inter-union bickering.

5. The U.S. active fleet ranks a weak 6th in status in the world

DECISIONS ESSENTIAL

If the U.S. determines that the American merchant marine is to be an instrument of its national policy, the nation must be sold on the idea that a healthy maritime industry not only provides major employment opportunities, but also greatly aids the balance of payments opportunities, while assuring the economy a steady flow of world trade and the country a necessary defense weapon.

One thing for certain on this National Maritime Day is that the U.S. must soon come to grips with the problem of whether it intends to make the merchant marine an instrument of national policy, or whether it intends to turn over all of its maritime commerce to foreign interests and depend solely on them.

[From the Baltimore Sun, June 16, 1969]

NAVAL WAR COLLEGE STUDIES SOVIET MERCHANT MARINE

(By Helen Delich Bentley)

NEWPORT, R.I.—The United States Naval War College here this week is devoting its Twenty-First Annual Global Strategy Discussions to the rapid expansion of the Soviet merchant marine, its influence in international circles, and the simultaneous continuing decline of the United States merchant fleet.

Only two weeks ago The Center for Strategic and International Studies of Georgetown University, Washington, published No. 10 of its special report series. The title was "Soviet Sea Power."

It now appears that more responsible people are beginning to recognize the threat of the U.S.S.R. on the seven seas as a result of her expansion of her merchant marine, navy, and fishing and oceanography fleets. Until recently, there was such a tendency to pooh-pooh what the Soviet Union was doing along this line that many persons were ashamed to admit concern.

The Georgetown report declared in its opening chapter on Policy Findings and Implications for U.S. policy that the Soviet Union embarked on a maritime strategy designed to help her break out of her long history of continental confinement.

POLICY ENVISIONED

"This policy means, in the first instance, attempts to control the Baltic Sea, the Black Sea and ultimately the Mediterranean. The policy also envisions Soviet predominance in the Sea of Japan to the East, the Greenland-Iceland-Faeroe Island gap to the West, and the Indian Ocean to the South. Simultaneously, the Soviet Union is probably striving to become the dominant power in such vital straits as the Bosporus and Dardanelles, through which its fleets must pass to reach the high seas.

"Beyond these goals, the Soviets want to gain dominant influence at several major junctions of the world's seaways. Specifically, they have their sights on the Suez Canal, the Bab al-Mandeb, the Straits of Malacca, and the Straits of Gibraltar. In pursuit of these ends, the Soviets would most likely try systematically to limit and eventually to stop noncommunist naval operations in areas they consider strategically critical to their plans."

Admiral John S. McCain, Jr., who now heads up the United States armed forces in the entire Pacific area, tried hard to impress upon the American people the strategy of the Russians of aiming for key points in order to control the movements of ships on a world-wide basis.

Admiral McCain also included the Panama Canal as being a highly-sought-after site for the Communist world.

The naval officer employed this hard-sell, convincing pitch in every speech he gave before civic organizations, schools, and labor unions. Through the use of specially-prepared color slides, the cigar-chomping slightly-built admiral did an excellent job convincing his audience that the Soviets were up to no good in their fantastic rate of growth on bottoms of any kind.

Although it is impossible for Admiral McCain to be on hand in Newport this week, those who have had the privilege of hearing him will be reminded of his excellent performance concerning his fear of the ultimate goals of the Soviet Union as they discuss the thick volume of papers prepared for these strategy discussions.

"The Soviet Union, unlike the United States, is pursuing a well-co-ordinated maritime program that can serve all facets of its maritime strategy," states the Georgetown Center's report. "This co-ordination calls for balanced and integrated development of naval forces, merchant and fishing fleets, maritime assistance, maritime industrial bases, including shipbuilding facilities, professional oceanic education and research.

ONE WEAKNESS CITED

"At the policy level, the Soviets try to co-ordinate their substantial maritime resources with their political, economic, ideological and military goals. They have already made marked progress in this program."

In the specific areas, the tenth report discusses each one thoroughly.

Regarding naval forces, the experts state that the Soviet Union already surpasses the United States in important categories of seapower.

The Soviet Union presently has many more conventionally-powered submarines, unparalleled long-range surface-to-surface cruise-missile systems on surface ships and on submarines, and a sizable missile-equipped fleet of patrol boats.

However, a Soviet writer said that the Soviet Navy lags in logistic support for sustained combat conditions.

MOVED UP TO 5TH

In regard to the marine, the report points out that the Soviets have moved up from 21st place in 1950 to fifth in the world in tonnage "and its rate of growth is impressive." Their ships are almost totally modern in design and vintage, which is just the reverse of the United States situation.

"The Soviets and their Warsaw Pact allies cannot yet challenge the United States and its non-communist partners to allout competition in the arena of international maritime commerce, but on a selective basis they are making their weight felt."

It described the expansion of the Soviet high-seas fishing fleet as "one of their program's most dramatic achievements," having 11 times more tonnage than that of the United States.

And in oceanography, the report said the Soviets "are now overtaking the United States in some aspects of the fundamental and critical field . . ."

"The momentum and scope of the Soviet maritime program, rather than the specific achievements, are the main challenge to the United States," it added. "The Soviets are making a relatively greater investment than is the United States in basic and applied naval research and in ship procurement."

[From the Baltimore Sun, Aug. 21, 1969]

UNITED STATES SHOWS FLEET DECREASE IN 1968

(By Helen Delich Bentley)

WASHINGTON.—There are 19,361 merchant ships—of which 932 are U.S. World War II hulks headed for the scrap heap—totaling 273 million deadweight tons in the fleets of the world.

The newest tabulation of the world's vessels by the Maritime Administration also revealed that the still-deteriorating United States fleet—in fifth place—shows up now as the only one of the major maritime nations with a net decrease in merchant tonnage during 1968.

This country had a net loss of 615,000 deadweight tons "due mainly to the scrapping of World War II-built ships from the government-owned reserve fleet," the report stated.

BREAKDOWN DECEIVING

Although this latest 20-page publication, "Merchant Fleets of the World," does provide a breakdown of sorts between the U.S. privately owned and the Government-owned reserve fleets, it is still deceiving, when the total number of ships cited for the United States is 2,071 totaling 25,464,000 deadweight tons, since it has been predetermined that at least one-half of those will definitely hit the scrap heap rather than ever to leave that reserve fleet spot to transport cargoes.

They are all World War II hulks—Liberty Ships and other types that were almost obsolete before they were launched. Those that are scrap-heap bound are in the Government-owned reserve fleet.

Of the 967 U.S. privately-owned, totalling 15,346,000 deadweight tons, only one-third is post World War II-tonnage, whereas most of the ships of other major maritime powers are in the post-war period. The bulk of the foreign tonnage actually would fall in the 15 years and younger age brackets.

The leading maritime nations are: Liberia with 1,613 ships totalling 45,141,000 deadweight; Norway with 1,308 ships of 30,593,000 deadweight; United Kingdom with 1,840 ships of 29,917,000 deadweight; Japan with 1,766 ships of 29,220,000 deadweight; United States with 1,149 "active" Government and privately-owned ships of 17,126,000 deadweight; U.S.S.R., 1,634 vessels of 11,911,000 deadweight, and Greece, 1,006 ships of 11,543,000 deadweight; West Germany 909 of 9,320,000 deadweight; Italy, 620 of 8,686,000; France, 485 of 7,618,000; and Netherlands, 463 of 6,763,000.

Even though the age of the ships plays a major role on the economic and efficiency aspects of all vessels, their age is never discussed or considered in statistical reports such as the one just released.

In fact because the age of the American merchant marine was never programmed into the elaborate computers at the Pentagon, the conclusion always reached when the machines finished playing with the numbers was that the fleet was adequate. No one told the robots that the bulk of the ships already was being held together by baling wire, and skill of their crew members, and the high rates that could be afforded because of the Vietnam sealift.

Therefore, no leadership in Washington—particularly at the Defense Department—was willing to lay itself on the line to justify expenditures for new ships to transport this country's trade and commerce.

WORLD TONNAGE INCREASED

The MarAd report said that total merchant vessel tonnage for the world fleet increased by 561 ships during the year with a deadweight tonnage climbing 22.8 million tons to a year-end total of 273.2 million.

Nearly 22 million tons of the additional tonnage was accounted for by bulk carriers and tankers, the publication stated.

As of December 31, the world fleet totaled 19,361 ships, compared to 1967's total of 18,800.

The report noted that although freighters accounted for 4 million additional deadweight tons during 1968, the net gain in this category was "negligible" because of the large number of losses and scrappings.

NET INCREASE 3 PERCENT

"The net increase in the number of ships for 1968 was equal to 3 per cent over that of 1967," the report said, adding that the tonnage increase "represented a 9.1 per cent rate of growth."

"Liberia ranked first among the maritime nations of the world, and the 45.1 million tons registered under her flag represented 16.5 per cent of the world total," the study reported.

"Norway and the United Kingdom, which ranked second and third, showed net increases in their fleets of 1.4 and 2.4 million tons respectively.

"Japan, the fourth leading maritime nation, had a net increase of 4.5 million tons, which placed her second behind Liberia for net gains during the year.

"The Soviet Union and Greece, with net increases of approximately one million tons each, ranked sixth and seventh respectively," the report concluded.

Five countries in addition to the United States showed a net decrease in the number of ships in their fleets. These were: France, Italy, Norway, Sweden and the United Kingdom.

[From the Baltimore Sun, Aug. 25, 1969]

U.S. FLEET GETS LESS VIET TONNAGE

(By Helen Delich Bentley)

WASHINGTON—Declining tonnage movements to Vietnam coupled with the impact of additional high labor costs negotiated in June are further beating down the already limping and decrepit American merchant marine.

Shipowners are complaining that the Military Sea Transportation Service is keeping too many Victory ships (75) from the reserve fleet on active duty in the Vietnam pipeline while regular privately owned berth line vessels either are made idle by the lack of cargo or other berth liners are going out with partial loads on that route.

FIFTEEN TO BE SCRAPPED

This appears to be true even though the MSTS and Maritime Administration already have designated 15 of the reserve (General Agency Agreement) ships for scrapping and placed or scheduled 54 more to go on "ready operating status" (ROS).

ROS vessels are those which can be placed in service overnight should an emergency situation require them to be returned to the pipeline immediately.

The dropoff in cargo has become drastic as far as the shipowners are concerned because of the bombing halt in Vietnam, the general lull in fighting, and the drive by Presi-

dent Nixon to return American GI's to the United States as fast as possible.

As a result the World War II-vintage ships, which in essence have had life pumped into them by the added demands of the war situation in recent years, are being hard hit by the letdown.

ECONOMY PRECLUDED

Many have been surviving only because of the military sealift. Their age precludes their being economical in the revolutionary 1970 container era, meaning that only the higher rate afforded by wartime conditions has kept these traditional freighters in business. Once this military cargo disappears these break-bulk vessels will be heading to the scrapyards almost as fast as the torches can burn them into shreds.

The tragic story for the United States is that about two-thirds of its merchant marine will be at least 25 years old in 1971, and 80 percent of it, more than 20 years of age by that time. When the 1936 Merchant Marine Act was written, 20 years was considered the economical life of a ship.

Worn out engines, rusty hulls, high labor costs and high insurance rates make it impossible for these World War II vessels to operate competitively in the commercial market. They can only keep going in protected trades, such as the military sealift, transporting the congressionally-edicted portion of government-financed cargoes, or on domestic routes.

Their owners—if they were or are interested in so doing—have had their hands somewhat tied in regard to replacing these ancient bottoms with modern sea giants because of legislative prohibitions concerning construction abroad and budgetary limitations needed for construction differential subsidy to build them in the United States.

NUMBER REDUCED

In addition to the General Agency Agreement bottoms whose active number has been reduced rapidly since Andrew E. Gibson assumed the post of maritime administrator, MSTS has 135 privately owned ships on time charter. Because some of these are sheathed to transport ammunition, both tramp and berth line operators believe that MSTS should begin channeling ammunition to these vessels in order to free general cargo to steamship lines serving these trade routes regularly.

There also have been indications that if more of the independent or tramp owners would sheathe their ships—said to cost between $20,000 and $25,000 a vessel—the Maritime Administration would push the use of the privately owned bottoms by MSTS instead of the GAA's.

This in turn would make more cargoes available for the berth line operators.

Tramp owners, unsubsidized and subsidized berth line operators jointly met last week with Maritime Administration and MSTS representatives to discuss their mutual problems resulting from the changing cargo picture. Pressure now is being heaped upon the shoulders of John W. Warner, under secretary of the Navy, to change some of the cargo consignments.

Meanwhile, an operator like Waterman Steamship Company is losing thousands of dollars daily because of the refusal of the Defense Department to consider an adjustment in the daily contract price negotiated in 1967 with Waterman.

With the new 15 per cent a year additional labor costs—as is estimated by most shipowners—Waterman with 12 ships under charter to MSTS finds itself losing at least $300 a day for each ship and feels it cannot continue without an adjustment of some kind.

END OF THE LINE

Similar rate structures without any escalation provisions are hurting other ship operators who likewise made their ships available to MSTS at a time when it was screaming loudest for American-flag bottoms. These companies feel that MSTS is letting them down by forcing them into bankruptcy because "we were good guys when they needed us."

Other independent owners are bowing out of the picture, selling their ships or laying them up because "the end of the line has arrived."

U.S. SENATE,
Washington, D.C., August 27, 1969.

Hon. MAURICE STANS,
Secretary, Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: One of the most urgent tasks facing our nation today is the revitalization of the merchant marine. For too long our fleet has been neglected. The inevitable result has been a rapid deterioration of our once pre-eminent maritime position.

Eighty percent of the merchant fleet is now over twenty years old and will soon be ready for the scrap heap. The U.S. ranks eighth in merchant ship tonnage under construction. Last year one fourth of all ships scrapped worldwide because of age were U.S. flag vessels.

This means that unless we act soon and decisively—the United States merchant marine may cease to be of prime significance in international maritime matters. Our still influential position will be eroded further as Japan, Great Britain, Norway and other nations including the Soviet Union increase their maritime power.

For this reason, I was heartened to read last September that Mr. Nixon was committed to rebuilding the merchant fleet and to learn last March that President Nixon had established a special interdepartmental task force to draw up a program to implement this commitment. I am concerned, however, that no legislative proposal has yet reached the Congress.

I fully understand the President's desire to find a program upon which all can agree. Yet in such a bitterly divided field stark reality forces me to conclude that quite possibly no substantial agreement is in sight. We simply cannot permit such division to delay further the efforts to restore our merchant fleet.

Unless the Administration's proposal is submitted immediately, the time remaining in this session of Congress will not permit proper consideration of the legislation needed. Further delay in submission thus means that the Administration's merchant marine proposals, when they do appear, cannot be begun to be considered until well into 1971. This, coupled with the time required for House and Senate review of the proposals, with the delay caused by the appropriations process, and with the time it actually takes to build ships once they're contracted for, means that the new ships we need now will not be hitting the waves in appreciable numbers for three or four years.

Valuable time has been lost. It is time that as a nation we can ill afford. Every effort must be made to rejuvenate our merchant fleet within the shortest possible time.

I urge you to finalize and submit the Administration's merchant marine proposals at the earliest date so the process of rejuvenation can begin. I offer my full support for any proposals which will restore our fleet to its proper predominant position.

With best wishes,

Sincerely,

JOSEPH P. TYDINGS.

THE PESTICIDE PERIL—XLVII

Mr. NELSON. Mr. President, the current controversy over the continued use of persistent, toxic pesticides has primarily involved conservationists and concerned scientists on the one side, and the chemical industry and farm organizations on the other.

In answer to the evidence presented by those alarmed by the dangers to our environment and potentially to human health from DDT and related pesticides, proponents of pesticides have often claimed that the entire agricultural industry depends on these chemicals and would suffer serious economical harm without them.

Robert C. Cowen, in an article this week in the Christian Science Monitor, reports on the comments of leading British biological experts at the annual meeting of the British Association for the Advancement of Science, who warned that the indiscriminate use of pesticides can be detrimental to the farmer, as well as a danger to the environment.

Dr. K. Mellanby stated that—

Insecticides are poisons . . . and the dangers arising from their use must not be underestimated.

Farmers can suffer severe losses from pesticides. Since 1964, farmers in 29 States have been reimbursed nearly a million dollars through the pesticide indemnity payment program, a program administered by the U.S. Department of Agriculture which provides payments to reimburse dairy farmers for milk barred from commercial markets because it contains traces of pesticides approved for use by the U.S. Department of Agriculture.

In addition, many pests have developed resistance to certain insecticides. In other cases, chemicals are being indiscriminately applied, leading to unnecessary expense for the users.

Dr. Mellanby said:

Pests may exist in small numbers in a crop and may not reduce yield at all. Here there is no point in using an insecticide. A slightly higher infestation may reduce yield, but the crop loss may be less in value than the cost of using an insecticide.

Biological controls of pests can be very successful and inexpensive. According to the article—

Already something like 110 pests have been brought under some degree of biological control in over 60 countries.

It has been estimated that—

For $4.25 million spent between 1928 and 1959, five projects alone saved California farmers $113 million plus $10 million a year since 1959.

It is unfortunate, possibly disastrous, that so few funds are expended annually for research in biological control when the need is so great.

Despite the recognized need to develop additional alternatives to DDT and other hard pesticides, the Department of Agriculture has failed to mount an all-out research effort in this area. A spokesman for the Agricultural Research Service has admitted to me that the Department's program for improved means of nonchemical pest control is presently underfunded by at least $4 million. These funds could be used this year by the Department but were not included in the budget submitted to Congress. The research areas being shortchanged include

biological control, hormonal techniques, natural plant resistance and cultural control.

I ask unanimous consent that Mr. Cowen's article be printed in the RECORD at this point.

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

[From the Christian Science Monitor, Sept. 10, 1969]

BALANCE URGED: EXCESS INSECTICIDE USE SCORED

(By Robert C. Cowen)

EXETER, ENGLAND.—The more biologists look at pest control, the more they see folly in man's heavy and indiscriminate use of poison.

Recent comments by two of Britain's leading experts point up the trend.

During a session of the annual meeting of the British Association for the Advancement of Science, they pointed out that indiscriminate use of pesticides can be poor business for the farmer, as well as a danger to the environment. Sound pest management, for its own sake, demands minimizing use of chemicals, in their judgment.

This is a more attention-getting approach than mere repetition of now-familiar pesticide dangers. It characterizes the growing sophistication and sense of balance with which responsible, yet concerned, biologists view the pesticide problem.

SAVINGS UNDENIABLE

As Dr. K. Mellanby, who heads the Nature Conservancy's Monks Wood Experimental Station, explained, such biologists recognize that "modern synthetic insecticides, including DDT, have saved millions of lives from insect-borne diseases, and have raised food production. . . . The impression that . . . without chemicals [pesticides] mankind would be healthier and more prosperous is completely false."

"Nevertheless," he added, "insecticides are poisons . . . and the dangers arising from their use must not be underestimated." These dangers include direct losses to farmers. Not only do pests develop resistance to insecticides, but unwise use of the chemicals can be unnecessarily expensive.

While crop-eating pests need to be controlled, they don't have to be eradicated.

Dr. Mellanby noted, "Pests may exist in small numbers in a crop and may not reduce yield at all. Here there is no point in using an insecticide. A slightly higher infestation may reduce yield, but the crop loss may be less in value than the cost of using an insecticide. . . .

DOING WITHOUT CHEMICALS

"A high proportion of insecticides and herbicides are in fact used unnecessarily. If we could ensure that insecticides were used only when necessary, this would be an economy to the farmer, and the side effects would be greatly reduced, and the risk of producing a resistant population would be decreased."

Often using bugs to fight bugs, or other means of "biological control," can cut the need for chemical poisons. In some cases, this has paid off handsomely. Already something like 110 pests have been brought under some degree of biological control in over 60 countries.

While it's hard to put an economic value on this, F. Wilson of the Sirex Biological Control Unit at Silbury Park in Berkshire quoted two studies that give some feel for the possible benefits.

The Commonwealth Institute of Biological Control spent about a million pounds on research between 1928 and 1963. Taking account of only seven of the projects, the institute figures this resulted in savings of £5 million during that period plus an annual saving of £250,000 subsequently.

Likewise, for $4.25 million spent between 1928 and 1959, University of California biological control experts estimate that five projects alone saved California farmers $113 million plus $10 million a year since 1959.

Clearly, biological control can be profitable for the community.

Such control measures run a gamut from setting bugs to fight bugs or fish to eat mosquito larvae to subtle genetic manipulation to making pest species sterile. Sometimes such measures alone can hold down a pest. Other times they cut down on the need to use poisons, although some chemicals may also have to be employed.

CHEMICAL NEED DEFENDED

Such biological measures won't, however, solve the whole pest problem. Mr. Wilson said that chemicals will remain the foundation of pest control for the next hundred years, or as far as you can see into the future. He gave five reasons for this.

Man's interference with the environment has already so upset natural insect controls that poisons are often the only recourse.

Levels of infestation sometimes become so high so quickly that biological measures would not act in time to do much good.

Many experts believe that biological controls can't be developed for some pest species. Mr. Wilson said that he, personally, does not feel so pessimistic about this. Nevertheless, that is the prevailing expert view.

Also, there are whole categories of pest problems with no clear prospect for biological control—disease-carrying insects or nematodes.

Finally, so little money and effort now goes into biological-control research that progress comes very slowly.

RESEARCH IMBALANCE CITED

Mr. Wilson used a rough but graphic statistic to illustrate the lack of research drive. Western countries alone spend over £25 million a year on pesticide research and £600 million for the chemicals. Since these figures are several years old, the sum may be even greater by now. But they spend only about £4 million on biological control.

Mr. Wilson called this ratio of effort "totally irrational." It neglects mankind's long-term well being.

Using long-lasting poisons indiscriminately and over long periods of time could, he said, totally disrupt natural pest-control balances. At the same time, the chemicals themselves could begin to fail to do the job. By that time, it would be very hard to reconstruct any kind of natural balance.

This is not a question from which politicians or the "man in the streets" can any longer remain aloof. Mr. Wilson urged they think seriously about this now, not in 50 years time when the pest problem has become acute.

THE LATE SENATOR EVERETT McKINLEY DIRKSEN

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a telegram received from the Chargé d'Affaires of the German Embassy relative to the passing of our dear friend, Senator Everett Dirksen, be printed in the RECORD at this point. I realize that it is improper to print it in a foreign language, so I ask unanimous consent that the English translation be printed, with the signature attesting to it.

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

GERMAN EMBASSY,
Washington, D.C., September 9, 1969.

MY DEAR MR. VICE PRESIDENT: I have the honor to transmit to you the following telegram:

"On the passing away of Senator Everett McKinley Dirksen, who for many years led the Republican party in the Senate, I would like to convey my and the German Bundestag's sincere sympathy to you, to the U.S. Senate and to the family of the deceased. We join you in mourning for a great parliamentarian and protagonist of the free Western world.

"Very sincerely yours,

"VON HASSEL,
"President of the German Bundestag."

Respectfully yours,

DIRK ONCKEN,
Minister, Chargé d'Affaires a. i.

CAROL KHOSROVI

Mr. BENNETT. Mr. President, today, at 3 p.m., Mrs. Carol Khosrovi will be sworn in as Associate Director for Congressional and Governmental Relations of the Office of Economic Opportunity.

Prior to this time Mrs. Khosrovi has been one of the bright shining fixtures on the Hill, first serving in the House on the staff level and later serving as legislative assistant to our distinguished colleague from Illinois, Senator CHARLES PERCY. It was with pleasure that she worked with me and my staff, as well, on a number of problems and matters, especially in the Senate Banking Committee, where I have the privilege of serving with her former boss.

Yesterday's Washington Evening Star carried an excellent article on Mrs. Khosrovi, entitled "High Goals for OEO—Carol Khosrovi Optimistic." I am sure that Carol's optimism and enthusiasm will serve her well in her new position where she will provide Director Donald Rumsfeld a sincere and energetic assist.

I congratulate the Nixon administration and Director Rumsfeld on this very excellent choice, although I am quite sorry to see her leave the Hill, where she has been a very pleasant neighbor for a good many years.

I ask that the entire Washington Evening Star article on Mrs. Khosrovi be included in full at this point in my remarks.

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

[From the Washington (D.C.) Evening Star, Sept. 12, 1969]

HIGH GOALS FOR OEO—CAROL KHOSROVI OPTIMISTIC

(By Toni House)

For a young woman schooled in government on Capitol Hill, Carol Khosrovi maintains a measure of dreams to complement her essential pragmatism.

The 33-year-old will be sworn in tomorrow as congressional and governmental relations director of the Office of Economic Opportunity, but she already has her brown eyes set on some high goals for her office.

"I'm afraid people will think, 'Oh, she's new and naive,' but I understand the problems. I just think we can have some successes," she explains with a wave of a slender hand.

But Carol Khosrovi has been up against sizable odds ever since she ventured to Capitol Hill in search of employment.

She was interested in legislative affairs, but she had two strikes against her—her lack of a law degree and her sex.

Neither factor was insurmountable. When appointed to her new position, she left a job as top legislative aide to Sen. Charles Percy.

ONE OF HIGHEST PAID

Mrs. Khosrovi is not a feminist and, in fact, is amused by the brouhaha surrounding her appointment.

"A reporter told me I am one of the highest paid women appointees. I never thought about it."

But if the native Ohioan is no campaigner for women's rights, she has a healthy dislike of the sheltered, so-called "ghetto" positions set aside for women in any administration.

"As a woman," she says, "I resent it."

So Carol Khosrovi did not go appointment-hunting when President Nixon took office, although she had been involved in the campaign.

Several offers to her did filter into Sen. Percy's office, which she was somewhat reluctant to leave, but OEO offered a challenge she was anxious to meet.

"On Capitol Hill, each day you pick what you want to do. You have the whole world to choose from. I was afraid if I left I would wind up in a job with blinders. But here, I have the whole domestic world, really, with limitations."

Mrs. Khosrovi would like to see OEO become a "true research and development arm of the federal government."

She views OEO as "the advocate of the poor, on Capitol Hill and in the country." Within this definition fall other, sometimes competing government agencies.

Mrs. Khosrovi would like to see OEO out of competition, serving only as a developer of programs and as a facts center for other agencies planning program affecting the poor.

What she likes most about her new post—aside from her director, Donald Rumsfeld, of whom she thinks "highly"—is the little agency's "flexibility" and capacity for "self renewal."

A GOOD CHANCE

With a backward look at those who would term her naive for believing in bureaucratic self-renewal, she asserts she thinks it's possible at OEO—"We have a good chance."

In the renewal line, she is looking at VISTA and methods through which it can be revitalized. She is interested also in investigating other avenues for use of volunteers.

"But volunteer programs cost money," says Mrs. Khosrovi. "I would like to see each state have flexible funds which might be used to develop new volunteer projects."

The one thing Carol Khosrovi would like to do (which is not in the foreseeable future) is return to school for a law degree.

"But my night school is my family," says the fair skinned brunette of her husband Hamid, a producer for Voice of America, and their daughter Parri Ann, 13.

"My husband is up at 4:30, my daughter at 6:30, so we hardly see each other in the morning. "It's a rather strange schedule, but we're used to it."

VOLUNTARY DISCLOSURE OF INCOME AND ASSETS

Mr. CHURCH. Mr. President, prospects seem to be improving for legislation which will one day require all high officials of the Federal Government, both elected and appointed, to make a periodic disclosure of their income and assets. I personally feel that the enactment of such a comprehensive disclosure statute, applicable to the executive, legislative, and judicial branches of the Government, is long overdue. It would go far toward restoring healthy public confidence in our political institutions and in the men who hold public office.

Presently, the law is a hodgepodge. The President and Vice President need make no disclosure whatever. Neither do Federal judges. On the other hand, where Cabinet officers and directors of Federal agencies are concerned, the usual practice of the Senate is to require a full disclosure of income and assets as part of the confirmation process. The purpose, of course, is to determine whether the nominee holds any substantial ownership in businesses with which he might have to deal in the public office he is about to assume, and to require the nominee to divest himself of any holdings that could constitute a conflict of interest.

If this practice is valid for members of the Cabinet, as I think it is, then it should be equally valid for Members of Congress. We should ask of ourselves what we ask of others. We should impose upon ourselves a uniform annual requirement to file, at a given time and place, where it will be kept available for public examination, a sworn declaration of income and assets, gifts received and property acquired, during the preceding year.

Instead of this kind of full disclosure, Congress has contrived for itself a curious form of partial disclosure, which does more to distort than to reveal, and which has aroused more suspicion than it has allayed. It is a dubious system, setting a different standard for the House than for the Senate, and an adequate standard for neither.

Members of the House owning interests worth more than $5,000 in any enterprise doing a substantial business with the Government must name the enterprise, but need not list the actual amount of such holdings. In like manner, sources of outside income for "services rendered" exceeding $5,000; or for capital gains exceeding $5,000; or for reimbursement of expenditures exceeding $1,000, must be identified, but again without any requirement for disclosing the actual amounts involved. Under the rules of the House of Representatives, this is all that need be made public. As for the rest, the full details of each Member's outside business interests and income are filed in a sealed envelope with the House Committee on Standards of Official Conduct, where the information remains undisclosed, unless the committee votes to open the envelope in the course of an official investigation of the Member involved.

A different rule applies to the Senate, where Members are required to make public nothing other than gifts or political contributions directly received during the preceding year, along with any fee or honorarium amounting to more than $300. All other information concerning a Senator's outside business interests, property and income, goes into a sealed envelope which is filed with the Comptroller General of the United States, where it remains unopened, unless the Senate Select Committee on Standards and Conduct votes to examine its contents in the course of an official investigation of the Senator involved.

I regard this tell-part-but-not-all, show-some-but-not-the-rest arrangement as little less than a hoax on the public. It is a game I cannot play with the people of my State. Accordingly, I long ago adopted the practice of making a full voluntary disclosure of my own, the first of which I inserted in the CONGRESSIONAL RECORD on May 18, 1964. Reprints were sent to everyone on my mailing list in Idaho. Three years later, my financial circumstances having changed somewhat in the interval, I made another such accounting. Now, I think it is again appropriate to insert in the RECORD, and distribute to the people of Idaho, a complete, current statement of my income, assets and personal holdings.

In doing so, I want to acknowledge that many Members of Congress—men of unquestionable integrity—hold strong personal feelings against making public their private business affairs. They argue, with much merit, that they are as much entitled as any other citizen to own business interests, stocks, bonds, notes, or mortgages, and that, therefore, their personal dealings should not be regarded as the public's business.

I sympathize with this argument, but I really think it misses the point. Naturally, Members of Congress need not, indeed should not, refrain from making private investments. But Representatives and Senators do differ from other citizens in one important respect: they make the laws that affect business; they write the taxes that corporations, as well as individuals, must pay. Since Members of Congress must regularly vote on legislation which reaches—often in varying ways—every segment of the economy, there is a very legitimate reason for making their private holdings a matter of public record.

Each Member of Congress, in my judgment, should be required to file, under oath, a periodic disclosure of all the property and business interests he owns, the sources and amount of his income, the nature of any valuable gifts he has received, and the donors thereof. Then the voters, or anyone having doubts to resolve, would be able to compare the Member's voting record in office with his financial portfolio, and determine for himself whether the Member has voted his private pocketbook interest or the general public interest, in the discharge of his duties.

Moreover, if periodic disclosures were to reveal an accumulation of wealth without satisfactory explanation, or income which is out of line with listed sources, the public would be alerted to possible misconduct in office, bearing further investigation.

This is a commonsense test, with respect to which I have no doubt that the good judgment of the people could be relied upon. The fact that there are other Senators and Representatives who feel as I do is borne out by the growing number who have adopted a similar practice. Since I made my original declaration over 5 years ago, I am advised by the Library of Congress that 16 other Senators and 39 Representatives have made voluntary disclosures of their personal assets. Perhaps this trickle will yet become a tide.

So, Mr. President, the following statement brings up to date my last disclosure, which was published in the CONGRESSIONAL RECORD on May 4, 1967. Now, as then, I hold no interest in any private business; I own no stocks or bonds in any corporation; I am not a member of any law firm; and have not engaged, directly or indirectly, in the practice of law since my election to the Senate over 12 years ago.

My principal source of income is my salary, amounting to $42,500 a year. Like many other Senators, I must dig deep into my salary in order to meet the out-of-pocket expenses of office for which there is no Government allowance or reimbursement. For this reason, I supplement my salary with earning from lecture fees and publication of articles. Since 1967, this supplementary income has averaged about $5,000 a year, although I anticipate the figure will go considerably higher this year.

This combination of salary and supplementary earnings has enabled me to close the gap between income and outgo, which made my first years in the Senate a financial drain. I am now able to add to our savings each year. At the time of my last report, 27 months ago, my wife, Bethine, and I possessed joint savings amounting to $23,840. In the interval, we have added $6,160, bringing the total to $30,000. This is invested in saving certificates at two savings and loan associations in Boise, Idaho, and in short term Government notes. The interest earned on these savings, averaging a little above 5 percent, constitutes the third, and final, source of my present income.

During my tenure in the Senate, Bethine and I have also acquired an equity in a brick-and-frame, split-level dwelling house, located in Bethesda, Md., against which there was originally a $30,000 mortgage. As of August 1, 1969, my payments had reduced the principal still owing to $15,916.85. We own, free and clear, the furnishings in the house, together with two automobiles, a 1965 Chevrolet and a 1965 Mustang. I carry the usual insurance coverage, including medical insurance for my family, and I make a monthly contribution to build my entitlement in the Senate's retirement fund.

As I have stated in my earlier disclosures, my wife has certain real property holdings in Idaho which I think should also be listed. She is the owner of the family residence at 109 West Idaho Street in Boise, and she holds an undivided half interest in the Robinson Bar Ranch near Clayton. For my part, I now share with my brother, Col. Richard B. Church, a future interest in two properties conveyed to us by our mother, who withheld a life estate. At one of them, located at 816 Pueblo Street, in Boise, she presently resides; the other is an apartment house our father built at 415 Jefferson Street. For the rest of mother's life, of course, the full use and benefit of these two properties are hers to enjoy.

Two other accounts remain to be included, although I am really a trustee of them, rather than their owner. My late father-in-law, Judge Chase A. Clark, who had enough experience of his own in politics to know its cost, set up separate college accounts for my two sons, Forest and Chase, his only grandchildren. One of these accounts will soon be depleted, as Forrest becomes a senior at Stanford University this fall; the other is untouched, earning interest, and will cover the bigger part of Chase's college education, when the time comes.

Having been given the means for educating our two boys, and earning a combined income which, despite the heavy tax bite, enables us to live comfortably and well, Bethine and I feel very fortunate. Our financial circumstances may not be large, as compared with those of the majority of Senators in what is sometimes described as a "rich man's club," but we are far better off than most.

Indeed, with so substantial a salary, we often wonder where it all goes. Why, we ask, is it necessary for me to supplement my paycheck, by writing and speaking, in order to lay something aside? The problem has nothing whatever to do with insufficient pay—I not only opposed the latest increase in congressional pay, but I voted against all previous increases throughout my years in the Senate. No, the problem has to do with the heavy out-of-pocket costs each Senator must bear. Instead of increasing our salaries, we should have established a regular expense account, like businessmen have, or for that matter, like ordinary employees of the Government have. Most people assume that holding congressional office involves no special expense, or that the costs are fully covered by Government allowances. Neither assumption is true.

The fact is that some expenses are covered in full, some in part, and some not at all. For example, I find my allowance for airmail stamps, telegrams, and long-distance telephone calls entirely sufficient. On the other hand, I know of few Senators, from States large or small, whose annual stationery allowance is adequate to meet their need. The difference must be made up by the Senators themselves.

The situation relative to trips home has improved over the years. A Senator is now entitled to six round-trip fares annually to and from his State. Ordinarily, this will not cover his necessary travel expense, but it is much better than the two trips we used to get. When home on the job, meeting with people from county to county, a Senator has no expense account to draw on. He pays for his own food, lodging, and travel.

A Senator also pays host to many constituents from home who come to Washington. Usually, the best way to do it, combining business with pleasure, is to take them to lunch in the Senate dining room, the total cost of which will typically run to $200 a month. Unlike businessmen, Senators have no entertainment account. This is another out-of-pocket expense.

Then there are those costs of office which it would be improper, in any case, for the Government to pay. These are peculiar to the nature of the job, and they must be drawn from the Senator's own salary—the statewide newspaper subscriptions, film clips, news photographs, radio tapes—all of which are essential if effective two-way communication with the State is to be maintained. For most Senators, these costs prove the heaviest drain of all.

I briefly mention these expenses of office, not to complain about them, but simply to explain why it is that any Senator who must depend on his salary does well to break even. There is no hardship or injustice in this; no one should expect to pile up money serving in Congress. It would be wrong if it were otherwise.

But occasionally a Member does "otherwise," and accounts of his misconduct are carried as front-page news from coast to coast. In the eyes of the people, Congress itself tends to be discredited, as the suspicion spreads that such misbehavior is probably typical. I was appalled to read, a couple of years ago, the results of a Gallup poll, showing that of the total number of persons surveyed on the question: "Do you think the misuse of Government funds by Congressmen is fairly common or not?" Some 60 percent of those polled said they felt it was fairly common; 21 percent said "no"; and 19 percent had no opinion.

The deeply disturbing results of this poll should make our duty plain. We should pull the curtains wide open. Instead of dubious requirements for partial disclosure, Congress should delay no longer in adopting a mandatory rule requiring every Senator and Representative, whatever his income may be, to disclose it, together with all of his business interests and property holdings. These complete disclosures should be filed periodically, with affidavit forms provided for the purpose, and a depository designated where the reports would be kept available for public inspection and review.

I feel that the same requirement should apply to Federal judges and to all ranking officials of the executive branch. Congress should enact a uniform law, in its own interest, and in the interest of strengthening public confidence in the integrity of the Government upon which, in the last analysis, our very freedom depends.

THE LAST GASP

Mr. NELSON. Mr. President, the September issue of Ramparts magazine features an article by ecologist Paul Ehrlich that, with no little seriousness, projects an end to our oceans as the vital of life by 1979, and the probable end of man shortly thereafter. In his scenario, we find all important animal life in the sea extinct by the fall of 1979. Mass starvation of humans follows shortly, and then, war.

The ecologist sees man as a species breeding and polluting itself toward extinction. He says:

> Man is not only running out of food, he is also destroying the life support systems of the Spaceship Earth.

As to his grim scenario, Dr. Ehrlich says:

> Unfortunately, we're a long way into it already. Everything mentioned as happening before 1970 has actually occurred; much of the rest is based on projections of trends already appearing.

He concludes with a quite compelling quote:

It is the top of the ninth inning. Man, always a threat at the plate, has been hitting Nature hard. It is important to remember, however, that Nature bats last.

Something to think about.

I ask unanimous consent that the Ramparts article be printed in the RECORD.

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

ECO-CATASTROPHE!

(By Dr. Paul Ehrlich)

(NOTE.—In the following scenario, Dr. Paul Ehrlich predicts what our world will be like in ten years if the present course of environmental destruction is allowed to continue. Dr. Ehrlich is a prominent ecologist, a professor of biology at Stanford University, and author of The Population Bomb (Ballantine).)

I

The end of the ocean came late in the summer of 1979, and it came even more rapidly than the biologists had expected. There had been signs for more than a decade, commencing with the discovery in 1968 that DDT slows down photosynthesis in marine plant life. It was announced in a short paper in the technical journal, Science, but to ecologists it smacked of doomsday. They knew that all life in the sea depends on photosynthesis, the chemical process by which green plants bind the sun's energy and make it available to living things. And they knew that DDT and similar chlorinated hydrocarbons had polluted the entire surface of the earth, including the sea.

But that was only the first of many signs. There had been the final gasp of the whaling industry in 1973, and the end of the Peruvian anchovy fishery in 1975. Indeed, a score of other fisheries had disappeared quietly from over-exploitation and various eco-catastrophes by 1977. The term "eco-catastrophe" was coined by a California ecologist in 1969 to describe the most spectacular of man's attacks on the systems which sustain his life. He drew his inspiration from the Santa Barbara offshore oil disaster of that year, and from the news which spread among naturalists that virtually all of the Golden State's seashore bird life was doomed because of chlorinated hydrocarbon interference with its reproduction. Eco-catastrophes in the sea became increasingly common in the early 1970's. Mysterious "blooms" of previously rare microorganisms began to appear in offshore waters. Red tides—killer outbreaks of a minute single-celled plant—returned to the Florida Gulf coast and were sometimes accompanied by tides of other exotic hues.

It was clear by 1975 that the entire ecology of the ocean was changing. A few types of phytoplankton were becoming resistant to chlorinated hydrocarbons and were gaining the upper hand. Changes in the phytoplankton community led inevitably to changes in the community of zooplankton, the tiny animals which eat the phytoplankton. These changes were passed on up the chains of life in the ocean to the herring, plaice, cod and tuna. As the diversity of life in the ocean diminished, its stability also decreased.

Other changes had taken place by 1975. Most ocean fishes that returned to fresh water to breed, like the salmon, had become extinct, their breeding streams so dammed up and polluted that their powerful homing instinct only resulted in suicide. Many fishes and shellfishes that bred in restricted areas along the coasts followed them as onshore pollution escalated.

By 1977 the annual yield of fish from the sea was down to 30 million metric tons, less than one-half the per capita catch of a decade earlier. This helped malnutrition to escalate sharply in a world where an estimated 50 million people per year were already dying of starvation. The United Nations attempted to get all chlorinated hydrocarbon insecticides banned on a worldwide basis, but the move was defeated by the United States. This opposition was generated primarily by the American petrochemical industry, operating hand in glove with its subsidiary, the United States Department of Agriculture. Together they persuaded the government to oppose the U.N. move—which was not difficult since most Americans believed that Russia and China were more in need of fish products than was the United States. The United Nations also attempted to get fishing nations to adopt strict and enforced catch limits to preserve dwindling stocks. This move was blocked by Russia, who, with the most modern electronic equipment, was in the best position to glean what was left in the sea. It was, curiously, on the very day in 1977 when the Soviet Union announced its refusal that another ominous article appeared in Science. It announced that incident solar radiation had been so reduced by worldwide air pollution that serious effects on the world's vegetation could be expected.

II

Apparently it was a combination of ecosystem destabilization, sunlight reduction, and a rapid escalation in chlorinated hydrocarbon pollution from massive Thanodrin applications which triggered the ultimate catastrophe. Seventeen huge Soviet-financed Thanodrin plants were operating in underdeveloped countries by 1978. They had been part of a massive Russian "aid offensive" designed to fill the gap by the collapse of America's ballyhooed "Green Revolution."

It became apparent in the early '70s that the "Green Revolution" was more talk than substance. Distribution of high yield "miracle" grain seeds had caused temporary local spurts in agricultural production. Simultaneously, excellent weather had produced record harvests. The combination permitted bureaucrats, especially in the United States Department of Agriculture and the Agency for International Development (AID), to reverse their previous pessimism and indulge in an outburst of optimistic propaganda about staving off famine. They raved about the approaching transformation of agriculture in the underdeveloped countries (UDCs), the reason for the propaganda reversal was never made clear. Most historians agree that a combination of utter ignorance of ecology, a desire to justify past errors, and pressure from agroindustry (which was eager to sell pesticides, fertilizers, and farm machinery to the UDCs and agencies helping the UDCs) was behind the campaign. Whatever the motivation, the results were clear. Many concerned people, lacking the expertise to see through the Green Revolution drivel, relaxed. The population-food crisis was "solved."

But reality was not long in showing itself. Local famine persisted in northern India even after good weather brought an end to the ghastly Bihar famine of the mid-'60s. East Pakistan was next, followed by a resurgence of general famine in northern India. Other foci of famine rapidly developed in Indonesia, the Philippines, Malawi, the Congo, Egypt, Colombia, Ecuador, Honduras, the Dominican Republic, and Mexico.

Everywhere hard realities destroyed the illusion of the Green Revolution. Yields dropped as the progressive farmers who had first accepted the new seeds found that their higher yields brought lower prices—effective demand (hunger plus cash) was not sufficient in poor countries to keep prices up. Less progressive farmers, observing this, refused to make the extra effort required to cultivate the "miracle" grains. Transport systems proved inadequate to bring the necessary fertilizer to the fields where the new and extremely fertilizer-sensitive grains were being grown. The same systems were also inadequate to move produce to markets. Fertilizer plants were not built fast enough, and most of the underdeveloped countries could not scrape together funds to purchase supplies, even on concessional terms. Finally, the inevitable happened, and pests began to reduce yields in even the most carefully cultivated fields. Among the first were the famous "miracle rats" which invaded Philippine "miracle rice" fields early in 1969. They were quickly followed by many insects and viruses, thriving on the relatively pest-susceptible new grains, encouraged by the vast and dense plantings, and rapidly acquiring resistance to the chemicals used against them. As chaos spread until even the most obtuse agriculturists and economists realized that the Green Revolution had turned brown, the Russians stepped in.

In retrospect it seems incredible that the Russians, with the American mistakes known to them, could launch an even more incompetent program of aid to the underdeveloped world, indeed, in the early 1970's there were cynics in the United States who claimed that outdoing the stupidity of American foreign aid would be physically impossible. Those critics were, however, obviously unaware that the Russians had been busily destroying their own environment for many years. The virtual disappearance of sturgeon from Russian rivers caused a great shortage of caviar by 1970. A standard joke among Russian scientists at that time was that they had created an artificial caviar which was indistinguishable from the real thing—except by taste. At any rate the Soviet Union, observing with interest the progressive deterioration of relations between the UDCs and the United States, came up with a solution. It had recently developed what it claimed was the ideal insecticide, a highly lethal chlorinated hydrocarbon complexed with a special agent for penetrating the external skeletal armor of insects. Announcing that the new pesticide, called Thanodrin, would truly produce a Green Revolution, the Soviets entered into negotiations with various UDCs for the construction of massive Thanodrin factories. The USSR would bear all the costs; all it wanted in return were certain trade and military concessions.

It is interesting now, with the perspective of years, to examine in some detail the reasons why the UDCs welcomed the Thanodrin plan with such open arms. Government officials in these countries ignored the protests of their own scientists that Thanodrin would not solve the problems which plagued them. The governments now knew that the basic cause of their problems was overpopulation, and that these problems had been exacerbated by the dullness, daydreaming, and cupidity endemic to all governments. They knew that only population control and limited development aimed primarily at agriculture could have spared them the horrors they now faced. They knew it, but they were not about to admit it. How much easier it was simply to accuse the Americans of failing to give them proper aid; how much simpler to accept the Russian panacea.

And then there was the general worsening of relations between the United States and the UDCs. Many things had contributed to this. The situation in America in the first half of the 1970's deserves our close scrutiny. Being more dependent on imports for raw materials than the Soviet Union, the United States had, in the early 1970's, adopted more and more heavy-handed policies in order to insure continuing supplies. Military adventures in Asia and Latin America had further lessened the international credibility of the United States as a great defender of freedom—an image which had begun to deteriorate rapidly during the pointless and fruitless Viet-Nam conflict. At home, acceptance of the carefully manufactured image lessened dramatically, as even the

more romantic and chauvinistic citizens began to understand the role of the military and the industrial system in what John Kenneth Galbraith had aptly named "The New Industrial State."

At home in the USA the early '70s were traumatic times. Racial violence grew and the habitability of the cities diminished, as nothing substantial was done to ameliorate either racial inquities or urban blight. Welfare rolls grew as automation and general technological progress forced more and more people into the category of "unemployable." Simultaneously a taxpayers' revolt occurred. Although there was not enough money to build the schools, roads, water systems, sewage systems, jails, hospitals, urban transit lines, and all the other amenities needed to support a burgeoning population, Americans refused to tax themselves more heavily. Starting in Youngstown, Ohio in 1969 and followed closely by Richmond, California, community after community was forced to close its schools or curtail educational operations for lack of funds. Water supplies, already marginal in quality and quantity in many places by 1970, deteriorated quickly. Water rationing occurred in 1723 municipalities in the summer of 1974, and hepatitis and epidemic dysentery rates climbed about 500 percent between 1970–1974.

III

Air pollution continued to be the most obvious manifestation of environmental deterioration. It was, by 1972, quite literally in the eyes of all Americans. The year 1973 saw not only the New York and Los Angeles smog disasters, but also the publication of the Surgeon General's massive report on air pollution and health. The public had been partially prepared for the worst by the publicity given to the U.N. pollution conference held in 1972. Deaths in the late '60s caused by smog were well known to scientists, but the public had ignored them because they mostly involved the early demise of the old and sick rather than people dropping dead on the freeways. But suddenly our citizens were faced with nearly 200,000 corpses and massive documentation that they could be the next to die from respiratory disease. They were not ready for that scale of disaster. After all, the U.N. conference had not predicted that accumulated air pollution would make the planet uninhabitable until almost 1990. The population was terriorized as TV screens became filled with scenes of horror from the disaster areas. Especially vivid was NBC's coverage of hundreds of unattended people choking out their lives outside of New York's hospitals. Terms like nitrogen oxide, acute bronchitis and cardiac arrest began to have real meaning for most Americans.

The ultimate horror was the announcement that chlorinated hydrocarbons were now a major constituent of air pollution in all American cities. Autopsies of smog disaster victims revealed an average chlorinated hydrocarbon load in fatty tissue equivalent to 26 parts per million of DDT. In October, 1973, the Department of Health, Education, and Welfare announced studies which showed unequivocally that increasing death rates from hypertension, cirrhosis of the liver, liver cancer and a series of other diseases had resulted from the chlorinated hydrocarbon load. They estimated that Americans born since 1946 (when DDT usage began) now had a life expectancy of only 49 years, and predicted that if current patterns continued, this expectancy would reach 42 years by 1980, when it might level out. Plunging insurance stocks triggered a stock market panic. The president of Velsicol, Inc., a major pesticide producer, went on television to "publicly eat a teaspoonful of DDT" (it was really powdered milk) and announce that HEW had been infiltrated by Communists. Other giants of the petro-chemical industry, attempting to dispute the indisputable evidence, launched a massive pressure campaign on Congress to force HEW to "get out of agriculture's business," They were aided by the agro-chemical journals, which had decades of experience in misleading the public about the benefits and dangers of pesticides. But by now the public realized that it had been duped. The Nobel Prize for medicine and physiology was given to Drs. J. L. Radomski and W. B. Deichmann, who in the late 1960's had pioneered in the documentation of the long-term lethal effects of chlorinated hydrocarbons. A Presidential Commission with unimpeachable credentials directly accused the agro-chemical complex of "condemning many millions of Americans to an early death." The year 1973 was the year in which Americans finally came to understand the direct threat to their existence posed by environmental deterioration.

And 1973 was also the year in which most people finally comprehended the indirect threat. Even the president of Union Oil Company and several other industrialists publicly stated their concern over the reduction of bird populations which had resulted from pollution by DDT and other chlorinated hydrocarbons. Insect populations boomed because they were resistant to most pesticides and had been freed, by the incompetent use of those pesticides, from most of their natural enemies. Rodents swarmed over crops, multiplying rapidly in the absence of predatory birds. The effect of pests on the wheat crop was especially disastrous in the summer of 1973, since that was also the year of the great drought. Most of us can remember the shock which greeted the announcement by atmospheric physicists that the shift of the jet stream which had caused the drought was probably permanent. It signalled the birth of the Midwestern desert. Man's air-polluting activities had by then caused gross changes in climatic patterns. The news, of course, played hell with commodity and stock markets. Food prices skyrocketed, as savings were poured into hoarded canned goods. Official assurances that food supplies would remain ample fell on deaf ears, and even the government showed signs of nervousness when California migrant field workers went out on strike again in protest against the continued use of pesticides by growers. The strike burgeoned into farm burning and riots. The workers, calling themselves "The Walking Dead," demanded immediate compensation for their shortened lives, and crash research programs to attempt to lengthen them.

It was in the same speech in which President Edward Kennedy, after much delay, finally declared a national emergency and called out the National Guard to harvest California's crops, that the first mention of population control was made. Kennedy pointed out that the United States would no longer be able to offer any food aid to other nations and was likely to suffer food shortages herself. He suggested that, in view of the manifest failure of the Green Revolution, the only hope of the UDCs lay in population control. His statement, you will recall, created an uproar in the underdeveloped countries. Newspaper editorials accused the United States of wishing to prevent small countries from becoming large nations and thus threatening American hegemony. Politicians asserted that President Kennedy was a "creature of the giant drug combine" that wished to shove its pills down every woman's throat.

Among Americans, religious opposition to population control was very slight. Industry in general also backed the idea. Increasing poverty in the UDCs was both destroying markets and threatening supplies of raw materials. The seriousness of the raw material situation had been brought home during the Congressional Hard Resources hearings in 1971. The exposure of the ignorance of the cornucopian economists had been quite a spectacle—a spectacle brought into virtually every American's home in living color. Few would forget the distinguished geologist from the University of California who suggested that economists be legally required to learn at least the most elementary facts of geology. Fewer still would forget that an equally distinguished Harvard economist added that they might be required to learn some economics, too. The overall message was clear: America's resource situation was bad and bound to get worse. The hearings had led to a bill requiring the Departments of State, Interior, and Commerce to set up a joint resource procurement council with the express purpose of "insuring that proper consideration of American resource needs be an integral part of American foreign policy."

Suddenly the United States discovered that it had a national consensus: population control was the only possible salvation of the underdeveloped world. But that same consensus led to heated debate. How could the UDCs be persuaded to limit their populations, and should not the United States lead the way by limiting its own? Members of the intellectual community wanted America to set an example. They pointed out that the United States was in the midst of a new baby boom: her birth rate, well over 20 per thousand per year, and her growth rate of over one per cent per annum were among the very highest of the developed countries. They detailed the deterioration of the American physical and psychic environments, the growing health threats, the impending food shortages, and the insufficiency of funds for desperately needed public works. They contended that the nation was clearly unable or unwilling to properly care for the people it already had. What possible reason could there be, they queried, for adding any more? Besides, who would listen to requests by the United States for population control when that nation did not control her own profligate reproduction?

Those who opposed population controls for the U.S. were equally vociferous. The military-industrial complex, with its all-too-human mixture of ignorance and avarice, still saw strength and prosperity in numbers. Baby food magnates, already worried by the growing nitrate pollution of their products, saw their market disappearing. Steel manufacturers saw a decrease in aggregate demand and slippage for that holy of holies, the Gross National Product. And military men saw, in the growing population-food-environment crisis, a serious threat to their carefully nurtured Cold War. In the end, of course, economic arguments held sway, and the "inalienable right of every American couple to determine the size of its family," a freedom invented for the occasion in the early '70s, was not compromised.

The population control bill, which was passed by Congress early in 1974, was quite a document, nevertheless. On the domestic front, it authorized an increase from 100 to 150 million dollars in funds for "family planning" activities. This was made possible by a general feeling in the country that the growing army on welfare needed family planning. But the gist of the bill was a series of measures designed to impress the need for population control on the UDCs. All American aid to countries with overpopulation problems was required by law to consist in part of population control assistance. In order to receive any assistance each nation was required not only to accept the population control aid, but also to match it according to a complex formula. "Overpopulation" itself was defined by a formula based on U.N. statistics, and the UDCs were required not only to accept aid, but also to show progress in reducing birth rates. Every five years the status of the aid program for each nation was to be re-evaluated.

The reaction to the announcement of this program dwarfed the response to President Kennedy's speech. A coalition of UDC's attempted to get the U.N. General Assembly to condemn the United States as a "genetic aggressor." Most damaging of all to the American cause was the famous "25 Indians and a dog" speech by Mr. Shankarnarayan, Indian Ambassador to the U.N. Shankarnarayan pointed out that for several decades the United States, with less than six per cent of the people of the world had consumed roughly 50 per cent of the raw materials used every year. He described vividly America's contribution to worldwide environmental deterioration, and he scathingly denounced the miserly record of United States foreign aid as "unworthy of a fourth-rate power, let alone the most powerful nation on earth."

It was the climax of his speech, however, which most historians claim once and for all destroyed the image of the United States. Shankarnarayan informed the assembly that the average American family dog was fed more animal protein per week than the average Indian got in a month. "How do you justify taking fish from protein-starved Peruvians and feeding them to your animals?" he asked. "I contend," he concluded, "that the birth of an American baby is a greater disaster for the world than that of 25 Indian babies." When the applause had died away, Mr. Sorensen, the American representative, made a speech which said essentially that "other countries look after their own self-interest, too." When the vote came, the United States was condemned.

IV

This condemnation set the tone of U.S.–UDC relations at the time the Russian Thanodrin proposal was made. The proposal seemed to offer the masses in the UDCs an opportunity to save themselves and humiliate the United States at the same time; and in human affairs, as we all know, biological realities could never interfere with such an opportunity. The scientists were silenced, the politicians said yes, the Thanodrin plants were built, and the results were what any beginning ecology student could have predicted. At first Thanodrin seemed to offer excellent control of many pests. True, there was a rash of human fatalities from improper use of the lethal chemical, but, as Russian technical advisors were prone to note, these were more than compensated for by increased yields. Thanodrin use skyrocketed throughout the underdeveloped world. The Mikoyan design group developed a dependable, cheap agricultural aircraft which the Soviets donated to the effort in large numbers. MIG sprayers became even more common in UDCs than MIG interceptors.

Then the troubles began. Insect strains with cuticles resistant to Thanodrin penetration began to appear. And as streams, rivers, fish culture ponds and onshore waters became rich in Thanodrin, more fisheries began to disappear. Bird populations were decimated. The sequence of events was standard for broadcast use of a synthetic pesticide; great success at first, followed by removal of natural enemies and development of resistance by the pest. Populations of crop-eating insects in areas treated with Thanodrin made steady comebacks and soon became more abundant than ever. Yields plunged, while farmers in their desperation increased the Thanodrin dose and shortened the time between treatments. Death from Thanodrin poisoning became common. The first violent incident, occurred in the Canete Valley of Peru, where farmers had suffered a similar chlorinated hydrocarbon disaster in the mid-'50s. A Russian advisor serving as an agricultural pilot was assaulted and killed by a mob of enraged farmers in January, 1978. Trouble spread rapidly during 1978, especially after the word got out that two years earlier Russia herself had banned the use of Thanodrin at home because of its serious effects on ecological systems. Suddenly Russia, and not the United States, was the *bête noir* in the UDCs. "Thanodrin parties" became epidemic, with farmers, in their ignorance, dumping carloads of Thanodrin concentrate into the sea. Russian advisors fled, and four of the Thanodrin plants were leveled to the ground. Destruction of the plants in Rio and Calcutta led to hundreds of thousands of gallons of Thanodrin concentrate being dumped directly into the sea.

Mr. Shankarnarayan again rose to address the U.N., but this time is was Mr. Potemkin, representative of the Soviet Union, who was on the hot seat. Mr. Potemkin heard his nation described as the greatest mass killer of all time as Shankarnarayan predicted at least 30 million deaths from crop failures due to overdependence on Thanodrin. Russia was accused of "chemical aggression," and the General Assembly, after a weak reply by Potemkin, passed a vote of censure.

It was in January, 1979, that huge blooms of a previously unknown variety of diatom were reported off the coast of Peru. The blooms were accompanied by a massive die-off of sea life and of the pathetic remainder of the birds which had once feasted on the anchovies of the area. Almost immediately another huge bloom was reported in the Indian ocean, centering around the Seychelles, and then a third in the South Atlantic off the African coast. Both of these were accompanied by spectacular die-offs of marine animals. Even more ominous were growing reports of fish and bird kills at oceanic points where there were no spectacular blooms. Biologists were soon able to explain the phenomena: the diatom had evolved an enzyme which broke down Thanodrin; that enzyme also produced a breakdown product which interfered with the transmission of nerve impulses, and was therefore lethal to animals. Unfortunately, the biologists could suggest no way of repressing the poisonous diatom bloom in time. By September, 1979, all important animal life in the sea was extinct. Large areas of coastline had to be evacuated, as windrows of dead fish created a monumental stench.

But stench was the least of man's problems. Japan and China were faced with almost instant starvation from a total loss of the seafood on which they were so dependent. Both blamed Russia for their situation and demanded immediate mass shipments of food. Russia had none to send. On October 13, Chinese armies attacked Russia on a broad front. . . .

V

A pretty grim scenario. Unfortunately, we're a long way into it already. Everything mentioned as happening before 1970 has actually occurred; much of the rest is based on projections of trends already appearing. Evidence that pesticides have long-term lethal effects on human beings has started to accumulate, and recently Robert Finch, Secretary of the Department of Health, Education, and Welfare expressed his extreme apprehension about the pesticide situation. Simultaneously the petrochemical industry continues its unconscionable poison-peddling. For instance, Shell Chemical has been carrying on a high-pressure campaign to sell the insecticide Azodrin to farmers as a killer of cotton pests. They continue their program even though they know that Azodrin is not only ineffective, but often *increases* the pest density. They've covered themselves nicely in an advertisement which states, "Even if an overpowering migration [sic] develops, the flexibility of Azodrin lets you regain control fast. Just increase the dosage according to label recommendations." It's a great game—get people to apply the poison and kill the natural enemies of the pests. Then blame the increased pests on "migration" and sell even more pesticide!

Right now fisheries are being wiped out by over-exploitation, made easy by modern electronic equipment. The companies producing the equipment know this. They even boast in advertising that only their equipment will keep fishermen in business until the final kill. Profits must obviously be maximized in the short run. Indeed, Western society is in the process of completing the rape and murder of the planet for economic gain. And, sadly, most of the rest of the world is eager for the opportunity to emulate our behavior. But the underdeveloped peoples will be denied that opportunity—the days of plunder are drawing inexorably to a close.

Most of the people who are going to die in the greatest cataclysm in the history of man have already been born. More than three and a half billion people already populate our moribund globe, and about half of them are hungry. Some 10 to 20 million will starve to death *this year*. In spite of this, the population of the earth will increase by 70 million souls in 1969. For mankind has artifically lowered the death rate of the human population, while in general birth rates have remained high. With the input side of the population system in high gear and the output side slowed down, our fragile planet has filled with people at an incredible rate. It took several million years for the population to reach a total of two billion people in 1930, while a *second two billion will have been added by 1975!* By that time some experts feel that food shortages will have escalated the present level of world hunger and starvation into families of unbelievable proportions. Other experts, more optimistic, think the ultimate food-population collision will not occur until the decade of the 1980's. Of course more massive famine may be avoided if other events cause a prior rise in the human death rate.

Both worldwide plague and thermonuclear war are made more probable as population growth continues. These, along with famine, make up the trio of potential "death rate solutions" to the population problem—solutions in which the birth rate-death rate imbalance is redressed by a rise in the death rate rather than by a lowering of the birth rate. Make no mistake about it, *the imbalance will be redressed.* The shape of the population growth curve is one familiar to the biologist. It is the outbreak part of an outbreak-crash sequence. A population grows rapidly in the presence of abundant resources, finally runs out of food or some other necessity, and crashes to a low level or extinction. Man is not only running out of food, he is also destroying the life support systems of the Spaceship Earth. The situation was recently summarized very succintly: "It is the top of the ninth inning. Man, always a threat at the plate, has been hitting Nature hard. It is important to remember, however, that Nature Bats Last."

EVERETT McKINLEY DIRKSEN

Mr. SPONG. Mr. President, the death of Senator Dirksen surprised and saddened us all. He was an extraordinary man, one of the best known personalities of our time, and a Senator for whom I believe most Americans had a genuine affection. We shall miss him.

To Mrs. Dirksen and to his daughter, the wife of our colleague from Tennessee, I extend my deepest sympathy.

While Senator Dirksen was a Senator from his native State of Illinois, he built a home and lived for many years in Virginia. I think it is appropriate, therefore, to include in the RECORD the editorial comments on Senator Dirksen's

death by the two newspapers published in Virginia's capital city, Richmond. I ask unanimous consent that editorials published in the Richmond Times-Dispatch and the News Leader be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Richmond (Va.) Times-Dispatch, Sept. 8, 1969]

SENATOR DIRKSEN

When Rep. Everett McKinley Dirksen voluntarily left the House of Representatives in 1949 after 16 years of service in that body, hard-nosed Democratic leader Sam Rayburn said: "If they are going to send Republicans to Congress, let them send Republicans of the Everett Dirksen kind."

"They"—the people of Illinois—two years later did send Everett Dirksen back to Congress, this time to the Senate. And today, most Americans, of both parties, doubtless would say the voters of Illinois made a substantial contribution to the nation's well-being when they selected this tousled-haired, gravel-voiced, self-styled "old-fashioned garden variety of Republican" to sit in the national legislature.

For although Everett Dirksen has assumed something of the proportions of "Mr. Republican," the fact is that he laid aside partisanship to support Democratic administrations in crucial matters of foreign policy, as well as in other areas where the nation's welfare was critically involved.

He was called a "thorn in FDR's side" because of his vigorous opposition to Roosevelt's domestic policies. But after 1941 he supported FDR on vital foreign policy issues, just as he often did years later when other Democrats—Harry S. Truman and John F. Kennedy—occupied the White House.

When strong GOP partisans rapped Dirksen for backing some of Kennedy's foreign practices, the Illinois senator replied:

You start from the broad premise that all of us have a common duty to the country to perform. Legislation is always the art of the possible. You could, of course, follow a course of solid opposition, of stalemate, but that is not in the interest of the country.

To the general public, Dirksen was best known for his oratorical powers and his marvelous—and sometimes baffling—use of the language. When he returned to the Capitol on crutches in 1966 after a fall out of bed that had laid him up for a while, he said he was ready to "slay an ass with the jawbone of a crutch." And once, instead of admonishing two senators to be more friendly, he directed them to "resume your congenial and felicitous relationship."

Everett Dirksen was a man who loved his country deeply. It wasn't long ago that he made a recording titled "Gallant Men," in which, among other things, he recited, in that organ-voice of his, the Star-Spangled Banner, the Gettysburg Address and the Pledge of Allegiance to the Flag. As columnist Norman Rowe observed in his review in this paper, "If you can listen . . . without patriotic goose pimples, then you're too far gone to stand up and be counted."

As Republican leader in the Senate, Dirksen did not always see eye-to-eye with the present occupant of the White House during the relatively short period of the present administration. He was credited, or blamed, for example, with preventing the appointment of Dr. John Knowles, as assistant secretary of health, education and welfare. But Dirksen has been one of the GOP's major assets over the many years he served in Washington at the seat of power.

At about mid-point of his public career, Everett Dirksen flirted seriously with the idea of seeking the presidency. He didn't pursue this goal very long, and perhaps he would not have made a good executive had he been successful. But he was completely at home in the august chamber of the United States Senate, and he made a mark there that will long be recorded in the history of the happenings on Capitol Hill.

[From the Richmond (Va.) News Leader, Sept. 8, 1969]

SENATOR EVERETT DIRKSEN

Politics, the saying goes, is the art of the possible, and in the world's pre-eminent deliberative body, Senator Everett McKinley Dirksen was a practitioner of the possible *par excellence*. With the late Senator Robert Taft of Ohio, Senator Dirksen probably was the most widely respected Senator of his generation. Yet whereas Senator Taft was revered for the power of his intellect, Senator Dirksen was admired for his gifts as a political technician. Senator Taft was a philosopher; Senator Dirksen basically was an a-philosophical doer.

In an age that practically has forgotten what rhetoric is, Senator Dirksen was the closest thing we had to a Ciceronian rhetorician. Perhaps when all else about him is forgotten, he will be remembered for that. Words fell from his mouth mellifluously. Listening to him in comparison with most other contemporary Senators was like listening to a 33 rpm recording of the New York Philharmonic played on the best stereo set, in contrast to a 78 rpm recording of the local fifth-grade band played on granpa's old Victorla. He knew what well-chosen words, well-spoken and properly laced with humor, could do. For him, and for the United States, they did a great deal.

The essential purpose of rhetoric is to persuade. Senator Dirksen's extraordinary talent as a legislator was his capacity to persuade a majority of Senators to vote with him on a particular issue. As the Senate's Republican leader for ten years—during none of which he had a Republican majority in the Senate, and during eight of which he had a Democrat in the White House—Senator Dirksen worked political miracles. In doing so, he infuriated all segments of the political spectrum. His efforts brought about Senate confirmation of the Nuclear Test Ban Treaty in 1963 and Senate passage of the Civil Rights Bill of 1964. Yet he was instrumental in the Senate's recent approval of the Safeguard Anti-Ballistic Missile System, and he labored diligently for the day when Constitutional amendments could be approved that would alter the effect of the Supreme Court's reapportionment decisions and deny the Court's authority in cases involving nondenominational prayers in the public schools.

"The letters of Cicero breathe the purest effusions of an exalted patriot," Jefferson wrote. So did the orations of the last Cicero, Everett Dirksen. He loved America, loved it absolutely. His patriotism was manifested in many ways, but perhaps no more clearly than in his constant forensic struggle to make the marigold the national flower. The marigold, he told the Senate, has a "rugged humility of character; and, like the American eagle and the American flag, [is] an exclusively American emblem." He might as well have been describing himself, for behind the clouds of florid verbiage, there was a ruggedly humble Senator who stood exclusively for American interests. For that, too, we who remain behind must send him final gratitude, and wish him every success as he delivers the votes on the celestial Senate floor.

THE ROLE OF THE PRESIDENT AND THE CONGRESS IN THE DETERMINATION OF MILITARY STRATEGY—A REBUTTAL

Mr. GOLDWATER. Mr. President, on September 3, during deliberations on the pending military procurement measure, the distinguished senior Senator from Oregon (Mr. HATFIELD) made several assertions relative to the respective roles of the executive and legislative branches in the area of military affairs which I believe completely misconstrue the well-established doctrine of a separation of powers. I feel that if the implications of the contentions set forth by the Senator in his remarks are brought to light, he will realize that these concepts have no foundation in the Constitution or in historical practice.

The primary claims developed by the Senator from Oregon are included in the following quotations from the Senator's speech.

The distinguished Senator stated:

Congress—not the Pentagon—must decide what are the fundamental threats to our national security . . .

Congress, not the Pentagon, must judge the condition in our world and determine defense policies that are an appropriate response.

Congress, not the Pentagon, must determine the size of our militia and where they should be placed throughout the world.

And Congress, not the Pentagon, must determine the need for new weapons.

In summing up his contentions, the Senator noted in passing that the Chief Executive has a role in the shaping of these policies. However, the Senator greatly modified his recognition of this role by saying:

But the Constitution gives fundamental responsibility for determining our defense posture to Congress.

Mr. President, in my opinion these statements constitute a complete misreading of the Constitution as interpreted by all constitutional commentators and by the highest Court of our country. If there is one doctrine that has become quite clear as a constitutional concept, it is the fact that the Constitution gives the fundamental role over the formulation and conduct of military and foreign affairs to both of the political branches of our National Government. If the Senator from Oregon was purporting to announce a new policy which he would wish to guide the future course of our Nation in this area, that is one thing. But the way the Senator's thoughts were presented, they convey the appearance of erecting an either-or proposition. On the surface of the words he has used, the Senator seems to be saying that it is a settled matter of law that Congress has the pre-eminent role under the Constitution for the determination of our military and foreign policies.

This simply is not so. Since the foundation of our society as a republic, it has been increasingly acknowledged by writers and commentators that the Constitution does not clearly and explicitly define the powers of the President vis-a-vis those of the Congress in the field of military and foreign affairs.

A survey of the authorities will clearly reveal that the basis for this concept of shared powers has been completely overlooked by my colleague when he came to listing the provisions of the Constitution under which the military and international relations powers are allocated. While it is true, as the Senator has noted, that the Congress has the power to pro-

vide for the common defense, to raise and support armies, to provide and maintain a Navy and, indeed, he might have added to declare war and to control the purse-strings, these powers have never been construed so as to curb or cripple the powers of the President in the field of military and international affairs.

First, the Senator has failed to mention the primacy of the President as the representative of the Nation in foreign relations. Chief Justice Marshall has laid this doctrine down in broad terms. He did this first in a speech made on March 7, 1800, when he was a Member of the House of Representatives, when he said:

> The President is the sole organ of the Nation in his external relations and its sole representative with foreign nations.

This doctrine was reaffirmed by the Supreme Court in 1936 in the Curtiss-Wright decision where the Court said:

> It is important to bear in mind that we are dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary, and exclusive power of the President as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for this exercise an act of Congress.

Second, the Senator did not refer to one of the widest powers conferred upon the President by the Constitution, which is the function of acting as Commander in Chief of the Army and the Navy of the United States. This power is specified in article II, section 2 of the Constitution.

Third, there is a whole range of functions which has been granted to the President under the first sentence of article II of the Constitution which states that "the executive power shall be vested in a President of the United States of America." This declaration has been judicially interpreted to vest in the President all the executive powers of a sovereign nation with the capacity to uphold the rights and obligations inferable under the law of nations.

In this connection, it is important to note that the Constitution treats the powers of the President very differently from those of Congress. For while the powers of Congress are expressly enumerated and limited, we have just seen that the powers of the President are outlined in very general terms. Professor Corwin, who is generally noted as the Nation's top constitutional authority, says:

> Article II is the most loosely drawn chapter of the Constitution.

The opening clause of article II has likewise been looked to by Alexander Hamilton who first elaborated on the conception of the President's role in international matters as being a dynamic and positive one shared with the legislative branch. In a series of articles in the Gazette of the United States, Hamilton presented the argument that the Executive has the right to determine the condition of the Nation though it may, in its consequences, affect the power of the legislature to declare war. Hamilton took the view that:

> The legislature is still free to perform its duties, according to its own sense of them; though the Executive in the exercise of its Constitutional powers, may establish an antecedent state of things, which ought to weigh in the legislative decision. The division of the Executive power in the Constitution creates a *concurrent* authority in the cases to which it relates.

Corwin points out that beginning with the First Congress there have been two tendencies in constitutional interpretation to which Hamilton's argument has given rise: First, that of regarding the "Executive power" clause as the basis for any and all unassigned powers in the field of foreign affairs; and second, that of treating all Presidential powers in the foreign relations field as potentially policy-forming power and constitutionally independent of direction by Congress, though capable of being checked by Congress.

Both tendencies have found ample illustration in the course of the Nation's history from Washington's administration to the present. In fact, since the Constitution was adopted there have been more than 125 incidents in which the President, without congressional authorization, and in the absence of a declaration of war, has ordered the Armed Forces of the United States to take action or maintain positions abroad. While it is true that the most numerous class of these incidents is that involving the protection of American property or American citizens in foreign lands, many of them have not been concerned with the interest of individual citizens but with the general defense of the United States or the protection of some national security interest or some concern of American foreign policy. An outstanding example of the President's use of power to send troops to outlying areas for the defense of the country was President Roosevelt's action in 1941 in sending American forces to Iceland.

Not only do numerous precedents of this type exist which indicate the true state of affairs, but in the terms of the present world setting it is of the utmost significance to recall that the President's authority to send troops abroad may be exercised in order to execute a treaty. During the course of deliberations on the bill before us I have repeatedly presented the questions of this Nation's treaty commitments around the world. No matter where one claims the initial and primary responsibility lies as between the power of Congress and the President concerning military affairs, no one can deny that the two political branches of our Government have acted concurrently in erecting over 40 international agreements under which this Nation is obligated to defend and protect the independence of other nations.

Relative to these commitments, it is pertinent to consider a fourth constitutional doctrine that the distinguished Senator from Oregon failed to observe. Of course, I am referring to the fact that article II, section 3 of the Constitution places upon the President the duty to "take care that the laws be faithfully executed." As we all know, the laws of the land include treaty law and international law.

Thus the highest tribunal in this land has made it clear that the duty of the President includes the enforcement of the rights, duties, and obligations growing out of our international relations as well as our domestic affairs. Furthermore, this same case, Cunningham against Neagle, stands as authority for the proposition that it is the President himself who may make his own reading of international law.

In short, as Corwin has put it, the President may make himself the direct administrator of the international rights and duties of the United States, or of what are adjudged by him to be such, without awaiting action either by Congress or by the Court.

Mr. President, the upshot of the matter is that the Constitution has left to the judgment and wisdom of the President and the Congress the task of working out the details of their relationships in the direction of military and foreign affairs. The following quote from Professor Corwin concisely sums up the way things stand:

> Actual practice under the Constitution has shown that while the President is usually in a position to propose, the Senate and Congress are often in a technical position at least to dispose. The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a divided power, with the lion's share falling usually to the President, though by no means always.

In summary, I believe it is correct to conclude that the Constitution gives both the President and the Congress specific powers in the military and foreign relations field. Certainly the Congress plays an important and crucial role in these areas, but my fundamental objection to the doctrine set forth by my good friend from Oregon is that his remarks have completely missed the significant role which the executive branch has as a full partner in these matters.

Before I close, I would wish to remind Senators that it is we in Congress who have passed the laws under which the Department of Defense is required to take the essential responsibility to serve as the civilian unit which must develop and establish a comprehensive program for the security of the United States. The National Security Act of 1947 and subsequent amendments thereto have created a whole new defense organization which is designed to better equip the President to develop the background of information and obtain the balanced advice he requires to determine military and foreign policies within a unified scheme of national goals and means.

It is we in Congress who have charged the Pentagon with this mandate. I ask Senators to refresh themselves by rereading the terms of the National Security Act. I would ask them to study also the provisions of this law which establishes the National Security Council, so that they will be aware that it is the members of the legislature who have created the charter under which this agency is "to assess and appraise the ob-

jectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security."

It would also be well for Senators to take a fresh look at the provisions of law which impose on the Joint Chiefs of Staff the duty to serve as "the principal military advisers to the President, the National Security Council, and the Secretary of Defense." It was Congress that passed the law thrusting this responsibility upon the Joint Chiefs. It was Congress which went further and ordered under law that the Joint Chiefs shall prepare strategic plans and provide for the strategic direction of the Armed Forces.

Consequently, regardless of how one decides the constitutional questions involved, I must insist that the statements made by the Senator from Oregon are erroneous insofar as they can be construed to mean that the Chief Executive does not share with Congress the fundamental obligation to determine the defense policies of the United States. Even if the unusual constitutional concept proposed by the Senator were to be treated as valid, it is quite clear that Congress has created the executive agencies which are charged by law to undertake a co-equal, if not the initial, responsibility in providing for the security of the United States.

In so acting, Congress was exercising good wisdom for reasons which have prevailed since the founding of the Government. It was John Jay who observed in the Federalist that the executive possesses great inherent strengths in the direction of foreign relations: the unity of the office, the capacity for secrecy and speed, and superior sources of information. If these words were true in the 18th century, how much more are they relevant to the breathtaking tempo of history in this 20th century.

HUMAN RIGHTS CONVENTIONS RECOGNIZE ONENESS OF MANKIND

Mr. PROXMIRE. Mr. President, the greatest challenge to our time is the recognition of the oneness of mankind. This painful but inevitable broadening of each man's allegiance from his own ethnic, racial, religious, national, cultural, and economic group to the wider embrace of all mankind constitutes the central challenge—and revolution—of our time. Every person is affected by this revolution, which calls for changes in the provincial attitudes and behavior of all the people in the world. The recognition that mankind belongs to one family brings with it concordant responsibilities to respect and to help one another in every way.

Human rights, then, are not the exclusive prerogative of the few, to be parcelled out at the discretion of human institutions. Human rights belong to everyone and are inviolable. All persons of whatever sex, race, nationality, ethnic group, religion, or economic class are equal in essence and human dignity.

Discrimination or unjust restriction against persons under whatever pretext poisons our relationships and thereby creates conflicts which threaten to destroy our civilization. This is undoubtedly the gravest sickness infecting our age. The dynamic accomplishments which could result from a unified society, freed from prejudicial attitudes, are thus denied us. Social repression has created masses of people unable to exercise the functions of citizenship, making it impossible for them to contribute to the advancement of civilization and to enjoy its benefits. Therefore, an equal standard of human rights must be upheld throughout the world.

Recognizing these principles, human rights conventions were written which were derived from the Universal Declaration of Human Rights, as a common standard of achievement for all peoples and nations. The United Nations Conventions on Genocide, on Forced Labor, and on the Political Rights of Women, should be endorsed by the U.S. Senate as representing essential legal instruments for establishing equality and security for all persons.

CIGARETTES AND ADVERTISING

Mr. MOSS. Mr. President, an interesting development in the cigarette controversy occurred during the August recess, and in case some of my colleagues may have missed it, I would like to point out what happened.

On August 29, the New York Times announced that it was completely convinced of the validity of the medical case against cigarette smoking, and effective January 1, 1970, the newspaper would accept cigarette advertisements only if they contained, in plainly legible form, the health warning now required by law on cigarette packages—"Caution: Cigarette Smoking May Be Hazardous to Your Health." In addition, the newspaper announced, it would require that every ad disclose the tar and nicotine content in the smoke of the cigarette being advertised.

The R. J. Reynolds Tobacco Co., the Philip Morris Co., and the American Tobacco Co., all shortly announced that they would withdraw cigarette advertising from the Times.

Should other newspapers and magazines follow suit, I am sure there would soon be an end to cigarette advertising in their pages, just as surely as we are now assured an end to cigarette advertising on TV and radio not later than September 1, 1970.

I ask unanimous consent that the heartening editorial from the New York Times be printed in the RECORD.

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

CIGARETTES AND ADVERTISING

The major television and radio networks, under heavy pressure from a Senate Commerce subcommittee to stop broadcasting cigarette advertising by the end of this year, have rightly raised the question of why any Government-fostered policy in this field should not apply equally to all communications media.

We share the belief that public policy in this field ought to be uniform, even though some might contend that the immediacy of TV in its impact on youth, plus its status as a regulated industry operating under Federal license, makes special treatment appropriate.

This newspaper has repeatedly set forth its conviction that the medical case on the perils of cigarette smoking has been proved. We favor a legal requirement that every package of cigarettes and every cigarette advertisement carry a strong, explicit and clearly visible warning of the health hazards founds in exhaustive studies by the Public Health Service and other impartial research bodies—a much stronger warning than the inadequate one now required only on packs.

So long as cigarette sales remain legal, however, it would be contradictory to impose a ban on all sales promotion. We at The New York Times have always felt an obligation to keep our advertising columns open to all comers, refusing ads only on the grounds of fraud or deception, vulgarity or obscenity and incitement to lawbreaking or to racial or religious hatred. In pursuit of that policy, The Times has printed many advertisements setting forth ideas we abhor but feel no right to censor.

We recognize that, on purely health grounds, an argument can be made for outlawing cigarette sales altogether, in which event any advertising would be out of order. However, the nation's dismal experience four decades ago with the Volstead Act prohibiting the sale of alcoholic beverages rules out optimism that a constructive purpose would be served by a comparable statutory prohibition on cigarettes. On the contrary, the probability is that it would merely spawn more law-defiance and a host of tributary evils.

Until Congress decides a total ban is both necessary and enforceable, adults who have been thoroughly informed on the dangers in smoking are entitled to decide for themselves whether they want to accept those risks. The important thing is that, in making that decision, they should know that the price may be disease or early death.

In line with these beliefs and in advance of the steps we hope Congress will take to establish tighter health safeguards by law, The Times is taking voluntary action to insure that a health warning accompanies any cigarette advertisements it carries. Effective Jan. 1, 1970, this newspaper will accept cigarette ads only if they contain, in plainly legible form, the statement the statutes now require on cigarette packages, "Caution: cigarette smoking may be hazardous to your health." In addition, every ad must include a disclosure of the tar and nicotine content in the cigarette smoke.

PROPOSED APPOINTMENT OF DEAN BURCH AS CHAIRMAN OF FEDERAL COMMUNICATIONS COMMISSION

Mr. GOLDWATER. Mr. President, as most Senators know, a close friend of mine who was a former political adviser as well as Republican national chairman—Mr. Dean Burch—is reportedly in line for appointment to the post of Chairman of the Federal Communications Commission. Mr. Burch is eminently qualified for this post, and I have urged his appointment just as strongly as I possibly can upon the executive branch of the Government. I have every reason to believe that an announcement of this appointment will be forthcoming shortly.

As with all such appointments, the newspapers have contained considerable speculation regarding Mr. Burch's probable appointment. Unhappily, some

newspapers, like the New York Times, have seen fit to question Mr. Burch's qualifications editorially. I might say that any appointee who formerly was associated with my political campaign in 1964 automatically comes under attack from the left-wing press and newspapers like the Washington Post and the New York Times.

Because of this, Mr. President, I take great pleasure at this time in placing in the RECORD the text of a letter to the New York Times which was published September 9 in defense of Mr. Burch's possible appointment. The letter was written by none other than Mr. Newton N. Minnow, who was Chairman of the FCC in the Kennedy administration. He charges the New York Times with being "most unfair to Mr. Burch."

I ask unanimous consent to place Mr. Minnow's letter in the RECORD.

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

DEAN BURCH FOR FCC

CHICAGO, ILL.,
September 2, 1969.

To the Editor:

Your Sept. 2 editorial about the possible nomination of Dean Burch as chairman of the Federal Communications Commission is in my judgment, most unfair to Mr. Burch.

In the past year I have served as chairman of a special commission created by the Twentieth Century Fund; our commission has closely examined the rising costs of broadcasting in political campaigns. My colleagues are Dean Burch, Alexander Heard, Robert Price, and Thomas Corcoran.

We will be presenting a unanimous report in a few weeks which represents some serious suggestions for needed reforms in political broadcasting.

Mr. Burch and I are of opposite political faiths. In our close work together, I've observed his unswerving and impartial dedication to the public interest in all our deliberations. He has an incisive mind, and I have repeatedly seen him demonstrate fairness and courage.

As a former F.C.C. chairman in the Kennedy Administration, I find nothing in Mr. Burch's record to warrant the Times criticism. The F.C.C. is responsible, as The Times's properly reminds us, for measuring the promise and performance of its licensees. I regret that The Times seems to have prejudged Mr. Burch—in advance of either his promise or performance.

NEWTON N. MINNOW.

OIL IMPORT PROGRAM

Mr. HANSEN. Mr. President, during the continuing controversy over the oil import program, much has been said about the advantages of lower oil product prices through increased use of cheaper foreign oil.

I have attempted to point out the fallacy of the arguments of those who would have us lose our self-sufficiency by dependence on what could well prove to be some very unreliable sources in this unstable world of ours. Not only are most of these sources quite shaky politically, and certainly not overly sympathetic to our democratic system of government, but they are now talking openly of using oil as a lever to influence American policy toward the Arabs. I need not remind any Senator of the attitude of the United Arab Republic's President Nasser toward the United States in recent years nor his open alliance with the Soviet Union.

In July of this year, the Organization of Petroleum Exporting Countries, of which all Middle East countries are members, met in Vienna in another of their frequent get-togethers. There could be but one purpose for such an organization, and that is how to get more for their petroleum products, and the importance of petroleum as an instrument of international policy.

In view of U.S. dependence now on foreign oil and oil products for some 25 percent of total requirements and mounting pressure from some Members of Congress for an even greater rate and consequent dependence on foreign oil, we may be sure the members of the OPEC were not talking about cutting the prices of their petroleum.

The Soviet Union, in this great international poker game, would like nothing better than to see us lose our stake of domestic sufficiency through dependence on foreign oil and then see us blackmailed price wise or have the rug pulled out from under us by cutting off Middle East oil entirely.

This prospect should and must be an important consideration of oil import policy, one that the President must weigh carefully before making any drastic changes in the present oil import program.

I ask unanimous consent that an article entitled "Cairo Hints Oil Pressure To Alter U.S. Policy," published recently in the Washington Post, be printed in the RECORD.

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

[From the Washington Post, Sept. 3, 1969]

CAIRO HINTS OIL PRESSURE TO ALTER U.S. POLICY

CAIRO.—Muhammed Hassanein Heikal, Egypt's leading political commentator and confidant of President Nasser, says the entire Arab world should put pressure on the United States to change its Middle East policy.

"The pressure must extend to the actual and practical and must touch the sensitive nerves whether political, economic or psychological," Heikal wrote Friday in his weekly column in the newspaper Al Ahram.

"If some Arab countries have exhausted their means of pressure, there are still other Arab countries which possess a big reserve of effective means of pressure," he said.

Heikal, the editor of Al Ahram, often reflects official thinking in his weekly columns. Diplomats here read it closely for clues of Egyptian policy.

One observer here said the "other Arab countries which possess a big reserve of effective means of pressure" is a reference to Arab oil-producing states who could use oil as a lever to influence American policy toward the Arabs.

The observer said his theme of Heikal's article probably parallels a position Egypt is taking in the current round of talks with other Arab governments.

Heikal charged that the United States follows a policy in "opposition to the existence and security of the Arab nation," by supporting Israel.

America must be convinced, he said, "even by coercion" that no international party can choose between Israel and all the Arabs and then get away with his choice "without punishment to his essential interests."

The Arabs must also "open channels of communication with American public opinion," he said.

"Let us recall that the Vietnamese revolution, for example, has realized success psychologically in the United States" which is of no less importance than the military aspects of the Vietnamese war, Heikal said.

"The United States, despite all obstructions, is not a closed area in the face of intelligent Arab activity. There are many new forces of growing influence within the American society, and we should not leave them without establishing an illuminating and created dialogue with them."

The Arabs can also, Heikal said, "widen the front of opposition to American policy" in Asia and Africa and "in the Islamic world in particular."

The deterioration of Cairo's American relations has been matched by Egypt and Russia knitting closer ties. Russia is Egypt's principal arms supplier, the reason for better relations with Russia, Heikal wrote.

"There can be no balance between those who stand with us and those who stand with Israel, between those who supply us with arms and those who supply Israel with arms and between those who support our viewpoint in the conflict and those who support Israel's."

IDAHO'S 116TH COMBAT ENGINEERS RETURN HOME

Mr. CHURCH. Mr. President, last week it was my pleasure to participate in ceremonies welcoming home from Vietnam the 116th Combat Engineer Battalion of Idaho's National Guard.

Among those on hand to greet the returning veterans at the celebration in Idaho Falls was Gen. William Westmoreland, now Chief of Staff of the Army. In recognition of the battalion's high standard of performance in Vietnam, General Westmoreland conferred upon it a Meritorious Unit Commendation.

Of all the National Guard units in the United States, Idaho's 116th was one of only three—and the largest—to be called to active duty in the Vietnamese war. The men were assigned to construction tasks of the highest priority, such as emergency work on the rapid building of roads, airports, and bridges. Their record as combat engineers prompted the Assistant Secretary of Defense to observe that the 116th was one of the finest military Reserve units he had ever seen. He wrote in a letter to me:

This battalion was very impressive and is a great credit to the State of Idaho and to the United States.

I was privileged to take part in the welcoming-home ceremonies, not only in Idaho Falls, but in Orofino, Rigby, and Rexburg as well. I ask unanimous consent that my remarks, delivered at these observances, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR FRANK CHURCH

Once, when President Kennedy was asked how he became a war hero, he replied, "It was involuntary. They sank my boat."

When you are asked how it happened that you came to fight in Vietnam, with equal candor you can say, "It was involuntary. Idaho's 116th Engineer Battalion got called up."

Well, you have kept a proud record unbroken. From the time we first became a

state, Idaho's National Guard has actively taken part in each of our country's wars—including even the Mexican border escapade in pursuit of Pancho Villa. Whenever I hear the argument made in Washington that the National Guard is outmoded, unneeded, or that it ought to be dismantled, the combat history of Idaho's National Guard makes for a highly effective rebuttal!

So I deem it not only a pleasure but a genuine privilege to join with your families, neighbors and friends in welcoming you home again. To those of you who return disabled, bearing the wounds of war, medical care and compensation will be provided by a grateful government. To those of you needing home financing, or seeking to further your education, there will be available to you the benefits of the G.I. Bill of Rights. In this connection, I hope we can win approval of a bill I am sponsoring in the Senate, a companion measure to that already introduced in the House, which would add your training time to the period of your active duty, in determining your over-all entitlement under the G.I. Bill. The passage of this amendment would guarantee treatment of reservists equal to that accorded all other veterans of Vietnam.

In these, and other ways, we try to show our appreciation to you who have gone to war and now come home again. But there is no way to repay the men who won't return—the men for whom the price of patriotism was life itself.

Six men of your battalion were killed in Vietnam. We must not leave them nameless on this occasion:

1st. Lt. Michael G. Brown, St. Anthony;
Sgt. Conn K. Clark, Rigby;
Sp. 4 Michael L. Earp, Grangeville;
Sp. 4 Lonnie H. Hendrickson, Orofino;
Sp. 4 Gary C. Smith, Pingree; and
Sp. 4 Kenneth W. Young, St. Anthony.

Let us remember these brave men, and, with them, the many other young men of Idaho who have fought and died in Vietnam. May their names be inscribed upon our highest role of honor, for they form part of the fallen legion—which now numbers nearly 40,000 American dead—in this, the longest and third most costly of our foreign wars.

So immense is the price we've paid in blood and treasure that I wish it were possible to predict how and when this war will end, or what it is that we shall finally gain from it. Perhaps it is the lesson that there are limits to what one country can do for another, that the survival of any government anywhere depends, ultimately, upon the willingness of its own people to rally to its cause.

Drawing upon our somber experience in Vietnam, a new American President is now trying to fashion a new American policy for Asia. It is a policy which prescribes against the use of American combat troops in future wars of insurgency in distant Asian lands. As for external aggression, it is a policy which puts it up to the nations of Asia to assume primary responsibility for their own defense. For my part, having long advocated such a change in policy, I warmly welcome it now!

In the face of these developments, it is little wonder that our involvement in the Vietnamese war should have provoked such deep division and disagreement among our people. Not since the Spanish-American War have we engaged in a struggle concerning which the American people—both in and out of uniform—have found themselves so conscientiously torn.

This was not the case in the two World Wars, nor even in Korea. We who fought in those wars were fortified by a unanimity of opinion which helped to lighten our load. That's why I believe you men of the 116th, together with all other American veterans of Vietnam, are deserving of special praise. You have performed your duty under the most trying of circumstances, in an atmosphere clouded with controversy and doubt.

But the duty an American owes his country rests not upon the supposition that our government is infallible, or that our people should behave as puppets, or that our leaders are gods.

No, the duty of an American citizen is based upon his belief in freedom, and upon the recognition of his obligation—so long as this country remains a sanctuary of freedom—to respond to its call in time of war.

"We must meet our duty," said Thomas Jefferson, "and convince the world that we are just friends and brave enemies."

You of the 116th have met your duty. You have proved yourselves worthy of your precious heritage as free citizens. As long as each new generation of Americans proves willing to serve as you have served, responding to your country's call, this Republic will endure.

Proudly we welcome you home again.

CLARENCE D. PALMBY SPEAKS ON SOYBEANS

Mr. PERCY. Mr. President, Assistant Secretary of Agriculture Clarence D. Palmby has served the American farmer with great distinction for many years, both in and out of Government. In recent months, he has performed with great ability in the difficult work of promoting our agricultural exports around the world.

Recently, Mr. Palmby spoke at the national convention of the American Soybean Association, outlining with excellent judgment and wisdom the current situation with respect to this important crop, both with regard to exports and the work being done to expand the use of soybeans.

The growth of soybean production in this country has to a large extent been made possible by export markets. The export market for soybeans is vital to the economy of many States, particularly in the Midwest and the South. Illinois alone exports more than $200 million of soybeans a year.

I ask unanimous consent that Mr. Palmby's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRODUCTION AND WORLD SALES OF U.S. SOYBEANS

(Remarks by Assistant Secretary of Agriculture Clarence D. Palmby at the 49th annual convention of the American Soybean Association, Myrtle Beach, S.C., August 11, 1969)

The soybean is a typical American.

It came as a lonely immigrant. It struggled in obscurity. It was joined by others of its kind. It crossed with other immigrant strains. Slowly it began to thrive—to succeed in its new environment—to become a part of the American scene.

Finally, a century and a half after its first introduction, the soybean began the sudden expansion that has made it the second ranking income producer among cash farm crops. This is a phenomenon of only the past 20 years.

In 1949, we harvested 10.5 million acres of soybeans. Within a decade, that figure had doubled. Within a decade and a half, it had tripled. And this year farmers' plantings are a record 42.4 million acres of soybeans—four times the harvested acreage of 20 years ago.

It took a while, but the soybean today is about as American—or as Americanized—as you can get. This country accounts for three-fourths of the world's production. We account for about 90 percent of the world soybean trade.

This does not mean that we have things all our own way. It does not mean that we can let up in our research, our cultural work, our marketing improvement, our export promotion. Continued growth will require greater efficiency—and bring new problems.

But if we had no problems, there would be no need for this 49th annual convention. And there would be no opportunity for me to be here with you.

I do appreciate the invitation to be on your program. The "production and world sales of U.S. soybeans" are a daily concern with me. Secretary Hardin is also most interested in the continued growth and success of this remarkable industry. He sends you his best wishes.

Soybeans have played a very interesting role in American agriculture the past decade and a half. Here was a commodity that an investment counselor might call "a growth stock." A farmer who needed to reduce his planting of another crop might turn to soybeans and share in this market growth.

There is, of course, an inverse relationship between the rise in soybean acreages over the past 15 years and the decline in acreages of feed grains and cotton.

In the early 1950's, farmers were harvesting around 80 million acres of corn for all purposes. In comparison, this year's harvested acreage will be down by 17 million acres.

Oats acreage is down by 19 million from 1953.

Cotton acreage to be harvested is down by some 13 million.

At the same time that feed grain and cotton acreages have declined, soybean acreages have increased by 28 million acres since 1953. This by no means tells us all that happened in those years of radical change, but it is an interesting commentary on the part that soybeans have played in maintaining farm income.

We know, for example, that in those states where soybeans and cotton "overlap" in production area, the growth in soybeans has more than made up the decline in income experienced in cotton as the result of restrictive programs and poor crop years. And of course soybeans have become a major source of income in feed grain areas as well.

So it is plain that soybeans have been a growth factor in American agriculture—especially in the past 10 to 15 years.

Implicit in all this is the existence of an expanding market for U.S. soybeans—especially in other countries. It is true that utilization of soybeans in this country has doubled since 1953, but this increase would by itself have fallen far short of providing a market for the large recent crops.

In the early 1950's, we were producing around 300 million bushels of soybeans a year. In the past year, we produced about 1.1 billion bushels. In simple round numbers, this is a growth in production of nearly 800 million bushels in 15 years.

U.S. utilization has grown steadily during that period. Domestic use of soybean meal has risen from 5 million tons to 11 million tons. In terms of beans, this is an increase from about 210 million bushels to about 460 million bushels—a rise of 250 million. This 250 million bushel increase in domestic use would not begin to absorb a production increase of 800 million bushels.

Meanwhile, however, we were able to build a world market for our soybeans and products—starting almost from scratch. In 1953, we exported only 40 million bushels of soybeans plus an amount of soybean meal equivalent to 2.8 million bushels of beans. From that low level, we have built our exports to the point where for the marketing year ending this August, we will have exported 285–290 million bushels of soybeans and another 125 million bushels in the form of meal.

If you combine these figures—ignoring oil

exports for the sake of simplicity—you get a total export of 410 million bushels and equivalent. Compared with 15 years ago, this is an additional market for 365 million bushels of soybeans produced by U.S. farmers.

Without the development of this export market, we could never have sustained the kind of growth that we have seen in U.S. soybeans. Clearly we need to preserve and expand this market if we are to have a continuing large and growing soybean enterprise in this country.

It is reasonable to conclude that without an export market for soybeans and meal we would have to cut back production around 40 percent. Acreage would have to be reduced below 25 million acres. Farmers' returns from soybeans would be reduced by almost a billion dollars.

So we need to keep in mind the importance, to us, of the world soybean market—particularly Western Europe, Canada, and East Asia.

Western Europe alone takes well over half of our soybean exports.

In the early 1950's, we were exporting to Western Europe less than 10 million bushels of soybeans a year. In 1953, we shipped 15.1 million bushels of soybeans and a very small amount of meal—equivalent to 165,000 bushels of beans.

U.S. shipments of soybeans climbed steadily through the 1950's and 1960's to the point where we exported in the most recent marketing year (1967–68) some 147 million bushels of soybeans to Western Europe. This is almost a ten-fold increase in 15 years—following closely the increased use of soybeans in those countries. Western Europe imported 175 million bushels of soybeans from all sources in 1968, with 85 percent coming from the U.S.

The increase in Western Europe's import of U.S. soybean *meal* has been more spasmodic but no less dramatic. Starting from virtually nothing, our exports of meal to those countries began to move up in the middle 1950's, and in 1967–68 reached 94 million bushels.

Here again, we benefitted from a growing market. Western Europe's imports of soybean meal from all sources have more than doubled in this decade alone—now amounting to the equivalent of some 135 million bushels of beans.

Asia and Oceania account for over one-fourth of U.S. soybean exports.

In 1953, our exports of soybeans to the Asiatic area stood at about 20 million bushels. We shipped less than a million bushels (785,000) in the form of meal.

By last year, however, the volume of U.S. soybean exports to Asia and Oceania had grown to about 95 million bushels. Almost four-fifths of these shipments went to Japan. Japan has steadily expanded her overall imports of soybeans—about five-fold in 15 years. This year, she will have imported 89 million bushels from all sources, with the U.S. supplying 82 per cent.

In Asia, we have not had the kind of growth in the market for soybean meal that we have had in beans. Japan has followed a restrictive soybean meal import policy. Nevertheless, in 1967–68, we exported to that area a quantity of meal equivalent to about 5 million bushels of soybeans. Taken together, U.S. exports of soybeans and meal to Asia and Oceania have expanded five-foid in 15 years.

Thus Europe and Asia have provided outlets for a steadily expanding volume of U.S. soybeans. This is true primarily because Japan, Taiwan, and a few European countries have been "growth" markets for soybeans, and the U.S. has been dominant supplier to those markets—sharing in their growth.

World customers are important to the American soybean producer. They're as important as the day-to-day production decisions he makes. They're as important as the price he gets for his crop. Because, in a very real sense, these markets determine the future of his business.

In this connection, I was glad to see the recent formation of the American Soybean Institute, to give industry-wide support to world market development. I understand that the first contract for this work is with the A.S.A. and calls for the expenditure of $1.6 million over the next two years. The willingness of growers to assess themselves in order to support this work is testimony to their concern for keeping the soybean industry healthy.

Over the years, Federal farm policies have generally favored expansion in the soybean market. Thus they have encouraged—or at least not *dis*couraged—the continued growth of the U.S. soybean industry. Price support has been set at levels designed to encourage production in line with growing demand, to protect farm prices, and aid the orderly marketing of the crops.

These considerations are not always easy to keep in balance. But in the case of soybeans, it was especially important that Federal programs not be used to push prices out of line with competitive products. Soybeans—because of their varied uses as oil and meal, as human food and livestock feed, and as an industrial item—have a great variety of real and potential competitors.

If prices went out of line, the users of soybeans at home and abroad would immediately look for other materials that could be had more cheaply. There are dozens of oil-bearing materials. There is an increasing plethora of protein supplements, as new and exotic sources are exploited and as new synthetics spring forth from the test tube.

But for a long time, we were able to maintain soybean utilization just about neck-and-neck with production. Stocks just about kept the pipeline running to crushers and exporters. No surpluses accumulated to threaten prices and income.

Finally, in 1966, we made what in retrospect must be considered an error. The fine balance between price and use and production of soybeans was knocked out of whack by a rise in the price support level—from $2.25 to $2.50 a bushel.

The price farmers got in the market for the 1966 crop went up, too. But not all of the beans in the 1966 crop were used in the 1966–67 marketing year. Stocks accumulated, and prices fell in the market—to below the support level.

Looking back from where we are now, we can see the result of the higher price support level that was in effect in 1966, 1967 and 1968. It was to artificially price soybeans out of an expanding market situation and give aid and comfort to the soybean farmer's competitors—both here and abroad.

For example, it gave a price advantage to imported fishmeal—a protein product which has now cut rather sharply into the demand for soybean meal in this country. Last year, fishmeal imports replaced approximately 750 thousand tons of soybean meal equivalent.

Another competitor which benefitted from our non-competitive pricing was the synthetic—urea—which is adaptable to ruminant feeding. Last year, urea replaced at least 750 thousand tons of cottonseed and soybean meal equivalent in beef cattle rations and some additional tonnage in dairy cattle rations.

Together, urea and imported fishmeal replaced a million and a half tons of U.S. soybean meal—depriving U.S. farmers of outlets for about 70 million bushels of soybeans. Some of this replacement might have come anyway, but our pricing policies have intensified it.

Meanwhile, production of soybeans is rising in a number of countries, and U.S. exports have leveled off.

World production was up 7 percent in 1968—a new all-time high. This was principally a result of the large U.S. crop, but a number of smaller producers harvested record crops. Brazil, the largest producer in the Western Hemisphere except for the U.S., is now harvesting a record crop. The outlook for Mainland China, the other important world producer, is reported to be fairly good.

The effect of non-competitive pricing is well illustrated in what has happened to the export market for soybean oil, which has been particularly vulnerable to inroads from sunflower oil. Total U.S. exports of soybean oil have flattened out in the last 3 years. In 1966, exports amounted to 1,105 million pounds. Exports fell off to 993 million pounds in 1967 and 950 million pounds in 1968. About 90 percent of the oil exports moved under P.L. 480 programs in 1968.

The shrinkage has occurred in exports bought by countries able to pay dollars and thus to choose the kinds and sources of oil they will buy. In 1960 through 1965, European importers could buy soybean oil in the U.S. for considerably less than they could buy either soybean oil or sunflower oil in Europe. In 1966, however, this margin disappeared, and we can see the result.

The fact is that importers are willing to pay prices that go up and down with the world market. But when we set our price support at levels that cause our product to be above the world price, their reaction is simple: They buy from other sources, and we lose customers. The other thing that happens is that we become an underwriter for any world surplus, providing the world's only home for excess supplies.

We have observed both of these consequences from the price support action taken in 1966. And without increased shipments under Government programs (P.L. 480) our oil exports could not have been maintained even at the flattened-out level of the past three years.

With this weakness in oil demand, any new threat to the demand for meal—by a new competitor, perhaps, such as the protein yeast product made from petroleum by-products—could bring serious consequences to the export market for U.S. soybeans. Petroleum and chemical companies all over the world are working on this product and on other synthetic proteins.

Within this background, the Department of Agriculture had to make a decision this past spring as to the price support level for the 1969 crop of soybeans. We had to decide whether to continue a price support level that jeopardized markets at home and abroad—*or* to resume a price relationship that would permit growth.

You know what the decision was. It was made in the longer-term interest of the soybean farmer. It was based on our judgment that it is absolutely essential that soybeans be price competitive at home and in the world.

We must not jeopardize an export market that is essential to the future of our soybean enterprise as it now exists. We must not risk, for an illusory short-run gain, the substantial destruction of an industry that has been, and should be, so much a growth factor in American agriculture.

Thus we must, by every means within our control, work to make and keep our soybeans and soybean products competitive in price, quality and availability. Further improvement in efficiency is of utmost importance.

There are problems, of course, over which we have no control. One of these is the proposal now before the European Economic Community to impose an internal consumption tax of $60 per metric ton on vegetable and marine oils and $30 per ton on oil cakes.

These proposals could very definitely work to the detriment of U.S. exports of soybeans and products. They were presented to the EEC Council of Ministers by the EEC Commission. So far, this proposal has not been approved by the Council for ratification of the six governments. The U.S. Government

and the soybean industry have registered strong protest against the proposal.

This type of protectionist action has become altogether too common in the world—and such a proposal by the Common Market is highly disappointing to our Government and the Department of Agriculture.

Obviously, protectionism—whether in the form of tariffs, quotas, or some other artificial barrier—works directly to reduce and discourage the sale of U.S. commodities in customer countries. But protected high prices within those countries also reduce consumer demand, and thus limit the total utilization or consumption of the products involved.

The Common Agricultural Policy of the EEC is essentially a protectionist policy. It fosters prices within the Common Market that are unrelated to prices in other trading countries. I am sorry to say that I cannot foresee any reversal of this trend any time soon.

Some leaders in the EEC envision a larger Community in the not too distant future—one that includes the original "six" plus the United Kingdom, Ireland, Denmark, Norway, and probably Spain and Portugal. Full membership for Greece would also be a part of this larger Europe.

European agriculturalists appear eager to welcome these additional countries. And, for the most part, they foresee that an enlarged Europe would follow an agricultural policy similar to the present one.

If there is one thing to be learned from all this it is that American agriculture should—as they sometimes say in baseball—"stay loose and play back on the grass." It's important that we not be wedded to positions and policies of the past. It's important that we stay flexible in an era when change may come suddenly. It's important that we maintain our ability to compete.

This might be called the "era of the substitute." As our technology gets closer to the very sources of life—as it pries more closely into the ultimate structure of things—there will hardly be anything that can't be substituted—complete with odor and taste.

And this isn't all bad. Electricity substitutes for kerosene. The tractor substitutes for the mule. Penicillin substitutes for the mustard poultice.

No product—no group—has a lock on the future.

Soybeans are famed as the "miracle crop."

The chemical companies have their "miracle fibers."

The corner pharmacy dispenses "miracle drugs."

But the age of miracles has not passed. Today's miracle fiber is itself subject to obsolescence as new miracles come out of the bottle.

Today's miracle drug gives way to potions that are still newer and more powerful.

Today's miracle crop can find itself competing with new products fresh out of the laboratory—or old products newly treated or newly processed.

You can't preserve the past—or even the present. What you can do is look to the future with products that are as competitive as you can possibly make them—in quality, in suitability, in availability, and in price.

Soybeans have been a "growth stock" in agriculture and I am convinced that we have the imagination and the determination to keep them in the forefront of American farm progress. At the same time, we must be realistic in dealing with problems as they come.

We are fortunate in this country—in being able to produce beyond our needs. At the same time, this excess capacity tends to depress prices for farm products. This is a major problem.

The producer will be the "key man" as soybean production becomes more and more efficient. As always, most of these efficiency gains will be passed on to consumers. But sound farm program policies can help soybean producers to retain some of these gains and thus to obtain a fair income within the total U.S. economy.

This is our goal in the Department of Agriculture.

OIL POLLUTION IN THE SANTA BARBARA CHANNEL

Mr. CRANSTON. Mr. President, the citizens of Santa Barbara have not given up their crusade to extricate their beautiful ocean channel from the sickening oil slick which continues not only to befoul their beaches but also to betray their confidence that public opinion can affect Government policy.

For the people of Santa Barbara, as for far too many Americans, pollution is more than a dirty word. Pollution is for them the offal on their front porch. They want it cleaned up and kept cleaned up. They want an end to oil drilling in the Santa Barbara channel.

Last month, two excellent feature stories on Santa Barbara appeared in California newspapers.

Marie Ridder, of the Long Beach Press Telegram, and James Wrightson, of the Sacramento and Fresno Bees, both wrote with sympathetic insight of the hopes and frustrations of this beleaguered stretch of California's coastline.

Unfortunately, Mrs. Ridder's prediction that my bill, S. 1219, to end Santa Barbara channel drilling would be reported by the Committee on Interior and Insular Affairs has not yet come true. However, I remain hopeful that Senators will come to agree with me that the need to prevent environmental pollution is more important than extracting oil from the Santa Barbara channel floor.

Mr. President, I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Long Beach (Calif.) Press Telegram, Aug. 11, 1969]

CRUDE IS THE WORD FOR WHAT HAPPENED TO PARADISE

(By Marie Ridder)

SANTA BARBARA.—A walk on the beach, one's feet are covered in black slime: oil. A fishing trawler lies quietly in the harbor, its nets carefully coiled on deck. "We can't put 'em out anymore," says the captain: oil. A young California sea lion lies flacsid in the shallow waters near shore, sick: oil.

Lovely Santa Barbara—"We used to think of our town as the best in the world," says Hal Beveridge, vice president of General Research Corp. "Its sheer beauty brought us here; special kind of paradise, mountains, clear air and clear ocean. Many of us could make more money elsewhere but we chose to come here."

Naturalist and writer Richard Smith says, "I brought my family to Santa Barbara 15 years ago. I came here on a dream, the wildness of the mountains, the accessibility of the sea, the empathy of the people. I valued quality of life more than a high salary."

Since 9:30 on January 28, 1969, Richard Smith has had very little time for quality of living. He, like most Santa Barbarans, has spent his life combatting oil—on the giant rocks that line the city's shore, on the beaches, wiped off on clothes, coating birds and fish, its all-pervading odor reaching street corners, shopping center and home.

On that day six months ago the ocean boiled and bubbled with a vast leak from Union Oil Co.'s fifth drill on Platform A square in the middle of Santa Barbara Channel. In 10½ days a quarter of a million gallons of crude oil spewed into the channel, according to Union Oil estimates. Other estimates put the figure at 10 times that amount.

Reporter Bill Downry of the Santa Barbara News Press recalls that first day. "The beach was all tar, the sea a flat dark mud color. It was silent. No birds were visible. Just a molasses-like covering of the beach as far as the eye could see."

Another observer remembers thinking, "Now I know what, 'Hell on earth' means." The newspaper editorialized, "Men, women and children cried. The traumatic impact cannot be conveyed."

The oil blowout and the subsequent continual leakage comes from an offshore well leased by the federal government to Union Oil. The leak comes from Platform A, the first rig in the channel of a proposed 114 belonging to 26 different oil companies. The initial leak was capped on Feb. 8, but subsequent fissures have opened through the ocean floor. Drilling was stopped only briefly. Both drilling and leaking have resumed, daily. Six months after the initial tragedy Fritz Springman, public relations manager for Union Oil comments, "What can I say? I wish the damned thing (the leakage) would stop."

"Santa Barbara," says Smith, "had been conducting a campaign to keep the government from leasing for years. Both the city and the county governments had requested that the federal government keep the channel clear as geologist and oceanographers have always known the Repetto Corridor, our channel, has an unstable floor. But before it happened there were simply not enough people concerned to be of influence."

On February 6, 1968, the federal government sold nine square mile leases to private oil companies for 603 million dollars. Each resident has a different comparison. "That pittance woudn't cover a day in Viet Nam," said one. "It would hardly buy a cornerstone for a government building in Washington," says another.

Ironically part of the sum paid Stewart Udall, Johnson's conservationist secretary of interior, was to be used by the National Park Service for wild life preservation. Udall has characterized his Santa Barbara decision "as my own Bay of Pigs."

Republican Congressman Charles Teague of Santa Barbara and Democratic Senator Allen Cranston have both introduced bills to ban the drilling. Republican Senator George Murphy, along with Teague has introduced an alternative bill to exchange the Santa Barbara oil leases for Navy held ones at Elk Hill.

The Cranston Bill, recently modified in committee to "stop current drilling until further study," is expected to go to the Senate floor this week.

Cranston says, "The oil in the Santa Barbara Channel should be considered an oil reserve to be used when needed in case of a national emergency. Quite factually the United States does not need that oil now. Oil is a diminishing resource we should reserve as much as we can. As time goes by methods of drilling off shore oil will improve. In the future technology may find a way of getting the oil without endangering the environment—without playing Russian roulette with California's magnificent beaches and marine resources."

Senator Cranston's concern for the beaches and the ocean is echoed by the businessmen of Santa Barbara. Oil brings no revenue to Santa Barbara. Tourists do. Director of the Chamber of Commerce C. S. Lowry points out sourly, "Tourism—downtown Santa Barbara's Number One industry—is off more than a third in these peak summer months." Describing himself as a man caught between

the devil and the deep, Lowry says, "We want oil out but we don't want to give the impression that Santa Barbara has nothing left for the tourist. The mountains are fine," he adds wistfully.

Lowry has incurred much local criticism by sponsoring ads financed by the Union Oil Co. that show bikini clad girls playing ball on the beaches. The legend below reads, "People are relaxing, strolling on our beaches." Lowry points out that there is no mention of swimming.

"They should show beach walkers doing the Union Oil dance," scoffed a citizen looking at the Chamber of Commerce ad. The choreography for this is a frantic scraping of oil from feet while simultaneously rubbing detergent on a tarred bathing suit.

This, in spite of the fact that Union Oil has done a massive job of cleaning up. It is a picture out of Kafka—oil drifting in, its target of the day a whim of wind and tide, while men cope with the enormity of cleaning nature, sandblasting coastal rock, bulldozing miles of sand.

"Anyway," says Smith, "as soon as they get one beach clean oil appears on another from another hemorrhage in the ocean floor."

Much of the damage is invisible. "Impossible to determine," says Norman Sanders, University of Santa Barbara geologist. "How does one immediately determine what happens to sea animals that used to feed on lichens, mussels and barnacles that grew on rocks that are now either oil-covered or sandblasted? It takes a lobster ten years to mature. We won't know for years if lobsters being spawned now have been able to find sustenance. We cannot know immediately what breaks there are in the food chain or how profound the influence has been on the ecology. We do know there is no phosphoresence in the sea. Much of the ocean appears to be dead. We do know that gulls no longer fly over the harbor."

Commercial fisherman Red Allen knows that fishing is bad. "The anchovies didn't come in this year. Barracuda and sea bass, top water fish, can't be hauled as the oil ruins the nets."

University biologists know that the seals are hurt. Naturalist Smith says, "Seals identify their young by smell. When a pup smells only of oil its mother rejects it. It starves to death. Oilcoating a seal, moreover, changes its body temperature, causing pneumonia."

All these things are known but the citizens of Santa Barbara feel that the United States government is turning a deaf ear. The Navy, which controls San Miguel Island—a seal refuge—denies that the seals are dying. Even friendly fish and wildlife employees are mum these days. Oil along with parks and wildlife refuges belong to the Department of Interior. Most frequently heard is the crack, "We can send men to the moon but we can't stop an oil leak."

Architect Robert Gan says, "The oil leak has had two effects on Santa Barbarans. They have become more active citizens with a common goal and concurrently they have lost faith in the federal government."

Within days of the first leak an organization was formed with the initials GOO—get oil out. At the end of three weeks 100,000 signatures had been acquired on a paper a half mile long. Among the many offers of help was one from John Bougay, president of the California Thrift and Loan who donated 1 per cent of the bank's total income during the month of July to the city to use, "As it sees fit, to help get rid of oil."

At the other end of the spectrum students at the University of California's Santa Barbara branch have volunteered to do everything from cleaning birds to research to back the city's case.

Much of the dissatisfaction with the government is the consequence of recommendations made by the DuBridge panel. A presidential panel, it reached the conclusion that the best way to stop the leak is to drill additional wells in the hope of draining the reservoir in the Repetto Corridor. Santa Barbara harbor would be thick with oil platforms. Estimates on how long it would take to drain the channel leaks vary from between 10 and a hundred years.

The Department of Interior is studying the DuBridge report. A spokesman for the department acknowledged that citizens were justified in characterizing the 48-hour study—involving only Union Oil geologists and U.S. Geological Survey personnel—as "cursory."

"We aren't making a final decision yet. We are looking into ways of sealing the leak, controlling the current seepage."

"We don't like any of this any better than the people of Santa Barbara do," said the official. "But no answer is simple. If we decide to terminate the leases we are without legal precedents. How do we determine compensation to oil companies? Do we re-imburse their explorations? Do we try to determine their future profits? No oil company has ever been told before that it can't drill. We are in uncharted territory that could cost billions of dollars."

"The Murphy bill for example would seem to offer a sensible way out, exchange one known oil field for another. But tracing our offshore oil problems all the way back to the Tea Pot Dome scandal we can see that the allocation of the Santa Barbara leases among these 26 companies would be hard to duplicate. Standard Oil acquired many Elk Hill rights back in 1925."

"Whatever we do we must be aware that this is just the beginning. There is a lot of off-shore oil. We have to decide what priorities to give not only in the Santa Barbara Channel but everywhere."

A greying gentleman, martini in hand, gazed across the yacht harbor to the hobgoblin like structures, Platforms A and B. "I'm many years past 30," he remarked. "I am a Republican. But I want you to know I understand the kids, the ones causing trouble in the universities. It's a feeling of desperation that can only be expressed in violence . . . against the establishment. Some of my friends, businessmen, started out one night to blow up Platform A. They felt this helplessness, too. There is this amorphous intangible thing, the government and big business that is somehow beyond human touch. I have the feeling that the water, the land, the sky are being swallowed up."

One summer week this reporter flew coast to coast, stopping once mid-way. In that 8-day period she was unable to swim in Chesapeake Bay: polluted. She was unable to swim in Lake Michigan: Polluted. And finally was unable to swim in the Pacific ocean: polluted.

[From the Fresno (Calif.) Bee, Aug. 24, 1969]

WILL SANTA BARBARA BECOME OIL CITY?

CITIZENS SAY NO

(By James Wrightson)

SANTA BARBARA.—In a plane over the Santa Barbara channel, Secretary of Interior Stewart L. Udall assured a worried state Sen. Alvin Weingand: "I'm just as concerned as you are about Santa Barbara. No leases will be granted if in doing so this beautiful coastline would be spoiled."

That was in 1966.

Since Jan. 28 of this year, spill from Union Oil's Platform A, 5½ miles off shore has brought writers here from all over the nation to report on the runaway well incident which polluted beaches, killed fish and birds, and produced deep trauma in the citizens of this lovely coastal town.

FOR SIX MONTHS

Said one resident, noting it has been six months since crude oil has been leaking into the channel at a rate of 2,000 to 6,000 gallons a day: "Getting used to it is what we do now. Like a person with an incurable disease, we just occupy ourselves in a detached way with each new symptom."

Not so with Weingand who moved in to head GOO, a volunteer organization with solid community support, named Get Oil Out.

He and others, such as George Clyde, youngest and feistiest of the Santa Barbara County Supervisors, are disturbed by the terrible prospect that Santa Barbara, a resort town of palm trees, white Spanish houses with red-tiled roofs, will become Oil City, USA.

From the 71 offshore leases granted to the oil companies by the federal government in February 1968, there is a distinct possibility thousands of wells will be drilled from hundreds of channel platforms from Point Conception, 42 miles north of Santa Barbara, to Port Hueneme, 31 miles south.

"An oil-oriented economy, which ours will become if the oil industry is allowed to go ahead, is absolutely incompatible with a resort economy," Clyde maintains.

Paul Veblen, executive editor of the Santa Barbara News-Press, the paper which opposed the granting of channel oil leases in the first place, agrees.

"We do $50 million of tourist business a year, or we used to.

"This is a community of residents, artists, writers, scholars and millionaries who could live anywhere in the world. They have chosen Santa Barbara.

"An oil economy would all but wipe out the resort atmosphere and the tourist trade."

A city treasurer's report for June says the room tax, an index of the vital tourist industry, was down 8 per cent from June 1968. Income from room rents was off $37,780.

GET OIL OUT

"All that is involved here is money, not national defense nor the nation's well being," says Weingand. "If the oil companies take their rigs, their platforms, their drilling barges and leave the oil would still be underground. If there ever is a national crisis when we need that oil it will be there and they can take it then.

"Get Oil Out means no more leasing, take out the drilling platforms, the wells and go away.

"With all those wells planned, chance of another massive oil spill is like playing Russian roulette.

"But even if there were all sorts of safety devices, even if the oil leases weren't in an earthquake-prone area, if an oil spill doesn't get us the oil economy will.

"There can be no compromise."

The problem, as the Santa Barbara citizens see it, is more than one of spoiling the view of the wealthy hill and beach dwellers or protecting a beauty spot.

Over two million persons registered at the state beaches and county parks near Santa Barbara last year. Although the beaches have been cleaned, there is oil in the water today.

"There's still a lot of oil out there," says Lt. George Brown, the young Group Commander of the Santa Barbara Coast Guard Station.

"It wouldn't surprise me any day to receive a report of oil concentration in the water or on the beaches anywhere from Goleta (just above Santa Barbara) to Port Hueneme (south in Ventura County).

"The oil lays off shore and is driven in by the prevailing southwest winds."

CHANNEL CHECK

Brown flies over the channel once a week so he can report to his headquarters in Long Beach.

The oil companies, while contrite at first about the runaway well, have hardened in their attitude.

Boats approaching the Union Oil Platform A, site of the gusher, have been warned away by oil workers with powerful hoses.

Oil companies have refused to give information to the press, telling reporters to call the office of the Geological Survey in Los Angeles.

The USGS has been less than cooperative

in revealing oil spills or confirming incidents which have occurred on the oil platforms.

Although the oil economy has by no means permeated Santa Barbara, the oil money has had its effect.

A significant split in the business community occurred last spring when the companies paid for a special tourist-directed, $8,000-a-week regional newspaper advertising compaign, "Santa Barbara is as enjoyable today as last year."

Not so, said the Santa Barbara News-Press editorially.

"There are many days when oil or oily debris makes bathing and strolling along some beaches unpleasant . . . Our tourist promotion must be fair and candid."

But Stanley Lowry, Santa Barbara Chamber of Commerce manager, says the purpose of the campaign was not to mislead anyone. It was to emphasize the dozens of other attractions in Santa Barbara which are unaffected by the out-of-control gusher.

Chief Dep. Att. Gen. Charles A. O'Brien has charged oil experts are hesitating about helping the state in its preparation of a $500 million damage suit against Union Oil Co.

Obscurantism and complexity surround certain aspects of the situation.

For example, a panel headed by Dr. Lee A. DuBridge, the President's science adviser, concluded the way to solve leakage problems is to drill more wells to relieve pressure in the channel. The report has not been made public. The only information ever issued was a 1½-page announcement saying the panel favored continued drilling to empty the entire basin of oil.

Weingand, who is as close to the situation as anyone can be who is not connected with an oil company, assesses the pluses and minuses of the situation this way:

The oil rigs on federal leases are still in the channel. They are taking oil out of the ground. New wells are being drilled and exploration is going on beyond the 5-mile limit.

But on state leases there is a ban on oil drilling in the channel, and the State Lands Commission recently upheld the ban despite a recommendation of its own staff.

—The oil companies have lost face because of the massive spill. They are under attack in Congress. With the public they are "bad guys" when it comes to despoiling the environment.

—There is still oil coming up through the fissures, and no one knows how to stop it. Huge underwater tents put over the leaks trap some of the oil, but sometimes the tents tip and large amounts of oil escape and bubble to the surface.

—Bad publicity has hurt the oil industry. Since oil companies depend on the public to buy their products, they cannot stand to be assailed continually.

—U.S. Sen. Alan Cranston's efforts to curb drilling, release the entire DuBridge report, and to crack down on the oil industry, have helped direct nationwide attention to Santa Barbara's problems.

—Court suits totaling $1 billion against the oil companies will keep them off balance and make them realize the seriousness of incidents such as the Santa Barbara Channel gusher.

—There may not be as much oil offshore as was first estimated. Since it is in "pockets," it will be harder to get at and may be uneconomical to drill and pump.

Meanwhile, the struggle goes on. For the GOO people, the problem is to keep citizen concern alive, burning, and forceful.

An unnamed writer, reviewing the tar on the beaches, dead birds, the massive cleanup attempt, the federal and state hearings which failed to stop the drilling, the night some citizens broke up a city council meeting which they considered too indecisive, and unpleasant confrontations with Union Oil officials visiting Santa Barbara, applied Marshall McLuhan's well-known remark: "Even Hercules had to clean the Augean stables but once!"

SENATOR SCOTT PRAISES DECISION TO DELIVER JETS TO ISRAEL

Mr. SCOTT. Mr. President, the first contingent of F–4 Phantom jets were delivered to Israel last week. Future deliveries will be made periodically during the coming year until all 50 planes are received by Israel.

I am pleased that the deliveries are now being made. I have long urged that the United States provide Israel with weapons and equipment necessary for her defense. I have stressed particularly Israel's need of Phantom jets, and was responsible in large measure for the language in the 1968 Republican platform which urged that the United States provide supersonic jets to Israel.

While I hope that mutual disarmament and permanent peace in the Middle East can eventually be achieved, it cannot be done by keeping Israel weak while the Russians continue to stock the Arab arsenal.

Nasser and the other Arab leaders continue their aggression against Israel, and it seems to be increasing rather than subsiding. The Arabs violate the cease-fire agreement on Israel's borders almost daily. There are now more than 100,000 Arab troops massed along Israel's borders.

Any hope that the Arab States might show restraint or be willing to negotiate in good faith to ease the crisis in the Middle East appears to be dwindling. At this point, it is only Israel's strength which prevents the outbreak of war in the area. The Phantom II jets, which are a match for Nasser's Russian jets, will help deter a full-scale Arab attack against Israel.

DRAFT REFORM

Mr. MOSS. Mr. President, on Wednesday, September 10, the Salt Lake Tribune published an editorial entitled "Urgent Need for Draft Reform." Since it well expresses the concern many of us feel about draft reform and campus unrest, I ask unanimous consent that it be printed in the RECORD.

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

URGENT NEED FOR DRAFT REFORM

Campus unrest has many sources but in the eyes of many the military draft, and the Vietnam War that makes it necessary, are the taproots.

As millions of students this month return to colleges and universities Congress is still sitting on draft reform proposals made by President Nixon last May. Meanwhile, although much congressional attention has been given plans for curbing campus unrest, surprisingly little of the effort has focused on revising the draft. Congress cannot end the Vietnam War, but it could overhaul the Selective Service Act.

Experts in human behavior can give all kinds of reasons why the present draft law tends to fuel student defiance. But in the end they come down to one: The present law is unfair, uncertain and wide open to abuse.

President Nixon proposed three basic changes that would help correct these deficiencies: 1—The present seven-year period of eligibility would be reduced to one year. 2—The youngest eligible men would be called first, thereby eliminating the lengthy period of waiting and anxiety. 3—Institution of a random selection system on a national basis rather than by local draft boards alone.

Opponents of draft reform now say that it should wait until after the Vietnam War. But this reasoning overlooks the basic need for changing the law, which is to make the system equitable now, when the men it scoops up are likely to see action in an extremely unpopular war.

It also has been argued that changing the draft to make it more fair would lead to defeat of more sweeping proposals for doing away with conscription altogether. This could be so but it doesn't follow that young men of draft age today should have to continue under an unfair system in hopes of someday abolishing that system for others.

Draft reform is as vital as tax reform and welfare reform and other proposals now being discussed in Congress and out. It affects not only the lives of the several million young persons directly touched by the draft, but has direct bearing on the domestic peace of the United States now and perhaps far into the future. Draft reform should be given the highest congressional priority.

THEODORE H. WHITE LOOKS AT THE ELECTORAL COLLEGE

Mr. MUNDT. Mr. President, as the House of Representatives continues to debate the question of electoral college reform, more and more arguments are coming to light showing the weaknesses of the so-called direct vote plan now before the House of Representatives.

One of the most recent and most interesting comments on the subject is contained in "The Making of the President 1968." This best seller, written by Theodore H. White, one of the most knowledgeable observers of presidential elections, is the third of Mr. White's narrative histories of American politics in action. It is an excellent book and I commend it to all Senators.

While not endorsing any of the plans at present under consideration, Mr. White, correctly in my estimation, dismisses the direct vote proposal as an acceptable alternative to the present method. Commenting on the rationale behind the direct vote plan, he states that the theory "is to be so unaware of present reality as to approach insanity."

Mr. President, I ask unanimous consent that the comments of Mr. White contained in chapter 12 be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

One must separate out principle from reality to appreciate the ongoing debate about reform of electoral laws for President.

The key idea of the Constitution is Federalism—however, much complicated by its Article Two and Amendment Twelve on the choice of President. The Constitution sets up, as principle, that the Americans should vote, in communities by states, as a federation.

The federal principle is a powerful one, perhaps sounder now in the Age of Experiment than when it was encoded in 1787. Where the Constitution errs, and dangerously errs, is in caging this principle within the entirely obsolete Electoral College. The electors of the Electoral College still legally choose the President after the people have theoretically chosen the electors. In most states, however, the naming of electors is done in practice by party committees or party leaders to give lesser badges of honor to obscure party faithful; in most states, names of electors do not even appear on the

ballot. In sixteen states the electors are fossilized, like flies in amber, by state laws that require them to vote for the candidate the people choose. They do not know each other, do not deliberate together, do not consider or discuss candidates. They are supposed to, and almost always do, vote for the candidate the people of their state have chosen. Yet the Supreme Court has held that they cannot legally be compelled to do so. And as passions rise, as the permanent third party of the South grows in strength, it seems ever more likely that these unknown relics of antiquity may attempt to exercise individual and selective judgment on their own. In 1960, fourteen electors from Alabama and Mississippi, and one from Oklahoma chose to cast their votes for Senator Harry F. Byrd of Virginia although he appeared nowhere on the ballot. In the closing days of the 1968 campaign a newspaper boomlet arose for Nelson Rockefeller as deadlock candidate if the electors could not achieve a majority. In all fact, the Electoral College, as at present frozen into the law of the land, is an anachronistic survival of a primitive past—as useless as a row of nipples on a boar hog.

The chief alternative proposal in present debate is that of direct election of the President by all the people of the United States, one man, one vote. This is a proposal favored by sitting-down political analysts. It rests on the generalized theory of the assembly as-the-whole, or the principle that people, to exercise power, must exercise it absolutely directly.

To approve the theory of assembly-of-the-whole as a way of electing Presidents of the United States is to be so unaware of present reality as to approach insanity.

There is, to begin with, the need to recognize that voting qualifications differ in every state. Four states permit citizens to vote under the age 21—Georgia and Kentucky 18, Alaska at 19, Hawaii at 20—the other forty-six do not. By altering its age laws to 18, or to 16, or to 14, any state can increase its proportion of the whole vote at will; it can also do so by altering its laws so as to include the large numbers of criminals, convicts, mentally incompetent now all variously excluded. Direct, national, one-man-one-vote elections would require a national election law establishing national qualifications and national registration in every one of the 3,130 counties of the United States.

But it requires more than that—it requires national surveillance of each of the approximately 167,000 voting precincts of the United States. And no national surveillance can work without the establishment of a national police system. Those who report elections know, alas, that the mores and morality of vote-counting vary from state to state. The votes of Minnesota, California, Wisconsin and half a dozen other states are as honorably collected and counted as votes anywhere in the world. There are other states in the Union where votes are bought, paid for and, in all too many cases, counted, manipulated and miscounted by thieves. The voting results of the valley counties of Texas are a scandal; so, too, are the voting results in scores of precincts of Illinois' Cook County; so, too, in ward after ward in West Virginia, in the hills of Tennessee and Kentucky, and in dozens of other pockets of rural or urban machine controlled slums.

The present Federal system compartmentalizes voting in the United States by states; the votes of honest states are not balanced off or out-balanced by dishonest counting in other states; contagion of vote-stealing is limited. If all the 68,000,000 votes of 1960 and all the 73,000,000 votes of 1968 had been cast in one great national pool, then the tiny margins of victory in both elections would have evaporated. Each candidate would, necessarily, have had to call for a recount, and recounts would have continued, nationwide, for months. Vote-stealers in a dozen states would have matched crafts on the level of history; and, so slim was the margin, we might yet be waiting for the final results of both elections. And no practical proposal has yet been made to establish either national qualifications, national registration or, above all, national surveillance of counting.

Another proposal—that of dividing the electoral vote of each state among the candidates in proportion to the popular vote within the state—is a proposal for retaining the receptacle of state-by-state voting, but for casting away its content. By this proposal, the electoral votes of each state would remain the same (the number of its Congressmen, plus two more for its Senators). But in each state the electoral vote would be divided to correspond with the percentages of the popular vote in that state.

This is a more substantial proposal than that of direct voting, but it has been debated, under various names and styles, for several decades in Congress.

There are two main objections to this system—one political, the other technical.

Politically, this system has been opposed chiefly by the spokesmen of the big cities and the minority ethnic groups, who likewise, and for similar reasons, oppose direct voting. The spokesmen of the cities and the ethnic blocs have always held that the structure of Congress is cast against them; Congress is dominated by traditionalists who control its committees, and, despite recent reforms, Congress is still weighted heavily in favor of rural areas. Such spokesmen insist that the traditional political counterbalance to Congress has been the President, as executive—he is elected by the states, in the largest of which huge electoral-vote blocs may be swung by the voting of local minorities. It is the Presidential, not the Congressional, elections that make the Mexican-American vote of Texas and California important, the Jewish vote of New York important, the Negro vote of Pennsylvania and Illinois important, the Italian vote of the New England states and New Jersey important. To abolish the winner-take-all system in the states is to eliminate the chief leverage the minorities feel they have in national politics. This argument is a difficult one to defend theoretically, or at any highminded level; but, pragmatically, it reflects the nature of America.

A more important technical objection insists on hearing also—a technical objection raised to insistence by the development of third party in the South. No one has yet defined, nor can anyone define, what is meant by "proportional splitting of a state's vote." Does one mean exact proportions? Should New York's 43 electoral votes have been split at 49.8 percent for Humphrey, Michigan's 21 electoral votes at 48.2 percent for Humphrey, Ohio's 26 votes at 45.2 percent for Nixon and so on? Most importantly—what, under this plan, would have been the distribution of George Wallace's percentages? The addition of his electors in Maryland, in the Carolinas, in Florida, in Michigan, in Indiana, might have been sufficient to throw the election to the House. And the mind boggles at what might have happened as the mathematicians decimalized the percentages of the election of 1960, which would have resulted in Kennedy over Nixon by 00.497 etc. over the 00.496 (almost) of the whole that America voted. How many digits would it have required to establish a President by digitalizing yet further the electoral votes of 1960 within the states to their ultimate percentages? Would it have given a clear leadership to the American people than the solid, hard numbers of the old Electoral College which ran 303 for Kennedy to 219 for Nixon?

Yet a third system has been offered for consideration. It is the election of the President by electoral votes by Congressional district—one electoral vote for whoever carried the majority in each district, two votes (to reflect Senatorial presence) to be determined statewide. This is Federalism carried to extreme; the hard-core Congressional districts of the conservative South and the ethnic-minority blocs of the big cities would be given almost no incentive to vote; the results of such districts would be known years in advance by demographic calculation; and the swing districts of the suburbs with their own parochial needs would be the chief determinants of the choice of President.

One can find fault with any system of choice of leaders. For two thousand years—or longer, if one wants to go back to the Confucian initiative in Chinese thought—men have tried to find a perfect system of leadership. When Moses descended from Mount Sinai, the Hebrews asked of him, "Who placed you as officer and ruler over us?" and Moses had no answer. In Western history, church and academy, tyrant and politician, scholar and terrorist have all tried to answer this question in challenging or defending systems of government. None has had complete answers either. In the last century of American history, no less than 513 resolutions have been introduced into the Congress of the United States for revising our Presidential electoral laws; and none has been accepted because there are no perfect solutions to the problems of leadership—because the thrust of politics must always run in the direction of the preamble of the Constitution of the United States, which says "We, the people of the United States, in order to make a *more* perfect Union . . ." "More perfect," says the phrase, not "perfect." Perfection is impossible.

In this reporter's opinion, the American system of Presidential election has worked for almost two centuries; yet the challenge remains to make it "more perfect." No present proposal under debate offers a wiser or better system of choice than the Federal idea underlying the present way Americans choose Presidents. In any election, some must be winners—and the Federal system has worked, in the experience of this turbulent decade, better than any of the rival proposals would have worked, given the results of 1960 and 1968. What must be made "more perfect" in the system must be done to confront the challenges of the next generation—above all, the challenge of the racist minority which would divide, rather than draw together, the American people.

Nor are the steps to make the present system "more perfect" necessarily too difficult. In this reporter's opinion, the first requirement must be the elimination, by Constitutional amendment, of the entire Electoral College and the anonymous members who cast electoral votes. States, however, should continue to vote by state, giving or denying all their electoral votes to a single candidate, with no intermediary device of individual electors to permit escape from, or distortion of, their vote. If a third party manages to capture enough electoral votes—as is its right—to deny any candidate a clear majority of good, round, solid electoral votes, then, as the Constitution foresaw, the decision must go to a higher court of appeal. There is little reason that I can see to change the identity of the present Court of Appeal, which is the House of Representatives. But since, in such a case, the Federal idea of a vote by communities of states will have failed to prevail, the House should be released from its present Constitutional mandate to vote by state, unit by unit, one state, one vote. Congressmen, elected every two years, are the men closest to the swing of sentiment in American life; and they should be permitted to vote individually, one man, one vote, for the President (and his chosen running-mate, the Vice-President) until a majority has been reached among them. If, at some point to be determined, they cannot reach a majority, then, after a fixed limit of ballots, the man who earns the plurality

of votes among them, should be constitutionally accepted as President and his running-mate as Vice-President. And then it is up to him to make history. We may face a future of minority Presidents—but it should be remembered that the greatest of American Presidents, Abraham Lincoln, was the President chosen by the most diminished minority vote that ever elected a President of this country. He had a clear idea of what he wanted to do, and the country responded. There is no escape from the fact that men make history, and clear leadership gives ordinary men their only choice in history.

THE CONTINUING RESISTANCE OF THE CZECHOSLOVAK PEOPLE

Mr. DODD. Mr. President, August 21 marked the first anniversary of the Soviet occupation of Czechoslovakia.

The massive Soviet intervention inevitably resulted in new restrictions on the limited freedoms enjoyed by the Czechoslovak people and in a general tightening of the political regime.

But what is remarkable is that, despite the presence of the Soviet divisions in their country, and despite the threats of the Husak government, and despite the renewed activity of the Communist secret police, the Czech and Slovak peoples refuse to accept defeat. They have found a thousand different ways in which to manifest their resistance; and this resistance was never more apparent than on the first anniversary of the occupation of Czechoslovakia.

The massive demonstrations which took place in Prague and other Czechoslovak cities on August 21 were the subject of numerous articles in the free world press. But these demonstrations were not isolated events. They were, rather, the culmination of countless other demonstrations and acts of resistance that have taken place in recent months.

For example, the Wall Street Journal for August 21 reported:

> When some Russian dignitaries appeared last weekend at ceremonies opening an international bicycle race at Brno, Czechoslovakia's second largest city, they were greeted with hooting, catcalls and derisive whistling that lasted a full minute. When a delegation of Russian trade officials visited a Prague factory recently, they had to beat a hasty retreat after workers met them with a barrage of stones.

In another article, which appeared in the Washington Evening Star for July 31, Mr. Smith Hempstone reported that the Czechs have demonstrated their dissatisfaction by sending "hordes of unsigned critical letters to newspapers, foreign embassies, and to the Czechoslovak leaders." He also reported that the Czechs show their feelings by daily decorating with flowers and candles the pictures of the late and beloved Thomas Masaryk, and the Prague statues of King Wenceslas.

Mr. President, I ask unanimous consent to insert into the RECORD at the conclusion of my remarks these two articles.

I want to call attention in particular to the closing paragraph of Mr. Hempstone's article. This is what he said:

> . . . the Czechs remember Masaryk's motto—"The Truth Shall Make You Free"—and they are determined that, while it may be convenient and even necessary for the West to forget about Czechoslovakia, no man in generations to come shall believe that this small nation lost its freedom willingly.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 21, 1969]

ONE YEAR LATER—CZECHOSLOVAK DEFIANCE OF THE SOVIET INVADERS IS EVEN STRONGER TODAY

(By Felix Kessler)

PRAGUE.—One year ago today, Russian tanks rolled into Czechoslovakia and asserted Soviet dominion over the defiant Czech people.

Today, some 75,000 Russian soldiers remain on Czech soil. Pro-Soviet officials have taken charge of the government. Many liberals have been purged from their jobs in communications and labor.

And the Czech people appear to be more defiant than ever.

Their attitude has been most obvious, of course, in the demonstrations that have taken place in the past couple of days at Wenceslas Square in Prague. Thousands of people have gathered in the square to mourn the anniversary of the Russian invasion despite government warnings against hostile demonstrations and despite rough treatment by police and soldiers.

But the Prague demonstrations are but a public symbol of the seething hatred that Czechs have been demonstrating almost daily toward their conquerors and toward the government officials who have cooperated with them. When some Russian dignitaries appeared last weekend at ceremonies opening an international bicycle race at Brno, Czechoslovakia's second largest city, they were greeted with hooting, catcalls and derisive whistling that lasted a full minute. When a delegation of Russian trade officials visited a Prague factory recently they had to beat a hasty retreat after workers met them with a barrage of stones.

A RUMORED CLASH

Incidents like these have led to numerous rumors of clashes between Czech soldiers and Russian troops. One unconfirmed report by border guards claims that 30 Russians and a number of Czechs were killed after a drunken Russian officer fired on a Czech soldier.

This sort of atmosphere hasn't helped the hard-line Communist cause. "People are more firmly against the Communists than ever," says one middle-aged Prague resident. Official figures bear him out: In the first three months of 1969, 21,000 Czechs left the ranks of the Communist Party, compared with only 2,700 dropouts during the first three months of 1968, at the height of the liberal experiment of "socialism with a human face"—the cause of the invasion. While 9,000 new members joined in the first three months of 1968, only 4,000 were enrolled in the first quarter this year.

More ominous signs loom on the economic horizon for the Soviets and the current Czech regime. Industrial growth here is lagging 50% behind targets. Housing construction is 17% behind last year—a particularly serious problem. In Prague, a city of one million, only 276 apartments were built in the first six months of 1969, according to government figures. (Even this figure may be inflated; a housing official admitted during a televised interview that the city has 90,000 applications for new apartments—and added that only 54 were completed during the first half of 1969.)

MORE THAN THEIR SHARE

Agricultural production has dropped alarmingly, causing serious shortages of meat, poultry, vegetables and eggs. Though Czechoslovakia's pilsner beer is world-renowned, it's sometimes unavailable these days—and Czechs are perfectly willing to believe that Russian troops have been drinking more than their share.

Observers here say many of the shortages appear to be the result of worker reluctance to cooperate with the Russians. There have been reports of slowdowns in industrial plants, and farmers are reluctant to turn their products over to normal supply channels because they believe this will aid the Russians and their sympathizers.

Whatever the cause, the lagging production figures are brought home to housewives daily when shoes or furniture or even matches suddenly cannot be purchased. Sometimes, the few gasoline stations in the country run dry unexpectedly. As a result, citizens brave long lines to keep gas tanks filled at every opportunity.

After a 40-minute wait at a Prague station the other day, a visitor with an Austrian license plate finally reached a pump. "So, this is how life goes under socialism," said the friendly attendant, waving an arm at the long line of cars.

SOME BLACK HUMOR

Despite the hardships and hatred, many Czechs look at the situation with a kind of black humor. When it was rumored that former Communist Party leader Alexander Dubcek had been killed, the Czechs said it would be announced in a Soviet communique that "Comrade Dubcek agreed to his death in cordial and friendly discussions."

There's no doubt that Mr. Dubcek is still revered throughout Czechoslovakia for his part in trying to expand the freedom of the people before the invasion. In Prague and in small villages as well, his name is defiantly painted on walls—and repainted as quickly as government functionaries come through to obliterate it with whitewash.

Walls contain other anti-Soviet art work. The numbers 4–3, seemingly scrawled everywhere in Prague, record the score by which the Czech hockey team defeated Russia's in Stockholm last March. Swastikas and slogans liken the Soviet invasion to that of the Nazis 30 years earlier.

The defiance is sometimes sullen, sometimes amazingly direct. A poster prominently displayed in a restaurant on Wenceslas Square contains pictures of both Mr. Dubcek and President Ludvik Svoboda (another hero of the people) with the words, "We'll Never Give Up," and "No Surrender." As mini-clad girls and long-haired young men walk past some carbine-toting soldiers, a boy starts whistling the Marseillaise, the French anthem whose patriotic fervor makes it an international freedom song. (The word "Liberte," in fact, is painted on some walls.)

At the same time, pro-American attitudes are flaunted. At Brno, a young man wearing an army fatigue jacket has a five-inch American flag pinned on his chest. The Apollo moon flight received 11 hours of Czech television coverage; two billboards containing Apollo pictures are still scrutinized by Brno residents near a movie theater.

But as several Czechs remark to visitors, "There now are signs that the screws are going to be tightened." Many television newsmen have recently been told they're going to lose their jobs. (Despite the imposition of censorship, many Westerners here have been amazed at some aspects of TV news coverage, particularly the embarrassing questions that interviewers ask of government leaders.)

One TV reporter who has already been sacked says his fondest memories are of last August, when he broadcast over the clandestine radio after the invasion. "You know," he says, "Ive been 10 years in this field, and that was the best work I ever did. Those were terrible days, because people were being shot and killed. But they were also wonderful days. We were all together then, all of us—workers, writers, students. Now we're afraid of what we say over the phone again."

Despite the censorship and the banning of several publications, Czech writers haven't yielded completely. A Writer's Union resolution was passed rejecting the "harmful and unrestricted" nature of censorship and press supervision. Militantly anti-Russian trade unionists also came out with a public stand against censorship and interference in "our internal trade union life."

SURPRISING LACK OF CAUTION

Czechs make clear their feelings about Russians to total strangers with a surprising lack of caution. Moments after thumbing a ride, a middle-aged hitchhiker tells an American reporter that communism can't work because "it offers us no incentives." Then he invites the stranger to his house for tea. There, he and his wife joke at the shortcomings of Czechoslovakia's leaders and observe that tourism has fallen drastically this year. (Government officials admit that tourism is running 50% behind last year.)

The man, a former plant manager, is somewhat critical of the Dubcek administration for having moved too far too fast in defying Moscow, "Dubcek should have made some alliances," he says. "We should have had the army ready."

Reminded that the entire Czechoslovak nation could be crushed by Soviet armed might, he replies: "Houses can be restored, cities can be rebuilt—but not moral values. They crumble and are gone."

Few Czechs seem to accept the idea that Gustav Husak, who succeeded Mr. Dubcek as Communist Party leader, has been restricting freedoms not because he wants to but because he feels it's necessary to avoid Soviet wrath. When Mr. Husak appears in a movie newsreel, the audience starts whistling and hooting derisively. One citizen says Mr. Husak does "exactly what they want him to do," and this Czech is convinced that "any day now he'll come out and say it—that we wanted them to invade us."

A "DAY OF SHAME"

With Czechs in such a mood, it's not surprising that leaflets urging them to mark today as a "day of shame" have been well received. Aside from the gatherings in Wenceslas Square, Czechs were asked to place flowers on graves and monuments, to refrain from riding public transport and to stay away from stores. "It's important that we show we're not afraid," says a grandfatherly chemist who plans to participate.

Thousands of Czechs, of course, have fled their country. About 100,000 are currently estimated to be on vacation in the West, and no one knows how many will refuse to return by Sept. 15, the deadline set by the government for all current travel visas.

But many other Czechs are not leaving their homeland. "I know it probably sounds strange to you," says a woman journalist who has been fired from her job for criticizing the Russians, "But we're not leaving. It's our country—not theirs."

[From the Evening Star (D.C.), July 31, 1969]

CZECHS SHADOWBOXING AGAINST OCCUPIERS

(By Smith Hempstone)

PRAGUE.—Freedom-loving Czechoslovaks are waging a bloodless war of gestures against both their Russian occupiers and party boss Gustav Husak's authoritarian regime.

Since the 70,000-man Russian garrison here does its best to remain invisible, gestures of defiance to them are made indirectly through silent demonstrations of dissatisfaction with Husak.

With newspapers, radio and television now almost totally gagged, reformers are forced to resort to a kind of shorthand skirmishing to demonstrate their dedication to freedom.

Wall-painting is one such method, although it is becoming increasingly dangerous nowadays.

SOME SLOGANS LACKING

In a recent, five-day graffiti-viewing car trip through Slovakia, Moravia and Bohemia, this correspondent saw not a single wall-slogan acclaiming either Husak or his less appealing lieutenants, such as Czech gauleiter Lubomir Strougal.

There were scores of words scrawled on the walls of factories, homes and public buildings pledging loyalty to President Ludvik Svoboda, deposed party leader Alexander Dubcek, and demoted or ousted liberals such as Cestmir Cisar, Josef Smrkovsky and Frantisek Kriegel (one slogan with an international lilt spotted in rural Slovakia: "Long Live Apollo 13!")

Many anti-Soviet slogans have been daubed over by Husak's agents, as have some of those referring to Cisar, Smrkovsky and Kriegel.

The gesture-war at present centers around Kriegel, a burly, balding 61-year-old physician with the face of a bemused potato.

A CLASSIC EXAMPLE

Kriegel has devoted his life to the cause of communism and his case is a classic example of "the god that failed."

He served as a volunteer with the Republican Army in the half-forgotten Spanish Civil War which preceded World War II. More recently (1960–63), he worked as a medical adviser in Castro's Cuba.

One of the earliest and most sincere advocates of Dubcek's reforms, Kriegel was a member of the powerful party Presidium when Russian tanks swept into Czechoslovakia last August.

He was physically abused by Czechoslovak and Russian secret police who forcibly whisked him from Prague to Moscow after the invasion.

Soviet party boss Leonid I. Brezhnev, in barring Kriegel from the Moscow talks, is reputed to have asked: "What is this Galician Jew doing here?"

KRIEGEL RETURNS

Only when President Svoboda refused to go ahead with the talks in Kriegel's absence was he permitted to return to the conference table.

At the May 29–30 plenary meeting of the 180-member Czechoslovak Communist party Central Committee (the Husak regime had come to power on April 17), Kriegel was attacked by Stalinists for having voted against ratification of the Russian occupation by the National Assembly last October.

In a defiant speech which since has been widely circulated here clandestinely by the resistance movement, Kriegel said he had refused to vote for the accord because it had been written "not with a pen but with the barrels of cannons."

In retaliation for this "anti-party, anti-Socialist and anti-Soviet" peroration, Kriegel was dropped not only from the Presidium and the Central Committee but from the party.

DAILY ATTACKS

Currently there are almost daily attacks against him in the controlled press and by every party leader from Husak on down.

As one of the few means they have of showing their real feelings, numberless Czechs have sent bouquets of flowers and notes of appreciation to the suburban Prague as head of the rheumatic diseases section.

A more direct method of demonstrating dissatisfaction with the erosion of freedom here has been the dispatch of hordes of unsigned critical letter to newspapers, foreign embassies and to the Czechoslovak leaders.

The letters to newspapers seldom get printed, and then only to be shot down by editorial blasts from pro-Husak editors. But Rude Pravo, the official Communist party newspaper, last month bitterly acknowledged the existence of such an anti-government letter-writing campaign.

As another way of showing how they feel, Czechs daily decorate with flowers, candles and pictures of the late and beloved President Thomas Masaryk the Prague statues of King Wenceslas of Bohemia and of religious reformer Jan Hus, burned at the stake as a heretic in 1415.

For Aug. 21, the first anniversary of the Russian invasion, clandestine leaflets are calling on Czechoslovaks to boycott public transportation, movies, theaters, shops, restaurants and newspaper kiosks.

They are being asked to decorate the graves of patriots, to halt work at noon for five minutes and, if driving at the time, to stop and turn on their lights.

There is not much the Czechoslovaks can do to change things here. Neither Russian troops nor the present Prague regime are renowned as respectors of either liberty or public opinion

But the Czechs remember Masaryk's motto—"The Truth Shall Make You Free"—and they are determined that, while it may be convenient and even necessary for the West to forget about Czechoslovakia, no man in generations to come shall believe that this small nation lost its freedom willingly

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PERRY SUBMARINE BUILDERS

Mr. PELL. Mr. President, in nearly every field of human endeavor, there is a relatively small number of men who press back the boundaries of man's knowledge and extend the range of man's technological capabilities. These men are the pioneers and the entrepreneurs who reach constantly into the future, and by so doing help to form the future.

One such pioneer and entrepreneur in the field of oceanology is John Perry, Jr., of Florida. John Perry is a man who has placed his energy and resources behind his perception of the importance to man of ocean resources.

Last year, during a tour of Federal Government and private oceanologic facilities in Florida, I had the opportunity to visit one of John Perry's enterprises, Perry Submarine Builders, and, in fact, had the memorable pleasure of an undersea excursion in one of the Perry Cubmarines.

Because of his experience in ocean technology, Mr. Perry's views on the oceanologic program of the Federal Government, I think, are of considerable interest and value.

Mr. Perry's views, and a brief description of his accomplishments in oceanology, are provided in an excellent article by Mr. Colman McCarthy which appeared on the editorial page of the Washington Post of Monday, September 8. I ask unanimous consent that the article be printed at this point in the RECORD.

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

A MILLIONAIRE'S LOVE AFFAIR WITH THE OCEAN

(By Colman McCarthy)

RIVIERA BEACH, Florida.—During the third week of July, when most of the country was hooked watching the Apollo 11 moon trip, John Perry Jr., 53, a semi-eccentric, future-thinking millionaire, publisher and ocean explorer was bobbing a mile off the shores of Palm Beach, Florida. Perry was respectful of the moon venture but he looked on his own project that week as being considerably more beneficial to the nation's economy and welfare—even though he knew only oceanographers and few other odd ones would agree.

Perry, Yale '39, physically fit, witty, a childhood playmate of John F. Kennedy, a Nixon golfing partner, an avoider of Palm Beach parties, a Republican, is a rare oceanographer because he has a personal fortune to back up his projects and theories. That week in July, he was pulling off the first single atmosphere dry transfer in the ocean industry. In laymen's language, this means getting a man dry to an underwater habitat and back again without hours in a costly decompression chamber. The transfer was made from a Perry diver lock-out submarine to an 8-by-16 foot chamber 50 feet below the surface.

John Perry's present oceanographic goal is to create the fundamental technology for men to live and work in the sea cheaply and comfortably. He knows something about the need for comfort. In the mid-1950s, he narrowly escaped a shark while spearfishing in the Bahamas. "I had speared a fish and was coming ashore. My wife saw a shark trailing me. She yelled, and I looked around to see the shark's dorsal fin cutting the water. I took a shot at it with my speargun, but I missed and wounded my left hand instead. The whole episode started me thinking that someone ought to build a small submarine to hunt sharks. 'Why not me?' I said."

Not long after, the laughter among the socialites in Palm Beach was about the plywood-and-fiberglass submarine eccentric John Perry was building in his garage. Interest grew when Perry wheeled the contraption to dockside for launching. He jumped inside, but after being submerged a few minutes, the sides began caving in. Perry scampered free. Later, after recovering both the wreckage and his ego, Perry announced that the sub was a total failure in design, but a total success in inspiring him to build a second one. A year later, aided by an expert welder, he did. Its construction was so expert that the Navy leased it. No more laughter in Palm Beach.

Today, Perry Submarine Builders in Riviera Beach—directly north of Palm Beach—is the country's oldest continuous builder of commercial submarines and ocean habitats. In 1966, the Air Force rented Perry Submarine No. 4 to help search for the lost A-bombs off Palomares, Spain. Presently, the Perry plant is building a $700,000 sub that will take five men to 700 feet below; ready soon, also, will be a $15,000 submersible Monkeytat in which two experimental monkeys will take an extended dive.

Aside from the untapped mineral and food potential in the ocean, Perry talks fluently of other uses for the sea. "I've been thinking for some time of floating airports. Instead of taking up valuable land space, we should be using easily accessible water space. The floating airport would have two runways on a huge barge two miles long and one mile wide. It would rotate continuously into the wind so landing would be simplified. Underneath the airport would be a submerged nuclear power plant. Passengers would jet to the airport either by helicopter, harbor craft or subway."

A further use of the oceans foreseen by Perry is in medicine. "Being underwater has a profound positive effect on your metabolism. We know only a little about it, but there is already good reason to believe that the oxygen in the water greatly rejuvenates the blood. Also, the salt in the water brings out the body poisons. It's also true that after an hour or so of skin diving or being in a sealab, sex comes easier. Just think of the booming business an undersea lab will do once men in their sixties and seventies discover what underwater living will do for their waning sex lives."

With a laugh, Perry said it would even do something for those in their fifties. "Look at me. I'm an old goat at 53 and I have two children under three. So I'm just not talking theory."

Because he wanted to give full time to the oceans, Perry recently sold his Florida newspaper chain for a reported $50 million. As a publisher, Perry was more interested in technology than ideology. The Palm Beach Post-Times was the first newspaper in the country to use computers in its production. Another Perry innovation is the Electronic Retina Character Reader which scans 2,400 characters a second and records them on tape for photo engraving.

Editorially, Perry was aloof. One managing editor in the chain heard from the boss only once in 15 years, and then by memo. Often, Perry newspapers supported different political candidates than Perry, but he didn't mind. Last fall, Perry asked one of his editors if he would kindly support Nixon over Humphrey, provided the editor didn't have personal objections.

There was no way of knowing last fall, but Republican Perry now seems to regret Nixon's victory, at least regarding the future of oceanography. "The President appears to know little about it, and the Vice President even less. Look at the President's statement following Hurricane Camille. He said, simplistically, that we should send up more airplanes so as to better monitor hurricanes. "That's not the way to solve the hurricane problem. As a start, you have to know what's going on in the ocean before you can understand what takes place in the atmosphere."

The only way for the nation to take the oceans seriously, believes Perry, is for the federal government to reorganize its efforts and, without adding personnel, set up the National Oceanic and Atmospheric Agency (NOAA). This was recommended recently by the President's Commission on Marine Science, Engineering and Resources, of which Perry was a hard-working member.

"There is no civil agency doing anything about fundamental technology of the oceans," said Perry. "The Navy is involved but their technology is for destructive, military uses. Unlike NASA, an oceanic agency would not be a federal effort, but a national effort. The states would work with the federal government, with universities and private groups also involved. A free flow of information would be the main job of NOAA's companion—NACO, the National Advisory Committee for the Oceans."

A bill was introduced recently in the House proposing NOAA. Essentially, the idea is to get all the government's oceanic programs into one agency. Power-minded officials cringe at the idea, since the shake-up would involve over 45,000 employees in the Department of Transportation, the Weather Bureau in Commerce and the Bureau of Commercial Fisheries in Interior. But, Perry points out, "nobody should be frightened. No jobs will be lost and no more money will be needed."

Since the President has authority under the Reorganization Act to enact the proposed oceanic agency into law, loyal Republican Perry would like Nixon to act now, not waiting for a Democratic Congress to do it and receive the credit.

Party loyalty aside, Perry is proceeding as if he were the only man in the world concerned with the peaceful use of the oceans, putting in long days at his plant and in the ocean. He knows he isn't alone, of course; many others are involved also, oceanographers at Woods Hole, Mass., at the Smithsonian, the Ben Franklin and Tekite crews. But until the government wakes up and begins a serious oceanic development program, the efforts of men like Perry will likely remain as unnoticed and unfelt as the submarines in which they dive to the deep.

TRADE POLICY

Mr. PERCY. Mr. President, with new trade legislation proposals in the offing, I invite the attention of Senators to a letter published in the Wall Street Journal of July 22.

In the letter, Mr. William L. Law, president of the Cudahy Tanning Co., of Cudahy, Wis., makes the strong argument that the free market mechanism has the answer to most economic problems if we let it operate. He states that trade raises living standards and wages.

He looks at the past and says that no one likes competition, but that competition has given the United States the world's highest standard of living. He argues that trade does not cause unemployment, but, rather, money wages arbitrarily held above productivity. If unemployment threatens, the answer is not to reduce trade but rather to get money wages in line with real wages based on productivity.

For the incisive comments Mr. Law makes on the questions of trade and the operation of the market, I commend the letter to Senators and ask unanimous consent that it be printed in the RECORD.

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

LETTERS: ON THE MERITS OF FREE TRADE

EDITOR, THE WALL STREET JOURNAL:

Regarding your editorial of July 7th, "Out of Control," which alluded to the efforts of the leather industry through their trade organization, the Tanners Council, to curb imports of shoes, be advised that the industry is not unanimous in its efforts. Actions of the protectionists remind one of Dr. Milton Friedman's dictum that "the great enemies of free enterprise are business men and intellectuals—business men, because they want socialism for themselves and free enterprise for every one else; intellectuals, because, they want free enterprise for themselves and socialism for everyone else."

I have some knowledge of the subject, inasmuch as baseball glove leather was the principal product of our firm until 1957 when Japanese-manufactured ball gloves entered and ultimately captured 70% of the United States market. Today we tan no baseball glove leather. Sentiment in the ball glove industry at that time was very strong for protective action and I investigated the matter in some depth but found that I could not in good faith urge protectionist action on my Representative. Such action would have been wrong economically, politically and morally.

THE PRODUCT IS PROFIT

My sentiments may be colored by the fact that I look on myself not as a tanner whose product is leather, but as a capitalist whose product is profit. That climate most beneficial to capitalists and for that matter, to workers and society in general, is one in which there exists a minimum governmental interference.

The protectionist argument is almost as widespread today as it was 200 years ago, when Adam Smith so brilliantly demonstrated its fallacies. Fortunately, we have the work of Smith and his many successors plus the numerous empirical lessons on the benefit of free trade (of which the United States is a notable example) to demonstrate the advantages of unrestrained exchange; unfortunately, it seems that each generation must relearn the lesson.

No improvement can be made on Smith's understanding that "It is the highest impertinence of kings and ministers, to pretend to watch over the economy of private people and to restrain their expense, either by sumptuary laws, or by prohibiting the importation of foreign luxuries. They are themselves always, and without any exception, the greatest spend-thrifts in the

society. Let them look well after their own expense, and they may safely trust, private people with theirs. If their own extravagance does not ruin the state, that of their subjects never will. . . ." And further: "To give the monopoly of the home market to the produce of domestic industry . . . must in almost all cases be either a useless or a hurtful regulation. If the produce of domestic industry can be bought there as cheap as that of foreign industry, the regulation is evidently useless. If it cannot, it must generally be hurtful.

"It is the maxim of every prudent master of a family, never to attempt to make at home what it will cost him more to make than to buy. The tailor does not attempt to make his own shoes, but buys them of a shoemaker: The shoemaker does not attempt to make his own clothes, but employs a tailor; the farmer attempts to make neither the one nor the other, but employs those different artificers. All of them find it in their interests to employ their whole industry in a way in which they will have some advantage over their neighbors, and to purchase with a part of its produce, or what is the same thing, with the price of a part of it, what ever else they have occasion for. What is prudence in the conduct of every family, can scarce be folly in that of a great kingdom. . . .

"That it was the spirit of monopoly which originally both invented and propagated this protectionist doctrine cannot be doubted; and they who first taught it were by no means such fools as they who believed it. In every country it always is and must be the interest of the great body of the people to buy whatever they want of those who sell it cheapest. The proposition is so very manifest, that it seems ridiculous to take any pains to prove it; nor could it ever have been called in question had not the interested sophistry of merchants and manufacturers confounded the common sense of mankind."

The "sophistry" of which Smith speaks is in essence that being advanced today by protectionists: The U.S. is a high wage country; its industry is unable to compete with that in other countries; imports are increasing, and unless remedial measures are adopted our industries will be destroyed, our defense posture will be weakened and large-scale unemployment will ensue.

FREE TRADE ARGUMENT

On the other hand we have the rationale for free trade: We trade to obtain goods that are either unobtainable domestically, such as asbestos, or that can be obtained cheaper abroad—baseball gloves. Trade between individuals, between states, between nations, is economic and it does not reduce living standards of the participants, rather it enhances them. In short, trade raises wages. Those who think otherwise fail to understand that wages in the U.S. are the world's highest for a reason: Americans work with the most and the best tools. American industry has the world's highest average capital investment per worker ($23,000) and therefore has the highest average productivity per worker. We have high wages, but because of the multiplier (tools) we have low labor costs.

Certainly, labor-intensive industries are unable to compete. Give an Italian girl a needle and $20 per week and she will produce lace for one-fourth the cost of the American girl who receives $80 per week. Their productivity must be equal. However, give an American miner a giant mechanical shovel and $150 per week and by mining 100 tons he will produce much cheaper coal than the British miner with less efficient tools who receives $50 per week and only produces 20 tons. So we import handmade lace and we export computers.

Exports must equal imports. If this were not so, we should hope for all the imports we would get. Imagine receiving goods for nothing. But we must pay—and we pay with exports.

Those who would limit imports are taking a superficial view, and it is essential for the sake of our economic well-being that we consider this matter in depth. Consider not only the worker who competes with imports, but also the worker who is helped by exports.

Consider the consumers whose real wages are raised by cheap imports. Consider the merchants with whom the consumer who buys cheap imports spends the dollars saved. Consider the industries themselves which by competing in world markets are honed to a higher degree of competitive efficiency than they might otherwise be. Indeed, no one likes competition, but it is competition that has given the U.S. the world's highest standard of living.

Let those who say that free trade causes unemployment examine our history. They will discover that our periods of highest unemployment ocurred when tariffs were highest—a fact that doesn't necessarily indicate a correlation, nor would its reverse. Unemployment is not caused by imports, nor is it caused by automation or by growth of the labor force.

Unemployment is caused when money wages are arbitrarily forced or held above the level indicated by the market. Remember, the level of real wages in an area is in proportion to the capital investment per worker in that area. But if money wages are arbitrarily over-supported, unemployment ensues. To illustrate: In the 1929 inflation the money supply fell by one-third; prices of goods fell but the Administration used all weapons at its disposal to hold money wages up, and for 10 years 15% to 25% of the work force was unemployed. The situation was not corrected until 1940, when the Government took the opposite position (though for other reasons) and held wages down while it printed money to finance the war. Unemployment disappeared at once.

Most economists agree with the above position. One of them, Sir William Beveridge, wrote in his book, "Full Employment In a Free Society": "This potential effect of high wages policy in causing unemployment is not denied by any competent authority . . . as a matter of theory, the continuance in any country of a substantial volume of unemployment which cannot be accounted for by specific maladjustment of place, quality, and time is, in itself, proof that the price being asked for labor as wages is too high for the conditions of the market; demand for and supply of labor are not finding the appropriate price for meeting."

In the final argument, that national defense requires that the consumers subsidize these non-competitive industries, let it be said that this position has a better foundation than the others, though in most cases an insufficient one.

ENOUGH STEEL?

For instance, the chairman of a steel corporation asks, "Can we, for example, be assured of the strong defense if one quarter or more of the steel we require were imported from countries lying uncomfortably close to the Soviet Union and China?"

I imagine that we can, but properly this is a matter for the strategic planners within whose purview this matter falls, to be made in a calm and rational manner and without distortions urged by parties whose interests are not necessarily those pretended.

The free market has the answer to imports, to unemployment, to gold out-flow and to most economic problems if we will but let it function. If the level of money wages (the distinction between real wages and money wages is important) is so high that unemployment threatens and that the balance of trade is negative, then a high tariff policy will simply reduce exports and employment as it always has in the past. The answer to such a problem is hard money and the free market.

There is no other effective method. It is the only method consistent with the highest possible standard of living and a climate of political freedom.

WILLIAM A. LAW,
President, Cudahy Tanning Co.

WE SHOULD PRESERVE THE VAL VERDE PICTOGRAPHS

Mr. YARBOROUGH. Mr. President, I have spoken on other occasions about the many benefits to Texas which will come from the Amistad Dam and Reservoir on the Rio Grande near Del Rio, Tex. I am also sponsoring a bill to create a national recreation area at this site.

But, we should not permit this reservoir which will provide so many good things to be the destroyer of a valuable part of the history and heritage of the Southwest—the Val Verde Pictographs. These pictographs were painted under the cliffs overhanging the Rio Grande at the confluence of the Devil's River by the North American Indians who inhabited the region years before the white man came into the area.

These pictographs have been called some of the Nation's finest archeological and artistic treasures by the Texas Historical Foundation. Moreover, the National Park Service has recognized them as being of outstanding importance in its proposed master plan for development of that area.

On July 25, 1969, the board of directors of the Texas Historical Foundation unanimously adopted a resolution urging that every possible effort be made to preserve these pictographs.

Mr. President, I ask unanimous consent that the resolution of July 25, 1969, by the board of directors of the Texas Historical Foundation appear in the RECORD at this point.

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

RESOLUTION BY TEXAS HISTORICAL FOUNDATION

Whereas the finest and oldest Pictographs of the North American Indians are situated in various overhangs and caves around the confluence of the Pecos, Devil's and Rio Grande Rivers in Texas; and

Whereas these Pictographs have immeasurable scientific, historical, educational, cultural, archaeological and artistic values, they are irreplaceable. Recent construction of the Amistad Dam and Reservoir have caused these Pictographs to face imminent danger of destruction through increased exposure to the public and through carelessness, improper care, and outright vandalism; and

Whereas, in addition to the Pictographs themselves, these sites have other great archaeological values which are also facing destruction; and

Whereas these sites have been recognized in the proposed Master Plan of the National Park Service as being of outstanding importance;

Be it therefore resolved that the Texas Historical Foundation hereby recognizes these Pictographs, and the sites where they are located, as being among Texas' and the Nation's finest archaeological and artistic treasures, and urges that all possible attention be given at once to their preservation by the National and State governments, and

also by citizens and organizations everywhere who are interested in the preservation of the finest records of our country's past. This project is worthy of the Nation's best efforts.

BALLWYN MILLS, *President.*

VOLUNTEER SERVICE BY MEMBERS OF PHILADELPHIA BAR ASSOCIATION

Mr. DOLE. Mr. President, at a time when there is general recognition that Government is not able to solve all the demanding problems of our time, we must call upon the energies and the spirit of the American people themselves.

A program of volunteer action by members of the Philadelphia Bar Association was dramatically described by James C. Humes in the May issue of Judicature. Members of the legal profession performed a true service for their community while acting as observers and mediators during the hot summer of 1967. This contribution is all the more important in view of the fact that Philadelphia was the only major city where there were no riots. This valuable contribution to the community was discussed in the Wichita Eagle. I ask unanimous consent that it be printed in the RECORD.

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

INVALUABLE SERVICE

Lawyers can provide an invaluable service in cooling off confrotations, merely by acting as observers and mediators, according to an article in the May issue of Judicature.

The experience of Philadelphia Bar Association members in doing just that was related by James C. Hume, former executive director of that association. He is now a member of the White House staff.

In the hot summer of 1967, with riots erupting in city after city, the Philadelphians determined they could help prevent such explosions if they took turns staying at police stations in or near the Negro areas.

It was an illuminating experience for the lawyers, and helpful to the community. They stayed quietly in the background, but in a period when police were under severe strain and working long hours, the mere presence of the lawyer helped police control themselves in aggravating circumstances.

The lawyer-observers were able to refute rumors of police brutality inside the station houses. Sometimes these rumors were spread deliberately to incite trouble. Since many of the lawyer-observers were Negroes themselves, they were believed by the hostile crowds.

So well did the program work that the Philadelphia lawyers now have permission to start a program of putting members of their association into ghetto schools, to act as observers and mediators and help head off trouble before it erupts.

One interesting point is that the lawyers decided against merely asking for volunteers, for it was felt that a preponderance of civil rights activists might be obtained, who would unconsciously provoke trouble instead of preventing it. By paying the observers, through a quickly approved state-federal program, the Philadelphians also assured that more ghetto lawyers would be recruited.

The experience of Philadelphia should be of interest to lawyers in other cities—Wichita, for instance.

DEATH OF FORMER SENATOR THYE

Mr. McCARTHY. Mr. President, I was sorry to learn of the death of Edward J. Thye, who served the State of Minnesota as Lieutenant Governor, Governor, and U.S. Senator.

His particular efforts in the Senate in behalf of legislation concerning agriculture and small business reflected the proper interests of many of his constituents. Beyond this, he competently and honestly concerned himself with the needs of health, education, international organization, and civil liberties as they were developed and defined during his years in the Senate.

He is remembered by the people of our State as a friendly man who genuinely enjoyed participation in local meetings and the affairs of the community and State. He respected the offices he held and fulfilled his duties conscientiously.

I ask unanimous consent that news stories concerning his death which appeared in the Minneapolis Tribune and the New York Times on August 29 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 29, 1969]

EDWARD THYE, 73, EX-SENATOR, DIES—MINNESOTA FARM LEADER ALSO SERVED AS GOVERNOR

NORTHFIELD, MINN., August 28.—Edward John Thye, who served three years as Minnesota governor and 12 years as a United States senator, died at his farm home here today. He was 73 years old. The retired Senator had been ill with emphysema for some time.

He leaves his second wife, Myrtle, and a daughter, Mrs. Eugene Bartlett of Chicago.

BIGGEST VOTE-GETTER

Mr. Thye was elected governor of Minnesota in 1946, he received the biggest vote and the biggest majority ever given a Governor of that state. When two years later he was elected to the United States Senate, he got nearly two-thirds of the votes cast.

To his electorate, the six-foot tall politician, of Norwegian descent, was "a farmer with genuine appreciation of the problems of farmers," coupled with a deep interest in such far-from-the-farm subjects as international organization for peace and the improvement of labor relations.

The future political leader's initiation into public life came through his local government and agricultural activities. In 1925 he became president of the Sciota Town and School Board, and four years later he began an 11 years' presidency of the Dakota County Farm Bureau.

RECRUITED BY STASSEN

Harold E. Stassen, then Minnesota's governor, induced Mr. Thye to take the position of Deputy Commissioner of Agriculture. In 1942 Mr. Stassen persuaded Mr. Thye to run on his ticket for Lieutenant Governor. He became governor on April 27, 1943, when Mr. Stassen resigned his post to enter the Navy for service in World War II.

He was reelected to serve a full term as governor from 1944 to 1946. Then he was elected to the Senate, and reelected in 1952.

His bid for a third term was blocked in 1958 by the victory of Eugene J. McCarthy, a Democrat. Mr. Thye's victory in 1952 marked the last time a Republican was elected to the Senate from Minnesota.

Mr. Thye made a reputation for unusual success in settling labor disputes during his term as Governor.

Mr. Thye was born near Frederick, S.D., and grew up on a farm in Northfield, Minn. He used to wrestle with his brother Ted, a professional wrestler.

FOND OF FARM SOCIETY

Mr. Thye was fond of attending farm gatherings and meetings of all kinds. Visiting county fairs, he usually could be found out in the cow barns. When he went to the mines, he went underground and visited with the men as they changed shifts.

During his Senate career, Mr. Thye was known as a liberal Republican. He was a strong advocate of American international involvement. In World War I he served in the Aviation section of the Signal Corps in Italy.

Mr. Thye generally supported foreign aid legislation in both the Truman and the Eisenhower Administrations. He championed Federal aid to education and voted for bills to eliminate racial segregation.

Most of Mr. Thye's activity in the Senate, especially during his second term, revolved around the farmer and the small businessman.

[From the Minneapolis Tribune, Aug. 29, 1969]

EX-SENATOR THYE DIES; PRAISED BY LEADERS

Minnesotans began paying tribute Thursday to the character and 20-year political career of former governor and U.S. Senator Edward Thye, 73, who died late Wednesday night on his Northfield, Minn., farm.

The tall, bespectacled farmer, the late Minnesota governor from an essentially rural background, ended in 1958 a career that had taken him from deputy state commissioner of agriculture to two-term U.S. Senator, the last Minnesota Republican elected to the Senate.

His bid for a third term was blocked by then Rep. Eugene McCarthy, the Democrat who still holds the Senate seat.

After the defeat, Mr. Thye returned to his 563-acre farm about six miles northeast of Northfield. He farmed until two years ago when he suffered a heart attack and double pneumonia and decided to lease all but a small portion of his farm.

In recent years he also suffered from emphysema, which worsened lately, necessitating his frequent use of an oxygen tank.

Born April 26, 1896, of Norwegian-American parents in Frederick, S.D., he came to Minnesota's Dakota County at age 9. Although the family mailing address has remained Northfield, Mr. Thye attended public schools in Dakota County before joining the Army during World War I.

Entering as a private, he served in France and was commissioned a second lieutenant in the Army Air Corps.

Returning to Northfield after the war he first rented and then bought his boyhood home.

His first public service was in 1933 and 1934 when he worked as a federal land bank appraiser in Sibley and Nicollet Counties, but he vaulted into statewide politics in 1939.

His long-time friend Harold Stassen, then governor, appointed Mr. Thye deputy commissioner of agriculture. When Stassen was reelected in 1942, Thye was his lieutenant governor. The next year Stassen quit to join the Navy for war duty and Mr. Thye became governor.

He was elected to the U.S. Senate in 1946 and reelected in 1952.

Mr. Thye married first in 1921. His wife, Hazel, died in 1936 and six years later he took his second wife, Myrtle, who survives him.

He is also survived by his daughter, Mrs. Eugene Bartlett of Chicago, Ill.; three sisters, Mrs. Reka Tommeross, Kenyon, Minn., Mrs. J. A. Therres, Minneapolis, and Nettie Thye,

Portland, Ore.; a brother, John, Salem, Ore., and four grandchildren.

The funeral will be 2 p.m. Saturday at St. John's Lutheran Church in Northfield and burial will be in the Northfield Cemetery.

Gov. Harold LeVander, a friend of Mr. Thye's for many years yesterday issued a statement calling Mr. Thye one of the state's "most faithful and dedicated servants."

"His service to his state and nation was given with sincerity, distinction and high respect for the public offices he held," LeVander said.

Former Gov. Harold Stassen also saluted Mr. Thye as a "wonderful friend . . . one of the stalwart type of men who, through the years, have made Minnesota a great state."

Former Gov. Elmer Andersen, former state Republican Chairman Robert Forsythe, current GOP Chairman George Thiss and other state leaders spanning several political eras yesterday acclaimed Mr. Thye as a dedicated public servant.

Even as U.S. senator, Mr. Thye remained close to his farm roots. Guiding a reporter around his farm in 1947, he said, "The greatest way of relaxing that I can find is to go to work on my farm whether it's driving a tractor, working in the fields or just in the dooryard . . . And when I want to go to work here, no filibuster can stop me."

After his Senate defeat in 1958 he kept his interest in politics and was the honored guest at a reception that year attended by then Vice-President Richard Nixon who pronounced Mr. Thye "a swell guy" and "a solid man."

LEADING FOLKSINGER-FOLK HISTORIAN SUPPORTS S. 1591

Mr. YARBOROUGH. Mr. President, it is always gratifying to me to learn of public support for my legislative proposals. This past spring I introduced S. 1591, a bill to create an American Folklife Foundation. This bill has generated considerable public support from a broad spectrum of the public.

One of the Nation's leading folksingers and folk historians, Alan Lomax, has given his support to this proposal. As Mr. Lomax points out, one highly beneficial effect of my bill would be the creation of new channels of communication between the various cultural and ethnic subgroups in our society. By studying the diverse cultural and social backgrounds of our people, we can hopefully reach a greater degree of common understanding and tolerance so lacking in this Nation today.

Mr. President, I ask unanimous consent that a letter from Alan Lomax, supporting my bill S. 1591, be printed in the RECORD.

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

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, BUREAU OF APPLIED SOCIAL RESEARCH,
New York, N.Y. May 12, 1969.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Thank you for your good letter. Again, I urge you to press forward the passage of your bill. An important source of anger and conflict in America today lies in the suppression and maltreatment of minority cultural patterns, especially the black, the Amerindian and the Latin. We are becoming a nation that does not know itself because of our denial of our roots.

When your bill becomes a law, as I hope it soon does, I hope that you will personally make sure that much of the money is spent in putting the trained cultural workers of this country—anthropologists, folklorists and folk singers—to work in the American community. These people can find the avenues for expression, for education, and for emotional outlet at the community level. Jimmy Driftwood's Arkansas Festival has pointed the way. The same work now urgently needs to be done in other hundreds of American areas, and your bill would do much to make this possible.

Sincerely yours,

ALAN LOMAX,
Director, Cantometrics Project.

DEATH OF GALVIN MAXWELL

Mr. PELL. Mr. President, I have noted with sadness the death this week of Galvin Maxwell, a writer whose talents brought warmth, humor, and understanding to the lives of millions of persons.

Mr. Maxwell had a great love of animals, of nature, and of people, and he succeeded in conveying this love to others through his writing. His works included "A Reed Shaken by the Wind," "Lord of the Atlas," and "The Ten Pains of Death." But he was perhaps best known for his book "Ring of Bright Water," his very popular and moving book about an otter and this animal's profound impact on the life of a man.

We have heard of late a great deal of commentary on the trends of taste and morality in literature and in motion pictures, on the volume of commercialized sex-heavy entertainment, and on the paucity of books and films that the entire family, young and old, can enjoy together.

Galvin Maxwell's works stand out as an exception to this trend. He demonstrated that commercial success need not be based on startling breaks from convention in style or subject matter. Both his book, "Ring of Bright Water," and the excellent motion picture with the same title, have been warmly received by both the public and by film critics.

These works will stand as an enduring monument to the perception, sensitivity, and warmth of Galvin Maxwell.

FOOTSTEPS ON THE MOON

Mr. CURTIS. Mr. President, the successful landing of a man on the Moon and his return to Earth has caught the imagination of hundreds of millions of people around the world. This accomplishment together with the fact that all the world could see it as it happened has done much for the prestige and good name of the United States.

On Thursday, August 21, 1969, the Uptown Citizen, published in Washington, D.C., carried a poem, entitled "Footsteps on the Moon," written by Mattie Richards Tyler. I ask unanimous consent to include that poem in my remarks.

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

FOOTSTEPS ON THE MOON

(Dedicated to our Astrounats—Neil Armstrong, Edwin Aldrin and Michael Collins—and to all who contributed, across the years, to the Space Program that made possible the brilliant success of Apollo Eleven's Mission to the Moon.)

(By Mattie Richards Tyler)

Apollo Eleven 'hitched her dreams to a star'!
The world, astonished, watched with awe and prayer,
As Columbia and her Eagle traveled far . . .
Then—footsteps on the moon—our men were there!

O tell us, Astronauts, what did you find
Beyond those rocks and specimens of soil
That you brought home? Man's scientific mind
Is analyzing them with cautious toil.

Did you feel God was standing at your side,
Or sense terrestrial hemispheres in tune—
As man looked on, with universal pride,
And watched your first slow footsteps on the moon?

From the Sea of Tranquillity you spoke to earth:
"We came in peace for all mankind!" Goodwill
And brotherhood, a fresh new start, rebirth
Of hope . . . throughout the listening world a thrill!

Upon the moon you stood, courageous tall—
Planting our Flag, but claiming the Moon for all.
The Moon—11:40 p.m. EDT Sunday, 7–20–69.

THE 30TH ANNIVERSARY OF THE MOLOTOV-RIBBENTROP PACT AND ITS SECRET PROTOCOLS

Mr. DODD. Mr. President, August 23 marked the 30th anniversay of the infamous Molotov-Ribbentrop pact, which led only several weeks later to the beginning of World War II.

Under the secret protocols which were part of this pact, Hitler and Stalin agreed to the partition of Poland, while the Soviet Union was given a free hand in the Baltic States and Nazi Germany was given carte blanche elsewhere in Europe.

I want to call to the attention of Senators a statement issued by the Joint Baltic American Committee on the occasion of the 30th anniversary of the Hitler-Stalin agreement, and I wish to ask unanimous consent that the full text of this statement be printed in the RECORD.

I want to express my complete personal agreement with the concluding paragraph of this statement, which reads:

It should never be forgotten that the beginning of the Baltic tragedy goes back to the Molotov-Ribbentrop Pact, the high-handed decision of two greedy dictatorial powers to impose their will on their smaller neighbors. It is our firm conviction that there can be no lasting peace in the world until the injustices perpetrated by these dictatorships are corrected; until freedom, independence and a democratic form of government are restored to Estonia, Latvia and Lithuania; and until the principles of international law are in general re-established in relations among all nations.

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

THE 30TH ANNIVERSARY OF THE MOLOTOV-RIBBENTROP PACT AND ITS SECRET PROTOCOLS

On August 23, 1969 thirty years will have passed since the signing of the infamous Molotov-Ribbentrop Pact between the Soviet Union and Hitler Germany. A secret protocol attached to this so-called Non-Aggression

Treaty entered into by these two countries on that day divided their spheres of interest in the Baltic States, Estonia, Latvia and Lithuania, giving Lithuania to Germany, and Estonia and Latvia to the Soviet Union. Another secret protocol, similarly signed by these two powers one month later, on September 28, 1939, somewhat changed the earlier demarcation line by allotting all three of the Baltic States to the Soviet Union. But the essence of the agreement remained the same: it allowed these two dictatorial powers a free hand to deal as they wished with the smaller democratic nations situated between them.

The three Baltic nations involved were not consulted at all. The fact that they wanted to maintain their independence, their freedom, absolute neutrality and peace did not matter. Peace treaties and non-aggression treaties at that time in existence between the three Baltic States and the Soviet Union were disregarded. The principle of self-determination of nations and other principles of international law were utterly ignored.

The high-handed settlement by the two dictatorial powers of their potential differences in the territories between them made it possible soon thereafter for both of them to attack and divide Poland, and for Germany to risk entry into the war with the Western powers.

As to the Baltic countries, the events following the signing of the Molotov-Ribbentrop Pact clearly spelled out the intentions of the Soviet Union. Very soon thereafter, by the threat of force, it imposed on Estonia, Latvia and Lithuania so-called mutual-assistance pacts, which allowed the Soviet Union military bases on the territories of these independent states. On September 28 of the same year Estonia, on October 5 Latvia, and on October 10 Lithuania were forced to sign in Moscow their acquiescence to the establishment of such bases, and soon thereafter Soviet troops were stationed within their boundaries. At that time the Soviet Union still pretended to recognize the independence of the three Baltic countries, but in mid-June of 1940 ultimata were presented to them by the Soviet Union, demanding immediate admission of Soviet troops into their territories and radical changes in their governments. On June 15 Soviet troops in great numbers marched into Lithuania, and on June 17 the same fate befell Latvia and Estonia. Thus with the Western powers involved in a war with Germany, and with Germany having agreed to freedom of action for the Soviet Union in the Baltic area, the three small nations stood alone in the face of the Soviet military juggernaut and could not resist its brutal aggression.

In line with orders from the Kremlin and the Red Army in full military control of the three prostrate nations, the Soviet emissaries forced upon them new governments to their liking and staged fake "general elections" of puppet parliaments, which then in turn petitioned admission of the three countries to the Soviet Union. Thus the complete annexation of the three independent Baltic states was accomplished in less than two months after their military occupation and in less than a year after the signing of the Molotov-Ribbentrop Pact.

A number of great statesmen of the Western world in their memoirs, and many political scientists and historians in their books, have accurately described the actual happenings in the Baltic countries in the course of that fateful year and the true meaning of these events. Volumes of official documents, among them the reports of the United States diplomatic missions in the Baltic and nearby countries, have likewise unmasked the attempted disguises by the Soviet Union of this act of forcible military occupation and annexation. The Government of the United States has never recognized this wanton Soviet seizure of Estonia, Latvia and Lithuania and still recognizes the diplomatic representatives of the three republics as the lawful representatives of the Baltic people in Washington. As early as July 23, 1940 Under Secretary of State Sumner Welles, acting on behalf of the United States Government, branded the action of the Soviet Union in the Baltic as "devious processes" and spoke of the deliberate annihilation of the Baltic Republics. Those Estonians, Latvians and Lithuanians who escaped the Soviet occupation and are now scattered all over the free world will never cease—individually and through their respective national organizations—to protest the destruction of their native states and to demand their restoration.

It should never be forgotten that the beginning of the Baltic tragedy goes back to the Molotov-Ribbentrop Pact, the high-handed decision of two greedy dictatorial powers to impose their will on their smaller neighbors. It is our firm conviction that there can be no lasting peace in the world until the injustices perpetrated by these disctatorships are corrected; until freedom, independence and a democratic form of government are restored to Estonia, Latvia and Lithuania; and until the principles of international law are in general re-established in relations among all nations.

Therefore, on the thirtieth anniversary of the infamous Molotov-Ribbentrop Pact and its Secret Protocols we address to the United States Government and the American people, as well as to the governments and people of all the nations of the Free World, a plea that they raise their voices in protest and take action, by peaceful means, to remedy the injustice inflicted upon Estonia, Latvia and Lithuania.

For the Joint Baltic American Committee.

HEIKKI A. LEESMENT,
President, Estonian National Committee in the United States.

PETER P. LEJINS,
President, American Latvian Association, Chairman.

EUGENE A. BARTKUS,
President, Lithuanian American Council.

TED CLUB OF AMARILLO, TEX., CALLS FOR A 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the TED Club of Amarillo, Tex., has joined with a host of civic and conservation organizations who have recognized the urgent need for preserving this unique wilderness in southeast Texas. The resolution calls for the establishment of a 100,000-acre Big Thicket National Park.

Not only is the Big Thicket known for its unmatched beauty and rich and diverse plant and animal life but it is also steeped with history. Sam Houston planned to hide his army of Texas patriots there if his attack on the Mexican Army of Santa Anna had failed. Its dense tangles provided excellent hiding places for the runaway slaves and outlaws during the Civil War, and draft dodgers and conscientious objectors found safety in its brush and canebrakes in a number of wars.

The Big Thicket is a part of the history of this Nation. We should not allow this great work of nature to be lost to mankind. We must act now to save the Big Thicket.

Mr. President, I ask unanimous consent that the resolution of the TED Club of Amarillo, Tex., be printed in its entirety at this point in the RECORD.

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

Whereas, the Big Thicket of Texas is a meeting place for eastern, western and northern ecological elements; and

Whereas, this is the last stand in Texas of the nearly extinct Ivory-billed Woodpecker; and

Whereas, this beautiful and unique area is rapidly being destroyed by bulldozer and chain saw; therefore

Be it resolved that the T.E.D. Club of Amarillo, Texas, urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be it further resolved that the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S. 4 which would create a Big Thicket National Area.

Mrs. HARRY E. GLADMAN,
President of T.E.D. Club.

TENNESSEE WALKING HORSE: A CHILD'S VIEW

Mr. TYDINGS. Mr. President, on Wednesday, September 17, the Subcommittee on Energy, Natural Resources, and the Environment will hold a hearing on S. 2543, my bill designed to end the cruel and unnecessary practice of deliberately "soring" the feet of the Tennessee walking horses in order to alter their natural gait.

Recently I have received a letter about this bill from a young girl named Becky Taylor. Becky is 14½ years old and lives in Coquille, Oreg. As one who admires horses she knows how cruel this practice of "soring" is. In her letter Becky points out that people who do such a thing must be very greedy indeed. She rightly states:

If a horse is worth anything for what he does, it should be done the right way or he is worth nothing.

Becky Taylor's letter is full of insight and worth reading. I commend Becky for writing it and call the letter to the attention of my colleagues.

Mr. President, I ask unanimous consent that Becky Taylor's letter on the Tennessee walking horse now be printed in the RECORD.

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

COQUILLE, OREG.,
September 6, 1969.

Re S. 2543.
Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SIR: I'm writing this letter in regards to the article in the Christian Science Monitor, "Soring must stop".

I am only 14½ but I'm a great lover of horses. I do not own a horse now, but hope to when I'm older.

I feel that only people who are money hungry would do such a thing. Some people in such a state do not care about what they do to other things just as long as they get the money. In this case it is the Tennessee Walker that is being abused. If a horse is worth anything for what he does, it should be done the right way or he is worth nothing. People should take time to think about this matter. I'm sure such a teacher would not

make a child's hands sore so that they would not write so hard. I'm sure that the teacher would sit down and explain to the child about the problem and in time it would straighten out. It is the same way with a horse. If you are happy and have patience, the horse will sense it and want to work for you, he might even learn or want to learn faster than if you make the feet sore. There is no sensible reason for wrecking something if you're going to be money hungry. Don't involve others in your madness, you really don't get rich anyway, you only lose more than you gained.

That's all there is you could say about the subject. I sincerely hope that this letter will be of some help to have the bill passed. I thank you very much for giving my letter some of your time.

Sincerely,

BECKY TAYLOR.

TRIBUTE TO MARIE SUTHERS

Mr. PERCY. Mr. President, in a time when forgotten people and minorities throughout the world are seeking to establish themselves as responsible nations and individuals with a character and dignity of their own, it is well that occasionally we look back here in America and remember that many segments of our own people did not start automatically with that ringing and exhaulting moment in the Declaration of Independence when a new people declaimed that "all people are born free and equal."

Nothing more clearly denotes the truism that a nation is but the shadow of many individuals and their contributions are citizens that make a nation and a people great. Their milestones become the stairways to the stars, a path for others to follow, a higher plateau from which to continue ascent. Such a milestone was observed in Illinois on September 11 when our ladies recognized the 52 years of service of Marie Suthers who began carrying banners for women's suffrage in 1917 while still in college and has proved the point of women voting and participating actively in government at all levels by serving as a State representative, a delegate to the National Republican Convention, and now is completing 17 years as the minority member of the Board of Elections Commissioners of the City of Chicago. I ask that a biographical sketch be placed in the RECORD.

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

Biographical Sketch of Marie H. Suthers

Member of the Board of Election Commissioners of Chicago since 1952.

Native Chicagoan; gradate Chicago Teachers College; homemaker; married; husband, W. Glen Suthers; son, William B. Suthers.

Profession: Former teacher, Chicago Public Schools, elementary and adult Americanization divisions; registered parliamentarian, currently serving local, State and National organizations; author of "Primer in Parliamentary Procedure" and other publications on organization procedure. Teacher, classes in parliamentary procedure.

Former member, Illinois General Assembly (State Legislature).

Organization activities: President, Illinois Association of Parliamentarians.

Formerly president, Chicago Association of Parliamentarians; president, American Legion Auxiliary, Department of Illinois; president, Illinois & National Federations of Women's Republican Clubs; chairman, Illinois Women's Conference on Legislation; secretary, National Council on State Legislation; president, Alliance of Business & Professional Women of Chicago; dean emeritus, Illini Girls State.

Memberships: Alliance of Business & Professional Women of Chicago; American Legion Auxiliary, Beverly Hills Unit No. 407; Morgan Park Woman's Club; DAR, Dewalt Mechlin chapter; PEO, Chapter E. U., Illinois.

Political activities: Marched with college delegation in suffrage march, 1917.

Called by Mrs. Mary Silvis, vice chairman, women's division, State central committee, to do volunteer work for C. Wayland Brooks, candidate for Governor, 1936.

Volunteer work in 19th ward headquarters and for Mrs. Silvis organizing clubs throughout the State and planning for the organization of the Illinois Federation of Republican Women, 1936–40.

Organizer and temporary chairman, first meeting of the Illinois Federation of Republican Women, elected first President, 1940.

Elected president, National Federation of Republican Women (1944, Introduced Dewey at national convention in Louisville, Ky., before a mass meeting of 30,000), 1942–46.

Speaker sent out by the Republican national committee in various campaigns, 1942–50.

Elected representative, old 13th Senatorial District, 1950.

Appointed Republican member, board of election commissioners, 1952 to present.

Elected delegate to the Republican National Convention, Third Congressional District, 1964.

ENDANGERED SPECIES OF WILDLIFE

Mr. YARBOROUGH. Mr. President, since I first introduced my bill, S. 335, to preserve and protect endangered species of wildlife we have heard a great deal of comment about it and interest is continuing to grow.

I have recently read an article, "Endangered Species," written by Mr. James K. Langhammer. Mr. Langhammer is the curator of education at the Detroit Zoological Park and president of the Greater Detroit Aquarium Society. In this article, Mr. Langhammer presents a very enlightened point of view on the need for legislation to protect endangered species throughout the world.

Mr. President, I ask unanimous consent to have the article "Endangered Species," by James K. Langhammer, which appeared in the June 1969 issue of Pet Shop Management, printed at this point in the RECORD.

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

ENDANGERED SPECIES

(By James K. Langhammer)

At long-last the public is awakening to the plight of the world's wildlife. It would be difficult to decide what has been the motivating force in this realization that many of the large and commonly recognized species of wildlife may not survive into the next century. Perhaps it has been the much-publicized programs to protect such species as the North American whooping cranes and trumpeter swans, the Hawaiian geese, the European bison, and the orangutans in Borneo and Sumatra. Zoos themselves are becoming increasingly aware of the need for self-perpetuating captive colonies. Dr. Robert F. Willson, Director of the Detroit Zoological Park, was recently quoted in the *Detroit Free Press* as saying that one of the many functions of a zoo is protection of the endangered species. Perhaps it has been the tremendous recent affluence of the American public which has permitted such luxuries as the intimate contact with exotic pets. The reason itself is far less important than the fact that suddenly *we* do care. But what can *we* do?

Through the efforts of several concerned men, proposed legislation has been introduced into the House and Senate on the national level to aid in the production and preservation of endangered species. These proposals have been the brunt of several converging attacks by unrelated industries which seem to be placing the immediate dollar before the long-range survival of a living species.

INDUSTRIES

Before proceeding further let me state that *no one* who has not read the proposed legislation should attempt to discuss it pro or con. *Pet Shop Management* has previously contained opinions and editorials that I'm sure were prepared by interested and sincere men, yet which raised such questions and expressed such views that these men must surely either have not read the proposed legislation or had read it hurriedly without analysis. Copies of H.R. 4812 and H.R. 248 are available from the U.S. House of Representatives, Committee on Merchant Marine and Fisheries, Room 1334, Longworth House Office Building, Washington, DC. 20505. Copies of S. 335 and S.1280 are available from Senator Warren G. Magnuson, Chairman, Senate Commerce Committee, United States Senate, Washington, D.C. 20510.

Since I am writing at the moment for the consideration of the pet industry, let me stress that you are only one industry involved in this legislation. Please don't lose sight of the fact that your voices are numerous and influential and if raised illogically may well alter or impede this legislation in a manner that we may all regret some day—too late, perhaps, for the future of our wildlife. If you haven't already done so, look at the Red Data Books of the International Union for the Conservation of Nature and see which of your pet stock will be outlawed today. Very few, if any, of the items most of you now sell are listed therein. If tomorrow they become endangered, then tomorrow they should be protected and at that time they'll receive the dubious distinction of inclusion in the Red Data Books.

I think that there can be little doubt that the industries that will be hurt will be those dealing in furs and hides. And these commodities which appeal to the wealthy indeed become more sought after and valuable as the rarity of the original bearer increases! This, tragically, after all is high fashion!—near exclusivity of ownership. Were our only concern for endangered species centered in the pet trade, then I believe we could all breathe easier. For, as Alton Freeman stated in the February PSM, the price and demand in pet animals vary inversely, and in all probability as the stocks of these smaller species become less collectible someone would farm them.

Let us turn momentarily to the Ad Hoc Committee's April PSM report. Support is offered to H.R. 4812 if several changes are made. The first requests a voice of the pet industry in the declaration of what species are endangered. In itself this is a harmless request, but one without any real merit. A species is either endangered or it isn't. The IUCN is an international committee whose job is to evaluate the status of wild species. The fact that an animal was or is a popular and widely sold pet species has no lessening influence on its endangered status today or tomorrow. When it becomes endangered, farm it. The feasibility of this is practical even in the case of ocelots, margays, caimans, and large psittacine birds. Sec. 3A (H.R. 4812)

clearly makes provision for the importation of stock for legitimate breeding efforts. Stock sold singly or even in pairs to apartment dwellers, etc., obviously does not meet this requirement, even though limited breeding successes might be achieved. Without unfair reflection on the entire pet industry, wouldn't your overall efforts toward supervision be better directed to eliminating the unethical and open pet traffic in illegal alligators, gila monsters, Texas tortoises, and horned lizards (horned "toads")?

REGULATION

This leads nicely into the second proposal of the Ad Hoc Committee: "The banning of a species as endangered by the United States should not be permitted unless the home country has offered it protection also." Such homeland protection is admittedly desirable but may not be practical. Some undeveloped and impoverished countries simply would not care. If we can provide partial protection to a species by forbidding its entry, we should do so. The Committee's arguments seem to stem from the fear that the animals will be channeled into other world markets and no real protection would result. I doubt the logic here since the exotic pet market exists only in a few areas of the world, all of which—Japan, Europe, the U.S.A., etc.—are cognizant of the efforts to conserve the world's wildlife and are cooperating. As I implied earlier, evaluation and self-regulation by the pet industry would be more meaningful to the status of these endangered species than this pseudo-righteous concern.

One important distinction must be made here and firmly borne in mind. *A species may be endangered in the wild but be well established in captivity.* As efforts are made to propagate those desirable pet species which have been temporarily banned, their status can change and entry may again be allowed for captive raised stock. Certainly careful supervision of such imports will be necessary, since the pet industry has within it people who have proven themselves unscrupulous enough to smuggle illegal animals at any opportunity. Hopefully such species can be farmed so readily that captive stock will be cheaper than wild.

Also let us not deceive ourselves that any one pet is irreplaceable as a marketable item. To a child or a classroom, a pet turtle of any species is adequate; it need not be the rare collector's item so prized by the specialist. I do not condemn the specialist for his interests, but I think we cannot equate the non-availability of a specific collector's item with the loss of an inexpensive non-specific pet type.

In the April *PSM* the Ad Hoc Committee also stresses the need for a provision in the legislation for the study and evaluation of endangered species, their propagation, and preservation as wild species. All of this is clearly and succinctly provided for in Sec. 5 and 13B of H.R. 4812.

In conclusion let me say that I agree with Alton Freeman that pets are important in teaching us all kindness, responsibility, and even humility in light of the awesome world of nature. But laws are necessary to protect the world's wildlife, and through legislation protecting the wild populations we will see domestication and propagation of the desirable pet species. And even if we fail at captive propagation and must relinquish certain pets, wouldn't you prefer to recall the time when a species was a common household pet rather than the time when there *was* a species called the ———.

FISCAL FEDERALISM

Mr. BAKER. Mr. President, on August 27, 1969, Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy, addressed the National Conference of State Legislative Leaders in St. Louis, Mo.

I ask unanimous consent that the text of Mr. Weidenbaum's very excellent remarks on Federal revenue sharing be included in full at this point in the RECORD.

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

TOWARD A NEW FISCAL FEDERALISM

(Remarks by Mr. Weidenbaum)

When President Nixon first outlined the principles of his domestic program on April 14, he described one of this country's more pressing needs:

"If there is one thing we know, it is that the Federal Government cannot solve all the Nation's problems by itself; yet, there has been an over-shift of jurisdiction and responsibility to the Federal Government. We must kindle a new partnership between government and people, and among the various levels of government."

The need for such a new partnership was never stronger than it is today. The evidence of "over-shift" is readily apparent. Just to catalog the current domestic programs of the Federal Government now requires a book of more than 600 pages.

In retrospect, it is quite clear that this large flow of power from the private sector and from the cities and states to Washington did not just happen of its own accord. It was induced initially by economic crises. It was further stimulated by mobilization for major war and the threat of major war. It has been accelerated by a variety of efforts of the Federal Government to cure major domestic ills through the power of Federal programs and Federal money.

Yet for all this emphasis on the assumed power and influence of our national Government, the limits to its effectiveness have become all too apparent. Too often, Federal funds have been wasted or used inefficiently. Too often, a bountiful promise has been followed by a lack of performance. Too often, the application of some centrally formulated regulation has failed to accommodate the diversity of local situations. The result has been some erosion of public confidence in the Federal Government's ability to serve as a truly effective instrument of social progress.

State and local governments are, in some cases, better able to deal with these problems. These governments have also experienced rapid growth. Indeed, since World War II, their expenditures, employment, and indebtedness have increased significantly faster than those of the Federal Government. Yet the services the public has expected them to provide—education, transportation, health, and many more—have often been beyond the capacity of local public resources to finance and hence to deliver.

The Federal Government has not been oblivious to the needs of state and local governments. Federal grants-in-aid to states and localities will pass the $25 billion mark this fiscal year—up from $7 billion in 1960. This type of program or categorical assistance has represented an increasing portion of both total Federal outlays and state and local revenues. But, too often, it has also been accompanied by an ever growing maze of program restrictions, formulas, matching provisions, project approval requirements, and a host and variety of administrative burdens. The result has been the creation of a complicated network of intergovernmental assistance efforts with many inefficiencies and unworkable features.

This Administration intends to correct the inefficiencies and inflexibilities of the present system while assisting the states and localities in a more substantial way than in the past. The need for such assistance can be clearly demonstrated. Public finance experts of all political persuasions have noted that under the existing income tax structure Federal revenues increase faster than the national economy, while Federal expenditures for current programs (except in wartime) are likely to rise more slowly. The reverse is true for states and localities. Their revenues, based heavily on sales and property taxes, do not keep pace with the rate of national economic growth.

In contrast, their expenditure requirements for existing programs tend to rise far more rapidly. The resulting "fiscal mismatch" of potential Federal surpluses and state-local deficits is the financial basis for Federal aid.

This is not a partisan point that I am making. The "fiscal mismatch" has been noted by analysts of all political persuasions. In preparing the Administration's revenue sharing plan, we carefully reviewed the literature on the subject. I was personally struck by the widespread support for introducing a new and broader type of Federal financial aid to state and local governments—support by Democrats as well as Republicans, liberals as well as conservatives, academic experts as well as political leaders, and big city dwellers as well as smalltown residents.

The challenge, then, is to redesign our system of intergovernmental assistance to achieve the results we all desire:

A better allocation of total public resources,

More responsiveness in public institutions,

More control over local events by local authorities,

Greater program and budget flexibility for locally-elected officials,

More efficient, less encumbered forms of Federal assistance.

The President has accepted this challenge. On August 13, he proposed to the Congress fundamental revisions in both the spirit of our intergovernmental relations and the substance of our intergovernmental assistant system. As he put it, we are seeking to build a "New Federalism," with a return to the states, cities, and counties of the decision-making power rightfully theirs. At the heart of this effort is the proposal for sharing Federal revenues with the state and local governments. Revenue sharing can provide both the encouragement and the resources for local and state officials to exercise leadership in solving their own problems.

I want to take this opportunity to outline in some detail the essential elements of our revenue sharing proposal. I find it most helpful to describe it within the framework of four major questions.

First, how do we determine the total amount to be shared? We propose to establish a permanent appropriation, automatically determined each fiscal year, which will provide revenue sharing funds equal to a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To provide for an orderly phase-in of this program, the fiscal year 1971 percentage is one-sixth of one percent, or about $500 million.

Subsequent fiscal year percentages increase annually up to a permanent one percent for the fiscal year 1976 and thereafter. On this basis, we estimate an appropriation for the 1976 fiscal year of about $5 billion. We think that it is important to make a start soon, rather than waiting until the budget permitted a larger program. A five-year transition is a desirable approach for a brand new activity.

Like most revenue sharing proposals, our plan uses aggregate personal taxable income as the base for computing the shared amount. This tax base has the advantages of relative stability, steady growth, and independence from tax rate changes. Furthermore, it insures the taxpayer that state and local officials will not become advocates for

higher Federal tax rates in order to gain revenue sharing funds.

Second, how are the funds distributed among the states? We propose a distribution based on each state's share of national population, adjusted for the state's revenue effort. The revenue effort adjustment is designed to provide the states with some incentive to maintain, and even expand, their efforts to use their own tax resources to meet their needs. Revenue effort is defined in the customary fashion—the ratio of total general revenues collected by a state and all its local governmental units during a given fiscal year to the total personal income of that state. A simple adjustment along these lines provides a state whose revenue effort is 10 percent above the national average with a 10 percent bonus above its basic per capita portion of revenue sharing.

One important point about revenue effort should be noted: It is a relative and not an absolute measure, since revenues collected are expressed as a percentage of personal income for each state. It does not, therefore, reward "wealthy" states—that is, those states with high average income levels. Indeed, some of the wealthier states on a per capita income basis have relatively low revenue efforts, and some of the poorer states have high revenue efforts. In a direct way, the revenue effort provision rewards those states that try harder to meet their own needs with their own resources.

The state-by-state distribution is primarily determined, then, on a per person basis, with revenue effort added as a minor adjustment. (To compute a state's share of the revenue sharing fund, the arithmetic is quite straightforward: one simply computes the product of that state's population times its revenue effort and divides the result by the sum of the products so computed for all 50 states and the District of Columbia.)

Our proposal does not contain a so-called "equalization" provision, whereby low-income states receive more per person than high-income states. We have found, in the course of many discussions with state and local officials, that variations in state per capita income are simply not a good measure of need. In fact, many of our most urgent domestic problems are found in the urban centers of the states with high per capita income. Therefore, we have chosen to keep the distribution among states as neutral as possible, basing it primarily on population.

Third, how are the funds distributed within each state? Including local governments in Federal revenue sharing is a relatively new idea. We spent more time trying to perfect the local "pass-through" than on any other part of the revenue sharing plan. You cannot use a simple per capita distribution among local governments because of the overlapping jurisdictions of cities and counties. You cannot use a measure of "need" because there are no adequate statistics on income levels by city and county.

This is the approach that we did come up with: We propose that each state share a given proportion of these funds with its local governments. The allocation of a state's payment among its local governments is carefully prescribed by formula. First, the total proportion which a state shares with its local governments corresponds to the ratio of general revenues raised by these local governments to the combined total of revenues raised by the state and all its units of local government. Second, the proportion of this local share which an individual unit of general government receives corresponds to the ratio of its own general revenues to total general revenues raised by all general-purpose local governments in the state.

There are some features of this local distribution which deserve emphasis. For one, we are proposing to share revenues with *all* general-purpose local governments—cities, towns, and counties—and *only* general-purpose local governments. There is no minimum-size requirement for a locality to participate, and no special or school districts are eligible for direct sharing. These features are fully consistent with the spirit of the New Federalism and the purposes of revenue sharing. That is, all general governments should be included, and no program or project restrictions should be placed on the funds. To have distributed dollars directly to fire districts, or school districts, or drainage districts would have amounted to widespread earmarking of substantial funds for specific programs. Our desire is to avoid that and to leave such budget allocation decisions up to the responsible state and local officials.

It may be useful to analyze how the local pass-through would operate. Limiting eligibility to general-purpose local governments has an important impact on the other key feature of the local distribution formula—allocation of funds on the basis of general revenues raised.

A distribution based on revenues raised has several important advantages: it makes allowance for state-by-state variations; it tends to be neutral with respect to the current relative fiscal importance of state and local governments in each state; and it provides a method for allocating among governmental units with overlapping jurisdictions. By sharing funds only with municipalities, counties, and townships, the state government portion of revenue sharing is enlarged by the relative proportion of special and school district revenues to total revenues.

This result has a direct effect on potential state and local allocations of revenue sharing funds to particular programs and projects. In those areas where the functions elsewhere performed by a special-purpose district or a school district are carried on directly by a general-purpose government, then that government's portion of revenue sharing will be enlarged by the proportion of its revenues that it raises for such functions. Therefore, those officials responsible for managing and administering the special functions involved will look to the general-purpose local government for any additional funds. On the other hand, if a special-purpose or school district exists independent of the local government, then the state government's portion of revenue sharing will be enlarged by the proportion of total revenues that are raised by these districts. In these cases, the officials responsible for managing and administering such districts will look to the state government for additional assistance. By this distribution procedure, the Federal revenue sharing program avoids directing or influencing the allocation of funds to particular governmental functions. Such allocation decisions will be made by state and local officials in response to the needs of their jurisdiction.

There is another important point which should be made regarding the allocation of funds on the basis of revenues raised. Some observers have jumped to the conclusion that such a distribution procedure rewards the wealthy suburb at the expense of the central city. This is simply not a valid generalization. Revenue sharing funds go to local governments in proportion to their share of general revenues raised, not in relation to the income level of their residents. We are unable to find evidence to support a contention that suburban governments raise more revenues per capita than urban governments. In fact, the reverse is true in many specific instances. For example, New York City raised $404.81 per capita in general revenues in 1967–68 (the latest figures available), while New Rochelle raised $152.55 and Mount Vernon $121.89. For all cities of one million or more, the average per capita revenues were $255.95, compared to $78.74 for cities with population of less than 50,000.

One final point about our proposal for distribution of funds within each state deserves mention. In order to provide local flexibility, we will permit a State—working with its local governments—the option of developing an alternative distribution plan. Any alternative plan, however, must receive sufficient support from both the state and the local governments, large and small.

The fourth major question is: What restrictions or qualifications are imposed on the use of revenue sharing funds? I have already expressed our determination that these funds should have no program or project "strings" connected with their use. A fundamental purpose of revenue sharing is to permit local authorities the programming flexibility to make their own budget allocation decisions. This purpose is basic to the spirit of the New Federalism: a return to the states and localities of their rightful powers and responsibilities.

The requirements we propose are minimal: (1) that the states carry out the requirement to share funds with their local governments; (2) that this local sharing be in addition to current sharing efforts; and (3) that all recipient governments provide a reasonable amount of informational reporting to the Treasury Department for the funds they receive.

We welcome the thoughts of state and local governments on how best to implement these general concepts. We have had the benefit of numerous helpful suggestions from governors, mayors, county executives, legislators, academic experts, and other interested parties. In preparing this specific proposal, we have attempted both to draw on past efforts and to go beyond them.

I believe that the Administration's revenue sharing plan contains several important improvements over some of the earlier proposals: (1) it includes local as well as state governments, and (2) it leaves to the state and local governments the decision as to how to allocate the funds among programs and activities. However, we claim no monopoly on wisdom. We welcome further suggestions and advice.

I would like to conclude by citing what I believe are the most advantageous characteristics of the Administration's revenue sharing plan.

It is simple. No new Federal bureau or agency is needed; the funds are distributed on the basis of readily available objective statistics, as clearly specified in the plan. None of the Federal revenue sharing money is to be used for "overhead" or other expenses by the Federal Government.

It is automatic. State and local governments can count on the funds in their own fiscal planning. The money for revenue sharing is automatically available each year and is geared to the growing personal income tax base of the Nation.

It is fair. The funds go to every state, every city, and every county in the Nation. All areas are included—urban and rural, large and small, rich and poor, industrialized and agricultural.

It has no strings. The state and local governments are free to exercise their discretion over the use of the funds. Decision-making authority, as well as money, is returned to state and local governments.

It is neutral. The state-by-state distribution is based primarily on where people reside. The allocation among governments within a state is based on the exsting distribution of financial responsibilities among the various units of government, as decided in each area.

President Nixon's call last April for a new partnershp among the various levels of government has received an enthusiastic response from many quarters. Revenue sharing is an integral part of such a partnership. It is a program which has long enjoyed bipartiasan professional and political support. That is the measure of its merit. Its enact-

ment will represent an important step toward a more effective and better working Federal system of Government.

TELEVISION AND VIOLENCE—A THOUGHTFUL ANALYSIS OF CRIME BROADCASTING AND ITS EFFECT

Mr. YARBOROUGH. Mr. President, all of us are concerned about the rising amount of violence in our society. The past 6 years have witnessed the murder of a President and of one of this body's most distinguished Members. We have seen attempts, some of them tragically successful, on the lives of other national leaders. Furthermore, during this period, each summer has become a time of fearful expectation for our major population centers, each of which has suffered a major civil disorder.

Last winter, Commissioner Nicholas Johnson, of the Federal Communications Commission, testified before the President's Violence Commission on one possible cause of this grave development in our country—the violence which is brought into our homes via the medium of television. This concern is shared by many other Americans, in and out of Government.

Mr. President, Commissioner Johnson's remarks are of such a thoughtful and useful nature that I think that they should be made available to all of us. I ask unanimous consent that Commissioner Johnson's remarks delivered to the President's Violence Commission on December 19, 1968, appear in the RECORD at this point.

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

TELEVISION AND VIOLENCE—PERSPECTIVES AND PROPOSALS

(A statement of FCC Commissioner Nicholas Johnson, prepared at the invitation of the National Commission on the Causes and Prevention of Violence)

INTRODUCTION: GOVERNMENT BY CRISIS

John Gardner has characterized as perceptively as anyone the process of which this Commission on Violence is a part. With your permission I would like to read a brief passage from his little book called *Self-Renewal.*

"The Paul Revere story is a very inadequate guide to action in a complex modern society. It was all too wonderfully simple. He saw danger, he sounded the alarm, and people really did wake up. In a big, busy society the modern Paul Revere is not even heard in the hubbub of voices. When he sounds the alarm no one answers. If he persists, people put him down as a controversial character. Then someday an incident occurs that confirms his warnings. The citizen who had refused to listen to the warnings now rushes to the window, puts his head out, nightcap and all, and cries, 'Why doesn't somebody tell me these things?'

"At that point the citizen is ready to support some new solutions, and wise innovators will take advantage of that fact. A man working on a new air-traffic control technique said recently, 'I haven't perfected it yet, but it wouldn't be accepted today anyway because people aren't worried enough. Within the next two years there will be another spectacular air disaster that will focus the public mind on this problem. That will be my deadline and my opportunity.'"

The same thing can be said, of course, for the "air disaster" represented by the chemicals and soot that fill the air—and our lungs. It also applies to the "air pollution" problem which is ours today: radio and television.

The academicians, research scientists and critics have been telling us for years of television's impact upon the attitudes and behavior of those who watch it. They cite very persuasive statistics to indicate that television's influence has affected, in one way or another, virtually every phenomenon in our present day society.

There are 60 million homes in the United States and over 95% of them are equipped with a television set. (More than 25% have two or more sets.) In the average home that set is turned on some five hours forty-five minutes a day. The average male viewer, between his second and sixty-fifth year, will watch television for over 3,000 entire days—roughly nine full years of his life. During the average weekday winter evening nearly half of the American people are to be found silently seated with fixed gaze upon a phosphorescent screen, experiencing the sensation of its radiation upon the retina of the eye.

Americans receive decidedly more of their "education" from television than from the 19th century institutions we call elementary and high schools. By the time the average child enters kindergarten he has already spent more hours learning about his world from television than the hours he would spend in a college classroom earning a B.A. degree.

So the problem is not that the modern-day Paul Reveres have not warned us, or even that they have not told us what to do. The problem is similar to that described by John Gardner's air-traffic controller: "Today even the most potent innovator is unlikely to be effective unless his work coincides with a crisis or series of crises which puts people in a mood to accept innovation."

We have by now experienced television's own form of "air disaster" in a series of crises.

During 1966 and 1967 there was a dramatic upsurge in the amount of rioting and demonstrations in our cities. As Pat Moynihan reminded us all in the NBC Special, *Summer 1967: What We Learned,* "We have no business acting surprised at all this. The signs that it was coming were unmistakable." The signs had been reported by those who had been observing, studying and writing about the plight of black Americans. But these modern-day Paul Reveres were either not heard or were put down as "controversial characters." So the crises came, captured our attention, and put us in a mood to listen. The Kerner Commission was established, conducted a thorough-going investigation, and wrote a thoughtful and persuasive report. In the report the Commissioners found it necessary to devote an entire chapter to the mass media. They found themselves confronted at every turn with evidence of the implications of the mass media in a nation wracked with civil disorders. There was not only the matter of the relationship between the reporting of incidents and subsequent action. They also discovered a shocking lack of communication and understanding between blacks and whites in this country. As they put it, "the communications media, ironically, have failed to communicate." But Dr. Martin Luther King had told us very much the same thing: "Lacking sufficient access to television, publications and broad forums, Negroes have had to write their most persuasive essays with the blunt pen of marching ranks."

The Kerner Commission report had no more than found its way to the coffee tables of white suburbia before this nation was torn apart once again—this time with the agonizing, heartwrenching sorrow accompanying the assassinations of two beloved and controversial leaders, Dr. Martin Luther King and Senator Robert F. Kennedy. Once again a crisis, once again national attention, once again a commission—this time yours. And as you have searched about for the causes of violence in our land you, too, have inevitably had to confront the evidence of the implications of the mass media. And you have discovered in the literature, as Dr. Albert Bandura, Professor of Psychology at Stanford University, has recently said, that—

"It has been shown that if people are exposed to televised aggression they not only learn aggressive patterns of behavior, but they also retain them over a long period of time. There is no longer any need to equivocate about whether televised stimulation produces learning effects. It can serve as an effective tutor."

But it has taken another crisis to make us listen.

You were not even permitted to conclude your deliberations and issue your report before the third in this recent series of crises hit the American people. It was, of course, the confrontation at Chicago and the Democratic National Convention. This has been the subject of the report submitted to you by Daniel Walker, "Rights in Conflict." In this instance the mass media were not only implicated in the confrontation, they were an active party. (In the words of the Walker Report, "What 'the whole world was watching', after all, was not a confrontation but the picture of a confrontation to some extent directed by a generation that has grown up with television and learned how to use it.") Subsequently television was the target for an outpouring of public criticism. But once again we find that we have not been without forewarnings of the impact of corporate television upon the process of politics and the subject matter and method of news reporting—to cite but two books from this year, Harry Skornia's *Television and the News,* and Robert MacNeil's *The People Machine* (a study that gives special attention to the involvement of television in the American political process.)

How many more crises must we undergo before we begin to understand the impact of television upon *all* the attitudes and events in our society? How many more such crises can America withstand and survive as a nation united? Are we going to have to wait for dramatic upturns in the number and rates of high school dropouts, broken families, disintegrating universities, illegitimate children, mental illness, crime, alienated blacks and young people, alcoholism, suicide rates and drug consumption? Must we blindly go on establishing national commissions to study each new crisis of social behavior as if it were a unique symptom unrelated to the cause of the last? I hope not.

Of course, no one would suggest that television is the *only* influence in our society. But I hope that this Commission will possess both the perception and the courage to say what is by now so obvious to many of the best students of American society in the 1960's. There *is* a common ingredient in a great many of the social ills that are troubling Americans so deeply today—the impact of television upon our attitudes and behavior as a people—and we ought to know much more about it than we do. And that is the principal thrust of the statement I have prepared for you today. One cannot understand violence in America without understanding the impact of television programming upon that violence. But one cannot understand the impact of television programming upon violence without coming to grips with the ways in which television influences virtually all of our attitudes and behavior.

When we speak of television's influence we may be referring to any one of four factors. (1) The impact of television watching (without regard to program content) upon the way we spend our time, and so forth. (2) The impact of television programming upon our attitudes and behavior. (3) The

ways in which television is "used" by groups seeking "news" coverage; its creation of and effect upon events actually or potentially portrayed on television. (4) The results of abuses by television: serving economic self-interests, self-censorship, staging of events, and so forth. With these distinctions in mind let's examine the industry's arguments.

TELEVISION'S IMPACT AND THE INDUSTRY'S BIG MYTH TECHNIQUE

Whenever the question arises of the impact of television programming upon the attitudes and behavior of the audience, industry spokesmen are likely to respond with variants of three big myths. (1) We just give the people what they want. The "public interest" is what interests the public. The viewer must be selective, just as he would be in selecting magazines. He gets to choose from the great variety of television programming we offer. He can always turn off the set. (2) Entertainment programming doesn't have any "impact" upon people. It's just entertainment. We can't be educational all the time. (3) We report the news. If it's news we put it on; if it's not we don't. It's as simple as that. We can't be deciding what to put on the news or not based upon its impact upon public opinion or national values. We can't be held responsible if someone sees something on television and goes out and does the same thing.

1. The myth of serving public taste

Regulation of broadcasting was begun at the Federal level under two basic premises. One was that without regulation users could not allocate frequencies among themselves. The other premise was that the spectrum was a limited resource, owned by the public, and that its use was to be permitted under license to private users. These private users, given the right to use a public resource that was valuable, were expected to return public benefits—their use of the resource was to be in the "public interest." When faced with competing applicants for use of the spectrum the FCC, an arm of the Congress, was to choose the one who would best serve the public interest.

In the early history of the Federal Communications Commission there was a lot of discussion of how broadcasting was not to be used just for private gain, of the public benefits beyond private profit that were to be achieved, and of the great things that broadcasting might accomplish. A clear assumption, made explicitly and implicitly throughout all this discussion was that a broadcast license, issued on a temporary basis without ownership rights, was not to be used to maximize the profits of the user. Even the National Association of Broadcasters testified before Congress that:

"It is the manifest duty of the licensing authority in passing upon applications for licenses or the renewal thereof, to determine whether or not the applicant is rendering or can render an adequate public service. Such service necessarily includes broadcasting of a considerable proportion of programs devoted to education, religion, labor, agricultural, and similar activities concerned with human betterment."

(This was long before McGeorge Bundy would be driven to observe, "I am sorry that the men who run commercial broadcasting have come to think of it as an 'industry' when it is necessarily so much more. . . .") A bargain was struck between the public (to be represented by the FCC) and the private broadcasters. Private parties would get the monopoly right to use the spectrum, but in return would agree to provide public benefits in the form of programming services that would do more than just generate the most revenue.

We have come a long way since those days. It is useful to remember the hopes and ideals expressed at the beginnings of this industry. But we should be clear that the performance of the broadcasting industry is quite different from what the drafters of the Communications Act might have expected.

By and large broadcasting today is run by corporations which have a virtual lease in perpetuity on the right to broadcast. These corporations are like all other businesses, they are interested in maximizing their profits. The value of their business, including the right to broadcast, is directly related to the profits the business returns. And this value is realizable in a virtually free market for the sale of established stations. This is not to be viewed as a hostile judgment of these men and corporations. America has been served well by the profit motive in a competitive system. It does suggest, however, that the system today is different from that envisioned by those who molded the present regulatory framework.

But we must examine the economic incentives as well. Broadcasters act to gain as large an audience as possible—and the audience is attracted by the broadcasters' programming. Programming is chosen for the number of people it can deliver. Its selection need not reflect the intensity of the audience's approval, or what the audience would be willing to pay for the programming. In fact, the incentive to get the largest audience regardless of good taste has on occasion driven the networks to arrogant indifference to "what the public wants." The Dodd Committee Report refers to an incident in which an independent testing organization conducted an advance audience reaction test of an episode of a series show for a network. Of the men, women and children tested, 97 percent believed there was too much emphasis on sex, and 75 percent felt the show was unsuitable for children. The network ignored the findings, and televised the episode.

The concentrated ownership of the national television market, and its effect on programming is clear. The dominant impact of the three networks on programming is apparent for first-run programming and syndication alike, since much of syndication is network reruns. Roughly 85% of the prime time audience watches the networks. Each network is trying for its slice of that 85%, and for most purposes that audience is viewed as homogenous—one person counts the same as another in the ratings. Thus no programming will be shown by the networks unless aimed at the whole audience, and each network strives to gain no less than one-third of the audience.

Television programming follows a classic triopoly pattern—imitation, restricted choice, elaborate corporate strategies, and reliance on the "tried and true." As Stan Opotowsky has observed, "TV is all the same . . . Even . . . in New York, too often the viewer's only real choice is 'off' and 'on'"—a judgment sustained by Charles Sopkin's report of an heroic week of watching TV in New York (*Seven Glorious Days, Seven Fun-Filled Nights*). To say that this is what the audience "wants" in any meaningful sense is either utter nonsense or unbelievable naivete. There are many analytical problems with the shibboleth that television "gives the people what they want." One of the most obvious is that the market is so structured that only a few can work at "giving the people what they want"—and oligopoly is a notoriously poor substitute for competition when it comes to providing anything but what the vast majority will "accept" without widespread revolution.

This is not to suggest that stations and networks engage exclusively in profit-maximizing behavior—only that this is the predominant component of their business motivation. And, I repeat, I am not now passing moral judgment on this behavior. I am simply pointing out that this is the system we have created, and that it is significantly different from the one that was envisioned thirty years ago.

Stations and networks sometimes do engage in programming that is not the most profitable available to them. Thus, Justice Black was permited to speak to some 10 million Americans earlier this month on CBS. The concern of CBS was not only whether its relatively low programming costs were covered by the commercial revenue from that program (there were eight products or services advertised), but the "opportunity cost" in the form of *additional* return CBS might have obtained from regular programming aimed at a larger audience. (It is also concerned about losing audience on the shows to follow, since there is some viewer carry over from program to program—another force that has precluded advertisers from sponsoring public service shows of their own choosing, even when they are willing to pay handsomely for the opportunity.) Of course, there are many responsible individuals, associated with stations and networks alike, who realize the great power of this medium for good and who try to use it. The point is simply that each of them is limited by the functioning of the system—a system that doesn't allow significant deviation from the goal of profit maximizing. Some have left commercial broadcasting because of that constraint.

It should be clear why attempts to affect the quality of programming have often focused on changing the rules of the system. Shouting exhortations at an edifice is a poor substitute for some structural changes. Proposals have been designed to open up the program procurement process, to restructure the affiliate-network relationship, to increase the number of TV stations, and to make rules concerning the types of programming to be presented. Educational broadcasting—as well as the potential of subscription television and cable television—are fundamental responses to the functioning of the present commercial system.

2. The myth of lack of impact

When Dean George Gerbner of the Annenberg School testified before you he said:

"In only two decades of massive national existence television has transformed the political life of the nation, has changed the daily habits of our people, has moulded the style of the generation, made overnight global phenomena out of local happenings, redirected the flow of information and values from traditional channels into centralized networks reaching into every home. In other words it has profoundly affected what we call the process of socialization, the process by which members of our species become human."

He continued:

"The analysis of mass media is the study of the curriculum of this new schooling. As with any curriculum study, it will not necessarily tell you what people do with what they learn, but it will tell you what assumptions, what issues, what items of information, what aspects of life, what values, goals, and means occupy their time and animate their imagination."

I share Dean Gerbner's sense of television's impact upon our society. Many spokesmen for the broadcasting establishment, however, do not. And so I would like to anticipate their rebuttal with a little more discussion of the matter.

The argument that television entertainment programming has no impact upon the audience is one of the most difficult for the broadcasting industry to advance. In the first place, it is internally self-contradictory.

Television is sustained by advertising. It is able to attract something like $2.5 billion annually from advertisers on the assertion that it is the advertising medium with the greatest impact. And it has, in large measure, delivered on this assertion.

At least there are merchandisers, like the president of Alberto Culver—who has relied almost exclusively on television advertising

and has seen his sales climb from $1.5 million in 1956 to $80 million in 1964—who are willing to say that "the investment will virtually always return a disproportionately large profit." The manufacturer of the bottled liquid cleaner "Lestoil" undertook a $9 million television advertising program and watched his sales go from 150,000 bottles annually to 100 million in three years—in competition with Procter and Gamble, Lever Brothers, Colgate, and others. The Dreyfus Fund went from assets of $95 million in 1959 to $1.1 billion in 1965 and concluded, "TV works for us." American industry generally has supported such a philosophy with investments in television advertising increasing from $300 million in 1952 to $900 million in 1956 to $1.8 billion in 1964 to on the order of $2.5 billion this year. Professor John Kenneth Galbraith, in the course of creating and surveying *The New Industrial State*, observes that, "The industrial system is profoundly dependent upon commercial television and could not exist in its present form without it . . . [Radio and television are] the prime instruments for the management of consumer demand."

The point of all this was well made by the sociologist Dr. Peter P. Lejins. He describes four studies of the impact upon adult buying of advertising directed at children. Most showed that on the order of 90% of the adults surveyed were asked by children to buy products, and that the child influenced the buying decision in 60 to 75% of those instances. He observes, "If the advertising content has prompted the children to this much action, could it be that the crime and violence content, directly interspersed with this advertising material, did not influence their motivation at all?" There is, of course, much stronger evidence than this of the influence of violence in television programming upon the aggressive behavior of children which I will discuss later. My point for now, however, is that television's salesmen cannot have it both ways. They cannot point with pride to the power of their medium to affect the attitudes and behavior associated with product selection and consumption, and then take the position that everything else on television has no impact whatsoever upon attitudes and behavior.

The evidence of the impact of television advertising upon human attitudes and behavior tends to be confirmed by the growing reliance upon visual materials in education and propaganda. Films and television material are being ever more widely used throughout our schools and colleges, and in industrial and military training. Studies tend to support assertions of their effectiveness. We appropriate on the order of $200 million annually for the United States Information Agency on the theory that its activities do have an impact upon the attitudes of the people of the world about the United States. Presumably those who go to the expense and effort to "jam" the programming of the Voice of America and Radio Free Europe share this view.

Nor is our evidence of commercial television's influence limited to the advertising. Whatever one may understand Marshall McLuhan to be saying by the expression "the medium is the message," it is clear that television has affected our lives in ways unrelated to its program content. Brooklyn College sociologist Dr. Clara T. Appell reports that of the families she has studied 60 percent have changed their sleep patterns because of television, 55 percent have changed their eating schedules, and 78 percent report they use television as an "electronic babysitter." Water system engineers must build city water supply systems to accommodate the drop in water pressure occasioned by the toilet flushing during television commercials. Medical doctors are encountering what they call "TV spine" and "TV eyes." New York City had an increase in births nine months after the blackout. Psychiatrist Dr. Eugene D. Glynn expresses concern about television's ". . . schizoid-fostering aspects," and the fact that "it smothers contact, really inhibiting interpersonal exchange." General semanticist and San Francisco State President, Dr. S. I. Hayakawa asks, "Is there any connection between this fact [television's snatching children from their parents for 22,000 hours before they are 18, giving them little "experience in influencing behavior and being influenced in return"] and the sudden appearance . . . of an enormous number of young people . . . who find it difficult or impossible to relate to anybody—and therefore drop out?"

A casual mention on television can affect viewers' attitudes and behavior. After Rowan and Martin's Laugh-In used the expression, "Look that up in your Funk and Wagnalls," the dictionary had to go into extra printings to satisfy a 20 percent rise in sales. When television's Daniel Boone, Fes Parker, started wearing coon-skin caps, so did millions of American boys. The sales of Batman capes and accessories are another example. Television establishes national speech patterns and eliminates dialects, not only in this country but around the world—"Tokyo Japanese" is now becoming the standard throughout Japan. New words and expressions are firmly implanted in our national vocabulary from television programs—such as Rowan and Martin's "Sock it to me," or Don Adams' "Sorry about that, Chief." Television can also be used to encourage reading. The morning after Alexander King appeared on the late-nite Jack Paar show his new book, *Mine Enemy Grows Older*, was sold out all over the country. When the overtly "educational" Continental Classroom atomic age physics course began on network television, 13,000 textbooks were sold the first week.

Politicians evidently think television is influential. Most spend over half of their campaign budgets on radio and television time, and some advertising agencies advise that virtually all expenditures should go into television time. When Sig Mickelson was President of CBS News he commented on "television's ability to create national figures almost overnight . . ."—a phenomenon which by now we have all witnessed.

The soap operas have been found to be especially influential. Harry F. Waters recently did a piece in *Newsweek* on the soap operas. He estimates they have a loyal following of about 18 million viewers, and contribute much of the network's $325 million daytime revenue.

"Judging from the mail, the intensity of the audience's involvement with the soap folk easily equals anything recorded in radio days. . . . It may even provide an educational experience. Agnes Nixon, a refreshingly thoughtful writer who has been manufacturing soaps for fourteen years, likes to point out that episodes concerning alcoholism, adoption and breast cancer have drawn many grateful letters from those with similar problems."

Seizing upon this fact, educators in Denver and Los Angeles have used the soap opera format to beam hard, factual information about jobs, education, health care, and so forth, into the ghetto areas of their cities. The Denver educators' soap received one of the highest daytime ratings in the market. There is, of course, no reason to believe the prime-time evening series shows have any less impact.

Indeed, as Bradley S. Greenberg of Michigan State reported to you, "40 percent of the poor black children and 30 percent of the poor white children (compared with 15 percent of the middle-class white youngsters) were ardent believers of the true-to-life nature of the television content." And he went on to further underline the "educational" impact of all television.

"Eleven of the reasons for watching television dealt with the ways in which TV was used to learn things—about one's self and about the outside world. This was easy learning. This is the school-of-life notion—watching TV to learn a lot without working hard, to get to know all about people in all walks of life, because the programs give lessons for life, because TV shows what life is really like, to learn from the mistakes of others, etc. The lower-class children are more dependent on television than any other mass medium to teach these things. They have fewer alternative sources of information about middle-class society, for example, and therefore no competing or contradictory information. My only caveat here is that we do not know what information is obtained through informal sources. Research is practically nonexistent on the question of interpersonal communication systems of the poor. Thus, the young people learn about the society that they do not regularly observe or come in direct contact with through television programs—and they believe that this is what life is all about."

Knowing these things, as by now all television executives must, society is going to hold them to extremely high standards of responsibility.

What do we learn about life from television? Watch it for yourself, and draw your own conclusions. Here are some of my own. We learn from commercials that gainful employment is not necessary to high income. How rare it is to see a character in a commercial who appears to be employed. We learn that the single measure of happiness and personal satisfaction is consumption—conspicuous when possible. Few characters in televisionland seem to derive much pleasure from the use of finely developed skills in the pursuit of excellence, or from service to others. "Success" comes from the purchase of a product—a mouthwash or deodorant, say—not from years of rigorous study and training. How do you resolve conflicts? By force, by violence, by destroying "the enemy." Not by being a good listener, by understanding or cooperation and compromise, by attempting to evolve a community consensus. Who are television's leaders, its heroes, its stars? Not educators, representatives of minority groups, the physically handicapped, the humble and the modest, or those who give their lives to the service of others. They are the physically attractive, glib, and wealthy. What is to be derived from a relationship between man and woman? The self-gratification of sexual intercourse and little else—whatever the marital bonds may or may not be. What do you do when life throws other than roses in your hedonistic path? You get "fast, fast, fast" relief from a pill—a headache remedy, a stomach settler, a tranquilizer, a pep pill, or "the pill." You smoke a cigarette, have a drink, or get high on pot or more potent drugs. You get a divorce or run away from home. Or you "chew your little troubles away." But try to "work at" a solution, assume part of the fault lies with yourself, or attempt to improve your capacity to deal with life's problems? Never.

What are these network executives doing? What is this America they are building? What conceivable defense is there for the imposition of such standards, and travail, upon 200 million Americans? What right have they to tear down every night what the American people are spending $52 billion a year to build up every day through their school system—just to serve the greedy striving for ever-increasing profits by three corporations? Giving the people what they want? Nonsense. Recall once again Mr. Greenberg's reference to studies of opinion of the general public, and community leaders, in two communities—even prior to the assassinations of Dr. King and Senator Kennedy.

"The substance of the complaints was

what the public and leaders spontaneously described as the over abundance of sex and violence. The leaders commented about,

"Raw violence, the glorification of promiscuity.

"Program after program either depicts or implies that immorality, disobedience to established law and order, divorce, etc., are the accepted social standards of the day."

The public has similar comments:

". . . too much on drugs and violence.

"All the sex pictures on TV . . .

"Too much violence for children to watch."

Fully one-fourth to one-third of all the objections dealt with either sex or violence, from both the public and its leaders. The viewer perceived sensual content in advertising, in children's programs, and in adult programs, apparently in too large a dosage to be conscionable.

No, I think we must listen to William Benton:

"I can only ask, if this alleged "wasteland" is indeed what the American people want, is it *all* they want of television? . . . [I]s it all they are entitled to? . . . [A]re not . . . these dwellers of the wasteland . . . the same Americans who have taxed themselves to create a vast educational system . . . are they not the same who have established an admirable system of justice, created a network of churches . . . when they turn their TV knobs, do they not by the millions have interests broader than the entertainment which is so complacently theirs? . . . I think the American people should expect that the greatest single instrument of human communications ever developed must make its due contribution to human security and human advancement. . . . A high common denominator distinguishes our people—as well as a low one—and both denominators apply to the same men, women and youngsters. Television has crystallized into the low road." . . .

Indeed, it has. Charles Sopkin concluded his *Seven Glorious Days, Seven Fun-Filled Nights* of watching New York City's television with the observation: "[Television] *is* dreadful, make no mistake about that. If I did not convey that feeling throughout this book, then I have failed rather badly. I naively expected that the ratio would run three to one in favor of trash. It turned out to be closer to a hundred to one."

Given the great unfulfilled needs that television could serve in this country and is not, given the great evil that the evidence tends to suggest it is presently doing, one can share the judgment of the late Senator Kennedy that television's performance is, in a word, "unacceptable." The popular outrage and cries for reform are warranted. They must be heeded. If they are not, I fear for popular remedies that will be unfortunate from everyone's point of view. Responsible broadcasters know what must be done. I pray they will get on with the task. I conclude this statement with some proposals to help them do what they know is right.

3. The myth of "news"

News and public affairs is, by common agreement, American television's finest contribution. The men who run it are generally professional, able, honorable and hard-working. To the extent the American people know what's going on in the world much of the credit must go to the networks' news teams. It's a tough and often thankless job. Eric Sevareid has said of trying to do network news that the ultimate sensation is that of being eaten to death by ducks. These men have fought a good many battles for all of us—with network management, advertisers, government officials, and news sources generally. We are thankful. And, by and large, I think we ought to stay out of their business—with the exception, perhaps, of providing them protection from physical assault. I would not for a moment suggest that either your Commission, or mine, ought to be providing standards for what is reported as "news." At the same time, I think that neither of us need feel under compulsion to avoid any comment whatsoever on the subject. And the point of my particular observation is simple, and its explanation brief.

Whenever one begins discussing the violence quotient in televised news the broadcasting establishment (far more often than the thoughtful newsmen themselves) is apt to come out with something about the First Amendment and journalistic integrity. The suggestion is made that there is a socially desirable, professionally agreed-upon definition of "news"—known only to those who manage television stations and networks—which is automatically applied, and that any efforts to be reflective about it might contribute to the collapse of the Republic.

My view is simply that this is nonsense, and that the slightest investigation of the product of journalism will demonstrate it to be such. As Robert Kintner once wrote, "But every reporter knows that when you write the first word you make an editorial judgment." "Education" does not become news until the *New York Times* sets up a special Sunday section on it. Whether and how "television" is reported as news in *Newsweek* depends in part upon what they call the sections of the magazine—and those headings change. The same is true of "science" or "medicine." We do not get much meaningful reporting about the federal budget, the choices it represents and the processes by which they were made. We could get more simply because an editor or a newsman took an interest in the matter—as the Smothers Brothers did, in their own way, last Sunday. The "news" used to be, for whatever reason, more "all white" than it now tends to be.

These changes have not come about through government edict. They *have* been influenced by government concern and investigation—as an example, the Kerner Commission's report about the practices of the news media and race relations.

I would agree with Reuven Frank's statement in the current *TV Guide* that we benefit from living in a nation with "free journalism," whch he defines as "the system under which the reporter demands access to facts and events for no other reason than that he is who he is, and his argument is always accepted." I want the check of the news media upon government officials—including myself. But I do not believe—and he does not suggest—that free journalism need function as irresponsible journalism, completely free of check, comment or criticism from professional critics, a concerned public and responsible officials. Journalists can alter what subjects they report and how they report them—and they do. They can do this in response to a sense of professional responsibility. They often have. I ask no more; we should expect no less.

THE IMPACT OF TELEVISION PROGRAMING ON VIOLENCE

The principal thrust of my position is that television programming—commercials, entertainment, and public affairs—is one of the most important influences on all attitudes and behavior throughout our society. To the extent that television "reflects" society, it is but a reflection of an image that has earlier appeared upon its screen. This is a perspective that I believe necessary to an understanding of the impact of television upon violence. It is an understanding that prompts one to reevaluate the most appropriate mission and focus of this Commission, and those that inevitably will follow.

There is not much point in my simply repeating the evidence that has accumulated in the literature and been brought to your attention. It is, after all, the findings and assertions of the scientific community on this point—not mine—that are most relevant to your inquiry.

The Interim Report of the Dodd Committee in 1965 concluded:

"[I]t is clear that television, whose impact on the public mind is equal to or greater than that of any other medium, is a factor in molding the character, attitudes, and behavior patterns of America's young people. Further, it is the subcommittee's view that the excessive amount of televised crime, violence, and brutality can and does contribute to the development of attitudes and actions in many young people which pave the way for delinquent behavior."

This was back in the days when we investigated "juvenile delinquency." And the subcommittee bearing that name had been brought to the need to study the amount of violence in television programming as early as 1954. Subsequently, it concluded, "If the 1954 findings suggested the need for . . . a closer look at television programming as it relates to delinquency, the 1961 monitoring reports were shocking by comparison." By 1964 it concluded, "the extent to which violence and related activities are depicted on television today has not changed substantially from what it was in 1961 . . . ."

Nor have things changed much today. *The Christian Science Monitor* reported in October 1968:

"Staff members of this newspaper watched 74½ hours of evening programs during the first week of the new season, and during that time recorded 254 incidents of violence including threats, and 71 murders, killings, and suicides.

"The results were almost unchanged from a survey conducted by this newspaper last July which counted 210 incidents and 81 killings in 78½ hours of television."

One network, ABC, provided in one evening 46 incidents and 11 killings.

This included an episode from "The Avengers," which the *Monitor* described.

"A trio of *Monitor* staffers tried to keep track of the vengeful proceedings and finally agreed there were 22 violent incidents, including five methodical murders and one additional killing."

The plot involves an Army officer's revenge against six of his fellows.

"He methodically kills most of them by snake bite, gunshot, fright, and other means.

"During the morbid workings of the plot, various people are battered with a large ashtray, nearly guillotined, chloroformed, abducted, nearly buried alive, fed knockout drinks, and smashed against a tree.

"Finally, the bad fellow is killed by a steel card which hits his chest."

Another network, NBC, devoted 56 percent of its schedule to such programs, and provided throughout the week an incident of violence every 14.2 minutes, and a killing every 45 minutes. This continued level of violent incidents occurred, it should be noted, *after* the two assassinations of 1968 and while network officials were proudly proclaiming their new efforts to remove scenes of violence from the 1968–69 series shows. (A *Monitor* follow-up this week reports no decline in violence, and provides additional analysis of individual programs.)

Throughout the years network officials have been quick to promise reform, but slow to deliver. After the 1954 hearings they acknowledged the programming ought to be improved, and promised it would be. Ten years later the Dodd Committee found it was worse. A study was promised in 1954 by the NAB. It was referred to again in 1961 by CBS. It was finally produced—nine years late—in 1963, but contained little or nothing about the impact of violent programming on children. In spite of renewed promises, nothing more has been heard from the industry. Violence continues.

In spite of the industry's protestations

that they do not use violence for its own sake, the Dodd investigation turned up some rather revealing memoranda to the contrary. An independent producer was asked to "inject an 'adequate' diet of violence into scripts" (overriding a sponsor's objections to excessive violence). Another network official wrote, "I like the idea of sadism." Still another was advised by memorandum: "In accordance with your request, spectacular accidents and violence scenes of the 1930–36 years have been requested from all known sources of stock footages. You will be advised as material arrives." "Give me sex and action," demanded one executive. Several shows were criticized as being "a far cry" from top management's order to deliver "broads, bosoms, and fun." A producer testified, "I was told to put sex and violence in my show." No wonder the Committee concluded that the networks "clearly pursued a deliberate policy of emphasizing sex, violence and brutality on [their] dramatic shows."

You have the scientific evidence before you regarding the relationship between violence on television and violent behavior, especially of underprivileged children. You and your staff are fully capable of evaluating it. You know of the violence content of today's television programming. You also have heard, or will, the explanations of the network officials for this behavior on their part. We can conclude, at a minimum, that the potential of television to do harm is great, and that it may be doing considerable harm. I would think we could at least share Dr. Wilbur Schramm's judgment that,

"[W]e are taking a needless chance with our children's welfare by permitting them to see such a parade of violence across our picture tubes. It is a chance we need not take. It is a danger to which we need not expose our children any more than we need expose them to tetanus, or bacteria from unpasteurized milk."

And, if you conclude that a casual relationship has been established, and is well known to the broadcasters, then I am afraid we must come closer to Dr. Peter P. Lejins' moral judgment that "[there is little] difference between the drug peddler who is seducing a juvenile into this horrible vice and the producer of a movie or a TV story which is as damaging to the spirit of the youngster." Much rests on your judgment in this regard, and I wish you well.

CENSORSHIP

We have heard a great deal from the broadcasting establishment about "censorship." Broadcasters are concerned about your inquiry. They are even more panicked at the prospect of the FCC awakening from its slumber. Unfortunately, the broadcasters' arguments are born of such a blend of Mammon and mythology as to do disservice to their own position. Because the issue is an important one, however, I should like to attempt a restatement.

The First Amendment expressly provides that "Congress shall make no law . . . abridging the freedom of speech. . . ." And Congress provided in 1934 in section 326 of the Communications Act (the Act establishing the Federal Communications Commission) that "Nothing . . . shall be understood or construed to give the Commission the power of censorship. . . ." (Although the same section went on to give the Commission authority to prohibit any "obscene, indecent, or profane language.") The commitment to freedom of speech runs deep in our history and our law. It is a commitment I personally hold with a fervor molded by years of study and a year as law clerk to Justice Hugo L. Black. As a public official, I welcome the mass media as a check upon government. And should the occasion arise when I felt the FCC was granting or withholding access to broadcasting licenses based upon the political, economic or social ideology of the licensee (or the content of his programming) I would help lead the broadcasters' parade of protest.

But I do not believe it is "censorship" for Congress to provide that a broadcast licensee must accord "equal opportunities" to all competing candidates for public office once one is allowed the use of his station (the "equal time" rule), or to require that "broadcasters . . . afford reasonable opportunity for the discussion of conflicting views on issues of public importance" (the "fairness doctrines"). Nor is it censorship for the Commission to conclude that the Congressional mandate that licensees operate in the "public interest" (Section 307) requires that they "take the necessary steps to inform themselves of the real needs and interests of the areas they serve and to provide programming which in fact constitutes a diligent effort, in good faith, to provide for those needs and interests" (as it did in its Programing Policy Statement of July 29, 1960). Nor do I believe Congress violated the constitutional prohibitions against censorship when it authorized the FCC to require stations to keep "records of programs" (Section 303(j)), or that the FCC did so when it required all broadcasters to announce publicly the source of payment for paid messages and programming (*e.g.*, 47 C.F.R. § 73.119).

The examples could be multiplied almost without end—regulation of lotteries, false and misleading advertising, and so forth. But the point has been made. There are many court decisions, statutes and government regulations that affect speech in ways designed to serve other desirable social ends that are, appropriately, not held to violate the letter or the spirit of the First Amendment. Like the young boy who cried "Wolf!" the broadcasting establishment has shouted so loud and so often that *any* statutes or regulations relating to their industry violate the First Amendment that they are not likely to be believed if, someday, a real threat does come along.

Moreover, the occasions broadcasters choose to protest government action leave one with the uncomfortable feeling that they are more concerned with profitable speech than with free speech. FCC Chairman E. William Henry pointed up the contrast most neatly in a speech to the National Association of Broadcasters in 1964. Chairman Henry had proposed hat the FCC regulate the maximum number of commercials per hour consistent with the "public interest" by adopting a Commission rule *using the industry's own standards* as enunciated in the NAB Code of Good Practice. A proposal that, from anyone else, would have provoked editorial blasts of "FCC Sellout to Broadcasters," produced for Bill Henry a legislative effort by the NAB that it still considers its finest hour. High in the saddle on its "First Amendment Free Speech" steed, the National Association of Broadcasters galloped up the Hill and produced, in record time, action by the entire House of Representatives of the United States Congress designed to prohibit, as a matter of law, the FCC doing any such thing (H.R. 8316). In relating the story later, Chairman Henry pointed out to the broadcasters that there was another issue before the FCC at the same time that really did involve the First Amendment. The licenses of the three Pacifica Foundation radio stations had been in deferred status for three years. The Foundation is financially supported by listeners' contributions and "membership" fees, and provides programming in New York City, and in Berkeley and Los Angeles, California. The programs are unique and controversial—by design. They represent subjects and points of view not heard in the somewhat blander and safer fare offered by conventional commercial stations. They create a devoted and appreciative audience. They also create an emotionally-involved group of opponents. The Commission had received complaints about the stations charging everything from obscenity to Communist leanings. And, as Chairman Henry put it, "When a regulatory agency is called upon to handle allegedly obscene Communists, it indeed has a hot potato on its hands." The case was something of a *cause celebre*, and was certainly well known throughout the industry. The Commission was slow to act on the license renewals, and the outcome was not at all clear. As it turned out, the FCC screwed up its courage and renewed the licenses. But the fact remains that there was, for a considerable period of time, an imminent danger that a broadcaster really would lose his license because of the political, economic or social ideology of his programs. "Where," asked Chairman Henry of the commercial broadcasters, were the "state association delegations . . . letters . . . lawyers and their *amicus* briefs . . . and ringing speeches"?

For, he reported *"not one commercial broadcaster felt obliged to make his views known to the Federal Communications Commission"!*

What irony that, this very month, the FCC is once again delaying the renewal of Pacifica's California stations while it investigates a complaint of an allegedly obscene record reportedly once played in the wee morning hours on the Los Angeles Pacifica station (and widely played on commercial stations throughout the country, it should be noted). For this is not a complaint filed by a listener, but one raised for the first time by the editors of *Broadcasting*—a weekly trade paper that editorializes self-righteously about the First Amendment whenever its industry's profits seem threatened.

As Bill Henry told the NAB, "when you display more interest in defending your freedom to suffocate the public with commercials than in upholding your freedom to provide provocative variety—when you cry 'censorship,' and call for faith in the founding fathers' wisdom only to protect your balance sheet . . . you tarnish the ideals enshrined in the Constitution. . . ." It is unfortunate that the broadcasting industry has so demeaned the First Amendment coin by word and deed. For all right-thinking Americans abhor censorship, want to encourage the freest possible expression of views, and want to avoid artificial barriers to their dissemination.

At least I think my own position is fairly clear. Suppose the FCC was about to order a national network to produce news film that was taken by its cameramen but not used over the air—what are called "outtakes" in the trade. I would urge my colleagues that we not do so as a matter of propriety. A small point perhaps, but I am pleased the Commission has not voted to pursue such a request. In an opinion involving the indifference to a newsman's conflict of interest by the management of another national network, I wrote, "I enthusiastically join the statements [of my colleagues of the majority] insofar as they urge that this Commission should constantly be on guard against actions of government—especially this agency—that might impede 'robust, wide-open debate' or 'aggressive news coverage and commentary.'"

I share Arthur Schlesinger, Jr.'s judgment that the people retain "a certain right of self defense" from the mass media. And if corporate arrogance and intransigence become intolerable I am prepared to reassess the issue. But in general, and for now, I would prefer occasional abuses by a responsible broadcasting industry, capable of reform, to license revocations for irresponsibility.

I think investigation and public disclosure quite useful and appropriate. But I do not believe that the FCC should revoke the license of a television station because of its coverage of a political convention, a war, a

riot, or a government official. With all the admiration I have for Secretary Orville Freemen, I do not believe he—or I—should be able to prevent CBS's showing of "Hunger in America." I do believe that some independent expert entity should be making program evaluations, and that they should be expert, candid, hard hitting, and generally available to the American people. I do not believe the FCC should deny license renewals to network-owned stations because those networks used excessive violence in action dramas, children's cartoons, and other programming in an effort to secure greater audiences. Nor do I believe the FCC should take action against stations which show movies that large segments of the populace find objectionable—movies that have been cleared by the courts for showing in theaters. But I believe some independent entity should investigate and report the impact of radio and television entertainment programming, should criticize what the broadcasting establishment is doing, and should make its views known to the American people.

I am prepared to reevaluate my present position. But I now believe that networks do not tighten fraud procedures on game shows out of fear of the FCC; it is from the fear of adverse public opinion and the economic impact of that opinion. The same is probably true when networks attempt to control the conflicts of interest of their commentators. Broadcasters made reforms after the quiz show scandals, and the revelations concerning payola and plugola, not only of fear of Congress or the FCC but from the realization that the economic health of their industry depends upon public trust. If the public receives believable information that news is deliberately slanted, or programming has deleterious effects, I hope and believe that broadcasters will necessarily move to correct it.

This is not to say the FCC is without power to act in the area of broadcaster conduct and program content. We require stations to announce if they have received money or other consideration for the presentation of programming. A station must make available equal facilities and opportunities to opposing candidates. We have taken action against stations for sponsoring fraudulent contests over the air. The Federal Trade Commission acts against false and misleading advertising. The Communications Act prohibits obscenity, although this is a matter I believe we might be hard pressed to defend in court. We have held that licensees must make known any corporate conflicts of interest in their handling of programming matters. It is less clear whether we could take positive punitive action against a station for fraud in the presentation of news. That does not mean we should not investigate such a matter—and in public hearings. I would see nothing wrong with the FCC using its powers of compelling disclosure to insure that the public learns about fraud, corporate censorship, or falsehood in media practices that are protected by the First Amendment. The penalty would be the same as when any private figure criticizes the media: the effect of public opinion. No institution in our society should be immune from that kind of criticism.

But governmental power is not the only—or even the most important—threat to the freedom of speech of the broadcasting industry. Economic, corporate power over free speech is today, in my opinion, an even greater limitation than those feared by the drafters of the Bill of Rights. All Americans have felt the oppression of corporate censorship.

For years the tobacco and broadcasting lobbies succeeded in censoring from the airwaves virtually any discussion of the impact of cigarette smoking on cancer and heart disease. How many wives and children who are today left without a head of the household might have been spared had cigarette-smoking television viewers been told the facts?

Until recently the auto and broadcasting industries succeeded in propagandizing the view that auto safety was just a matter of "that little nut that holds the wheel"—in short, the driver's fault. The industry and the networks were able to censor from radio and television any meaningful discussion of the manufacturers' responsibility for 50,000 deaths a year from unsafe automobiles until Congressional investigations and the print media made it too embarrassing to avoid any longer.

Coal mining disasters are reported as human interest stories—after the fact. But by what reasoning can broadcasters and cable systems in coal mining states justify censoring from their coal miners' screen programs about "black lung" disease? For this is a disease that doctors say produces a form of gradual strangulation, in some degree, in virtually all of our nation's 160,000 coal miners who are exposed to coal dust without compressed air masks.

And what form of censorship produces a broadcasting industry in which only six of 7,350 radio and television stations are owned by blacks? What form of censorship stills the angry voices of Watts from the television screens of white America until the message finally bursts forth in flames of violence we have been ill-prepared to understand? Why have the blacks—struggling with concepts of "black power" and "black capitalism"—received little or no inkling from television of the tremendous potential open to them in the cooperative movement?

It was almost ten years ago that President Eisenhower warned of the power of a growing "military-industrial complex" in our land. And yet the censorship of the broadcasting establishment—many members of which are major defense contractors—has successfully down-played that issue for the American people. I do not charge abuse. But is there not a potential for censorship in turning over the reporting of one of the major issues before our country—the Vietnam War—to broadcasters who are subsidiaries of corporations that are profiting from the prolongation of that very war? How has the budget of the space program been affected by having its activities reported by corporations profiting from NASA contracts?

Concern about the impact upon our democratic form of government of the rising cost of political campaigning has come from every quarter. Yet well over half the costs are for broadcast time. The broadcasters' insistence upon ever-higher profits for "free" speech is another form of censorship—as is their occasional refusal to carry even paid informational spot announcements about local ballot propositions.

There are many forms of actual and potential censorship in broadcasting. A good many of them are self-imposed. I deplore them all. The problem is serious. But I do believe that any fair, impartial evaluation would have to conclude that your Commission and mine are not the principal threats to free speech in America today.

PROPOSALS

There have been efforts to "investigate" and "study" television and radio since their beginnings. There have been uncounted words written in books, articles and speeches about broadcasting's ills. The question, as always, is "what do we *do* about it?"

What we propose depends in great part upon what we think will alter men's behavior. My own view is that a meaningful reform must be premised upon its capacity to be carried out by self-serving men of average intelligence. To dream schemes of institutions that will only function when men are angels is futile. This is not to say that the world is not populated with a significant number of very decent guys who are willing to risk future and fortune to do "the right thing;" only that you cannot count on one of them being in all the right places at all the necessary times. Indeed, there are even some who question whether one can pass moral judgment on a man who simply finds himself carried along by the system of incentives—rewards and punishments—of his institutional environment. To some extent, that's what Fred Friendly's book, *Due to Circumstances Beyond Our Control,* is all about. It is not enough to wish that networks were being run by men who would televise Senate hearings instead of a rerun of "I Love Lucy." For such a wish requires them to refund pocketed profits to advertisers and give away for free time already sold—in an institutional environment in which their performance, their "success," is measured almost exclusively in terms of how much they can increase profits.

The history of industrial safety is illustrative. There were efforts at moral suasion throughout the Nineteenth and early Twentieth Centuries—all to little effect. The real turning point in industrial safety came when plaintiff's awards in law suits, workmen's compensation schemes, and insurance premiums, rose to a level that made it more profitable to protect human arms, legs and eyes than to continue to pay for the quantity consumed in the manufacturing process.

It is in this sense that I concluded, early in my term as an FCC Commissioner, that speeches by me about the "vast wasteland" would not have much lasting effect upon the contribution of radio and television to the quality of American life. What is needed are institutional realignments.

Let me make abundantly clear that the kind of realignments I am talking about are evolutionary rather than revolutionary. Indeed, the process of adaptation and self-renewal is, in my view, the essence of conservatism. There *are* forces of revolution and alienation abroad in our land. There are those who preach that our system cannot work, that it cannot adapt fast enough, and that our institutions must be destroyed—government, universities, corporations, and so forth.

I am not among them. I want to conserve our institutions. But I believe they can only be conserved by evolution and adaptation to changed conditions and needs. Those who practice corporate arrogance and preach the haughty disdain of legitimate demands for popular participation are the real handmaidens of revolution in this country today.

In my view, government regulation of business seeks to make the free private enterprise system work better, not to stifle it. It seeks a relationship between government and business such that legitimate public demands and needs and interests will be met by institutional adaptation within the private sector—not by nationalization. As McGeorge Bundy has said, "more effective government, at every level, is the friend and not the enemy of the strength and freedom of our economic system as a whole." The American industrial system was strengthened, not stifled, when corporations began paying a fair market price for the human beings consumed in the manufacturing process. The very purpose of the antitrust laws is to encourage competition, and establishing some ground rules for its perpetuation. The food and drug industry is made more profitable, and popularly acceptable, by laws that prohibit profiting from products that produce disease and death. Laws requiring fair employment opportunities for Americans of all races do not hamper big business—they produce more potential customers and reduce the corporate tax burden to sustain the unemployed. We can argue about the details of such proposals in this country—and we do—but I think we can all agree that what we are trying to do is make the American system work better. In the process, we also make it competitively possible for basically decent men to do the right thing. Share-

holders may expect corporate officials to maximize profits, but they do not expect them to violate the law.

Let us, in this light, examine some of the proposals that have been made to alter slightly the system of institutional pressures within the broadcasting industry in ways designed to improve its total contribution to our society.

1. *Public broadcasting.* There are a number of sources of public broadcasting today: National Educational Television's programing and occasional networking service, National Educational Radio, the Public Broadcasting Laboratory's Sunday evening show, the Eastern Educational Network, the programing of now some 150 stations throughout the country, and so forth. The Public Broadcasting Corporation is just beginning. The National Foundations on the Arts and Humanities have provided some financial support already. The Ford Foundation has, of course, been by all odds the most significant source of support for public broadcasting over the years. This programing is significant in a number of ways. It is, first of all, an alternative when and where it is available. A few people listen, and watch, and are enriched. In view of the relatively small audiences, however, public broadcasting's principal value must be measured today in terms of its impact upon commercial television. This has been significant. It is a professional training ground for all of the various jobs in commercial broadcasting. It is a source of programing ideas, public affairs issues, and technical innovations. It is commercial broadcasting's graduate school, its farm club, its underground press, its research and development laboratory.

It is a $90 million tail (or, perhaps I should say, head) on the $3 billion dog of commercial broadcasting that, when it can move the animal, can have a tremendous impact upon our nation with very little investment. As McGeorge Bundy has said, "Twenty years of experience have made it very plain indeed that commercial TV alone cannot do for the American public what mixed systems—public and private—are offering to other countries, notably Great Britain and Japan." The Japanese people have chosen to fund their equivalent of our Public Broadcasting Corporation (NHK) at a proportion of their gross national product that would be equivalent to $2 billion a year in this country. They are richer for it. The United States is now on the threshold of finding out whether it can muster the national will to do as well. I think that it is crucial that the Public Broadcasting Corporation be adequately funded, and, in line with the Carnegie study, in such a manner as to be independent of the government. Such an effort would be a classic example of an institutional change that could benefit everyone affected by broadcasting far more than it costs—and harm no one.

2. *Citizen participation.* A statesman has been defined as a man who stands upright, due to equal pressure on all sides. It is, in this sense, that the Federal Communications Commission is made up of statesmen. Mr. Bundy has said of the FCC that, "its weakness is a national scandal. . ." But it is not true that the Commission just responds to pressure from the broadcasting industry. It responds to pressure from anybody. Increasingly, citizens all around the country are learning that the FCC's adversary process will only work if they will make it work. For you can only have an adversary process if you have adversaries.

The typical station's license renewal proceeding goes like this. The FCC gathers at ringside and offers to referee. At the sound of the bell the licensee jumps in the ring and begins shadow boxing. At the end of three minutes he is proclaimed the winner by the FCC majority, found to have been serving the public interest in his community, and given a three-year license renewal.

Members of the public are learning how to make this a more meaningful contest. In Seattle, a voluntary citizens-media council has brought interested parties together to improve coverage of the black community. (The general concept of local broadcasting councils has worked in other countries and might well be tried here.) Negroes in Jackson, Mississippi, along with the United Church of Christ, are challenging in court the FCC's renewal of the license of station WLBT. John Banzhaf, who established the "fairness doctrine" requirement that broadcasters inform their audiences about the harmful effects of cigarette smoking, is contesting the license renewals of stations which have not complied. Labor unions are contesting the license renewals of stations which do not fairly present labor's story. Citizens in Chicago, Seattle and Atlanta are, independently, protesting changes in the programming format of their favorite local stations from classic music to something more popular—and profitable. A number of organizations are fighting the renewal of license for a station that broadcasts a surfeit of what they consider right-wing hate programming. Other groups are protesting childrens programming, violence on television, and the absence of meaningful local service programming. (As one group of young blacks' picket signs put it, "Soul Music is Not Enough.") Needless to say, I am not expressing a view on the merits of these cases. But I believe this trend is going to continue. And I think that it is, in most cases, basically healthy for listeners and viewers to be able to participate in the Commission's proceedings. It creates the reality, as well as the illusion, that it is possible to "do something" to make our seemingly intractable institutions respond to popular will, that you can fight city hall. It removes the pressure for revolutionary action that otherwise heats up without escape like infection in a boil. Finally, it should be welcomed by the vast majority of American broadcasters who are responsible, involved with their community, and who are already making efforts to obtain more audience interest in their stations' programming.

3. *Public service time.* Businessmen who would like to perform a public service that does not maximize immediate profits often have difficulty convincing their shareholders they should do so unless their competition undertakes a similar burden. Take the safety record of commercial aviation, for example. It would be competitively difficult for a single airline to establish and follow the kind of maintenance and safety standards imposed by the FAA and CAB. There would always be a competitor who, by taking a few more risks, could cut costs, reduce rates and attract customers. By having industry-wide standards enforced by a government agency, however, everyone is competitively equal—and everyone benefits from an industry-wide reputation that builds confidence in airline transportation.

Because of the almost total absence of programming standards from the FCC, the broadcasting industry is at a substantial disadvantage. It becomes competitively difficult for a single network to put very much news and public affairs in prime time, to increase its financial commitment to public service, or to broadcast programming without commercial sponsorship—so long as the other two can continue to maximize profits. Competitive position as well as profits are involved. The FCC owes the industry—and the public—the assist that only government, with its antitrust immunity, can provide: the establishment of standards that will create for the industry the opportunity to more often do its best.

Such standards could take a number of forms. We could require that a given proportion of gross income be invested in programming. We could require that each network provide a given proportion of its prime time, each evening or each week, to public service programming; stations could have similar standards, especially for local programming. (For example, each of the three networks could be required to provide a single hour of such programming Monday through Saturday between 7:00 and 10:00 p.m. on a staggered basis. Thus, at any moment of this segment of prime time, viewers would have a choice of something other than advertiser-supported, lowest-common-denominator programming.) We could require that, for some programs, there be no commercial interruption. We could set standards for the size of the news staff, or news budget, as a proportion of gross income. Such standards could, of course, be worked out with the networks and station owners, for—as with the commercial airlines' safety record—it is the responsible, professional elements in the industry that ultimately have the most to gain from such proposals.

4. *Program diversity and ownership standards.* Many of the FCC's policies in the broadcasting field are premised upon the assumption that the more independently owned broadcasting outlets the better. That is, minority tastes will be better served, and programming quality improved, by increasing the number of sources of broadcast programming. There has never been a thorough-going effort to find out if this theory has worked out in fact, and thus each of us must judge for himself. But today's 7,350 operating radio and television stations do represent about a ten-fold increase over the number of broadcast outlets in the 1920's and 1930's. This has come about through the addition of relatively lower-power, day-time-only, local AM radio stations, the wholly new FM radio service, and television—first VHF and then UHF. Cable television—which now serves some two million homes—has the potential of bringing 20 or more television signals into the home (compared with the four or five signals in most major markets today). Additional individual choice is provided by services that do not involve broadcasting. Music can be obtained from phonograph records and audio tapes. The sale of tape recorders is up markedly, including stereo tape players for automobiles, and there is widespread taping of music from radio stations for subsequent personal use. Films have always been available, but have been expensive and difficult to operate; now the prospect of video cameras, tape recorders, and video disc and tape recordings opens up a whole new consumer market.

Diversity in broadcast programming is also affected by FCC rules regarding programming practices. In the largest 100 markets the FCC requires that jointly-owned AM-FM stations not duplicate programming more than 50% of the time. The Commission has under consideration a proposal that would limit a network's ownership interest to a maximum of 50% of the networked programming. We have put out for comments the Westinghouse proposal to limit the amount of time programming that any affiliate can take from one network. Of course, the mere joint ownership of broadcast properties in the same market decreases the likelihood of diversity in programming. And the FCC has also proposed a rule that no single owner can hold a license to more than one full-time facility in a single market—which the Justice Department believes should be expanded to take account of newspaper ownership. (The limits now are five VHF, two UHF, seven AM, and seven FM stations for a single owner. No commonly owned TV signals may overlap, nor AM nor FM, but a TV plus AM plus FM may be commonly owned in a single community.) To the extent that diversity of signals, programming, and ownership has led to greater audience choice, service to minority tastes, and improved quality, such efforts are to be encouraged.

5. *Professionalism.* Members of the radio

and television industry like to think of themselves as members of a profession. No one would question that there are, within the industry, individuals with impressive records of academic training, and participation in programming that represents a high sense of responsibiilty, creativity, and technical standards. The fact remains, however, that most of the ingredients one associates with a profession are not to be found in broadcasting. There are no academic standards. There are no professional qualifying examinations. There are no moral or character standards. There are no professional associations. There is no procedure for processing public grievances addressed to one of the members. A lawyer, by contrast, must hold college and law degrees from accredited institutions. He also must be found to be academically qualified by examiners from the legal profession. He must meet character qualifications. The courts before which he appears must first "admit" him to practice—after satisfying themselves as to his qualifications. He belongs to a "bar association" which may be a requirement to practice. Grievances filed against him are evaluated by a "grievance committee" against the standards of professional "canons of ethics" and prior decisions interpreting those canons. Similar qualities are associated with doctors, dentists, engineers, architects, accountants, and so forth.

Or consider for a moment the rigors of qualifying as a third grade teacher. The applicant must have a college degree from a school of education. She must be qualified under standards established by the state for a teachers' certificate. She must meet the standards of the local school board. She must have spent some time as a "practice teacher." She may continue to take in-service training. She must meet these standards because she is going to spend time with a group of perhaps 25 children for a few hours a day for a few months out of the year. She will be giving them ideas, information, opinions, attitudes, and behavior patterns that must hold them in good stead throughout life. We don't want to trust their minds to any but the most skillful and responsible of hands. Contrast these concerns and standards, if you will, with those we associate with broadcasters, with their access to *millions* of young minds for far more hours every year. As Harry Skornia has said, "Although broadcasting is one of the most powerful forces shaping social values and behavior, broadcast staffs and management in the United States generally have no specific professional standards to meet . . ." There are exceptions. But of the NAB Code Skornia says, "A document so vaguely worded, so defensive, and so flagrantly violated, can hardly be seriously considered a real code of either ethics or practices." He believes that the mass media "should be entrusted only to professionals, who study their effects as carefully as new drug manufacturers are expected to test new drugs before putting them on the market." News is, of course, a special concern: "It must be recognized that news, like medicine or education, is too important to be entrusted to people without proper qualifications." Let me hasten to make clear that I do not urge that the FCC is the most appropriate agency to establish such professional standards, or to engage in licensing. But I do urge that the American people have the right to expect professional standards from those who instruct millions of young people Saturday morning that are at least as high as those it imposes upon the teachers who instruct a classroom of 25 on Monday morning. And I share Harry Skornia's concern that:

"In news and public affairs, particularly, the fact that there is no national academic standard prerequisite to practice, and that neither the names of the schools from which newsmen graduate, nor their diplomas or degrees—if indeed they are even considered necessary to employment—represent any definitive standard of intellectual accomplishment, morality, character qualification, or even technical skill, is disturbing if not shocking."

Such standards and procedures of professionalism, were they to be adopted, would represent another example of a modest institutional restructuring that should be fully acceptable to the responsible elements of the broadcasting industry as well as of great benefit to the public.

6. *Programming liability.* Legal liability for a monetary damage award has often proven to be an effective spur to reform. Manufacturers' concern for the safety and suitability of their products has undoubtedly been enhanced by the "product liability" standards that have been laid down by the courts. It is simply too expensive to try to run a manufacturing business with the threat of suits from injured customers. The same principle has applied to industrial safety practices. Safety procedures and equipment that once seemed "too expensive" appear much more reasonable when balanced against adequate plaintiffs' awards for injuries and death. Perhaps the networks' concern about the quality and impact of their programming could be intensified in this way, either by principles of liability found in the common law or from new legislation. I appreciate that this is a provocative suggestion, that it could sometimes raise First Amendment problems, and that proof of causation would be difficult. Nonetheless, I think it is an idea we should begin discussing.

Most products are warranted as safe for the purposes for which intended. Why not the televised product? A drug manufacturer must do sufficient experimentation to prove the efficacy and harmless nature of his product before offering it to the public. Why not the television company? Why shouldn't the broadcaster bear a measure of any tobacco manufacturer's liability to the widow of a lung cancer victim for failing to tell her husband the whole truth about the impact of cigarette smoking? Many states recognize "psychic" or emotional injury. (For example, bill collectors may be liable for harassing innocent debtors.) Why shouldn't a television network be liable for the psychic harm it does millions of young children who watch the Saturday morning "children's programs"? The television set manufacturer is legally liable for physical damage done by radiation from the set. Why should the network be free of responsibility for the psychic harm done by what it radiates from the set? To state the extreme case, suppose a psychiatrist would testify that a child's mental illness was directly traceable to a particular show watched regularly. And suppose, further, that numerous other children were affected in this way—and that the network knew the program would likely produce that result. Is legal liability out of the question? If there is not legal liability for the fate of millions, is there not at least a moral responsibility that is even greater? Legal liability has been an effective instrument of reform in the past, and is at least worth examination as a means of improving the most extreme instances of injurious programming.

7. *Public's access to television.* We are living in an age in which television has become confused in a crazy way with reality. If it's not on the tube it hasn't happened. And if you—or those with whom you can identify—are not on the tube you don't exist. Only this week a Harris poll reports that a sense of alienation is growing among many Americans—principally, it seems to me, those who are excluded from participation in television. The right to petition one's government, guaranteed in the First Amendment of the Bill of Rights, has become the need to petition one's media—usually television. That's how you change things. That's how you communicate with your fellow citizens. We've discovered that a riot is a form of communication.

Robert Conot tells us of the Watts youth who said, "All we wants is that we get our story told, and get it told right! What we do last night, maybe it wasn't right. But ain't nobody come down here and listened to us before." The Kerner Commission Report spoke of a mass media that "repeatedly, if unconsciously, reflects the biases, the paternalism, the indifference of white America." Daniel Walker quoted Yippie leader Abbie Hoffman to you: "You got a TV set? That's a jungle. . . . We get on that tube . . . we get information out, and our information is heavy, and it sticks, and it's exciting, it's alive. . . ." Among the most popular newspaper features today are the letters to the editor and "Action Line" columns. "Call-in" radio shows are riding a crest of popularity. Blacks are becoming more conscious of the fact that all but six of the 7,350 broadcasting stations in this country are owned by whites. Alienated young people, who have been shut out from access to the establishment media, are doing a thriving business (economically and aesthetically) in "underground" newspapers, films, and television.

There are a number of conclusions one can draw from observations like these. One is that we might as well face up to the fact that television *is* responsible for violence to the extent it insists upon action from those with legitimate grievances to share with their fellow citizens. People with something they must say will do whatever is necessary to be heard. What is necessary is what the gatekeepers of our television channels define as necessary.

Another conclusion is that we probably ought to be giving more thought to principles of public right of access to television. The FCC's "fairness doctrine" is, of course, designed and administered in ways which seek to serve this need in part. But it is inadequate. Professor Barron has argued in the Harvard Law Review that in order to breathe life into First Amendment freedoms today they must mean something more than the right to establish one's own multi-million-dollar TV station, network or newspaper—there must be a public "right" of access to the mass media. Television networks and stations today retain a very tight control over who uses their facilities—even to the point of requiring Xerox to set up its own "network" to show some of its more creative documentaries. The only public access comes during news programs and interview shows when, of course, the outsiders are carefully screened.

It is in part this control which has required the necessity of establishing the rather expensive duplicate facilities represented by 150 educational television stations. Corporations have made contributions to help sustain educational broadcasting. But some have also used commercial television to bring the same kind of programming to the American people—Xerox, Hallmark, AT&T, Union Carbide, to name but a few. It is the means chosen by the National Geographic Society. If we are to limit the surfeit of advertiser-supported, network entertainment programming during prime-time, perhaps we should consider a rule making a proportion of this time available for non-commercial programming of an educational, scientific, or cultural nature paid for by foundations or similar institutions. Such time would then be available to them as a matter of right, rather than as a matter of sufferance from the networks. The FCC has recently proposed a similar principle with regard to cable television systems—that extra channels be made available on a common carrier basis for lease to those who wish to distribute programming, the costs for which may be relatively low.

8. *Citizens Commission on Broadcasting.*

Twenty-two years ago, with the leadership of Robert M. Hutchins and the funding of Henry R. Luce, the "Commission on the Freedom of the Press" took a look at our mass media at that time and recommended "the establishment of a new and independent agency to appraise and report annually upon the performance of the press."

Earlier this year the National Advisory Commission on Civil Disorders (the Kerner Commission) recommended, among other things, the establishment of an "Institute of Urban Communication on a private, nonprofit basis" with the responsibility to "review press and television coverage of riot and racial news and publicly award praise and blame."

In between, similar suggestions have come from such distinguished citizens and students of the mass media as Professor Harold Lasswell, former Senator William Benton (who proposed a National Citizens Advisory Board for Radio and Television to the Senate, along with Senators John W. Bricker, Leverett Saltonstall, and Lester C. Hunt in 1951), Jack Gould of *The New York Times*, Harry S. Ashmore (now of the Center for the Study of Democratic Institutions), and Professor William Rivers of the Institute of Communication Research at Stanford. Representative Oren Harris, when Chairman of the House Committee on Interstate and Foreign Commerce, proposed a similar idea—as did CBS President Frank Stanton (although his proposal was for industry funding). Dr. Otto Larson, who testified before you, called for an "institute" to conduct "continuing, systematic, objective comparative surveillance of mass media contents. . . ." Tom Hoving's National Citizens Committee for Broadcasting could develop in this direction. (Even former FCC Commissioner Loevinger has recently urged the industry to establish its own "American Broadcasting Council on Fairness and Accuracy in Reporting.")

What form should such a citizen's commission or institute take? Others have spoken to the details and I will not attempt to repeat all of the proposals here. A few general characteristics, however, seem to run throughout.

Although there may be some appropriate ways to funnel some federal or industry funds to such an institute, I believe that most proponents would agree that the organization ought to be completely free from any suggestion of government or industry influence. It may already be impossible, in this day and age, to isolate any institution from the overpowering political pressures of Big Television. But the institute should, at least, not draw its membership or employees from either government or broadcasting.

Funding should come from foundation and other private sources and would probably have to be in the $1 to $10 million a year range. There is a certain "critical mass" of individuals necessary to undertake an effort of this kind in terms of the quality and range of professionals, and sheer quantity of work involved. This is somewhere between 50 and 200 professional people. To the extent projects are contracted out to others, or training programs are undertaken, that would, of course, require additional funding. Federal funding might be possible through the National Science Foundation, the National Institutes of Health and of Mental Health, the National Foundations on the Arts and Humanities, the Public Broadcasting Corporation, or the Department of Health, Education and Welfare. But I would assume that government and industry funding combined should not exceed, say, 30 percent of the annual operating budget and that it would be far more desirable, if possible, to do without it altogether.

What would such a Citizens Commission or Institute do? There would be, of course, a wide range of potential activities that would evolve with the interests of the participants. But the following may be illustrative.

1. The Analysis and Evaluation of Broadcasting Standards.

The processes and substance of voluntary standards, both internal and industry-wide, could be subjected to intense, continuing Institute scrutiny. The Institute might be expected to give priority to evaluation of such standards as those providing for limitations on violence in entertainment programming, standards for avoiding minority stereotyping in entertainment programming, codes of conduct during and for the treatment of social disorders, and standards for the classification of program materials designed to afford parents the opportunity to select appropriate viewing material for their children. This task could be limited to preexisting codes and standards, or could undertake the development of new criteria (without, of course, enforcement powers).

2. The Creation and Evaluation of Programming Standards.

The Institute could particularize standards of public interest programming. We presently have very little in the way of "social indicators" for evaluating broadcast programming and its impact. For example, the Institute could develop guidelines for identifying those social, economic or political issues which merit surveillance by the media, as well as guidelines for the quantity and quality of time to be given significant controversial public issues. The Institute could serve an important need by developing recommended minimum standards for the staffing and equipping of broadcast media news bureaus and editorial departments.

3. The Monitoring and Evaluation of Broadcasting.

In monitoring the media, the Institute could determine the degree of adherence to standards, as well as measuring the extent to which broadcasters meet the commitments to provide specified amounts of public interest programming which they have made in their license applications to the FCC. The monitoring function might also include the conduct of Institute-directed audience surveys in order to check upon the accuracy, integrity and relevance of the broadcast rating services.

4. The Evaluation of Media Grievance Machinery.

The Institute might well contribute to the development of workable procedures to ensure access to the media for significant dissident groups. The responsiveness of the media to complaints and requests for the opportunity to present alternative views on public issues could be monitored and evaluated by the Institute. To the extent that the industry undertakes to develop professional grievance machinery, such as Broadcasting Councils, the Institute could contribute to their development and effectiveness by evaluating the industry's responsiveness.

5. Analysis of the Economic Structure of the Media.

The impact of economic concentration or other ownership patterns in the media should be an intensive, continuing concern of the Institute. The Institute can also perform a valuable service by focusing public attention on the effect of advertising in determining program selection and content.

6. Analysis of Media Employment Practices.

As the Kerner Commission and others have observed, the quality of reporting on minority group problems is directly related to the extent to which Negro and other minority group members are employed in substantive broadcasting capacities. The Institute could monitor practices and trends in employment.

7. The Evaluation of the Effectiveness of Government Agencies Charged with Media Related Responsibilities.

Many of the current deficiencies in media performance can be traced in part to the lack of vigor with which such agencies as the FCC have carried out their present responsibilities. The fact that the FCC has never revoked a license for the failure of the licensee to undertake adequate public service broadcasting suggests that the "public interest" standard—so vigorously articulated—has been less than rigorously implemented. The sporadic attention paid to mergers affecting the media gives little confidence that a diversity of editorial comment will continue to exist in even our major cities.

8. Development of Standards and Programs for Improving Community-Broadcaster Relations.

In the view of the Kerner Commission, "the Institute could undertake the task of stimulating community action," and "could serve as a clearing house for an exchange of experiences in this field [police-press relations]."

9. The Provision of Training in Areas of Critical Social Significance.

The Institute could be authorized to conduct or to fund programs for the training of Negro and other minority group journalists, as well as for the training of nonminority group members in techniques for reporting on minorities and on social, economic and environmental problems generally.

10. Research Contracts, and the Stimulation of Public Interest Programming Through Grants and Awards.

The Institute's impact should not be limited to the negative sanctions of critical evaluation and condemnation. To the extent that its resources permit, the Institute could engage in affirmative programs to stimulate public interest programming through grants. Such grants may be particularly appropriate for local media projects which may lie beyond the resources of local commercial broadcasters to perform without financial assistance. Such grants would complement the programs contemplated for the Public Brodcasting Corporation to aid non-profit broadcasters. In addition, the Institute might appropriately develop a program of awards for outstanding public interest programming—awards which could be designed to maximize the competition for prestige which is evidently a strong motivating force within some segments of the industry. The grant programs undertaken by the Institute might include funding of an urban affairs news service, as suggested by the Kerner Commission, to focus on social issues which are of limited interest to the major networks and wire services.

Now, what powers should an Institute have to carry out such a formidable array of functions? Certain minimal powers seem apparent.

(1) Authority to Publicize its Findings and Conclusions.

The Institute would be expected to seek the widest possible dissemination of its statements and reports. While the Institute should be authorized, if the occasion necessitates, to purchase media time or space for the publication of its findings, the media would normally be expected to provide adequate coverage for Institute releases.

(2) Authority to Request Data and Reports through Government Agencies.

The Institute should be able to obtain, through FCC processes, broadcast information which it deems relevant to its tasks, but which it cannot obtain voluntarily. Similarly, the Institute should have access to relevant economic data. The Institute could cooperate with the Equal Employment Opportunities Commission in obtaining information on hiring and task assignment practices.

(3) Authority to Appear as Advocate for the Public Interest.

While the Institute would have no regulatory authority, it is essential that its findings be widely circulated—not only through

publicity, but also through advocacy in all appropriate forums. Thus the Institute should be authorized to appear before the FCC to speak on standards-setting, licensing, and other issues relevant to its purpose; to appear before antitrust agencies to comment on the impact of economic concentration of media performance; to appear before Fair Employment Practices Commissions and the Equal Employment Opportunities Commission to discuss issues relating to the employment of minorities in substantive roles; and to appear before Congress to testify on proposed legislation and related inquiries.

(4) Annual Report.

Finally, to provide a check on its own activities, as well as a formalized occasion for evaluation of the overall performance and trends within broadcasting, the Institute should annually prepare and to present to the public—and the President, and the Congress—a comprehensive report detailing its activities and rendering its judgment.

I am hopeful that this idea, which has appealed to so many distinguished Americans, will appeal to you as well—as it does to me—and that you will include it in your recommendations. I am also hopeful that the recommendation will be acted upon by foundations, universities, and public groups.

The American people are calling for some meaningful response to the corporate arrogance that posts a high wood fence around the television business with "Keep Out!" written on one side and "First Amendment" on the other. As Arthur Schlesinger, Jr., has observed in his book on *Violence:*

"No rational person wants to reestablish a reign of censorship or mobilize new Legions of Decency. . . . Yet society retains a certain right of self-defense."

We do retain a right of self-defense. The people are looking to you to exercise it. One useful way in which you could do so would be to recommend the creation of a non-governmental, non-industry Citizens Commission on Broadcasting.

TAX TREATMENT OF THE OIL INDUSTRY

Mr. McINTYRE. Mr. President, last week our Finance Committee began hearings on the House-passed tax reform bill. One of the most important aspects of its deliberations over the next several weeks will be its review of the tax treatment afforded the oil industry.

To many people, and with good justification, the tax treatment of the oil industry is the most notorious of the many loopholes now in our tax laws. And elimination of the oil depletion allowance is synonymous with tax reform.

Yet few people really know just how blatant the tax dodging of domestic oil companies really is, and it is difficult to get accurate figures to prove one's point. For this reason, I was deeply gratified to receive from one of my constituents last week a copy of the July 14 edition of U.S. Oil Week. This edition contained a table which sets forth in detail the tax burden of all our major oil companies. It shows that some have virtually no tax burden whatsoever and that the average company paid only 7.7 percent of its pretax income in taxes.

Also contained in this edition of U.S. Oil Week is a "Handy Guide to Oil Tax Arguments," which sets forth and then explodes the specious arguments now being offered by lobbyists for oil industry as justifications for continuing its present tax status.

Mr. President, I ask unanimous consent to insert both the tax tables and the arguments guide in the RECORD so that they may be available to all Members who wish to participate in this important tax debate.

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

MAJORS PAID 7.7-PERCENT TAX

Major oil companies last year paid 7.7% of their net income before taxes as federal income tax.

The figure drops from 8.3% a year earlier, according to a *U.S. Oil Week* survey of Securities and Exchange Commission records.

Major oil companies lump federal, state and foreign income taxes together in their annual reports.

Thus it's not possible to tell in most cases what the true federal income tax of a company is.

The survey shows Atlantic Richfield paid federal income tax last year for the first time at least since 1962 despite substantial profits.

But Sinclair not only didn't have to pay any income tax, it won a $2.7 million credit despite a $101 million profit before taxes.

Now that Atlantic has acquired Sinclair it could use Sinclair's credit to get back most of the $2.9 million it paid Uncle Sam.

Or it could hold the credit to apply against possible federal tax liability in the years to come.

Together Atlantic and Sinclair netted $341,537,000 while gathering a federal tax liability of about $200,000.

Atlantic's tax-free status in previous years has become a national controversy with several mentions of the fact in congressional debate.

A big improvement in federal income tax was logged by Gulf, cutting its tax rate from 7.8% to less than 1%.

Lowest percentage rates belong to the big international companies who are able to apply their royalties abroad (often called income taxes) against federal tax liabilities.

Tax rates paid in 1968 by majors were: Standard (N. J.), 10.1; Texaco, 2.3; Mobil, 3.3; Standard (Calif.), 2.9; Standard (Ind.), 18.9; Shell, 16.3; Conoco, 3.3; Sun, 19.4; Phillips, 17.7; Union, 3.6; Getty, 6.0; Standard (Ohio), 33.5; Ashland, 33.2; Marathon, 2.8; Cities Service, 9.1. The table follows:

FEDERAL TAXES OF LARGEST REFINERS

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Standard (N.J.):						
1962	$1,271,903,000	$8,000,000	0.6	$423,000,000	33	$840,903,000
1963	1,584,469,000	69,000,000	4.3	496,000,000	31	1,019,469,000
1964	1,628,555,000	29,000,000	1.7	549,000,000	33	1,050,555,000
1965	1,679,675,000	82,000,000	4.9	562,000,000	33	1,035,675,000
1966	1,830,944,000	116,000,000	6.3	624,000,000	34	1,090,944,000
1967	2,061,000,000	166,000,000	8.1	700,000,000	34	1,195,028,000
1968	2,313,587,000	233,999,000	10.1	802,907,000	34	1,276,681,000
Texaco:						
1962	546,371,000	13,000,000	2.3	51,700,000	9	481,671,000
1963	615,768,000	10,250,000	1.6	58,850,000	12	545,668,000
1964	660,761,000	5,500,000	0.8	77,900,000	11	577,361,000
1965	726,198,000	10,000,000	1.3	79,500,000	11	636,698,000
1966	845,466,000	32,500,000	3.8	103,100,000	12	709,866,000
1967	892,986,000	17,500,000	1.9	121,100,000	13.5	754,386,000
1968	1,019,930,000	23,800,000	2.3	160,600,000	15.7	835,530,000
Gulf:						
1962	488,351,000	19,389,000	3.9	128,871,000	26	340,091,000
1963	540,065,000	30,870,000	5.7	137,842,000	25	371,353,000
1964	607,343,000	52,443,000	8.6	159,782,000	26	395,118,000
1965	655,727,000	53,559,000	8.1	174,935,000	26	427,233,000
1966	813,868,000	90,008,000	11.0	219,098,000	26.9	504,762,000
1967	955,968,000	74,142,000	7.8	303,539,000	31.8	578,287,000
1968	977,321,000	8,005,000	0.81	342,997,000	35.1	626,319,000
Mobil:						
1962	379,339,000	8,300,000	2.1	128,700,000	33	242,339,000
1963	437,352,000	23,000,000	5.2	142,500,000	32	271,852,000
1964	464,660,000	27,700,000	5.9	142,800,000	30	294,160,000
1965	508,016,000	33,900,000	6.6	154,000,000	30	320,116,000
1966	555,412,000	23,200,000	4.4	176,100,000	31.7	356,112,000
1967	594,593,000	26,900,000	4.5	182,300,000	30.7	385,393,000
1968	673,739,000	22,000,000	3.3	223,500,000	33.2	428,239,000
Standard (Calif.):						
1962	348,181,000	5,800,000	1.6	28,600,000	8	313,781,000
1963	356,568,000	2,900,000	0.8	31,600,000	8	322,068,000
1964	448,053,000	14,100,000	3.1	125,837,000	28.1	308,116,000
1965	507,341,000	12,500,000	2.5	142,941,000	28.2	351,900,000
1966	564,256,000	27,300,000	4.8	151,019,000	26.8	385,937,000
1967	791,962,000	12,900,000	1.6	369,669,000	46.7	409,393,000
1968	569,431,000	16,700,000	2.9	100,900,000	17.7	451,831,000
Standard (Ind.):						
1962	$168,843,000	$3,105,000	1.8	$3,381,000	2	$162,420,000
1963	208,022,000	22,182,000	10.6	2,748,000	1	183,092,000
1964	204,817,000	8,486,000	4.1	1,480,000	0.7	194,851,000
1965	263,098,000	39,578,000	15.0	4,248,000	2	219,272,000
1966	300,531,000	----------	----------	49,672,000	----------	255,869,000
1967	366,847,000	74,021,000	20.2	10,576,000	2.9	282,250,000
1968	395,064,000	74,678,000	18.9	10,892,000	2.8	309,494,000
Sh :						
1962	173,555,000	7,200,000	4.1	8,680,000	5	157,675,000
1963	211,575,000	19,100,000	9.0	12,623,000	5	179,852,000
1964	213,575,000	2,800,000	1.3	12,585,000	5	198,190,000
1965	274,507,000	26,600,000	9.6	13,876,000	5	234,031,000
1966	313,085,000	46,100,000	14.7	11,785,000	3.7	255,200,000
1967	342,022,000	44,940,000	13.1	12,333,000	3.6	284,849,000
1968	387,767,000	63,378,000	16.3	12,298,000	3.2	312,091,000
Conoco:						
1962	73,477,000	1,065,000	1.4	3,335,000	5	69,077,000
1963	99,665,000	9,143,000	9.2	3,157,000	3	87,365,000
1964	204,184,000	235,000	.1	103,840,000	50.9	100,109,000
1965	201,914,000	4,670,000	2.3	101,093,000	50.1	96,151,000
1966	290,924,000	11,669,000	4.0	122,339,000	42.1	156,916,000
1967	280,584,000	7,649,000	2.7	123,973,000	44.2	148,962,000
1968	290,357,000	9,721,000	3.3	130,594,000	45.0	150,042,000
Atlantic:						
1962	61,110,000	0	0	14,844,000	24	46,266,000
1963	56,747,000	0	0	12,734,000	22	44,013,000
1964	61,081,000	0	0	14,005,000	22	47,076,000
1965	105,299,000	0	0	15,188,000	14	90,111,000
1966	127,384,000	----------	----------	13,900,000	12.7	113,484,000
1967	145,259,000	----------	----------	15,254,000	10.5	130,005,000
1968	240,272,000	2,999,000	1.2	37,713,000	15.7	199,560,000
Sun:						
1962	66,395,000	200,000cr	0	13,400,000	20	53,195,000
1963	79,976,000	1,300,000	1.9	17,460,000	22	61,216,000
1964	88,577,000	2,400,000	2.7	17,670,000	20	68,507,000
1965	113,405,000	10,300,000	9.0	18,220,000	16	84,835,000
1966	131,544,000	16,600,000	12.6	14,370,000	10.9	100,574,000
1967	146,946,000	24,700,000	16.8	13,670,000	9.3	108,576,000
1968	227,790,000	44,290,000	19.4	19,070,000	8.4	164,430,000

Footnotes at end of table.

FEDERAL TAXES OF LARGEST REFINERS—Continued

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Phillips:						
1962	$158,320,000	$48,000,000	30.3	$3,365,000	2	$106,955,000
1963	160,954,000	52,000,000	26.2	3,491,000	2	105,463,000
1964	152,197,000	32,229,000	22.2	4,950,000	3	115,018,000
1965	165,876,000	31,745,000	19.1	6,415,000	4	127,716,000
1966	218,382,000	59,163,000	27.0	7,595,000	3.4	151,624,000
1967	227,766,000	52,255,000	22.9	11,496,000	5.0	164,015,000
1968	184,560,000	32,584,000	17.7	15,174,000	8.2	136,802,000
Union:						
1962	59,421,000	8,000,000	13.5	5,500,000	9	45,921,000
1963	73,028,000	13,100,000	17.7	6,000,000	8	53,928,000
1964	87,564,000	13,300,000	15.2	7,200,000	8	67,064,000
1965	119,214,000	15,604,000	13.2	8,840,000	7	94,770,000
1966	170,782,000	18,398,000	10.7	10,144,000	5.9	142,240,000
1967	163,820,000	10,400,000	6.3	8,457,000	5.2	144,963,000
1968	164,232,000	5,955,000	3.6	7,045,000	4.3	151,232,000
Marathon:[2]						
1962	36,064,000	2,200,000cr	0	205,000	.5	37,889,000
1963	50,058,000	**	0	933,000	2	49,125,000
1964	63,220,000	**	0	2,844,000	4	60,376,000
1965	97,416,000	**	0	37,345,000	38	60,071,000
1966	130,927,000	2,400,000	1.8	59,700,000	45.9	68,826,000
1967	138,520,000	3,700,000	2.7	60,962,000	44.0	73,858,000
1968	155,335,000	4,350,000	2.8	67,659,000	43.6	83,326,000
Cities Service:						
1962	84,143,000	20,773,000	24.7	3,185,000	3	60,185,000
1963	101,976,000	20,188,000	21.4	4,283,000	4	77,505,000
1964	105,299,000	19,819,000	18.9	967,000	.9	84,513,000
1965	137,068,000	31,973,000	23.3	977,000	.7	104,118,000
1966	194,456,000	51,760,000	26.7	902,000	.4	141,794,000
1967	165,289,000	32,347,000	19.6	5,105,000	3.1	127,837,000
1968	138,613,000	12,683,000	9.1	4,594,000	3.3	121,336,000
Standard (Ohio):						
1962	37,235,000	9,275,000	25.0	3,738,000	10	24,222,000
1963	54,008,000	15,225,000	28.1	4,896,000	9	33,887,000
1964	70,252,000	21,150,000	30.2	5,334,000	7	43,768,000
1965	82,848,000	26,300,000	31.7	6,386,000	8.3	49,712,000
1966	84,481,000	21,200,000	25.0	6,345,000	7.5	56,936,000
1967	101,496,000	29,200,000	28.8	8,412,000	8.3	63,884,000
1968	113,571,000	38,100,000	33.5	5,394,000	4.7	70,077,000
Getty:[3]						
1967	132,762,000	3,687,000	2.8	10,909,000	8.2	118,166,000
1968	112,798,000	6,712,000	6.0	7,836,000	6.9	98,250,000
Sinclair:						
1962	57,936,000	----------	----------	10,586,000	18	47,350,000
1963	85,731,000	1,200,000cr	0	10,201,000	12	75,230,000
1964	66,444,000	3,119,000cr	0	10,827,000	15	58,736,000
Sinclair—Continued						
1965	$96,072,000	$4,100,000	4.4	$15,299,000	15.9	$76,673,000
1966	123,232,000	13,996,000	11.3	14,892,000	12	94,344,000
1967	130,017,000	10,585,000	8.1	24,060,000	18.5	95,372,000
1968	101,265,000	2,747,000cr	0	27,429,000	27.1	76,583,000
Tidewater:						
1962	35,191,000	228,000	0.6	2,387,000	6	32,576,000
1963	42,795,000	63,000cr	0	3,384,000	8	39,474,000
1964	40,508,000	377,000	13.7	4,426,000	11	35,705,000
1965	60,397,000	58,000	0.9	3,783,000	6	56,556,000
1966	80,542,000	3,350,000	4.1	5,301,000	6.5	71,891,000
Ashland:						
1962	24,324,000	6,201,000	25.8	3,799,000	11	15,324,000
1963	28,769,000	10,556,000	37.7	104,000	.3	18,109,000
1964	36,385,000	9,672,000	26.8	2,977,000	8	23,735,000
1965	50,594,000	15,500,000	30.6	2,440,000	5	31,594,000
1966	69,324,000	20,830,000	30.0	5,570,000	8	42,924,000
1967	72,212,000	23,718,000	32.8	3,952,000	5.5	44,542,000
1968	79,115,000	26,251,000	33.2	4,524,000	5.7	48,340,000
Sunray DX:						
1962	41,203,000	3,850,000	9.3	1,152,000	3	36,201,000
1963	48,223,000	4,321,000	8.9	1,374,000	2.9	42,528,000
1964	34,716,000	2,407,000cr	0	1,330,000	3.9	35,793,000
1965	41,445,000	980,000	2.3	1,597,000	3.9	38,868,000
1966	57,372,000	10,025,000	14.9	1,754,000	3.0	45,593,000
1967	74,526,000	17,672,000	23.7	2,390,000	3.2	54,464,000
Skelly:						
1962	22,674,000	1,260,000	5.7	250,000	1	21,164,000
1963	27,479,000	3,025,000	7.7	275,000	4	24,179,000
1964	26,601,000	785,000	1.2	275,000	2	25,551,000
1965	39,995,000	5,625,000	14.0	375,000	.9	33,995,000
1966	42,762,000	5,300,000	12.3	[4]500,000	1.1	36,962,000
Pure:						
1962	27,680,000	2,546,000cr	0	1,276,000	4	28,950,000
1963	28,582,000	1,212,000cr	0	27,000	.01	29,767,000
1964	32,282,000	600,000cr	0	164,000	.5	31,518,000
Richfield:						
1962	36,615,000	6,000,000	16.6	0	0	30,615,000
1963	29,767,000	1,300,000	4.4	773,000	3	27,894,000
1964	26,255,000	629,000cr	0	5,249,000	21	21,455,000
Total:						
1962	4,198,331,000	169,492,000	4.0	838,954,000	19.9	3,194,770,000
1963	4,921,577,000	304,985,000	6.2	951,255,000	19.3	3,663,037,000
1964	5,322,329,000	233,241,000	4.4	1,251,442,000	23.5	3,837,646,000
1965	5,926,105,000	404,992,000	6.8	1,349,458,000	22.8	4,171,655,000
1966	6,945,674,000	569,799,000	8.2	1,598,086,000	23.0	4,777,789,000
1967	7,543,997,000	622,393,000	8.3	1,926,907,000	25.5	5,617,090,000
1968	8,144,747,000	623,458,000	7.7	1,981,126,000	24.3	5,540,163,000

[1] Conoco's Federal income tax figure includes a reduction due to benefits arising from consolidation. Foreign and State taxes include Federal and State gasoline and oil excise taxes because the firm's financial statement gave no clear-cut breakdown.

[2] Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax Marathon paid in years prior to 1966.

[3] Getty income for 1967 includes companies previously listed as Tidewater and Skelly.

[4] State income tax.

CUTTING THROUGH THE FOG—HANDY GUIDE TO OIL TAX ARGUMENTS

As the oil tax debate heats up in the U.S. Senate proponents of special favors for large refiners are circulating their arguments to the public and Congress.

Below are the most commonly heard arguments and *U.S. Oil Week's* views of them.

OIL PAYS MORE TAXES THAN MOST BUSINESS

This gem—voiced by API President Frank Ikard and others—was "documented" recently by the oil producer who heads the Senate's tax writing committee, Russell Long (D., La.).

Long said the top 19 oil companies pay 42.9% of their net income in taxes.

A staff study done for Long by committee staff shows the low federal taxes reported originally by *U.S. Oil Week* (Aug. 5, 1968).

The Long figure shows 8.8% of net income was paid as federal income tax.

But then Long adds in all kinds of local taxes on production, severance taxes and property taxes.

Some defenders of tax avoidance even add in excise taxes.

But if you add to the average man's federal income tax burden all other taxes he pays the figure would be well above the typical 18% to 20%.

Sen. Wm. Proxmire (D., Wis.) countered Long's claim by noting that some oil companies—even with all of the local taxes thrown in—pay less "than most industries pay in federal income tax alone."

Proxmire chose Atlantic Richfield as a horrible example noting that in 1967 it paid no federal income tax (on its $138.5 million profit), 8.6% as state and foreign taxes and 18.5% as severance, production and property taxes.

"Compare this 27% with the 40% borne by the average manufacturing company," Proxmire said.

As for excises, the public pays the tax on gasoline, not the refiner.

Refiners only collect the taxes.

An even more preposterous figure was put together by Price Waterhouse & Co., the accounting firm, showing 21 oil companies in 1967 paid 64% of their "adjusted" gross income in direct taxes.

The "study" was made for the Mid-Continent Oil & Gas Assn. and given to the House Ways & Means Committee to help it decide about oil taxes.

The industry generated more than $17 billion in taxes here and abroad, the accountants tabulated, including $7.5 billion in motor fuel and other excises.

Price Waterhouse took tax information from the top 21 companies.

To beef up the tax percentage, the accountants threw in not only severance, property and production but even payroll taxes, customs duties and ad valorem taxes.

Then majors can say:

"We pay 64% of our income in direct taxes."

A letter from Midco to Congress urges tax writers to dismiss earlier tax figures put in the Congressional Record (from U.S. Oil Week) as misleading.

The trick word was "adjusted" income.

By adjusting the income, federal taxes rose to 19% from the 8.8% in Sen. Long's study.

Midco noted that a federal tax credit is only allowed for the income taxes on profits made abroad.

Foreign income taxes—allegedly omitting all royalties—came to $1.6 billion in 1967.

But what's a tax and what's a royalty is often debatable.

Out-and-out royalties to foreign governments exceeded $500 million, Midco said.

The foreign taxes are offset against federal income tax payments as a credit.

The investment tax credit lowered federal income tax of the 21 firms by only $141 million compared with $1.6 billion for foreign tax credits.

THE INDUSTRY STANDS FIRM AGAINST CHANGE

Independent producers, with their own grievances against major companies, have been moving away from defense of depletion allowance for exploration abroad.

The battle broke wide open in June at the Independent Petroleum Assn. of America's convention.

Earlier the Texas independents (TIPRO) approved a committee report noting that the attack on foreign depletion and foreign tax credits was the major companies' headache.

TIPRO took no stand on tax incentives for overseas and tried to win IPAA to that stand, but failed.

Wallace Wilson, a leading Chicago banker, told IPAA a cut in depletion isn't the worst thing that could happen.

Ending the right to write off the intangible costs of drilling would be a hard blow to independent producers, he added.

OIL TAX FAVORS HELP FIND MORE OIL

This argument, originally the strongest argument for lower taxes on oil has weakened in recent years.

"The industry isn't drilling as hard as its resources, equipment and know-how permit," cautioned the Oil & Gas Journal.

"As a result, it is not finding the oil and gas needed to meet skyrocketing demand . . . Unless the petroleum industry steps up its exploration effort and has some new reserves to show, its defenders may be clobbered in their future battles with critics," the Journal added.

If U.S. producers are favored with tax incentives and protection from market competition by the imports wall and state controls, why aren't they looking?

In 1968 there were 26,500 fewer wells drilled than in 1956.

The tax system actually encourages exploration abroad by granting the depletion allowance for searching overseas.

If China allowed foreign oil firms to explore, a company could get depletion for adding to China's oil supplies.

Foreign royalties may be treated as tax credits.

That really draws oil money abroad.

All of the easy-to-find oil has been located in the continental U.S.

Drillers have to look deeper and it costs a lot more to drill at home especially when you have to go deeper down.

That oil tax benefits haven't worked was shown in a Treasury Department study that showed that additional marginal production brought on by domestic oil tax provisions have produced about $150 million a year more oil at a loss to the Treasury of $1.6 billion in revenue.

"In effect," Sen. Proxmire said, "we're paying $10 for every $1 in additional oil reserves."

If the depletion allowance were completely eliminated our 12 year supply would probably be cut to an 11-year level, Treasury forecast.

OIL IS A WASTING ASSET

Every time a barrel is pumped out of the ground the producers capital is depleted.

Every year a man works his working life is cut by a year, Rep. Richard Fulton (D., Tenn.) told the House.

By that reasoning we should all get a depletion allowance.

Actually the wasting asset argument can support a claim for cost depletion, the amount actually taken out of the ground.

But allowing producers a fixed percentage rate of 27.5% allows depleting the same asset 19 times over, according to an Internal Revenue Service study.

MARKETERS SHOULD HELP DEFEND THE PRODUCTION TAX FAVORS

Since the goodies are in production rather than marketing, profits are pushed back to the propped up crude oil price.

Equitable taxation—on a par with other industries and small businessmen—would encourage constructive marketing practices, many marketers believe.

Other marketers—who have substantial stock holdings in major companies—favor the refiner's viewpoint.

But did they get the stock in return for the sale of their company?

Incentives are needed *to draw the vast capital needed to find new reserves.*

This argument is advanced by banks specializing in loans to oil companies such as New York's Chase Manhattan.

But where is all the investment going today?

If present tax policy is drawing exploration money abroad leaving the system untouched won't help gather a lot of capital.

Some economists argue that the industry is actually overcapitalized now because of the attraction of the tax gimmicks.

Without the gimmicks investment would decline and return on investment before taxes would be improved.

NATIONAL SECURITY WOULD SUFFER

How does it help the nation's security for the biggest taxpayers to skip taxes or pay practically nothing?

Federal tax figures show tax advantages are given mostly to the big internationals, Texaco, California and Jersey Standard, Gulf, Mobil and smaller internationals, Marathon and Getty.

Much higher taxes are paid by domestic firms, Phillips, Ohio Standard, Sunray, Ashland, Indiana Standard.

HIKING OIL TAXES WILL RAISE GASOLINE AND FUEL OIL PRICES

Indiana Standard makes a bigger profit than Shell, but Standard pays 20% federal income tax and Shell paid 13%.

They often sell for the same price to their stations where they compete.

Texaco paid 1.9% of its net income in 1967 while Ashland Oil & Refining paid 32.8% yet they both sell at about the same price and make money.

In fact Sen. Proxmire has accused Texaco of hiking prices in February because of the tax situation so it can pay itself a higher price for crude oil and lower its federal taxes.

Prices are determined by competition or the lack of it, not taxes.

The reserve supply of saturated fat collecting in some of the larger firms shows a vast source to fall back on.

As Rep. Charles Vanik (D., O.) pointed out to the House that Atlantic reported income before taxes of $377,942,000 in 1965–67 yet paid no federal income taxes at all.

California Standard earned a half billion in 1967 but only paid 1.2% as federal income tax.

That's a lot of fat.

Of course refiners could use a tax increase as an excuse to hike product prices.

They wisely avoided that point when the surtax was imposed (except for Ohio Standard which pays a higher tax than competitors).

Of course a 10% surtax on little or no taxes isn't much to complain about.

PERCENTAGE DEPLETION HAS BEEN ON THE BOOKS FOR 43 YEARS

That's no argument.

Sin's been around even longer than that.

NEW TAX BOON FOR MAJORS

The Internal Revenue Service last month ruled that the social security tax paid by U.S. companies under the Venezuelan retirement program *is an income tax.* Thus U.S. firms can deduct the amount from its U.S. federal tax payment. If IRS had ruled the other way, the majors operating there would have to treat the social security payments as a cost of doing business.

A HISTORIC FIRST—THE METS AT THE TOP

Mr. GOODELL. Mr. President, on Thursday, September 11, 1969, the New York Mets, in the eighth year of their youth, finally achieved what many thought quite impossible—they reached the lofty pinnacle of first place in the National League's eastern division.

As a tribute to this remarkable accomplishment, I issued the following statement, 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:

A HISTORIC FIRST—THE METS AT THE TOP

What shall we say to our brethren in Chicago for their beloved Cubs have fallen upon hard times.

One is reminded of what Socrates said, "Do not be angry with me if I tell you the truth," and the truth, so wonderously simple for New Yorkers, but so bitter for Chicago's Bleacher Brigade, is glorious to tell—the Mets are in first place!

Who would have thought, Marvelous Marvin Throneberry to the contrary, that such a day would ever arrive?

But alas! It is here, the Mets are in first place!

We would like to lower our voices, but how can we when our whole being wishes to shout—the Wonders of Shea lead the lesser lights of their league.

Surely the cynics blush in the knowledge that baseball's wunderkinders are no mere happening, an apparition that shall soon fade away; no longer the hapless, yet lovable Mets of yore, but now—at last—the Mighty Mets of the Midway.

Oh I know that some still smirk and smile their superior little smiles, for they are the same ones who laughed when the Jets were offered up as a sacrifice to the supposedly invincible Colts of the mighty National Football League, but we know what happened then and we know what will happen now.

The Mets now, as the Jets before them, have become our heroes, and who can blame us, for they are worthy of our adulation.

Arthur Schlesinger, Jr. may say that this is no longer an age of "Supermen," but tell that to Weeb Eubank and his Jets, or to Gil Hodges and the Mets; tell it Arthur to Joe Namath and Matt Snell; to Tom Seaver and Cleon Jones; to Gary Philbin and Don Maynard; to Tommy Agee and Gary Gentry, tell it as you will, but we will not listen, for we know better

It is a great new day for the denizens of Flushing Meadows, they need no longer slouch in their seats at Shea, while cursing the darkness and the hated Yankees, for now a thousand candles have been lit, and the Met fans may stand proud and erect.

So while we may weep for the Bleacher Brigade at Wrigley, and feel only but sadness for a great gentleman, Ernie Banks, we exult for the Mighty Mets, who have made a grand lady, Dorothy Payson, forget Frank Merriwell.

Met followers need no longer quote Grantland Rice:

When the One Great Scorer comes to write against your name—
He marks—not that you won or lost—but how you played the game.

For now, in the age of Aquarius, the Mets have at last climbed to the top.

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 ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement entered yesterday, the time limitation is now effective, and the time is controlled by the Senator from Minnesota and by the Senator from Mississippi.

The Chair automatically lays before the Senate the pending business, S. 2546, which the clerk will state 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 to authorize the construction of test facilities at Kwaja-

lein 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 Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous agreement, the Senator from New Jersey (Mr. CASE) is recognized.

Who yields time?

Mr. MONDALE. Mr. President, I yield the Senator from New Jersey such time as he may require.

May I say at this time how grateful I am to be able to work with the very distinguished and gifted Senator from New Jersey. In cosponsoring this amendment, he brings to this issue insight and experience that are truly remarkable. I have found this effort most rewarding.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I thank my colleague from Minnesota very much. As I said the other day, it has been a very rewarding experience to work with him in this matter. He has been most considerate as well as helpful. I believe this is the beginning of collaboration on a number of matters which I am looking forward to with eagerness.

The amendment Senator MONDALE and I are offering to the pending bill would withhold authorization of $377.1 million to build the second *Nimitz*-class attack carrier pending a broad-gaged study by the Congress of the entire rationale for our attack carrier force.

I want to emphasize that the amendment does not purport to pass judgment on that rationale. The amendment simply asserts the intention of the Congress to shoulder its constitutional responsibilities before authorizing construction of the CVAN–69.

To the best of my knowledge, no one has challenged the pertinence of the 15 questions set forth in our amendment. Indeed, as Senator MONDALE has pointed out, many of them are being asked by responsible officials within the defense establishment and the executive branch as a whole.

Nor have any answers been forthcoming that are not based on the assumptions of our carrier-dominated naval establishment, which like most other institutions is understandably dedicated to self-perpetuation in a changing world.

We have no quarrel with the U.S. Navy. Now, as in the past, it can do splendidly the jobs required of it by the Nation.

We say only that the time has come for Congress to reexamine those jobs to see not only whether there may be better ways to do them, but whether they need doing at all. As a perceptive admiral once put it:

> There is nothing more useless than doing something with great efficiency that should not be done at all.

Since 1951 the United States has maintained an active fleet inventory of 14 to 16 attack carriers. Since the "nominal maximum useful life of a carrier" is 30 years, according to the Navy, we must build a new one every 2 years if we wish to continue to operate a force of 15 attack carriers.

Thus the CVAN–69 is the second of three nuclear-powered attack carriers whose planned addition to the fleet would permit the retirement of three World War II carriers while perpetuating a 15-carrier force.

Congress has already funded the first of these, the CVAN–68, which is now under construction at Newport News and will join the fleet in 1972. The Mondale-Case amendment does not touch this ship.

We also have authorized and appropriated $133 million for the nuclear propulsion plant of the CVAN–69. Almost all of this money has been obligated, and about $40 million has been spent. The Mondale-Case amendment does not touch any of this money.

I should emphasize that because, in opposition to our amendment, it has been strongly urged by the Navy that we ought not to be directing our amendment at this particular item of the budget; that, regardless of the basic soundness of the objective which we have—and that objective is for Congress to take on and perform its constitutional function in the review of broad international relations and policies of our Government in regard to broad strategic questions which are, in the last analysis, the responsibility of Congress to decide—that in raising these questions, and very few Members in this body, I think, deny that it is sound to raise them—the circumstances are such that we ought not to be directing our amendment to stopping further work on the CVAN–69, because it has already gone so far.

Mr. President, I think it is not true that that follows at all. Those long lead-time items which have already been contracted for can go ahead under the contracts which have been let; and very, very little danger, if any—and I will develop this point further—will result from a delay of 1 year in the completion of this ship. Any danger that might possibly exist—and we will still maintain a very large carrier force if we do delay this ship and decide eventually to go ahead with it—is nothing as compared with the importance of getting Congress to take on this job now. Unless psychologically—and I want to emphasize this point very clearly—we hit some particular thing that is of interest to enough people for us to attract their attention, we are not going to get Congress to take on this job.

I do not think we in the Congress have ever—explicitly, at least—assumed the responsibility for the determination of basic U.S. policy—certainly not in my time. We are not set up to do it. What committee, whether Appropriations, Armed Services, Foreign Relations, has the staff even to begin to question basic international policy and broad strategy problems of the United States? We know that we are not set up to do that in the Senate; and no chairman, and no committee member, and no Member of this body will assert that we now have the capacity to do it.

I do not suggest that this ought to be done in house necessarily, or that we should institutionalize a large oversight staff for this purpose. We can do it by drawing together, for particular inquiries, at particular times, and from time to time, outside resources; but we have not even done that. Mr. President, we have not even done that. Who in the Congress of the United States or what committee has seriously directed its attention to any of the 15 questions that our amendment poses, all of which should, under our Constitution, be decided by the U.S. Congress?

So, Mr. President, I say to the argument of "Do not do this; do something else; do not stop this ship, or stop another one, or stop something else, or do not stop anything; just tell us to go ahead and do your study" that we will not do it unless there is hanging over our head a particular need, by a particular time, to get the job done. We will not even start such a study unless there is pressure upon the Congress of the United States and upon the committees to do it.

Mr. President, Congress has already funded the first of these three nuclear powered attack carriers, the CVAN–68. It is now under construction, as I have said, at Newport News; and we do not deal with that. We do not touch it. It will be built. It will be ready in 1972.

We have also appropriated the money, $133 million, as I have mentioned before, for the nuclear powerplant of the carrier presently under discussion, and we do not touch that money.

What we do seek by our amendment to do is postpone the decision to complete the CVAN–69, at a further cost of $377 million, until the study described in the amendment has been made and completed.

As I have stated before, the practical effect of the amendment, if it is adopted, would be to delay from 1974 until 1975—1 year—the completion of this single carrier, should we decide next year that it makes sense to invest the taxpayers' money in this project.

Let us suppose, on the contrary, that Congress concludes, on the basis of the study that we propose, that it does not make sense to build the CVAN–69 or the CVAN–70, for which funds will be requested next year under the program. What would the attack carrier force consist of in the years ahead?

Of the 15 ships in the active fleet today, the 9 largest and most modern were commissioned from 1 to 14 years ago, beginning with the *Forrestal*.

One of the nine—the *Enterprise*, commissioned in 1961—is nuclear powered. The others, all conventionally powered, are the *Forrestal*, commissioned in 1955, the *Saratoga* in 1956, the *Ranger* in 1957, the *Independence* in 1959, the *Kitty Hawk* in 1961, the *Constellation* in 1961, the *America* in 1965, and the *John F. Kennedy* in 1968.

In 1972, these nine modern attack carriers—all capable of handling the most advanced aircraft—will be joined by the

CVAN–68, to be christened the *Nimitz;* and we are not touching that. That will go along despite our amendment, if it is adopted.

But, since the oldest of these 10 ships, the *Forrestal,* will then be 17 years old, this fleet could operate intact for another 13 years—remember, Mr. President, the Navy itself says the life of these carriers is 30 years—without the need of a single replacement, and will then still be the world's mightest—in fact, its only—attack carrier force.

Lest there be any misunderstanding about the raw power those carriers will continue to represent until 1985, here is what the Navy says about the difference between World War II carriers and those we are talking about. According to the Navy's own fact sheet on the attack aircraft carriers:

> The capabilities of today's weapons systems are much greater than their World War II counterparts. For example, the World War II carrier *Enterprise* fought throughout the Pacific Campaign; yet, the nuclear carrier *Enterprise* delivered more than twice the tonnage of bombs in one month in Vietnam than her predecessor delivered throughout World War II.

Students of naval history will find much that is interesting about this comparison. For example, the performance of the new *Enterprise* off Vietnam was totally unhampered by the threat of serious attack by hostile aircraft or submarines.

Be that as it may, it is obvious, Mr. President, that neither a delay in construction of the CVAN–69 nor its cancellation—and we are not asking that now; we are only asking that the matter be delayed until these 15 questions have been studied and answered—would leave the United States "naked to attack" from any known or unknown aggressor at any time before 1985.

In making this point, I am, of course, not suggesting that the required or the ideal number of attack carriers is 10, or any other number, or that we need any at all. No other nation has an attack carrier force. This is a question that Congress should decide on the basis of the broad review that we are urging be made.

I am only suggesting that no Member of the Senate need feel that a vote for the Mondale-Case amendment will be interpreted or could be interpreted by anyone whose opinion and support he respects as a vote for "unilateral disarmament."

One further point may help to underscore our basic purpose in asking Congress to study these questions before we commit the Nation to building another attack carrier. The CVAN–69, if approved today, would join the fleet in 1974. Barring a disaster, it could be expected to remain in active service, according to Navy practice, until 2004.

By then, Mr. President, many if not most of us in this Chamber will be gone from the scene. Many if not most of the crew of the CVAN–69 in the year 2004 have yet to be born.

By contrast, most of our security treaty commitments already are 15 or 20 years old. They cannot be expected to survive indefinitely in a changing world. Yet by building this carrier, the CVAN–69, we would be saying to the world of 1969 that the United States is committed to the proposition that, in the world of 2004—when, incidentally, Mr. President, the human race will have doubled in size—there will be no less need for attack carriers than today or 20 years ago.

I cannot believe, Mr. President, that the Navy or Congress or the American people, can be that omniscient without a lot more study. It is true, of course, that any or all of our attack carriers could be mothballed at some point short of the "normal maximum useful life" of 30 years. That is what we did with some of our mightiest and most illustrious battleships after World War II—as we were all reminded recently by the demothballing of the *New Jersey* for a few months of duty off Vietnam, and the preparation for its remothballing by the the Defense Department ordered a few days ago.

But, Mr. President, that is not a very good reason for going ahead with the CVAN–69 in advance of the study that we are proposing; because one of the major questions to be answered concerns the cost effectiveness of attack carriers as bases for tactical airpower. If there is any reason to believe that there may be no need for attack carriers 10 or 15 years hence, then to build a new one now could be an unpardonable extravagance.

As concerned as I am to avoid unnecessary expenditures, however, I am more concerned about the foreign policy implications of continuing to deploy attack carriers around the world.

In that connection, I requested of the Secretary of the Navy a report of each instance since the Korean war in which one or more attack carriers were ordered to proceed to or maneuver in a given area for "show of force" or other foreign policy purpose short of armed combat.

I informed the Secretary of State of my request, and wrote him as follows:

> Since the Department of State bears primarily responsibility for the execution of foreign policy, I would assume that in each instance the decision to employ the carriers for such purpose originated in the Department. It would be helpful to me, therefore, if you could furnish me with a concurrent report on the Department's role in each such instance.

Secretary Chafee furnished me with a classified list of about 50 such instances. When I protested the classification of what seemed to me to be information of no security interest to anyone, the Secretary very promptly provided me with an unclassified list from which eight instances of carrier use for foreign policy purposes had been removed.

Working with the same unclassified list, the State Department furnished me yesterday with comments on its role in these instances of carrier usage, and I shall shortly ask that the entire unclassified report be placed in the RECORD, along with the covering letter from Assistant Secretary of State Macomber.

First, however, I believe the Senate will be interested in the following excerpt from Secretary Macomber's letter:

> It is not the function of the Department of State to make the decision to employ attack carriers. In some cases, the Department recommended a show of force or requested evacuation of U.S. nationals and then approved the method proposed to carry out the task, but State did not direct the type of force to be used. However, the Department participated in the development of the U.S. policies which these deployments supported.

With that as background, I wish to briefly review the substance of the report. Of the 42 instances of carrier usage cited by the Navy, the State Department could find no record of its involvement in six, and could not document its involvement in another seven.

For example, the Navy reported that from July to September of 1957:

> Four attack carriers provided a U.S. presence and show of force to defend Taiwan during Chinese Communist shelling of Kinmen Island.

Yet the State Department reported no record of any role in that deployment.

Two years later, according to the Navy report, two attack carriers "provided presence and U.S. force in South China Sea during Laotian crisis." But "State Department involvement cannot be documented."

In 1961, there was another Laotian crisis, and from February to April three attack carriers "provided U.S. presence in South China Sea and prepared to protect and support amphibious and airborne assault force," according to the Navy. Yet there is "no record of State's role in the deployment."

Nor is the carrier's free-wheeling record confined to the Far East. In April 1963, in the face of "increasing Middle East tensions," two attack carriers "provided U.S. presence and show of force," presumably in the Mediterranean. Again there is "no record of State role in this deployment."

A different kind of relationship seems to exist with respect to "show of flag" visits by carriers. In April of 1960, the *Bon Homme Richard* provided a "U.S. show of flag to India"—that is a great expression, is it not?—in what the Navy described as "first carrier to visit since World War II." According to the State Department, its role "cannot be documented. However, most visits of this kind are proposed by DOD and coordinated by State. Port clearance obtained through Embassy."

The State Department has not always been in a subsidiary role so far as the use of attack carriers for foreign policy purposes is concerned. In April 1957, two carriers "provided show of force and presence" during the Jordan crisis. In this case, the State Department reported that "Show of force in support of King Hussein was agreed to by Secretary of State." Whether the "show of force" was proposed by King Hussein, the Navy or the American Embassy in Amman is not clear.

What is most striking about these 42 instances of attack carrier usage, however, is that in the vast majority of cases the mission could have been accomplished by other means—whether by smaller vessels or land-based aircraft.

In most cases, the attack carriers were assigned to the mission simply because they were in the vicinity.

That is not to their discredit, of course. But it does raise serious questions as to the need for and the propriety of using attack carriers for such purposes in the years ahead.

At this point, I ask unanimous consent that copies of my letters to Secretary Chaffee and Secretary Rogers, and of Secretary Macomber's letter to me be printed in the RECORD, along with the unclassified report prepared by the Navy and State Departments, entitled "Summary of Attack Carrier Support of U.S. Foreign Policy Since the Korean War."

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

AUGUST 14, 1969.

Hon. JOHN H. CHAFEE,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: As you know, Senator Mondale and I are offering an amendment to S. 2546, the defense procurement bill, to postpone construction of CVAN-69 pending a complete review of the Navy's attack carrier force level by the Comptroller General. A copy of the amendment is enclosed.

In that connection, I am especially concerned with the foreign policy role of the attack carrier force as it has been and might be used. It would be helpful to me, therefore, to have a report of each instance since the Korean war in which one or more attack carriers were ordered to proceed to or maneuver in a given area for a "show of force" or other foreign policy purpose short of armed combat.

It would be most helpful if I could receive this information by the time the Senate will resume consideration of S. 2546.

With kind regards.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

AUGUST 14, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, Senator Mondale and I are offering an amendment to S. 2546, the defense procurement bill, to postpone construction of CVAN-69 pending a complete review of the Navy's attack carrier force level by the Comptroller General. A copy of the amendment is enclosed.

In that connection, I am especially concerned with the foreign policy role of the attack carrier force at is has been and might be used, and I have asked the Secretary of the Navy for a report of each instance since the Korean war in which one or more attack carriers were ordered to proceed to or maneuver in a given area for a "show of force" or other foreign policy purpose short of armed combat.

Since the Department of State bears primary responsibility for the execution of foreign policy, I would assume that in each instance the decision to employ the carriers for such purpose originated in the Department. It would be helpful to me, therefore, if you could furnish me with a concurrent report on the Department's role in each such instance.

I hope it will be possible to receive this information by the time the Senate resumes consideration of S. 2546.

With kind regards.

Sincerely,

CLIFFORD P. CASE.
U.S. Senator.

DEPARTMENT OF STATE,
September 10, 1969.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: I refer to your letter of August 19 concerning the Department of State's role in the employment of attack carriers in support of foreign policy since the Korean War.

Let me first address your assumption that in each instance in which attack carriers were ordered to proceed to or maneuver in a given area for a "show of force" or other foreign policy purposes short of armed conflict, the decision to employ carriers originated in the Department. As indicated in the enclosures, which address each instance of carrier employment covered by the Secretary of the Navy's report, the Department's role varied on a case-by-case basis. However, it is not the function of the Department of State to make the decision to employ attack carriers. In some cases, the Department recommended a show of force or requested evacuation of U.S. nationals and then approved the method proposed to carry out the task, but State did not direct the type of force to be used. However, the Department participated in the development of the U.S. policies which these deployments supported. I believe this will be clarified as you review the enclosures.

Unfortunately, because of the lapse of time we have not been able to document the Department's specific role in some of the events. Such instances are identified in the enclosures.

If I can be of further assistance to you in this or any other matter, please do not hesitate to let me know.

Sincerely yours,

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

SUMMARY OF ATTACK CARRIER SUPPORT OF U.S. FOREIGN POLICY SINCE THE KOREAN WAR

Date	Event/employment	Carriers participating	Department of State role
July 1954	Searched for survivors of downed British aircraft in South China Sea. Search aircraft fired on by Chinese Communist fighters. Our aircraft returned the fire, downing two Chinese Communist fighters.	Philippine Sea and Hornet	No record of Department involvement.
June to October 1954	Support evacuation of citizens of North Vietnam to the South—"Passage to Freedom."	Hornet	Naval transportation requested by South Vietnamese Government, supported by Embassy Saigon and the Department.
October 1954	Assist victims of hurricane "Hazel" which had devastated part of Haiti. Helicopters dropped medicine, food, clothing, and other supplies and relieved the widespread suffering.	Saipan	Assistance was requested by Haitian President Magloire and supported by Embassy Port-au-Prince and the Department.
January to February 1955	Protected and supported evacuation of more than 18,000 civilians and 20,000 military personnel from Chinese mainland and Tachen Islands to Taiwan.	Essex, Wasp, Yorktown, and Kearsarge.	Secretary Dulles concurred in request of Chinese Embassy for 7th Fleet cover protection.
August 1955	Search for crewmen of Navy patrol plane shot down off coast of Communist China while prepared to take other military actions if required.	Wasp	No record of Department involvement.
July to October 1956	Egyptian-Israeli War—Suez crisis. Protected the evacuation of 2,177 U.S. citizens from Alexandria, Haifa, Tel Aviv, Amman, and Damascus. Provided air cover, and air and surface reconnaissance.	Randolph, Coral Sea, and Antietam	The Navy evacuated American dependents from Egypt at departmental request.
October to December 1956	During Suez crisis provided backup support to Mediterranean Naval Force in Eastern Atlantic.	Forrestal, and Roosevelt	Military preparation, in support of contingency plans. No direct State involvement.
	A 2-carrier task force in the Western Pacific was prepared to sail to the Mediterranean.	Lexington and Bon Homme Richard	Military preparation, in support of contingency plans. No direct State involvement.
April 1957	Jordan crisis. Provided show of force and presence	Lake Champlain and Forrestal	Show of force in support of King Hussein was agreed to by Secretary of State.
September 1957	Participation in NATO exercise Strike Back in North Atlantic, North and Norwegian Sea—largest peacetime naval exercise in history (Canada, France, Netherlands, Norway, United Kingdom and United States).	Saratoga, Essex, Intrepid, Wasp, and Forrestal.	Proposed by NATO military authorities. Department concurred.
July to September 1957	U.S. presence and show of force to defend Taiwan during Chinese Communist shelling of Kinemen island.	Kearsarge, Lexington, Hancock, and Bon Homme Richard.	No record of Department role in deployment.
August to November 1957	U.S. presence and show of force during Syrian political crisis	Randolph and Intrepid	State Department Involvement cannot be documented.
July to August 1958	Lebanon crisis. Supported U.S. Peace Force landing in Beirut. Conducted covering, reconnaisance, and patrol missions.	Essex and Saratoga	U.S. intervention in Lebanon was approved by Secretary of State.
August to September 1958	Provided U.S. show of force during shelling of Nationalist Chinese Island Quemoy and Matsu by Chinese Communists. ("Essex" proceeded from Lebanon crisis to Taiwan area.)	Hancock, Lexington, Bennington, Essex, Princeton, Midway, and Shangri La.	U.S. escort of supply ships to islands. Approved by the Department.
July 1959	Show of force during Nationalist China-Communist China crisis	Lexington and Ranger	Embassy Taipei and State approved conduct of GRC-escorted reconnaissance flights over China mainland.
August to September 1959	Provided presence and U.S. force in South China Sea during Laotian crisis.	Lexington and Hancock	State Department involvement cannot be documented.
September 1959	Distributed food, medicine, and evacuated typhoon victims in Nagoya, Japan.	Kearsarge	Embassy Tokyo requested military disaster relief aid. Department supported action.
December 1959	Aided flood victims who survived a broken dam disaster near San Raphael in southern France. Provided medical supplies, doctors, food, communications, and news coverage.	Essex	Embassy Paris requested military disaster relief aid. Department supported action.
Do	Provided military presence as President Eisenhower began good-will tour at Piraeus, Greece.	do	Department participated in planning of President Eisenhower's tour.
January 1960	Provided facilities for Italian telecast "Our Little World," for an estimated 3,000,000 Italian audience.	do	State Department involvement cannot be documented.

SUMMARY OF ATTACK CARRIER SUPPORT OF U.S. FOREIGN POLICY SINCE THE KOREAN WAR—Continued

Date	Event/employment	Carriers participating	Department of State role
April 1960	U.S. show of flag to India (first carrier to visit since World War II).	Bon Homme Richard	State role cannot be documented. However, most visits of this kind are proposed by DOD and coordinated by State. Port clearance obtained through Embassy.
November 1960	Guatemala and Nicaragua requested assistance to guard against invasion. Provided air and surface patrols along Central America.	Shangri La	Requests by the Guatemalan and Nicaraguan Governments for surveillance patrols were supported by the Department.
September 1960	Executed President Eisenhower's new policy of keeping at least 3 attack carriers "on the line" in troubled waters of the Far East at all times.	Coral Sea first to sail as an augmenting carrier in WESTPAC.	No need for State action.
September 1960 to June 1961	Major short-term buildup of U.S. retaliation capability in response to Soviet pressure on Berlin.	3 CVA's in Mediterranean by rotation.	Department concurred in military preparations in support of contingency plans.
1960	U.S. show of flag at Split, Yugoslavia	Forrestal	Cannot document State's role. However, most visits of this kind are proposed by DOD and coordinated by State. Port clearances are obtained through Embassy.
February to April 1961	Laotian crisis. Provided U.S. presence in South China Sea and prepared to protect and support amphibious and airborne assault force.	Lexington, Midway, and Coral Sea	No record of State's role in the deployment.
April 1961	Cuban crisis (Bay of Pigs)	Independence	Naval assistance during the Bay of Pigs action was in implementation of a joint executive branch decision.
June 1961	Dominican Republic uprising following assassination of Trujillo. Provided show of force.	Intrepid, Shangri La, and Randolph	The Department participated in the decisions relating to the employment of the amphibious force that normally operated in the Caribbean area.
Do	NATO's 10th anniversary firepower demonstration and carrier visits in the Mediterranean by NATO dignitaries.	Roosevelt	Proposed by NATO. Department concurred.
May 1962	Laos-South Vietnam crisis. Provided presence and show of force in South China Sea and gave air cover for marines landed in Thailand.	Hancock, Lexington, and Coral Sea	Joint executive branch decision to land marines in Thailand.
June 1962	Quemoy-Matsu off-shore islands crisis. Provided presence and show of force.	Hancock, Midway, and Coral Sea	State involvement cannot be documented.
August 1962	Miyako Island, Japan volcano eruption. Assisted survivors	Midway	Cannot document State's role.
October to November 1962	Cuban missile crisis. Conducted reconnaissance, quarantine, and surface surveillance. Other carrier forces assumed higher readiness postures in the Mediterranean and Western Pacific.	Independence and Enterprise	Utilization of naval forces during Cuban missile crisis was in implementation of a joint executive branch decision.
April 1963	Increasing Middle East tensions. Provided U.S. presence and show of force.	Enterprise and Saratoga	No record of State role in this deployment.
May 1963	Laos crisis. Provided U.S. presence in South China Sea	Ranger	Do.
Do	Joint United States-Australian aerial photographic mapping survey of New Guinea.	Coral Sea	Requested by DOD; Department concurred.
June 1963	Provided 256,500 gallons fresh water to Hong Kong during extended drought period.	do	Provided by Navy on own initiative from ships in port. No direct State involvement.
November 1963	South Vietnam political crisis following death of President Diem. Provided U.S. presence and show of force.	Oriskany, Hancock, and Coral Sea	Department concurred in military preparations in support of contingency plans.
April to May 1964	Good will tour of Indian Ocean by "Concord Squadron" and visits to Diego Suarez, Malagasy, Mombasa Kenya, Aden, and hosted the Shah of Iran.	Bon Homme Richard	Joint planning by Defense and State.
June 1967	"6-day Arab-Israeli War." Protected U.S. interests in Middle East. Provided protection for ships evacuating U.S. nationals from United Arab Republic.	Saratoga and America	At Embassy Cairo's request, the Navy provided escort for the evacuation of American citizens from Alexandria.
January to March 1968	Readiness maneuvers after "Pueblo" capture by North Korea in Sea of Japan. Maintained presence in the area.	Enterprise, Ranger, Ticonderoga, and Coral Sea.	State was involved in decisions to augment initial force sent after "Pueblo" capture.
April to July 1969	Readiness maneuvers after unarmed Navy reconnaissance aircraft (EC–121) shot down over international waters by North Korean fighters. Maintained presence in Sea of Japan prepared to carry out actions as directed.	Enterprise, Ticonderoga, Ranger, Kitty Hawk, and Bon Homme Richard.	State participated in interdepartmental and NSC consideration of political, diplomatic, and military measures.

Mr. CASE. Mr. President, the need for attack carriers in the years ahead is clearly dependent upon the nature and scope of American commitments abroad. And those commitments are now being subjected to painful reexamination at many levels of our society and government—by the executive branch, by the Congress and by the American people as a whole.

But if Congress is to play a significant role in helping to shape a new course in the months and years ahead, we must begin by insisting on our right and responsibility to study thoroughly the rationale for any weapons system, new or old, before voting the money. And that is all the Mondale-Case amendment would do.

If we have been outmanned, outgunned, and outmaneuvered in the past by the Defense Department—the largest single enterprise in the world—then it is within our power to take corrective action.

If we have depended for too long on the expertise of the armed services to reach our judgments on foreign and defense policies, then we can take steps to provide ourselves with our own experts in whatever number we require.

This does not mean that we institutionalize ourselves in any rigid form. Our committee systems are not set up to do this job. Not one committee or subcommittee has the resources with which to do this job.

To do this job, we must have the determination to make this our responsibility. That can be done with the kind of staff assistants drawn together for ad hoc investigations in the past, and that ought to be made now of the 15 questions with which our amendment is concerned.

If we have depended for too long on the outside experts of the executive branch and particularly of the armed services, it is up to us now—and we can take steps to do so—to provide ourselves with such experts in whatever number we need to do the job.

All that is required is for the House of Representatives and the Senate of the United States immediately to make up their minds to perform their function. We have to recognize that it is the function of Congress.

Mr. President, we have the responsibility under the Constitution to declare war, which means to declare war or not to declare war.

We have the responsibility under the Constitution to raise and maintain armies.

It does not take Mr. Justice Marshall to determine that in order properly to perform either of those functions, the Congress of the United States must have and does have as its implied responsibility, the setting of foreign policy in its broad outline upon which the later conduct of war or peace can progress, and upon which the need for and the size, or—as the Senator from Missouri so often has said—the nature and character of our Armed Forces must be determined.

We cannot determine what kind of Armed Forces to supply unless we first determine what we want them to do. So the basic responsibility for the conduct of foreign policy in terms of the broad outlines of policy and our international commitments, as the Senate reiterated so soundly not many weeks ago, must rest with Congress.

What we must do here, and what we are seeking—the Senator from Minnesota and I and some of our colleagues who are engaged in this venture in support of other amendments—is not to cripple the Defense Department, and not in any way to affect the security of the United States, except in a sound and constructive way. What we are dealing with is the entire question of the responsibility of Congress for the future course of this Nation's policy. We are urging Congress, as I think it should have been urged long before, to perform the job which under the Constitution it is required to do, and, beyond its obligation under the Constitution, the job that only Congress can do.

The President cannot do this. He is in

office for a relatively short time. The armed services can provide expertise, and they do a great job. But the tendency within the armed services, as we all know, is to decide all questions as to great strategy and roles and missions on the basis of compromise. One department gets something if it will agree to the other departments getting X, Y, and Z, instead of having some overall supervision and oversight which is effective. The Defense Department has attempted to perform this function, and I give it all credit.

Mr. SYMINGTON. Mr. President, it is difficult to hear the speaker.

Mr. CASE. The Defense Department has attempted, particularly recently, to perform this overall, coordinating function. I think considerable advance was made under Secretary McNamara. I do not agree with all his decisions, but his policies were in the right direction. Secretary Laird is conscious of his responsibility here, very deeply conscious of it. But, after all, this is still within the executive branch; and for the President of the United States to perform his function does not satisfy the Constitution if Congress is not also meeting its responsibilities.

The only body, the only group of people in the world, who can challenge a decision by the President is Congress. The President is bound to get from people he seeks advice from, the advice they think he wants to hear. Only in this body, in Congress, particularly in the Senate, with its longer term of office, with its overlapping terms, terms overlapping one administration, does there exist the political independence which can provide the real criticism in a constructive way, but deep criticism, of administration policy when it may be going wrong.

So it is almost criminal—indeed, it is perhaps criminal in the highest sense—for Congress to abdicate its responsibility for its own decision, on the basis of its own information, derived from its own study, on these great policy questions—foreign relations, international commitments, and the great strategic weapons policies and the defense policies which support the decisions that are made.

Finally, Mr. President, we must get the horse in front of the cart again and have our defense establishment tailored to meet the decisions we decide to make as a result of our studies of foreign policy and international relations and to make our Defense Establishment conform to our responsibilities rather than having our commitments depend upon prior decisions about weapons policy and strategy.

Of course, there is an interaction. What we want to do and decide to do must be based in considerable part on what we are able to do and what the military possibilities are. But the cart must not be allowed to get in front of the horse. It seems to me that many times that has happened—not by anybody's deliberate and conscious choice but, rather, by just the nature of the way things go; the kind of thing, if properly understood, President Eisenhower was talking about when he referred to the military-industrial complex. He did not mean an evil conspiracy of selfish men to rob the United States or to put their interests ahead of the interests of all the people, to make money. Not that, but the kind of interaction between a group of people who are used to working together and on a single question—that is, how we can get better and better weapons and more and more complicated and effective ones, without any question as to whether we need them, without any question as to whether, as has been the concern of the Senator from Missouri, we can afford them with relation to other obligations, but just whether it is possible to do the things they spend their lives dreaming of.

There has to be someone standing over all of this process, useful and necessary as the process is. Ultimately, Mr. President, only Congress has the capacity and the political independence, to perform this function. The job, of course, goes far beyond the carrier issue to which our amendment is addressed. But if we mean what we have said before in this session, in reasserting the role of Congress in the formation of foreign policy and defense policy, then I urge, with all the sincerity at my command, that this amendment is a very sound place to start.

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

Mr. CASE. I am glad to yield.

Mr. MONDALE. Permit me to express my appreciation and admiration to the Senator from New Jersey for his excellent message, which concentrates on the foreign policy implications of the attack carrier and which, to my knowledge, presents, perhaps for the first time in the history of the Senate, some information bearing upon how attack carriers have been used in the past and the relationship between the deployment of the carriers and the official foreign policy-making role of the Department of State.

I find that new information disturbing: the fact that one branch of the American Government, the military, might decide to deploy attack carriers solely for foreign policy purposes and, at least so far as the record discloses, insofar as the State Department can determine, did so without any knowledge whatever of the official branch of the executive body charged with those decisions.

Would the Senator from New Jersey not agree that this is certainly something that ought to be reviewed by the Congress as a part of the overall study which our amendment seeks to create?

Mr. CASE. I surely do agree with that. It seems to me absolutely incontrovertible, and I am sure no one will take exception to the proposition that the Senator has stated.

Of course, interestingly enough, that review ought to be made whether the presence is established by nuclear attack carriers or by an armed canoe.

Mr. MONDALE. The Senator is correct.

Mr. CASE. It just happens that our amendment and this issue of the nuclear carrier present a very sound situation in which to raise the entire question of who does determine and who does operate the foreign policy of the United States.

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

Mr. CASE. I am happy to yield to the Senator.

Mr. SYMINGTON. Let me congratulate the able Senator for bringing this important matter up for discussion in the Senate in the temperate, thoughtful, and thorough manner in which he has done so this morning.

I would ask the Senator to answer several questions which are of interest to me in this matter. The able Senator served for many years on the Committee on Armed Services, and now serves on the Committee on Foreign Relations.

Does the Senator believe that military policy, including various decisions as to weaponry, should be associated with foreign policy?

Mr. CASE. There is necessarily, it seems to me, the closest association and there must be constant interaction between the two. In the end, of course, foreign policy should be decided on a broader range of considerations than merely a nation's military capacity, although that is one of the factors which must be taken into account.

(At this point Mr. ALLEN assumed the chair.)

Mr. SYMINGTON. My next question. Does the Senator believe that the resources of the United States are now limited?

Mr. CASE. It has not been fashionable to believe that in the past. It is only recently, again due in very large part to the voice of the Senator from Missouri which has spoken at times in the past when it seemed like a voice crying in the wilderness, that we have come to realize that even the resources of this mighty Nation are not without limit.

Mr. SYMINGTON. I thank the able Senator for his kind but undeserved remarks. If it is true that our resources are limited, along with the priorities which we know must now be considered from the standpoint of our increasing domestic requirements, as well as our other complicated positions around the world, does this not entail increased importance in discrimination as to choice of weapons systems?

Mr. CASE. This seems to me to be absolutely fundamental. No one is in a better position to know they are important, as well as the need for this information and for greater attention to it than the Senator from Missouri.

Mr. SYMINGTON. I thank my able friend. This morning I heard and read that the head of the government of the Soviet Union had traveled many thousand miles out of his way to visit heads of the Chinese Government, in their capital at Peking. It is my considered opinion that a meeting of this character could have as much possible effect on the future generations of this country as any other meeting.

With that premise, I ask my able colleague from New Jersey: Does it not give him some apprehension that the Soviet Union today has hundreds more attack submarines than the United States, and thousands more modern air superiority fighters; nevertheless the Soviet Union has not yet laid down a single carrier? Does this not stimulate in the mind of the Senator from New Jersey a desire to consider thoroughly all planning and

programing in the military field from the standpoint of where we should place our military priorities?

Mr. CASE. It does, indeed.

Mr. SYMINGTON. In recent presentations made in support of this new carrier, there have been points raised with which I cannot entirely agree. But in any event, much of the presented justification had to do with the continuous heavy operation of carriers in the Mediterranean. Now, as mentioned the other day in discussion in this Chamber, to us that part of the world is called the "Middle East," but the Soviets call it the "Near South," and that latter nation has now many friends and allies in the way of nations on the Mediterranean, nations they are supplying heavily with military equipment, not only in the eastern Mediterranean but also in the western Mediterranean. As example, I believe it fair to say that Algeria is probably the strongest country militarily in that pro-Soviet-Arab bloc.

It is also rumored that recently the Soviets were placing long-range missiles in countries close to the Mediterranean which they control.

In discussions with respect to the ABM, one of the principal justifications for that particular weapons system was the extraordinary CEP which it is estimated the new Soviet SS-9 missile possesses.

Mr. CASE. Let me interrupt the Senator at that point. That means accuracy.

Mr. SYMINGTON. That is right, and being true, the Defense Department and the General Accounting Office have both come up with an almost identical figure, that the cost of one modern carrier task force is some $1¾ billion. If it became important to a possible enemy, say either the other superpower or one of its satellites, to defend its position in the Mediterranean, then it would seem to me that a carrier task force would be a prime target.

There are those no doubt who would disagree. In any case, my question would be: If the accuracy of the Soviet long-range missiles, as reported in secret session, is anything like what we were told, would it not be a relatively simple matter for a missile from the Soviet Union, or from one of its satellites, to destroy a carrier task force?

Mr. CASE. It seems almost elementary that that is true. I do not believe it could be contested.

Mr. SYMINGTON. I would hope it never is tested.

Let me commend the able Senator from New Jersey for his interesting analysis of a major component of one of the great problems which face this country today, especially because of the now obvious serious and growing financial problems the country is also being forced to face.

Mr. CASE. I appreciate the words of the distinguished Senator from Missouri, not only as an example of personal greatness, but as something that gives the Senator from Minnesota (Mr. MONDALE) and me, and our associates in this venture on this particular amendment, great confidence that we are on the right track because of the authority with which the Senator from Missouri speaks.

Mr. SYMINGTON. I do thank the Senator.

Mr. MONDALE. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I am happy to yield.

Mr. MONDALE. Some comment has been made during the course of the debate about who or who is not unilaterally disarming. I checked yesterday to see what kind of reductions have been made in the $20 billion authorization bill during the past 2 months that the bill has been before the Senate. To be sure, a part of that time the Senate was in adjournment. But to show how much the levels recommended by the Committee on Armed Services have actually been affected by this great debate, at this point the Senate has deleted $71 million from a $20,057,000,000 budget—$46 million on the basis of an amendment offered by the Senator from Arkansas (Mr. FULBRIGHT) relating to social science research, and $25 million on the basis of an amendment offered by the Senator from Maryland (Mr. TYDINGS) relating to the emergency research and development budget.

So at this point the Senate has deleted only $71 million from a $20 billion-plus budget. The particular amendment now being considered asks only for a study of carrier force levels. Am I not correct?

Mr. CASE. That is correct. The amendment proposes not a determination of how to spend the sum involved, but merely to postpone the spending until Congress has answered the questions we raise.

Mr. MONDALE. The Senator is correct.

Mr. COOK. Mr. President, I have been interested in the discussion between the Senator from New Jersey and the Senator from Missouri, particularly in regard to ground-to-air missiles, and the vulnerability of the carrier in that regard. Would the Senator from New Jersey agree that a ground-to-air missile would be just as devastating in its accuracy, for instance, against a C–5A as it would be against an aircraft carrier?

Mr. CASE. I would be glad to have the Senator from Missouri respond to that question, because it is directly in his orbit.

Mr. SYMINGTON. I thank the Senator from New Jersey.

Mr. COOK. Particularly if the aircraft were 30,000 feet or lower.

Mr. SYMINGTON. In reply to the question of the able Senator from Kentucky, there was a time when, because of the considered danger, a large part of the strategic bomber force was kept on alert, and therefore, it would not have been possible for a ground-to-ground missile, which I am sure is what the Senator was referring to——

Mr. COOK. It is.

Mr. SYMINGTON (continuing). To attack the planes in question.

In colloquy on the floor in support of the C–5A program, which the able Senator from Kentucky now brings up, I stressed the point that the great advantage of that type and character of plane in the world as it is today was its remote presence. By that was meant the fact our C–5A's would be stationed a relatively long way away from attacking missiles.

In my colloquy with the Senator from New Jersey with respect to the Mediterranean, the premise was that no possible enemy would need the long-range missiles which would be needed to overcome the concept of remote presence, and there naturally would be more time. If the accuracy of the Soviet ICBM, called the SS–9, is remotely comparable to the accuracy presented on the floor of the Senate in the ABM discussion, and inasmuch at it is known accuracy generally increases with a shortening of range, IRBM's and MRBM's as well as ICBM's would furnish major danger to any carrier task force in the Mediterranean. We have not yet even talked about the fantastic air-to-ground and air-to-sea developments, which would also create great danger, especially in that they are also supersonic. Nor have we talked about something which is now general knowledge; namely, the large number of Soviet submarines in the Mediterranean, a number which occasionally increases heavily. Nor have we yet considered the meaning of the Soviet bombers we now know are stationed in countries on the Mediterranean.

I mentioned yesterday that there is now a base in the United Arab Republic where it is understood Egyptian citizens are not allowed to enter. We know that our carriers are constantly watched by those bombers.

One of my major points the other day was that if we adopt this concept of remote presence, we have far more time to handle our forces against known enemy weaponry, rather than putting them right under the shadow, not only of all the missiles, MRBM's, IRBM's, and ICBM's, but also medium bombers, and relatively short-range fighter bombers, not to mention the growing submarine force that is gathering in this inland sea. That was the thrust of my questioning of the Senator from New Jersey.

Mr. COOK. I am not quite sure that the question has been answered to my satisfaction, really. The point I am trying to make is that, as the Senator from New Jersey knows, this is the first amendment to the defense appropriation bill to which I have been opposed.

Mr. CASE. That the Senator is thinking of opposing?

Mr. COOK. That I am opposed to. On the basis, frankly, that we are talking about the vulnerability of one type of weaponry, I think that vulnerability applies to other types, including the C–5A.

I think, in essence, what we are saying is that, first of all, we picked a magic figure called 15. There is nothing magic about that figure. I debated this with the Senator from Minnesota the other day, that as a matter of fact, prior to the Korean war, we had seven carriers and we got up to 19 and, as a matter of fact, on all types of carriers during World War II, we got up to 100; and the fact that we have the four of the *Hancock* class in operation. We do not have them there because we want four more carriers. We have them there because we need them.

As a result of not having modern carriers, and having to use the four *Hancock*-class carriers, we have a rate of accidents on them which is twice the rate of accidents on the other modern carriers. We cannot use the sophisticated type of aircraft that the Navy has on the *Hancock*-class carrier.

Thus, in essence, when we put the four *Hancock*-class carriers in, or one or two, let us say, into the Vietnam conflict, we put inferior airplanes into the air against the most modern airplanes which the Russians could utilize on behalf of the North Vietnamese.

I can only say that I feel it is not a valid argument that because the Russians do not have any carriers, we should not have any.

Mr. CASE. If the Senator will permit an interruption there, I want to raise the question that if it turns out we get a little squeezed for time toward the end, it might be taken into account that the Senator from Kentucky is arguing on our time.

Mr. COOK. Let me cut it short then.

Mr. CASE. I do not mean to stop the Senator. I just wanted to raise the point that we may want to adjust the time at the end, because we seem to be arguing against the amendment on the time of its proponents.

Mr. STENNIS. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

Mr. STENNIS. I must inform the Senator that virtually all the time has been allotted on our side. I am sorry. I would be glad to accommodate anyone that I could. I can yield 2 minutes to the Senator from Kentucky, if that would help.

Mr. COOK. I will cut it short.

Mr. CASE. I do not mean to make a point of it, really; I just want to raise it for the future.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Kentucky to finish his question.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOK. Mr. President, to finish the point of my question. I also do not believe it is a valid argument to say that because the Russians do not have carriers, the United States obviously should not have them.

Geography has a lot to do with it, as well as the commitments we have around the world, which are much more broadly and geographically located than those of the Russians. This may be a problem of ours, but it is at least a problem of the United States. The Russians do not have the farflung commitments that they would have to respect and they would have to abide by that we do. Therefore, it calls for a different type of weaponry.

Let me just take 10 seconds to say that this morning I heard on the radio an advertisement directed to the young men of this Nation, to the effect, "Come fly Navy." Mr. President, I think all of us will agree that that is a mighty good thing, but the basis of the argument is that we should tell them to, "Come fly Navy," but it will be done on a flattop built over a rowboat. I say, if we are going to maintain our airplanes, and maintain our Navy, I stand here as a freshman Senator who has not voted for all the figures which the Senator from Minnesota said. The Senator said he voted for $200-odd billion. The Senator from Missouri said he voted almost a trillion dollars. I have not voted any, but I can only say that these things that are in existence became a reality by reason of the previous actions of this body.

I thank the Senator.

Mr. CASE. Mr. President, the Senator from Kentucky is one of the brighest stars that has entered this firmament in my time here. I not only cherish our personal relationship, but I have great admiration for his enthusiasm, and almost always for his substantive position.

I am not sure I disagree now with the propositions the Senator has put forward. The point is not that we—the Senator from Minnesota and I—are deciding we want only nine carriers, or 10 carriers, or no carriers, or 15 or 16 carriers. We just say this body, after study, ought to determine these questions, and that study has not been made.

Of course I agree with the statement that the fact that neither the Russians nor any other power has any attack carrier force is not a reason necessarily why we should not have one if our responsibilities, as determined after deliberate thought by this body and the executive branch, require or suggest that that kind of military weapon is useful for us. It may be that we are the only ones who need it and that we should have it.

What the Senator from Minnesota and I are saying and urging as strongly as we can is that we ought to take a look at these questions and not just assume that we need them and go ahead. Of course, we want the best and the most modern weapons. I agree with that. The question is: For what purpose and how large?

Mr. STENNIS. Mr. President, since the Senator has already been interrupted, I yield myself 2 minutes to ask a question.

Mr. CASE. Of course, I shall be glad to yield, but I just want to have one last word before I finish, finally.

Mr. STENNIS. Excuse me.

Mr. CASE. No; go ahead.

Mr. STENNIS. Mr. President, at this point the question has been raised about the 15 carrier force by some persons. That does not go into the fact that there is no committal to any particular force of carriers. The law does not require any number. It is a matter in the discretion of the President of the United States. Of course, he acts through the Secretary of Defense and the Security Council. He could cut the number in half now, as far as the law is concerned. It is a question of need.

I asked Secretary Laird about this matter. I do not know of anybody whose opinion is more important or whose responsibility to review this matter is greater. I asked him about it after the amendment was submitted. In a response dated, I think, August 13, this paragraph was included:

> The decision to go ahead at this time with the CVAN program does not commit us to a force of 15 attack carriers. The program assures that our carrier force will be kept modern and capable of operating against the current and projected Soviet threat. This decision also assures that we will maintain in operation an orderly shipbuilding program to meet the future needs of our Navy.

I submit to the Senator from New Jersey that that is the very basis, the foundation, the bottom here of the funds we are asking for in this bill.

I am sure the Senator has a respect for the opinion of Secretary Laird. I know he does. I am not going to ask him if he does.

How much more review could they make on a carrier that is already in the process of being built right now, with long leadtime items purchased, with some money spent, with $140 million contracted for? How much more delay can be justified?

Mr. CASE. Mr. President, one always finds himself at a disadvantage in discussions with the eminent Senator from Mississippi on any subject, and on none more severely than on this matter, on which he has spent so much time. Yet, with all deference and in great respect and in the highest affection, I think the mere fact that we have started to spend the money and have made contracts for long leadtime items for this weapon, should not deter us from stopping and having a further look.

As the Senator, of course, knows, we are not suggesting that the items for which contracts have been made be stopped. It is largely the propulsion system that is under contract, if I am not mistaken. That will go ahead, under our amendment, and the long leadtime items will not be delayed in any way. What we are talking about is work done by the shipyards, largely, the major part of the ship itself.

As the Senator knows, we are not even mostly concerned with this particular ship. This is not to say that the $377 million is nothing. This is not peanuts, as the Senator always has recognized. No one is more careful than he about the money of the taxpayers. But what we really want to emphasize is that—not in derogation or in criticism of the executive branch or Secretary Laird or his predecessor or the Joint Chiefs or the Navy Department or anyone else—their views must be taken seriously into account by the Congress, but, beyond that, Congress has its own responsibility to make up its own mind, and it is the ultimate arbiter as to where the public's money is going to go.

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

Mr. CASE. I yield.

Mr. GOLDWATER. I am in agreement with the Senator's contention that we must exercise more surveillance over the funds being spent, but I want to remind the Senator that on two previous occasions this body transferred the responsibility he is talking about.

When the Reorganization Act of 1947 went through, the Joint Chiefs of Staff were charged with the primary responsibility of determining weapons needs, and so forth; and then when the Security Council was formed, they were given this responsibility, too.

The Constitution was never very specific about Congress responsibility in

this regard. I think it has always been looked upon by the courts and experts in constitutional law as being a sort of two-armed thing, that the executive branch and the Congress would work together in these fields. But I was reading the Reorganization Act just the other day, and the language is very explicit in charges made to the Chiefs of Staff as to their responsibility in this field.

I would certainly join the Senator to some extent in this, but if he would be interested in nailing down this responsibility, we should be talking about legislative language that would repeal this charge given to the Joint Chiefs of Staff and the Security Council.

I just wanted to inject that thought here, because this is the first time, I think, since 1917, that an authorization act has taken more than 2 or 3 or 4 or 5 days to complete, since the debate on the arming of merchant ships debate on the floor of the Senate, when the arguments were prolonged.

I wanted to make that a part of the RECORD, because I put in the RECORD earlier a complete study on the constitutional and legal ramifications of this point.

Mr. CASE. I appreciate the contribution that the Senator from Arizona has made, and the spirit in which it is made; and I certainly would be most happy to join with him in a thoughtful and deep study of the problem of the relationships between the responsibilities of the executive branch and those of Congress.

Mr. GOLDWATER. There has never been any question, I might say, about that relationship. It has always been recognized as sort of a two-armed thing. We recognize it, and the executive branch has recognized it. We admit that the executive branch is responsible for foreign policy, and we have to advise and consent in it; but the formulation of strategy and tactics and decisions on weaponry have been formally turned over to other organizations; and if we want it back, so that we can act as many people feel we should, I think we would have to think about legislation to accomplish it. I would not introduce such legislation, but I would seriously consider helping the Senator if he wanted to.

Mr. CASE. I think if there is any disagreement between us—respecting this amendment, of course, I understand the Senator's position—but if there is any real disagreement between us on the broad question, I should be very much surprised. I think the difference is largely one of semantics.

Obviously, these decisions have to be made ultimately by the American public. What is it willing to do? What is it willing to spend? How should its resources be allocated? How much does it want to get into the world outside, and to what extent does its own security depend on what it does in regard to these matters?

All of these questions depend ultimately on decisions of the people. The people do not vote upon these questions directly; they are not referendums. But, nevertheless, without broad approval of the course that the U.S. Government takes, it cannot function; and so it depends upon the people.

That means, coming back to the Senator's point, that joint action and cooperation between the executive branch and the Congress is essential, too. But when you come down to it, if the function of Congress is merely to take a cursory look, as it were, at what is proposed by the executive branch, and if the Presidency is to be limited to a relatively small group of people overlooking and overseeing what the Military Establishment proposes, then there is no real cooperation, no real joint effort, but really just a rubberstamping.

It is the desire to make our congressional role more effective that really motivates us in this amendment.

Mr. GOLDWATER. The reason I wanted to get that in, is that the amendment, as it now reads, is in effect a study amendment. We have, in this body, given to other groups the responsibility of making those studies. Had the money limitations remained in the amendment, that would not necessarily apply. But the matter has been very deeply studied, reviewed, and analyzed by the very bodies that we in Congress have charged with the responsibility of making these studies.

I would say that if the amendment passes, the matter would probably, on referral to a proper committee, go right back to the Security Council and the Joint Chiefs of Staff for further study.

Mr. CASE. Surely we will always want their advice, and rely heavily upon it. But the Senator has correctly, I think, come to the real point of contention here, and that is, how heavily we shall rely upon it, and how much we shall—not all the time, not every year, but from time to time—go out and seek our own expertise, in addition to the advice that we get from this terribly important, terribly good institution that we have established, as the Senator suggests.

Mr. President, before I yield the floor, I wish to make one further observation which I think is worth considering, and that is that the present carrier, was scheduled for full funding in 1969, but it was delayed until 1970. I do not think anyone contends that that has had or will have any disastrous effects.

Mr. President, in this morning's Washington Post an editorial supporting the position of the Senator from Minnesota and me appeared as the lead editorial. I ask unanimous consent that the editorial entitled "Gunboat Incident on the Hill," published in the Washington Post of Friday, September 12, 1969, be printed in the RECORD at this point.

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

GUNBOAT INCIDENT ON THE HILL

The Senate is to vote today on an amendment to the $20 billion military authorization bill that would delay until next year, pending a full review, any further spending on a second Nimitz-type aircraft carrier. The amendment is sponsored by Senators Mondale and Case and it makes good sense, not because the case against a new carrier has been made—although in our view that case is strong—but because the case *for* a new carrier has *not* been made. Where Senators Jackson and Stennis, who oppose the amendment, would go ahead as usual and rubberstamp the Pentagon's request, the review proposed in the Mondale-Case amendment would help the Senate judge the request on its merits. That is exactly what ought to be done.

Mr. Mondale claimed earlier this week that the Navy desires the new carrier in order to hold the size of its carrier force at the traditional level of 15. He questioned the cost, effectiveness and invulnerability of carriers as against land bases. Senator Case is worried lest the mere availability of a carrier create or enlarge an American "commitment," apart from executive will or legislative consent alike. To these questions, the Navy has responded with an emotional force suggesting that it feels its very purpose of existence has been challenged. And Senator Jackson declares confidently that carriers are essential to "project modern tactical air power into those parts of the world where we have vital interests."

Mr. Jackson has backed into the central issue. Just what are the "vital interests" which require another carrier costing the better part of a *billion* dollars? This question would be tackled by the study which the Mondale-Case amendment would have the General Accounting Office organize for the Senate, and rightly so, because this question should have been the basis of the administration's own carrier presentation all along; and yet the answer remains far from clear in the light of the new turn Mr. Nixon apparently has in mind in the role this country is going to play around the world.

President Nixon has just enunciated a new Asia policy calling upon Asians to provide their own first line of defense. Any clear-eyed observer can see that if this policy means anything it must mean that the United States is not going to be "projecting modern tactical air power" around the world in the same way as it has in recent years. But the Pentagon is asking for a new carrier as though President Nixon had never spoken and as though there had never been a Vietnam. This is not to say that Senators Stennis and Jackson must embrace the new Nixon doctrine. But surely Mr. Nixon can be expected to embrace it, and to reconcile it with his military budget requests.

Mr. CASE. Mr. President, reserving the unused time on our side, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I expected to yield 10 times at this time to the Senator from Wyoming, but he seems to have been called from the floor for a minute. I suggest the absence of a quorum.

Mr. CASE. Without the time being charged to either side?

Mr. STENNIS. Yes; I ask unanimous consent that the time for the quorum call be charged to neither side. It will be brief.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 10 minutes.

Mr. SPONG. Mr. President, initially,

I should like to express my view that the Senators who have sponsored this amendment have rendered a service to the Senate and to the Nation. The future role of the aircraft carrier is a subject quite appropriate for debate at this time. Questions raised during the debate are, in my judgment, necessary and asking them is an essential part of the legislative process when our economy, national security and foreign policy present problems of perhaps greater complexity than ever before.

The revised amendment before us is identical to the previous amendment on this subject with two exceptions: these provide that the study will now be made by the Congress, but that the General Accounting Office will edit studies made by the executive branch with respect to the question raised in the amendment. Additionally, it removes the prohibition against expenditures for lead-time items. While these changes improve the amendment, I nevertheless oppose it.

Sponsors of the amendment base much of their argument in questioning the justification for a continuing fleet of 15 attack carrier task forces. I believe a continuing policy of 15 attack carriers should be questioned in terms of costs, future policy, effectiveness, and our national security. However, we should not let this obscure the real question that is before the Senate at this time, which is: Do we authorize additional funds for the second of three nuclear carriers under the multicontract system which has already begun in order that the second attack carrier may join the fleet as scheduled in 1974? I believe that we should authorize this carrier. There is no magic in the number 15 and we are not determining force level in this authorization. The number of aircraft carriers has fluctuated sufficiently since World War II to indicate they will continue to fluctuate as the international situation changes.

If it should be determined that we should reduce our carrier force level in the next several years, this should be done by retiring World War II carriers rather than canceling or delaying construction of new nuclear powered attack carriers. Six of our attack carriers were launched during or just after World War II.

New modern carriers are required to provide larger decks and aircraft support facilities necessary to support modern aircraft. The older *Essex* class attack carrier, four of which are still in the fleet, cannot be converted again to accommodate the newer aircraft now deployed. The first of the three attack carriers now planned should be ready for the fleet in 1972 and will replace the *Hancock* which was commissioned in 1944. CVAN–69 scheduled for completion in 1974 and CVAN–70 planned to join the fleet in 1976 will replace ships 26 and 30 years old. Modernization of the older carriers such as the *Midway* has proved to be more costly than expected and consequently the *Coral Sea* and the *Franklin D. Roosevelt* probably will not be modernized. This, then, will provide us in 1976 with only 8 carriers of the *Forrestal* class plus the nuclear *Enterprise*—all under 25 years old; the modernized *Midway* plus the three nuclear carriers, the *Nimitz*, now under contract, and the CVAN–69 and CVAN–70, planned for 1974 and 1976. This provides a fleet of 13 carriers which can be used effectively and only four of these will be nuclear powered.

It has also been argued that this carrier—CVAN–69—should be delayed or not constructed because other nations have no carriers, the Soviet Union being used as a prime example. I do not subscribe to the theory that the United States' weaponry should be patterned after that of the Soviet Union's. History, commitments, and geography impose different requirements upon us than the Soviets. In my judgment, until we have more evidence of a better chance for peace on earth, our weaponry must be sufficiently diversified to provide the best possible defense in any contingency.

The absence of a Soviet carrier force is not relevant to the question at issue. Russia's geographic location within and contiguous to European and Asian land masses would seem to be an obvious factor affecting the Soviets' decision not to build attack carriers at this time. Russia is far less dependent on overseas logistic supply lines and on overseas alliances for their national objectives than the United States. The Soviets control an extensive system of land-air bases throughout areas of the world vital to them. Our position with respect to some of the overseas land bases is tenuous, and our experiences with France and Morocco would seem to indicate the need for alternatives. Moreover, we must be mindful of our experiences in Korea where every land base was immediately overrun and our first air strikes were totally and completely sustained by aircraft carriers. Recent events concerning land bases in Spain and Libya remind us that foreign bases are subject to negotiation and political action.

As for the British: A review of the debates in the House of Commons during the years when the future of Britain's policy with regard to carriers was being determined will show the basis upon which a decision to support no carriers after the mid-1970's was made—a policy decision that Britain could no longer afford to maintain a presence east of Suez.

When the British Government announced the decision, the First Sea Lord and the Navy Minister, Mr. Christopher Mayhew resigned. I should like to quote excerpts from a personal statement made in the House of Commons on the 22d of February, 1966, by Mr. Mayhew:

> The most spectacular and controversial of the cuts was the cancellation of the new carrier. I would like to make it clear that my position throughout the Defense Review has been that if the Government insist on a world role east of Suez in the 1970's, then carriers are essential, and that my duty as Navy Minister was to fight for them.
>
> At the same time, although not my direct personal responsibility, I did not hesitate to question whether we should adopt that role, whether that was the right role for Britain in the 1970's. As long ago as April, 1963, after visiting the Far East and the Gulf as deputy spokesman for then Opposition on foreign affairs, I sent a report to the present Prime Minister expressing the same doubts about this role that I propose to express later on, and recommending a policy of gradual long-term disengagement. It seems to be perfectly logical and honourable to hold doubts about remaining east of Suez in the 1970's, but, at the same time, to say, as Navy Minister, that if the Government insist on remaining east of Suez in the 1970's the Navy will need new carriers.
>
> I would now like to explain the reasons why a viable carrier force is absolutely essential if we are to stay east of Suez in the 1970's and why the plan for carriers given in the White Paper will not work. The four major reasons why the carriers would be essential are these. First, they enable us to exercise air power in any part of the ocean and not merely within an agreed manageable range of land-air base. Outside this agreed range only carriers can provide the air strike and air defense to protect naval shipping or an amphibious force, or replenishment ships or merchant ships, and so on. Any military operation involving the use of such shipping must have carrier support, either British or American. That is agreed and no one disputes it. Outside of this range, without a carrier the Navy is unprotected. It is a "sitting duck" for any small country with a few Soviet bombers or missile patrol craft.
>
> The second reason why carriers are essential if we are to stay east of Suez is that they provide essential reinsurance against the loss of a land-air base. Land bases and carriers are both vulnerable. The most extensive analyses show that in Vietnam the carrier is less vulnerable and less expensive than the land-air base. Without the carrier one has all of one's eggs in one basket. Everything will depend on one air base. If it is sabotaged or mortared by guerrillas, one is left with no air cover at all.
>
> The third reason why carriers are essential if we are to stay east of Suez is their deterrent power. This has been proved over and over again from practical experience and arises from the factors I have just mentioned. Phasing out the carriers will encourage our adversaries east of Suez at the very time that they will make it more difficult for us to cope with that challenge if it comes.
>
> The fourth reason is that carriers are extremely flexible. They can provide air defense, ground attack and fulfill other functions which make them infinitely valuable for dealing with unpredictable occasions, as, again, has been shown in experience. Practically all our peace-keeping operations since the war were not, and could not have been, predicted.
>
> Those, then, are the reasons why, if we must stay east of Suez in the 1970's, we are, in my view, morally obliged to do so with a viable Navy and a viable carrier force. . . .

The British are not phasing out their carriers because they question effectiveness or fear vulnerability. A policy decision, based largely on economics, was made which restricts the role Britain—and its navy—will play in the world after the mid-1970's.

Were the Government of the United States to determine that we should drastically reduce our commitments throughout the world, as have the British, then the need for modern carriers might be removed. At this time, however, we must pass upon authorizations within the context of present policy and world conditions.

Admiral Rickover recently wrote to Senator STENNIS, and I quote excerpts from that letter:

> No valid plan exists for overseas military operations by the Army, by the Air Force, or

by amphibious forces, which does not depend on our ability to guarantee free use of the seas. Virtually all supplies to Vietnam, for example, have been carried by ships. . . .

Without a modern attack carrier force, the United States is not assured free use of the seas in those areas of the world that are important to us. It is simply not practicable to establish enough land air bases adequately prepared, provisioned, defended, and within range of potential areas of conflict.

We should recognize the development of Soviet naval power since the Cuban missile crisis as an instrument of Soviet policy. While it is true that as yet they have no attack carriers, we must acknowledge recognition of the essentiality of sea power by the Soviet Union and its development of a modern fleet including aircraft cruisers, helicopter carriers, new classes of nuclear and conventional submarines. This has been documented time and time again by the Armed Services Committee and was documented in testimony before the Joint Committee on Atomic Energy. Russian squadrons today cruise the seven seas of the world from the Caribbean to the Persian Gulf.

The free use of the seas is essential to the system of alliances upon which the security of the United States has been built.

Sir Francis Bacon once wrote:

He that commands the sea is at great liberty and may take as much and as little of the war as he will.

I shall vote against the amendment.

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

Mr. SPONG. I am pleased to yield, on the remainder of my time.

Mr. MONDALE. I yield on my time.

I commend the Senator from Virginia for a most capable statement. Is the Senator satisfied that Congress has as fully evaluated as it should these policy questions that bear on the need for a 15-attack-carrier force level?

Mr. SPONG. I would say, in response to the Senator from Minnesota, that it would be my hope that in the future we would look further into the necessity for 15 carriers. But I would say that the crux of this debate is whether we should authorize another modern nuclear carrier. In my judgment, this is needed, and badly needed, at this time, if we are to carry out our present policy.

If I correctly understand what the Senator from Mississippi said on Wednesday, he spelled this out. I might say to the Senator from Minnesota that I covered this in my remarks, but because of the limitation of time, I passed over it very quickly. I would anticipate that there would be a reduction to possibly 12 or 13 carriers, if we phase out the present carriers.

But, to answer the question of the Senator from Minnesota specifically, I hope that Congress will continue to look into the necessity for the 15 attack carrier level, and I find no magic in that figure.

Mr. MONDALE. I find the Senator's response very encouraging.

It is true that this amendment does raise, as an operative fact, the question of commencement time on laying of the keel of the second nuclear *Nimitz*-class carrier. But the important point is to have the kind of long overdue congressional study as to the need for 15 attack carriers, what kinds of carriers we need, because we obviously need some, how they should be deployed, what has been the history of their deployment, and the other facts and data that will help us to understand these problems of force level and deployment. That is what we seek to do with this amendment.

Mr. SPONG. Regardless of what the Senator from Minnesota says he seeks to do with the amendment, the Senator from Virginia must be concerned with the immediate effect of the amendment, which, in my judgment, is to delay unwisely a new attack carrier.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the proposed amendment to S. 2546 would withhold funds for the completion of a nuclear-powered carrier of the *Nimitz* class, planned for completion in 1974, until after the Comptroller General of the United States has completed a study of the projected costs and effectiveness of attack aircraft carriers. It is evident, then, that the purpose of the amendment is not only to question the funds for this carrier but also to place the whole concept of the attack carrier weapons system in jeopardy.

It is surprising, in the light of recent events, that there should be an attempt to disapprove funds for the continuation of a weapons system which history has proven as one of our most effective instruments in support of national policy. Since its inception, the carrier and its aircraft have been an unequaled success as a weapon of war. In World War II, it was the keystone of our entire Pacific war effort. In the Atlantic, it provided the protection for the sealanes so that we might provide vital war material for our own overseas forces and for those of our allies, and it provided the means to retaliate against aggression in Europe by making it possible to place our forces on the shores of North Africa in our first step in the long journey to Rome and Berlin. In Korea, carriers helped to provide tactical airpower to stem the Red tide after it swept over the entire country except the Pusan perimeter. Without the protective umbrella of carrier tactical air, coupled with the firepower of other ships of the task force, the extraction of our hard-pressed troops at the port of Hungnam would not have been possible. In the simmering Near East, carriers provided ready reply to aggression in Lebanon and Suez, and in politically troubled areas of the Western Hemisphere such as the Dominican Republic and Cuba, carrier air was immediately available to support our foreign policy.

Again, at the beginning of today's conflict in Vietnam, carriers were promptly at the scene in 1964, providing airpower while airbases ashore were being established. During the most active period of the campaign against North Vietnam, carrier aircraft provided about half of the air strikes, and even today, our carriers are on station in the Tonkin Gulf, supporting the efforts of our troops ashore.

To doubt the value of the carrier is to doubt the value of airpower itself, for the carrier merely serves to transport that airpower where it is needed, over the three-fourths of the earth where ships can navigate. Carrier aircraft have a tactical radius of about 600 nautical miles and can reach 85 percent of the area of the world outside the United States and the Soviet Union where there is the greatest likelihood of trouble. Air-to-air refueling makes it practical to extend a significant part of our naval airpower even farther.

The Department of Defense has conducted a virtually continuing review of cost and effectiveness of attack carriers over the recent past several years. The carrier has survived critical examination by personnel schooled in cost analysis as well as by those with wide military experience. It seems rather surprising, then, that the Comptroller General should be asked to embark upon a comprehensive study and investigation of the past and projected costs and effectiveness of attack carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers.

The questions in the amendment which the Comptroller General would be asked to answer are the very ones that the Department of Defense has been addressing over a long period of time and for which adequate answers are available. In some cases, the questions may be answered by statistical analysis, as in the cost comparison of land- and sea-based airpower. Relative investment and operating costs vary in different situations, but overall costs are about the same when basing, support, logistic and defense costs are considered for both. The reply to others may be found in historical example. As Santayana has said, those who ignore history are condemned to relive it. Some of the questions in the amendment required an opinion, where a conglomerate of attitude, fact, figure, and experience, are melded into a logical conclusion. Those questions are best answered by those who have had actual experience in the field.

Because of time limitations, I will not comment on all the questions raised in the amendment, but I would like to comment on those I consider most important.

As to the missions of the attack carrier in limited war and in strategic nuclear planning: All of our major war plans for limited and strategic nuclear war feature the attack carrier as a means of placing tactical airpower where it is needed quickly, efficiently, and, if need be, quietly. Its inherent advantages of mobility, flexibility, and controllability as a weapon of war make it an essential part of planning over a broad band of cases—from a show-the-flag situation by peacetime port visiting; through demonstration of force where the presence of carrier airpower is made obvious, as it was in the Dominican Republic in 1961; through actual participation for as long as is required in limited wars such as

Korea and Vietnam; through full scale conventional wars such as World War II, to the all-out nuclear war, where the carrier, because of its mobility, is likely to survive to provide the balance of power.

The amendment questions our keeping two carriers in the Mediterranean and from three to five in the Western Pacific. The reply must be that these are two primary overseas areas which are presently critical to the interests of the United States. It is not mere tradition that dictates our carrier presence in the Mediterranean. It is the fact that the countries bordering the Mediterranean have been, and continue to be, under long-term pressure from the Soviets, and the Mediterranean has become increasingly an arena of contention for Soviet and United States political and military forces. Frequent probings of our 6th Fleet by aircraft based in the United Arab Republic, the startling growth of the Soviet presence in the Mediterranean over the past few years, continuing skirmishes between Soviet-supplied Arab forces and those of Israel, the overthrow of the Libyan Government a few days ago—all these are indicators of the political instability and military challenge which dictate our close attention to that part of the world. Our interests there can be protected most effectively and least obtrusively by means of sea-based airpower.

The same considerations apply in the Western Pacific. Until there is no longer a need for military support for our commitments in Vietnam, Taiwan, Japan, and Korea, we will need carriers to provide that support. And if it becomes necessary to withdraw our military presence, all that is required is a change of course of the aircraft carrier. The shrinking overseas base structure—68 major bases have been closed since 1961—serves as a reminder that the best, and in some cases the only way to place airpower where it is needed on an as-long-as-required basis is through the carrier.

The amendment questions the need for a 1-for-1 carrier replacement in view of the added capabilities of newer ships. It is true that the *Nimitz*-class carrier incorporates improvements over the *Essex* class which it will replace—it would be disappointing if it did not, considering available advancements in technology and the lessons of operational experience. There will be improvements in the survivability of the ship, including armored decks, added torpedo protection, deceptive electronics systems for missile defense, and missile systems on the ship itself. There will be improvements in operational capability—the *Nimitz* class will carry twice as much aircraft fuel and 50 percent more ammunition than the most recently constructed attack carrier, and, in addition, its nuclear engineering plant will enable it to cruise at top speed almost indefinitely. And, most importantly, there will be improvements permitting operation of the most advanced aircraft which *Essex*-class carriers cannot operate today. However, even as we make improvements in our weapons, so do our potential enemies. For example, the Soviets have flown eight new models of fighter aircraft over the past 8 years. Their standard fighter of today compares favorably with the Navy's F–4 fighter. They have a growing and increasingly capable new Navy which has been described as a technological marvel, consisting of helicopter carriers, nuclear and conventional submarines, and missile armed cruisers. These and other modern weapons of war, coupled with policies which permit aggression such as the invasion of Czechoslovakia, constitute a threat which we cannot ignore and which demands the best in military preparedness on our part.

Several questions relating to the efficiency of the carrier weapons system are raised in the amendment—questions concerning backup forces for carriers on-the-line and the proportion of the ship's airpower needed for self defense. I am sure that an over-simplified answer would not be helpful, since any meaningful reply would have to be based on a description of the military situation at the moment. The Navy reports that today our carriers in the Tonkin Gulf devote about 5 percent of their airpower to defense, and the remainder performs in the attack role. In a situation where there might be a serious threat to the task force, as much as one-third of the total aircraft complement might be so assigned. The military pressure at the moment, then, really determines what part of the carrier's airpower is needed for defense.

Likewise, the pressure of the hour must determine what part of the entire carrier forces would be on-the-line, and what part would be held in reserve. Over a long period, where steady-state deployment of our forces to distant stations under limited war or quasi-peace conditions is required, it is most efficient to keep five of our attack carriers deployed to distant waters, while the others operate near the U.S. to provide for ready reinforcements if necessary, proving new equipment, developing new tactics and doctrines, providing for fleet training and maintenance, and allowing for some time in their home ports. Under emergency conditions, however, all of those carriers not actually in overhaul—normally not more than one or two in overhaul—could be dispatched immediately where needed. In World War II, 85 percent of our more than 100 carriers were at sea.

I do not presume by these brief remarks to reply to the sweeping questions posed by this amendment. I believe, nonetheless, that in our common knowledge and from the detailed information already available through the Department of Defense, we can conclude that we should assure the future of the aircraft carrier as a weapons system, that we should not defer the funds for CVANX 69, and that we should not burden the Comptroller General with studying this problem.

We must maintain the flexible, mobile, controllable, effective system provided by the aircraft carrier, but in order to do so, we must replace our aging *Essex*-class carriers in an orderly, logically planned manner. I urge Senators now to join me in voting against this amendment and in approving the remaining funds for the second *Nimitz*-class carrier—an essential step in the modernization of our carrier forces.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The Senator from Minnesota is a very capable debater and is very fair in his presentation; but, in his questions to the Senator from New Jersey, the Senator complained more or less that the Senate had not yet made any appreciable reduction in this bill.

I want to give the Senator a deferential reply. The amendments involved here, or most of them, have gone to the very heart, the bone, and the muscle of our military program for the 1975 period. In other words, they are attempting to cut out the very cutting edge of our weaponry for these years, in advance when we do not know what the situation will be. That is a quick summary of why the Senate, in its deliberations, has turned down these amendments. There are other reasons, too.

Mr. President, I placed in the RECORD early in the debate the fact that the committee itself cut out $971 million from the bill, and a projection of what that means in savings over a period of years. According to present calculations that would total more than $46 billion. We made reductions in going over the bill. That is a projected cost over future years.

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

Mr. STENNIS. I yield to the Senator from Minnesota.

Mr. MONDALE. I do not wish to be misunderstood. My comments were with respect to the bill reported from the committee from which we have since deleted only $71 million.

Mr. STENNIS. I understand, but before the bill arrived here it had been worked on in other ways. It started out as a budget of $80 billion, not all of it in this bill. Reductions had already been made by others. For instance, Mr. Laird announced an additional reduction of $1.5 billion and specified it, and he said he was planning to announce an additional $1.5 billion; that so far as the spending and the future impact of it, it would be $5 to $6 billion; and counting the future part also it may wind up cut to the bone with around $71 to $72 billion for the entire military budget.

In addition to that, in an orderly way next year I hope we can make some further reductions. I know the Senator made a point and he made it with great sincerity. However, I think that is part of the answer.

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

Mr. STENNIS. If I have any time remaining, I will be happy to yield to the Senator. I had yielded myself 3 minutes.

Mr. President, have I used that time?

The PRESIDING OFFICER (Mr. BUR-

DICK in the chair). The Senator has used that time.

Mr. MONDALE. Mr. President, I yield the Senator from Arkansas such time as he may desire.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I was going to ask the Senator just a few questions for my information about the cost of this ship.

I was visited a few minutes ago in my office by a very distinguished delegation from New York. They visited me because of my membership on the Committee on Finance. They were very disturbed about the proposals in the pending tax bill relating to charitable deductions. One of these men said that he is the president of the largest group of purely local charitable organizations in the United States, which collects about $25 million a year. This money supports a number of hospitals, and the group makes contributions to one hospital which he said is the principal hospital in one of the ghetto areas. He gave me a very appealing account of the damaging effect of the tax bill, if it alters certain provisions with regard to depreciation and so forth. He did make an impressive presentation.

Now, to come to the item we are discussing—the amendment introduced by the Senator from Minnesota. It is my understanding that while the authorization contemplated is around $500 million, nevertheless if this ship is built, when it is finally equipped and is part of the carrier task force, this one carrier and supporting ships and planes, and so forth, the Navy estimates the cost will be $1.8 billion. Is that correct?

Mr. MONDALE. The Senator is correct.

Mr. FULBRIGHT. And over a period of 10 years, let us say—they should last that long although they become obsolete very quickly—the cost of maintaining airplanes on ships of this character is substantially greater than the maintenance of land-based airplanes of similar striking power. Is that correct?

Mr. MONDALE. The Senator is correct. Unfortunately, we are aware of classified data developed by the Systems Analysis Branch of the Department of Defense, which shows a very impressive increase in the cost for sea-based as against land-based aircraft, but we cannot use those figures.

Mr. FULBRIGHT. I think it is absolutely absurd that we cannot use those figures. To deny them because of security is only kidding the American people. How could the enemy be influenced by knowing the cost? They know we are extravagant, improvident, and that we throw money away. This is ridiculous. I gravely protest the classification of costs of this kind when we are dealing in both Houses with appropriations. The one remaining power of Congress is the power over the purse, and it is being eroded rapidly. I do not see how we can accept a policy which classifies costs of a weapon of this kind.

Mr. MONDALE. This, of course, is part of the unevenness of the struggle. I know, for a fact, that certain recommendations have been made by that same branch about reducing the number of attack carriers but I cannot use them.

Also, the Senator from Arkansas is in possession of classified information about the ways in which the carrier has been used, the so-called military cost. The Senator has seen that list. Is it the impression of the Senator that the list is classified to keep the enemy from having essential information or is it likely the Navy is more concerned about political embarrassment?

Mr. FULBRIGHT. The only reason I can think of is that classification insulates the administration from Congress so it cannot take intelligent and informed action with regard to the defense budget. That is the only reason I can see for the classification.

Does the Senator from Mississippi have any knowledge as to why the cost of maintenance of airplanes should be classified?

Mr. STENNIS. In the first place, the information is available to every Member of this body and the House of Representatives. There is no question about that. Relating to some of these matters, it would be telling the adversary everything we have. Those that are most familiar with this matter can point out good reasons why it is not desirable to tell the price, the numbers, and total cost. It is good sound logic, and there is a reason for it. By that, I mean told publicly.

Mr. FULBRIGHT. I cannot see the slightest reason.

Mr. STENNIS. The Senator does not see it. It is there.

Mr. FULBRIGHT. We are not talking about how many we have. We are talking about what it costs to maintain this carrier the Navy is asking for, with its ships.

Mr. MONDALE. We have the operating cost. The Senator from Louisiana has that. What we do not have and what will not be shown to us, and what they refuse to show me, is the July 25, 1969, memorandum in which the Systems Analysis Branch of the Department of Defense made a calculation which shows the cost of sea-based air as against a wing of land-based air is incredibly higher. That information we have not been shown, and they refuse to show it.

Mr. FULBRIGHT. I see no good reason why it is not shown to Senators. It should be a matter of public information. The public pays the taxes. They pay for these ships, and they should be entitled to know how they are used and what they cost. I reject their reasons for classifying this kind of material. In fact, the Defense Department classifies all kinds of materials solely to protect itself from criticism.

Mr. MONDALE. I agree.

Mr. FULBRIGHT. Not only in this field but in other fields which have nothing to do with the security of our country.

Mr. MONDALE. I agree with the Senator.

Mr. STENNIS. Mr. President, who has the floor?

Mr. MONDALE. I had yielded to the Senator on my time.

Mr. FULBRIGHT. I will yield to the Senator from Mississippi if he wishes to be recognized.

Mr. STENNIS. No. I merely ask the Senator to yield to this extent.

The Senator from Minnesota referred to what he called a study by Systems Analysis of a great many grave, critical situations, possibilities, and alternatives, and everything that goes with trying to find the best answer. That cannot be spread out before our adversaries by men held in responsible positions as they are. After all these years, I get impatient, too, at times, about classified matter, but I find good and solid reason for most all of it. That is my opinion.

Mr. FULBRIGHT. Incidentally, while I have the Senator's attention, has he made up his mind about the amendment I have with regard to reports originating from outside the Department, particularly in the so-called think tanks, such as the Hudson Institute, and whether they should not be made available, for example, to the Senate?

I have an amendment which we discussed before the recess. I do not know whether the Senator said he would give me an answer today as to whether he will accept my amendment. I would very much like to have the amendment adopted. When the Congress pays for a report from the Hudson Institute, for example, we ought to have it made available. What they have done in the past is if they like it, it is published, and if they do not like it, then it is classified so that we cannot see it. When we pay for it from public funds, and a report is made by an agency outside the Government, it should be made available to Congress and the public.

Has the Senator agreed to accept that? I hope so.

Mr. STENNIS. Let me point out that this is a very serious bill now before the Senate. If the Senator was handling a bill of this import in his committee and I jumped in during the closing hours of debate and asked him something about a remote and far-fetched matter, I think I would think I was very much out of order.

I do have an answer for the Senator, but I declare that it has no relevancy, as I see it, to this debate. We will get to that in time. I was taught that every tub should stand on its own bottom.

Mr. FULBRIGHT. The Senator knows that we discussed it at an earlier meeting. I offered the amendment, and he asked me not to press it until he could communicate with the Department of Defense. As a matter of fact, prior to that time, before we recessed in early August, I raised the matter. This is the third time. I raise it at this time only because the Senator is now in the Chamber and I have his attention. I was afraid he would leave the Chamber and I would not have an opportunity to ask him. That is the only reason I ask him now.

Mr. STENNIS. I shall have a proposal to make, which will test him out, to see whether he wants to make this thing apply. I am going to propose an amendment to his amendment, and will do so in due time.

Mr. FULBRIGHT. All right.

Mr. President, I want to point out

something in Admiral Moorer's speech, to the effect that since 1946, he says that in more than 50—actually, he enumerates 73——

Mr. MONDAL0. He says, "50 wars or near wars" in which a carrier was engaged which was not lost or damaged through hostile action.

Mr. FULBRIGHT. That is right—in 50 wars or near wars, no carrier which engaged in them was lost or damaged. This makes a great news story. Here there have been 50 wars or near wars and the carrier has gone out with flags flying and not one has been sunk—not a one, and this shows their invulnerability.

Mr. MONDALE. Or damaged.

Mr. FULBRIGHT. Yes, they have not even been damaged. This is Admiral Moorer, the Chief of Naval Operations who makes this serious statement. I assume it is made seriously. He did not say he was talking facetiously or jokingly.

Let me call attention to some of the wars in which the aircraft carrier has made such a great impression and has come through such terrific exposure of itself.

One that struck my mind in particular was in Laos in 1963, "Alert—provided presence." I suppose the admiral does not know that Laos is 200 or 300 miles from the ocean. Laos is not located near any ocean. I remember years ago, when President Eisenhower was asked to intervene in Laos, we had a meeting at the White House, and one of the reasons we did not intervene, among others—there were better reasons—was that there was no way to approach Laos, and no good airbase there.

Here is an occasion when an aircraft carrier was alerted many miles away from Laos. This was alleged to be a war or a near war. But it was counted as an example of the invulnerability of an aircraft carrier.

Another was the Jordan crisis in 1963—"Alert—provided presence—surface patrol." I think that Jordan is a considerable distance away from the sea. I do not think it adjoins the Mediterranean.

Mr. MONDALE. I do not know that any carriers were sunk in that war.

Mr. FULBRIGHT. They were not sunk. But, of course, they could not do anything. This is one of the biggest fraudulent statements I have ever seen. It pretends that carriers have been engaged in 50 wars or near wars and that they have demonstrated invulnerability because they were not harmed or sunk.

Then there is the Haitian disorder. The great country of Haiti. The carrier braved the power of Duvalier and came out of it unscathed. Just think of it. Just imagine. How wonderful that is, that a carrier can brave Duvalier, who uses pompoms down there and Bowie knives.

Here is the poor, little Dominican Republic which the admiral cites as an example of our being involved in combat operations—one of the most disgraceful operations we ever engaged in. But this great, little, Dominican Republic—imagine how wonderful and powerful we must be to have such great aircraft carriers as to overcome the Dominican Republic. The admiral's letter mentions the Dominican Republic two or three times. The carriers apparently sailed by there and put in an appearance on more than one occasion. This was given as another example of the reliability and strength of an aircraft carrier.

He mentions a number of other incidents. This is part of a so-called confidential statement which is utterly ridiculous. It is absolutely absurd, that this kind of material should be called confidential.

He mentions the Zanzibar riots. It says, "Alert." Here, apparently, he meant we must have participated in a war or a near war so that a ship was alerted. I do not know that the ship was even in Zanzibar. Maybe the alert took place in the carrier's berth at Norfolk, Va., I reckon. [Laughter.]

Mr. MONDALE. In four of the 48 wars he cites, the carrier was not even there. It had been alerted and was somewhere else, but it nevertheless survived.

Mr. FULBRIGHT. Yes, survived. [Laughter.]

What I object to is that this important officer—the Chief of Naval Operations—should make such an argument in public. He was speaking in public. He was expecting the public and the Senate to be fooled by this. This is a form of contempt for the intelligence of both the public and the Senate with which I seriously disagree.

This letter of Admiral Moorer to the Senator from Minnesota is a very serious letter and I note it is not classified when the attachments are removed.

It reads as follows:

CHIEF OF NAVAL OPERATIONS,
September 6, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: As requested by your telegram of September 2nd, I am enclosing a list of the "wars or near-wars" to which I made reference during my VFW Convention address last month. The events marked with asterisks (*) are those where an attack aircraft carrier force was either on-scene or alerted for the purpose of deploying to the general crisis area.

You will note that the classification of this tabulation must remain confidential inasmuch as the degree and/or nature of U.S. military operations, in some instances, have not been disclosed.

I trust this will assist you and I am pleased to be of service in forwarding these examples of U.S. Navy responsiveness to the National will and purpose.

Sincerely,

T. H. MOORER,
Admiral, U.S. Navy.

The purport of all of these remarks was that these carriers are a reliable and necessary forward base which cannot be sunk.

Of course, the Senator from Missouri, in one of his remarks at a previous meeting stated his view of how vulnerable they are, how easy it would be to mortally wound these carriers with modern air-to-sea or surface missiles aimed at a target as large and as slow moving, generally speaking, as an aircraft carrier.

I do hope the Senate will not continue this extraordinary extravagance of building up these ships, which not only have this enormous capital cost, but enormous continuing costs for their maintenance.

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

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. Since the distinguished Senator from Arkansas has mentioned the cost not only of the ships but of the pay and the crews that are necessary to operate them, I point out that we have 16, and in order to operate those 16 ships, it costs the taxpayers each year $1.510 billion. The number of personnel on those ships is 70,977.

The *Enterprise*, the atomic energy-powered ship, built in 1961, requires a crew of 5,499 to operate, and the annual expense is $115 million.

As the distinguished Senator stated these ships have been sent to ports, I presume, merely to exhibit our might, nothing else, because their guns were never fired nor their planes flown, except probably for maneuvers. It is said they were sent there merely to exhibit our strength and as a deterrent to an attack that may involve us. What a thin excuse. I would like to point out that the ship we are now building is supposed to cost $510 million.

Mr. FULBRIGHT. The bare ship.

Mr. ELLENDER. The bare ship.

Since the keel on the first *Nimitz* carrier now being constructed was laid, the cost has increased by 27½ percent. If the same percentage increase were applied to the ship proposed to be built, that ship will not cost $510 million, but over three-quarters of a billion dollars. That is the estimate. No firm bid has been attained for its construction and I would not be surprised that the final cost of the carrier, without the planes, may be as much as $800 million.

In addition, the planes necessary to be used on this ship will cost between $500 and $600 million. The complement of crewmembers will be in excess of 5,500.

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

Mr. ELLENDER. I yield.

Mr. MONDALE. There are some other factors in addition to the carrier and its crew and the planes, because to complement the carrier, destroyers and tenders and protection ships will be required.

In addition, for each wing on line, they must have three attack carrier forces, not one, because they are rotated. So the cost of the attack carrier is calculated at about $1.8 billion times three, to get a single wing on the line.

Mr. ELLENDER. I would like to place in the RECORD a table showing the cost of operating each of the carrier ships now in service.

Mr. FULBRIGHT. The capital cost?

Mr. ELLENDER. No; the cost of the operation of each ship and the number of personnel necessary to service each ship.

Mr. President, I ask unanimous consent to place in the RECORD at this point the table I am reading from.

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

ATTACK AIRCRAFT CARRIERS

Number and name	Date commissioned	Capability to operate all modern aircraft	Capability to operate F–14 aircraft	Total crew	Estimated annual operation cost (millions)
CVA–14, Ticonderoga [1]	1944	No	No	3,625	$62.7
CVA–19, Hancock	1944	No	No	3,625	62.7
CVA–31, Bon Homme Richard	1944	No	No	3,625	62.7
CVA–34, Oriskany	[2]1950	No	No	3,625	62.7
CVA–41, Midway [3]	1945	All but RA–5C	Yes	3,417	85.4
CVA–42, Roosevelt	1945	do	Yes	3,417	95.4
CVA–43, Coral Sea	1947	do	Yes	4,474	102.3
CVA–59, Forrestal	1955	Yes	Yes	4,948	106.9
CVA–60, Saratoga	1956	Yes	Yes	4,948	106.9
CVA–61, Ranger	1957	Yes	Yes	4,948	106.9
CVA–62, Independence	1959	Yes	Yes	4,948	106.9
CVA–63, Kitty Hawk	1961	Yes	Yes	4,952	108.4
CVA–64, Constellation	1961	Yes	Yes	5,022	108.4
CVAN–65, Enterprise	1961	Yes	Yes	5,499	115.0
CVA–66, America	1965	Yes	Yes	4,952	108.4
CVA–67, Kennedy	1968	Yes	Yes	4,952	108.4
Total				70,977	1,510.1

[1] To become a CVA (ASW carrier) when the "Midway" joins the fleet in fiscal 1970.
[2] Construction stopped for about 5 years following World War II.
[3] Now undergoing $202.3 million conversion. To rejoin the fleet during fiscal 1970.

Mr. FULBRIGHT. May I ask the Senator another question about that? What he is giving us is the actual out-of-pocket annual cost of maintenance. That does not include the interest on the money and the investment in those ships.

Mr. ELLENDER. The Senator is correct.

Mr. FULBRIGHT. If there are 16, there would be an approximate capital cost of $35 billion.

Mr. ELLENDER. I am not able to supply at this time the exact cost.

Mr. FULBRIGHT. With task forces.

Mr. ELLENDER. I am sure it would be, if the task forces are added.

Mr. FULBRIGHT. Taking the interest on that investment, in addition to that $1.5 billion, if we did as they do in any other business, we would figure the interest the taxpayers are paying on the capital investment, which I expect would run another $1 billion a year, if we really want to try to ascertain, as is done in any other operation in private business, what the cost of that operation is. I am afraid we have gotten so accustomed to it in the military that we pay no attention to the cost.

Mr. ELLENDER. I point out that the table merely shows first, the cost of ordinary maintenance and operation which includes the pay to crewmembers and the number of crewmembers on each carrier. If repairs are to be made, that is an additional cost. One of those ships is supposed to be converted to an attack ship and it will cost $202 million, I am informed. The cost of conversion is almost as much as the cost of the ship when it was originally built in the 1940's.

It was stated a while ago that such carriers act as a deterrence. I say that our missiles act as the deterrence, not these flattops.

We must not overlook the fact that we are living in a nuclear missile age and if ever a war breaks out between us and our chief adversary, Russia, carriers will be of no use to us. As I see the picture we are merely preparing for conventional brush fire wars. We are still pursuing our old policy of supporting militarily all of the free world countries so as to protect ourselves from the Russians. I am quite certain that the so-called free world countries will continue to rely upon us and do little or nothing to prepare for their own defense.

ISOLATIONISM REVISITED

Mr. FULBRIGHT. Mr. President, Prof. Thomas G. Paterson has written a very perceptive article in the Nation on the subject of "Isolationism Revisited" which I believe will be of interest to Members of this body.

I ask unanimous consent that the article be printed in the RECORD as a part of my remarks.

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

[From the Nation, Sept. 1, 1969]

ISOLATIONISM REVISITED

(By Thomas G. Paterson)

In his June speech at the Air Force Academy, President Nixon branded critics of his military and foreign policies "new isolationists," and suggested that they were turning their backs on the world. A few weeks before leaving office, Secretary of State Dean Rusk had similarly warned Americans away from a return to "isolationism." The Johnson administration had occasionally labeled as "isolationist" those foreign policy dissidents who asked for limited American commitments abroad and a retrenchment from empire. It is a label meant to discredit. It conjures up the specter of the 1930s, when the United States allegedly shirked international responsibility and thus unleashed mad dictators and Japanese imperialists. The label further summons the memory of America's rise to world eminence after World War II, throwing off its isolationism and assuming its rightful first rank in world affairs. Today, then, "isolationism" is a pejorative term connoting weakness, appeasement, surrender, mindless idealism and a retreat from the obligations of international leadership.

Scholars have also dealt critically with the noninterventionists of the 1930s, in part because most historians and political scientists today endorse internationalism and what they might call nonimperialist intervention. Historians have complained that the isolationists ignored the threat of totalitarianism, helped bring on World War II, left the United States militarily unprepared, even courted fascism, and in general nurtured a wrongheadedness which restrained America from influencing international events. Prof. Selig Adler has written that the "Congressional isolationists, so anxious to keep out of war, actually helped invite a foreign catastrophe of such immense proportions that no nation could have escaped its consequences." The eminent diplomatic historian Dexter Perkins has concluded that "time has placed their arguments in perspective, revealing that they were largely unsound."

But the isolationist movement was notably diverse. Nazis, Communists, pacifists, defeatists like Charles Lindbergh, "fortress America" types like Herbert Hoover, anti-Semites like Father Charles E. Coughlin, liberal reformers, thoughtful intellectuals—all adhered to it at one time or another. Because the isolationist America First Committee housed some unprogressive businessmen and because many isolationists, especially late in the 1930s, were opposed to the New Deal, isolationism has often been linked to conservatism, or at the extreme, with self-serving American proponents of German totalitarianism.

Historians have thus accurately found isolationists whom we cannot admire. It is also true that the isolationist Ludlow Amendment, which would have required a public referendum on all war decisions, was ill-advised. The isolationists sometimes imagined war plots and conspiracies. The isolationist or "revisionist" histories of World War I written by men like Charles Beard and Charles Tansill have been less than scholarly and too polemical. Above all else, the isolationists were wrong in the 1930s to believe that the United States could avoid any involvement in the developing crises in Europe through the Neutrality Acts, which prohibited America from punishing the aggressor. Their formula for American foreign policy did not fit the diplomacy of the depression thirties.

What scholars and politicians alike have obscured, however, is the long-term and constructive isolationist criticism of many facets of American foreign policy. Even in their failure the isolationists left an intelligent critique from which we can profit today. Those isolationists who were domestic liberal reformers especially deserve attention, for their assessment of foreign policy was the best articulated, the least rigid, and the most meaningful for the 1960s and the 1970s. Conservative isolationists did not dominate isolationism, and Prof. Manfred Jonas, in his excellent study of isolationism, has suggested that the historical treatment of the subject has been somewhat unbalanced and inaccurate: "To regard isolationism as pure obstructionism . . . is unfruitful and misleading." Such men as Sen. Gerald P. Nye, Norman Thomas, Charles Beard, John Bassett Moore and Sen. William Borah "did not approach American foreign policy from a purely negative and obstructionist viewpoint." Isolationism "was the considered response to foreign and domestic developments of a large, responsible, and respectable segment of the American people."

Indeed, unlike today, the term "isolationist" was not a label of reproach, and was respectably worn by many leading Americans, including perhaps even President Franklin D. Roosevelt for a time. Isolationism did not mean isolation. Most isolationists desired foreign trade, continued immigration and cultural exchanges, and diplomatic intercourse with other nations. Senator Borah, for example, favored international action to promote disarmament and in 1933 led the fight for American recognition of the Soviet Union. Nor was isolationism the phenomenon of one region, one political party, one ethnic group, or one socioeconomic rank. It was national, and had three basic strains of thought which attempted to answer the question, isolation from what?

The first strain was a profound abhorrence of war, a fear of war and militarism. Isolationists disliked not only the bloodshed of war and the utter waste of total mobilization but also the detrimental effects of war on domestic reform and civil liberties. The second ingredient of isolationism was nonintervention—that the United States should avoid

interference in the affairs of other nations, should be selective in its foreign involvement, and disengage from empire. The third strain was unilateralism or independence. That is, the United States should preserve its freedom of choice in foreign relations by avoiding binding and restrictive alliances or commitments.

With these three core ideas, the isolationists dissected, studied and influenced American foreign policy in the 1930s. Their assessment showed them to be aware of some of the realities of world power politics and capable of compromise. We must credit many of them, too, with changing their minds in the last few years before American entry into World War II. Most important, the three ideas of freedom of action, nonintervention and abhorrence of war have a potent relevance for our views of American foreign relations today. Thus we should take another look at isolationism in the 1930s.

The isolationists were intense in their fear of war. The National Farmers Union in 1936 argued that "war is an utter negation of civilization. It is a relic of barbarism, regimenting mankind in organized murder, starvation, disease, and destruction. It is incompatible with every moral and Christian teaching." Writing in 1937, Congressman Louis Ludlow declared that the "science of slaughter has advanced with vast strides during the last twenty years. . . . The art of killing people en masse and maiming and wrecking human bodies has been perfected until it is impossible to imagine the next large-scale war being anything less than a vast carnival of death. . . ."

Many isolationists believed that the United States had been drawn unnecessarily into World War I, that civil liberties had been blatantly curtailed at home, and that in general the war was not the noble crusade President Woodrow Wilson said it was. Oswald Garrison Villard summed up the isolationist memory of World War I when he wrote in 1935 that "you cannot advance the welfare of the world by wholesale slaughter."

Every nation needs its internal critics—especially those countries which have had a long record of war and foreign interventions. The isolationists of the 1930s accepted measured appropriations for national defense, but they tried to twinge the American conscience to the horrors of war and the futility of military escalation. At times their thinking was wishful, and their ideas inapplicable to the trend of international affairs. But as Norman A. Zucker, biographer of George Norris put it: "If, like Isaiah, he longed for a civilization in which nation no longer warred against nation . . . he held a vision worth dreaming." And Prof. Arthur Ekrich, Jr., recently observed: "As some of the isolationists of the 1930s warned, the pursuit of power may seduce and corrupt even the most liberal and idealistic of statesmen and nations."

Isolationists with a commitment to reform were part of a tradition of opposition to intervention and war in favor of attention to domestic priorities. The anti-imperialists of the 1890s and the opponents of war in 1917–18 preceded them. The moderate Socialist leader Norman Thomas asked the question which troubled some Americans after World War I: "If we go into the [second] war, what will happen to the things we prize? What will happen to decency and tolerance, to morality and culture, to democracy and civil liberty . . .?" Thomas agreed with Charles Beard and several Congressmen who suggested that America put its own house in order, to stand as an example to the world of social progress. Only a viable social democracy could combat the evils of fascism. Senator Nye called for "correcting our own ills . . . saving our own democracy rather than soliciting the trouble to come from any move to police and doctor the world."

Liberal isolationists emphasized the social problems created by the depression, and envisioned the death of the New Deal and a denial of civil liberties. William Henry Chamberlin argued that war would bring "universal regimentation, hysterical intolerance, and physical and intellectual goose-stepping." The most pessimistic of all, perhaps, was Stuart Chase, who saw "the liquidation of political democracy, of Congress, the Supreme Court, private enterprise, the banks, free press and free speech; the persecution of German-Americans and Irish-Americans, witch hunts, forced labor, fixed prices, rationing, astronomical debts, and the rest." Although Chase's forecast was obviously exaggerated, it is clear in 20th-century American history that war and intervention help to undermine domestic reform movements and create an atmosphere for the abridgement of civil liberties.

The isolationists could remember World War I very well. As Prof. William Shannon recently wrote: "No other American President ever left office with as poor a civil-liberties record as Woodrow Wilson." Norman Thomas remarked in 1938 that "the last war almost cost America what liberty she had." Then, too, the isolationists were experiencing the Un-American Activities Committee of Martin Dies, who condemned people for their ideas rather than for their actions. Nye, opposing conformity of thought, reminded Americans that there was a distinction between "unity" and "disloyalty."

The record of World War II demonstrated that the isolationist alarm was well founded. The removal of Japanese-American citizens to concentration camps in the deserts and swamps of America marred an otherwise fair Roosevelt record. The injustice, however, is too obvious and damaging for us to dismiss this episode as an aberration. And we should remember that World War II was followed by a Red scare initiated by the Truman administration's loyalty program and carried forth by Joseph McCarthy. Today the eternal J. Edgar Hoover runs the FBI, the CIA functions as an almost independent and uncontrolled agency, the draft is used as a punishment. Thomas Dewey talks about abolishing the Fifth Amendment, the Attorney General supports wire tapping, war protesters are indicted for conspiracy, 41 per cent of the budget goes to the military and the cry is for law and order at any cost. It behooves us to read more closely what the isolationists said about the impact of war upon domestic America.

Believing in nonintervention, many isolationists catalogued the long history of American armed and subtle intervention in Latin America. In 1930, the United States had troops in Nicaragua and Haiti, and held protectorates over the Dominican Republic, Cuba and Panama. The anti-imperialist isolationists questioned official Washington's assertion that the United States was backing "democracy" in Latin America. At least twelve of the twenty Latin American nations were ruled in 1938 by dictators supported by Washington. "It would seem," concluded Beard, "that the rhetoric of democratic solidarity in this hemisphere does not get very far below the surface of things." Nye condemned the intervention of the Marines in Nicaragua in 1927 and their presence there until 1933 "to crucify a people . . . merely because Americans have gone there with dollars to invest and we have made it our policy to give whatever protection is possible to those dollars." Others complained that the Good Neighbor Policy was window dressing.

Isolationists also opposed unlimited arms sales abroad. Prof. John Wiltz, who has studied the isolationalist Congressional investigating committee headed by Nye, noted that the committee "proved . . . that most munitions sales to Latin America, China, and the Near East depended upon bribery. . . . It established that munitions firms sometimes played one belligerent off against another. . . . The Committee exhibited documents which shocked many Americans into the realization that there was a difference between selling instruments of human destruction and selling sewing machines and automobiles." With the encouragement of isolationists, Roosevelt banned all arms shipments to Bolivia and Paraguay in the Chaco war. The isolationists may also have stimulated the partial American retrenchment from Latin America under Roosevelt. The questions of arms sales to Latin America and of armed intervention there are relevant today, and have been seriously studied by Sen. J. William Fulbright, among others.

In pointing out that the United States itself often acted like an imperialist, the isolationists also inspected quite closely the foreign relations of one of America's "natural allies," Great Britain. Believing that all nations act in self-interest, that no nation has a monopoly on virtue and morality, the isolationists, asked Americans to stop applying an international double standard: one set of rules for themselves and the British and another for other nations. Robert Hutchins, the young chancellor of the University of Chicago, looked at the reality: "Mr. Roosevelt tells us we are to save the democracies. The democracies are presumably England, China, Greece, and possibly Turkey. Turkey is a dictatorship. Greece is a dictatorship. China is a dictatorship." He went on: "And what do wo do about countries which were victims of aggression before 1939? . . . What do we do about Hong Kong, the Malay States, the Dutch East Indies, French Indo-China, Africa, and above all, India?" Isolationists compared Italy's subjugation of Ethiopia to Britain's role in India.

In short, the isolationists condemned all imperialist nations, but unfortunately they often refused to make the choice of the lesser of two evils, as all men must, and thus did not focus their criticism entirely on the most brutal: Germany. What is important and lasting for us, even in this failure, is their cutting through the camouflage, rhetoric and cliches to define international relations in terms of power and self-interest. Today many Americans too have begun to ask for more precise use of words like "peace," "security," "democracy," "aggression."

The rhetoric of the American business community has preached that American businessmen have always served the national interest. Isolationists examined instances of business diplomacy in Latin America and protested the sale of arms to Japan and Germany in the 1930s. Such munitions businessmen were called "merchants of death," participating in "rotten commercialism" with an "inhumane, immoral, and un-Christian" behavior. This view was derived in part from the reform zeal of isolationists who wanted to abolish child labor, improve factory safety conditions, pass anti-trust legislation, curtail monopolies and the misuse of America's natural resources, and lift the living standards of the disadvantaged. They logically asked: If we are fighting big business at home, why help to extend its power overseas? Those parts of the Neutrality Acts which curtailed loans and arms shipments to belligerents, then, reflected parts of the reform movement of the 1930s. The Nye committee revealed much questionable activity on the part of American companies in international cartels, but did not prove the claim of some isolationists that American business drew the United States into World War I.

Senate investigations during World War II indicated that the isolationists had indeed been partially correct in their suspicions that some businesses were compromising the national interest for profit in the 1930s. The American business press was overwhelmingly

anti-Fascist. But as Prof. Gabriel Kolko has demonstrated, twenty-six of the top 100 American corporations of 1937 were involved in significant cartel and contractual agreements with Nazi Germany. And fifty-six American companies were connected with the backbone of Hitler's war machine, the I. G. Farben Company. Standard Oil helped Germany develop both synthetic rubber and 100-octane aviation fuel. Bendix Aviation, controlled by General Motors, as late as 1940 provided a German company (Robert Bosch) with complete data on aircraft and diesel engine starters in return for royalties. As an official of the Dow Chemical Company boldly remarked in the 1930s: "We do not inquire into the uses of the products. We are interested in selling them." This attitude was made clear too by the businessmen who continued to ship scrap metal and oil to Italy, even though the President asked for a voluntary embargo in 1935. In fact, in the last three months of 1935, American oil shipments to Mussolini's Italy tripled. The isolationists were important watchdogs over American business. We have few watchdogs today, and have moved into the era of conglomerates, with some companies dependent upon military orders and contributing through lobbies to the world's arms race.

Some critics of the isolationists have incorrectly interpreted isolationism to mean friendliness toward fascism, or at least a condoning of fascism. The isolationist camp did attract Fascists, but they did not constitute the movement. Indeed, numerous liberal isolationists were early and vociferous in their denunciation of Hitlerism and the persecution of the Jews. Oswald Garrison Villard, for example, in 1933 and 1935 urged Western Europe to boycott Hitler's Germany and Mussolini's Italy, and in 1936 appealed to the League of Nations to act against Hitler. Villard became despondent, as did many isolationists, when the other European nations themselves would do nothing to contain the dictators. "The overwhelming majority of all isolationists," Jonas has written, "had no desire to see the Axis Powers gain their ends."

The Spanish Civil War was particularly agonizing for liberal isolationists, and the response of many of them suggests their flexibility and their opposition to fascism. How can one be committed to both peace and liberty? Many isolationists chose liberty, and encouraged the Roosevelt administration to aid the anti-Franco Loyalists. But to their dismay and surprise, the President and Secretary of State Cordell Hull performed like strict isolationists by imposing an arms embargo on Spain. Furthermore, Roosevelt followed the lead of the European nonintervention committee, which proved unworkable in the face of German, Italian and Russian intervention.

If some isolationists demonstrated that they would accept selective intervention, as in the Spanish Civil War, others later showed themselves capable of changing their minds over the question of aiding Britain against the rising Germany. Many liberals quit the isolationist ranks in 1939–41, leaving conservatives there, and thus contributing to the notion that conservatism and isolationism were linked. It should be stated, too, that the isolationists cannot be blamed for the coming of World War II. Germany did not depend upon American isolationism in making its plans. Britain and France let Germany nibble for a number of years, conceding to Fascist demands. Not until April of 1939 did France and Britain guarantee the independence of Poland. The League of Nations was moribund in the 1930s, its members unwilling to take decisive action. The Soviet Union was excluded from membership until 1934 and then ousted in 1939. Germany was admitted to the League in 1926 and departed in 1934. Both Japan and Italy withdrew in the mid-thirties. Britain was more interested in balance of power than collective security. As Robert A. Divine has suggested, European appeasers co-authored the American Neutrality Acts, because some Americans concluded that we had better steer clear of the chaos in Europe.

Scholars and politicians have distorted isolationism and confused a useful heritage. We cannot accept the notion of Fortress America; we reject strict unilateralism and the idea of a foreign policy conspiracy. But there is much value in the isolationist argument for freedom of action and limited commitments in foreign relations. This does not mean a rejection of international cooperation and the United Nations. It means simply independence and freedom of choice. Our alliance arrangements may drag us clumsily into wars. As someone has put it, we have constructed Pearl Harbors throughout the world. We cling to obsolete agreements like NATO which tie us to collapsing military alliances and impede East-West relations. We should give more attention, too, to the isolationist call for nonintervention and self-determination.

The isolationist critique is relevant to the senseless war in Vietnam which, among other detriments, has crippled a domestic reform movement. As America moves to the political right, the isolationist warning of war's effect on civil liberties is imposing. We might recall, too, that the isolationists worried about the growing and somewhat independent role of the President in foreign affairs. Today Congressmen are questioning the evolution of Presidential commitments in Vietnam without a declaration of war. The "National Commitments Resolution," introduced by Senators Fulbright and Gore, and recently passed by a 70-to-16 vote, expressed the Senate's desire for participation in national security questions.

In this day of global diplomacy and worldwide military skirmishes, we might reflect upon the isolationist critique of the 1930s and its significance to our problems. Surely many Americans share with the isolationists the fear (in the words of Prof. Warren Cohen) "that social democracy may die in the United States if it has to be fostered abroad by force rather than by precept."

BACKGROUND OF U.S. INTERVENTION IN VIETNAM

Mr. FULBRIGHT. Mr. President, in terms of flaunting by Government officials of the people's right to know the facts, there has been no period in American history comparable to that of our involvement in Vietnam. From the shoddy disregard of the Geneva accords, through the misrepresentation surrounding passage of the Tonkin Gulf resolution, down to the present-day attempt to pass off the dictatorial Thieu regime as a government which shares our values, the executive branch of the Government has failed—and continues to fail—to come clean with the American public.

Throughout this tragic period the Committee on Foreign Relations has attempted to give the public the facts necessary to make informed decisions on the wisdom of Vietnam policy. The latest effort was prompted by a comment by General Westmoreland in a publication issued by the Department of Defense earlier this year, entitled "Report on the War in Vietnam." General Westmoreland, in discussing the circumstances surrounding the sending of the first U.S. combat troops to Vietnam in 1965, wrote:

It was my estimate that the government of Vietnam could not survive this mounting enemy military and political offensive for more than six months unless the United States chose to increase its military commitment. Substantial numbers of U.S. ground combat forces were required.

I realized, as did Ambassadors Taylor and Johnson, that the U.S. was faced with a momentous and far-reaching decision. In making my recommendations in the spring and early summer of 1965, as indeed in the case of later recommendations, I was mindful of the stated U.S. objective with respect to Vietnam: "To defeat aggression so that the people of South Vietnam will be free to shape their own destiny." It was my judgment that this end could not be achieved without the deployment of U.S. forces. With the concurrence of Ambassador Taylor, I so recommended.

I was struck by the fact that there was no mention by General Westmoreland of a request for U.S. troops from the South Vietnamese Government. General Westmoreland wrote:

It was my estimate that the government of Vietnam could not survive . . . It was my judgment that [the U.S. objectives] could not be achieved without the deployment of U.S. forces.

In an effort to shed light on the point. I wrote to Secretary of State Rogers on May 12 to ask for copies of any request from South Vietnam for U.S. intervention with combat troops. After nearly 4 months deliberation, the Department wrote that there was no request but that—

The process of analyzing the situation by the two governments, and the consultation and agreement thereon, were such as to be regarded by our Government as constituting a request from the Government of Vietnam.

I suppose I should not be surprised that the Government which viewed the Tonkin Gulf resolution as the "functional equivalent" of a declaration of war would send American troops off to fight a land war in Asia without a formal request, for the record, from the government they were being sent to save. Many diplomatic and legal niceties, along with the truth, were early victims of the war.

It is shocking to realize that Congress was not asked for specific authority for the sending of American soldiers to South Vietnam and, indeed, that the government of South Vietnam itself did not make a written, formal request for these troops.

I ask unanimous consent to have the exchange of correspondence with the Department of State printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, after reviewing the record of official conduct concerning this tragic war, one need not look further to understand the despair and disillusionment over governmental processes that afflict our young people today. Having been indoctrinated throughout their lives that Government decisions are a matter of open covenants, openly arrived at, they have found that, on the contrary, their Government neither gives them the full facts about great public issues nor believes that the public should expect their officials to be candid and honest.

Governments, as do people, develop vested interests, and when governments manipulate and control the flow of information bearing on vital public interests it promotes its own, not the public's, interest. Thomas Jefferson, a believer in the public's right to know, put the issue at stake this way:

He who permits himself to tell a lie once, finds it much easier to do it a second and third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the world's believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions.

I hope that the disease he described has not reached the heart of America. But the disease is curable by ample doses of the truth. This administration can start the process. Whether it will do so remains to be seen—but this exchange of correspondence is not a hopeful sign.

EXHIBIT 1

DEPARTMENT OF STATE,
Washington, D.C., September 2, 1969.

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

DEAR MR. CHAIRMAN: I am writing in response to your letter of May 12 to Secretary Rogers in which you refer to General Westmoreland's "Report on the War in Viet-Nam." You specifically asked about "a formal request from the South Vietnamese Government for United States intervention with combat troops."

As General Westmoreland's report makes clear, the initial decisions to deploy United States combat troops to South Viet-Nam in the spring and summer of 1965 resulted from a continuing analysis of a constantly-changing situation, a major factor in which was the deployment to South Viet-Nam of regular North Vietnamese Army units from the end of 1964 onward. As General Westmoreland states in later portions of his report, the subsequent infiltration of still more North Vietnamese Army units and the intensified offensive activity which those forces undertook necessitated the assignment of additional United States combat forces and the expansion of their role beyond the relatively limited one originally conceived.

The continuing analysis to which I have referred, and the series of decisions resulting from it, were made in close and constant consultation with the Government of Viet-Nam. The process of analyzing the situation by the two governments, and the consultation and agreement thereon, were such as to be regarded by our government as constituting a request from the Government of Viet-Nam. This request was confirmed by the Communique issued by the office of the Prime Minister of the Government of Viet-Nam, Dr. Phan Huy Quat, on March 7, 1965, concerning the arrival of two United States Marine battalions in South Viet-Nam—the first such deployment of United States combat forces:

During these past months and particularly in the course of the last few weeks, the North Viet-Nam authorities have intensified their aggression by sending arms and troops by land and sea into the areas bordering the 17th parallel.

In the face of these undeniable acts of open provocation, the Government of Viet-Nam has asked for and obtained the agreement of the American Government for the stationing of two United States Marine battalions at Da Nang, one of the vital military zones of Viet-Nam, in order to reinforce both the military and civilian defensive system.

This measure is part of a program of purely legitimate defense made necessary by the intensification of Communist aggression directed, supported and enlarged by the Hanoi authorities.

I trust that this information will prove useful to you, and I hope that you will not hesitate to call on me if I can be of further assistance.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

MAY 12, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, questions have been raised, from time to time, concerning the circumstances under which United States combat forces were first sent to Vietnam. In the recently released "Report on the War in Vietnam," General Westmoreland wrote:

"It was my estimate that the government of Vietnam could not survive this mounting enemy military and political offensive for more than six months unless the United States chose to increase its military commitment. Substantial numbers of U.S. ground combat forces were required.

"I realized, as did Ambassadors Taylor and Johnson, that the U.S. was faced with a momentous and far-reaching decision. In making my recommendations in the spring and early summer of 1965, as indeed in the case of later recommendations, I was mindful of the stated U.S. objective with respect to Vietnam: 'To defeat aggression so that the people of South Vietnam will be free to shape their own destiny.' It was my judgment that this end could not be achieved without the deployment of U.S. forces. With the concurrence of Ambassador Taylor, I so recommended."

I was unable to find any reference in General Westmoreland's account of a formal request from the South Vietnamese government for U.S. intervention with combat troops. For the Committee's records, would you please provide copies of any such request received from that government.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

MICROSTATES

Mr. FULBRIGHT. Mr. President, I have been noting with interest and mild encouragement the initiative taken by the U.S. Representative to the United Nations in proposing that the United Nations consider the creation of a category of associate membership for so-called mini- or micro-states.

The Committee on Foreign Relations has long been concerned with the unrealistic distribution of voting power in the General Assembly of the United Nations and has repeatedly questioned the equally unrealistic policy of the Department of State of assigning full-fledged ambassadors to every independent nation, no matter how minimum our interests.

I commend Ambassador Yost for stimulating thinking and action in the United Nations on its relations to mini- and micro-states and express the hope that our State Department will do likewise in this area.

I ask unanimous consent that Ambassador Yost's statement of August 27 to the Security Council be printed in the RECORD at this point, together with an editorial from the Washington Post of the same date.

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

STATEMENT BY AMBASSADOR CHARLES W. YOST, REPRESENTATIVE OF UNITED STATES TO THE UNITED NATIONS, IN THE SECURITY COUNCIL ON THE QUESTION OF MICRO-STATES, AUGUST 27, 1969

Mr. President, the United States has requested this meeting of the Security Council to deal with an important problem which has long been foreseen in the evolution of the United Nations, but on which the first practical step has yet to be taken—with the consequence that a solution to it is now urgently required. That problem is to find a way by which the growing number of very small independent states, often called "micro-states"—many of which may soon seek to become members of the United Nations—can find an appropriate place and status within the United Nations family. Such a status should respond to their needs and rights, yet should not do violence either to their nature and interests or to the nature and interests of the United Nations itself.

To put this matter in its most concrete terms: Should even the smallest independent state be eligible for full membership in the United Nations, no matter how few its people or how limited its resources may be? What would be the consequence for the authority and effectiveness of our Organization if, during the coming years, 40 or 50 very small states, so small as to be unable to carry out the obligations of membership, should nevertheless apply and be admitted as members? What alternative methods might be devised for associating such states with the United Nations, for assuring them of its benefits without imposing upon them burdens they could not bear, and for giving them a status within the UN family appropriate to their independence, their capabilities and their needs?

This problem did not become urgent for the United Nations until recent years, when the progressive ending of the colonial age began to bring into being independent states of widely varying size—some very substantial but others very small indeed. Our Secretary General was the first to mark the problem officially for our attention when he referred, in the introduction to his annual report for 1965, to "the recent phenomenon of the emergence of exceptionally small new states (whose) limited size and resources can pose a difficult problem as to the role they should try to play in international life."

The Secretary General went on to suggest that "the time has come when member states may wish to examine more closely the criteria for the admission of new Members in the light of the long-term implications of present trends."

Later, in the introduction to his annual report in 1967, the Secretary General again raised this same question and discussed it in more detail. He urged that "the line has to be drawn somewhere" in the matter of membership, and noted that the Charter itself limits United Nations membership to states which not only are peace-loving, but in the judgment of the Organization "are able and willing" to carry out the obligations laid down by the Charter. In the light of this Charter rule, he pointed to the problem posed by emerging micro-states, some of which contain only a few thousand or, in one case, fewer than 100 people.

From these considerations the Secretary General drew certain conclusions which, in my Government's view, are entirely sound, and which I commend to the Council:

That full membership in the United Nations "may, on the one hand, impose obligations which are too onerous for the 'micro-states' and, on the other hand, may lead to a weakening of the United Nations itself."

That "it appears desirable that a distinction be made between the right to independ-

ence and the question of full membership in the United Nations."

That "it may be opportune for the competent organs to undertake a thorough and comprehensive study of the criteria for membership in the United Nations, with a view to laying down the necessary limitations on full membership while also defining other forms of association which would benefit both the 'micro-states' and the United Nations."

Those observations by the Secretary General sum up perfectly the essence of the problem and of the steps which we believe are required to deal with it.

A number of members, my own country among them have, from the first, supported the Secretary General in his efforts to gain attention for the micro-state problem. I myself, speaking for the United States in this Council on September 20, 1965, pointed out the problem and urged members of the Council to seek an answer to it. In December 1967, following the Secretary General's initiative, the United States Representative formally proposed action in the Council on this subject. That moment was particularly opportune for such action, since no applications for membership were then pending and the matter could therefore be dealt with, as it should be, on the basis of general principles. Unfortunately, our consultations, on the subject were still under way when, in the summer of 1968, further membership applications were filed and the opportune moment for action thus passed. But the problem itself did not pass, and it was again the subject of comment by the Secretary General in the introduction to his 1968 annual report.

Now again we have a brief opportunity to act on the basis of general principles, because again at this moment no applications for membership lie before the Security Council. The major question of principle can thus be addressed in the proper perspective, without the distraction and controversy that are likely to arise from debate over individual cases. This moment is not likely to last long. I urge that we do not again let slip this opportunity to make decisions which are becoming increasingly necessary and urgent.

The importance of such decisions becomes even more obvious when we consider the entire category of very small dependent territories which may obtain independence in future years—and may then, in the absence of any decision to the contrary, seek full United Nations membership. The exact number of such states cannot be predicted because some may combine together, some may divide still further, and others may opt for some status other than full independence. But the facts available to us show a total of nearly 50 territories which may gain (or, in one or two cases, have already gained) juridical independence, each of which has a population of less than 100,000. In addition, there are about 15 somewhat larger territories, all of which would not necessarily be considered microstates.

These territories would have a grand total population between them of about 4,600,000 people. That means that *all* of these potential candidates for UN membership *added together* muster fewer people than any one of the 69 most populous states now members of the UN. It means that they possess 0.2% of the total population of the present membership. Yet, if they were added to the present membership, they would comprise one third of the votes in a General Assembly of about 190 members. Their combined votes would nearly suffice to defeat an otherwise unanimous Assembly resolution.

These are the facts which the Secretary General had in mind when he urged that such a general influx of micro-states would "lead to a weakening of the United Nations itself" and that "the line has to be drawn somewhere."

The United Nations is, in the words of the Charter, "based on the principle of the sovereign equality of all its Members. That is a necessary and historically valid principle; for the community of nations has long included states widely varying in population and in power. It is right that all members, though unequal in size, should have equal rights in the General Assembly. It is right that members other than the major powers should have a voice and a vote here in the Security Council.

But this very same principle will remain valid only as long as it is not carried to an ultimate extreme. The UN can no longer afford to waive that judgment of an applicant's ability to fulfill its Charter obligations that the Charter itself provides the Organization shall exercise. A line must indeed be drawn; otherwise the United Nations, which has been truly called the hope of the world, will lose its relevance to the real world of nations and will be reduced to an absurdity. That cannot be allowed to happen. We therefore believe that members of this Organization must hereafter take into account the pertinent capabilities of an applicant for membership in determining whether it is in fact able to carry out the obligations of the Charter, however willing it may be to do so.

But I do not only urge the interests of the United Nations in this connection; I also urge the interests of these very small states themselves. The charter requires that applicants for membership be "able and willing", in the judgment of the Organization, to bear the obligations of the Charter. It is not enough to be willing; the applicant must also be able. This ability depends on having certain minimum resources of money and manpower. Ideally, it means that a member should be able to take its turn in serving on the various parliamentary bodies, commissions, committees, etc., on whose deliberations the work of the Organization so largely depends. Even excluding such service, a member, if its membership is to have any practical meaning, must maintain a permanent mission of highly qualified officials at the seat of the United Nation; and, when the General Assembly is in session, a delegation sufficient to cover the work of the plenary meetings and seven committees of the whole. Such representation, even on the most modest scale, is likely to cost well over $100,000 a year. In addition, the minimum assessed contribution of every member state is now $57,295 a year. For an independent state whose professional cadres are extremely small, and whose entire annual revenue comes only to a few million dollars, these commitments of highly qualified manpower and money to even a minimum level of representation at the United Nations is certain to be a heavy burden and may well prove impossible. Yet without such commitment of resources, membership would be reduced to an empty symbol.

However, this does not conclude the matter. Even the smallest newly independent state, merely by virtue of its independence, is sure to feel in need of, and entitled to, certain of the benefits of the UN system appropriate to its independence—and no longer available to it by way of the former ruling power. Independent micro-states should particularly share the benefits of the various UN agencies concerned with development, trade, technical assistance and the quality of the environment. Likewise, they might participate in the regional economic commissions; they might be admitted to membership in some of the specialized agencies; and they should certainly all have access to the International Court of Justice. Those able to do so, might also maintain offices at United Nations Headquarters.

Some of them might also arrange with the Secretary General to attend United Nations meetings of particular interest to them and, when their interests are directly involved in a United Nations debate they should doubtless be invited to participate without vote in the debate. These are examples of the kinds of benefits and privileges of the United Nations system which, as the Secretary General has suggested, ought to be open to micro-states. And they are entitled, I think, to be assured in advance that such benefits and privileges will be available to them in cases where full membership is not the right solution.

The best solution to this problem, in the view of my Government, is the creation of a new status of association with the United Nations, which might be called "Associate Member". A status such as that of Associate Member would carry with it such benefits and privileges as I have just indicated. Perhaps equally important, it would stand as a universal sign and symbol of the independence of the state concerned, and of the recognition of its independence by the community of nations.

Let me make it clear that, in our concept, a state enjoying associate membership would in no way be precluded from applying for full membership at any time when it believed itself qualified for that step. Nor would the competence, under the Charter, of the Security Council to recommend and the General Assembly to vote admission to full membership be in any way affected.

This status of associate membership may be created by the General Assembly. Such an act by the Assembly is within its general powers as set forth in Articles 10 and 11 of the Charter as well as its power over its own rules of procedure as set forth in Article 21. Such past practice as exists, particularly in the main committees, confirms this view. The Assembly may create a category of Associate Members and define for states enjoying that status whatever duties, privileges and benefits fall within the purview of the Assembly itself or of those organs that function under its authority. As for those benefits that involve other organs, such as the Security Council and the International Court, it would be appropriate for the General Assembly to recommend to those organs that they each give suitable recognition and privileges to Associate Members; it would then be up to those organs to act on that recommendation.

Although the General Assembly would, as we conceive it, be the prime mover in this step, it seems to us entirely appropriate that the Security Council, in view of its coresponsibility with the Assembly in the matter of membership, should take the initiative in placing this matter before the Assembly. Certainly the Council, as the organ which must act first on membership applications, has a most important interest in any move to create a category of Associate Membership; for the existence of such a category would afford the very small states an entirely new alternative to full membership and would thus enable them to examine their relation to the United Nations in the light of their own best interests and capabilities.

Therefore, Mr. President, the United States now proposes a draft resolution which, if adopted by the Council, would ask the Secretary General to place this question on the agenda of the General Assembly at its forthcoming 24th session. The resolution is short and I shall read it:

"The Security Council,

"Bearing in mind that membership in the United Nations is open to all peace-loving states which accept the obligations contained in the Charter and which are able and willing to carry out these obligations.

"Further bearing in mind the increasing emergence of states so small that they would be unable to carry out the obligations of full membership,

"Desirous of ensuring that all such states should nevertheless be able to associate themselves with the United Nations in order

to further the principles and purposes of the Organization and derive benefits from such association,

"Requests the Secretary General to inscribe on the provisional agenda of the 24th session of the General Assembly an item entitled 'Creation of a Category of Associate Membership.' "

The adoption of this resolution, Mr. President, is one of two steps which my delegation recommends to the Security Council.

The second step which I suggest is that the Security Council itself should make its own substantive contribution to a solution of this problem, and thereby facilitate the General Assembly's consideration of it, by referring it for study to the Council's Committee of Experts. The Committee of Experts should be asked to consider the entire problem. The Committee should report the results of its study and its recommendations to the Council within two months, which would bring us to the beginning of November, in time for the Council in turn to make recommendations to the General Assembly during the 24th session.

Accordingly, Mr. President, I now make a formal motion that the Committee of Experts be convened promptly to examine this question and to report its recommendations to the Council not later than November 1, 1969.

Mr. President, such are the proposals of the United States on the problem of micro-states and their relation to the United Nations. Unless some action such as we propose is taken promptly, the results for the United Nations can be disastrous. This great institution is not immortal. It could die of various diseases: political indifference, financial neglect, the too-rigid pursuit of the narrowly perceived interests of each member. Or, in the present case, it could fall victim to a simple structural ailment which, because the members were unwilling to go to the trouble of repairing it, would doom the institution to die of creeping irrelevance.

It is up to us, the members, to preserve the United Nations from any and all of these disasters, so that it may live to fulfill the great destiny which, I devoutly hope and pray, history has reserved for it.

A WAY TO DEAL WITH MINISTATES

With nearly 50 colonial fragments—each with fewer than 100,000 souls—within reach of United Nations membership, it is vital that the world body finally come to grips with the problem of the ministates. Some 69 current members alone exceed the combined population of the 50. If any substantial portion of them join on current terms, then the usefulness of the United Nations will be severely compromised. Moreover, many ministates, both existing and potential, simply cannot provide the money (minimum assessment $57,000, representation expenses at least $100,000) and the manpower required either to receive the full benefits of the U.N.'s social and economic programs or to contribute a due political share.

Secretary General Thant called attention to the problem a few years ago. Few members responded—evidently they did not wish to face charges of being unkind to former colonies by denying them the sovereign badge of United Nations membership. The United States, however, has now stepped forward to suggest study of a new category of associate membership for states that do not meet agreed minimums of population, size and financial means. Associate members would have a voice but not a vote. They could enjoy many of the advantages of membership without having to bear the costs of current dues and representation expenses.

The precise terms of a new category of membership obviously must be worked out in general discussion. The important point is that the United Nations confront the issue. No one should forget that it is the ministates themselves that have most to gain from improving the structure of the organization which affords them their principal world role.

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. MONDALE. Mr. President, I do not know if any Senator is ready to speak at this time. I ask unanimous consent that there be a quorum call, without contracting or deducting the time from either side.

The PRESIDING OFFICER. Since a time has been fixed for the vote at 3 o'clock, such request would have the effect of dividing the time equally.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GOLDWATER. Mr. President, I ask the Senator from Mississippi if I may have 15 minutes.

Mr. STENNIS. Mr. President, I am glad to yield 20 minutes to the Senator from Arizona from the side of those opposed to the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

THE WAR AGAINST AMERICAN DEFENSE

Mr. GOLDWATER. Mr. President, before we conclude debate on this extremely important bill, I want to observe that this body has been witnessing the unfolding of one of the strangest and most dangerous episodes that I have ever observed in American history.

It is an episode which not only questions time-honored procedures of the U.S. Senate and attacks provisions of the Constitution regarding American military strategy but also calls into doubt some of the very justifications for defending the United States of America.

In theatrical terms, it might be said that we have been witnessing the climax of a left-wing extravaganza entitled "The War on American Defense."

Unfortunately, we are not dealing here with a Broadway production or a Hollywood presentation but with a definite line of attack on a basic concept of American freedom. That concept holds that freedom and liberty in today's world can best be insured and defended through the maintenance of military as well as economic and moral strength.

The attacks which are having their culmination in Senate action on this military procurement authorization were anything but spontaneous. They were scripted and orchestrated by men highly skilled in the arts of congressional relations, Government relations and—certainly not the least—public relations. The scenario began innocently enough with loud and prolonged objections to war. It rapidly moved from that generally approved attitude to specific objections to a single war—the conflict in Vietnam. From there the scenario began to encompass the military in very general but unmistakable terms designed to create the impression that all wars are the result of military men and military hardware. And from that line of argument the scripting became conveniently blurred and the word "military" became intertwined with the word "defense."

Subtly, gradually, deliberately, the architects of this "war" on American defense moved all the way from an almost religiously conceived advocacy of peace in our times to a full-scale attack on the strategy, the methods, the men, and the equipment required to defend 200 million American citizens from admittedly and openly hostile adventurism on the part of Communist nations such as Russia and Red China.

The attack on the military began in selected leftwing publications and cleverly played on the Nation's weariness and discouragement over the failure of our efforts in Vietnam. The buildup from there was steady and concentrated to such an extent that soon general purpose publications were sending out teams of reporters and writers to analyze and judge something the leftwing habitually described as a "military-industrial complex."

I do not have to explain to Members of this body the enormous attempt made to create a bogeyman out of the so-called MIC. Conveniently forgotten were such accurate World War II descriptions of America's defense machinery as the "arsenal of democracy" and the "warehouse of freedom." Any description that signified credit or merely did not fit into the connotation of the MIC as something evil were studiously shunned.

This was because the scripting was about to move into what I like to call phase II, or the second act of the play entitled, "The War on American Defense." In phase II—or act II, if you please—the objective was to flush out the charge or the implication that the so-called military-industrial complex was evil by its very nature. Consequently, the poor old MIC rapidly became the major cause of inflation, the principal reason why slums and ghettos were not eradicated, the biggest cause of continued poverty in an affluent Nation.

In line with these charges, careful attempts were made to cast reflections on the men most directly involved in providing the organization and the machinery for American defense. For example, a great furor was raised here in the Senate and in the public press over charges that 2,000 former military officers had gone to work in defense-related industries after they retired from military service. I have dealt with this implica-

tion in some detail earlier in this session. It is sufficient here to say that the former military officer in this country has every right to seek employment in private industries which can best utilize his training and educational attainments. By the same token, it stands to reason that defense industries are obliged to seek the most competent and efficient and productive help they can obtain in carrying out the all-important task of contributing to the safety and security of American men, women, and children.

There is nothing evil or suspect about large numbers of retired military men going to work at jobs that they have spent almost a lifetime understanding; nor is it strange or unusual that defense industries—like government itself—seeks the best qualified personnel for the task at hand. Of course, the perpetrators of this blanket attack on all things military outwitted themselves on numerous occasions. On the one hand they credited the MIC with some great, ingenious conspiracy to hoodwink the American people, while on the other, they were charging that military men as a class are rather stupid.

Now, Mr. President, the kind of war we have seen unfolding in the Halls of Congress and in the newspapers and on television and radio does not just happen accidentally.

Earlier in this speech I mentioned that this whole campaign was scripted by men who knew what they were doing, and I should like at this time to identify at least one of the groups actively participating behind the scenes. It is made up largely of former Pentagon employees of the kind which we in Congress came to know in that infamous era known as the McNamara regime as the whiz kids. Perhaps it has escaped the attention of some of you that many of these whiz kids have departed from the Pentagon and, with their briefcases bulging with classified information, have taken up their abode in the sheltered confines of various organizations financed by foundation money. And I hasten to suggest that Members of Congress may want to look into this a little more thoroughly when we begin serious work on tax reform. I, myself, take a very dim view of foundation money being pumped out to support derelicts from the Pentagon who are actively engaged in a negative and destructive assault on all phases of our defense system. I do not believe that the American people want foundations who use their money in this fashion to be relieved of the necessity to pay their fair share of the tax burden.

Now, Mr. President, I am not guessing about this matter. Anyone even vaguely familiar with the military system and the legislation which affects the funding of our Military Establishment knows that a cadre—I might even say an army—of trained experts are at work behind the scenes analyzing in the most critical fashion almost any proposal made by the Defense Department under Secretary Melvin Laird or any effort to justify the financing of new weapons or military projects.

I think we all know that the shock troops in the war against defense are coming from the ranks of those "whiz kids" whose former boss, Robert McNamara, was dedicated to the concept of downgrading American military strength. They have lost their old master to the World Bank, but their ardor is undiminished, as we can plainly see.

In another phase of this concerted attack on American defense was the provision of forums which could be used as sounding boards for leveling any and all kinds of attack on American military.

I want to say that I am under no illusions that good use was made in this respect of the Joint Economic Subcommittee on Government Expenditures headed by my good friend and colleague from Wisconsin, Senator WILLIAM PROXMIRE. I have on many occasions on this floor complimented the Senator for the very fine job he did on ferreting out waste and inefficiency in the expenditure of our defense appropriations. However, I also have made no secret of my belief that the job should have been done when the policies of waste and inefficiency were being cemented into our procurement system by Secretary McNamara and his misguided belief that cost effectiveness was totally applicable to a department engaged in planning for the protection of human beings. How Mr. McNamara or any of his "whiz kids" could effectively gage the cost of one human life—to say nothing of thousands or millions of lives—was never explained during his regime nor to my knowledge even considered. Cost effectiveness was an argument used by Secretary McNamara to kill off programs he did not like. Significantly, it was not used to throw a multibillion-dollar contract for the ill-fated TFX fighter plane to the highest bidder.

It is my feeling further that the effect of some of the reports put out by the subcommittee as well as some of the statements made by its members contributed heavily to the effort to downgrade very substantially the entire concept of needed defense expenditures. This, too, I have mentioned on previous occasions.

Another form which the antidefense scriptwriters dreamed up was an unofficial committee of Congressmen entitled, "The Committee for Peace Through Law." This group which had nothing official to do on defense legislation held well-publicized hearings and gladly heard testimony from practically every source which had a word of criticism to air against the Defense Establishment. There was apparently no requirement that the members of this unofficial group should have even a cursory knowledge of the very complex subject they were investigating and reporting upon. The committee, of course, issued reports based on the work done by the boys in the back room of institutes supported by foundation money. Reports were obviously written by staff members who had served under McNamara and were sitting out the Laird administration in hopes of returning at some later date under a Secretary molded in the image of their former boss from Ford Motor Co. Consequently, they had all the appearance of being the work of experts, even though they were issued in the name of some people who had little previous knowledge of defense matters or military expenditures. All of this activity was carried out in preparation for the big push in Congress on the bill we have under consideration at this very time. As we all know, the curtain went up 2 months ago, and since that time the action has sometimes taken on the aspects of a filibuster and at other times the aspects of a legislative farce.

When I say farce, I want to be particularly careful not to offend any of the participants in this running debate on the various items in the military procurement bill. But I must say the word has some application when you reread the RECORD and find the Senate of the United States being exhorted by military amateurs on the finer points of defense strategy and sophisticated weaponry. As one of our Members, I believe it was the Senator from Rhode Island (Mr. PASTORE), cogently observed at one point in the proceedings, we no longer especially need a Pentagon or a Joint Chiefs of Staff or any professional military men to worry about the defense of our Nation; the whole area could henceforth be handled by the Senate of the United States.

In this connection, we have even heard statements to the effect that Congress, not the executive branch, must decide the major questions of national security, the need for new weapons, the stationing of troops and appropriate responses to enemy action. This contention seriously challenges the doctrine of separation of powers as defined by the Constitution of the United States. And, Mr. President, on this question I feel that the matter is so grave and goes so deeply to the basic concepts of our national security that I plan to deal separately and more completely with it in a separate paper—which I have done earlier in this session, Mr. President.

I might say in passing that the mere fact that such assertions can be made on the floor of the Senate is an accurate indication of how far some have gone in the direction of almost total irresponsibility. Can you imagine, Mr. President, a campaign, military in nature and requiring all the advantages of surprise and precision timing, being mapped in a committee of Congress and debated on the floor of the House and Senate.

Mr. President, in conclusion, I feel that this prolonged airing of military matters, defense procurement and related issues has had some beneficial effects. I am particularly happy that many Members of the Senate who do not serve on the Armed Services Committee have shown great interest and have extended themselves to become conversant with the intricacies of military legislation. I feel that in the years ahead this will be beneficial to the adoption of sound legislation for the defense of our country. I might humbly suggest, however, that no committee of Congress, no group of concerned Senators and House Members, will ever develop sufficient expertise to replace decisions by the Commander in Chief and by the Department of Defense. This is in the nature of looking for some good and finding it in this dangerous campaign against the American military. I am happy also that on issues

such as the ABM and the C–5A a majority of the Senate has seen fit to place its support on the side of defense. As I have said on many occasions and I repeat here today, the defense of 200 million Americans is nonnegotiable under any pretext or at any time or in any place.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield me a few minutes to comment on the pending matter at this time?

Mr. STENNIS. Mr. President, I yield myself 1 minute. I will later yield some time to the distinguished Senator from Florida. However, I had asked the distinguished Senator from South Carolina to be pesent in the Chamber at this time. He has changed his appointments in order to be here.

Mr. President, I yield 12 minutes to the Senator from South Carolina at this time and I shall yield next to the Senator from Florida.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, Senate amendment No. 46 to the military authorization bill would withhold authorization of funds amounting to $377.1 million for laying the keel of the nuclear aircraft carrier, CVAN–69, pending a review of the entire carrier program by the Congress.

Mr. President, we need this carrier, and we need it now. We need the CVAN–69 to keep the U.S. Navy modern and capable, and to preserve its stature as a fleet second to none.

The question has been asked: Why do we need a Navy? I will tell you why. It is simply a matter of geographical fact. One needs only to look at a map of the United States to realize that we have international borders with only two nations: Canada and Mexico. The rest of the world, including one of our States, lies overseas. Three-fourths of the world is covered by water.

Despite the spectacular advance of air travel, it is a recorded statistic that the bulk of our commerce travels by ship—over 99 percent of it, in fact. Certainly our current military strategy depends upon ocean shipping.

If we in this country are to maintain and improve our present way of life, we must assure ourselves the free passage of the seas, and of the air space over the seas.

To provide this assurance of free use of the oceans, we must have a Navy capable of deterring, or, if necessary, defeating any threat to the freedom of the seas. We have this kind of Navy today. The attack carrier is the backbone of that Navy, the principal ship through which we are able to insure our supremacy on the seas, even in the face of the growing Russian threat.

This Soviet bid for naval supremacy is a real and growing challenge. The Soviet Union has embarked on a program which reveals a singular awareness of the importance of seapower and an unmistakable resolve to develop a powerful maritime force. They are committed to a naval and maritime program which can only be described as a technological marvel.

Their navy has undergone a continuing modernization program which has included the construction of missile-armed cruisers, helicopter carriers, and several new classes of nuclear and conventional submarines. Their fleet has become capable of sustained open-ocean operations. For the first time in its history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders. Their fleet in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, as well as torpedo- and missile-armed submarines. During our moon shot we saw a Soviet task force of modern ships cruising in the Caribbean.

It is true that the Soviet Navy does not have attack carriers in the same sense that our Navy does. Many have asked, "If the Russians do not have carriers, why does the United States need them?" The answer is that the sea forces of these two powers, the United States and the U.S.S.R., have different missions within their respective strategic requirements. Our national objectives are predicated on free use of the seas for overseas commerce and foreign policy. Our Navy is structured to protect the vital sealanes and to exploit them for the projection of our national interests. The Soviets, on the other hand, are land-oriented. Her navy is primarily constituted for the interdiction of those sealanes upon which we are so dependent. Their naval effort has concentrated on submarines and antiship missiles.

Their cruise missiles, whether air, submarine, or surface ship launched, do in fact constitute a grave threat to our maritime forces. Their missiles outrange the guns on our surface ships, such as cruisers and destroyers. The attack carrier is our one weapon system which can best cope with the Soviet sea-based missile threat.

Our carrier aircraft, with a radius of action greater than 600 miles, outrange the most modern Soviet surface-to-surface missiles which have a maximum capability of about 400 miles. Furthermore, the carrier's attack planes can strike and destroy the Soviet missile cruisers beyond the range of their weapons. Also, the carrier fighters can attack Soviet missile and surveillance aircraft, and can shoot down a Russian cruise missile after it is launched.

It is indeed a fallacy to think that we should not build carriers in the face of the Soviet missile threat. In truth, the reverse is true. Carriers are particularly needed today, because of this threat.

It is true that carriers are vulnerable to missiles. In war, everything is vulnerable. Our land bases in Vietnam have been subject to rocket attacks and they have sustained damage often inflicted by a handful of enemy soldiers. It is interesting to note that our carriers in Vietnam have avoided any damage from enemy attack, both by the defense in depth provided by the fleet, and by the carrier's inherent mobility. This mobility has permitted the carrier force to remain beyond the range of any potential missile forces such as PT boats and land-based attack aircraft, while still delivering devastating strikes on enemy targets. Our carriers provided about half of all the combat sorties into North Vietnam during the bombing campaign terminated by President Johnson last November.

All of our ships would be vulnerable to missile attacks at sea. But the carrier is least vulnerable. In World War II our carrier forces were the prime target of more than 2,000 "guided missiles" launched by the Japanese—the Kamikazes. These "missiles" were guided by the most sophisticated guidance system possible—the human brain. Despite this, not a single carrier was ever sunk by the Japanese Kamikazes.

On the other hand, our most vulnerable seagoing forces are the tankers, ammunition ships, and troop carriers which we must have to support our overseas bases. In the Vietnam war, 98 percent of all the supplies to Southeast Asia have gone by sea. Without these supplies, our forces could not fight. Without the protection of the sealanes, we could not even extricate our overseas forces.

The Navy, with its carrier strength, is needed to protect these vital lifelines. The very existence of a powerful Navy deters an attack upon our seaborne forces.

The CVAN–69, which this amendment would defer, is needed now, to maintain the modernity and capability of our fleet. It is needed to replace our older carriers built during World War II which have served long and useful lives, but which today are wearing out. Today we have four *Essex*-class carriers in our attack carrier inventory. These ships cannot operate the most modern tactical aircraft now in fleet use such as the F–4 and A–6.

We need this new nuclear-powered attack carrier regardless of whatever decisions are made concerning attack carrier force levels. When the CVAN–69 joins the fleet in 1974, it is not planned that it will increase the number of the Navy's attack carriers; it will replace one of the older ships which will be retired.

This amendment would cause serious consequences in the nuclear power industry and the shipbuilding industry. All of the facilities carefully established and developed for the construction of this ship would be dissipated. To start up again to build a carrier from scratch would result in extensive delays and soaring costs.

Mr. President, my State is fortunate in having a splendid seaport at Charleston, S.C. They do not build aircraft carriers there but Charleston's broad use as a naval base has helped give me a special sense of the Navy's role in our defense. I see the need for a strong Navy to protect our free access through the seas. In particular, I see the need for a modern fleet of aircraft carriers to permit those charged with our defense the flexibility to respond with speed to a crisis anywhere in the world.

The aircraft carrier is an elusive target, and an effective platform for aircraft to support our fighting men. It is like having an airbase off any shore in the world. The Navy must have modern

ships, such as this carrier to perform its vital function in our national interests.

Mr. STENNIS. Mr. President, I ask unanimous consent that there be a quorum call, with the time to be charged equally to each side.

Mr. MONDALE. Mr. President, I object to that. We have only 30 minutes remaining. The opposition has approximately an hour and a half or slightly over an hour left. If the time is charged to each side equally, we will not have an opportunity to present our side of the story. So I object. I do not know what alternative there is. We had an earlier quorum call in which the time was not taken from each side, and I ask unanimous consent that that be done now.

Mr. GOLDWATER. Mr. President, reserving the right to object, I point out to the Senator that we have unanimously agreed to the time of 3 o'clock, and it really does not make much difference.

Mr. MONDALE. The difference it makes is that we will not have time at all if our 30 minutes is reduced any further. Therefore, I ask unanimous consent that there be a quorum call, with the time not to be deducted from either side.

Mr. STENNIS. Mr. President, reserving the right to object, and with all respect to the Senator, that is really meaningless by time, because we must vote at 3 p.m.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. PELL in the chair). The Senator will state it.

Mr. STENNIS. How much time does the opposition to the amendment have remaining?

The PRESIDING OFFICER. The opposition has 81 minutes, and the proponents have 37 minutes.

The Chair would also point out that the time for the previous call for a quorum was charged against both sides evenly.

Mr. MONDALE. If the motion was the one I made, that would be contrary to the unanimous-consent agreement.

Mr. STENNIS. Mr. President, I address the Chair for recognition.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the remaining time for the opposition to the amendment?

The PRESIDING OFFICER. Eighty-one minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 15 minutes, or as much thereof as I may use.

Mr. President, much has been said here about how much has been spent on our military programs since World War II. Most of that money has been spent in the most uncertain period of modern history, when we were the only ones who were capable of going forward in the way that it seemed we should.

I am no stranger to the idea of trying to save money—and I do not deserve any credit for that. But I recall that approximately 2 years ago, when I was temporarily acting chairman of the Committee on Armed Services, a bill such as this was being put together, and I made a motion that we reduce the research and development program by a modest 3 percent. I was overwhelmingly defeated on that motion by the very ones, many of the ones, who are here now proclaiming the loudest to conserve and reduce appropriations and cut out these modern weapons or the plans for modern weapons of the future.

So the matter of just talking about saving some money, important as it is, is not controlling when we have a proposition such as this.

The only real question before the Senate now is whether or not we are going to have another nuclear powered modern carrier capable of having all our planes operate, whereas now some of our older carriers are too small to take care of four of the different modern aircraft we have on the modern carriers. And this is for 1974 and 1975.

The difference has been covered over and over as to the advantages of this new type carrier, carrying twice the ammunition, and having two and a half times the capability of those we are going to retire, and I want to retire the old ones as fast as we can. The operating cost, with its extra capacity, as compared with an *Essex*, is very favorable to the new carrier.

Another fact that has not been emphasized is this: This is a nuclear-powered carrier. It is the ultimate in power for any kind of major seagoing vessel, but that is not the point I emphasize now. We need to be carried farther and farther down the road in the development of nuclear energy, and the nuclear-powered carriers and nuclear-powered submarines have led the way for the entire Nation and the entire world in the development of a practical application of nuclear power. So in talking about the cost, just on that score alone, there is a tremendous value. However, beyond this carrier as a weapon is the value in the field of nuclear energy.

The Senator from Rhode Island, the former chairman of the Joint Committee on Atomic Energy, and the Senator from Vermont, if he will permit me to point him out, a member of the Atomic Energy Committee, and I believe also former chairman, strongly support this carrier, and before this debate has concluded they will say so on the floor of the Senate. They will speak for themselves. But I point out the affinity of the ultramodern, not only for armor protection but also in carrying us down the road toward the development of this necessary energy for the future, for domestic and nonmilitary application.

Mr. President, this ship will carry almost twice as many planes, it will have a much greater speed, and, as I have said, the reactors on which it will operate are the most modern type. It will have phased into it 25 years of new technology in many areas other than the power unit itself.

I am not concerned about the size of the carrier fleet. I want it to be what we need. I know, too, that other nations that were once powerful nations on the sea are not going to be building any more carriers. Why? Because they are not able to do it. That is the message we got from Great Britain 25 years ago. They said they would not be able to control the seas. We are the only country now in the free world with the capacity and the capability to maintain this superior and necessary naval strength.

Do we want to be left merely with the capacity our submarines have—and I refer to the Polaris submarine—as great as they are? Of course not. I favor the reduction of the number in use, but I am unyielding that we have the modern ones.

Secretary Laird has already told us he is going to review this matter. He is a man of his word. The President has said that he is going to review this matter. I want them to review the entire military program, not only the Navy but also the Air Force, Army, and the Marine Corps. Let them take a look and we will be taking a look.

Awhile ago I mentioned a figure referring to the reductions that we made. I was looking merely to these forefront weaponry items. The committee has taken over $2 billion out of the bill already. The committee has the responsibility and the authority to set these figures. I am not willing to take a meat ax view and undertake here to cut them out on the floor of the Senate, turn it over to the General Accounting Office, or any other group as this amendment would provide.

I think that carriers are the greatest deterrent we have, so far as keeping down trouble, being available, patrolling the seas, and going into troubled spots. That is my opinion. It has versatility. It is instantly available day and night. It is a floating air field.

Yes, it does cost a little more than the Air Force per plane. It is worth more in the particular job they do. I would not say one is better than the other. They have to complement each other if we are serious about keeping the sealanes open.

They are instantly available and can be on the scene very quickly. As a matter of fact, they can get to these troubled spots long before the trouble comes to a boil. We do not have to have anyone's permission. We have never yet been able to pick the time and place we are going to have a war against us or an incident that might lead to a war against us. We never will have that opportunity. No nation does. We thought we were going to get our land-based airpower in a good position, as I said the other day. I was the chairman of the Subcommittee on Military Construction. I went to France where we had ceremony after ceremony dedicating airfields, hangars, and everything connected with our Air Force over there. I do not have the figures in mind, but it ran into hundreds of millions of dollars. Yet today we cannot use a single one of them without their permission if we should be attacked. We cannot even fly over and use the airspace over France without express permission. They permit diplomats to fly in and out, but that is about it. We have to apply 30 days in advance if we are going to have any military planes even in the airspace.

I was on the committee that went to French Morocco. Fine airfields were to be

built there, but, before the first one was built, we had to get out. Libya fell the other day. We do not know our future there.

We are always at home on the sea by international law. No one can make us get off unless we make the mistake of not having modern weapons to meet an emergency. I shall have a few more remarks later on this matter.

One can talk about what some critical report stated. Anyone can dig up one of those reports on every weapon we have. I am glad Secretary of Defense Laird is concerned. The President had both of these matters. We had to come down to a decision. We are the ones now who must make that decision.

I yield back whatever time I allowed myself.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 11 minutes to the Senator from Vermont.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly?

Mr. AIKEN. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, this amendment proposes withholding the funds for the construction of a nuclear attack carrier pending a full study and investigation by the Comptroller General of the justification for building it.

I welcome this opportunity to make clear my strong belief that the nuclear attack carrier under construction should be authorized and that the country needs it.

The United States—a maritime nation—cannot maintain its position as a first-rate power if it does not possess the capability to maintain use of the seas. For this we must have a modern attack carrier force capable of providing airpower in those areas vital to our national interests.

The Soviet Union is embarked upon a program which reveals a singular awareness of seapower and an unmistakable resolve to become a powerful maritime force. They have demonstrated a thorough understanding of the basic elements of seapower—a powerful navy, a large modern merchant marine, and thorough knowledge of the application of both. They are surging forward with naval and maritime programs which are technological marvels.

For the first time in its history the Soviet Union is using deployed naval forces in support of foreign policy not contiguous to its borders. The Soviet fleet in the Mediterranean includes combatant ships armed with surface-to-surface missiles and surface-to-air missiles, ships with naval infantry embarked, and modern missile- and torpedo-armed submarines. This fleet is being maintained by rotation of units in the Mediterranean. A recent report shows this force to be numerically larger than the U.S. 6th Fleet.

Very recently a Soviet naval force visited Cuba and then conducted maneuvers in our own backyard—the Gulf of Mexico.

Their submarine force, the largest in the world, is equipped with missiles that constitute a capability to threaten the United States itself.

To provide a force capable of countering this growing Soviet seapower, or defeating it if such should become necessary, and to maintain the use of the seas, we need a strong modern Navy. Despite the tremendous technological progress that has been made in transportation during this century, the fact remains that our use of the seas—which cover three-fourths of the earth's surface—continues to be essential. The Vietnam conflict has demonstrated this fact; 98 percent of the supplies to support operations there are delivered in ships.

Moreover, there is no valid plan for any overseas operation of the Army, Air Force, or amphibious forces that does not depend on the use of the seas for support. We are essentially an island between two oceans, and the best way we can use our military power beyond our shores is through the Navy spearhead.

The attack carrier is the primary striking force of the Navy. It provides the tactical airpower necessary to insure the free passage of the seas and the space over the seas.

The sponsors of the amendment have made much of the vulnerability of the attack carrier to modern sophisticated weapons and have advocated the use of land-based instead of sea-based airpower.

It cannot be denied that carriers can be attacked with modern weapons, but so can other weapon systems. However, the carrier is the least vulnerable of air basing systems due to its mobility.

In World War II the Japanese launched over 2,300 Kamikaze attacks against the U.S. Fleet with the carriers as primary targets, yet no attack carrier was sunk by them. In the Tonkin Gulf, where carriers made early strikes, they remained to provide approximately one-half of the sorties into North Vietnam and have never sustained any damage from enemy action. No enemy aircraft or PT boat has penetrated the defense of the task force to reach an attack position.

Further, modern carriers are extremely tough ships. The CVAN-69 will be the best protected ship and least vulnerable carrier ever designed. The added protection is provided by extensive use of armor against damage by bombs and guided missiles and by improved antitorpedo hull design.

The point here is that carriers are the least vulnerable of our surface ships.

The most vulnerable ships are those in our overseas logistics supply system—the tankers, troop carriers, and cargo ships that are vital to support any overseas military operations and our industrial needs here at home. The sheer bulk of the daily requirement of oil and petroleum products for military and industrial needs precludes peacetime stockpiling. Carriers are essential to insure the flow of these materials.

With regard to greater use of land-based airpower, I do not pretend to know the exact mix required. Both are needed. What concerns me is that the area of the world which can be covered by our land bases is continually shrinking because of our reduction of overseas bases. Pressure continues at home and abroad for us to withdraw our deployed forces and abandon our overseas bases. Even if we approach a "Fortress America" concept there will be a growing need for nuclear-powered attack carrier forces capable of rapid deployment to wherever U.S. military presence is needed.

The sponsors of the amendment question the relative costs of land-based and sea-based airpower. It appears that relative investment and operating costs vary in different situations, but overall costs are about the same when basing, support, logistic, and defense costs are considered for both. Even if this were not so, the effectiveness of sea-based airpower would demand that the carrier be retained as an instrument of our national military strategy because there are too many areas of the world where tactical airpower cannot be provided by alternate means. History since World War II is replete with examples of the employment of carrier forces in support of U.S. foreign policy in areas where land bases were not available.

Another point to be remembered when considering the pros and cons of this amendment is this: carriers give a full return on their investment throughout the entire lifetime of the ship—normally 25 to 30 years. When an overseas base is abandoned, it becomes a total capital loss.

In 1966 the Secretary of Defense approved the construction of three nuclear carriers based on detailed analytical studies which established the future need for sea-based tactical airpower. The present Secretary of Defense has fully endorsed this requirement. The first of these ships is now being constructed and will join the fleet in 1972. The second, which is under consideration, has been funded previously in the amount of $133 million for long-lead-time nuclear propulsion components which have already been contracted for. Any disruption in the schedule of construction would be costly and wasteful. CVAN 69 is scheduled to be completed and join the fleet in 1974—this schedule should be maintained, not only because of fiscal efficiency, but principally because we need this modern ship capability.

Authorizing this ship will not increase the number of carriers in the Navy. This ship will replace an old World War II *Essex* class which has served the country well in three wars but which by 1974 will simply be worn out. This old carrier does not now have the capability to operate many of our modern aircraft.

This country needs a Navy second to none. We have it now, but only by an orderly process of modernization can we maintain our position of leadership on the seas. I will not support this amendment which would deny the Navy a vitally needed modern weapon.

Mr. AIKEN. Mr. President, 4 weeks ago the Senate was discussing the amendment relating to the ABM. I supported the amendment which would have prohibited the deployment of the ABM because of my belief that there were forces within, and without, our Defense Department that desired to substitute the ABM for an underseas nuclear navy. I felt that the Polaris submarine had been a major deterrent to

greater wars, that the ABM would be no substitute for it, and that we should not give up improvement of the atomic Navy to concentrate on other weapons of very doubtful value.

During the ABM debate I was referring to the nuclear submarine, but I might have also included the atomic surface ships for the same reason.

Recently, before the Joint Committee on Atomic Energy, Adm. H. G. Rickover, the father of the nuclear Navy, said:

> The Soviet Union is embarked on a program which reveals a singular awareness of the importance of seapower and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy. They are surging forward with a naval and maritime program that is a technological marvel.

Mr. President, as a member of the Joint Committee on Atomic Energy, I realize full well that the Soviet Union is striving for control of the seas. While I would very much favor an effort to reach an agreement on limitation of armaments with the Soviet Union, I feel that unless that can be done, the time is not yet here when we should consider reducing our strength, for the simple reason that there is opposition to the improvement of an atomic Navy.

The admiral also observed during his testimony before the Joint Committee on April 23, 1969:

> The Soviet Navy has become a fleet capable of sustained open ocean operations. For the first time in its history, the Soviet Union is using a deployed naval force in support of foreign policy in an area not contiguous to its borders.

We may be assured, Mr. President, that there are undoubtedly Soviet submarines within 200 miles of our shores on the Atlantic and the Pacific. I might also add that our submarines, to the extent that we have them available, are circulating in the waters of the globe in such a position that if war did begin, they could launch atomic missiles to almost any part of the world today.

Again I refer directly to Admiral Rickover in his testimony earlier this year before the Joint Committee on Atomic Energy:

> The war in Vietnam has again emphasized one of the most important lessons of history—the need to be able to control the seas in time of conflict. In spite of the publicity given to airlifting troops and supplies to Southeast Asia, over 98 percent of the material and supplies for our forces in Southeast Asia go by sea.

We are now reviewing all of our commitments with foreign nations, including both military and economic ties.

We are experiencing increasing complications in maintaining bases in other countries. The cost of maintaining these bases is prodigious. We are roughly spending $3 billion a month, on the war in Vietnam. I know that it will cost a great deal of money to build another nuclear carrier, but I feel that this expenditure is very important. We must realize that the trouble we are having in maintaining bases on foreign soil can easily lead us into another war such as we now have in Vietnam, as well as other difficulties.

By use of aircraft carriers, we can avoid getting ourselves too deeply involved with the policies of other governments in countries where we maintain foreign tactical aircraft strike bases.

We should also realize that our existing foreign land bases are vulnerable to loss or restriction of their use depending on the mood of the host country.

I am also aware that there are those in the Defense Department, to say nothing of private industry, who would like to see this nuclear propelled carrier delayed, if not killed off. In fact, there are those who are not in favor of using atomic ships of any kind for the Navy. So far as I know the Congress has always had to fight for every atomic-powered ship.

I realize that the oil industry is extremely important. It is also extremely powerful. It can even direct the rise and fall of nations.

I would be willing to bet that the oil industry would not shed any tears if the atomic-powered carrier was scrapped. The oil industry is international—it is interested in production and markets and its allegiance to national boundaries appears, in some cases, to be very thin.

I submit, if not actually endangering our national security by continuing to develop and equip our Navy with ships which are powered alone by oil, we may be exposing ourselves to unnecessary risks.

The reason is simple.

An oil-burning ship requires extensive logistical support, while a nuclear-propelled ship, on or under the sea, can run independent of logistical fuel support.

I would call to the attention of my colleagues a recent Department of Defense report which was submitted to the Cabinet Task Force on Oil Import Control.

The Department of Defense report states in part:

> The part that oil plays in the defense posture of the United States is vitally important. It is a strategic material and one of the few items that is absolutely essential and foremost in the minds of military commanders. Along with weapons and ammunition, the needs of petroleum get the most attention. Petroleum cannot be stockpiled like hardware—the quantities required are too great, nor can our military forces operate very long without back-up support from refinery and production sources . . . the vital role of oil in any defense effort is crystal clear. Information available today indicates that, with few exceptions, military equipment will continue to derive energy from liquid petroleum and its products for some time to come.
>
> In 1949, military petroleum requirements were about 330,000 barrels per day and by 1967 they exceeded one million barrels per days—a three-fold increase and the curve continues upward.
>
> The Department of Defense oil bill for FY 1969 will be over $1.7 billion for approximately 444 million barrels of product. We are still the world's largest single oil purchaser. The very chance of success or failure in any conflict hinges on oil. As a matter of fact, the most striking point of commonality between the major weapon systems of the military departments is the thirst for oil.

The thirst for oil on the part of our military departments is as well known as the desire of the oil companies to quench that thirst.

But it would be foolhardy on our part to rely so heavily on oil as the major fuel to keep our national defense strong.

It is just plain commonsense that until disarmament agreements can be reached, we should push ahead with the development of another nuclear-powered aircraft carrier so that we can lessen our dependence on oil, thereby strengthening our national defenses.

Also I think we should remember that an atomic-powered ship has the ability to accelerate rapidly and go on sustained cruises without worrying about an oil tanker or supply ships tagging behind. This increased acceleration which the atomic carrier has over the oil-burning carrier means more safety for our fliers.

The history of warfare is replete with examples in which the lack of fuel and good supply lines meant the difference between victory and defeat.

For instance, a key factor in the defeat of Japan in World War II was the inability of that Government to provide enough oil for her warships.

I repeat, we should make every effort to work out an arms limitation agreement with Russia, but until that can be done, we must maintain effective security measures, including a strong Navy and, insofar as possible, a modern atomic Navy.

I thank the Senator from Mississippi (Mr. STENNIS) for yielding me this time.

Mr. STENNIS. Mr. President, I now yield 5 minutes to the Senator from Arizona (Mr. GOLDWATER).

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, the proposed amendment would eliminate the CVAN from this budget.

We need this carrier, and we need it now. The new nuclear carrier of the *Nimitz* class is required to keep our carrier force, the backbone of our Navy, strong and modern. When this new carrier joins the fleet, it will not increase the number of carriers in the Navy's active inventory, but will replace one of the old World War II veterans whose useful service is rapidly coming to an end.

A principal role of the attack carrier is to provide tactical air support for our general purpose forces, a role it shares with the Tactical Air Command of the U.S. Air Force. A healthy, modern, and effective tactical air capability is essential to our national security. That feature of the national strategy of the United States which gives the President his range of options, his flexibility of response is a strong, forward deployed, general purpose force supported by tactical air. There is no substitute for tactical air. It is an absolute requirement. There is nothing is our future that alters this need. There is no alternative system in our technological projections which can replace it.

In our Military Establishment we have a mix of tactical air, land-based, and sea-based. The two systems are not competitive; they are complementary. They are both needed. Each has its own particular advantages and capabilities. But

they both have a common mission: support and national objectives.

It is no secret that our national objectives are often in conflict with those of the Soviets—and consequently their satellites. Our tactical air forces are today in Southeast Asia, pitted in combat against Soviet weapons technology—and this technology is impressive.

I have spoken before, often and at length, on Soviet aircraft and missile development, which has been characterized by annual prototyping and testing of new aircraft for production selection. I must remind you, Mr. President, that since 1960, 10 of the Soviet's 14 most modern operational aircraft have evolved from this practice. In these aircraft, the Soviets have demonstrated their ability to develop improved weapons, long-range detection radars, and a full all-weather air combat capability. At the same time, we have seen Soviet missiles develop at an impressive rate, to the extent that this capability today is a source of deep concern to our military planners.

Our own weapons systems must be the match of the Soviet weapons technology. They must, because our national security is at stake. They must, because it is not in our national character and conscience to equip the American fighting man with inferior weapons. I want particularly to emphasize this second point, because we do not have to fight Russia to encounter Soviet weapons technology. The Soviets have demonstrated their willingness to provide modern arms to their bloc allies, as any current examination of Communist order of battle will show.

To carry out their mission, either against the Russians in general war, or against a Communist satellite in limited wars, the attack carrier must be equipped with aircraft capable of achieving air superiority against first line Soviet planes and missiles. Today, the older attack carriers in our Navy cannot operate the most advanced carrier type aircraft in our active inventory. For example, the *Essex*-class carriers cannot operationally support the Phantom II, F–4; Vigilante, RA–5; Intruder, A–6 or the Hawkeye, E–2. It is not practical to further modernize these ships. They have previously been converted from straight deck-hydraulic catapult configuration, to angle deck-steam catapult design. No room for growth remains.

I have flown in jets from carriers; I have been aboard the *Essex* class; and I have piloted the most advanced of our military aircraft. I can personally attest to the inability of these older carriers to accommodate the coming generation of tactical aircraft.

These older carriers must be replaced with modern ships embracing the advanced concepts of design and technology—such as the nuclear propulsion plant with which this CVAN–69 will be equipped—and most importantly capable of supporting the new aircraft representative of the technology required to meet the Soviet threat.

As I pointed out before, this new carrier will not add to the total of ships in the attack carrier force, it will replace one of the older carriers. The new nuclear carrier is required regardless of total force levels. There are still four *Essex*-class ships in our attack carrier ranks, and a fifth carrier of the *Essex* class has been pressed into service for this function for the duration of the war in Southeast Asia. So the total number of carriers is not at issue in the debate concerning this amendment. The principle here is the military capability of our Navy, regardless of its size.

I see no useful purpose to be gained by delaying this carrier to determine the need for carriers. The postponement will delay the modernization of our Navy at a time when the resurgence of the Soviet Navy has suddenly become clearly evident, at the very moment when a Russian squadron is cruising off our southern coast.

The need for a modern carrier force has been stated by the Chief of Naval Operations, and fully concurred in by our Nation's military leaders, the Joint Chiefs of Staff. This need for carriers in general, and for this ship in this year, has been agreed to by the Secretary of Defense, and the President of the United States.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

Mr. STENNIS. Mr. President, I yield the Senator from Virginia 5 minutes.

Mr. BYRD of Virginia. Mr. President, I wish to address myself to a statement made in the speech of the Senator from Minnesota on Wednesday.

Senator MONDALE said:

> Regardless of the reasons for the Soviet decision not to build carriers, our Navy cannot have it both ways. Either carriers are not that vital to a surface fleet and the Soviet Navy is a threat without them or else the Soviet's surface fleet is not a significant Naval threat.

This would appear to put the U.S. Navy in the position of advancing an illogical argument. But this is not the case.

The core of the Navy's position on this question is that the Soviet fleet is formidable without carriers, but that the U.S. Fleet would be seriously weakened without them.

That may seem on the surface illogical, but it is not. One must consider the differing needs of the two nations.

The Soviet Union controls a large, contiguous land mass. Its surface fleet has reflected its geography. With missile cruisers, destroyers, and numerous smaller craft, the surface fleet has shored up the maritime flanks of a vast land empire.

Recently, the Russians have added helicopter carriers to their naval inventory. This may or may not reflect a new adventurism in the Kremlin—I pretend to no expertise on Soviet intentions—but these carriers certainly do not have the same mission as our attack carriers.

Russia, in short, lacks the capacity to project tactical airpower. But that is a long way from saying that the Soviet fleet is not formidable.

To pose a threat to the United States, the Russians need only contest our free use of the seas. This kind of threat can be made with a large submarine force alone, and Russia certainly has a large submarine force—the world's biggest, in fact.

I emphatically deny that Russian submarines make aircraft carriers—or indeed the rest of the American surface ships—incapable of carrying out their mission. It is not the U.S. surface fleet that is jeopardized, so much as it is tankers and supply ships that must supply our troops and installations outside the continental United States and bring strategic materials from abroad to this country. Our sealanes, in other words, are in danger.

Compared with the Soviet Union, the continental United States has a relatively large ocean coast and—unlike the Soviet Union—has vital interests far from its own shores.

The United States, in other words, is a maritime power. It must be able to project tactical air overseas.

This being the case, the United States must have modern aircraft carriers. Without them, our fleet indeed would be much weaker.

Therefore, what seemed illogical to the Senator from Minnesota actually is not carriers is a menace; the United States without carriers would be much weaker.

This leads me to an important point.

Three-fourths of the earth's surface is covered by the sea, and 98 percent of all cargo shipped to Vietnam has traveled by ship.

Ninety-five percent of the world's population is within range of carrier-based aircraft.

There is no viable strategy for defense of U.S. interests overseas that does not require free use of the seas, and sea-based aircraft form a critical part of the force necessary to insure that free use.

The degree of our interests overseas—that is, the level and locality of hostility at which we are obliged to intervene—may honestly be debated. But to maintain that we can become an island fortress is to return to a doctrine effectively demolished 30 years ago.

If we have any interests abroad worth defending—and we certainly do—we need tactical aircraft to defend them.

We need land-based airplanes, to be sure, but they cannot completely substitute for the carrier force. Bases can be shut to us by suddenly unfriendly governments, and fields can be overrun by a quick-striking foe, as happened in Korea.

We need an up-to-date force of carriers from which to launch the vital tactical aircraft.

The CVAN–69 is a minimum second step—taking the *Nimitz* itself as a first step—toward creating the force we will need in the 1970's.

Mr. President, earlier today, in a colloquy with the Senator from New Jersey, the Senator from Minnesota (Mr. MONDALE) stated that only $71 million has been cut from this authorization bill on the floor of the Senate.

That figure is accurate, but what I think the Senate should understand is that while the Senate itself has not reduced the authorization by more than $71 million, the Committee on Armed Services has reduced the amount requested by the administration by $2 billion.

I think it is important to understand the amount in the bill when the original proposal was made by President Johnson for the purchase of hardware and for research and development for our military forces for the coming year.

It was recommended that $23 billion be spent for this purpose. When President Nixon came into office, he reviewed the requirements and the needs and recommended a budget of $22 billion.

The Committee on Armed Services then reviewed the budget extremely carefully and recommended to the Senate that the amount be further reduced by $2 billion. So the total figure now is roughly $20 billion. I submit that that is a substantial reduction in the total amount.

The thrust of the Mondale-Case amendment—and of practically all the arguments that have been directed in its behalf—is whether the Navy or the country needs 15 attack aircraft carriers.

I submit that that is not the issue before the Senate today. The question is not whether we shall have 15 or 12 or seven carriers, or any other number. The issue is: Are we to have a modern Navy? As of today, the Nation has only one nuclear-powered aircraft carrier. A second, the *Nimitz*, is being built now and is expected to be in service by 1971.

The authorization contained in the bill is for a second carrier of the *Nimitz* class. If and when it is completed, which is expected to be 1974, 5 years from now, we will have only three modern, nuclear-powered aircraft carriers.

I submit that if we are to have a Navy at all, most certainly we should have a modern Navy.

Another point that I suggest is worth considering is that $133 million already has been spent or obligated for the aircraft carrier now under consideration. So I see no economy involved in pouring $133 million down the drain by refusing to authorize the remaining amount that is needed to complete the third nuclear aircraft carrier.

I favor cutting the fat out of the requests for military appropriations, but I do not favor cutting the muscle. If the Senate were to approve the Mondale-Case amendment today, the effect would be to cut the muscle of the Navy.

I hope that the Senate will not agree to the Mondale-Case amendment, but that it will be rejected when it is put to a vote in the next hour or so.

It is important that authorization be approved for the completion of the third nuclear-powered attack aircraft carrier if our Nation is to have a modern Navy.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia for his remarks.

Mr. President, what is the amount of time remaining for those opposed to the amendment?

The PRESIDING OFFICER. The opponents have 40 minutes remaining, the proponents 35.

Mr. STENNIS. I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I strongly oppose the pending amendment. I think it would be a cutting of necessary spending, rather than wasteful spending, to adopt this particular amendment.

The finest statement I have seen on this subject in the press is contained in an editorial entitled "Seapower Lesson Forgotten?" published in the Jacksonville Times-Union of Tuesday, September 2, 1969. I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

SEAPOWER LESSON FORGOTTEN?

The blanket nature of the current squeeze on military expenditures threatens to eliminate the necessary spending as well as that which is wasteful or of only marginal usefulness.

Rear Admiral Robert Stroh, commander of Fleet Air Jacksonville, pinpointed one of the most glaring areas of neglect when he said in a recent talk: "We seem to be forgetting our sea power lesson."

The admiral, earlier in his remarks, said he felt that the United States naval quarantine of Russian vessels during the Cuban missile crisis of 1962 made a big impression on the leaders of the Soviet Union.

He also referred to the recent movement of Russian ships in the Gulf of Mexico, stating, "we are seeing the lessons learned in the buildup of Soviet sea power, the Russians learned their lesson and are doing something about it."

Whatever provided the trigger for the Russian buildup of naval forces, the fact that the Russians are putting major emphasis on warships is indisputable.

Uneasiness over growing Soviet naval might has been expressed in the United States but meanwhile the fleet continues to age and little is being done to replace the increasing obsolescence with modern equipment.

First evidence of Soviet interest in the seas came years ago when huge trawler fleets started appearing off the coast of the United States, many of the vessels stuffed with electronic gear for oceanographic mapping and for snooping.

Meanwhile, however, Soviets were also hard at work in shipyards behind the Iron Curtain turning out ships of war.

While the Soviets are busy extending their naval presence—even into the Indian Ocean—with missile-armed warships, the United States fleet is steadily aging and some of the operational ships, such as the Battleship New Jersey, are headed for the mothball fleet in order to effect economies.

Now Senators Walter Mondale of Minnesota and Clifford Case of New Jersey have proposed an amendment to the military procurement bill which would slice the $377 million authorization for the new nuclear powered aircraft carrier. If the amendment passes, construction of the carrier will be killed.

We do not suggest that the United States enter into a ship-for-ship building contest with the Soviet Union. But we cannot ignore the contrast inherent in the present situation.

The senators working on the military procurement bill should listen to the testimony they have received from naval experts and not try to pass it off as self-serving or as a scare tactic. If need for modern warships arises during the next few years, and warships unlike nuclear missiles are capable of providing a limited response, they will not be available at a snap of the fingers. They take time to build even in emergency situations.

We would urge the Congress of the United States to study the present situation as regards seapower and to budget accordingly. Regrets next year or the year after over previous inaction will be too late to help.

Mr. HOLLAND. Mr. President, in order that the Senate may hear something of its contents, I quote briefly from the editorial, as follows:

Whatever provided the trigger for the Russian buildup of naval forces, the fact that the Russians are putting major emphasis on warships is indisputable.

Uneasiness over growing Soviet naval might has been expressed in the United States but meanwhile the fleet continues to age and little is being done to replace the increasing obsolescence with modern equipment.

Then another quotation, Mr. President:

The Senators working on the military procurement bill should listen to the testimony they have received from naval experts and not try to pass it off as self-serving or as a scare tactic. If need for modern warships arises during the next few years, and warships unlike nuclear missiles are capable of providing a limited response, they will not be available at a snap of the fingers. They take time to build even in emergency situations.

We would urge the Congress of the United States to study the present situation as regards seapower and to budget accordingly. Regrets next year or the year after over previous inaction will be too late to help.

Mr. President, in closing my brief remarks, I simply wish to call attention to the fact that we are now in the seventh week of this debate. This has been a resort to unlimited debate, without question of any sort, and, so far as I am concerned, it is a filibuster, and I want it to be regarded as just that.

In addition, Mr. President, I want it to be remembered that this is the first time since 1917 that any Senator or group of Senators has engaged in filibustering tactics in opposing a national defense measure. Senators will remember that the long debate on the armed ship bill was what led to the adoption of the cloture rule in 1917. Since that time, there has been no particular debate or instance in which a group of Senators has indulged in unlimited debate in opposing a national defense measure, and I hope that Senators will think long and carefully on this subject, because the public is going to become aware of the fact that that is just what has been going on, that the important business of the Senate has been laid aside, that we have not yet passed any of the 13 annual appropriation bills, and that we have numerous other vital matters, much too numerous to mention now, which have not been given necessary attention.

Why? Because we have been held up in this never-ending resort to unlimited debate on this military procurement bill.

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

Mr. HOLLAND. I yield.

Mr. GOLDWATER. Mr. President, the Senator mentioned something I think we have all overlooked. At the rate we are going, we probably will not get the military appropriations bill until December. And I suggest that the opponents of the military here may well have accomplished their purpose by delaying it until that time.

Our Government is now pretty well running on credit cards. And the money that has been needed for this weaponry will not be able to be spent because of this unusual and uncalled-for delay.

Mr. HOLLAND. Mr. President, the Senator is absolutely right. We have a third carrier which has already called for a $140 million appropriation, most of which has already been spent. And we have a proposal to cut off the funds now in the bill and in the budget which would provide for the building and completion of this carrier.

Mr. President, the mere fact that it is just a delay of a year—that is what the advocates of the amendment say—does not satisfy me at all. If the carrier were needed before it was completed, we would all feel that we were party to the harming of the defense posture of the United States, which is exactly what we are being asked to do by having offered to us this amendment which would stop the completion of the third nuclear carrier.

Mr. STENNIS. Mr. President, Senator INOUYE was compelled to be away from the Senate today on official business. He asked that I insert in the RECORD a speech he had planned to give supporting the carrier in the bill and opposing the pending amendment.

I, therefore, ask unanimous consent that I be permitted to insert Senator INOUYE's speech in the RECORD.

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

STATEMENT OF SENATOR INOUYE

Mr. President, several weeks ago I had the honor and privilege of addressing the graduating class of the National War College. I spoke to the class about our foreign commitments, and I wish today to reiterate my contention that, if we are to make commitments, we should be prepared to honor them. The nuclear-powered aircraft carrier will be a means to that end. I believe that attempts to delay authorization of funds—however well-intended—will have an adverse impact on our ability to meet our commitments.

Today our nation has commitments to 42 nations around the world. Unless we are prepared to denounce unilaterally these treaties and agreements and to retreat to fortress America, we must be prepared to honor these commitments whenever genuine crises arise. By supporting these commitments, I do not mean to say that all of them are or were justified when they were made. It is quite possible and probable that there should be an adjustment in our relations with these countries when these agreements are renewed. But this Senate is not faced with this ideal situation; rather we must decide whether we need aircraft carriers that will help us keep these commitments in an effective and flexible manner.

The carrier is the backbone of the fleet. It is the principal ship of the surface Navy through which we are assured the free use of the high seas in honoring our commitments and maintaining our security. In this capacity, the carrier must be able to maintain a supremacy over actual and potential enemies in a wide variety of possible situations, and to do this the carrier force of the U.S. Navy must be modern. It must be able to operate modern aircraft of the latest design, capable of coping with modern Soviet weapons technology.

The older carriers in our fleet today cannot operationally support the newest tactical naval aircraft in our squadrons. The *Essex* class cannot accommodate the Phantom II, the Intruder, the Vigilante, or the Hawkeye. By the mid-1970's the air wing which the *Essex*-class carriers are capable of operating will not be able to survive the latest Soviet defensive and offensive combat weapons.

We need these carriers, and we need to begin construction of them now. By 1975 when they become operational, some of the older ships will be more than thirty years old—relics from the Second War War. These *Essex*-type carriers have been extensively modified over the years from their original configuration, provided with angled decks, and fitted with steam catapults; but they are now simply unable to be modified further. In spite of years of useful service, they will soon retire from the demanding role of the attack carrier.

I need not remind my colleagues that land air bases are subject to a multitude of political contingencies. It is an open secret that the American role in Okinawa will be curtailed upon the island's reversion to Japan. What will happen to our installations in Micronesia when the Territory's political status changes? Various nationalistic movements in the Philippines may threaten Clark Air Force Base, one of our largest and most important bases in the Far East. Events this past week in Libya may hasten the termination of our involvement in this crucial, oil-rich nation through the closing of Wheelus Air Force Base. All these events should make clear to the proponents of this amendment that the alternative of land-based aircraft is a highly uncertain contingency in the volatile cauldron of world politics.

Some have claimed that the authorization of this carrier will encourage the United States to become entwined in overseas adventures similar to the war in Vietnam. Quite the contrary, the weakening of our forces may tempt the Communists into starting adventuresome "wars of national liberation." The CVAN-69 may well serve as a "stabilizer."

If, in fact, the worst of these prophecies materializes and the nuclear aircraft carriers become a source of intervention, the Congress of the United States still has power to halt such schemes. The war in Vietnam was not begun by the availability of aircraft carriers or the military-industrial complex. I hasten to remind my colleagues that a Senate resolution authorized "all necessary action to protect our Armed Forces" and that every supplemental appropriation obtained virtually unanimous support. Congress, in its advisory capacity and budgetary role, can cut short any hasty, ill-advised action if it exerts its full Constitutional powers.

As a member of the Armed Services Committee, I voted against the deployment of the so-called "Safeguard" ABM system. From time to time during the past few weeks, I have also supported amendments to eliminate what I feel are unnecessary and wasteful programs. I have also spoken out numerous times on the need to re-evaluate our national priorities and to alter our policies in Asia and Europe. However, we must also make a balanced appraisal of our needs in light of present day realities. Possessing confidence in this body to avoid needless torturous entanglements abroad, I believe that the best way to honor the commitments we have already made is to give the Navy the tools it desperately needs to maintain the security of the United States.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Maine.

Mrs. SMITH. Mr. President, I have followed with considerable interest the remarks of the distinguished Senator from Minnesota.

I was amazed that the distinguished Senator equated the nuclear powered carrier with the horse cavalry at the turn of the century. He also emphasized that the Navy's request is based on an assumption which has gone unchallenged and generally unexamined since the end of World War II. The assumption being that the Navy must maintain 15 carriers in the fleet.

For the information of the distinguished Senator from Minnesota and others who may share his views, let me assure them that the Senate Armed Services Committee under its past and present chairmen, has never taken its responsibilities lightly. I can speak only for the time that I have been privileged to be a member of that committee. This goes back to January 1953.

In those 16 years that I have served on the committee, Mr. President, every weapons system has not only been challenged but has been subjected to a most searching scrutiny. Now we are accused of "rubberstamping," we are accused of being stooges, and I have heard it said here that the threat to our national security, as viewed by committee members, is "hogwash."

Mr. President, I am not affronted by such remarks. It would be interesting to know, however, how many Navy admirals consider an appearance to testify before our committee a picnic. It is but a short voyage from the absurd to the ridiculous and to say that the nuclear carrier has gone unchallenged, must be regarded as the olympic record for negotiating this distance.

Mr. President, this amendment should be rejected. It may satisfy emotional instincts but if adopted it will have the most damaging effects.

I am hopeful that we can profit from the lessons of the past. This amendment and others still to come, if adopted, represent the first step into the fatal path of unilateral disarmament.

Why would the Kremlin leaders press for talks on disarmament when they can achieve their goals without talks and without any disarmament on their part? Why engage in negotiations and undertake commitments to disarm as long as disarmament amendments continue to flow in a never-ending stream on the floor of the U.S. Senate?

Why intervene in the Paris peace talks? Why intervene in the Arab-Israeli conflict? Why stop the tide when things are going their way? Why rock the boat as long as the Americans continue to dismantle the only arsenal that impedes their progress?

This amendment eliminates an item that the Congress has repeatedly recommended and funded over a period of years. I remind my colleagues that the Congress has already authorized and appropriated $132.9 million for this carrier in prior years.

In a bygone day, Mr. President, in this same Chamber there occurred a hue and cry aimed at the military-industrial

complex of that bygone era. The complex at that time was labeled "the merchants of death." I sense here an atavistic warning that we simply cannot ignore.

I was not here then, but I served on the Naval Affairs Committee in the House in the early 1940's. I had a ringside seat when we witnessed the state of our defenses in the aftermath of the clamor of the mid-1930's.

How many of you remember the citizen's army in the 1940's that participated in the Louisiana maneuvers?

How many of you remember how that army was equipped?

How many of you remember the vast number of troops that carried broomsticks for rifles and stovepipes for mortars?

Mr. President, I remember all of this and more. I would be most disturbed to see a weakness of will today translated into a weakness of our seapower tomorrow. In the 1940's we had vast oceans to protect us while we prepared and while the American arsenal forged the needed weapons. Those oceans no longer serve as a protective shield.

Failure to understand our true national interests and failure to forge the weapons of the future is an invitation to disaster.

These failures will provide encouragement to aggressors and bring discouragement to our friends.

There is a rising popular chorus which tears at the vitals of the defense budget. The hatreds and frustrations of the Vietnam war from which we all suffer and which we all abhor are, in a large measure, responsible for these outcries.

But, Mr. President, I cannot believe that the "amenders" are bent on suicide. I cannot believe that we are witnessing an intrigue to convert the Nation into a second-rate power.

I see no need whatsoever to appeal for patriotism because I know that is not lacking. For these reasons, I plead for reason. I plead for careful surgery and I caution against the meat ax approach that we are witnessing here.

Mr. President, I have listened carefully during the debate on this amendment. In all honesty, I must say the arguments advanced by the proponents of the amendment are in no way related to the authorization bill.

The distinguished Senator from Minnesota made it quite clear during his speech on Wednesday, that he favors aircraft carriers. Specifically he stated, and I quote:

> We are not saying that we should have no aircraft carriers. We think there should be aircraft carriers.
>
> We are saying that we do not need 15 attack carriers.

Mr. President, I do not have any quarrel with that statement. The bill as proposed by the Armed Services Committee, recommends final incremental funding for one modern nuclear carrier. I am not taking the position that we have a minimum of 15 carriers. My position has always been and continues to be that whatever we have, be not only sufficient, but the most modern available.

Furthermore, if the security of this Nation requires 20 modern carriers or 100, my position will be unchanged.

I think it most unfortunate that we should delay the funding of the carrier in question while we argue on the total number that are necessary at any time in the future.

In 1974 the *Essex*-class carriers will all be gone because they are not capable of handling modern aircraft. The *Roosevelt* and the *Midway* will then be 29 years old. The *Coral Sea* will be 26 years old and both the *Saratoga* and the *Forrestal* will be 18 years of age.

I seriously doubt that anyone who remains abreast of the fast-moving advancements in technology can truthfully say that an 18-year-old ship is equal to the modern state of the art.

Finally, Mr. President, I want to make a further observation. The proponents of this amendment have made reference to piecemeal reports, creating the impression that there is dissension in the Pentagon on the value of our carrier fleet.

It is important that we should all reflect on the decisionmaking process. I am certain that the Secretary of Defense arrives at his decisions only after a painstaking review of the facts and a consideration of many alternatives. Of course there are diverse views on any complex weapons system and this is as it should be.

There is nothing wrong with honest differences of opinion in Government, in industry, or in the military. How else can the decisionmaking process function?

Even we in the Armed Services Committee have sought diverse opinions with a view to insuring that all alternatives have been fully considered before the final decision is made.

Mr. President, in the U.S. Senate an honest disagreement on any given subject is called a debate. This is a time-honored custom.

In the U.S. Supreme Court a disagreement among the Justices is called dissent. This, too, is a time-honored custom.

Even in school seminars, opposing views are called discussions. This also is a well-established custom.

But, Mr. President, an honest disagreement in the Pentagon is always given a sinister label.

If a systems analysis report is overruled it is tantamount to treason. If the services disagree it is interservice rivalry.

Mr. President, the Nation's preparedness and the state of our defenses would be considerably better off today if more "whiz kid" reports of the Office of Systems Analysis had been overruled in the past several years.

Mr. STENNIS. Mr. President, what is the time remaining for the proponents and opponents?

The PRESIDING OFFICER. The proponents have 35 minutes remaining. The opponents have 34 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, I point out to the proponents that they may want to proceed at this time. I will have a speaker here shortly.

Mr. MONDALE. Mr. President, I have discussed this matter with the manager of the bill. We now move that the pending amendment be withdrawn, that the sponsors of that amendment, the distinguished Senator from New Jersey and I, may offer a modified amendment, call it up, and have it made the pending business to be voted upon under the previous order at 3 o'clock this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and I make these remarks with great deference to the authors of the amendment because I know of their sincerity and their work on this matter from the beginning and of their sincerity now—the matter presents a very grave issue.

I have really been greatly concerned about the amendment. The substance of the Senator's request would be to withdraw the amendment as to the *Nimitz* carrier contained in the pending bill—I am not speaking for the Senator, but I think we have to get more of the facts to get the significance of the pending matter—and offer another amendment providing for a special study of some kind with a report in April.

If there is going to be a report on anything, I think it ought to be on the entire military service and not on just one branch. It should be on the Air Force, the Navy, the Army, the Marine Corps, and the Coast Guard—because they are military—on the old weapons, new weapons, personnel, and everything of that kind.

I think, though, that the issue here is so vital to our policy and our protection of the sea lanes that we must have these modern carriers.

A great deal has been said. The issue is well known and I think that now we ought to make a decision on it.

This matter will be back in the appropriations bill if it stays in the pending bill. We have to march up the bill, then down, then up, and then down again.

This issue is so well-known and so clear-cut and is not involved in other matters that I really think it ought to be voted up or down.

That is what the Senate is on notice of. Under those conditions, and with great respect for these gentlemen, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MONDALE. Mr. President, I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I renew the request that the Senator from Minnesota and I be allowed to modify our amendment as suggested by the earlier request.

I point out, Mr. President, in support of that request that if unanimous-consent agreements to vote at a particular time or to take any other action in the Senate is to be used to entrap people who in good faith agree to them to further the business of the Senate, then it will

be difficult, indeed, to get unanimous-consent agreements in the future. The business of the Senate will be delayed far more than it would be by consenting to a modification everyone understands of our amendment which will in no way hurt the bill, but which will speed the processes of action on the bill.

We will offer the modified amendment as a separate measure later. And I would hope that the Senator from Mississippi and his colleagues on the committee would not allow a technicality to permit them to deny us the ordinary rights of Senators to modify amendments once they are offered.

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

Mr. CASE. I yield.

Mr. MANSFIELD. Mr. President, I just came to the Chamber. And I am unaware of all the ins and outs of the proposal. However, from what I have been told, it would appear to me that a unanimous-consent request of this kind would be in order.

I would hope that in the interest of comity among all Senators this modification could be offered and that the Chair would rule to that effect so that Senators would be aware of what could happen in future situations of this kind.

It is my understanding that the modification proposed is an attempt to be cooperative and is not under any circumstances an attempt to try to delay or prolong the consideration of the bill which, I think, is now in its 7th week, exclusive of the recess.

It would be my hope that those who may have objection to this proposal would reconsider because otherwise we will have to face up to it again. It may well be that consideration of the bill would be delayed and more amendments would be offered.

Speaking personally, I have no feelings one way or the other as to how long we take on the bill. I do have some strong feelings that we have spent enough time on it and that we ought to bring it to a conclusion and pass to other business.

Mr. MONDALE. Mr. President, I agree with the statement of the distinguished majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and again I want everyone to understand that there is no entrapment involved in this matter—everyone did exactly what he intended to do when we had this unanimous-consent request before us.

This matter was mentioned to me an hour or more ago. If I had wanted to entrap anyone, I would have gotten the yeas and nays and cut the matter off.

I believe that this has been made such a serious issue before the country. So much has been said—all of it in sincerity and good faith—and at the same time newspaper articles have been mentioned here over and over again. The issue has been drawn against the Navy in a large way. Headlines have been made about what the admirals are trying to do.

I think the only issue is what we are going to do to protect our country. That is the issue involved here.

As I have said, appropriations will be coming up and some other Senator will make the same fight against it. And he would have the right to do it.

I think we have an issue on this matter, and that the only way to settle the matter before the country is to vote.

I say further that I am not trying to protect the Navy. I want these old carriers retired as fast as it is reasonably possible to do so.

I have already asked the Secretary of Defense to look into it. I am going to ask the President of the United States to look into it. But if the President should withdraw his request for this new carrier, I would not agree to it, because I know in my best judgment that we need it.

So it is in that spirit to get a judgment of the Senate on this matter, and we are right down to what we all agreed to, within less than an hour of the time to vote.

I have discussed this with all the members of the committee I could find, and I found virtually all of them who are in town. Every one of them wanted this issue decided now by a vote, if I may express it to that extent—everyone with whom I spoke.

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

Mr. STENNIS. Yes. I do not know about the time, Mr. President. I had promised to yield to the Senator from Rhode Island. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, those of us who have been following this debate wish to vote on really two different subjects. One is the question of the carrier. For a man like myself, who believes in nuclear propulsion and would support the carrier, the debate has gone so far that I would like to be on record in that regard.

On the other hand, I think the study has very real merit, indeed; and I wonder if, by chance, the manager of the bill might agree on a subsequent vote, on a unanimous-consent request, 15 minutes later or something like that, to a study.

Mr. STENNIS. An amendment certainly would be in order.

I would think we ought not to single out one particular service or one particular weapon, but have it general. But it would be up to the Senate and the chairman of the committee as to what to do, and I think most members of the committee will take a position on that and draw the issue.

Mr. MONDALE. I would like to be recognized, Mr. President.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Is there objection?

Mr. STENNIS. Reserving the right to object, may I yield briefly to the Senator from Maine.

The PRESIDING OFFICER. The Chair informs the Senator that any time the Senator from Mississippi takes must come out of his time.

Mr. STENNIS. I yield myself 3 minutes and, reserving the right to object, I yield to the Senator from Maine.

Mrs. SMITH. Mr. President, as ranking minority member of the Senate Armed Services Committee, I want to take this opportunity to say that I endorse all that the chairman has said, and stand behind him in what he has said with regard to the issue before the Senate.

Mr. STENNIS. I thank the Senator.

Mr. MONDALE. Mr. President——

Mr. STENNIS. Mr. President, I object, and I yield the floor.

Mr. MONDALE. Mr. President, let us be clear on what is at stake.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. I object, Mr. President.

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

Mr. MONDALE. I yield.

Mr. MANSFIELD. Have the yeas and nays been requested on the pending amendment?

The PRESIDING OFFICER. The Chair advises the Senator from Montana that they have not.

Mr. MANSFIELD. It was my understanding that, in the interest of comity, until the yeas and nays were ordered on an amendment, the movers of the pending amendment had the right to modify the amendment they had offered. Is my understanding right or wrong?

The PRESIDING OFFICER. The Chair is advised that the rule is precisely as the Senator from Montana has stated—until and unless the Senate has taken some action. But, having set this vote for a time certain, some action has been taken on this amendment and a modification is in order only by unanimous consent.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the pending amendment.

Mr. MONDALE. Mr. President——

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MANSFIELD. Mr. President, first, I took the Senator off his feet for a few moments, and I think he has the floor.

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

Mr. MONDALE. Mr. President, let us be clear about what is involved here.

The Senator from New Jersey and I have asked for one modest thing, and that is that there be a study of the current attack carrier force levels. In order to achieve that study, we have asked that the completion of the CVAN–69 carrier be delayed for a few months to permit the General Accounting Office to submit certain facts and figures we think would be helpful in establishing what we must know in order to pass judgment.

The opponents of the pending amendment have tried to create the impression, or at least the impression has been created, that we are really seeking to do is to attack the current nuclear attack carrier, to oppose the nuclear attack carrier, and to be against modernization of the fleet.

Many Members of the Senate have said, as did the Senator from Rhode Island a moment ago, that they think the question of attack carrier force levels needs to be studied. The executive department agrees. They are currently un-

dertaking a study. All kinds of outside responsible authorities agree that this issue never has been responsibly studied by Congress.

Therefore, the Senator from New Jersey and I, recognizing that those two issues have been confused, sought to bring us clearly before this issue at 3 o'clock by deleting any reference in our amendment that would slow down the construction of the CVAN–69 carrier. That is all that is involved. The amendment in all other respects remains precisely the same, and simply calls for the study which the Senator from New Jersey and I have requested. There is no confusion. It is a modest change. It helps meet the objection of many of those who want the study but who do not want to delay the current carrier.

We agreed to a unanimous-consent vote at 3 o'clock this afternoon at the request of the chairman of the Committee on Armed Services, because we wanted to accommodate the Senate and to accommodate the committee so that we might reach this issue on a basis when our colleagues could be present and vote on this issue.

We realized that in agreeing we gave up certain procedural advantages. We also realize that, in light of the tragedy of the death of the minority leader, we accepted certain other disadvantages in our inability to get national attention on this issue. But we agreed to it.

Now we wish to make this modest modification which, incidentally, I had been told by attorneys was clearly within our right, and we are faced with an objection, in terms of making that modification.

I would say to the chairman of the Armed Services Committee and to the Senator from Rhode Island that we never have raised a question as to the validity of building a single additional nuclear aircraft carrier. We were not seeking to raise that issue in any sense. The issue that we are raising in this amendment is the question of a need for a study, for a long overdue analysis, in light of all the things we have debated, whether we need 15 carriers, what kinds of carriers we do need, what is the proper role and function of the carrier, and, in the light of modern weaponry, whether the carrier in many respects has not become vulnerable in certain kinds of strategic wars. That is all that is involved.

So we come to this point in our proceedings, asking for this modification, so that we might proceed to vote on the issue on which everyone wants to vote. If we had not agreed to the unanimous-consent request, we could modify it, and no objection would lie. But because we have accommodated the committee, the objection does lie, and we are being denied the opportunity to vote on the one issue that the Senator from New Jersey and I have raised.

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

Mr. MONDALE. I yield.

Mr. CASE. Mr. President, I want to address myself directly now to the Senator from Mississippi.

When we were discussing, at his urging, the possibility of arriving at a time certain for a vote, in which we did cooperate, the question was raised—I raised it with him and we talked informally—about what would happen on amendments to our amendment, or motions; and the Senator will recall saying, I am sure, that, "We will deal with that when the question arises. It will be no trouble. Perhaps 15 minutes for an amendment or such things as that."

The matter was contemplated, Mr. President.

I urge the Senator to reconsider his unfortunate stand on the ruling of the Parliamentarian that, by an accommodation which we made voluntarily, we will in effect have lost the normal rights of Members of the Senate to modify their amendments and their suggestions, to meet what in the course of debate has been developed as a legitimate reason, in the minds of many Senators, to object to the particular proposal they are making.

It seems to me that every consideration of present decency, of present accommodation among Members of this body, and the chance of using the device of unanimous-consent agreements for votes at times certain in the future are at stake here.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, who has the floor?

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

Mr. MONDALE. I yielded the floor.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, how much time remains for the opponents to the amendment?

The PRESIDING OFFICER. The opponents to the amendment have 30 minutes remaining.

Mr. STENNIS. Mr. President, there are others who wish to speak on this matter. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, if the chairman of the committee had not objected I would have. What this whole question boils down to has been a succession of amendments that, frankly, have questioned the ability, the sincerity, and sometimes even the honesty of the Committee on Armed Services. I take that personally, and I do not like it.

We have had the Committee on Foreign Relations get into the operations of the Committee on Armed Services. That is upsetting procedures of the Senate. We studied this matter long and hard. The distinguished occupant of the chair (Mr. YOUNG of Ohio) is a diligent member of the Committee on Armed Services and he knows we studied it.

What does the proposal attempt to do? Every amendment wants the GAO to get into the act. The GAO has said time and time and time again that it cannot make judgments in the strategy, tactical, or deployment fields.

I must remind Senators that in 1947 Congress gave specifically to the Joint Chiefs of Staff and the Security Council the responsibility of studying the same subject we are talking about here today. If this is to go to the GAO, they do not want it. If it is to go to the Senate for study, it will come back to the committee that is constantly dedicated to the study of military and weaponry problems.

We have gone a long way out of the normal operation of the Senate when we find people getting into the act who have no business acting there.

I think it is a question of whether we can delegate authority to study the military field when we have given it to other agencies of the Government.

If the chairman had not objected, I would have.

Mr. MONDALE. Mr. President, I think the Senator from Arizona places the issue somewhat strongly, but I think he does disagree that the Senate and the Congress should be involved in establishing force levels.

I disagree with the view of the Senator from Arizona in part because the Constitution lodges the sacred responsibility in the Congress to do that. I think it is a function we neglect and one we should undertake with more seriousness than we have. That is why the Senator from New Jersey and I proposed the amendment.

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

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, I hope the Senator reads the rather detailed study I placed in the RECORD this morning which will dispute much of the argument he made based on the constitutional charges. This goes back to the days of Thomas Jefferson and it is backed up by court decision after court decision. There is no specific charge as the Senator supposes there is. I suggest in my study that they have opened their argument on the false premise that we do get into strategy, tactics, and weaponry.

Mr. MONDALE. Let me assure the Senator that if it is determined by this body that we do not have a function and responsibility in raising and determining the nature and direction of the Armed Forces as we are obligated to do under the Constitution of the United States, it is a different country than I ever thought it would be.

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

Mr. MONDALE. I yield.

Mr. CASE. It is a different country than we always thought it was; and it is not that kind of country in fact. If Congress, which should exercise its power to raise and support armies, to declare or not to declare war, is to be purely a rubberstamp of the Executive, then it is not the kind of country at all we are thinking about.

If the only function of the Congress is to vote "Yes" when somebody comes to us from downtown and says, "We want x billion dollars," this is not the kind of country or Congress that we had been led to believe since we were children was established by the Constitution.

It seems to me that to suggest that those who are endeavoring to reestablish the effective control by Congress of the foreign policy and the military policy of the United States are guilty in some sense of treasonable or at best foolish conduct, is to deny the premises on which this country is established. I am not prepared to do that.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. STENNIS. There is a sufficient second?

The PRESIDING OFFICER. There is a sufficient second.

Mr. STENNIS. Mr. President, will the Chair rule on the yeas and nays?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. STENNIS. Mr. President, quite briefly, and for the information of Senators, after all this attack on the carrier, the whole concept of the carrier, and the carrier fleet and everything else, the only real issue here now is, Shall the Senate vote on whether or not there is need for this particular new carrier? To turn our backs now and run away from that issue, I think, would be terribly misleading to the country.

Of course, Senators can offer any amendment they wish to offer after the vote is had on this proposal. But to just turn now and run away and leave this matter wide open as to the sentiment of the Senate, with appropriation bills coming in in a very short time after this bill becomes law, it seems to me that we would be going back on our duty. I believe that with all my heart. I think the issue has been so sharply drawn it will have to be passed on.

Mr. President, I suggest the absence of a quorum, for which the time will come out of the opponents' time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. CASE. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

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

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I am not going to object—I want to make a parliamentary inquiry. Is it certain that we vote at 3 o'clock?

The PRESIDING OFFICER. A call of the quorum is now proceeding. The quorum call has not been called off. The Chair is advised that the Senator may not reserve the right to object or to make a parliamentary inquiry.

Mr. CASE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senate will be in order. The clerk will continue the call of the roll. The Senate will be in order. Those who are not entitled to be on the floor will leave the floor immediately.

The call of the roll was concluded and the following Senators answered to their names:

[No. 84 Leg.]

Aiken	Goodell	Nelson
Allen	Gravel	Packwood
Allott	Griffin	Pastore
Anderson	Gurney	Pearson
Baker	Hansen	Pell
Bayh	Harris	Percy
Bellmon	Hart	Prouty
Bennett	Hatfield	Proxmire
Bible	Holland	Randolph
Boggs	Hollings	Ribicoff
Burdick	Hruska	Russell
Byrd, Va.	Jackson	Saxbe
Byrd, W. Va.	Javits	Schweiker
Cannon	Jordan, N.C.	Scott
Case	Jordan, Idaho	Smith
Church	Kennedy	Sparkman
Cooper	Long	Spong
Cotton	Mansfield	Stennis
Cranston	Mathias	Symington
Curtis	McCarthy	Talmadge
Dodd	McClellan	Thurmond
Dole	McGovern	Tower
Eagleton	McIntyre	Tydings
Ellender	Metcalf	Williams, N.J.
Ervin	Miller	Williams, Del.
Fannin	Mondale	Yarborough
Fong	Moss	Young, N. Dak.
Fulbright	Mundt	Young, Ohio
Goldwater	Muskie	

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

The PRESIDING OFFICER. A quorum is present. The Senate will be in order. Senators will take their seats.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. STENNIS. Mr. President, will the Senator yield to me, to let me find out how much time I have remaining?

Mr. MONDALE. I yield.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Chair advises the Senator from Mississippi that all of his time has been consumed in the quorum call, and that 17 minutes remain to the Senator from Minnesota.

The Senate will be in order.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Am I correct that the substitute amendment I earlier proposed to call up can in fact be voted on now, under another precedent found by the Parliamentarian, as the first order of business at 3 o'clock, but without debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. MONDALE. Will the Parliamentarian advise the Senator from Minnesota as to what steps must be taken to assure that it is the substitute Mondale-Case amendment which will be the item voted on?

The PRESIDING OFFICER. The Senator is advised that the Chair makes the rulings, not the Parliamentarian.

Mr. MONDALE. The Senator from Minnesota stands corrected.

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

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

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

The Senator has stated the parliamentary situation as he understands it, and I wish to ask this in the form of a question, staying within the rules: As the Senator understands the situation, then, his amendment not being in order now under the rules, it would be in order come 3 o'clock?

Mr. MONDALE. My understanding is—and this was the second question I attempted to raise—that under the current ruling of the Chair, the amendment the Senate will vote on at 3 o'clock is the substitute amendment that we will offer in a manner which the Chair prescribes, which does not apply to the current nuclear carrier, but simply calls for a study of force levels and of the other relevant facts surrounding the attack carrier force level.

Mr. STENNIS. In other words, the Senator now proposes to abandon all reference, in his amendment, to this No. 2 attack carrier, and that would leave the Senate without any chance to pass directly on the matter that has been debated here, as to whether or not this money would be stricken out; is that correct?

Mr. MONDALE. No; the Senator does not understand the nature of the substitute.

As I have pointed out earlier, the heart of this amendment has always been the study issue: The question of whether we should have 15 attack carriers, what kind of attack carriers they should be, how attack carriers should be deployed, and, in the light of their cost and vulnerability, the proper mix in land and air tactical forces. That is the issue, and has always been the issue.

It has been the opposition that has sought to twist this into a question of whether we wanted a new nuclear attack carrier, whether we wanted a modern fleet, and, finally, whether we were foolish enough to leave this Nation undefended.

The issue involved in our amendment really is whether Congress wishes to assert its prerogatives under the Constitution, and decide whether it is acting wisely, whether there is waste, and whether we are spending the amount of money we should spend in the defense of this country. That is the issue.

Mr. STENNIS. Mr. President, regardless of the Senator's purpose and the main focal point of the amendment, I respectfully think that the real issue here is whether or not this carrier is going to be authorized and the funds voted for it. We have debated that here for days and days.

Is it not true that if the Senator's sub-

stitute should now be adopted, it would leave the Senate without a chance to pass directly on that exact question?

Mr. MONDALE. The Senator is in error. The Senator from Minnesota or the Senator from New Jersey—and the record makes this clear—have never said that the issue here is whether there is to be a new nuclear attack carrier. That has never been raised by us. It has been the effort of those who oppose this amendment to create that confusion in the minds of our colleagues.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MONDALE. I wish to complete my remarks; then I shall be happy to yield.

Let me yield first to the Senator from New Jersey, and then I shall state, as precisely as I can, what is involved in this amendment.

Mr. STENNIS. Mr. President, first, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. Mr. President, the Senator from Minnesota has already accurately and succinctly described the purpose for which we offered our original amendment, and the reason why we would modify it to clear away any of the objections, several of which have been held by people seriously concerned that Congress should reassert its power over foreign policy and broad military spending, to take away from that issue any question that some people, favoring that, had about the wisdom of constructing this second carrier, on which contracts to the extent of some $133 million for long lead items had already been let.

In order to eliminate that and to raise into sharp and single focus the question we are really concerned about, we have sought to make this amendment.

Apparently the opponents of our amendment, because they wanted to have the question confused and wanted to have it appear that those who opposed stopping this single carrier were opposed to the reassertion by Congress of its basic constitutional authority, refused to allow us the normal right of Senators to make this amendment to our own amendment; and it is for that reason, and that reason alone, that we have pressed this matter and now have obtained, through the Presiding Officer from the Parliamentarian, a ruling that we have the right to offer and have voted on first, at the conclusion of the time fixed, the amended amendment.

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

Mr. MONDALE. Mr. President, I say to the Senator from Rhode Island that I promised the Senator from Maine I would yield to him. I will then yield to the Senator from Rhode Island for a question.

First I ask the Chair to advise the Senator from Minnesota what the procedure is as to the vote at 3 o'clock.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that at 3 o'clock all time will have been consumed. At that time the Senator may offer his amendment. However, there will be no time for debate.

Mr. MONDALE. Mr. President, I should like to address a question, if I may, to the chairman of the Committee on Armed Services in order to avoid confusion as to what issue we will be voting on at 3 o'clock.

Would the Senator from Mississippi object to calling the amendment up as the pending amendment under the rule and voting on it at 3 o'clock so as to avoid any confusion?

Mr. STENNIS. Mr. President, will the Senator restate his question?

Mr. MONDALE. Mr. President, I propose to call up the substitute amendment, the study amendment, as the matter we will vote on at 3 o'clock under the previous unanimous-consent agreement. In the light of the fact that we could do that in any event, but in a more complicated way, does the Senator still object to our doing so?

Mr. STENNIS. Mr. President, I respond in this way to the Senator from Minnesota. The major matter that we have debated here concerns the authorization and appropriations at this session for this carrier. If his original proposal is withdrawn, there will be no chance for the Senate to pass on that question.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, for that reason I respectfully submit to the Senate that if the Senator would let us go on and vote on his amendment as he now has offered it, the Senator could then offer an amendment to the pending bill for study or in any other form that he would want to modify the amendment. We would debate it. I would consider supporting the measure if it contained what I thought was reasonable language.

I think this is something that goes far too far. I make that suggestion.

Mr. MONDALE. Mr. President, let us be aware in the Senate of what has happened. We have asked to modify the pending amendment so that we might study the central question of what our carrier force level should be. That is the key issue which the Senator from New Jersey and I wish to present.

Even though there had been debate about this at the time we agreed to vote, the chairman of the committee objected to our having that right which would be otherwise available if we had not made the agreement.

The Parliamentarian has now ruled that we can vote on the amendment.

It is a question of whether we can make it perfectly clear as to what the amendment is or whether there is still objection and it might be possible that some Senators will not know the nature of the amendment.

The chairman of the Armed Services Committee again objects. In light of that, I wish to repeat nevertheless that we will present our study amendment which is presently on the desks of all Senators. It is an exceedingly modest amendment. It does not reach the question of the 1969 nuclear attack carrier at all. It simply seeks to advise the Senate on the facts and contains a date for securing information that will permit the Senate to make a wise choice in this critical area.

Mr. President, I yield now to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I want to make it perfectly clear that the first vote will be on the study. The first vote will not be against providing funds for the second nuclear carrier. The provisions of the bill as presented by the committee in that respect will be undisturbed. So, a "yea" vote on the first vote, when time has run out, will in no way take away any funds from the second nuclear carrier.

If the Armed Services Committee—and the Senator from Mississippi is chairman—wishes to have a separate vote on the nuclear carrier, it could be arranged very simply by another amendment to strike the funds for that carrier. That can come up later if the Senator wishes.

Mr. MONDALE. Mr. President, I point out to the Senator from New Jersey that I might very well vote against a new nuclear attack carrier if such an amendment were to be offered by itself. But that was never the intention.

Mr. CASE. Never.

Mr. MONDALE. It is only that some of the opponents seek to make the issue one of nuclear or nonnuclear or new carrier against old carrier. When some seek to raise that issue, I point out that I am not among them.

Mr. President, I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I intend to support the new amendment of the Senator from Minnesota and the Senator from New Jersey for a very simple reason. It is found in the language of the amendment on the first page. I read it:

> Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70.

In this form the amendment affects no funds in the bill for carriers.

As one Senator, I think that the Senate and the House of Representatives ought to have the benefit of these studies proposed by the new amendment. I urge every Senator in the room who believes that we are entitled to the benefits of that kind of a study before committing ourselves finally on the question of force levels in our attack carrier fleet to vote for the amendment.

I find it incredible that it should be urged on the floor that the Senate oppose an amendment designed to do nothing more than furnish the Senate with the information and the understanding and the knowledge necessary to determine the extent to which attack carriers are to be a part of our defense posture.

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

Mr. MONDALE. I yield.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, referring to the language just read by the dis-

tinguished Senator from Maine (Mr. MUSKIE), I notice that the first sentence says:

Prior to April 30, 1970, Congress shall complete . . .

The PRESIDING OFFICER. The Senate will be in order so that we may hear the majority leader.

Mr. MANSFIELD. Mr. President, did the Senator from Minnesota and the Senator from New Jersey have in mind, instead of Congress, the Armed Services Committee, which then should report to the Senate?

Mr. MONDALE. Exactly. That is what is involved. When the amendment refers to the General Accounting Office, we want to make it clear that the study would be available to the Senate. Of course, the Armed Services Committee of the Senate is an appropriate body of the Senate.

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

Mr. MONDALE. I have only 2 minutes remaining.

Mr. STENNIS. Mr. President, the Senator is mistaken. It is another one of those amendments about what the Comptroller General is going to do. It would provide that he is to make a survey and report. In effect, it would take it out of the hands of Congress for a time. Is that not correct? Did the Senator read the amendment? It is three pages long.

Mr. MONDALE. Mr. President, did the chairman of the Armed Services Committee ask if I had read my amendment?

Mr. STENNIS. I ask if that is not contained in it.

Mr. MUSKIE. Mr. President, I point out in response to the Senator from Mississippi that the first portion of the amendment reads:

Congress shall complete—

Section (b) reads that in order to assist Congress, the GAO is instructed to make certain studies. The control is in Congress, and in the Armed Services Committee under the language of the amendment.

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

Mr. MONDALE. I yield.

Mr. CASE. Mr. President, I want to make it very clear what the amendment would do. The chairman of the committee has attempted to make it clear that in his judgment we would be turning over to the Comptroller General the whole question of the future welfare of the United States.

Specifically our amendment is limited to two matters that the Comptroller General himself said he could handle. They relate to statistical matters and cost-effectiveness only. Those are the only questions which we are asking the Comptroller General to pass upon. He would be summarizing other studies purely for the benefit of Congress.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. MONDALE. Mr. President, I should like to clarify the matter. The Senator from New Jersey is correct. This is a study amendment designed to determine not whether the existing carrier should be constructed, but whether the next nuclear carrier should be constructed.

It interferes in no way, in a practical sense, with nuclear carriers. It is simply a question of whether the Senate wants to understand what it is doing.

The PRESIDING OFFICER (Mr. SCHWEIKER in the chair). All time has expired.

Mr. MONDALE. Mr. President, I ask that we vote on the substitute amendment.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question before the Senate is amendment No. 146.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Minnesota will have to call up his amendment.

Mr. MONDALE. I call up my amendment.

Mr. STENNIS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, in the unanimous-consent agreement entered into, the amendment being debated, the agreement was to vote at 3 p.m. today. That hour now having arrived, I make the point of order that no amendment is in order and nothing is in order now except to vote on the pending Mondale-Case amendment, amendment No. 146, on which it was agreed that there would be a vote at 3 p.m.

The PRESIDING OFFICER. The Chair states that under a previous precedent on August 30, 1949, the Vice President ruled that a unanimous-consent agreement to vote on an amendment at a specified time without further debate does not preclude offering an amendment to such amendment. Debate, however, is not permitted.

Mr. STENNIS. Mr. President——

Mr. MONDALE. I call up my amendment.

The PRESIDING OFFICER. The Chair holds that under this precedent, the amendment is in order.

Mr. STENNIS. I appeal, with respect, from the ruling of the Chair, and ask to be heard on it.

The PRESIDING OFFICER. Appeal is debatable, and the Chair recognizes the Senator from Mississippi.

Mr. CASE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. STENNIS. I yield.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. CASE. Is the appeal debatable in spite of the fact that we are operating under unanimous consent?

The PRESIDING OFFICER. The Chair states that it is correct that we are operating under a unanimous-consent agreement; but under the rules, an appeal from the decision of the Chair is debatable and the Chair finds no precedent to the contrary.

Mr. CASE. Without limit, unless ordered by the Senate, under the rules?

The PRESIDING OFFICER. Under the rules.

Mr. CASE. I thank the Chair.

Mr. STENNIS. Mr. President, as I understand, the Senator from Mississippi has been recognized on the appeal.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, first, I emphasize that the appeal from the ruling of the Chair is made with great deference to the Presiding Officer.

I wish to preface my remarks by explaining the parliamentary situation, as I understand it.

Mr. President, this amendment carries with it the amendment that was originally filed, which has been debated for days, which would absolutely strike out of the bill the money, the $377 million, required to finish this carrier. That is plainly written on the face of the amendment. It changes the figures in the bill by the exact amount and is identified as deleting from this appropriation bill the $377 million. There can be no argument about that.

What would that mean if it were adopted in that form? It would mean that this would not be authorized, work on it would stop, and no appropriation could be had this year to finish the carrier.

There was an additional provision in the amendment, in its original form, that there should be a study made by the General Accounting Office and certain things should be done, and so forth. It was almost like the provision on the subject of the tank. That idea came under rather severe attack. Over and over again, the idea of the General Accounting Office making special reports on these military weapons was attacked. It fell more and more in disfavor. That is my judgment.

So about the time the debate started on this amendment, certain provisions were made by the authors—and they had a right to do it—partly eliminating the General Accounting Office and saying that Congress should make this study. Well, of course, Congress makes studies, anyway. But they did not strike out the portion with reference to the General Accounting Office, and that is what I referred to a moment ago when I asked the Senator from Minnesota—I refer to clause (b). The language which was left in reads:

He shall also—

Meaning the Comptroller General—

review any studies which have been made, or may be made, by the executive branch which relate to other items listed in subsection "a", above. He shall provide summaries.

That is true under the amended form. It does come back to Congress. But it would come back there, anyway. It would have to, under our Constitution, for one reason, about providing for the national defense.

So this amendment still could be improved greatly on that point alone.

I objected, as did many other members of the Committee on Armed Services, to this thing being abandoned at the last minute before voting.

I think the Senate would be marching up the hill and then marching down the hill. The people are entitled to a clean,

clear-cut vote up or down as to this particular carrier.

I have taken it up with the Defense Department, and I am going to take it up with the President of the United States, as to a review of the carrier situation, as to the old ones, and as to the other items in the military program—in the Air Force, the Navy, the Army, the Coast Guard, the Marine Corps—all of them.

But this matter is really abandoning the amendment in part. Under the ruling of the Chair, it permits them to bring in an amendment that is just a part, a very small part, of their amendment.

Mr. PASTORE. Will the Senator yield?

Mr. STENNIS. I speak at the indulgence of the Chair, as I recall the ruling. Yes, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, is this debate limited, may I ask?

Mr. CASE. This is on an appeal.

Mr. STENNIS. May I finish this thought before yielding to the Senator from Rhode Island?

The clear-cut decision will have to be made on voting this carrier up or down. Then, when that is disposed of, I would look with favor on some kind of amendment providing for a study not only of the carrier but also of any other phase of the military program. I do not think one ought to be singled out. But I would consider on its merits any kind of amendment that the Senator from Minnesota might have. I tried to convey that a moment ago, but time was too short. I think that is the orderly way to do it, rather than to leave this matter up in the air as to the carrier and whether money is going to be appropriated and where we stand.

So I respectfully ask the Senate to reject the substitute amendment, if we do not overrule the Chair, and then vote on the amendment as originally offered, and then vote on any other proposal.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, may I ask the indulgence of the Chair to make a parliamentary inquiry at this point?

The PRESIDING OFFICER. The Chair recognizes the Senator for that purpose.

Mr. PASTORE. In the event the Chair is sustained and the substitute becomes the order of business, would a motion to lay on the table the substitute amendment be in order on the ground that it is untimely, with the condition that it can be renewed after the vote takes place on the original amendment? Do I make myself clear?

The PRESIDING OFFICER. The Chair states that amendment would be in order.

Mr. PASTORE. It would be.

The PRESIDING OFFICER. Yes.

Mr. PASTORE. In other words, if the status is that the substitute amendment comes up for vote and a motion is made to lay it on the table, because it precedes the original amendment which has raised this much confusion, the substitute could be introduced because those of us who believe the original amendment should be defeated and still believe an investigation and review should be made, should have the opportunity to vote on that study.

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. Mr. President, I shall move to lay on the table as being untimely, that we have a vote on the original amendment, and then bring up the other amendment also.

Several Senators addressed the Chair.

Mr. STENNIS. I have the floor.

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

Mr. STENNIS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. I will get my own time.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I call the attention of the Chair to this matter. On the front page of the Calendar of Business for today we find this unanimous-consent agreement:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective at 10:30 o'clock a.m., Friday, September 12, 1969, further debate on pending Amendment No. 146, offered by the Senator from Minnesota, Mr. Mondale, to S. 2546, the military procurement authorization bill, be limited to 4½ hours to be equally divided and controlled by the proponents (Mr. Mondale) and the opponents (Mr. Stennis), and that the Senate proceed to vote on said Amendment No. 146 at 3:00 o'clock p.m. on that day. (*Sept. 10, 1969.*)

Mr. President, my point is this. It makes no difference what kind of precedent, so-called, might have been found by the Parliamentarian. The facts are just as they are written here on the front of this calendar which contains the unanimous-consent agreement.

Mr. MUSKIE. Mr. President, would the Senator yield?

Mr. STENNIS. We could not possibly go wrong by following the agreement to which we agreed. I make the point that we should sustain this agreement.

I yield briefly to the Senator from Maine.

Mr. MUSKIE. Mr. President, the Senator emphasized the fact that we are operating under a unanimous-consent agreement on a specific proposal. The Senator has been most anxious, as I have listened to the discussion on this bill, to develop unanimous-consent agreements in order that we may get on with the business. If we did not have the unanimous-consent agreement at the present time the original Mondale-Case amendment would be subject to amendment and we would not be blocked, as the Senator from Mississippi has undertaken to block that substitute. So the course of action the Senator is pursuing, it seems to me, is against his objective of reaching unanimous-consent agreements which have this effect on the rights of other Senators.

The debate on the floor of the Senate should influence the shape of the questions upon which the Senate is asked to decide. As a result of this debate the proponents of the original amendment want to modify and respond to the results of these deliberations on the floor of the Senate.

Why, then, should we not at this point consider a modification or substitute, which we would be able to consider but for the unanimous-consent agreement which was agreed to for the convenience of the Senator from Mississippi?

Mr. STENNIS. I beg the Senator's pardon, if I may. No unanimous-consent agreement has been made here for my convenience. I asked for those things considering the Senate's business. If it cannot be agreed to on the merits, it should not be agreed to on the basis of what I said or failed to do.

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

Mr. STENNIS. I yield.

Mr. COTTON. Is it the Senator's contention that if the Senate should adopt the substitute amendment that the effect of that adoption cuts out of the bill the $377 million?

SEVERAL SENATORS. No!

Mr. STENNIS. No. That is not the situation. The original amendment would cut it out, but their proposal now leaves that money in for the second carrier.

Mr. COTTON. It states that the results of the study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated. Does not that, in effect, cut it out for this year?

Mr. STENNIS. The intention of the language in the amended amendment refers to another carrier of the future. It is a third carrier. In the bill is a second carrier.

Mr. COTTON. So this substitute amendment does not cut out the proposed appropriation.

Mr. STENNIS. No.

Several Senators addressed the Chair.

Mr. STENNIS. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I wonder if I might have the Senator's attention because he properly called to the attention of the Senate that we had an agreement to vote at 3 o'clock. We have not been talking since then. It has been he, for his own purposes.

Would the Senator from Mississippi be willing to consider endeavoring to approximate compliance with the Senate's earlier decision by an agreement limiting time on this appeal?

Mr. STENNIS. I am not going to take more than a few more minutes.

Mr. CASE. Would the Senator consider an agreement fixing the time equally divided, say 10 minutes to a side?

Mr. STENNIS. Yes. I would be glad to.

Mr. PASTORE. What is that unanimous-consent proposal?

Mr. MANSFIELD. Ten minutes to a side, to bring the debate to an end.

Mr. PASTORE. To bring what debate to an end?

Mr. STENNIS. Mr. President, reserving the right to object, and in order to meet the situation here, Senators have previous engagements. They were told they would vote at 3 o'clock. Under that agreement I withdraw my appeal from the Chair's ruling, with the understanding the Senator from Rhode Island be recognized.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair

recognized the Senator from Rhode Island.

Mr. PASTORE. I thank the Chair.

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE. Has the Senator withdrawn his appeal?

The PRESIDING OFFICER. The appeal has been withdrawn.

Mr. PASTORE. I have the floor.

Mr. CASE. Has the Senator withdrawn his appeal or not?

Mr. PASTORE. Yes, he has.

Mr. CASE. I make the point of order there is no time for debate or recognition of any Senator.

Mr. PASTORE. Yes, there is; to make a motion to lay on the table. Of course there is, and that is why I am standing.

The PRESIDING OFFICER. The Senator is permitted to make a motion.

Mr. PASTORE. I move to lay the substitute on the table as being untimely.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion is not debatable. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE) would each vote "yea."

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), and the Senator from Tennessee (Mr. GORE) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) would each vote "yea."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Alaska (Mr. STEVENS). If present and voting, the Senator from Oregon would vote "nay" and the Senator from Alaska would vote "yea."

The result was announced—yeas 51, nays 34, as follows:

[No. 85 Leg.]

YEAS—51

Aiken	Fong	Mundt
Allen	Goldwater	Packwood
Allott	Griffin	Pastore
Anderson	Gurney	Pell
Baker	Hansen	Prouty
Bellmon	Harris	Russell
Bennett	Holland	Schweiker
Bible	Hollings	Scott
Boggs	Hruska	Smith
Byrd, Va.	Jackson	Sparkman
Cannon	Jordan, N.C.	Spong
Cotton	Jordan, Idaho	Stennis
Curtis	Long	Talmadge
Dodd	McClellan	Thurmond
Dole	McIntyre	Tower
Ervin	Metcalf	Williams, Del.
Fannin	Miller	Young, N. Dak.

NAYS—34

Bayh	Hart	Percy
Burdick	Javits	Proxmire
Byrd, W. Va.	Kennedy	Randolph
Case	Mansfield	Ribicoff
Church	Mathias	Saxbe
Cooper	McCarthy	Symington
Cranston	McGovern	Tydings
Eagleton	Mondale	Williams, N.J.
Ellender	Moss	Yarborough
Fulbright	Muskie	Young, Ohio
Goodell	Nelson	
Gravel	Pearson	

NOT VOTING—14

Brooke	Hartke	McGee
Cook	Hatfield	Montoya
Dominick	Hughes	Murphy
Eastland	Inouye	Stevens
Gore	Magnuson	

So the motion to table the substitute amendment was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

Mr. MONDALE. Mr. President, in light of the adoption of the motion——

The PRESIDING OFFICER. The question first arises on the motion to table.

Mr. STENNIS. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion for reconsideration of the vote.

The motion to table was agreed to.

Mr. MONDALE. Mr. President, in light of the fact that the issue arose on a motion to table, and without debate——

Mr. RUSSELL. Mr. President, a parliamentary inquiry. There have been some rather peculiar rulings under the unanimous-consent agreement, but I thought the debate had been brought to an end.

The PRESIDING OFFICER. The Chair will state that further debate is not in order.

Mr. MONDALE. Mr. President, do I have the floor? I move to table the pending amendment, and after it is, I will propose my substitute amendment. I ask for the yeas and nays.

Mr. STENNIS. Mr. President, would the Chair state the motion or the parliamentary situation?

The PRESIDING OFFICER. The Chair will state that a motion to table the original amendment is not in order because of the unanimous-consent agreement.

Mr. MONDALE. Mr. President, I appeal from the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient number of seconds for the yeas and nays.

The yeas and nays were not ordered.

Mr. MOSS. Mr. President, I ask for the yeas and nays.

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota is recognized for the purpose of speaking on the pending appeal from the ruling of the Chair.

Mr. MONDALE. Mr. President, the last vote on the motion to table by the Senator from Rhode Island raised the issue, but not in correct form, as to whether the U.S. Senate wanted to study what its attack carrier force level should be, what the purpose of those attack carriers should be, and the other cost-effective matters which many Members of the Senate feel should be debated.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. Mr. President, we had hoped to make that the issue we would vote on at 3 o'clock. That had been the objective of the Senator from New Jersey and myself since we first laid this amendment before the Senate, not a week ago, but a day and a half ago. We wish that this study could be made, and we would like to have a direct vote which would permit the Senate to say whether it wanted a study of the aircraft carrier issue or whether it did not.

The substitute amendment in no way affects the authorization for the construction of the nuclear aircraft carrier CVAN–69. It simply asks that information be received from the General Accounting Office, based on its study, in time to permit the Senate to consider a matter which has been profoundly debated even within the Department of Defense and by the National Security Council itself.

Therefore, by moving to withdraw the original Case-Mondale amendment, I intended to lay before the Senate this amendment, thereby giving the Senate an opportunity to face directly the issue of whether it wanted to inform itself on a matter which is costing billions and billions of dollars a year, and which many responsible people in this country, including the Defense Department's own systems analysis branch, thinks needs long overdue study.

It is for those reasons that I proposed to introduce the substitute amendment with a different date for a report from the General Accounting Office, so we might have this information, and so the Senate might have an opportunity to be heard on the matter.

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

Mr. MONDALE. I am glad to yield.

Mr. MOSS. Mr. President, I join the Senator from Minnesota in his appeal from the ruling of the Chair. It seems to me utterly incredible that the Senate

could become so enmeshed in a web of rules that we would be taking an appeal from the ruling of the Chair denying a motion to table the original amendment, when debate on the substitute amendment was immediately cut off.

I would say the Senate has not been given an opportunity to work its will today.

I have followed rather closely the debate going on. I have not taken part in it, but I would say the Senate, in the course of debating a matter which is so important that it has debated the issue for over 2 days, should allow Senators to speak so that perhaps some minds should be changed a little. If not, why do we fan all the air and make all the talk? Why do we say, "You cannot change your minds. You have to be snubbed up. You have got to vote on this"?

As I understand the Senator from Minnesota and the Senator from New Jersey, they said, "All right, we are ready to talk about it. You have talked about funding that second carrier long ago. We are willing to fall back and say, 'All right, we will fund our second carrier, but we would like to find out what the policy is before we get to the third carrier, instead of finding ourselves in the same box where we are snubbed so we cannot debate it at all.' "

It seems to me utterly incredible that the two Senators were not allowed to get a vote on their amendment, but were cut off with a tabling motion, when, in all the time I have been here, notice has always been given ahead of time that, after some talk about it, there would be a motion to table. Here it came out of the blue and it was said, "We will table that, snub it off. Now we will compel a motion on an amendment that the authors themselves say they do not want to have a vote on at this time."

Mr. MONDALE. I thank the Senator.

Actually, we wanted to agree to a 3 o'clock voting time 3 days ago for the convenience of Senators. I had recommended 4 o'clock, but the representatives of our Armed Services Committee said, "No, you cannot have a vote after 3 o'clock." I tried to make it 3:30. "No," they said, "you have to have it at 3." Now here we are at 20 minutes of 4 and we still have not voted. We could have voted on this issue and had it out of the way. Here we are still trying to raise an issue that would permit the U.S. Senate to say, "Yes" or "No" on whether it wants to study the carrier program before it appropriates billions and billions of dollars.

Several Senators addressed the Chair.

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

Mr. MONDALE. I yield to the Senator from Washington for the purpose of asking a question.

Mr. JACKSON. Would it not be wiser to offer an independent amendment, bring it up on Monday, and offer it in the form that the Senator from Minnesota deems appropriate? Why avoid voting on that which was agreed to?

Mr. MONDALE. We have been trying to vote on it all day. We propose the very thing the Senator suggests.

Mr. JACKSON. The unanimous-consent agreement was to vote on the carrier, period.

Mr. MONDALE. No; the Senator from Washington is not correct. The heart of the pending substitute amendment was the heart of the original Mondale-Case amendment, which is to study nuclear and other attack carrier forces. That has always been the issue. The Armed Services Committee does not wish us to vote on that question, because if we do, we will all know how many Members of the U.S. Senate think that matter should be opened up for study.

Mr. JACKSON. The original amendment was to cut the heart out of the CVAN–69.

Mr. MONDALE. No; the Senator apparently did not hear our debate. We said time and time again that the heart of that amendment was to raise the issue I have stated.

Mr. JACKSON. I have the amendment right here, No. 146.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor. Has the Senator yielded?

Mr. MONDALE. I yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, may I ask the Senator from Minnesota this question: Is it not true that the original amendment encompassed two elements, first, the study, in the very same language as is found in the substitute amendment that the Senator from Minnesota and the Senator from New Jersey have been undertaking to get before the Senate all afternoon; and the second element, raised by these two Senators only in their original amendment, was the question of the funding of the CVAN–69?

Mr. CASE. At this time.

Mr. MUSKIE. At this time. Now, these two Senators have asked that half of that amendment be set aside, in order to focus on what they said they considered the most important part of their amendment. As I understand the Senator from Washington and the Senator from Mississippi, they are saying to these two Senators that what they considered most important was the funding of aircraft carrier 69. The Senators are replying, "That is not what we considered most important; we considered most important the study. That is what we would like the Senate to vote on."

Now, why should not you gentlemen, who do not yourselves propose to cut out the funding for CVAN–69, permit the movers of the original amendment to focus on that part of their amendment that they considered important, and which obviously a number of Senators on this floor would like to vote on first?

Mr. MONDALE. And, if I may say so, the only reason we cannot vote on the amendment, in the first place, is because we agreed to a unanimous-consent agreement on time for the convenience of the Senate, and thus forfeited the benefit of certain rules which permit modification of amendments. Because we agreed to do that, we are denied rights that would otherwise be ours, to bring the issue to a vote.

The PRESIDING OFFICER. Will the Senator from Minnesota suspend for 1 minute?

Mr. MONDALE. Without yielding the floor.

The PRESIDING OFFICER. The Chair is informed that on page 300 of the book "Senate Procedure," it is stated that debate is not in order on appeals relative to the motion to table.

At this point, the Chair rules that further debate is not in order, and we have to go back and vote on the question of appealing the ruling of the Chair.

Mr. MONDALE. Mr. President, in spite of the fact that I have now explained my position, I move to table, with the understanding that the sponsors will support that motion, and then we will raise again a modified substitute amendment to permit us to vote on the main issue of the study of attack carirers.

I move to table, Mr. President, and I hope no one will object.

Mr. STENNIS. Mr. President, a parliamentary inquiry. Will the Chair restate the ruling he made as to whether debate is in order?

The PRESIDING OFFICER. Debate in this instance is not in order, because on page 300 of "Senate Procedure" it is stated that debate is not in order on appeals relative to the motion to table.

The Senator from Minnesota has just moved to table the pending appeal of the decision of the Chair——

Mr. MONDALE. No; the Presiding Officer did not exactly understand what I am seeking to do. In spite of the fact that I have explained my position, I am moving to table the pending Mondale-Case amendment, with the understanding that we will vote for that motion, and then call up the substitute amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair has ruled that the motion is not in order, because we still have the matter of appealing the decision of the Chair to dispose of.

Mr. MONDALE. I withdraw that, and I move to table.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum while this is worked out.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. STENNIS. A point of order, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. STENNIS. A point of order, Mr. President. Under the unanimous-consent agreement, the time to vote on the original amendment 146 has arrived.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair informs the Senate that a quorum call is in progress, and debate is not in order.

The rollcall was continued.

Mr. HOLLAND. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The clerk will continue the rollcall.

The rollcall was continued.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the

quorum call be rescinded and that the Chamber be cleared except for those who should be in it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair orders that the Chamber be cleared of all unnecessary personnel.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Mr. President, is my understanding correct that the pending vote is now on amendment No. 146 as originally proposed by the Senator from New Jersey and me?

The PRESIDING OFFICER. The Chair will state, so that everyone understands, that the pending matter is the appeal taken from the decision of the Chair that the motion to table the original amendment was not in order. That can only be withdrawn by unanimous consent.

Mr. MONDALE. Mr. President, I ask unanimous consent that the appeal from the ruling of the Chair be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, I believe we are closer to a decision on this matter now than we could possibly get otherwise. The pending matter here will be whether we should vote on amendment No. 146. The time has already arrived for that vote. The yeas and nays have been ordered on the appeal. And I think we ought to take these matters as they come and get down to a vote.

The Chair has ruled correctly, I believe, and I think we ought to have a vote on that appeal and then bring up the only other matter pending—the vote on amendment No. 146.

I point out, if I may, that I am willing after a vote on amendment No. 146, the original Mondale-Case amendment, to try to work out something that calls for a study of some kind.

I am not willing to do so in the present form of the amendment. However, I would be willing to support the matter down to the figure "70" on page 1, and have a comprehensive study all the way through and see what can be done about it. If it passes, there will be an honest effort in conference. However, I object to withdrawing the appeal under these circumstances.

Mr. MONDALE. Does the Senator object to the withdrawing of the appeal?

Mr. STENNIS. Mr. President, excuse me. Perhaps I did not understand.

Mr. MONDALE. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota to withdraw his request? The Chair hears none, and it is so ordered.

Mr. MUSKIE. Mr. President, I have the right to object.

Mr. MANSFIELD. It is too late.

Mr. MONDALE. Mr. President, a point of order.

The PRESIDING OFFICER. The Chair will announce that the Senate is now going to vote on the original amendment.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Mr. President, does the pending amendment not only apply to the study which the original sponsors of the amendment have asked for, but also hold up funds temporarily for the 1969 carrier?

The PRESIDING OFFICER. The Chair will state that it is not authorized to interpret the amendment.

All time having expired, the question is on agreeing to the amendment of the Senators from Minnesota and New Jersey. On this question the yeas and nays have been ordered and the clerk will call the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

On this vote, the Senator from Montana (Mr. MANSFIELD) is paired with the Senator from Hawaii (Mr. INOUYE). If present and voting, the Senator from Montana would vote "yea" and the Senator from Hawaii would vote "nay."

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from Mississippi (Mr. EASTLAND). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Mississippi would vote "nay."

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

The pair of the Senator from Kentucky (Mr. COOK) has been previously announced.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE. Mr. President, is it impossible now for the sponsors of the amendment to state that they are going to vote against their amendment?

The PRESIDING OFFICER. Further debate is not in order. The unanimous-consent request was agreed to.

Mr. CASE. I make that statement.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and Mr. AIKEN voted "nay."

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Mr. President, I wholeheartedly support the regular order; but there ought to be some statement by the Chair about what the Senate is voting on.

Mr. CASE. I do not think there is any question.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 146. The Chair has ordered that the roll be called. The rollcall will proceed.

The legislative clerk resumed the call of the roll.

Mr. COOPER (when his name was called). On this vote I have a pair with the junior Senator from Kentucky (Mr. COOK). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I, therefore, withdraw my vote.

Mr. ELLENDER. On this vote I have a live pair with the senior Senator from Mississippi (Mr. EASTLAND). If present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

The result was announced—yeas 7, nays 75, as follows:

[No. 86 Leg.]

YEAS—7

Goodell	McCarthy	Young, Ohio
Hatfield	Nelson	
Javits	Proxmire	

NAYS—75

Aiken	Goldwater	Packwood
Allen	Gravel	Pastore
Allott	Griffin	Pearson
Anderson	Gurney	Pell
Baker	Hansen	Percy
Bayh	Harris	Prouty
Bellmon	Hart	Randolph
Bennett	Holland	Ribicoff
Bible	Hollings	Russell
Boggs	Hruska	Saxbe
Burdick	Jackson	Schweiker
Byrd, Va.	Jordan, N.C.	Scott
Byrd, W. Va.	Jordan, Idaho	Smith
Cannon	Kennedy	Sparkman
Case	Long	Spong
Church	Mathias	Stennis
Cotton	McClellan	Symington
Cranston	McGovern	Talmadge
Curtis	McIntyre	Thurmond
Dodd	Metcalf	Tower
Dole	Miller	Tydings
Eagleton	Mondale	Williams, N.J.
Ervin	Moss	Williams, Del.
Fannin	Mundt	Yarborough
Fong	Muskie	Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Cooper, for.
Ellender, for.
Mansfield, for.

NOT VOTING—14

Brooke	Gore	McGee
Cook	Hartke	Montoya
Dominick	Hughes	Murphy
Eastland	Inouye	Stevens
Fulbright	Magnuson	

So the amendment (No. 146) was rejected.

Mr. MONDALE. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk proceeded to read the amendment.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

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

"SEC. 402 (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70. Such study and investigation shall, among other things, consider—

"(1) what are the primary limited war missions of the attack carrier; what role, if any, does it have in strategic nuclear planning;

"(2) to what extent and in what way is the force level of onstation and backup carriers related to potential targets and the number of sorties needed to destroy these targets;

"(3) what is the justification for maintaining on continual deployment two carriers in the Mediterranean and from three to five in the Western Pacific;

"(4) what is the overall attack carrier force level needed to carry out these primary missions;

"(5) does the present 'one for one' replacement policy for these carriers have the effect of maintaining or increasing this force level, in light of the fact that the newer carriers and their aircraft are more expensive and have far more capability than the older carriers which they are now replacing;

"(6) would a policy of replacing two of the oldest carriers with one modern carrier maintain a constant force level;

"(7) how many, if any, attack carriers and carrier task forces are needed to back up a carrier task force 'on the line';

"(8) what efficiencies, such as the Polaris 'blue and gold' crew concept, can be utilized to increase the time in which a carrier can stay 'on the line';

"(9) what type of military threats are faced by the attack carrier; what proportion of the costs of a carrier task force are allocated to carrier defense against various types and levels of threats;

"(10) to what extent does the carrier's vulnerability affect its capacity to carry out its missions; what are the plausible contingencies in which carriers may be committed;

"(11) what type of resources should be devoted to carrier defense, considering the range of threats, the costs and effectiveness of the defense, and the plausible contingencies in which a carrier can be effectively used;

"(12) to what extent can land-based tactical air power substitute for attack carriers; to what extent should the role of the attack carrier be restricted to the initial stages of a conflict;

"(13) what are the comparative systems costs for land-based and sea-based tactical air power;

"(14) what is the comparative cost effectiveness of land-based and sea-based tactical air power; and

"(15) how is the attack carrier being used in support of American foreign policy; if there is a need for a 'show of force' in support of foreign policy commitments, can this need be met by smaller carriers or other types of ships.

"(b) In order to assist the Congress in carrying out such study and investigation, the Comptroller General of the United States shall review and make a report to the Congress on items numbered '(8)' and '(13)' in subsection 'a', above. He shall also review any studies which have been made, or may be made, by the executive branch which relate to the other items listed in subsection 'a', above. He shall provide summaries of such studies, together with any appropriate comments or questions, to the Congress. The report and summaries provided for by this subsection shall be furnished to the Congress not later than March 1, 1970."

Mr. STENNIS and Mr. MONDALE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, I have an amendment to offer as a substitute to the amendment offered by the Senator from Minnesota.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. STENNIS. Mr. President, I do not know whether the clerk can read my writing.

I ask unanimous consent that I may be permitted to read the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, I wish to state that most of the amendment is the same as the language on the first page of the amendment offered by the Senator from Minnesota which was just read.

I offer this now as a substitute.

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

"SEC. 402. (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70."

Mr. President, that refers to the third aircraft carrier of this type, and not the one in the bill.

Now, here is the language no one can read except me:

The committee shall call on all Government agencies and such outside consultants as the committee may deem necessary.

Mr. JACKSON and Mr. ERVIN addressed the Chair.

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. Is that the end of the amendment?

Mr. STENNIS. I will make a brief statement of explanation.

I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, will the Senator consider a suggestion? I suggest that the Senator substitute or strike out the word "Congress" and substitute the Armed Services Committees of the Senate and the House of Representatives?

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

Mr. STENNIS. Mr. President, I shall yield, but first I would like to respond to the Senator's suggestion. This is exactly what it means.

Mr. JACKSON. We will cover it in colloquy.

Mr. STENNIS. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, we understand that when reference is made to "Congress" we mean the Committee on Armed Services. We use "Congress" so that studies would be generally distributed to Members of the Senate.

Mr. STENNIS. The Senate will be entitled to the information and that is the way I understood it in the discussion here; that the committees would be making the——

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

Mr. STENNIS. I yield.

Mr. ERVIN. To me, the word "Congress" means 100 Senators and 435 Representatives.

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

Mr. STENNIS. I yield.

Mr. JACKSON. Is it fair to say to the author of the substitute amendment that under this language it is the intent of Congress that the Armed Services Committee of the Senate and the House Armed Services Committee undertake this study as projected in the amendment?

Mr. STENNIS. Does the Senator direct that question to me?

Mr. JACKSON. I direct the question to the author of the amendment.

Mr. STENNIS. That is the way I understood the discussion; that these matters were to be carried on by the respective Committees on Armed Services of the Senate and the House of Representatives.

Mr. CASE. The Senator is correct, as the Senator from Minnesota suggested, that this is our agreement and it is based on the assurance of the chairman that the study would indeed be a comprehensive and broad study by his committee, regardless of this discussion in the other body.

Mr. STENNIS. The Senator is correct. That is the way I understood it. The focal point in each House will be the Armed Services Committee. They will make the study.

Mr. MONDALE. That is correct. We discussed with the chairman of the Committee on Armed Services the possibility of setting forth specific questions as in the original amendment. We agreed this was probably not the time to do that but I do hope that some or all of those questions will be considered in the comprehensive study contemplated by this amendment.

If it is appropriate, I wish to ask for the yeas and nays.

Mr. STENNIS. If I may make a further statement on this matter I shall then yield to the Senator for the yeas and nays.

The amendment that I offered as a substitute has the very purposes already stated. That is not a perfunctory matter

or just a formality. This is a promise that before there is any more authorization brought in for further carriers this real study will be made and made by these two committees. I think that is all the explanation I have.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. May I suggest that the questions the Senator raises in his original amendment be incorporated in the RECORD at this point?

Mr. MONDALE. I so request.

The PRESIDING OFFICER. The Chair did not hear the request.

If the Senator will address his motion to the Chair again, the Chair will rule.

Mr. MONDALE. Mr. President, I ask unanimous consent that my original amendment be modified along the lines as proposed by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MONDALE. I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. All those in favor——

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, where does that leave my amendment now? I offered an amendment.

The PRESIDING OFFICER. The Chair will state that the Senator's amendment has now been accepted and is included in the Senator's amendment.

Mr. MONDALE. Mr. President, I misunderstood for the moment. I am not going to raise my amendment. This is the amendment of the Senator from Mississippi which I would be willing to join as a cosponsor. What I was asking for was unanimous consent to include the questions to which I had made reference earlier.

Mr. JACKSON. I believe the Senator had in mind putting in at this point in the RECORD what was suggested by the able majority leader, the original amendment which he had offered and wanted as a part of his discussion.

Mr. MONDALE. The Senator is correct. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I want to make clear for the RECORD that my references to the comprehensive study by the committees did not undertake to bind the House committee to a joint undertaking. I think the committees of each body would have to proceed on that as they might see fit; otherwise, it would greatly complicate the amendment.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, would the Senator from Montana advise us on what we may expect as to legislative business for the remainder of the week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, it is my understanding that the distinguished Senator from South Dakota (Mr. McGOVERN) is prepared to call up his AMSA amendment immediately at the conclusion of the vote on the pending Stennis proposal. Is that correct?

Mr. McGOVERN. That is correct.

Mr. MANSFIELD. In view of the great progress made today, and the lack of disunity and the prevailing unanimity, I do not anticipate there would be any votes after this one.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

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

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

Mr. MANSFIELD. Mr. President, at that time, there will be further debate on the McGovern amendment and other amendments. I would hope we could vote on final passage of the bill sometime early in the week, or at the latest by the middle of the week.

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.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota as modified.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from Tennessee (Mr. GORE), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

The Senator from New York (Mr. JAVITS) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 87 Leg.]

YEAS—84

Aiken	Goodell	Nelson
Allen	Gravel	Packwood
Allott	Griffin	Pastore
Anderson	Gurney	Pearson
Baker	Hansen	Pell
Bayh	Harris	Percy
Bellmon	Hart	Prouty
Bennett	Hatfield	Proxmire
Bible	Holland	Randolph
Boggs	Hollings	Ribicoff
Burdick	Hruska	Russell
Byrd, Va.	Jackson	Saxbe
Byrd, W. Va.	Jordan, N.C.	Schweiker
Cannon	Jordan, Idaho	Scott
Case	Kennedy	Smith
Church	Long	Sparkman
Cooper	Mansfield	Spong
Cotton	Mathias	Stennis
Cranston	McCarthy	Symington
Curtis	McClellan	Talmadge
Dodd	McGovern	Thurmond
Dole	McIntyre	Tower
Eagleton	Metcalf	Tydings
Ellender	Miller	Williams, N.J.
Ervin	Mondale	Williams, Del.
Fannin	Moss	Yarborough
Fong	Mundt	Young, N. Dak.
Goldwater	Muskie	Young, Ohio

NAYS—0

NOT VOTING—15

Brooke	Gore	Magnuson
Cook	Hartke	McGee
Dominick	Hughes	Montoya
Eastland	Inouye	Murphy
Fulbright	Javits	Stevens

So Mr. MONDALE'S amendment, as modified, was agreed to.

Mr. McGOVERN. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield to me, before calling up his amendment?

Mr. McGOVERN. I yield.

JOINT LABOR-MANAGEMENT TRUST FUNDS FOR SCHOLARSHIPS AND CHILD CARE FACILITIES

Mr. MANSFIELD. I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 284 (S. 2068) and Calendar No. 391, Senate Joint Resolution 149.

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

The Senate proceeded to consider the bill (S. 2068) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees, which had been re-

ported from the Committee on Labor and Public Welfare with an amendment on page 2, at the beginning of line 10, after the word "Provided," insert "That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice:"; so as to make the bill read:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "6)", and by adding immediately before the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer to an individual or pooled trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child-care centers for preschool and school-age dependents of employees: *Provided,* That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: *Provided further,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–293), explaining the purposes of the measure.

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

BACKGROUND

Section 302 of the Labor-Management Relations Act prohibits payments by employers of money or other thing of value to employee representatives. This broad prohibition was enacted to prevent bribery, extortion, shakedowns, and other corrupt practices. However, section 302(c) sets forth six exceptions to the general prohibition in section 302, and thus permits employer contributions to joint trust funds to finance medical care programs, retirement pension plans, and other specific programs. By enacting a general prohibition on employer payments and then setting forth specific exceptions, Congress impliedly prohibited payments for any purpose not specifically excepted.

S. 2068 would add a seventh exception to section 302(c), and would thereby validate employer contributions to jointly administered trust funds established to provide educational scholarships for employees and their dependents, or to provide child-care centers for dependents of employees. Enactment of the bill will not require such contributions nor will it require the establishment of such trust funds. The bill would simply make clear that Federal law will not inhibit voluntary labor-management cooperation in establishing these programs.

PURPOSE OF S. 2068

S. 2068 would provide labor and management with the opportunity to deal cooperatively with two urgent needs: educational scholarships and child-care centers.

While the importance of higher education becomes increasingly apparent, the costs of such education have been rising sharply. Although Government and other sources of financial aid have increased, the demand for this aid far exceeds its supply. Consequently many working families find it difficult or impossible to sustain the financial burden of meeting the necessary expenses for educating their children beyond the free public schools.

Joint trust funds to provide educational scholarships for employees and their dependents, created and financed through the collective bargaining mechanism, would help make higher education financially possible for many children from working families. In addition to meeting these family needs, such scholarships would serve the national interest by helping to expand the Nation's reservoir of intellect and talent.

In this connection, it should be understood that the phrase "educational institutions," as used in S. 2068, is not limited by the terms of the bill. Thus, under the bill, parties to a trust established pursuant to its authority could arrange that the scholarship fund be used for scholarship aid to a student admitted to any type of educational institution, including universities, community colleges, technical institutes, or secondary level schools.

Trust funds to provide child-care centers for the children of employees, also created and financed through the collective bargaining process, would benefit the mothers who must work to meet family obligations. According to data supplied by the Department of Labor, 10.6 million mothers with children under 18 years of age were working in March 1967. Of these children, 4.5 million were under 6 years of age. At the same time there were available only 531,000 spaces in licensed day-care centers and family homes. It is clear that many mothers are consequently forced to make unsatisfactory child-care arrangements while they work.

Day care centers operated by qualified personnel would serve important needs of mothers, their children and employers. Mothers who must work would surely feel more secure knowing that their children were being well cared for, and problems of absenteeism, tardiness, and turnover resulting from unsatisfactory child care arrangements would undoubtedly be reduced. The children themselves would benefit from the environment of a good child care center. The availability of day care centers would obviously be a major attraction to mothers seeking work, and many industries which rely heavily upon women for their work force might find these centers advantageous in hiring and retaining employees. Finally, in addition to meeting the needs of working families and employers, child care centers established in accordance with S. 2068 would serve the national interest by increasing the pool of working women.

In summary, by permitting employer contributions to joint trust funds established to finance educational scholarships and day care centers for children of employees, S. 2068 would encourage interest by the labor and business community in these two vital areas. Such trust funds could meet important needs of employers, employees, and their families, and the Nation.

SECTION-BY-SECTION ANALYSIS OF S. 2068

S. 2068 amends section 302(c) of the Labor-Management Relations Act to provide that section 302's general prohibition on payments by employers to employee representatives shall not be applicable with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representatives for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees.

S. 2068 also provides that no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

The bill further makes applicable to such trust funds the requirements of clause (B) of the proviso to clause (5) of section 302(c). These requirements are for a written agreement specifying the detailed basis on which payments to the trust fund are to be made, equal representation of employers and employees in the administration of the trust fund, together with provisions for neutral persons, and an annual audit available for inspection by interested persons.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

* * * * *

"SECTION 302(c) OF THE LABOR-MANAGEMENT RELATIONS ACT, 1947

"RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

"SEC. 302. (a) * * *

* * * * *

"(c) The provisions of this section shall not be applicable (1) in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided,* That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided,* That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and

there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; [or] (6) with respect to money or other thing of value paid by any employer to a trust fund established by such representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training program: *Provided*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds; *or (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees: Provided, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: Provided further, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds."*

The amendment was agreed to.

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

EXTENSION OF THE AUTHORITY TO LIMIT THE RATES OF INTEREST OR DIVIDENDS PAYABLE ON TIME AND SAVINGS DEPOSITS AND ACCOUNTS

The joint resolution (S.J. Res. 149) to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966, as amended (Public Law 89-597), is amended by striking out "September" and inserting in lieu thereof "December".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-397), explaining the purposes of the measure.

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

GENERAL STATEMENT

This resolution will extend for an additional 3 months until December 22, 1969, flexible authority to regulate the rate of interest on savings deposits paid by financial institutions. The legislation was first enacted on September 21, 1966 (Public Law 89-597; 80 Stat. 823), to curb excessive competition for deposits between financial institutions. Unrestrained bidding for deposits caused substantial reductions in savings inflows into thrift institutions which are the main suppliers of mortgage credit. Because of the resulting shortage in funds, thrift institutions were forced to cut back their mortgage lending, thus contributing to the rapid decline in the level of housing starts.

All financial agencies of the Government agree that the authority for flexible rate controls on savings deposits should be continued for at least another year. The committee has recommended a 3-month extension in order to have additional time to consider several related issues dealing with the administration of the act and with the implementation of monetary policy. The committee agrees with the need for extending the flexible rate control authority over a longer period and intends to report such an extension later in the year.

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. MANSFIELD. Mr. President, with the permission of the Senator from South Dakota, I would like to yield briefly to the distinguished senior Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT PROPOSED TO BE OFFERED BY SENATOR COOPER

Mr. COOPER. Mr. President, on August 12 I offered an amendment to section 401, title IV. There was some debate on the amendment, and, as it had not been printed, I withdrew the amendment and stated I would offer an amendment after the Congress returned from recess.

I do not want to offer the amendment now and have it printed, as several Senators said at the time they would like to join as cosponsors of the amendment. I simply want to place the wording of the amendment in the RECORD. I read the amendment which I propose to offer and to have called up. The amendment to section 401 would read as follows:

On page 5, line 17, strike out the quotation marks and insert in lieu thereof the following: "The foregoing provision shall not be construed as authorizing use of the armed forces of the United States to engage in battle in support of local forces in Laos and Thailand."

The PRESIDING OFFICER. The Senator desires to have the language placed in the RECORD; it is not offered as an amendment. Is that correct?

Mr. COOPER. That is correct.

AMENDMENT NO. 130

Mr. McGOVERN. Mr. President, I call up my amendment No. 130, offered for myself and other Senators, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota for himself and other Senators will be stated.

The legislative clerk read the amendment (No. 130) as follows:

On page 3, line 3, after the comma, strike "3,051,200,000" and insert in lieu thereof the figure "$2,971,200,000", and insert thereafter the following: "*Provided*, That of the funds herein authorized not more than $20,000,000 shall be expended for research, development, test, and evaluation of an advanced manned strategic aircraft;".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. McGOVERN. Mr. President, I offer this amendment on behalf of myself, the Senator from New York (Mr. GOODELL) and the Senator from Oregon (Mr. HATFIELD), and the Senator from Wisconsin (Mr. PROXMIRE).

Mr. President, the Department of Defense budget for fiscal 1970 proposes that we multiply by four times the fiscal 1969 approved program for the advanced manned strategic aircraft now designated the B-1A.

This new emphasis quite clearly raises serious questions about the future composition of our strategic forces. I believe they must be answered much more precisely than has been the case thus far before we accelerate the strategic bomber program in any way.

The cost estimates for development and procurement of the so-called AMSA are now running at some $10 to $12 billion—in the same range as the Safeguard antiballistic missile system which has occupied so much attention in recent months. Again as much will be spent on operation—such items as manpower, bases, maintenance and support—for each 10 years the aircraft is a part of our strategic inventory. This system promises to divert vast amounts of funds which might be used for other purposes either within or outside of the Defense Establishment. No doubt plans for its acquisition ranked high among the reasons for Presidential Urban Affairs Adviser Patrick Moynihan's recent conclusion that the post-Vietnam peace dividend "tends to become evanescent like the morning clouds around San Clemente."

Mr. President, every Member of the Congress wants our country to be secure from the devastation of nuclear attack. The label "unilateral disarmer" has no place in this body and it does not fit any proposal by any Member of the Senate that I have heard over the past 25 years we have backed up our commitment to the safety of the American people with over one and one-quarter trillion dollars. We continue to surpass every other nation in the world in arms spending, by many billions of dollars. We spend far more than China and the Soviet Union combined.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. McGOVERN. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. First, I commend the

Senator on an excellent speech. I have had a chance to look at it, and I think it has very great merit, not only in questioning and challenging the advanced manned strategic aircraft, but also in putting into perspective the enormous cost of this item and the effect it is likely to have on our other priorities.

When the Senator says we are spending far more than China and the Soviet Union combined, he is absolutely correct. It is my understanding that the Soviet Union, which, of course, has an economy that is far bigger than China's—four times the size of China's, but only half the size of ours. According to the London Office of Strategic Studies, they have an equivalent expenditure of about $40 billion in their military budget—20 billion rubles translates to about $22 billion.

The London Office of Strategic Studies goes to the extent of comparing the actual cost of paying their soldiers, who are paid less than our soldiers, sailors, and marines are paid, and so forth. The comparable figure is $40 billion, in their judgment, for the Soviet Union, and $80 billion for the United States.

The entire production of China is in the area of a little over $100 billion. Most of that has to go into feeding, clothing, and housing the people, because there are so many of them—some 750 million people. It is obvious that China is unable to expend nearly as much as the Soviet Union, in fact only a fraction of the Soviet Union's expenditures. So the Senator from South Dakota is not just using rhetoric. He is not just making a wild statement; he is making an absolutely precise and accurate statement that I think we should dwell upon and think about.

We are spending billions of dollars more than China and Russia combined. I do not say we should not spend more than they do; I think we should. I think almost all Senators think we should. But I think it is perfectly proper, under these circumstances, for us to consider the kind of modest reduction in the budget that is before us, which the Senator from South Dakota and some of the rest of us have proposed, without being accused of being unilateral disarmers. As the Senator has said, we would still be the strongest military force on the face of the earth by far, with far more expenditure for our military forces than the two largest potential enemies combined.

I think this is an important point to make in considering whether to go ahead with this highly expensive and marginal weapon.

Mr. McGOVERN. I thank the Senator from Wisconsin for his contribution. I think this is a good point for me to emphasize that the amendment which I have just called up does not kill the advanced manned strategic aircraft program. I propose, in the next couple of days, to raise some very serious questions about whether in fact we need that bomber as a component of our strategic force. But the thrust of this amendment is not to kill the program. It would simply hold it at its present funding level.

We programed approximately $25 million for the advanced manned strategic aircraft in fiscal year 1969. The Defense Department and the Armed Services Committee have proposed to increase that sum to $100.2 million. What this amendment would do, if adopted, is simply hold the funding at not more than the level authorized for 1969.

Mr. PROXMIRE. So the Senator would permit the Defense Department to proceed with further research and development of the advanced manned strategic aircraft, but he would not permit a fourfold acceleration in this budget at this time, especially in view of the fact that we do not have, as I can see it, any tremendous urgency, the Soviet Union's bomber fleet being only about a quarter the size of ours?

Mr. McGOVERN. That is correct.

Mr. PROXMIRE. There is no evidence that they have plans for a similar weapon. Under these circumstances, the Senator's amendment seems to me to be very reasonable.

Mr. McGOVERN. I thank the Senator for his contribution.

Mr. President, having emphasized—and having the point underscored by the remarks of the Senator from Wisconsin—our recognition of the need for adequate expenditures in the defense field, I think we have to recognize that we also have other very serious responsibilities that relate to the defense of this country.

I have thought, in recent months, that perhaps what we really need is a new definition of what constitutes national defense. It should go beyond military spending alone, and put all of the needs of the country into the balance. I think we can reach much more profound judgments as to what it is that really contributes to the strength of a great country such as the United States.

One thing that certainly does not contribute to it is the waste of resources for weapons systems that do not serve to strengthen either our military capability or our national security. We are beset today by compelling needs throughout our own society, for such things as decent housing and adequate nutrition for our children. The Committee on Nutrition and Human Needs found that there are some 15 million malnourished people in this country. One wonders what that factor contributes to the defense of the country, to have some 15 million of our citizens rendered defenseless by malnutrition.

The need for more jobs and job training is obvious. The need for better medical care, for a more efficient transportation system, for an improved environment and the protection of our environment against the pollution that is occurring today, and a host of other needs, all relate very directly to the defense and security of this country.

Our tenure as a viable democratic society depends as much upon our approach to these urgent requirements as it does upon our ability to acquire more, new, and better weapons.

We simply cannot afford to build systems which are unnecessary or unworkable. Before we decide to "err on the side of strength," we must determine whether it is necessary to err at all.

It has occurred to me this afternoon that whereas the Defense Department has proposed to increase the funding for this advanced manned strategic bomber from $25 to $100 million, they are simultaneously proposing a 75-percent cut in construction funds for other projects that I suspect may be more needed in terms of the requirements of the country than the acceleration of the so-called advanced manned strategic aircraft.

Where the AMSA specifically is concerned, we should settle at the outset whether bombers have any meaningful role to play at all in the maintenance of our nuclear deterrent or counterforce capabilities. Do they add something we must have and which cannot be supplied by the massive destructive capabilities of land- and sea-based ballistic missiles? What are the precise components of the "flexibility" attributed to bombers as opposed to missiles? Is their backup or complementary role worth the cost? Must we have a multiplicity of deterrents of varying kinds?

These are some of the questions that I hope we can explore over the next several days in the consideration of this very costly, new weapons system that has been proposed.

In addition, I believe we must examine the capabilities and operational lifespans of existing strategic bomber forces and other bombers in the procurement line, including the B–52, the B–58, and the FB–111. If the case for bombers is proved, does it necessarily follow that AMSA is required or that the configuration under consideration is what we want? In the same area, do we not have existing and planned tactical aircraft which might be able to play a part of the role assigned to the strategic bomber force?

Finally, I believe it is appropriate to examine fully the potential operations of strategic bombers in conventional war situations, without the use of nuclear weapons.

Are the high performance capabilities of AMSA needed for the kinds of missions in which long-range bombers might be employed? Conversely, does an aircraft designed for long-range strategic missions compare favorably with tactical aircraft such as fighter-bombers in its ability to penetrate sophisticated defenses, or would the losses exceed the military advantage which might be gained?

ROLES OF NUCLEAR WEAPONS

As has become quite clear in recent months during the extensive debate over the anti-ballistic-missile system, our total strategic forces aim for two basic capabilities. The first, "assured destruction," was defined in the fiscal 1970 posture statement presented by then Secretary of Defense Clark Clifford as "the ability to inflict at all times and under all foreseeable conditions an unacceptable degree of damage upon any single aggressor, or a combination of aggressors—even after absorbing a surprise attack."

The second, "damage limitation," according to the same source was defined as: "the ability to reduce the potential damage of nuclear attack upon the United States through the use of both offensive and defensive weapons."

Our damage limitation capabilities are

quite limited in effectiveness, primarily because of the massive technical problems involved in the interception of large numbers of ballistic missile warheads, and because of the immense damage even a few of those warheads can do to soft targets or population and industrial centers.

I point out that it is that reality that leads me to believe that the only real defense against nuclear war is not to have one. I have seen no convincing evidence that either the Soviet Union or the United States could survive a major nuclear exchange. I think life would be so tragically blasted and disrupted in an exchange of that kind that the survivors might envy the dead.

Moreover, we have begun to recognize that attempts at damage limitation can have another result—acceleration of the arms race—because, if they are arguably effective, they will certainly cause rival nations to respond with increased and improved offensive forces in order to maintain their assured destruction capability. Since we cannot, absent arms control agreements, cause a freeze in the strategic forces of the other side, and since they doubtless plan conservatively just as we do, the net effect of damage limitation efforts can be a prospect for even greater destruction in the United States if nuclear war should occur, and for new and possibly less controllable forces on both sides.

For these reasons our planners have, for example, abandoned—at least for the moment—the goal of constructing a "thick" anti-ballistic-missile system to defend our population against Soviet attack. Most people think that is not now a practical possibility. For the same reasons, the dominant aim of our nuclear forces is to deter attack through assured destruction; to notify any potential adversary that a strike upon the United States will bring swift, certain, and overwhelming destruction in return.

The size of the force required to meet that objective is open to question. In the case of the Soviet Union one prominent view sets it as the certain ability to deliver, upon urban-industrial targets, the destructive equivalent 400 blasts in the range of one megaton.

I suggest that the figure of 400 million-ton nuclear bombs is almost beyond comprehension when we consider that the bombs we dropped on Hiroshima and Nagasaki were in the range of 20,000 tons of TNT and that in a split second they incinerated 100,000 human beings and utterly destroyed great industrial cities. The damage that would be caused by 400 million-ton nuclear bombs on any country on the face of the earth, I think, is incalculable.

I cannot see why we need a level that high to deter the Soviet Union or any other country from attacking us. Nevertheless, that is the estimate that has been given. For purposes of discussion we shall accept it.

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

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Mr. President, as I understand it, a 1-million-ton bomb would be easier for us to evaluate as to its destructive power if we consider that it is the equivalent of 50 of the bombs dropped on Hiroshima. They were 20,000-ton bombs. This would be a 1-million-ton bomb. Therefore, it would be 50 times as powerful.

The Senator is saying that what is proposed here as a deterrent is 400 bombs, each of which is 50 times as powerful as the bomb dropped on Hiroshima.

Mr. McGOVORN. The Senator is correct.

Mr. PROXMIRE. So practically every city of substantial size would become merely a hole in the ground, obliterated completely, and its people destroyed by fire.

Mr. McGOVERN. I see no other conclusion that can be drawn. It is not necessary, as it was in World War II, with conventional bombs, to send a whole squadron of bombers over a city. If only one missile got through, a great city would be utterly destroyed.

I suspect that the level required to destroy the Soviet Union would be less than that. Nevertheless, let us accept that premise for the sake of discussion today. It seems quite clear, for example, that the ability to place one warhead at each of the Soviet Union's 25 largest cities would serve as a rather impressive deterrent to attack upon the United States. It is hard for me to imagine that any leader, Russian, American, or Chinese, knowing that 25 of the largest cities of his country would be destroyed by this kind of retaliation, would start a war.

REDUCED RELIABILITY OF BOMBERS

There can be little dispute over the minimum proposition that the role of bombers in both assured destruction and damage limitation has been vastly diminished in the past decade, by a combination of their increasing vulnerability and the availability of more effective and less costly alternatives.

In the 1950's we relied entirely upon Strategic Air Command—SAC—bombers for deterrence. At first we had B–29's, B–50's, and B–36's, later B–47's, and still later the B–52's and B–58's which are presently in service. Certainly SAC performed its mission effectively; no one challenges that. Without it our country would have been in extreme danger during that period of rising and subsiding tensions between the United States and the Soviet Union.

As a former bomber pilot in World War II, I appreciate the way in which sentimental attachments develop to a particular weapons system. It is not hard for me to understand why a former Navy man is particularly vulnerable to an appeal to strengthen the Navy, or why a former Marine is always a little more excited about proposals that relate to the Marine Corps.

I suppose my natural inclination would be to appeal for more funds for bombers than for other weapons systems. But my studies of this very important matter have led me to the conclusion that there is no justification for the kind of dramatic acceleration of the bomber development program that is proposed in the bill before the Senate. That is why I am asking for a limitation on expenditures for this program along the lines that were approved for fiscal 1969.

In the 1960's the Soviet Union began to develop weapons and strategy which required major changes in the deployment and missions of our bombers in order to maintain their credibility as even a part of our deterrent. In the early 1950's we relied upon overseas bases for basing and staging attacks upon the Soviet Union if war occurred. As the Soviet Union developed its own bomber force and intermediate range ballistic missiles, U.S. planners realized that overseas bases—well within the range of Soviet weapons—would become vulnerable to a possible Soviet surprise attack. After study, it was decided to rely primarily on bases inside the continental United States, out of range of Soviet missiles. We relied upon aerial refueling to the extent necessary to allow our bombers to strike the Soviet heartland from bases within the United States.

The next step was the development of Soviet ICBM's, making our bombers based at home essentially as vulnerable as they would have been stationed in other parts of the world. It was precisely this fear of a surprise Soviet ICBM attack on bomber bases that constituted the heart of the "missile gap" scare.

As we know now, the United States launched into a program of building ICBM's that was so rapid that we almost immediately opened a missile gap in our own favor. At the same time, however, we made what has become a very critical and costly decision to retain bombers as an element of our strategic deterrent. We had, therefore, to make plans to protect them.

The protection was composed initially of BMEWS, a ballistic missile early warning system to give the bombers 15 minutes notice of incoming attack, and of a strategy of maintaining 50 percent of our bomber force on 15-minute alert. Significantly, half of our bombers had, in an important sense, already been retired from active participation in the task of deterring a surprise attack.

But now we perceive still a third threat. Secretary of Defense Melvin Laird testified before the House Appropriations Subcommittee earlier this year that at current rates of construction of Y-class submarines the Soviet SLBM force could equal our own by 1975. He went on to say:

> Given our present radar coverage of the seaward approaches and no ABM defense of our bomber bases, they (the Soviet SLBM's) could constitute a severe threat to the survival of our bomber forces—even those aircraft held on ground alert.
>
> This would be especially true if the Soviets design their SLBM's for depressed trajectory launch, which is not very difficult to do. If they were to do this with their SLBM's the flight time to a large number of bomber bases could be considerably reduced.

A depressed trajectory launch of SLBM's could, therefore, give our bombers only a few minutes warning, not enough even for most of those on 15-minute alert, and their refueling tankers, to get into the air. Our determination to maintain and protect them thus requires us to face still another set of alternatives.

One approach in the process of implementation is the Safeguard anti-ballistic missile system, which hopes to prevent destruction of our bombers be-

fore they can be launched. It is obvious, however, that the protection of airfields with an ABM is a much more complex problem than the protection of hardened missile sites. Unlike Minuteman bases, bombers are soft targets—similar to cities but for the fact that they can, given time, move out of the way. Even a single small and relatively distant warhead can render unflyable all of the bombers on a base.

I do not think anyone would dispute that. So they are considerably more vulnerable to attack than hardened missile sites.

Another route might be to move our bombers to centrally located bases. But over the long run it seems that they will be reasonably safe only if they are in the air, which means an enormous drop in their reliability and effective numbers. One can imagine a capability to maintain one eighth of the force in the air for a year or a somewhat larger fraction, perhaps 20 percent, for a month. But this means a decrease by seven-eighths or four-fifths in the effective size of the force, and a great increase in costs. It requires another stretching of the rigid requirements of survivability and cost-effectiveness that we demand of our other strategic forces.

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

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Mr. President, I think this is a very important point because I believe that in the minds of many people, the real argument for maintaining the bomber as a nuclear deterrent is that the intercontinental ballistic missile is in a fixed position and can be zeroed in on. With the new MIRV's and the enormous destructive power they have, the feeling is they can be destroyed. The argument, as I understand it, is that the best and most effective deterrent is to be in motion and as rapidly in motion as possible. This is the advantage of the submarine and the bomber.

I think the Senator raises one of the most persuasive arguments on this point that I have heard.

The Senator points out that maintaining our bombers in the air greatly increases the cost and makes it extraordinarily expensive and difficult to do this in a truly effective way. I have not seen it estimated that one-eighth of the force in the air for a year is about the most practical proportion that can be maintained.

Is that on the basis of the finding of the Department of Defense?

Mr. McGOVERN. That is my understanding. To go beyond that raises the cost factor and the maintenance problems and becomes simply impractical. It is not inexpensive to maintain heavy bombers aloft for any time. It shortens the life of the bombers and very dramatically increases the cost.

Mr. PROXMIRE. Unless this is done, however, I cannot see any advantage at all. This is one advantage, I must say, we have to recognize and evaluate, but I think we have to also acknowledge the great cost it represents, and it represents only one-eighth of the fleet available.

Mr. McGOVERN. My understanding is that, while we did that for a time with B–52's and B–58's, the Air Force decided after experimenting with it that it was not a very practical thing to do. We also had the experience of the near nuclear accident over Spain where one of these bombers aloft lost a nuclear bomb and created a small international crisis. That is another thing that can happen. It always seemed to me that to keep nuclear bombers aloft increases the air of tension and fear in international affairs and we need less of that rather than more. I understand that now, except for training purposes, we do not maintain any part of our bomber fleet aloft.

Mr. PROXMIRE. I did not realize this was true. The Air Force and the Pentagon no longer follow the policy of maintaining bombers in the air at all times.

Mr. McGOVERN. That is my understanding.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. McGOVERN. I yield.

Mr. STENNIS. Mr. President, I appreciate the statement being made by the Senator from South Dakota. I have not had a chance to be present in the Chamber for the last few minutes, although I have been here throughout the day.

If the Senator will excuse me from the Chamber now, I will take the liberty of leaving. However, I am interested in his remarks.

Mr. McGOVERN. I thank the Senator.

Mr. STENNIS. I will read all the Senator has to say, and I look forward to the debate.

Mr. McGOVERN. I thank the Senator for his courtesy.

Mr. President, in view of the lateness of the hour, I will not continue with my address today. I ask unanimous consent that I be recognized at the conclusion of the period for the transaction of routine morning business on Monday, in order to complete my remarks.

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

Mr. McGOVERN. I yield the floor.

Mr. GOLDWATER. Mr. President, it will be my unfortunate lot to be abroad during the balance of the debate on the military authorization bill.

Before leaving, however, I would like to make my position clear on the pending amendment.

I oppose it strongly—again we are gambling with the safety and freedom of 200 million Americans and I want no part of it.

WHY REQUIRED?

The primary purpose of our strategic forces is to prevent nuclear war.

Let us be very clear just what this means. If we are attacked, it is likely that over half of our people will be killed and most of our cities will be destroyed. We will not have to worry about the unemployed—they will no longer be with us.

Those who feel that we can adopt a minimal level of defense and still avoid attack should look at history. Weakness has always invited aggression. In fact, aggressors have often used an imagined inferiority on the part of an opponent as a reason for going to war.

There must be no doubt at all in anyone's mind about our capability to withstand an attack and still strike back.

Bombers had the total responsibility for preventing war throughout the 1950's. Then as land- and sea-based missiles entered the force, and appeared to be nearly invulnerable, the following sorts of questions were raised: Why should we buy a new bomber that might be caught on the ground or could be destroyed by antiaircraft missiles, when the missile is safe in its silo or under the sea and travels too fast for defenses?

Today the pendulum has swung back toward the center. Both the bomber and the missile can be destroyed on the ground and both can be intercepted in flight. There is no longer any foolproof deterrent. We must take the necessary actions to protect both bombers and missiles and to help them penetrate enemy defenses in flight.

The Soviet Union is engaged in a tremendous buildup of strategic forces. This buildup threatens both the missile and the bomber portions of our force.

The Soviets now surpass us in numbers of ICBM's and are still building both land-based missile sites and ballistic missile submarines. Including ICBM launchers under construction and their existing submarine-launched ballistic missiles, they will have over twice as much total missile payload as the entire U.S. land- and sea-based missile force.

It is this 2-to-1 Soviet advantage in missile payload that threatens our land-based missiles. With this payload advantage, the Soviets can deploy large MIRV's that may be able to destroy many of our Minuteman silos. One might suggest we counter this trend by building more missiles than they can destroy, but this would increase our own first-strike capability, further increasing the arms race. Moreover, with the advent of Soviet MIRV, we would have to construct several silos for each silo built by the Soviets.

They are also working hard on antisubmarine techniques that could threaten our 41 Polaris boats—though we feel these are still relatively safe from attack.

We must realize, though, that no single Soviet system has to do the job by itself. Their MIRV's and antisubmarine forces would try to reduce and disrupt our counterattack to the point that an improved Soviet ABM system could handle the surviving U.S. missile warheads.

Of course, we are working on the Safeguard system to protect our missile silos and on MIRV's to help us penetrate the Soviet ABM. It should be noted that with less than half as much total missile payload, our MIRV's will not present the sort of threat to Soviet silos that their MIRV's will present to ours.

But can we afford to depend entirely on the ABM and MIRV for our very existence? The ABM debate has shown that there may be a considerable delay in the continuing process of dealing with new threats. As the debate went on, some eminent scientists testified that our land-based missiles were already so vulnerable that they were obsolete.

Because of this danger of falling behind with some of our responses, it is imperative that we have both a missile and a bomber force as part of our deterrent. With a new bomber, we have the

opportunity to make significant improvements in survival through quick reaction and dispersal and can also enhance penetration capability compared to existing bomber forces.

Without the bomber, the deterrence provided by our land-based ICBM's would depend almost entirely on our ABM working and theirs not working. Any miscalculation on the part of Soviet leaders—any conclusion that they had found techniques for negating our ICBM's and our fleet ballistic missile submarines while the United States had not found means to protect them, and the result could be strategic war.

The bomber provides the necessary additional insurance that retaliation will be effective. We cannot preclude the possibility that the Soviets in the next few years may devise some weapon, technique, or tactic which could critically increase the vulnerability of one or two of the elements of our strategic force. To arrive at a single system—missiles or bombers—for our strategic deterrent is a high-risk approach and in view of the consequences is not an approach consistent with our national security objectives.

The purpose of the AMSA is to replace our aging force of B–52's with an improved bomber that will be more effective and economical in operation. Design of the AMSA will take advantage of the many advances that have been made in airframe and engine technology during the past few years. As compared to the B–52, the AMSA will have a higher penetration speed, reduced radar cross section, a larger payload capacity, the capability to penetrate at lower flight altitudes, quick reaction launch and the shorter takeoff and landing distance and other characteristics necessary for operation from austere dispersal bases throughout the country. Moreover, improvements in avionics—better electronic countermeasures, target finding systems, and weapons delivery systems—will further improve the capability of the AMSA to penetrate to enemy targets in all types of wars, both nuclear and nonnuclear.

The AMSA would be an economical replacement for the aircraft currently in our strategic bomber forces, the B–52, the B–58 and the FB–111. That is, a smaller AMSA force can be deployed that will provide the same effectiveness for retaliation as the B–52/B–58/FB–111 forces because of the larger payload capability and improved penetration characteristics of the advanced bomber. The smaller AMSA force would be less expensive to operate and would not require the extensive modification work necessary to keep the present force flying. In short, it will be less costly in the long run to proceed with development of the AMSA now.

HISTORY OF THE PROGRAM

During the past several years OSD and the Air Force have extensively studied the requirement for an advanced bomber as a replacement for the B–52 in the post 1975 time period. The operational concept and the design and performance specifications have been refined and reexamined in depth on numerous occasions since 1964. Over $140 million has been devoted to system design studies and advanced development in propulsion and avionics, and as a result the technical uncertainties and risk associated with the development of a new bomber have been reduced to a minimum.

The Air Force has attempted each year since fiscal 1965 to initiate weapon system engineering development for the AMSA. The JCS strongly support AMSA development in order to satisfy the force structure requirement envisioned for the latter half of the 1970 decade. Congress has historically supported AMSA development and has in fact appropriated funds each year specifically for AMSA development. In November 1968, the Secretary of Defense approved a program involving a competitive design development effort. Secretary Laird requested an additional $23 million in fiscal year 1970 to shorten the competitive design phase, since it was believed that adequate paper studies had been conducted. This revised approach would permit the following: First, a reduction of the R.D.T. & E. costs by about $350 million as a result of shortening the competitive design phase; and second, an earlier procurement decision and advancement of the initial operational capability, if necessary. In this latter regard it should be noted that the funding request is for development with a procurement option but does not commit the Government to production quantities.

BOMBER FORCE MODERNIZATION

The Air Force has carefully planned and proposed an orderly, well-balanced and low-risk development program starting in fiscal 1970 leading to the first flight of a new bomber in 1973. No production commitment on the part of the Government is currently proposed; however, if a production decision is subsequently made we could achieve an initial operational capability in fiscal 1977 and a fully operational force a few years later. By that time the B–52's will be 17 to 20 years old. The best B–52, the "H" model, represents the maximum growth economically attainable within the constraints of the basic B–52 design. It would be tremendously expensive to make the B–52 faster, carry more payload, fly lower or have a smaller radar cross section. While we would be able to use new weapons or penetration aids on the aircraft against an improving threat, we have reached the point where a sounder investment is to acquire a new bomber rather than to keep modifying the old.

Additionally, certain improvements such as providing the B–52 self-sufficiency for wide dispersal would involve exorbitant costs and excessive force downtime.

We cannot predict, as well as we would like, how aircraft structure will respond to many years of combat maneuvers. By the time we could acquire the AMSA the B–52's will have spent a large part of the time operating in a low altitude flight environment for which they were not initially designed, thereby increasing the possibility of structural problems. If and when we detect a major structural fatigue failure made in the B–52 force, it may be too late to produce a timely replacement aircraft. This problem is compounded by large uncertainties in the magnitude of the costs that may be required to keep older systems effective. We believe, however, that these costs would exceed the cost of a more effective replacement force of new bombers.

IMPACT OF DELAY

To conclude that there is no need now to start development of an advanced bomber, one would have to believe the following: First, the Soviets will not degrade our missile capability by offensive or defensive action; second, the Soviets and other Communist governments will cease to improve their air defenses; third, we will not want to use a bomber in conventional conflicts; and, fourth, it will be economical to prolong the operational and structural life of the B–52 into the 1980's.

All indications today oppose acceptance of the foregoing points. The Soviets are working to negate our missile capability with an ABM defense and improvements in missile accuracy and increases in size and number of missiles. The Soviets are continuing to make great improvements in their air defense capability. We will undoubtedly continue to use bombers in conventional conflicts if it is necessary. And finally, we have reached the point where it is more prudent to acquire a new bomber rather than to keep modifying the old force. In short, bombers are and will continue to be an important element of our strategic forces because they effectively contribute to our country's nuclear deterrent as well as poviding unique capabilities at lesser levels of conflict.

The amendment proposes to reduce the AMSA funding for fiscal 1970 from $100 million to $20 million. In the event funds are not provided for the initiation of engineering development of the AMSA weapon system in fiscal 1970, the introduction of a new bomber into the inventory would be delayed by 1 year. A level of expenditure of $20 million per year would be sufficient to support studies and continue advanced development efforts but would not reduce either the development leadtime of this system or the time required to realize an operational capability. Over the last several years we have done what can be accomplished at this level of funding to minimize risk in a follow-on development program. If we maintain this expenditure level until a serious weakness develops in our strategic forces, we will still be about 7 to 8 years away from having a new bomber in operationally significant numbers. If Soviet air defenses improve to the level we think is possible in 1977, and we have made no major new improvements in our bomber force, we would have a period of time in which we would have to depend on missiles alone. A 1-year delay in AMSA could mean 1 year of much higher and more significant risk that deterrence might fail.

It should be emphasized that the proposed AMSA program is designed to maintain a production option rather than one which seeks approval of a production decision. The program reduces the time required to achieve an initial operational capability should it be necessary to move into production. The continued postponement of adequate funds to initiate the required engineering development program increases the risk that the United States will not be in a position

to produce and deploy a new bomber when necessary. The time is now, not the 1980's but a decision now will give us this weapon when it must be had. It has been delayed for too long now.

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. 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.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 15, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 19 minutes p.m.) the Senate adjourned until Monday, September 15, 1969, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 12, 1969:

Civil Aeronautics Board

Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1974, vice John H. Crooker, Jr., resigned.

Four Corners Regional Commission

L. Ralph Mecham, of Utah, to be Federal cochairman of the Four Corners Regional Commission, vice W. Donald Brewer.

U.S. Attorneys

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam for the term of 4 years, vice James P. Alger.

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years, vice Robert M. Draper, resigned.

Blas C. Herrero, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years, vice Francisco A. Gil, Jr.

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for the term of 4 years, vice Richard B. Hardee.

U.S. Marshals

Harlan R. Hosch, of Illinois, to be U.S. marshal for the eastern district of Illinois for the term of 4 years, vice Harry C. George.

Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years, vice Victor L. Wogan, Jr., retired.

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, vice John G. Chernenko.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Alexander Day Surles, Jr., xxx-... xxx-xx-..., U.S. Army.

In the Marine Corps

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Jonas M. Platt
Clifford B. Drake
Wallace H. Robinson, Jr.
Robert G. Owens, Jr.
Earl E. Anderson
Michael P. Ryan

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John N. McLaughlin
Jacob E. Glick
John E. Williams
Robert R. Fairburn
Homer S. Hill
Edward J. Doyle
Leo J. Dulacki
Harry C. Olson
Carl W. Hoffman
William G. Johnson
Henry W. Hise
Edwin H. Simmons
Robert B. Carney, Jr.
Herman Poggemeyer, Jr.

In the Navy

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Ackerman, Eugene B.
Albers, Hugh W.
Allmann, Richard R.
Angleman, Cornell C.
Arnold, William S. M.
Aslund, Roland E.
Axell, Charles L.
Baggett, Lee, Jr.
Bailey, Henry G.
Baird, Orlie G.
Balmforth, Stanford C.
Barie, Arthur H.
Barker, Franklin H.
Barker, Raymond H.
Baty, Edward M.
Baysinger, Reaves H., Jr.
Beesley, Howard L.
Bellar, Fred J., Jr.
Belter, Robert H.
Benson, Francis W., Jr.
Bernstein, Karl J.
Bigley, Thomas J.
Boeing, Charles E.
Borlaug, Paul V.
Bortner, James A.
Bouffard, Edward N.
Bowdey, Floyd D.
Boyd, David S.
Boykin, Rhodes, Jr.
Brady, Robert E.
Briggs, Edward S.
Brummitt, Gerald F.
Bryant, Harry F., Jr.
Buckmaster, Albert T.
Bushman, Herman J., Jr.
Buteau, Bernard L.
Cady, John P., Jr.
Callahan, William M., Jr.
Cameron, Allan K., Jr.
Campbell, Richard B.
Capone, Lucien, Jr.
Carlton, George A.
Cates, Charles W.
Christensen, Charles S., Jr.
Clark, Fred P., Jr.
Compton, Bryan W., Jr.
Congdon, Robert N.
Cook, Karl F.
Coontz, Robert J.
Cordray, Richard P.
Cossaboom, William M., II
Coughlin, John T.
Cowhill, William J.
Cowperthwaite, John K.
Cramblet, Frank
Crawford, Wayne H., Jr.
Crosby, Howard S.
Danis, John F.
Davis, Thomas E.
Dearolph, David E.
Debold, Joseph F.
Demyttenaere, Jules H.
Dickins, Richard A.
Diehl, William F.
Dorenkamp, Kurt F.
Dreesen, Robert F.
Duck, John C.
Dunnan, Neville D.
Dyer, Gerald W.
Ekelund, John J.
Engle, Raymond E.
Erikson, Warren W.
Fahland, Frank R.
Falkenstein, Rudolph F.
Fears, Donald G.
Fenlon, Leslie K., Jr.
Fenno, Eric N.
Fielding, Teddy R.
Finley, Alden G.
Flynn, Richard E.
Forbes, Donald K.
Fowler, Alfred N.
Fraasa, Donald G.
Freytag, David R.
Fullinwider, Peter L.
Galloway, Richard E.
Gibbons, Paul C., Jr.
Goehring, Bernard E.
Goldman, Roy E.
Gooding, Niles R., Jr.
Graham, Horace E.
Gureck, William A.
Hamm, Warren C., Jr.
Hanson, Carl T.
Harkness, Vinton O., Jr.
Harris, Robert D, Jr.
Hart, George L.
Haskell, William C.
Hawkins, William H.
Heerwagen, David D.
Henderson, Donald
Hibbs, Alvin S.
Hickey, Charles F.
Hicks, Lawrence F.
Hill, Allen E.
Hilscher, Carl C.
Hofford, John L.
Hofto, Leslie C.
Holman, Rockwell
Hopkins, Clifford D.
Howard, Alfred M.
Hughes, Ray S.
Hugo, William P.
Iredale, John P.
Jacobssen, George E., Jr.
Jarrell, Donald L.
Jenista, James F., Jr.
Jensen, Donald L.
Jepson, John A.
Johnson, Ian J.
Johnston, Richard C.
Josephson, John V.
Karschnia, Paul T.
Katcher, Martin J.
Kaufman, Norman L.
Kay, Howard N.
Kearney, John R.
Keller, Harry S., Jr.
Kelln, Albert L.
Kelly, Ronald T.
Kempf, Cecil J.
Kint, John R.
Kivlen, Alexander L.
Kjeldgaard, Peter D.
Klause, Joseph E.
Klein, Peter F.
Klemm, Wilbur C.
Kneale, James E.
Knoizen, Arthur K.
Koach, John H.
Kolstad, Tom I.
Kraus, Walter J.
Kriser, Louis
Lamb, Chris W.
Laney, Edward V., Jr.
Leary, Ramon W.
Lechner, Thomas F.
Lee, Byron A.
Lemon, Robert T.
Lewis, Daniel A.
Lindsey, Wesley E., Jr.
Long, Charles R.
Longino, Hugh E., Jr.
Lowry, Charles H., Jr.
Lynch, William H.
Lytle, James H.
Madison, Douglas W.
Magee, Jack E.
Mahon, Richard B.
Mallard, John B., Jr.
Mantz, Roy T.
Marr, Harold L.
Matson, Willis A., II
McArthur, Kenneth V.
McDonald, Ewing R., Jr.
McGarrah, William E., Jr.
McGlaughlin, Thomas
McKee, Kinnaird R.
McLain, Roy W., Jr.
McNulty, Gerald
McVoy, James L.
Messere, Edward J.
Miller, Raymond L.
Miller, Roger J.
Miller, William A.
Minkkinen, Erkki O.
Minnis, Marion L., Jr.
Moberly, Arthur L.
Mohrhardt, Robair F.
Molzan, Edward W.
Moore, Donald E.
Moore, William F.
Morin, Gene D.
Mulligan, James A., Jr.
Mumma, William L.
Murphy, James F.
Myatt, Bert, Jr.
Neidlinger, Carl C.
Neiger, Ralph E.
Nelson, Andrew G.
Newark, Theodore E.
Nicholson, Richard E.
Norman, Robert D.
Nutt, Thomas O., Jr.
Nystrom, Bruce A.
O'Connor, Francis E.
O'Donnell, George J., Jr.
Ohlrich, Walter E., Jr.
O'Keefe, Patrick G.
Orrill, John W.
Page, George L.
Palmquist, John R.
Parce, James R.
Parode, Harlan D.
Paul, Milton O.
Pennington, Otis G.
Peterson, William S.
Pfeiffer, King W.
Platzek, Eugene H.
Pouliot, Jean R.
Purdy, Harlan R.
Rau, William F.
Redmond, John G.
Reed, Sherman C.
Riedl, Harold A.
Ripley, Robert K.
Roberts, Gerald G.
Robins, Clarence O.
Robisch, Herbert E.
Rogers, Thomas S., Jr.
Roman, Paul D.
Ross, Thomas H.
Rubey, Ervin B., Jr.
Ryan, Philip J.
Sampson, Jesse E.
Sander, Richard E.
Sanders, Ernest D.
Sandsberry, Jack C.
Satterthwaite, Fred C.
Schnorf, Richard A.
Schwab, Robert W.
Scott, James H.
Scoville, Jack
Shapiro, Sumner
Shartel, Howard A.
Sheridan, William R.
Shick, George B., Jr.
Shine, Eugene F., Jr.
Sisson, Jonathan A.
Sizemore, William G.
Skinner, Clifford A., Jr.
Skinner, Glenn E., Jr.
Sleeper, Sherwin J.
Slusser, Richard C.
Smith, Carl R., Jr.
Smith, Charles R., Jr.
Smith, George F.
Smith, Gordon H.
Smith, James V.
Smith, James H. B.
Smith, Leon W.
Smith, Maurice E.
Smith, Paul E.
Smolinski, Joseph P., Jr.
Snodgrass, Cornelius S., Jr.
Snyder, Carl S., Jr.
Snyder, Francis M.
Snyder, Roy D., Jr.
Space, David J.
Sparks, Donald E.
Speer, Paul H.
Spencer, Ralph G.
Stapp, Aron L.
Stollenwerck, William M.
Stolpe, Richard H.
Stone, Bruce G.
Sullivan, Don M.
Swanson, Charles A. L.
Swanson, Peter S.
Switzer, James R.
Taylor, Leslie A., Jr.
Thomas, Robert L.
Thomson, Alexander D.
Tolbert, Robert R.
Touch, Ralph J.
Tregurtha, James D., Jr.
Trost, Carlisle A. H.
Twite, Martin J., Jr.
Vaughn, Robert E.
Vongerichten, Robert L.
Vosseler, Warren P.
Walters, Robert L.
Watkins, Frank T., Jr.
Whitmore, Charles A.
Wholey, Lloyd C.
Wielki, Eugene J.
Wiener, Richard "A"
Wilbur, Harley D.

Wilhite, Alan S.
Wilkins, James R., Jr.
Williams, James S.
Wilson, James C.
Wirt, William O., Jr.
Wisenbaker, Eugene M.
Wolff, John M.
Wolford, Richard S.
Wood, Thomas B., Jr.
Woodard, David J.
Woods, Edwin E., Jr.
Woodworth, Charles M.
Worchesek, Robert R.
Wynn, James H., III
Yowell, Grover M.
Zettel, Marcus A.
Zink,, Stewart T.

Lt. Charles P. Abel, U.S. Navy, for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law.

Lt. Ronald K. Wilson, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

The following-named officers of the U.S. Navy for permanent promotion to lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Feeney, James W.
Hill, Susan B.
Maroon, Jerry W.
McElroy, Suzanne A.
Morrison, Evelyn M.

SUPPLY CORPS

Kresman, Dennis W.

MEDICAL SERVICE CORPS

Fregeau, Wilfred A.

Alan D. Watson (Naval Reserve Officer) to be a permanent captain in the Medical Corps of the Navy subject to qualification therefor as provided by law.

Edwin Fontenot, Jr. (Naval Reserve Officer), to be a permanent lieutenant commander and temporary commander in the Medical Corps of the Navy, subject to qualification therefor as provided by law.

The following-named (Naval Reserve Officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Coyle, Radcliffe J.
Hendricks, Philip L.
Johnsonbaugh, Roger E.
Williams, Michael E.
Zorn, Dale T.

Ths following-named (Naval Reserve Officers) to be permanent lieutenant (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Almy, Gary L.
Asher, William M. L.
Ashley, Lillard G., Jr.
Babka, John C.
Barvick, Edward J.
Beal, Lowell R.
Biesecker, Gary L.
Brown, Forrest C.
Burnett, John R.
Burns, Arthur C.
Carson, Homer S., III
Chalamidas, Stewart L.
Charles, Clive R.
Cooper, Edgar S.
Cox, Joel R., Jr.
Credle, William F., Jr.
Daniel, Howard G.
Dawsey, James T.
Estridge, Ralph R., Jr.
Enoch, Tommy E.
Glassman, Peter M.
Gorske, Arnold L.
Grotenhuis, Paul W.
Hege, John H., Jr.
Isenhart, George E.
Jackson, Seth H.
Kahle, Charles T.
Stehr, Christian H.
Kindschi, George W.
Knee, Steven T.
Krasnow, Robert W.
Krebs, Curtis J.
Lee, John P.
Lausterer, Jack K., Jr.
Lewis, Ronald W.
Liscomb, Jesse R., Jr.
McDonald, Thomas G.
McDonald, Harrison R.
McLamb, James N.
McMahon, Daniel C.
O'Connell, Kevin J.
Paul, Francis F.
Paul, Theodore O.
Redmond, Roy E.
Reed, James C.
Robinson, James E.
Roelofs, Bruce A.
Rohren, Charles H.
Schaefer, Walter C.
Schmottlach, David R.
Scott, Kenneth N.
Siegfried, George E.
Spencer, Donald L.
Stromberg, Murray G., II
Strong, David B.
Swart, Edwin G., Jr.
Tozer, James M.
Volcjak, Edward E.
Walsh, David G.
Werner, Leslie G.
Wilder, William H.
Williams, Robert R.
Worthington, Richard L.

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Broadrick, Gary L.
Decolli, Joseph A.
English, Joseph M.
Freisinger, Gerhard
Gaudet, Paul T.
Hageman, Dean D.
Lynch, Michael H.
Marshall, Larry J.
Nagy, Robert E.
Orsi, James M.
Phillips, John W.
Schloemer, Richard L.
Snyder, John M.
Willmore, Luther J.

Thomas A. Wight (Naval Reserve Officer) to be a permanent lieutenant in the Dental Corps of the Navy, subject to qualification therefor as provided by law.

Robert E. Carson (Naval Reserve Officer) to be a permanent lieutenant (junior grade) and temporary lieutenant in the Dental Corps of the Navy in lieu of permanent lieutenant (junior grade) and temporary lieutenant in the Medical Corps as previously nominated, subject to qualification therefor as provided by law.

Chief Warrant Officer W–2 Marion A. Windell, U.S. Navy, to be a permanent chief warrant officer W–2 in the Navy subject to qualification therefor as provided by law.

Chief Warrant Officer John O. Fairchild to be an ensign in the Navy, limited duty only, for temporary service in the classification of Ordnance and as a permanent warrant or temporary warrant subject to qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Nemeth, Clifford J.
Newton, Neil A.
Wirth, Barbara

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

Hugh S. Aitken
Ezra H. Arkland
Maurice C. Ashley, Jr.
George T. Balzer
John F. Barr, Jr.
George H. Benskin, Jr.
Charles W. Blyth
Edward J. Bronars
Charles F. Bunnell, Jr.
Richard E. Carey
George Caridakis
Harold L. Coffman
Raymond P. Coffman, Jr.
John D. Counselman
William G. Crocker
Earl M. Cunard, Jr.
Raymond C. Damm
Claude E. Deering, Jr.
Lewis H. Devine
Robert R. Dickey III
Jack W. Dindinger
Grover C. Doster, Jr.
John W. Drury
Robert B. Engesser
Loren T. Erickson
Richard G. Eykyn
Benjamin B. Ferrell
George C. Fox
Floyd K. Fulton, Jr.
Thomas H. Gailbraith
James R. Gallman, Jr.
Thomas I. Gunning
Frederick M. Haden
John W. Haggerty III
James E. Harrell
Lawrence P. Hart
Harold A. Hatch
Bruce A. Heflin
Paul F. Henderson, Jr.
Kenneth W. Henry
Wallace A. Heyer
Edward Y. Holt, Jr.
Forest J. Hunt
Merton R. Ives
Mallett C. Jackson, Jr.
Charles V. Jarman
John M. Johnson, Jr.
Richard M. Johnson
Warren R. Johnson
Nick J. Kapetan
Paul X. Kelley
Calhoun J. Killeen
George C. Kliefoth
Randlett T. Lawrence
Gerald L. Lillich
Robert M. Lucy
Herbert V. Lundin
John F. Mader
Lawrence A. Marousek
James W. Marsh
Ronald A. Mason
William J. Masterpool
Daniel F. McConnell
Robert L. McElroy
Ermine L. Meeker
Thomas E. Murphree
Edward S. Murphy
George C. McNaughton
John B. Michaud
John H. Miller
Robert C. Needham
Minard P. Newton,, Jr.
Keith O'Keefe
Eugene J. Paradis
Tom D. Parsons
Roger W. Peard, Jr.
Arthur R. Petersen
Michael V. Palatas
Louis A. Rann
Thomas E. Ringwood, Jr.
Raymond E. Roeder, Jr.
Edwin M. Rudzis
Alexander S. Ruggiero
William F. Saunders, Jr.
Kenneth M. Scott
William Shanks, Jr.
Philip D. Shutler
Albert C. Smith, Jr.
George W. Smith
Robert N. Smith
Edward W. Snelling
Eugene O. Speckart
Charles E. Spence, Jr.
James W. Stemple
Reuel W. Stephens, Jr.
Vaughn R. Stuart
David O. Takala
Donald W. Tardif
Francis W. Tief
Nicholas M. Trapnell, Jr.
George W. Troxler
Leon N. Utter
Roy R. Vancleve
Floyd H. Waldrop
Joseph R. Wayerski, Jr.
William Wentworth
Harold B. Wilson
Edwin M. Young
James R. Young

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12, 1969:

U.S. CIRCUIT JUDGES

Ozell M. Trask, of Arizona, to be U.S. circuit judge, ninth circuit.

John F. Kilkenny, of Oregon, to be U.S. circuit judge for the ninth circuit.

Eugene A. Wright, of Washington, to be U.S. circuit judge, ninth circuit.

AMBASSADORS

Douglas MacArthur II, of the District of Columbia, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

Robinson McIlvaine, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Jack W. Lydman, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenioptentiary of the United States of America to Malaysia.

Robert M. Sayre, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

Charles T. Cross, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Charles W. Adair, Jr., of Florida, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

UNITED NATIONS REPRESENTATIVES

The following-named persons to be representatives of the United States of America to the 24th session of the General Assembly of the United Nations:

Charles W. Yost, of New York.

William B. Buffum, of New York.

Dante B. Fascell, U.S. Representative from the State of Florida.

J. Irving Whalley, U.S. Representative from the State of Pennsylvania.

Shirley Temple Black, of California.

The following-named persons to be alternate representatives of the United States of America to the 24th session of the General Assembly of the United Nations:

Christopher H. Phillips, of New York.

Glenn A. Olds, of New York.

Rita E. Hauser, of New York.

William T. Coleman, of Pennsylvania.

Joseph E. Johnson, of New Jersey.

U.S. MARSHAL

Leonard E. Alderson, of Wisconsin, to be U.S. marshal for the western district of Wisconsin for the term of 4 years.